

MINUTES OF ORDINARY COUNCIL MEETING



MINUTES

**MINUTES OF THE MEETING OF COUNCIL HELD ON 8 AUGUST 2023
COMMENCING AT 7:02 PM.**

Present: Her Worship the Mayor, C. Boan, Presiding Member
Deputy Mayor, S. Vines
Councillors, V.J. Tulloch, A. Wotton, D. Wilkins, P. McGregor, S. Vines,
K. Mitchell, K.P. Dinh, W. Saeed,
O. Colombo, C.J. Martin, B. Clayton, P. Russell, H. Evans,
M.A. Basham, L. Panayiotou and M.J. Osborn
Chief Executive Officer, M. Withers
Director Community Development, K. Ferguson
Director City Assets, F. Harvey
Director Corporate Services, A. Dickson
Team Leader Governance, K. Leighton
Executive Assistant to CEO & Director Corporate Services, 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. den Hartog

2 LEAVE OF ABSENCE

Nil

3 CONFIRMATION OF MINUTES

Cr. Osborn moved that the minutes of the meeting of Council held on 19 July 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. Osborn declared a material conflict of interest in relation to item 13.2.1 “Gepps Cross, Northfield (north), Walkley Heights & Valley View – Local Area Traffic Management Scheme – Technical Review”.

Cr. Basham declared a material conflict of interest in relation to item 13.2.1 “Gepps Cross, Northfield (north), Walkley Heights & Valley View – Local Area Traffic Management Scheme – Technical Review”.

Cr. Osborn declared a material conflict of interest in relation to item 17.1 “Cr. Wotton Motion Without Notice”.

Cr. Colombo declared a general conflict of interest in relation to item 19.5 “Unsolicited Proposals”.

5 DEPUTATIONS

5.1 Deputation - Wayne Plae - Bins

Deputation was not heard.

5.2 Deputation - Janina Karr - By-Laws

Cr. Osborn moved that Council resolves that the deputation received from Janina Karr be received and noted.

Cr. Vines moved a formal motion that the meeting move onto the next item of business.

Cr. Mitchell seconded

CARRIED

6 ADJOURNED DEBATE

Nil

7 MAYOR'S REPORT

7.1 Mayor's Report - 1 July 2023 to 31 July 2023

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

Cr. Martin seconded

CARRIED

8 PETITIONS

8.1 Petition - Shade/Weather Structure Over Ramsey Avenue Playground

Cr. Russell moved that Council resolves that:

1. The petition titled "Petition - Shade/Weather Structure Over Ramsey Avenue Playground" be received and noted.
2. Tree plantings to occur to the north of the playground.

Cr. Evans 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

Items 12.1.1 & 12.1.2 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. Martin seconded

CARRIED

12.1.2 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. Martin seconded

CARRIED

12.2 Decision Reports

12.2.1 Event Report 2023-2024

Cr. Dinh withdrew from the Chamber at 7:46pm

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

Cr. Vines moved that Council resolves that:

1. The report of the Director Community Development titled "Event Report 2023-2024" be received and noted.
2. Council's 2023/2024 flagship events will be a New Years' Eve Fireworks and Lights/Laser Event at Semaphore, a Christmas Parade at Port Adelaide, and the previously endorsed Dockside Festival.
3. The Administration seek to develop a flagship winter event for 2024/2025.
4. Council revoke the resolution to develop a Fireworks Policy.
5. In addition to communications with Elected Members through emails, Ward Briefings and diarised event programme in their outlook calendar, Elected Members will have further information and provide input into the Events programme for the following financial year through:
 1. An annual Events Council Workshop in November which will explore and test event ideas
 2. An annual Decision Report in April to endorse the Flagship Events Calendar for following financial year;
 3. An annual Information Report in May or June providing a summary of outcomes and learnings of previous years events.

