

# MINUTES OF ORDINARY COUNCIL MEETING



## MINUTES

**MINUTES OF THE MEETING OF COUNCIL HELD ON 13 JUNE 2023  
COMMENCING AT 7:06 PM.**

**Present:** Her Worship the Mayor, C. Boan, Presiding Member  
Councillors, V.J. Tulloch, A. Wotton, D. Wilkins, P. McGregor,  
J. den Hartog, K. Mitchell, K.P. Dinh, W. Saeed,  
O. Colombo, B. Clayton, P. Russell,  
M.A. Basham, L. Panayiotou and M.J. Osborn  
Chief Executive Officer, M. Withers  
Director Community Development, K. Fergusen  
Director City Assets, F. Harvey  
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**

Cr. Vines

## **2 LEAVE OF ABSENCE**

Cr. Martin & Cr. Evans

## **3 CONFIRMATION OF MINUTES**

Cr. Osborn moved that the minutes of the meeting of Council held on 9 May 2023, as per copy supplied to Members, be taken as read and confirmed.

Cr. Russell seconded

**CARRIED**

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

Cr. Basham declared a general conflict of interest in relation to item 6.1 – Adjourned Debate – Greenacres Community Garden – Lease Agreement

Cr. Osborn declared a material conflict of interest in relation to item 8.3 – Petition – Upgrades to Seating Area at Largs Bay Foreshore

Cr. Osborn declared a material conflict of interest in relation to item 13.2.1 - 40 Km/Hr Speed Zone for Alberton (Partial) - Engagement Results

Cr. Osborn declared a material conflict of interest in relation to item 13.2.3 - 40 Km/Hr Speed Zone for Hampstead Gardens and Manningham

Cr. Osborn declared a material conflict of interest in relation to item 13.2.4 - Extension of the 40km/hr Speed Zone on Semaphore Road

Cr. Mitchell declared a general conflict of interest in relation to item 13.2.6 – LED Lighting Upgrade Considerations

Cr. Mitchell declared a material conflict of interest in relation to item 14.2.3 – Results of Market Testing for Participation on a Commercial Virtual Power Plant

Cr. Osborn declared a general conflict of interest in relation to item 14.2.9 – AGL Torrens Island Community Consultative Committee

Cr. Mitchell declared a general conflict of interest in relation to item 14.2.9 - AGL Torrens Island Community Consultative Committee

Cr. Osborn declared a material conflict of interest in relation to item 16.1 – Motion on Notice – Cr. Mitchell – Public Transport Routes

## **5 DEPUTATIONS**

Nil

## **6 ADJOURNED DEBATE**

### **6.1 Greenacres Community Garden - Lease Agreement**

Pursuant to Section 74 of the Local Government Act, Cr. Basham declared a general conflict of interest in relation to this item as he is a general member of the Greenacres Community Garden, not a committee member since 2022. Cr. Basham will deal with the general conflict by remaining in the chamber and exercising his right to vote.

Cr. Basham moved that Council resolves that:

1. The report of the Director City Assets titled "Greenacres Community Garden – Lease Agreement" be received and noted.
2. The Chief Executive Officer, or delegate is authorised to negotiate and execute a new one (1) year Lease and Licence Agreement, commencing 1 July 2023 to 30 June 2028 with the 'Greenacres Community Garden Incorporated' over a portion of land identified as Allotment 323 in Deposited Plan 4943 and described in Certificate of Title Volume 5662, Folio 104 also known as Leander Crescent Reserve, Greenacres and as shown on Attachment 1 - Aerial view of Leased & Licenced Area, Leander Crescent Reserve, Greenacres.

Cr. Panayiotou seconded

**CARRIED**

## **7 MAYOR'S REPORT**

### **7.1 Mayor's Report - 1 May 2023 to 31 May 2023**

Cr. Clayton moved that Council resolves that the report of the Director Corporate Services titled "Mayor's Report - 1 May 2023 to 31 May 2023" be received and noted.

Cr. Panayiotou seconded

**CARRIED**

## **8 PETITIONS**

### **8.1 Petition - Removal of Hurdles at L. J. Lewis Dog Park - Northfield**

Cr. Basham moved that Council resolves that the petition titled "Petition - Removal of Hurdles at L. J. Lewis Dog Park - Northfield" be received and noted.

Cr. Russell seconded

**CARRIED**

## **8.2                    Petition - Opposing Apartments on Gladstone Avenue, Kilburn**

Cr. Clayton moved that Council resolves that the petition titled "Petition - Opposing Apartments on Gladstone Avenue, Kilburn" be received and noted.

