

# MINUTES OF ORDINARY COUNCIL MEETING



## MINUTES

**MINUTES OF THE MEETING OF COUNCIL HELD ON 13 DECEMBER  
2022 COMMENCING AT 7:02PM.**

**Present:** Her Worship the Mayor, C. Boan, Presiding Member  
Deputy Mayor, S. Vines  
Councillors, A. Wotton, V.J. Tulloch, D. Wilkins, P. McGregor,  
J. den Hartog, K. Mitchell (8:00pm), K.P. Dinh, W. Saeed,  
O. Colombo, C.J. Martin, B. Clayton, H. Evans. P. Russell,  
M.A. Basham, and M.J. Osborn, L. Panayiotou  
Chief Executive Officer, M. Withers  
Acting Director Community Development, J. Stevens  
Acting Director City Assets, C. Dunn  
Director Corporate Services, A. Dickson  
Team Leader Governance, K. Leighton  
Governance Officer, M. Dahmen

### **Kurna 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 Kurna 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 Kurna people of today. We further acknowledge the contributions and important role that Aboriginal people continue to play within our shared community.

## **1 APOLOGIES**

Nil

## **2 LEAVE OF ABSENCE**

Nil

## **3 CONFIRMATION OF MINUTES**

Cr. Osborn moved that the minutes of the meeting of Council held on 6 December 2022, as per copy supplied to Members, be taken as read and confirmed.

Cr. Evans seconded

**CARRIED**

## **4 DECLARATIONS BY MEMBERS OF CONFLICT OF INTEREST**

Pursuant to Section 74 of the Local Government Act, Cr. Colombo declared a general conflict of interest in relation to item 16.4 "Notice of Motion - Cr. Panayiotou - Period Products". Cr. Colombo will deal with the general conflict by remaining in the chamber and exercising her right to vote.

Pursuant to Section 74 of the Local Government Act, Cr. Martin declared a general conflict of interest in relation to item 19.2 "Australia Day Awards". Cr. Martin will deal with the general conflict by remaining in the chamber and exercising her right to vote.

## **5 DEPUTATIONS**

### **5.1 Deputation - Mary McDonald - Domestic Cat Trespassing Issue**

Cr. Wilkins moved that Council resolves to:

1. Receive the deputation from Mary McDonald regarding domestic cat trespassing issue.
2. Directs the Mayor to write to the Minister for Environment and Water and the Dog and Cat Management Board reaffirming Councils position, as per its resolution on 8 December 2020, seeking amendments to the Dog and Cat Management Act to introduce a Statewide approach to cat management.
3. Administration bring back a report no later than July 2023 which explores the option of Council regulating the issue through its by-laws, in the absence of legislative reform.

Cr. Russell seconded

**CARRIED UNANIMOUSLY**

## **5.2 Deputation - Kerryn Suthern - Pt Adelaide Enfield Consultation on "Pups in Public Places"**

Cr. Dinh moved that Council resolves to receive the deputation from Kerryn Suthern regarding Pt Adelaide Enfield Consultation on "Pups in Public Places".

Cr. Martin seconded

**CARRIED UNANIMOUSLY**

Item 12.2.3 was brought forward

### **12.2.3 Dogs On and Off Leash Areas**

Cr. Mitchell entered the Chamber at 8:00pm

Cr. Osborn left the Chamber at 8:02pm

Cr. Osborn returned to the Chamber at 8:03pm

Cr. den Hartog moved that Council resolves that:

1. The report of the Director Community Development titled "Dogs On and Off Leash Areas" be received and noted.
2. The Dogs on Beaches Community Engagement Plan as provided in Attachment 1 is endorsed.
3. Council endorses the engagement of an Independent Facilitator to coordinate and manage the Community Engagement Plan as provided in Attachment 1.
4. A further report will be presented to Council seeking endorsement of options to undertake City-wide engagement.

Cr. Dinh seconded

**CARRIED**

#### **AMENDMENT:**

Cr. McGregor moved the following amendment:

5. No previous consultation data to be used in any future deliberations

Cr. Panayiotou seconded

**LOST**

Cr. McGregor sought and was granted leave of the meeting to speak for a second time.

