

MINUTES OF ORDINARY COUNCIL MEETING



MINUTES

**MINUTES OF THE MEETING OF COUNCIL HELD ON 10 MAY 2022
COMMENCING AT 7:00 PM.**

Present: Her Worship the Mayor, C Boan, Presiding Member
Deputy Mayor, H. Evans (7:23pm)
Councillors, A. Wotton, V. Tulloch, D. Wilkins, H. Wright,
S. Vines, J. den Hartog, K. Mitchell, O. Colombo, C.J. Martin,
P. Russell, M.A. Basham and M.J. Osborn
Chief Executive Officer, M. Withers
Director Community Development, F. Harvey
Director City Assets, M. Buckerfield
Director Corporate Services, A. Dickson
Finance Manager, M. Gray
Team Leader Governance, K. Leighton
Senior Governance Advisor, D. Worden
Governance Officer, M. Dahmen

Kaurna Acknowledgement

Before we begin the proceedings, I would like to acknowledge and pay respect to the Traditional Owners of the land on which we stand, the Kaurna People of the Adelaide Plains. It is upon their ancestral lands that the Port Adelaide Enfield Council meets. It is also The Place of the Kardi, the Emu, whose story travels from the coast inland.

We pay respect to Elders past and present. We respect their spiritual beliefs and connections to land which are of continuing importance to the living Kaurna people of today. We further acknowledge the contributions and important role that Aboriginal people continue to play within our shared community.

1 APOLOGIES

Cr. Tony Barca
Cr. Kim Dinh

2 LEAVE OF ABSENCE

Cr. John Croci

3 CONFIRMATION OF MINUTES

Cr. Russell moved that the minutes of the meeting of Council held on 12 April 2022, as per copy supplied to Members, be taken as read and confirmed.

Cr. Martin seconded

CARRIED.

4 DECLARATIONS BY MEMBERS OF CONFLICT OF INTEREST

Cr. Osborn declared a conflict of interest in item 12.3.4 'Quarter 3 Review – Business Plan and Budget 2021-22'

5 DEPUTATIONS

Under S123 of the Local Government Act 1999, Council must adopt an Annual Business Plan and Budget and ensure that members of the public are given a reasonable opportunity to provide feedback.

The Annual Business Plan and Budget was released for public consultation 26 April to 25 May 2022.

There were no requests for representation.

6 ADJOURNED DEBATE

6.1 Rydges Hotel construction considerations - McLaren Parade, Port Adelaide

Cr. Vines moved that Council resolves that:

1. The report of the Director City Assets titled "Rydges Hotel construction considerations - McLaren Parade, Port Adelaide" be received and noted.
2. Having considered the feedback received during the period of community engagement in a manner that is satisfactory to the administration's Executive Leadership Team, the Chief Executive Officer, or delegate is authorised to execute any documents necessary, including an Authorisation and Permit pursuant Section 221 and 222 of the *Local Government Act 1999*, to make alterations to and use of McLaren Parade and Lipson Street for a business purpose, and to recover any of its costs in facilitating these arrangements.
3. Given the objections raised from adjacent businesses, resolution 2 above is subject to negotiations between the developer and the adjoining landowner failing to secure the use of the adjoining private land.
4. Owners and occupiers within the initial mail out area and people who provided written submissions during the community engagement, be advised of (2) above.

Cr. Wright seconded

CARRIED UNANIMOUSLY.

7 MAYOR'S REPORT

7.1 Mayor's Report - 1 April 2022 to 30 April 2022

Cr. Mitchell moved that Council resolves that the report of the Director Corporate Services titled "Mayor's Report - 1 April 2022 to 30 April 2022" be received and noted.

Cr. Tulloch seconded CARRIED.

8 PETITIONS

9 REPORTS BY COUNCIL DELEGATES

10 QUESTIONS WITHOUT NOTICE

11 QUESTIONS ON NOTICE

12 COUNCIL BUSINESS

12.1 Director of Community Development Report

12.1.1 Outstanding Matters - Community Development

Cr. Russell moved that Council resolves that the report of the Director Community Development titled "Outstanding Matters - Community Development" be received and noted.

Cr. Wright seconded CARRIED.

12.1.2 Aboriginal Advisory Panel Membership Application

Cr. Tulloch moved that Council resolves that:

1. The report of the Director Community Development titled "Aboriginal Advisory Panel Membership Application" be received and noted.
2. Susan Dixon be appointed to the Aboriginal Advisory Panel as a Community Representative until 30 November 2023.