Cr. Russell seconded

**CARRIED**

## **8.3                    Petition - Upgrades to Seating Area at Largs Bay Foreshore**

Pursuant to Section 75 of the Local Government Act, Cr. Osborn declared a material conflict of interest in relation to this item as he is an employee of the Department of Infrastructure and Transport. Cr. Osborn will deal with the material conflict by withdrawing from the chamber.

Cr. Osborn withdrew from the Chamber at 7:13pm

Cr. Wilkins moved that Council resolves that:

1. The petition titled "Petition - Upgrades to Seating Area at Largs Bay Foreshore" be received and noted.
2. It notes that business support and advice will continue to be provided to the operators of the Largs Bay Kiosk.
3. it directs the Mayor to write to the Minister for Infrastructure and Transport, copying in the State Member for Port Adelaide, seeking funding from the State Government for upgrades to the seating area and highlighting Council's investment in the adjacent foreshore playground and public toilets.

Cr. den Hartog Seconded

**CARRIED**

Cr. Osborn Returned to the Chamber at 7:14pm

## **9                        REPORTS BY COUNCIL DELEGATES**

Nil

**10.1 Question Without Notice – Cr. Colombo**

Cr. Colombo asked the following question:

What is PAE's policy with respect to waste collection services for schools that are also registered Not For Profit (NFP)?

**Answer provided:**

The Waste Management Service Standard that was endorsed by Council on 9 August 2022, states that both public and private schools will be responsible for all waste collection services to all South Australian Schools.

It is noted that section 5 outlines that not-for-profit organisations are entitled to kerbside collection services which includes up to 2 residual waste bins, 2 x recycling and 4 x FOGO bins

When drafting the standard, it was the intent that irrespective of the status of the school, Council would not be providing kerbside collection services.

**10.2 Question Without Notice – Cr. Mitchell**

Cr. Mitchell asked the following question:

Could the administration please provide the impact of the proposed rate change for 2023/24 as it would impact those in properties rated at the minimum property value?

**Answer Provided:**

The minimum rate in 2022/23 was \$930. With an 8.6% average rate rise in 2023/24, the minimum rate will increase to **\$1,010**, which represents an extra **\$1.54** per week.

Cr. Mitchell moved that question and answer to items 10.1 & 10.2 be included in the minutes.

Cr. Colombo seconded

**CARRIED**

**11.1 Question on Notice - Cr McGregor - Senior Card Discount for Dog Registration Fees****Question**

Anyone living in South Australia, older than 60 years and working less than 20 hours, is eligible for a SA Seniors Card. This card provides free travel on Adelaide Metro buses, trains, and trams as well as discounts and special offers from businesses. What mechanisms can Council consider offering Seniors a discount on dog registration fees?

**Answer**

At this point in time, the State's dog registration process goes through Dogs and Cats Online which is managed by the Dog and Cat Management Board.

Dogs and Cats Online provides online verification of health care, pensioner, and seniors health concession cards. Currently the system does not accept South Australian Seniors Cards and the Department of Health and Wellbeing have advised there is no mechanism for Seniors Cards to be verified online.

Whilst Council does have the ability to set a concession for those holding a SA Seniors Card, the only way at the moment to achieve this concession within the current system design would be for the dog owner to physically present the seniors card to Council staff at time of payment so the fee can be manually adjusted. Those with a Seniors Card seeking to process dog registrations online would be unable to achieve this concession. This may be seen as an inequitable process, favouring those who can physically come into the council to achieve the discount, and disadvantaging those who are seeking to pay online. It additionally impacts on the Customer Relations team who would experience additional manual processing time and explanation to customers.

It is noted that Dog and Cat Management Board is currently undertaking a review of the system.

Item 14.2.8 was brought forward as the next item of business.

**14.2.8 Adelaide Beach Management Review – Submission**

Cr. Wilkins withdrew from the Chamber at 7:18pm

Cr. McGregor moved that Council resolves that:

1. The report of the Director Corporate Services titled "Adelaide Beach Management Review – Submission" be received and noted.
2. Council supports the most environmentally sustainable approach to beach management that can avoid environmental harm, minimise disruption to our community and maximise sand staying on our beaches, noting that the Semaphore/Largs Bay to West Beach sand pipeline is not an option we support.

3. The draft submission to Adelaide Beach Management Review (Stage One), which forms Attachment Two to this report, be amended to incorporate the principles of Paragraph 2, and is endorsed.

Cr. Tulloch seconded

**CARRIED UNANIMOUSLY**

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

### **12.1 Information Reports**

Items 12.1.1, 12.1.2, 12.1.3 and 12.1.4 were considered as a composite.