## **6 ADJOURNED DEBATE**

Nil

## **7 MAYOR'S REPORT**

### **7.1 Mayor's Report - 1 November 2022 to 30 November 2022**

Cr. Panayiotou left the Chamber at 8:26pm

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

Cr. Dinh seconded

**CARRIED**

## **8 PETITIONS**

### **8.1 Petition - Proposed Child Care Centre - Largs Bay**

Cr. Panayiotou returned to the Chamber at 8:29pm

Cr. Wilkins moved that Council resolves that:

1. The petition titled "Petition - Proposed Child Care Centre - Largs Bay" be received and noted.
2. The Council notes that this petition will be presented to the Council Assessment Panel (CAP) for consideration as part of its deliberations of the associated development application and the head petitioner will be invited to speak on behalf residents and herself.

Cr. Clayton seconded

**CARRIED**

## **9 REPORTS BY COUNCIL DELEGATES**

Nil

## **10 QUESTIONS WITHOUT NOTICE**

Nil

## **11 QUESTIONS ON NOTICE**

Nil

## **12 DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS**

### **12.1 Information Reports**

#### **12.1.1 Outstanding Matters - Community Development**

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

Cr. Osborn seconded

**CARRIED**

#### **12.1.2 Waste Contractor Performance Monitoring**

Cr. den Hartog left the Chamber at 8:33pm

Cr. den Hartog returned to the Chamber at 8:35pm

Cr. Osborn moved that Council resolves that:

1. The report of the Director Community Development titled "Waste Contractor Performance Monitoring" be received and noted.
2. Administration include information within the next report brought to Council regarding property damage within the City of PAE caused by Cleanaway and the response time (from incident to complete resolution) within the last two years.

Cr. Evans seconded

**CARRIED UNANIMOUSLY**

### **12.2 Decision Reports**

#### **12.2.1 Aboriginal Lives Matter**

Cr. Vines moved that Council resolves that:

1. The report of the Director Community Development titled "Aboriginal Lives Matter" be received and noted.
2. The Administration bring a progress report to Council in December 2023.

Cr. Tulloch seconded

**CARRIED**

#### **12.2.2 Overnight Camping on the Foreshore**

Cr. Dinh left the Chamber at 8:53pm

Cr. Vines moved that Council resolves that:

1. The report of the Director Community Development titled "Overnight Camping on the Foreshore" be received and noted.
2. The parking controls designating "No Parking" between 10pm and 5am on the foreshore carparks where overnight camping occurs be extended for a further 12 months.

Cr. Clayton seconded

**CARRIED**

### **12.2.3 Dogs On and Off Leash Areas**

This item was brought forward to follow on from item 5.2 – Deputation Kerryn Southern - Pt Adelaide Enfield Consultation on “Pups in Public Places”.

### **12.2.4 Review of Local Nuisance and Litter Control Act**

Cr. Dinh returned to the Chamber at 8:55pm  
Cr. McGregor left the Chamber at 9:02pm  
Cr. McGregor returned to the Chamber at 9:04pm

Cr. Clayton moved that Council resolves that:

1. The report of the Director Community Development titled “Review of Local Nuisance and Litter Control Act” be received and noted.
2. The Draft submission on the Review of the Local Nuisance and Litter Control Act 2016 as provided in Attachment 2 is endorsed with an amendment to ensure construction noise on Sundays and Public Holidays is still considered to be a local nuisance and the submission is provided to the EPA for consideration.

Cr. Osborn seconded

**CARRIED**

## **13 DIRECTOR OF CITY ASSETS REPORTS**

### **13.1 Information Reports**

#### **13.1.1 Outstanding Matters - City Assets**

Cr. Wilkins moved that Council resolves that

1. the report of the Director City Assets titled “Outstanding Matters - City Assets” be received and noted.
2. The Outstanding Matter CL-317 Item 12.2.3 South Australian Jetties Strategic Plan from 12 November 2019 be removed for the Outstanding Matters report due to it being a long-term initiative led by the State Government, with no Council control over timeframes.

Cr. Russell seconded

**CARRIED**

## 13.2 Decision Reports

### 13.2.1 2022/2023 Foreshore Playground Design Projects

Cr. Wilkins moved that Council resolves that:

1. The report of the Director City Assets titled "2022/2023 Foreshore Playground Design Projects" be received and noted.
2. Council endorses the substitution of the Semaphore Foreshore (North Palais) - Playspace Design to the Largs Bay Foreshore - Playspace Design in the 2022/2023 Capital Works Program with associated transfer of the allocated budget of \$90,000.