Cr. Osborn seconded

CARRIED

12.2.2 Semaphore Street Fair - Request for Sponsorship

Cr. McGregor moved that Council resolves that:

1. The report of the Director Community Development titled "Semaphore Street Fair - Request for Sponsorship" be received and noted.
2. The Semaphore Mainstreet Association be allocated sponsorship of \$25,000 per year to deliver the Semaphore Street Fair in 2023-2024, 2024-2025 and 2025-2026.
3. The costs of sponsorship for the Semaphore Street Fair be met within the existing adopted budget in 2023-2024, and through the annual budget process in 2024-2025 and 2025-2026.

Cr. Wilkins seconded

CARRIED UNANIMOUSLY

13 DIRECTOR OF CITY ASSETS REPORTS

13.1 Information Reports

13.1.1 Outstanding Matters - City Assets

Cr. Vines withdrew from the Chamber at 7:56pm

Cr. Wilkins withdrew from the Chamber at 7:56pm

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

Cr. Martin seconded

CARRIED

13.2 Decision Reports

13.2.1 Gepps Cross, Northfield (north), Walkley Heights & Valley View - Local Area Traffic Management Scheme - Technical Review

Cr. Wilkins returned to the Chamber at 7:57pm

Cr. Vines returned to the Chamber at 7:58pm

Pursuant to Section 75 of the Local Government Act, Cr. Osborn declared a material conflict of interest in relation to item 13.2.1 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.

Pursuant to Section 75 of the Local Government Act, Cr. Basham declared a material conflict of interest in relation to item 13.2.1 as he lives and owns a property on Stirling Street Northfield, which is part of this review. Cr. Basham will deal with the material conflict by withdrawing from the chamber.

Cr. Osborn withdrew from the Chamber at 7:56pm

Cr. Basham withdrew from the Chamber at 7:57pm

Cr. Panayiotou moved that:

1. Council resolves that the report of the Director City Assets titled "Gepps Cross, Northfield (north), Walkley Heights & Valley View - Local Area Traffic Management Scheme - Technical Review" be received and noted.
2. The Gepps Cross, Northfield (north) and valley View Draft Local Area Traffic Management Scheme is endorsed for public consultation.
3. Council consults with directly impacted residents and property owners on the following treatments:
 - a. Terama Street, Gepps Cross – Parking Lanes and Painted Median Island
 - b. Terama Street & Lilka Street, Gepps Cross – pavement Bar Median and Painted Median Island
 - c. Stirling Street, Northfoeld – Watts Profile Road Humps
 - d. Hoods Road, Northfield – Watts Profile Road Humps
 - e. Pauls Drive, Valley View – Pedestrian Refuge (including new path through reserve and upgrade of bus stop 38 West for DDA compliance)
 - f. Pauls Drive & College Avenue, Valley View – Raised Intersection Platform
 - g. Woodstock Street, Haddington Street & Hawick Street, Valley View – Pavement Bar Medians
4. Council consults with directly impacted residents and property owners on Amanga Street and Barli Street, Gepps Cross, regarding traffic activity, impacts and issues associated with the intersection of Amanga Street and Grand Junction Road and nearby local intersections and includes recommendations as part of the Technical Review treatments.
5. The consultation results be brought back to Council at a future meeting, along with any scheme updates necessary.

Cr. Mitchell seconded

CARRIED

Cr. Osborn and Cr. Basham returned to the Chamber at 7:59pm

13.2.2 State Emergency Service - Funding Request For Fencing

Cr. Osborn moved that Council resolves:

1. That the report of the Director City Assets titled "State Emergency Service - Funding Request For Fencing" be received and noted.
2. That Administration informs the Enfield SES of Council's feedback on their recent funding request to upgrade the fence, and the implementation of the 2021 masterplan.