#### **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. Russell seconded

**CARRIED**

#### **12.1.2 Social Infrastructure Project Update**

Cr. Clayton moved that Council resolves that the report of the Director Community Development titled "Social Infrastructure Project Update" be received and noted.

Cr. Russell seconded

**CARRIED**

#### **12.1.3 Welcoming Cities**

Cr. Clayton moved that Council resolves that the report of the Director Community Development titled "Welcoming Cities" be received and noted.

Cr. Russell seconded

**CARRIED**

#### **12.1.4 Waste Contractor Performance Monitoring**

Cr. Clayton moved that Council resolves that the report of the Director Community Development titled "Waste Contractor Performance Monitoring" be received and noted.

Cr. Russell seconded

**CARRIED**

## **12.2 Decision Reports**

### **12.2.1 Dogs On and Off Leash Areas - Beaches**

Cr. Wotton moved that Council resolves that:

1. The report of the Director Community Development titled "Dogs On and Off Leash Areas - Beaches" be received and noted.
2. An additional workshop is held with the Dogs on Beaches Community Working Group as part of Phase 3 of the Dogs on Beaches Community Engagement Plan as provided in Attachment 1.
3. The engagement of a new Independent Facilitator to coordinate and manage the Community Engagement Plan is endorsed.
4. A further report will be presented back to Council seeking endorsement of options to undertake City-wide engagement.

Cr. McGregor seconded

**CARRIED**

### **12.2.2 By-law Review**

Cr. Wilkins returned to the Chamber at 7:29pm

Cr. Wotton moved that Council resolves that:

1. The report of the Director Community Development titled "By-law Review" be received and noted.
2. In exercise of the power contained in Section 246 of the Local Government Act 1999, having satisfied the consultation requirements of the Act and after having had regard to the outcome of the public consultation in relation to the proposed By-law and the Certificate of Validity provided by the Council's legal practitioner; the majority of Council, in the presence of at least two thirds of its members, hereby makes and passed By-law No. 9 – Local Government Land Amendment By-law 2023 as attached and marked 'Attachment 1'.
3. The Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the adopted By-law.

Cr. Osborn seconded

**CARRIED**



### **12.2.3 Community & Individual Grants Review**

Cr. Wilkins moved that Council resolves that:

1. The report of the Director Community Development titled "Community & Individual Grants Review" be received and noted.
2. The Individual Grant Program be retained and the changes to the Program (outlined in Table 1) and the Guidelines (refer Attachment 1) be endorsed.
3. The Equipment Grant Program be retained and the changes to the Program (outlined in Table 2) and Guidelines (refer Attachment 2) be endorsed.
4. The Small Grants program be retained and renamed the Quick Response Grants Program and the changes to the Program (outlined in Table 3) and Guidelines (refer Attachment 3) be endorsed.
5. The Community Project Grant Program be retained and renamed the Community Grant Program and the changes to the Program (outlined in Table 4) and Guidelines (refer Attachment 4) be endorsed.
6. The Partnership Grants Program not be reinstated and instead:
  - (a) Explore larger grants as part of the development of an Arts and Culture Fund (May 2023 Council resolution);
  - (b) Consider any future proposals under the Grants, Sponsorship and Other Financial Assistance Policy, and/ or as part of the annual budget process;
  - (c) Continue to proactively work with partner organisations through its community development activities.
7. A Diversity and Inclusion Grant Program as outlined in Table 5 be established and a subsequent report detailing the program criteria and guidelines be received following community engagement.
8. A Creative Industry Grant Program as outlined in Table 6 be established and the Guidelines (refer Attachment 5) be endorsed.
9. A Business Activation Grant Program as outlined in Table 7 be established and the Guidelines (refer Attachment 6) be endorsed.
10. The amendments to the Event Grant and PAE Places Grant Program Guidelines arising from the review and noted in the report be endorsed.
11. The Grants, Sponsorship and Other Financial Assistance Policy be updated to reflect changes to grant program names and the introduction of additional grant programs outlined in this report.
12. Upon receiving their first grant, successful applicants are to be informed of the longevity of their grant access. They will be advised when they will no longer be able to apply for this type of grant.

Cr. Wotton seconded

**CARRIED**

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

### **13.1 Information Reports**

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

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

Cr. Dinh seconded

**CARRIED**

### **13.2 Decision Reports**

Item 13.2.2 was brought forward as the next item of business.