Cr. Wotton seconded

**CARRIED**

### 13.2.2 Neale Lane, Lightsview - Speeding Concerns

Cr. Osborn moved that item 13.2.2 Neale Lane, Lightsview – Speeding Concerns be deferred to the next Ordinary meeting of Council on 24 January 2023.

Cr. Basham seconded

**CARRIED**

### 13.2.3 Joyce Snadden Reserve Playground

Cr. Wilkins left the Chamber at 9:14pm

Cr. Wilkins returned to the Chamber at 9:16pm

Cr. den Hartog moved that Council resolves that:

1. The report of the Director City Assets titled "Joyce Snadden Reserve Playground" be received and noted.
2. The Joyce Snadden Reserve project commences community engagement and a Crime Prevention Through Environmental Design audit, this financial year, followed by design and subsequent construction.

Cr. Vines seconded

**CARRIED UNANIMOUSLY**

### 13.2.4 Reduced Drainage Standard for the Upgrade of the North Arm East Outfall Channel

Cr. Evans left the Chamber at 9:30pm

Cr. Wotton left the Chamber at 9:31pm

Cr. Wotton returned to the Chamber at 9:32pm

Cr. den Hartog left the Chamber at 9:33pm

Cr. Evans returned to the Chamber at 9:34pm

Cr. den Hartog returned to the Chamber at 9:34pm

Cr. Russell moved that Council resolves that:

1. The report of the Director City Assets titled "Reduced Drainage Standard for the Upgrade of the North Arm East Outfall Channel" be received and noted.
2. The drainage standard for the upgrade of the North Arm East Outfall Channel be reduced from a 20-year Average Recurrence Interval (ARI) to 10 year ARI.
3. It is noted that should recommendation (2) above be approved, the Council endorsed North Arm East Stormwater Management Plan will be revised to reflect this change in ARI.

Cr. Mitchell seconded

Cr. Vines moved a formal motion to adjourn item 13.2.4 – Reduced Drainage Standard for the Upgrade of the North Arm East Outfall Channel.

Cr. Osborn seconded

**CARRIED**

### **13.2.5 Naming of the Aboriginal Cultural Centre - Yitpi Yartapuultiku**

Cr. Tulloch moved that Council resolves that:

1. The report of the Director City Assets titled "Naming of the Aboriginal Cultural Centre - Yitpi Yartapuultiku" be received and noted.
2. Council notes the correct spelling of the place name "Yitpi Yartapuultiku", meaning Soul of Port Adelaide.
3. Amends point 3 from resolution *13.2.3 Naming of the Aboriginal Cultural Centre CL-5 13.09.2022* to reflect the correct spelling of 'Yitpi Yartapuultiku'.

Cr. Wotton seconded

**CARRIED**

### **13.2.6 Assignment of Lease - Delightful Cafe**

Cr. Evans moved that Council resolves that:

1. The report of the Director City Assets titled "Assignment of Lease - Delightful Cafe" be received and noted.
2. Subject to Council Administration being satisfied that the Assignee is suitable to perform obligations under the lease, then pursuant to Section 38 (1) of the Local Government Act 1999, the Council authorises the Mayor and Chief Executive Officer to attest to the affixation of the Common Seal of the Port Adelaide Enfield Council to the documents necessary, or otherwise execute those documents, to give effect to:
  - 2.1 Any minor variations that are considered satisfactory by Council's Administration; and
  - 2.2 The assignment of lease from the current Lessee, namely Calea Quinn, to the proposed nominee.
3. If the lease assignment or negotiations do not proceed with the proposed nominee and the existing Lessee (Calea Quinn) seeks to terminate the lease prior to expiry, Council

Administration will conduct an Expression of Interest process to identify a suitable alternative arrangement for operation of the Café at the Lights Community & Sports Centre, with a decision report brought back to Council.

Cr. Basham seconded

**CARRIED UNANIMOUSLY**

## **14 DIRECTOR OF CORPORATE SERVICES REPORTS**

### **14.1 Information Reports**

Items 14.1.1 & 14.1.2 were considered as a composite

#### **14.1.1 Outstanding Matters - Corporate Services**

Cr. Clayton left the chamber 9:38pm

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

Cr. Martin seconded

**CARRIED**

#### **14.1.2 Social and Affordable Housing Report**

Cr. Russell moved that Council resolves that the report of the Director Corporate Services titled "Social and Affordable Housing Report" be received and noted.

