

MINUTES OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON TUESDAY 8 JUNE 2021 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

His Worship Mayor K Knight, Crs B Keane, J Lintvelt, L Jones, O Savvas, R Unger, D Wyld, L Petrie, R Coleman, P Field, S Keane and A Schlueter.

2.2 Apologies

Cr B Rankine

2.3 Leave of Absence

Nil

2.4 Record of Officers in Physical Attendance onsite

Mr J Moyle	Chief Executive Officer
Mr R McMahon	Director Organisational Services & Excellence
Mrs C Neil	Director Community & Cultural Development
Mr T Harfield	Director Assets & Environment
Miss M Lay	Governance & Risk Administration Officer
Ms F Birch	Manager Recreation Leisure & Community Safety
Ms C Oborn	Recreation Planning & Facility Coordinator
Mr J Robbins	Manager Finance & Rating Operations
Ms B Stratford	Team Leader Library Customer Service
Ms K O'Rielly	Team Leader Compliance Administration
Ms S McDougall	Community Engagement Officer

Record of Officers in Attendance via Electronic Means (audio-visual link)

Nil

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

6 Attendees

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Field, Seconded Cr S Keane

That the Minutes of the Council Meeting held on 25 May 2021 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (881)

4. Mayor's Report - Nil

5. Public Forum

Ms Rose Morton spoke in relation to the Edinburgh Reserve All Inclusive Playspace.

Ms Tammy Page spoke in relation to the management reports titled:

- 'Tea Tree Gully Gymsports – Proposed concept plan for facility expansion'
- 'Tea Tree Gully Gymsports – Request for 10 year lease – Outcomes of Community Engagement'

6. Deputations - Nil

7. Presentations

7.1 2021 Community Survey - high level results (D21/33382)

Sarah McDougall, Council's Community Engagement Officer presented a snapshot of the key results from the 2021 Community Survey conducted in March 2021.

8. Petitions - Nil

9. Declaration of Conflicts of Interests

Cr Wyld declared a conflict of interest in the management report titled 'Tea Tree Gully Gymsports – Proposed concept plan for facility expansion'.

Mayor Knight declared a conflict of interest in the Notice of Motion titled 'Apology to Edinburgh Reserve Petition Group'.

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

- 'Tea Tree Gully Gymsports – Proposed concept plan for facility expansion'
- 'Tea Tree Gully Gymsports – Request for 10 year lease – Outcomes of Community Engagement'

Leave was granted.

10. Management Reports

Community & Cultural Development

10.1 Tea Tree Gully Gymsports - Proposed concept plan for facility expansion (D21/35291)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Wyld declared an actual conflict of interest in relation to the matter on the basis of his personal obligation to comply with the Development Assessment Panel's Member's Code of Conduct, which arises by virtue under the Planning, Development and Infrastructure Act 2016. Participation in this item would be at odds with his obligations under that code. Cr Wyld left the meeting at 7.25pm while the matter was being discussed and voted on.

Moved Cr Jones, Seconded Cr Lintvelt

That Council, having considered the report titled "Tea Tree Gully Gymsports – Proposed Concept Plan for Facility Expansion" and dated 8 June 2021:

1. Supports the proposed concept plan Option B for Tea Tree Gully Gymsports, Banksia Park as detailed in Attachment 2 and Attachment 5.
2. That in accordance with Council's Prudential Management Policy, a Prudential Report be prepared and presented to Council for the proposed concept plan for the redevelopment of the building occupied by Tea Tree Gully Gymsports.
3. Supports a financial contribution from Council towards the project and subject to a minimum 50% of the project cost being received through external grant funding, and a financial contribution from Tea Tree Gully Gymsports Incorporated.
4. Supports Tea Tree Gully Gymsports Incorporated submitting a grant funding application to future relevant funding opportunities to obtain a minimum 50% financial contribution towards the project.

Carried Unanimously (882)

Cr Wyld was not present for the vote

Cr Wyld re-entered the meeting at 7.36pm.

