

**MINUTES**  
**OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON**  
**TUESDAY 14 NOVEMBER 2023 AT 7.05PM IN THE COUNCIL CHAMBERS, 571**  
**MONTAGUE ROAD, MODBURY**

**1. Opening Prayer and Welcome**

The Mayor read the Opening Prayer and Acknowledgement of Country Statement.

**1.1. Casual Vacancy in Drumminor Ward – Notification to Council from CEO**

In accordance with section 54(6) of the *Local Government Act 1999* the CEO formally advised Council of Cr Damian Wyld's resignation received on Monday 13 November 2023. Cr Wyld's resignation creates a casual vacancy for a councillor in the Drumminor Ward in accordance with section 54(1) of the *Local Government Act 1999*.

Cr Wyld was also Council's:

- Presiding member of the Governance & Policy Committee
- Elected Member on the Council Assessment Panel
- Deputy Mayor for the period 30 November 2023 until 11.59pm on 20 November 2023.

**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

Felicity Birch	General Manager City Operations
Nathan Grainger	Acting General Manager Community Services
Kristyn Barnes	Governance Administration Officer
Ingrid Wilkshire	Manager City Strategy
Greg Salmon	Manager Project Management Office
Erica Vidinis	Strategic Project & Stakeholder Manager
James Walker	Team Leader, Environmental Health and Inspections

## **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 Foreman

That the Minutes of the Council Meeting held on 24 October 2023 and Special Meeting of Council held on 31 October 2023 be confirmed as true and accurate records of proceedings.

**Carried Unanimously (298)**

### **4. Public Forum**

*Matt Thomas, David Wark, Helen Kroepsch and Paul Gunner all spoke in relation to potential funding for the Houghton Hub.*

### **5. Deputations**

The Mayor advised Council that she had received a Deputation request from Matt Thomas The Deputation request was refused on the grounds that the deputation did not meet the criteria in Council's Code of Practice for Meeting Procedures.

### **6. Presentations - Nil**

### **7. Petitions - Nil**

### **8. Adjourned Business - Nil**

**9. Motions Lying on the Table - Nil**

**10. Committee Reports**

**Service Review Committee - Nil**

**Audit & Risk Committee - Nil**

**Governance & Policy Committee - Nil**

**CEO Performance Review Committee - Nil**

**11. Management Reports**

**Office of the Chief Executive Officer**

**11.1 Rescheduling of Council Meeting - January 2024 (D23/90308)**

Moved Cr Champion, Seconded Cr S Keane

That Council amends the meeting schedule for Council meetings in 2024 for the January meeting to be held on 30 January 2024.

**Carried Unanimously (299)**

**City Operations - Nil**

**Corporate Services - Nil**

## Strategy & Finance

### 11.2 Burragah Reserve Masterplan (D23/91081)

Moved Cr Drozdoff, Seconded Cr S Keane

That Council having considered the report titled “Burragah Reserve Masterplan” and dated 14 November 2023:

1. Endorse the development of a masterplan for Burragah Reserve as a multi-pitch and multi-club facility including Modbury Jets Soccer Club and Modbury Jets Amateur Football Club to be presented to Council in 2024
2. Requests the CEO to pause plans to redevelop the clubroom or construct a new car park at Ladywood Reserve, and to investigate the relocation of the existing transportable changerooms from Modbury Sporting Club at completion of the redevelopment at that site, to Ladywood Reserve.

**Carried Unanimously (300)**

## Community Services

### 11.3 Consultation on the draft Threat Abatement Plans for Predation by Feral Cats 2023 (D23/83737)

Moved Cr Hawkvelt, Seconded Cr Lawrenson

That having considered the report titled “Consultation on the Draft Threat Abatement Plans for Predation by Feral Cats 2023” and dated 14 November 2023, Council endorses the feedback document provided in Attachment 1 of the report as Council’s submission.

*Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to add to the end of the sentence:*

*‘with the addition that:  
while recognising that new approaches to controlling feral cats continue to be developed, the Council calls for caution when considering any approaches that involve synthetic biology that aims to redesign animals due to novelty, complexity, and low predictability of the impact of using gene drives to engineer cat genomes on a large scale, and notes its preference for more established approaches to be used.’*

*Leave of the meeting to vary the motion was not granted.*

Amendment

Moved Cr Zagladov, Seconded Cr Champion

That having considered the report titled “Consultation on the Draft Threat Abatement Plans for Predation by Feral Cats 2023” and dated 14 November 2023, Council endorses the feedback document provided in Attachment 1 of the report as Council’s submission with the addition that:

- while recognising that new approaches to controlling feral cats continue to be developed, the Council calls for caution when considering any approaches that involve synthetic biology that aims to redesign animals due to novelty, complexity, and low predictability of the impact of using gene drives to engineer cat genomes on a large scale, and notes its preference for more established approaches to be used.