#### **13.2.2 Nominations for Leadership Group - Yitpi Yartapuultiku**

Cr. Tulloch moved that 'that Council:

1. Notes the report of the Director Community Development titled "Nominations for Leadership Group - Yitpi Yartapuultiku.
2. Notes the Draft Terms of Reference (TOR) has been prepared for the Yitpi Yartapuultiku Leadership Group, which will be adopted by Council following consideration by the Yitpi Yartapuultiku Leadership Group.
3. Appoints Kylie Fergusen (Director Community Development) and Jodie Stevens (Manager People & Culture) as staff representatives to the Yitpi Yartapuultiku Leadership Group for a period of 2 years expiring on 30 May 2025.
4. Appoints Cr. Wotton and Cr. den Hartog as Council representatives to the Yitpi Yartapuultiku Leadership Group for a period of 2 years expiring on 30 May 2025.

Cr. Mitchell seconded

**CARRIED UNANIMOUSLY**

### **13.2.1            40 Km/Hr Speed Zone for Alberton (Partial) - Engagement Results**

Pursuant to Section 75 of the Local Government Act, Cr. Osborn declared a material conflict of interest in relation to items 13.2.1, 13.2.3 and 13.2.14 as he is an employee of the Department of Infrastructure and Transport. Cr. Osborn will deal with the material conflicts by withdrawing from the chamber.

Cr. Osborn withdrew from the Chamber at 7:43pm

Cr. den Hartog moved that Council resolves that:

1. The report of the Director City Assets titled "40 Km/Hr Speed Zone for Alberton (Partial) - Engagement Results" be received and noted.
2. A formal submission to the Department for Infrastructure and Transport (DIT) is made to progress with an area wide 40km/hr speed zone proposal in Alberton (partial) and Cheltenham, in collaboration with the City of Charles Sturt.
3. The Mayor writes to the Local Member of Parliament providing details of this report including consultation results requesting support for the 40km/hr speed zone proposal in the Alberton/Cheltenham area, with the response to the letter to form part of the application to DIT for the 40km/hr speed zone proposal application.
4. Subject to Council receiving approval from DIT, implementation of the area wide 40km/hr speed zone in Alberton (partial) proceeds.
5. The City of Charles Sturt be advised of the above.
6. Subject to approval from DIT, residents and property owners be advised of the planned implementation of the 40km/hr speed zone.

Cr. Mitchell seconded

**CARRIED**

### **13.2.2            Nominations for Leadership Group - Yitpi Yartapuultiku**

See CL-10

### **13.2.3            40 Km/Hr Speed Zone for Hampstead Gardens and Manningham**

Cr. den Hartog withdrew from the Chamber at 7:44pm

Cr. den Hartog returned to the Chamber at 7:47pm

Cr. Colombo moved that Council resolves that:

1. The report of the Director City Assets titled "40km/hr Speed Zone for Hampstead Gardens and Manningham" be received and noted
2. The 40km/hr local area speed limit in Manningham/Hampstead Gardens not proceed at this time
3. A review of traffic data be undertaken 12 month post completion of the traffic control devices associated with the LATM for Hampstead Gardens and Manningham
4. A report be brought back to council following (3) above to determine the feasibility of a 40km/hr local speed limit including further consideration of consultation with the local community

Cr. Dinh seconded

**CARRIED**

#### **13.2.4                    Extension of the 40km/hr Speed Zone on Semaphore Road**

Cr. Tulloch moved that Council resolves that:

1. The report of the Director City Assets titled "Extension of the 40km/hr Speed Zone on Semaphore Road" be received and noted.
2. A formal submission to the Department for Infrastructure and Transport (DIT) is made to progress with the extension of the existing 40km/hr speed zone (and associated infrastructure) on Semaphore Road (between Military Road and Swan Terrace).
3. The Mayor writes to the Local Member of Parliament providing details of this report including consultation results requesting support for the 40km/hr speed limit on Semaphore Road, with the response to this letter to form part of the application to DIT for the 40km/hr speed limit application.
4. Subject to approval from DIT for the implementation of the 40km/hr speed limit, that all residents and property owners in the subject area be advised accordingly.

Cr. Mitchell seconded

**CARRIED**

### **13.2.5 State Emergency Service - Funding Request For Fencing**

Cr. Osborn returned to the Chamber at 7:48pm

Cr. Osborn moved that Council resolves that:

1. The report of the Director City Assets titled "State Emergency Service - Funding Request for Fencing" be received and noted.
2. Council staff will meet with the State Emergency Service and representatives from Enfield SES to discuss:
  - a. the current funding request in connection with section 2.3.1 of the lease agreement; and
  - b. the 2021 masterplan to determine responsibility and timeframes for delivery.
3. A further report be brought back to Council on this matter, including the outcomes of the aforementioned meeting/s.