10.2 Tea Tree Gully Gymsports - Request for 10 year lease - Outcomes of Community Engagement (D21/37711)

Moved Cr Jones, Seconded Cr Lintvelt

1. That Council notes the Community Engagement Outcomes Report provided as Attachment 2 of the report titled "Tea Tree Gully Gymsports – Request for 10 year lease - Outcomes of Community Engagement" and dated 8 June 2021.
2. That Council grants a lease to the Tea Tree Gully Gymsports Incorporated for the portion of land described as 88 Elizabeth Street, Banksia Park (Certificate of Title – Volume 5891/Folio 983), and as outlined in the report titled "Tea Tree Gully Gymsports – Request for 10 Year Lease - Outcomes of Community Engagement – 10 Year Lease" and dated 8 June 2021, with the following terms and conditions:
 - The term of the lease shall be for a period of 10 years, as well as an option for a 10 year renewal extension.
 - The lease fee shall be initially \$1 per annum with annual CPI increases on the yearly anniversary date, and
 - Any other terms and conditions as set out in accordance with Council's "Leases and Licences to Sporting and Community Organisations Policy".
 - Any other terms and conditions as deemed necessary by Council's Chief Executive Officer that are required for this specific lease and site.

Carried Unanimously (883)

11. Adjourned Business - Nil

12. Motions Lying on the Table - Nil

13. Committee Reports

Service Review Committee

Recommendations from the Service Review Committee Meeting held on 2 June 2021

13.1 Prudential Report - Community Wastewater Management System (D21/36305)

Moved Cr Unger, Seconded Cr Petrie

That having considered the report titled “Prudential Report – Community Wastewater Management System” dated 2 June 2021, Council:

1. Approves the commencement of an independent prudential review and preparation of an associated report that addresses the prudential issues set out in section 48(2) of the *Local Government Act 1999*.
2. Delegates the authority to Council's Chief Executive Officer and Director Organisational Services & Excellence, in accordance with section 44 of the *Local Government Act 1999*, to appoint a person, believed to be suitably qualified under section 48(4) of the *Local Government Act 1999*, to undertake the prudential review
3. Requests the final prudential report be presented to Council for consideration.

Carried Unanimously (884)

Audit Committee - Nil

Policy and Strategic Development Committee - Nil

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

14. Management Reports

Office of the Chief Executive Officer - Nil

Assets & Environment - Nil

Organisational Services & Excellence

14.1 Indicative Elected Member Training and Development Plan Program for 2021-22 (D21/30367)

Moved Cr B Keane, Seconded Cr S Keane

That Council endorses the indicative Elected Member Training and Development Plan for 2021-22 as outlined in the report titled 'Indicative Elected Member Training and Development Plan Program for 2021-22' and dated 8 June 2021, noting that:

1. Changes to the Plan may be made by the Chief Executive Officer or Council during 2021-22 as required
2. These sessions will be called Elected Member Workshops and will generally be held on the first and third Tuesday of every month noting that the Chief Executive Officer has discretion to cancel or include additional Workshops if required
3. Elected Member Workshops will not occur on the first Tuesday in November, during the months of December or January, unless specifically required.

Carried Unanimously (885)

Community & Cultural Development

14.2 2021 By-law Review (D21/31471)

Moved Cr Field, Seconded Cr Savvas

That having considered the report titled "2021 By-law Review" and dated 8 June 2021 Council:

1. Authorises the Chief Executive Officer to refer draft By-law No.4 – Dogs (Attachment 4) to the Dog and Cat Management Board for comment in accordance with Section 90(5) of the Dog and Cat Management Act 1995.
2. In the event that the Dog and Cat Management Board require some minor amendments to the draft By-law No.4 – Dogs, as referred to in Item 1 above, authorises the Chief Executive Officer to make the changes in the draft By-law prior to proceeding with the public consultation provided that these changes don't materially change the intent of By-law No. 4 - Dogs.
3. Undertakes public consultation as detailed in the Community Engagement Strategy in Attachment 8 in relation to commencing public consultation on draft:
 - a. By-law No.1 – Permits and Penalties (Attachment 1),
 - b. By-law No.2 – Roads (Attachment 2),
 - c. By-law No.3 – Local Government Land (Attachment 3),
 - d. By-law No.4 – Dogs (Attachment 4),
 - e. By-law No.5 – Moveable Signs (Attachment 5) and
 - f. By-law No.6 – Waste Management (Attachment 6).