Cr. Vines seconded

CARRIED

13.2.3 Noonies at the Beach Kiosk Business Case

Cr. Vines moved that Council resolves:

1. The report of the Director City Assets titled "Noonies at the Beach Kiosk Business Case" be received and note
2. To endorse the Administration to initiate an Expression of Interest (EOI) seeking proposals for a contemporary food and beverage outlet to operate from the Semaphore South Kiosk 1 location.
3. Following an evaluation of the proposals received through the EOI, a further report be brought back to Council presenting proposal(s) for Council's consideration.

Cr. McGregor seconded

CARRIED

13.2.4 Wells St, Port Adelaide - One Way Proposal

Cr. Vines moved that Council resolves that:

1. The report of the Director City Assets titled "Wells St, Port Adelaide - One Way Proposal" be received and noted.
2. Staff consult with nearby residents, business and property owners regarding a proposal to make Wells Street, Port Adelaide one way southbound.
3. The results of the consultation be brought back to Council at a future meeting.

Cr. Tulloch seconded

CARRIED

13.2.5 2023 Alberton Oval Games Fixtures

Cr. Martin moved that Council resolves:

1. The report of the Director City Assets titled "2023 Alberton Oval Games Fixtures" be received and noted.
2. To endorse changes to the 'times of use' and associated sports field lighting use within the Licence Agreement at Alberton Oval that enable the hosting of AFLW and SANFL 2023 twilight and night season fixtures requiring use of sports lights as detailed within this report.
3. To note the request from Port Adelaide Football Club for an exemption to allow for consecutive night games to occur on the 12 August 2023 and 18 August 2023.
4. To approve the request from Port Adelaide Football Club for an exemption to allow for consecutive night games to occur on the 12 August 2023 and 18 August 2023.

Cr. Dinh seconded

CARRIED

Cr. Vines called a division:

For: Cr. Wotton, Cr. Tulloch, Cr. Wilkins, Cr. McGregor, Cr. Mitchell, Cr. Saeed, Cr. Dinh, Cr. Colombo, Cr. Martin, Cr. Clayton & Cr. Evans

Against: Cr. Vines, Cr. Russell, Cr. Panayiotou & Cr. Osborn

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. Martin seconded

CARRIED

14.1.2 Semaphore Foreshore Master Plan - Project update and engagement approach

Cr. Wilkins moved that Council resolves that:

1. The report of the Director Corporate Services titled "Semaphore Foreshore Master Plan - Project update and engagement approach" be received.
2. It is noted that the next stage of the Semaphore Foreshore Master Plan is to revise the Draft Master Plan, with particular emphasis on the eight (8) key themes identified in the extensive community engagement undertaken in June 2022.
3. Council endorses the engagement approach, as outlined in Attachment 3, to inform the further design development of the Draft Master Plan.
4. A further report be brought back to Council to endorse the final Masterplan and consider funding allocations in the 2024-25 annual budget.

Cr. Russell seconded

CARRIED

14.2 Decision Reports

14.2.1 Quarter 4 Review – Professional Fees

Cr. Vines moved that Council resolves that the report of the Director Corporate Services titled "Quarter 4 Review – Professional Fees" be received and noted.

Cr. Russell seconded

CARRIED

14.2.2 Quarterly Confidential Items Review

Cr. Clayton moved that Council resolves that:

1. The report of the Director Corporate Services titled "Quarterly Confidential Items Review" 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 following confidentiality orders:

That pursuant to Section 90(2) and Section 90(3)(d)(i)(ii) and Section 90(3)(j)(i)(ii) of the Local Government Act 1999, that the "Renewal SA Land Transfers" agenda, reports, attachments and minutes from the Ordinary Council meeting on 10 August 2021, be kept confidential pursuant to Section 91(7) until formal announcements have been made.

That pursuant to Section 90(2) and 90 (3)(b) of the Local Government Act 1999, that the "New Haven Village Recycled Water Scheme" reports, attachments and minutes from the 14 September 2021 Ordinary Council Meeting, be kept confidential pursuant to Section 91(7) Until the formal negotiations have concluded.