Cr. Panayiotou seconded

**CARRIED UNANIMOUSLY**

### **13.2.6 LED Lighting Upgrade Considerations**

Pursuant to Section 74 of the Local Government Act, Cr. Mitchell declared a general conflict of interest in relation to this item as she sits on the SAPN Community Advisory Board in the capacity as a representative of the LGA which is an advisory group, not involved in this action. Cr. Mitchell will deal with the general conflict by remaining in the chamber and exercising her right to vote.

Cr. Mitchell moved that Council resolves that:

1. The report of the Director City Assets titled "LED Lighting Upgrade Considerations" be received and noted.
2. It is noted the rollout of Phase 1 of a LED upgrade for luminaires on stobie poles (approximately 6224 lights) is included in the draft 2023/24 Annual Business Plan at a cost of \$3.38 million.
3. An updated Prudential Report and Business Case (on future Stages beyond Stage 1) be presented to the 16 August 2023 Audit and Risk Committee with the advice provided to a subsequent Council meeting on the future stages of the LED upgrade.

Cr. Clayton seconded

**CARRIED UNANIMOUSLY**

### **13.2.7 Policy - Heavy Vehicle Access**

Cr. Russell moved that Council resolves that:

1. The report of the Director City Assets titled "Policy - Heavy Vehicle Access" be received and noted.
2. Council Policy TS04 Heavy Vehicle Access as provided in Attachment 3 is endorsed.

Cr. Mitchell seconded

**CARRIED**

### **13.2.8 Proposed Closure of Rann Place, Port Adelaide**

Cr. den Hartog moved that Council resolves that:

1. The Director City Assets Report titled "*Proposed closure of Rann Place, Port Adelaide*" be received and noted.
2. The whole of the land identified as Allotment 44 in Filed Plan 3514 that is delineated in red on the map contained in Attachment 1 – Aerial Image, Rann Place, Port Adelaide (subject to survey and as amended by Council or a government authority) and known as Rann Place, Port Adelaide ('the Road') be closed.
3. After considering the three (3) objections to the proposed Road Closure of Rann Place, Port Adelaide during the Community Engagement Process and the subsequent negotiations with the objectors to respond to their objections, a 'Road Process Order' be made in respect of the closure of the Road.
4. The Chief Executive Officer or delegate is authorised to submit to the Surveyor General the report contained in Attachment 2 - Section 16 Report.
5. The Chief Executive Officer or delegate is authorised to make minor variations to the Section 16 Report prior to submission, and to undertake all steps necessary to facilitate the closure of Rann Place, Port Adelaide.
6. Rann Place, Port Adelaide shall be excluded from classification as community land under section 193(4a) of the *Local Government Act 1999*, upon the making of the road process order under the *Roads (Opening and Closing) Act 1991*.
7. Authorisation be given to the Chief Executive Officer and the Mayor (pursuant to section 38(1) of the *Local Government Act 1999*) to attest to the affixation of the Common Seal of the City of Port Adelaide Enfield and to sign the Road Process Order and any other documents necessary to give effect to the closure of the Road.

Cr. Russell seconded

**CARRIED**

### **13.2.9 Proposed Road Closure of Portion of Mersey Road North, Osborne**

Cr. Tulloch moved that Council resolves that:

1. The Director City Assets' Report titled "*Proposed Closure of Portion of Mersey Road North, Osborne*" be received and noted.
2. Based on the objection received, Council does not proceed with resolution CL-10 12.07.2022 item 13.2.9 "*Proposed Road Closure of Portion of Mersey Road North, Osborne*" as resolved at the 12 July 2022 Ordinary Council Meeting, as shown below;
  1. *The report of the Director City Assets titled "Proposed Road Closure of Portion of Mersey Road North, Osborne" be received and noted.*
  2. *The portion of Mersey Road North, Osborne contained in Certificate of Title Volume 6231 Folio 23 and described as Allotment (Road) 102 in Deposited Plan 120156 and shaded in red on the site plan (as amended by Council or a statutory authority) annexed to the Council Report ('the Land') be declared surplus to Council's requirements in accordance with Council's 'Sale and Disposal of Land and Assets (April 2021)(CA09) ('the Disposal Policy').*
  3. *Authorisation be given to the Chief Executive Officer to vary the Disposal Policy to enable the transfer of the Land to Australian Naval Infrastructure Pty Ltd A.C.N. 051 762 639 ('ANI') for a nominal consideration.*
  4. *Authorisation be given to the Chief Executive Officer (and his delegate) to commence the process of closure of the Land in accordance with the Roads (Opening and Closing) Act 1991 subject:*
    - a. *the granting of easements as required by Council and any prescribed service authorities;*
    - b. *confirmation of the Road Process Order by the Attorney General; and (c) all associated costs being negotiated with ANI.*
  5. *Subject to the Chief Executive Officer fulfilling the requirements of the Roads (Opening and Closing) Act 1991, the Chief Executive Officer is authorised to:*
    - a. *negotiate with ANI (and its representatives) on the terms of the closure and transfer of the Land;*
    - b. *determine whether or not to proceed with the proposed closure;*
    - c. *where the Chief Executive Officer determines to proceed, to undertake all necessary steps to give effect to the road closure and transfer of the Land, including without limitation, to:*
      - i. *sign the preliminary and final plans (as amended) and any other document necessary for the closure and transfer of Land to ANI pursuant to the Real Property Act 1886 and the Roads (Opening and Closing) Act 1991 including without limitation any Agreement to Transfer and the Road Process Order;*
      - i. *certify any minutes of Council meetings held in relation to the road process and to provide such minutes to the Surveyor General; and*
      - ii. *arrange the lodgment of such orders, plans and documents to the Surveyor-General as required by the Roads (Opening and Closing) Act 1991;*
      - iv. *make and sign a Road Process Order.*
6. *Authorisation be given to the Chief Executive Officer or to the Mayor and the Chief Executive Officer (pursuant to section 38(1) of the Local Government Act 1999) to*

*attest to the affixation of the Common Seal of the City of Port Adelaide Enfield, if required to sign any documents necessary to give effect to the closure and transfer of the Land, including the Road Process Order.*

3. Authorisation is given to the Chief Executive Officer, or his delegate to consider the new proposal submitted by Australian Naval Infrastructure Pty Ltd for a potential road closure process over a smaller portion of Mersey Road North, Osborne.

Cr. Russell seconded

**CARRIED**

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

### **14.1 Information Reports**

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

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

Cr. Dinh seconded

**CARRIED**

### **14.2 Decision Reports**

#### **14.2.1 Fees & Charges 2023-24**

Cr. den Hartog moved that Council resolves that:

1. The report of the Director Corporate Services titled "Fees & Charges 2023-24" be received and noted.
2. The Schedule of Fees & Charges 2023-24 that appears in Attachment 1 to this report be adopted.

Cr. Osborn seconded

**CARRIED**



#### **14.2.2                    Community Engagement on Council's Draft Annual Business Plan 2023-24**

Cr. Basham withdrew from the Chamber at 8:04pm

Cr. Russell moved that Council resolves that:

1. The report of the Director Corporate Services titled "Community Engagement on Council's Draft Annual Business Plan 2023-24" be received and noted.
2. It is noted that the feedback provided through the community consultation broadly aligns to the priorities, services and works program to be delivered through the Draft Annual Business Plan 2023-24.
3. No changes to the Draft Annual Business Plan 2023-24 are proposed arising from the community feedback received.
4. The Annual Business Plan 2023-24 to be finalised for adoption by Council at a Special meeting on 27 June 2023.

Cr. Wilkins seconded

**CARRIED**

#### **14.2.3                    Results of Market Testing for Participation in a Commercial Virtual Power Plant**

Pursuant to Section 75 of the Local Government Act, Cr. Mitchell declared a material conflict of interest in relation to this item as she works for an organisation that is heavily involved in PPA's and she personally develops the retail customer contracts and service provisions of these agreements. Her employer declined to participate in the last SA LGA contract tender but provides all of the services and products discussed in this report. Cr. Mitchell will deal with the material conflict by withdrawing from the chamber.

Cr. Mitchell withdrew from the Chamber at 8:05pm

Cr. Basham returned to the Chamber at 8:06pm

Cr. Osborn moved that Council resolves that:

1. The report of the Director Corporate Services titled "Results of Market Testing for Participation in a Commercial Virtual Power Plant" be received and noted.
2. Council cease the current proactive Virtual Power Plan (VPP) procurement process.
3. Council investigate Virtual Power Plant options, with possible linkage to a 100% renewable energy power purchase agreement, when negotiating the next electricity contract in 12-24 months' time.