**Lost)**

Motion

Moved Cr Hawkvelt, Seconded Cr Lawrenson

That having considered the report titled “Consultation on the Draft Threat Abatement Plans for Predation by Feral Cats 2023” and dated 14 November 2023, Council endorses the feedback document provided in Attachment 1 of the report as Council’s submission.

**Carried (301)**

**12. Notice(s) of Motions - Nil**

**13. Motions without Notice - Nil**

**14. Questions on Notice - Nil**

**15. Questions without Notice**

Cr Unger asked a question in relation to the shared financial contributions from Adelaide Hills Council to the City of Tea Tree Gully.

Crs Unger, Hawkvelt, Lawrenson and Jones asked questions in relation to the boundary reforms and the process.

Cr Jones asked a question relating to when was the last time the City of Tea Tree Gully owned road near the Hills section was included in the Annual Business Plan. Cr Jones requested that this question be answered at the next Council meeting.

**16. Mayor's Report, Council Delegates and Activities Report**

Council received the Mayor's report.

**17. Information Reports**

The following Information reports were received at the meeting:

**17.1 Local Government Association (LGA) Annual General Meeting (AGM) Outcomes November 2023 (D23/91617)**

**17.2 Review of Council's Elected Member Behavioural Management Policy (D23/85395)**

**17.3 South Australia's 20-Year Infrastructure Plan - Discussion Paper submission (D23/89269)**

**17.4 Strategic Plan 2030 update (D23/89685)**

**17.5 SA Water Sustainable Sewers Program Update - CWMS (D23/89922)**

**17.6 Torrens Urban North East Stormwater Management Plan (TUNE) (D23/91123)**

**17.7 Post Top Street Lights Trial Project (D23/91165)**

## 18. Status Report on Resolutions

### 18.1 Status Report on Council Resolutions - Pending Actions (D23/90271)

Council received the Status Report – Pending Actions on Council Resolutions

### 18.2 Status Report on Council Resolutions - Completed Actions (D23/90277)

Council received the Status Report – Completed Actions on Council Resolutions

## 19. Other Business

### 19.1 Acknowledgement for Damian Wyld's Contributions to Council

*During the moving of the motion, Cr Zagladov left the meeting at 7.51pm and re-entered the meeting at 7.54pm.*

Moved Cr Jones, Seconded Cr Unger

1. Council acknowledges the significant contribution of Mr Damian Wyld as Councillor for Drumminor Ward from 25 November 2014 to 13 November 2023. This contribution included holding a number of leadership roles including:
  - Acting Mayor of the City of Tea Tree Gully
  - Deputy Mayor of the City of Tea Tree Gully
  - Council Assessment Panel Member
  - Chair of the Governance and Policy Committee.
2. Council requests the Mayor and Chief Executive Officer to write to Mr Damian Wyld on behalf of the Council to thank him for his distinguished service to the Council and local community over the past decade.

**Carried Unanimously (302)**

### **Adjournment of Meeting at 8.13pm**

Moved Cr Hawkvelt, Seconded Cr Lawrenson

That the meeting be adjourned until 8.20pm.

**Carried Unanimously (303)**

The meeting resumed at 8.21pm. Cr Drozdoff did not re-enter the meeting at this time.

## 20. Confidential Items

### 20.1. Council Assessment Panel - Expressions of Interest (D23/89268)

#### Recommendation for Moving into Camera

Moved Cr S Keane, Seconded Cr Sinclair

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 Council Assessment Panel - Expressions of Interest.
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) on the basis that it:
    - would involve the unreasonable disclosure of information concerning the applicants for the Independent Member positions on the Council Assessment Panel and their personal details, skills and attributes
    - is inappropriate to disclose the successful applicants before they have been notified
3. 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 as the details of the successful candidates should not be prematurely made public until they have been notified of their appointment on the Panel.

**Carried Unanimously (304)**

*Cr Drozdoff was not present for the vote*

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

Ryan McMahon, Justin Robbins, Felicity Birch, Leisha Bond, Nathan Grainger, Greg Salmon, Erica Vidinis and Kristyn Barnes.



## 20.1 Council Assessment Panel - Expressions of Interest (D23/89268)

*During the moving of the motion, Cr Drozdoff re-entered the meeting at 8.25pm.*

Moved Cr Foreman, Seconded Cr Unger

It is recommended that each of the following motions be dealt with separately.