Cr. Vines seconded CARRIED UNANIMOUSLY.

12.2 Director of City Assets Report

12.2.1 Outstanding Matters - City Assets

Cr. Tulloch moved that Council resolves that the report of the Director City Assets titled "Outstanding Matters - City Assets" be received and noted.

Cr. Basham seconded CARRIED.

12.2.2 Bond Street Reserve Lighting

Cr. Osborn moved that Council resolves that the report of the Director City Assets titled "Bond Street Reserve Lighting" be received and noted.

Cr. Martin seconded

CARRIED.

12.2.3 White Hollow Reserve Sandhill Circuit Signage

Cr. Wright moved that Council resolves that:

1. The report of the Director City Assets titled "White Hollow Reserve Sandhill Circuit Signage" be received and noted.
2. That council endorse the proposal to include signage that recognises the contribution that Mr. Robert Crouch has made to the establishment of the sandhill running circuit at White Hollow Reserve, Taperoo in conformance with the recently adopted signage strategy.

Cr. Tulloch seconded

CARRIED UNANIMOUSLY.

12.2.4 Barker Inlet Central Stormwater Management Plan

Cr. Mitchell moved that Council resolves that:

1. The report of the Director City Assets titled "Barker Inlet Central Stormwater Management Plan" be received and noted.
2. The Barker Inlet Central Stormwater Management Plan be endorsed and the recommendations contained within be prioritised against other Stormwater Management Plans' recommendations to inform future updates of the Asset Management Plans and Long Term Financial Plan.

Cr. den Hartog seconded

CARRIED UNANIMOUSLY.

12.2.5 Raised Intersection Platform on Mersey Road, Taperoo

Cr. Tulloch moved that Council resolves that:

1. The report of the Director City Assets titled "Raised Intersection Platform on Mersey Road, Taperoo" be received and noted.
2. SA Police be requested to undertake speed enforcement along Mersey Road, Taperoo.
3. Council Administration arrange for the VMS speed awareness trailer to be installed on Mersey Road at three separate locations along the length of the road.

Cr. Wotton seconded

CARRIED.

12.2.6 Draft Klemzig, Windsor Gardens and Holden Hill Local Area Traffic Management (LATM) Scheme

Cr. Russell moved that Council resolves that:

1. The report of the Director City Assets titled "Draft Klemzig, Windsor Gardens and Holden Hill Local Area Traffic Management (LATM) Scheme" be received and noted.
2. The Klemzig, Windsor Gardens and Holden Hill Draft Local Area Traffic Management Scheme is endorsed for public consultation.
3. Council Administration consult with the residents and property owners (and the Department for Infrastructure and Transport (DIT) & City of Tea Tree Gully where appropriate) within the study area of the Klemzig, Windsor Gardens and Holden Hill Draft Local Area Traffic Management Scheme.
4. The results of (3) above be brought back to Council at a future meeting, along with scheme updates as required.

Cr. Osborn seconded

CARRIED UNANIMOUSLY.

12.3 Director of Corporate Services Report

12.3.1 Outstanding Matters - Corporate Services

Cr. Martin moved that Council resolves that the report of the Director Corporate Services titled "Outstanding Matters - Corporate Services" be received and noted.

Cr. Clayton seconded

CARRIED.

12.3.2 Progress Update - Grant Application - Preparing Australian Communities - Local Stream Grant

Cr. Mitchell moved that Council resolves that the report of the Director Corporate Services titled "Progress Update - Grant Application - Preparing Australian Communities - Local Stream Grant" be received and noted.

Cr. Clayton seconded

CARRIED.

12.3.3 Quarter 3 Review – Professional Fees

Cr. Clayton moved that Council resolves that the report of the Director Corporate Services titled "Quarter 3 Review – Professional Fees" be received and noted.

Cr. Tulloch seconded

CARRIED.

12.3.4 Quarter 3 Review - Business Plan and Budget 2021-22

Cr. Evans entered the Chamber at 7:23pm

Pursuant to Sections 75 and 75A of the Local Government Act 1999, Cr. Osborn declared a perceived conflict of interest in relation to this matter as he is a member and player for the Greenacres Football Club and will deal with the matter by remaining in the Chamber and voting.