Cr. Panayiotou seconded

**CARRIED**

#### **14.2.4 Draft GAROC Annual Business Plan 2023-2024**

Cr Mitchell returned to the Chamber at 8:09pm

Cr. den Hartog moved that Council resolves that:

1. The report of the Director Corporate Services titled "Draft GAROC Annual Business Plan 2023-2024" be received and noted.
2. The feedback on the draft Annual Business Plan for Greater Adelaide Regional Organisations of Councils (GAROC) (attachment 2) is endorsed and provided to GAROC.

Cr. Colombo seconded

**CARRIED**

#### **14.2.5 Proactive Community Engagement**

Cr. Osborn moved that Council resolves that:

1. The report of the Director Corporate Services titled "Proactive Community Engagement" be received and noted.
2. The attached 12 month Community Engagement Forward Plan 2023-24 is endorsed as amended.

Cr. Russell seconded

**CARRIED**

#### **14.2.6 Review of Unsolicited Proposals Guidelines**

Cr. Clayton moved that:

1. The report of the Director Corporate Services titled "Review of Unsolicited Proposals Guidelines" be received and noted.
2. The revised Procurement Policy (attachment 2) and Unsolicited Proposal Guidelines (attachment 4) be endorsed

Cr. Tulloch seconded

**CARRIED**

#### **14.2.7 Prudential Review - Digital Future Program**

Cr. Mitchell moved that Council resolves that:

1. The report of the Director Corporate Services titled "Prudential Review - Digital Future Program" be received and noted.
2. The relevant qualifications and experience of Corinne Garrett from UHY Haines Norton as outlined in (Attachment 2) are noted.
3. Corinne Garrett of UHY Haines Norton Chartered Accountants be appointed as the independent person to conduct the prudential report for the Digital Future Program to be undertaken in collaboration with the City of Charles Sturt in accordance with the Requirements of Section 48 of the Local Government Act 1999, and that a prudential report be brought back to Council.

Cr. Panayiotou seconded

**CARRIED**

#### **14.2.8 Adelaide Beach Management Review – Submission**

See CL-06

#### **14.2.9 AGL Torrens Island Community Consultative Committee**

Pursuant to Section 74 of the Local Government Act, Cr. Osborn declared a general conflict of interest in relation to this item as he owns shares in AGL, but this item would not result in AGL or himself gaining any benefit or suffering a loss. Cr. Osborn will deal with the general conflict by remaining in the chamber and exercising his right to vote.

Pursuant to Section 74 of the Local Government Act, Cr. Mitchell declared a general conflict of interest in relation to this item as she works for a direct competitor of AGL, however in retail, not generation aspects of their business. For the avoidance of doubt, Cr. Mitchell will deal with the general conflict by withdrawing from the Chamber.

Cr. Mitchell withdrew from the Chamber at 8:22pm

Cr. Tulloch moved Council resolves that:

1. The report of the Director Corporate Services titled "AGL Torrens Island Community Consultative Committee" be received and noted.
2. Council appoint Cr. Wotton to the AGL Torrens Island Community Consultative Committee.

Cr. Russell seconded

**CARRIED**

Cr. Mitchell returned to the Chamber at 8:28pm

**16.1 Motion on Notice - Cr. Mitchell - Public Transport Routes**

Pursuant to Section 75 of the Local Government Act, Cr. Osborn declared a material conflict of interest in relation to this item as he is an employee of the Department of Transport and Infrastructure. Cr. Osborn will deal with the material conflict by withdrawing from the chamber.

Cr. Osborn withdrew from the Chamber at 8:29pm

Cr. Mitchell moved that Council resolves to write to the Minister for Transport requesting a review of the amended public transport routes 230/232 through Dudley and Devon Parks within 12 months of operation, including usage metrics and community consultation on amenity impacts.

Cr. Panayiotou seconded

**CARRIED**

Cr. Dinh called for a division:

**For:** Cr. Wotton, Cr. Tulloch Cr. Wilkins, Cr. den Hartog, Cr. Mitchell, Cr. Russell, Cr. Panayiotou

**Against:** Cr. McGregor, Cr. Saeed, Cr. Dinh, Cr. Colombo, Cr. Clayton, Cr. Basham

Cr. Osborn returned to the Chamber at 8:34pm

**16.2 Motion on Notice - Cr. Panayiotou - Parcel Lockers**

Cr. Panayiotou moved that that Administration liaises with Australia Post regarding hosting Parcel Lockers at enough of our Council owned community facilities to help establish reasonable and maintainable geographic coverage across the City in response to package theft and reports back on options to Council within 6 months.

Cr. Clayton seconded

**LOST**

**16.3 Motion on Notice - Cr. Clayton - Animal shelters and rescue support**

Cr. Clayton moved that Council resolves to write to the Minister for Climate, Environment and Water, Dr Susan Close MP to request that urgent action be taken to support shelters and rescue organisations such as the Animal Welfare League and RSPCA who are currently at capacity with cats.