4. Authorises the Chief Executive Officer to make copies of the draft by-laws available for public inspection without charge at Council's Civic Centre during ordinary office hours, and during the public consultation period as outline in the Community Engagement Strategy (Attachment 8).
5. Authorises the Chief Executive Officer to publish a notice informing the public of the availability of the draft by-laws in The Advertiser as per the timeline listed in the Community Engagement Strategy (Attachment 8).
6. That a further report of the outcomes of community engagement be presented to Council.

Carried Unanimously (886)

Cat By-law Consideration

Moved Cr Field, Seconded Cr Savvas

That having considered the report titled "2021 By-law Review" and dated 8 June 2021 Council not proceed with a draft By-law No.7 – Cats (Attachment 7) but continues to support a state wide approach to Cat Management through state legislation changes.

Carried (887)

14.3 Local Government Association Public Awareness Campaign - Library Funding (D21/35621)

Moved Cr Wyld, Seconded Cr Field

That Council advises the Local Government Association that it will consider any future request to join a library funding campaign on resolution of negotiations with the state government.

Carried (888)

15. Notice(s) of Motions

15.1 Notice of Motion - Dog Off Leash Access at Tea Tree Gully Memorial Oval (Cr Lintvelt) (D21/39376)

During the moving of the motion, Cr Coleman left the meeting at 8.33pm.

Moved Cr Lintvelt, Seconded Cr Jones

1. That Council in relation to By-Law No.4 Dogs amend the following:
 - a. Dogs on Leash Areas - Removal of 'Tea Tree Gully Sports Area' and replacement with 'Tea Tree Gully Sports Area (excluding Memorial Oval)'
 - b. Dogs off Leash Areas – Addition of Memorial Oval, Tea Tree Gully with the following condition
 - c. Dogs off leash are permitted at all times other than when Memorial Oval is formally hired under a licence agreement to the Department for Education or hire agreements to a sporting club.
2. That Council erect signage at the Tea Tree Gully Sports Area notifying of the ability for Dogs off Leash on Memorial Oval and communicating the requirement for shared usage, as per the above condition.

Carried Unanimously (889)

Cr Coleman was not present for the vote

15.2 Notice of Motion - Rescission Motion - Options for Strategic Land Renewal (Cr Unger) (D21/39395)

During the moving of the motion, Cr Coleman re-entered the meeting at 8.42pm.

During the moving of the motion, Cr Field left the meeting at 8.42pm and re-entered the meeting at 8.43pm.

Moved Cr Unger, Seconded Cr Savvas

That the following resolution (No 515) from the Council meeting held on 14 July 2020 be rescinded, noting that the implementation of the Meadowvale Precinct plan and other projects will not be adversely impacted by this decision.

“That having considered the report entitled “Options for Strategic Land Renewal” and dated 14 July 2020, that Council resolves to progress with the option for Site 2 as set out in the abovementioned report and:

- a. *Endorses the strategy for Site 2 as outlined in Attachment 2 in the report and requests Council’s Chief Executive Officer (CEO) to implement the strategy, with any minor amendments as the CEO considers necessary, at a time to be determined by the CEO*

- b. Requests that a further report be presented to Council on the outcomes of engagement for Site 2 following implementation of the strategy in Attachment 2 in the report.”*

Carried Unanimously (890)

16. Motions without Notice - Nil

17. Questions on Notice - Nil

18. Questions without Notice - Nil

19. Council Delegates and Activities Report - Nil

20. Information Reports

The following Information reports were received at the meeting:

20.1 Lower North East Road, Vista - Road Closure Information for Rally One Event - 2021 (D21/28692)

21. Status Report on Resolutions

21.1 Status Report on Council Resolutions (D21/37626)

Council received the Status Report on Council Resolutions

22. Other Business - Nil

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

23.1. Sale of Land for Non Payment of Council Rates & Bad Debt Write Off (D21/32037)

Recommendation for Moving into Camera

Moved Cr Field, 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 Sale of Land for Non Payment of Council Rates & Bad Debt Write Off.*
2. *That the Council is satisfied that pursuant to section 90(3)(a) of the Act, 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).*
 - *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, and;*
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.*
4. *That the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of this matter confidential because it could impact the financial position of the relevant ratepayer.*

Carried Unanimously (891)

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

Mr J Moyle, Mr R McMahon, Mr T Harfield, Ms C Neil, Mr J Robbins and Miss M Lay.

23.1 Sale of Land for Non Payment of Council Rates & Bad Debt Write Off (D21/32037)

During the discussion, Cr Jones left the meeting at 8.57pm and re-entered the meeting at 8.59pm.

Moved Cr Unger, Seconded Cr B Keane

1. That pursuant to Section 184 of the Local Government Act 1999, Council resume and proceed with the sale of land option provided for in the Act for Council to recover its long-term rate debts against the following assessment numbers:
 - a. 419522
 - b. 903636
2. That pursuant to Section 143 of the Local Government Act 1999, Council resolves to write off the Council rate arrears of \$13,958.20 as an unrecoverable bad debt on the property at 3/67B Elizabeth Street Banksia Park.

Carried Unanimously (892)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Coleman

1. That having considered the agenda item entitled Sale of Land for Non Payment of Council Rates & Bad Debt Write Off and dated 8 June 2021 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 and that this order be reviewed every 12 months at a minimum (if the confidentiality period is longer than 12 months in duration) or until the Council resolves otherwise, whichever occurs first.

2. That the 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 (893)

23.2. Notice of Motion - Apology to Edinburgh Reserve Petition Group (Cr Savvas) (D21/39128)

Recommendation for Moving into Camera

Moved Cr S Keane, Seconded Cr Field

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 Notice of Motion - Apology to Edinburgh Reserve Petition Group (Cr Savvas).*
2. *That the Council is satisfied that pursuant to section 90(3)(i) of the Act, the information be received, discussed or considered in relation to this item is:*
 - *information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.*
 - *in order to discuss any potential litigation against Council*
3. *In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the*

public has been outweighed in the circumstances on the basis that release of this information could prejudice the legal position of the Council.

Carried Unanimously (894)

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

Mr J Moyle, Mr R McMahon, Mr T Harfield, Ms C Neil, Mr J Robbins and Miss M Lay.

**22.2 Notice of Motion - Apology to Edinburgh Reserve Petition Group (Cr Savvas)
(D21/39128)**

Confidential Page Removed

The Confidential Minutes have been withdrawn from the public minute record in accordance with Resolution No 895.

Retention of confidential documents:

During the discussion, Cr Field left the meeting at 9.29pm and re-entered the meeting at 9.33pm.

Moved Cr Petrie, Seconded Cr S Keane

1. That having considered the agenda item titled Notice of Motion - Apology to Edinburgh Reserve Petition Group (Cr Savvas) and dated 8 June 2021 in confidence under section 90(2) & (3)(i) and Section 91(7) of the Local Government Act 1999:
 - information relating to litigation that the council believes on reasonable grounds will take place, involving the council or an employee of the council

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 further resolution of Council and that this order be reviewed every 12 months at a minimum (if the confidentiality period is longer than 12 months in duration) or until the Council resolves otherwise, whichever occurs first.

Carried (895)

24. Date of Next Ordinary Meeting

22 June 2021

The Deputy Mayor declared the meeting closed at 9.45pm.

Confirmed.....
Acting Mayor 22 June 2021