Cr. Osborn moved that Council resolves that:

1. The report of the Director Corporate Services titled "Quarter 3 Review - Business Plan and Budget 2021-22" be received and noted.
2. The requested budget variations for 2021-22 as summarised in the 'Uniform Presentation of Finances' are approved, comprising:
 - A decrease in operating surplus of \$1,471,800;
 - A decrease in net capital expenditure on existing, new and upgraded assets of \$10,077,600 (including capital projects carried over to 2022-2023 equivalent to \$9,594,600 and an increase in proceeds from sale of surplus assets of \$4,501,300.
3. Council notes the requested budget variations (operating plus capital) amount to a decrease in the Net Funding Requirement for the year of \$8,605,800.

Cr. Martin seconded

CARRIED.

12.3.5 Draft Communication and Engagement Framework 2022 - 2025

Cr. den Hartog moved that Council resolves that:

1. The report of the Director Corporate Services titled "Draft Communication and Engagement Framework 2022 - 2025" be received and noted.
2. The 'Draft Communication and Engagement framework 2022 - 2025' provided as Attachment 1 to this report is endorsed for community consultation.
3. A further report be prepared for Council following this consultation that presents:
 - a) the feedback received from consultation on the 'Draft Communication and Engagement Framework 2022 – 2025';
 - b) a finalised 'PAE Communications and Engagement Framework 2022-2025' for Council's consideration and adoption.

Cr. Martin seconded

CARRIED UNANIMOUSLY.

12.3.6 Quarterly Review Confidential Items

Cr. Russell moved that Council resolves that:

1. The report of the Director Corporate Services titled "Quarterly Review of Confidential Orders" be received and noted.
2. Having reviewed the current confidentiality orders, Council endorses the continuation of the orders in Attachment 1 of the report entitled "Quarterly Review of Confidential Orders" and releases those specified for release.
3. Having reviewed the current confidentiality orders, Council extends the confidentiality orders as follows:

That pursuant to Section 90(2) and 90(3)(j)(i)(ii) of the Local Government Act 1999, that the "Urban Renewal Partnership Projects Update" correspondence, agenda, reports, attachments and minutes from the Ordinary Council meeting on 13 June 2017, be kept confidential pursuant to Section 91(7) until the formal negotiations on the proposals have concluded, on the basis that it relates to information provided on a confidential basis by a public authority or official. The disclosure of this information would, on balance, be contrary to the public interest as withholding the information from the public at large outweighs the benefit to it upon disclosure at this time.

That pursuant to Section 90(2) and 90(3)(d)(i)(ii) of the Local Government Act 1999, that the “Waste Management Services - Procurement” correspondence, agenda, reports, attachments and minutes from the Ordinary Council meeting on 13 August 2019, be kept confidential pursuant to Section 91(7) until the commercial in confidence information is no longer current on the basis that it relates to information provided on a confidential basis. The disclosure of this information would, on balance, be contrary to the public interest as withholding the information from the public at large outweighs the benefit to it upon disclosure at this time.

That pursuant to Section 90(2) and 90(3)(d)(i)(ii) of the Local Government Act 1999, that the “Update on Polonia Reserve” correspondence, agenda, reports, attachments and minutes from the Ordinary Council meeting on 10 September 2019, be kept confidential pursuant to Section 91(7) until the negotiations have concluded and the necessary contracts have been signed on the basis that it relates to information provided on a confidential basis. The disclosure of this information would, on balance, be contrary to the public interest as withholding the information from the public at large outweighs the benefit to it upon disclosure at this time.

That pursuant to Section 90(2) and 90(3)(d)(i)(ii) of the Local Government Act 1999, that the “Street Litter Bin Collection” correspondence, agenda, reports, attachments and minutes from the Ordinary Council meeting on 12 November 2019, be kept confidential pursuant to Section 91(7) until the commercial in confidence information is no longer current on the basis that it relates to information provided on a confidential basis. The disclosure of this information would, on balance, be contrary to the public interest as withholding the information from the public at large outweighs the benefit to it upon disclosure at this time.

That pursuant to Section 90(2) and 90(3)(b)(i)(ii) of the Local Government Act 1999, that the “New Haven Village Recycled Water Scheme” correspondence, agenda, reports, attachments and minutes from the Ordinary Council meeting on 9 June 2020, be kept confidential pursuant to Section 91(7) until the formal negotiations have concluded, on the basis that it relates to information the disclosure of which may confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business. The disclosure of this information would, on balance, be contrary to the public interest as withholding the information from the public at large outweighs the benefit to it upon disclosure at this time.

