

**MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 14 MAY 2024 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, L Petrie, B Lawrenson, M Champion, S Keane and K Foreman.

2.2 Apologies

Nil

2.3 Leave of Absence

Moved Cr Petrie, Seconded Cr Foreman

That Council grants leave of absence to Cr Drozdoff for the meeting dated 14 May 2024.

Carried Unanimously (445)

2.4 Record of Officers in Attendance (physical or electronic)

Ryan McMahon	Chief Executive Officer
Justin Robbins	General Manager Strategy & Finance
Shannon Hockley	Acting General Manager Corporate Services
Felicity Birch	General Manager City Operations
Nathan Grainger	Acting General Manager Community Services
Kristyn Barnes	Governance Administration Officer
Eloise Penna	Manager Project & Contract Delivery
Kim Ritter	Manager, Community Connections
Matt Taylor	Lead, Community Wellbeing
Ingrid Wilkshire	Manager City Strategy
David Trebilcock	Lead – Water & Environment
Victoria Masterman	Lead – Precincts & Placemaking
Greg Salmon	Manager Project Management Office

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

12 Attendees

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Champion, Seconded Cr S Keane

That the Minutes of the Council Meeting held on 23 April 2024 and Special Meeting of Council held on 30 April 2024 be confirmed as true and accurate records of proceedings.

Carried Unanimously (446)

4. Public Forum

Robyn Lingard, David Lingard and Karyn Robinson spoke in relation to the Notice of Motion titled ‘Notice of Motion – Construction of Footpath at O’Leary Place, Wynn Vale’.

5. Deputations

5.1 Patrick Coombes and Nick Loan (D24/33342)

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 of her personal obligation to comply with the Assessment Panel Members Code of Conduct, which arises by virtue of her membership on the Council Assessment Panel established under the Planning, Development and Infrastructure Act 2016. Participation in this item of business would be at odds with her obligations under that Code. Cr Foreman dealt with this matter in an accountable and transparent way by leaving the meeting. Cr Foreman left the meeting at 7.13pm.

Pursuant to sections 74 and 75B of the Local Government Act 1999 Cr Lawrenson declared a general conflict of interest in relation to the matter on the basis of his personal obligation to comply with the Assessment Panel Members Code of Conduct, which arises by virtue of his membership on the Council Assessment Panel established under the Planning, Development and Infrastructure Act 2016. Participation in this item of business would be at odds with his obligations under that Code. Cr Lawrenson dealt with this matter in an accountable and transparent way by leaving the meeting. Cr Lawrenson left the meeting at 7.14pm.

Patrick Coombes provided a deputation in relation to the management report titled 'Right of Way – Surrey Farm Drive Plantation – Access to Proposed Mixed Use Development 2-30 Surrey Farm Drive, Golden Grove'.

Crs Foreman and Lawrenson re-entered the meeting at 7.25pm.

The Mayor sought leave of the meeting to bring forward the management report titled 'Right of Way – Surrey Farm Drive Plantation – Access to Proposed Mixed Use Development 2-30 Surrey Farm Drive, Golden Grove' and the Notice of Motion titled 'Notice of Motion – Construction of Footpath at O'Leary Place, Wynn Vale'. Leave was granted.

6. Management Reports

Strategy & Finance

6.1 Right of Way - Surrey Farm Drive Plantation - Access to Proposed Mixed Use Development 2-30 Surrey Farm Drive, Golden Grove (D24/28083)

Pursuant to sections 74 and 75B of the Local Government Act 1999 Cr Lawrenson declared a general conflict of interest in relation to the matter on the basis of his personal obligation to comply with the Assessment Panel Members Code of Conduct, which arises by virtue of his membership on the Council Assessment Panel established under the Planning, Development and Infrastructure Act 2016. Participation in this item of business would be at odds with his obligations under that Code. Cr Lawrenson dealt with this matter in an accountable and transparent way by leaving the meeting. Cr Lawrenson left the meeting at 7.26pm.

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 of her personal obligation to comply with the Assessment Panel Members Code of Conduct, which arises by virtue of her membership on the Council Assessment Panel established under the Planning, Development and Infrastructure Act 2016. Participation in this item of business would be at odds with her obligations under that Code. Cr Foreman dealt with this matter in an accountable and transparent way by leaving the meeting. Cr Foreman left the meeting at 7.27pm.

Moved Cr S Keane, Seconded Cr Champion

That Council resolves to:

1. Grant a free and unrestricted right of way over portion of Surrey Farm Drive Plantation in the Golden Grove Part 3 Community Land Management Plan, marked 'K' in Attachment 3 to this report - Proposed Plan of Division,

in favour of Allotment 1, D114568 contained in CT6189/975 for the purpose of providing access to the mixed-use development as outlined in this report, and authorises the CEO and Mayor to sign all relevant documents to give effect to this decision.