That pursuant to Section 90(2) and 90(3)(d)(i) 90(3)(d)(ii) 90(3)(j)(i) 90(3)(j)(ii) of Local Government Act 1999, that the "Land Acquisitions Port Adelaide" reports, attachments and minutes from the 12 October 2021 Ordinary Council meeting, be kept confidential pursuant to Section 91(7) until formal announcements have been made.

That pursuant to Section 90(2) and 90(3)(d)(i) 90(3)(d)(ii) 90(3)(j)(i) 90(3)(j)(i)(ii) of Local Government Act 1999, that the "Renewal SA Land Transfers" reports, attachments and minutes from the 12 October 2021 Ordinary Council meeting, be kept confidential pursuant to Section 91(7) until formal announcements have been made.

That pursuant to Section 90(2) and 90(3)(b)(i)(ii) of the Local Government Act 1999, that the "Unsolicited Bid Proposal to Purchase Portion of Council Land" reports, attachments and minutes from the 9 August 2022 Ordinary Council meeting, be kept confidential pursuant to Section 91(7) until negotiations have concluded.

That pursuant to Section 90(2) and 90(3)(b)(i)(ii) of the Local Government Act 1999, that the "City of PAE Tip Voucher System" reports, attachments and minutes from the 9 August 2022, be kept confidential pursuant to Section 91(7) until the commercial in confidence information is no longer current.

That pursuant to Section 90(2) and 90(3)(h) of the Local Government Act 1999, that the "Legislative Compliance – Planning Development & Infrastructure Act" report, attachment and minutes from the 21 September 2022 Audit and Risk Committee meeting, be kept confidential pursuant to Section 91(7) for 12 months.

That pursuant to Section 90(2) and 90(3)(e) of the Local Government Act 1999, that the “External Audit 2021-22 – Interim Management Letters” attachment 2 from the 21 September 2022 Audit and Risk Committee meeting, be kept confidential pursuant to Section 91(7) for 12 months.

That pursuant to Section 90(2) and 90(3)(b)(i)(ii) of the Local Government Act 1999, that the “Water Licence Expression of Interest” reports, attachments and minutes from the 11 October 2022, be kept confidential pursuant to Section 91(7) until negotiations have concluded.

Cr. Colombo seconded

CARRIED

14.2.3 Audit and Risk Committee Membership - Elected Member Appointments

Cr. Osborn moved that That Council:

1. Note the report of the Director Corporate Services titled “Audit and Risk Committee Membership - Elected Member Appointments”.
2. Adopts the revised Terms of Reference as per attachment 1.
3. Appoint Cr. Panayiotou to the Audit and Risk Committee expiring on 30 November 2024.
4. Appoint Cr. Vines as proxy to the Audit and Risk Committee expiring on 30 November 2024.

Cr. Martin seconded

CARRIED

15 CHIEF EXECUTIVE OFFICER REPORTS

Nil

16 NOTICE OF MOTION

Nil

17 MOTIONS WITHOUT NOTICE

Pursuant to Section 75 of the Local Government Act, Cr. Osborn declared a material conflict of interest in relation to item 17.1 “Cr. Wotton Motion Without Notice” 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 8:40pm

17.1 - Cr. Wotton moved that:

The Mayor write to the Minister of Infrastructure and Transport, expressing the City of Port Adelaide Enfield's support for the South Australia Public Mooring Pilot Project.

Cr. Vines seconded

CARRIED UNANIMOUSLY

Cr. Osborn returned to the Chamber at 8:45pm

17.2 – Cr. Evans moved that:

The Port Adelaide Enfield Council amend document number CO05 – Code of Practice - Meeting Procedures, Regulation 4 – to include a Public Gallery Conduct Standard. This can be drafted by Administration to include in a future council meeting, to be considered by the Chamber.