That pursuant to Section 90(2) and 90(3)(b)(i)(ii) and 90(3)(k) of the Local Government Act 1999, that the “Central Adelaide Waste and Recycling Authority (CAWRA) and MRF Update” correspondence, agenda, reports, attachments and minutes from the Ordinary Council meeting on 9 June 2020, be kept confidential pursuant to Section 91(7) for a further 12 months on the basis that it relates to information provided on a confidential basis. The disclosure of this information would, on balance, be contrary to the public interest as withholding the information from the public at large outweighs the benefit to it upon disclosure at this time.

That pursuant to Section 90(2) and 90(3)(h) of the Local Government Act 1999, that the “Pre Action Claim Legal Advice” correspondence, agenda, reports, attachments and minutes from the Ordinary Council meeting on 13 July 2021, be kept confidential pursuant to Section 91(7) until the matter is finalised on the basis that it contains legal advice.

Cr. Wright seconded

CARRIED

12.3.7 Review of Vehicle Crossovers Policy

Cr. Evans moved that Council resolves that:

1. The report of the Director Corporate Services titled "Review of Vehicle Crossovers Policy" be received and noted.
2. Council Policy TS03 Driveway Crossovers as provided in Attachment 3 is endorsed.

Cr. Clayton seconded

CARRIED.

12.3.8 Review of Shade Over Playgrounds Policy

Cr. Osborn moved that this report be deferred to a future meeting following a Council Workshop.

Cr. Basham seconded

CARRIED UNANIMOUSLY.

12.3.9 Review of Budget Policy

Cr. Mitchell moved that Council resolves that:

1. The report of the Director Corporate Services titled "Review of Budget Policy" be received and noted.
2. Council Policy CS41 Budget as provided in Attachment 1 is revoked.

Cr. Martin seconded

CARRIED.

12.3.10 Nomination Sought for the Power Line Environment Committee

Cr. Mitchell moved that Council resolves that:

1. The report of the Director Corporate Services titled "Nomination Sought for the Power Line Environment Committee" be received and noted.
2. That the Manager of Design, Construction & Transport is nominated to be a representative on the Power Line Environment Committee (PLEC).

Cr. den Hartog seconded

CARRIED.

12.3.11 Recognition of Service - Elected Member

The Mayor requested that meeting procedures be suspended, which was granted with approval of at least two-thirds of the members present, to facilitate the presentation of Cr. Carol Martin's certificate for 25 years of service to Local Government.

Council resumed formal meeting procedures at 7.42pm.

Cr. Wright moved that Council resolves that:

1. The report of the Director Corporate Services titled "Recognition of Service - Elected Member" be received and noted.
2. Cr. Carol Martin is recognised by Council for her outstanding contribution and 25 years of service to Local Government and the local community.

Cr. Clayton seconded

CARRIED UNANIMOUSLY.

13.1 Motion on Notice - Cr Vines - Electric Vehicles

Cr. Vines moved that Council resolves that a workshop be held by June 30 2022 where PAE staff will present a range of locally relevant strategies/solutions other jurisdictions have adopted in relation to the emerging reality of widespread public EV adoption, particularly as these relate to residents who don't have access to overnight charging of EVs on their own property.

Cr. den Hartog seconded

CARRIED UNANIMOUSLY.

13.2 Motion on Notice - Cr Wilkins - North Haven Football Club

Cr. Wilkins moved that Council resolves that Council Administration prepare a report by the July 2022 Council meeting which considers the request for financial assistance (either through a funding grant or financial loan) received from the North Haven Football Club towards the purchase of installing safety nets at Largs North Reserve, along with background information on netting in other parts of the city.

Cr. Martin seconded

CARRIED.

14 MOTIONS WITHOUT NOTICE**15 ADOPTION OF COMMITTEE REPORTS****16 CONFIDENTIAL ITEMS****16.1 Meeting to be held in Camera Section 90 2 and 90 3 J ESCOSA Submission**

Cr. Russell moved that Council resolves that:

1. Pursuant to Section 90(2) of the Local Government Act 1999 (the Act) the Council orders that all members of the public, except the staff members present Chief Executive Officer, Director Community Development, Director City Assets. Director Corporate Services, Manager Finance, Manager Strategy & Performance, Team Leader Governance, Senior Governance Project Officer and Governance Officer be excluded from the meeting for the Agenda Item, 16.1 Meeting to be held in Camera Section 90 2 and 90 3 J ESCOSA Submission.
2. The Council is satisfied that pursuant to Section 90(3)(j) of the Local Government Act 1999 the information to be considered involves information the disclosure of which-
(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and(ii) would, on balance, be contrary to the public interest.
3. Council has considered and is satisfied that the principle that meetings should be conducted in a place open to the public is outweighed by the need to keep the information or discussion confidential.