Cr. Martin seconded

**CARRIED**

### **14.2 Decision Reports**

#### **14.2.1 Quarter 1 Review - Annual Business Plan 2022-23**

Cr. Wilkins moved that Council resolves that:

1. The report of the Director Corporate Services titled "Quarter 1 Review - Annual Business Plan 2022-23" be received and noted.
2. The requested budget variations for 2022-23 as summarised in the 'Uniform Presentation of Finances' are approved, comprising:
  - An increase in operating surplus of \$0.4 million;
  - An increase in net capital expenditure on existing, new and upgraded assets of \$8.0 million (including capital projects carried over from 2021-22 equivalent to \$2.4 million);
  - An increase in grants received for specific assets of \$7.0 million.
3. Council notes the requested budget variations (operating plus capital) amount to an increase in the Net Funding Requirement for the year of \$0.6 million.

Cr. Colombo seconded

**CARRIED**

## **14.2.2 LGA Nominations Sought for SA Boating Facility Advisory Committee**

Cr. Clayton returned to the Chamber 9:40pm

Cr. den Hartog moved that Council resolves that:

1. The report of the Director Corporate Services titled "LGA Nominations Sought for SA Boating Facility Advisory Committee" be received and noted.
2. Council nominate Cr. Vines as the member to be considered by the Local Government Association for appointment as an SA Boating Facility Advisory Committee member.

Cr. Evans seconded

**CARRIED**

## **15 CHIEF EXECUTIVE OFFICER REPORTS**

Nil

## **16 NOTICE OF MOTION**

### **16.1 Notice of Motion - Cr. Wilkins - Coastal Sand Management**

Cr. Wilkins moved that Council resolves that Council Administration schedule a workshop with the Department for Environment and Water to provide an update on the State Government's review into coastal sand management.

Cr. McGregor seconded

**CARRIED**

### **16.2 Notice of Motion - Cr. Clayton - Mattress Collection**

Cr. Clayton moved that Council resolves that Administration bring back a report to a subsequent Council meeting on the cost and feasibility of introducing a separate mattress collection service across the Council area.

Cr. Basham seconded

**CARRIED**

### **16.3 Notice of Motion - Cr. Wilkins - Electronic Petitions**

Cr. Dinh left the Chamber at 9:51pm

Cr. Wilkins moved that that Council resolves that Council Administration prepare a report on implementing an electronic petition, as an alternative to a paper petition, which complies with the requirements of the Local Government (Procedures of Meetings) Regulations 2013.

Cr. Russell seconded

**CARRIED**

## **16.4 Notice of Motion - Cr. Panayiotou - Period Products**

Pursuant to Section 74 of the Local Government Act, Cr. Colombo declared a general conflict of interest in relation to item 16.4 "Notice of Motion - Cr. Panayiotou - Period Products" as Taboo Pty Ltd is a former client for accounting purposes. Cr. Colombo will deal with the general conflict by remaining in the chamber and exercising her right to vote.

Cr. Dinh returned to the Chamber at 9:53pm

Cr. Colombo declared conflict and remained in the Chamber

Cr. Vines left the Chamber at 9:54pm

Cr. Vines returned to the Chamber at 9:56pm

Cr. Panayiotou moved that Council resolves that the Administration investigate options for making ethically sourced period products available, including free and pay-it-forward options and with multi-lingual signage at council buildings including libraries, community centres, and sports facilities through a partnership with an established social enterprise, such as TABOO (ABN 87 618 150 404), and provide a progress update report back to Council within three months.

Cr. Martin seconded

**CARRIED UNANIMOUSLY**

## **16.5 Notice of Motion - Cr. Osborn - Proactive Community Engagement**

Cr. Russell left the Chamber at 10:03pm

Cr. Russell returned to the Chamber at 10:05pm

Cr. Osborn moved that The Administration is to bring a report to Council by March 2023 providing a 12-month plan for proactive community engagement (in line with the *Communications and Engagement Framework*), including but not limited to:

- Local meet-ups
- Neighbourhood workshops
- Community panels
- Community reference groups
- Interactive online engagement

Cr. Panayiotou seconded

**CARRIED**

## **17 MOTIONS WITHOUT NOTICE**

Cr. Vines moved that Council write to the Minister of Environment seeking the necessary changes to *ensure* that the mattress recycling industry operates on a more sustainable basis.