Cr. Colombo seconded

CARRIED UNANIMOUSLY

18 ADOPTION OF COMMITTEE REPORTS

Nil

19 CONFIDENTIAL ITEMS

19.1 Meeting to be held in Camera - Section 90(2) and Section 90(3)(b)(i)(ii) - CAWRA 3 Year Business Plan & Long Term Financial Plan

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
- Team Leader Governance
- Executive Assistant to CEO & Director Corporate Services

be excluded from the meeting for the Agenda Item, 19.1 Meeting to be held in Camera - Section 90(2) and Section 90(3)(b)(i)(ii) - CAWRA 3 Year Business Plan & Long Term Financial Plan.

2. The Council is satisfied that pursuant to Section 90(3)(b) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this Agenda Item "CAWRA 3 Year Business Plan & Long Term Financial Plan" 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. Wotton seconded

CARRIED

CONFIDENTIAL

19.2 CAWRA 3 Year Business Plan & Long Term Financial Plan

Confidential meeting procedures commenced at 9:16pm

Cr. Evans moved that Council resolves that:

1. The report of the Director Corporate Services titled "CAWRA 3 Year Business Plan & Long Term Financial Plan" be received and noted.
2. The draft CAWRA 3 Year Business Plan be endorsed (Attachment 1), along with CAWRA's long-term financial plan, financial projections and assumptions, including an extension in CAWRA's approved funding envelope by \$4M to allow for capital upgrades to take place over coming years, as addressed in the long-term financial plan.
3. CAWRA's existing Board structure and composition be retained, and that a process commence to seek suitable candidates to fill the vacant position for an independent CAWRA Board Member to be selected and appointed by the City of Port Adelaide Enfield.

Cr. Martin seconded

CARRIED UNANIMOUSLY

19.3 Confidentiality Order - Section 91(7) Local Government Act 1999 - CAWRA 3 Year Business Plan & Long Term Financial Plan

Cr. Osborn moved that Council resolves that:

1. The report of the Director Corporate Services titled “Confidentiality Order - Section 91(7) Local Government Act 1999 - CAWRA 3 Year Business Plan & Long Term Financial Plan considered in confidence under Section 90(2) and 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
- attachments

in relation to this matter be retained in confidence.

2. Pursuant to Section 91(9)(a) the matter be retained in confidence for 3 years.

Cr. Russell seconded

CARRIED

19.4 Meeting to be held in Camera - Section 90(2) and Section 90(3)(b)(i)(ii) - Unsolicited Proposals

Cr. Panayiotou 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 Strategy and Performance
- Finance Manager
- Manager Strategic Procurement Services
- Active Living Leader
- Team Leader Governance
- Executive Assistant to CEO & Director Corporate Services

be excluded from the meeting for the Agenda Item, 19.4 Meeting to be held in Camera - Section 90(2) and Section 90(3)(b)(i)(ii) - Unsolicited Proposals.

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 “Unsolicited Proposals” 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. Tulloch seconded

CARRIED

CONFIDENTIAL

19.5 Unsolicited Proposals

Pursuant to Section 74 of the Local Government Act, Cr. Colombo declared a general conflict of interest in relation to item 19.5 “Unsolicited Proposals” as the Director of EDP is a former client at a former workplace. Cr. Colombo will deal with the general conflict by remaining in the chamber and exercising her right to vote.

CONFIDENTIAL

19.6 Confidentiality Order - Section 91(7) Local Government Act 1999 - Unsolicited Proposals

Cr. Evans moved that Council resolves that:

1. The report of the Director Corporate Services titled “Confidentiality Order - Section 91(7) Local Government Act 1999 - Unsolicited Proposals considered in confidence under Section 90(2) and 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
- attachments
- minutes

in relation to this matter be retained in confidence.

2. Pursuant to Section 91(9)(a) the matter be retained in confidence until the process is finalised.

Cr. Clayton seconded

CARRIED

20 CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 9:33pm.

Minutes confirmed.

PRESIDING MEMBER