Cr. Basham seconded

CARRIED.

The meeting moved into confidence at 8:06pm

16.2 LGA Consultation Feedback - Local Government Rates Oversight Scheme (ESCOSA)

Cr. Russell moved that Council resolves that:

1. The report of the Director Corporate Services titled "LGA Consultation Feedback - Local Government Rates Oversight Scheme (ESCOSA)" be received and noted.
2. The feedback provided in Attachment 2 is provided to the Local Government Association to inform their sector-wide response to ESCOSA
3. The feedback provided in Attachment 2 forms the basis of a direct submission by Council to ESCOSA.

Cr. Evans seconded

CARRIED.

16.3 Confidentiality Order Section 91 7 Local Government Act ESCOSA Submission

Cr. Osborn moved that Council resolves that:

1. The report of the Director Corporate Services titled "Confidentiality Order Section 91 7 Local Government Act ESCOSA Submission considered in confidence under Section 90(2) and Section 90(3)(j) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that all, reports, attachments, minutes and audio recordings in relation to this matter be retained in confidence.
2. Pursuant to Section 91(9)(a) the matter be retained in confidence until 30 June 2022.

Cr. Russell seconded

CARRIED.

16.4 Meeting to be held in Camera - Section 90(2) and Section 90(3)(b)(i)(ii) - Intersection upgrade - Pym Street and Exeter Terrace, Dudley Park

Cr. Vines moved that Council resolves that:

1. Pursuant to Section 90(2) of the Local Government Act 1999 (the Act) the Council orders that all members of the public, except the staff members present Chief Executive Officer, Director City Assets, Director Community Development, Director Corporate Services, Manager Strategy and Performance, Team Leader Governance, Senior Governance Project Officer and Governance Officer be excluded from the meeting for the Agenda Item "Intersection Upgrade - Pym Street and Exeter Terrace, Dudley Park".
2. The Council is satisfied that, pursuant to Section 90(3)(b)(i)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda Item "Intersection Upgrade - Pym Street and Exeter Terrace, Dudley Park" is information, the disclosure of which –
 - (i) 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
 - (ii) would, on balance, be contrary to the public interest.

3. Council has considered and is satisfied that the principle that meetings should be conducted in a place open to the public is outweighed by the need to keep the information or discussion confidential.

Cr. Evans seconded

CARRIED.

16.5 Intersection Upgrade - Pym Street and Exeter Terrace, Dudley Park

Cr. Mitchell moved that Council resolves that:

1. The report of the Director City Assets titled "Intersection Upgrade - Pym Street and Exeter Terrace, Dudley Park" be received and noted.
2. Should the Department for Infrastructure and Transport (DIT) not support the additional funding required for the upgrade of the intersection of Exeter Terrace and Pym Street, Dudley Park then Council fund the shortfall of \$1.1 million to complete.
3. The required expenditure be accommodated as part of the Budget review processes for 2021/22 and 2022/23 financial years.
4. The CEO write to the relevant Telecommunication Company CEOs and the relevant Minister requesting that the infrastructure upgrade costs provided be revised so that Council only bears the costs directly associated with the intersection upgrade.

Cr. Martin seconded

CARRIED.

16.6 Confidentiality Order - Section 91(7) Local Government Act 1999 - Intersection upgrade - Pym Street and Exeter Terrace, Dudley Park

Cr. Vines moves that Council resolves that the report of the Director City Assets titled "*Intersection Upgrade - Pym Street and Exeter Terrace, Dudley Park*" considered in confidence under Section 90(3)(b)(i)(ii) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that all, reports, minutes and attachments in relation to the intersection upgrade - Pym Street and Exeter Terrace, Dudley Park report be retained in confidence for a period of twelve (12) months.

Cr. Mitchell seconded

CARRIED.

17 CLOSURE OF MEETING

The presiding Member declared the meeting closed at 8:10pm