Cr. Martin seconded

**CARRIED**

## 18 ADOPTION OF COMMITTEE REPORTS

Nil

## 19 CONFIDENTIAL ITEMS

### 19.1 Meeting to be held in Camera Section 90(2) and Section 90(3)(o) Local Government Act 1999 - 2023 Australia Day Awards

Cr. Osborn 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 Corporate Services
  - Director City Assets
  - Community Development Manager
  - Manager Strategy & Performance
  - Team Leader Governance
  - Governance Officerbe excluded from the meeting for the following agenda item “2023 Australia Day Awards”;
2. The Council is satisfied that, pursuant to Section 90(3)(o) of the Local Government Act 1999, the information relating to a proposed award recipient before the presentation of the award would not be appropriate and/or reasonable in the circumstances;
3. It 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 and discussion confidential.

Cr. Russell seconded

**CARRIED**

# CONFIDENTIAL

## 19.2 2023 Australia Day Awards

# CONFIDENTIAL

## 19.3 Confidentiality Order Section 91(7) Local Government Act 1999 - 2023 Australia Day Awards

Cr. Russell moved that Council resolves that:

1. Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the following report of the Director Community Development titled: "2023 Australia Day Awards", shall be kept confidential, being document(s) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(o) of the Act:
  - the minutes,
  - Council report, and
  - the attachments.to any and all reports on the grounds that the document(s) relate to information of proposed award recipients before the presentation of the award.
2. This order shall operate until the formal announcement of the 2023 Australia Day Awards on 23 January 2023.
3. Pursuant to Section 91(9)(c) of the Local Government Act 1999, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.

Cr. Dinh seconded

**CARRIED**

**19.4****Meeting to be held in Camera Section 90(2) and Section 90(3)(d) Local Government Act 1999 - Port Adelaide Land Tenure Matters**

Cr. Dinh 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,
  - Acting Director Community Development,
  - Director City Assets.
  - Director Corporate Services,
  - Manager Finance,
  - Manager Strategy and Performance,
  - Manager City Development,
  - Team Leader Governance, and
  - Governance Officerbe excluded from the meeting for the Agenda Item Port Adelaide Land Tenure Matters.
2. The Council is satisfied that pursuant to Section 90(3)(d)(i) and 90(3)(d)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda Item “Port Adelaide Land Tenure Matters” is information, the disclosure of which-
  - (i) prejudice the commercial position of the personal who supplied the information, or to confer a commercial advantage on a third party; and
  - (ii) would, on balance, be contrary to the public interest.
3. The Council is satisfied that, pursuant to Section 90(3)(d)(i) and Section 90(3)(d)(i)(ii) of the Local Government Act 1999 the information to be received, discussed or considered in confidence in relation to this Agenda Item “Port Adelaide Land Tenure Matters” as it may prejudice the commercial position of the person who supplied the information or provide a commercial advantage on a third party.
4. The Council is satisfied that, pursuant to Section 90(3)(j)(i) and Section 90(3)(j)(i)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda Item “Port Adelaide Land Tenure Matters” is 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.
5. 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 Tulloch seconded

**CARRIED**

## CONFIDENTIAL

### 19.5 Port Adelaide Land Tenure Matters

## CONFIDENTIAL

### 19.6 Confidentiality Order Section 91(7) Local Government Act 1999 - Port Adelaide Land Tenure Matters

Cr. Mitchell moved that Council resolves that:

1. The Director Corporate Services report titled "*Port Adelaide Land Tenure Matters*" in confidence under Section 90(3)(d)(i)(ii) and Section 90(3)(j)(i)(ii) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that all,
  - reports
  - attachments and
  - audio recordings

in relation to the Port Adelaide Land Tenure Matters report be retained in confidence until any associated negotiations have concluded, and

- Minutes

in relation to the Port Adelaide Land Tenure Matters report be retained in confidence until all impacted parties are informed, except where required to effect or comply with Council's resolution(s) regarding this matter.

Cr Tulloch seconded

**CARRIED**

## 20 CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 10:21pm.

Minutes confirmed.

PRESIDING MEMBER