2. Approve in principle the Landscape Concept Plan at Attachment 4 to this report subject to the irrigated turf being replaced with an alternative option to Council's satisfaction, and GG Developments No. 4 Pty Ltd to meet the cost of implementation of the landscape plan and all costs associated with formalising the right of way.

Carried Unanimously (447)

Crs Foreman and Lawrenson were not present for the vote.

Crs Foreman and Lawrenson re-entered the meeting at 7.29pm.

7. Notice(s) of Motions

7.1 Notice of Motion - Construction of Footpath at O'Leary Place, Wynn Vale (D24/32167)

Moved Cr Foreman, Seconded Cr S Keane

1. That Council removes the \$45,000 allocated to O'Leary Place Wynn Vale footpath in the 2023-24 quarter three budget review.
2. That Council resolves to not consider funding a footpath on O'Leary Place, Wynn Vale until after 2028-29.
3. That residents in O'Leary Place, Wynn Vale be advised of Council's decision.

During the seconding of the motion, Cr S Keane sought leave of the mover to vary the motion to include a dot point 4 "That Council includes \$30,000 to be allocated to Johinke Court (Laneway), Modbury Heights footpath in the 2023-24 quarter three budget review as included in attachment 2 of the Council report titled 'Draft Capital Works Program for Financial Year Ending June 2025' dated 23 April 2024 noting that it will be carried over for delivery as part of the 2024-25 Capital Works Program". Leave was granted and the motion was varied.

Motion as varied

1. That Council removes the \$45,000 allocated to O'Leary Place Wynn Vale footpath in the 2023-24 quarter three budget review.

2. That Council resolves to not consider funding a footpath on O’Leary Place, Wynn Vale until after 2028-29.
3. That residents in O’Leary Place, Wynn Vale be advised of Council’s decision.
4. That Council includes \$30,000 to be allocated to Johinke Court (Laneway), Modbury Heights footpath in the 2023-24 quarter three budget review as included in attachment 2 of the Council report titled ‘Draft Capital Works Program for Financial Year Ending June 2025’ dated 23 April 2024 noting that it will be carried over for delivery as part of the 2024-25 Capital Works Program.

Cr Lawrenson requested leave of the meeting with the consent of the mover and seconder to vary the motion to remove dot point 4 “That Council includes \$30,000 to be allocated to Johinke Court (Laneway), Modbury Heights footpath in the 2023-24 quarter three budget review as included in attachment 2 of the Council report titled ‘Draft Capital Works Program for Financial Year Ending June 2025’ dated 23 April 2024 noting that it will be carried over for delivery as part of the 2024-25 Capital Works Program”. Leave was granted and the motion was varied.

Motion as varied

1. That Council removes the \$45,000 allocated to O’Leary Place Wynn Vale footpath in the 2023-24 quarter three budget review.
2. That Council resolves to not consider funding a footpath on O’Leary Place, Wynn Vale until after 2028-29.
3. That residents in O’Leary Place, Wynn Vale be advised of Council’s decision.

Cr Jones requested leave of the meeting with the consent of the mover and seconder to vary the motion to add a dot point 4 “That a further report be presented to Council to provide options to allocate the unused funds from O’Leary Place, Wynn Vale and Keeble Street, St Agnes for the purposes of footpath construction in 2024-25”. Leave was granted and the motion was varied.

Motion as varied

1. That Council removes the \$45,000 allocated to O’Leary Place Wynn Vale footpath in the 2023-24 quarter three budget review.
2. That Council resolves to not consider funding a footpath on O’Leary Place, Wynn Vale until after 2028-29.
3. That residents in O’Leary Place, Wynn Vale be advised of Council’s decision.

4. That a further report be presented to Council to provide options to allocate the unused funds from O’Leary Place, Wynn Vale and Keeble Street, St Agnes for the purposes of footpath construction in 2024-25.

Carried (448)

Crs Foreman and S Keane left the meeting at 8.07pm.

8. Presentations

8.1 Presentation - Update on delivery of Capital Renewal Program for financial year 2023-24 (D24/29099)

During the presentation, Crs Foreman and S Keane re-entered the meeting at 8.12pm.

Eloise Penna, Manager Project & Contract Delivery provided a presentation in regards to an update on delivery of the Capital Renewal Program for financial year 2023-24 and Greg Salmon, Manager Project Management Office provided a presentation in regards to the Project Management Office Projects Update.