Cr. Tulloch seconded

**CARRIED UNANIMOUSLY**

## **16.4 Motion on Notice - Cr. Saeed - Uluru Statement**

Cr. Saeed moved that Council:

1. Consult with the Aboriginal Advisory Panel as to how to best incorporate the Uluru Statement from the heart in full into the City of Port Adelaide Council's Community Strategic Plan
2. Seek a briefing on the views of the status on the Port Adelaide Enfield's Reconciliation Statement

Cr. seconded

Motion lapsed for want of a seconder

## **17 MOTIONS WITHOUT NOTICE**

### **17.1 Motion Without Notice – Cr. Colombo**

Cr. Colombo moved that a report come back to council as soon as possible outlining how PAE can correct the uncertainty created by the 'Waste Management Service Standard' so that there is no ambiguity as to the waste collection services registered NFP schools are entitled to.

Cr. Clayton seconded

**CARRIED**

## **18 ADOPTION OF COMMITTEE REPORTS**

Nil

## **19 CONFIDENTIAL ITEMS**

### **19.1 Meeting to be held in Confidence Section 90(3)(d)(i)(ii) - CAWRA - Draft Operating Budget 2023-24**

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 City Assets
- Director Corporate Services
- Manager Finance
- Manager Strategy and Performance
- Team Leader Governance
- Governance Officer

be excluded from the meeting for the Agenda Item, 19.2 CAWRA – Draft Operating Budget 2023-24.

2. The Council is satisfied that pursuant to Section 90(3)(d) of the Local Government Act 1999 the information to be considered involves information the disclosure of which—  
(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—  
(i) could reasonably be expected to prejudice the commercial position of the person 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. That Council is satisfied that, pursuant to 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 CAWRA – Draft Operating Budget 2023-24 due to the request to keep the information confidential at this time.
4. 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. Russell seconded

**CARRIED**

The meeting moved in to confidence at 9:10pm

## **CONFIDENTIAL**

### **19.2 CAWRA – Draft Operating Budget 2023-24**

## **CONFIDENTIAL**

### **19.3 Confidentiality Order - CAWRA - Draft Operating Budget 2023-24**

Cr. Osborn moved that Council resolves that:

1. The report of the Director Corporate Services titled “Confidentiality Order - CAWRA - Draft Operating Budget 2023-24 considered in confidence under Section 90(2) and 90(3)(d)(i)(ii) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that all:
  - reports
  - attachments
  - minutesin relation to this matter be retained in confidence.
2. Pursuant to Section 91(9)(a) the matter be retained in confidence for a period of five (5) years.

Cr. Russell seconded

**CARRIED**

## **19.4 Meeting to be held in Confidence Section 90(3)(d)(i)(ii) - Renewal SA Land Acquisitions**

Cr. Colombo moved 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 and Performance
- Team Leader Governance
- Governance Officer

be excluded from the meeting for the Agenda Item, 19.4 Meeting to be held in Confidence Section 90(3)(d)(i)(ii) - Renewal SA Land Acquisitions.

2. The Council is satisfied that pursuant to Section 90(3)(d) of the Local Government Act 1999 the information to be considered contains commercial information of a confidential nature (not being a trade secret) the disclosure of which-
  - (i) could reasonably be expected to 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. That Council is satisfied that, pursuant to Section 90 (3)(d)(i)(ii) and Section 90 (3)(j)(i)(ii) of the Local Government Act 1999 the information to be received, discussed or considered in confidence in relation to this Agenda Item Renewal SA Land Acquisitions 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 "Renewal SA Land Transfers" 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. Osborn seconded

**CARRIED**

# CONFIDENTIAL

## 19.5 Renewal SA Land Acquisitions

# CONFIDENTIAL

## 19.6 Confidentiality Order - Renewal SA Land Acquisitions

Cr. Mitchell moved that Council resolves that:

1. The report of the Director Corporate Services titled "Confidentiality Order - Renewal SA Land Acquisitions considered in confidence under Section 90(2) and 90(3)(d)(i)(ii) and 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
  - minutesin relation to this matter be retained in confidence.
2. Pursuant to Section 91(9)(a) the matter be retained in confidence until formal announcements have been made in relation to the proposed land transfers.

Cr. Tulloch seconded

**CARRIED**

The meeting reopened to the public at 9.15pm

## 20 CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 9:15pm.

Minutes confirmed.

PRESIDING MEMBER