### 1. Appointment of Independent Members

That Council appoints:

- Mr Mark Adcock
- Mr Alex Mackenzie
- Ms Nitsan Taylor
- Mr Grant Hewitt

as the Independent Members to the Council Assessment Panel from 2 December 2023 until 1 November 2025.

### 2. Appointment of Deputy Independent Member

That Council appoint Mr Adam Squires as Deputy Independent Member to the Council Assessment Panel from 2 December 2023 until 1 November 2025.

### 3. Appointment of Presiding Member

That Council appoint Mr Mark Adcock as the Presiding Member to the Council Assessment Panel from 2 December 2023 until 1 November 2025.

**Carried Unanimously (305)**

## **Retention of confidential documents:**

Moved Cr Lawrenson, Seconded Cr Foreman

1. That having considered the agenda item titled “ Council Assessment Panel - Expressions of Interest” and dated 14 November 2023 in confidence under section 90(2) & (3) a and Section 91(7) of the Local Government Act 1999:
  - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

the Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until all applicants have been advised of the outcomes of their appointments or until the Council resolves otherwise, whichever occurs first.

2. That Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

**Carried Unanimously (306)**

**20.2. Request to rename Memorial Oval reserve within Tea Tree Gully Sports Area (D23/88011)**

**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 Request to rename Memorial Oval reserve within Tea Tree Gully Sports Area.
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).
    - in that it involves discussion regarding personal attributes of an individual which would be inappropriate to discuss in the public domain prior to the matter being finalised.
3. 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, given it would be inappropriate to put personal affairs in the public domain prior to the matter being finalised.

**Carried (307)**

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

Ryan McMahon, Justin Robbins, Felicity Birch, Leisha Bond, Nathan Grainger, Greg Salmon, Erica Vidinis and Kristyn Barnes.

**20.2 Request to rename Memorial Oval reserve within Tea Tree Gully Sports Area (D23/88011)**

Moved Cr B Keane, Seconded Cr Lawrenson

1. That Council declines the request to rename Memorial Oval within the Tea Tree Gully Sports Area on the basis that the oval is already a memorial that commemorates those who have served in various conflicts in which Australia has been involved.
2. That Council writes to the resident that requested the renaming of the reserve to inform them of the alternative option of making an application for a memorial bench at Memorial Oval, which would be assessed in accordance with Council's Memorial Management Policy.

**Carried Unanimously (306)**

**Retention of confidential documents:**

Moved Cr S Keane, Seconded Cr Champion

1. That having considered the agenda item titled "Request to rename Memorial Oval reserve within Tea Tree Gully Sports Area" and dated 14 November 2023 in confidence under section 90(2) & (3)(a) and Section 91(7) of the Local Government Act 1999:
  - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)the Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until the resident requesting the renaming has been informed of the outcome or until the Council resolves otherwise, whichever occurs first.
2. That Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

**Carried (309)**

### **20.3. Tilley Recreation Park Clubroom Construction - Tender Recommendation (D23/92641)**

#### **Recommendation for Moving into Camera**

*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. Cr Foreman left the meeting at 8.48pm.*

Moved Cr S Keane, Seconded Cr Lawrenson

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 Tilley Recreation Park Clubroom Construction - Tender Recommendation .
2. That the Council is satisfied that pursuant to section 90(3)(b) and (k) of the Local Government Act 1999, the information to 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
  - tenders for the supply of goods, the provision of services or the carrying out of works; AND
  - information the disclosure of which would, on balance, be contrary to the public interest;
    - 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 (310)**

*Cr Foreman was not present for the vote*

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

Ryan McMahon, Justin Robbins, Felicity Birch, Leisha Bond, Nathan Grainger, Greg Salmon, Erica Vidinis and Kristyn Barnes.

**20.3 Tilley Recreation Park Clubroom Construction - Tender Recommendation (D23/92641)**

**Confidential Page Removed**

The Confidential Resolution No 311 and 312 has been withdrawn from the public minute record in accordance with Resolution No 313.

**Retention of confidential documents:**

Moved Cr Lawrenson, Seconded Cr S Keane

1. That having considered the agenda item titled “ Tilley Recreation Park Clubroom Construction - Tender Recommendation ” and dated 14 November 2023 in confidence under section 90(2) & (3)(b) and (k) and Section 91(7) of the Local Government Act 1999:

- 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
- tenders for the supply of goods, the provision of services or the carrying out of works

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 Council resolves otherwise.

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 (313)**

*Cr Foreman was not present for the vote*

Cr Foreman re-entered the meeting at 9.35pm.

**21. Date of Next Ordinary Meeting**

28 November 2023

The Mayor declared the meeting closed at 9.36pm.

Confirmed.....  
Mayor 28 November 2023