9. Petitions - Nil

10. Adjourned Business - Nil

11. Motions Lying on the Table - Nil

12. Committee Reports

Service Review Committee - Nil

Audit & Risk Committee - Nil

Governance & Policy Committee

12.1 Recommendations from Governance and Policy Committee held on 16 April 2024

Community Grants Policy (D24/18196)

During the discussion,

- *Crs Sinclair and Hawkvelt left the meeting at 9.09pm*
- *Cr Hawkvelt re-entered the meeting at 9.10pm.*

During the closing of debate, Cr Sinclair re-entered the meeting at 9.14pm.

Moved Cr Jones, Seconded Cr Unger

That the “Community Grants Policy” as reviewed by the Governance and Policy Committee on 16 April 2024 be adopted as reviewed including Attachment 3 noting that the Discretionary Ward Allowance section will come into effect from 1 July 2024.

Prior to the close of debate, Cr Lawrenson raised a point of order that the Mayor had not provided an opportunity for all members to debate the item. The Mayor did not uphold the point of order on the basis that she had provided adequate opportunity and that she had asked if any Elected Members wished to speak prior to her debate.

Point of Order – Dissent Motion

Moved Cr Lawrenson

That the ruling by the Mayor on the point of order raised by Cr Lawrenson that the Mayor had not provided an opportunity for all members to debate the item be overruled and the point of order has not effect and be annulled.

The Mayor declined to seek a seconder or put the motion to Elected Members.

Original Motion

That the “Community Grants Policy” as reviewed by the Governance and Policy Committee on 16 April 2024 be adopted as reviewed including Attachment 3 noting that the Discretionary Ward Allowance section will come into effect from 1 July 2024.

Carried (449)

Cr Hawkvelt left the meeting at 9.16pm.

Cr B Keane called for a division.

The Mayor declared the vote set aside.

The following members voted in the affirmative:

Crs Foreman, Lawrenson, Petrie, Zagladov, Unger, Jones and Sinclair.

The following members voted in the negative:

Crs S Keane, Champion and B Keane.

The Mayor declared the motion **Carried**.

Cr Hawkvelt was not present for the division vote.

The Mayor sought leave of the meeting to adjourn the meeting until 9.25pm. Leave was granted and the meeting was adjourned at 9.17pm.

The meeting was resumed at 9.28pm.

CEO Performance Review Committee - Nil

13. Management Reports

Office of the Chief Executive Officer

13.1 Local Government Association Ordinary General Meeting - May 2024 Agenda Items (D24/28741)

During the moving of the motion, Cr Zagladov re-entered the meeting at 9.30pm.

Moved Cr Jones, Seconded Cr S Keane

That Council supports the Deputy Mayor (or proxy) as Council's voting delegate at the Local Government Association (LGA) Ordinary General Meeting to be held on Friday 24 May 2024, to cast the Council vote using their own discretion.

Carried Unanimously (450)

City Operations - Nil

Corporate Services - Nil

Community Services - Nil

Strategy & Finance

13.2 Nomination to the Stormwater Management Authority (D24/29423)

Moved Cr Foreman, Seconded Cr Hawkvelt

That Council recommends Mr David Trebilcock to the Local Government Association of South Australia for nomination to the Stormwater Management Authority.

Carried Unanimously (451)

14. Motions without Notice

14.1 Motion of Condolence

Moved Cr Petrie, Seconded Cr S Keane

That the City of Tea Tree Gully Council passes on its condolences to Jose Gil, General Manager of the Modbury Bowling Club on the passing of his wife, Ann-Marie Gil.

Carried Unanimously (452)

15. Questions on Notice - Nil

16. Questions without Notice

Cr Sinclair asked a question in relation to the Community Consultation of Harpers Field Wellbeing Hub.

17. Mayor's Report, Council Delegates and Activities Report

Council received the Mayor's report.

18. Information Reports

The following Information reports were received at the meeting:

18.1 Disability Access and Inclusion Plan Achievements 2023 (D24/26532)

18.2 2024 Community Wellbeing Survey (D24/28678)

18.3 Call for Nominations - Nominate for the Adelaide Cemeteries Authority Board (D24/30014)

19. Status Report on Resolutions

19.1 Status Report on Council Resolutions - Pending Resolutions (D24/30846)

Council received the Status Report on Council Resolutions – Pending Resolutions

19.2 Status Report on Council Resolutions - Completed Actions (D24/30866)

Council received the Status Report on Council Resolutions – Completed Action

20. Other Business

The Chief Executive Officer answered a question that was raised earlier by an Elected Member in relation to the Murray Darling Association.

21. Confidential Items - Nil

22. Date of Next Ordinary Meeting

28 May 2024

The Mayor declared the meeting closed at 9.46pm.

Confirmed.....

Mayor 28 May 2024