Minutes of the Ordinary Meeting of Council of the City of Prospect held in the Prospect Civic Centre, 128 Prospect Road, Prospect on Tuesday 26 September 2017, at 7:00pm

PRESENT:

Mayor D O’Loughlin
Councillors K Barnett, A De Backer, T Evans, M Groote, A Harris, M Larwood, M Lee and M Standen

C Hart - Chief Executive Officer
N Cunningham - Director Community & Planning
J Tanti - Acting Director Business & Innovation
C Birch - Acting Director Corporate Services
A Cortes - Manager Infrastructure Assets & Environment
C Newby - CLIC Project Lead
J Page - Minute Secretary

ITEM 1: OPENING

Item 1.1 Acknowledgment of the Kaurna people as the traditional custodians of the land

Item 1.2 Council Pledge
We seek wisdom and understanding as we face the duties of our united task, praying for the peace and prosperity of our City.

Item 1.3 Declaration by Members of a Conflict of Interest
Nil.

ITEM 2: ON LEAVE:
Nil.

ITEM 3: APOLOGIES:
Nil.

ITEM 4: CONFIRMATION OF MINUTES:

Cr M Lee moved Cr M Groote seconded

(1) The Minutes of the Ordinary Meeting of Council held on Tuesday 22 August 2017, the Minutes of the Special Council Meeting held on Tuesday 5 September 2017 and the Minutes of the Special Council Meeting held on Tuesday 12 September 2017 be taken as read and confirmed as a true record.

Carried Unanimously 154/17

ITEM 5: MAYOR’S REPORT:

Cr M Groote moved Cr M Lee seconded

(1) The Mayor’s report be received and noted.

Carried Unanimously 155/17
ITEM 6: VERBAL REPORTS FROM COUNCIL REPRESENTATIVES:
Nil.

ITEM 7: PETITIONS:
Nil.

ITEM 8: DEPUTATIONS:
Nil.

ITEM 9: MOTIONS ON NOTICE:

Item 9.1 Cr A De Backer - Traffic Movement in Collinswood
Cr A De Backer moved Cr K Barnett seconded

(1) A report be provided to Council on the traffic conditions in Edwin Avenue and the possibility of introducing new traffic control measures.

Mayor D O’Loughlin sought leave of the meeting, with the consent of the mover and seconder of the Motion to vary the Motion to include additional words “the precinct which contains North East Road, Rutherglen Avenue, Galway Avenue and”.

Leave granted.

The Motion as varied:

(1) A report be provided to Council on the traffic conditions in the precinct which contains North East Road, Rutherglen Avenue, Galway Avenue and Edwin Avenue and the possibility of introducing new traffic control measures.

Carried Unanimously 156/17

Item 9.2 Cr A De Backer - Expression of Interest Process - Redevelopment of Tram Barn
Cr A De Backer moved Cr K Barnett seconded

(1) That the Council endorses the adoption of the following principles when considering the redevelopment of the Prospect Tram Barn:
   1. Honouring and preservation of history as per Prospect Council Development Plan, ‘Heritage Conservation’ (Attachment 1)
   2. Adaptation for community use as per Prospect Council’s Strategic Plan to 2020 (Attachment 2).
   3. Quality design and sustainability as per Prospect Council’s Strategic Plan to 2020 (Attachment 2).
   4. Engagement with City of Prospect residents as per Prospect Council’s Strategic Plan to 2020 (Attachment 2).

(2) That the invitations of expressions of interest for the sale of 82 Johns Road and 218 Main North Road, Prospect, incorporating the Tram Barn, include the above four points.

(3) That the Project Executive Group meetings continue and be accessible to Elected Members.

(4) An appropriate governance process is established for consideration of the expression of interest which provides the opportunity for Elected Member participation.
(5) Council notes that any future sale or lease of 82 Johns Road and 218 Main North Road, Prospect will require a Council resolution following consideration of the preferred tenderers.

Mayor D O’Loughlin sought leave of the meeting, with the consent of the mover and seconder of the Motion to vary the Motion to include additional words to (1) Part 2 “or benefit”.

Leave granted.

The Motion as varied:

(1) That the Council endorses the adoption of the following principles when considering the redevelopment of the Prospect Tram Barn:

2. Adaptation for community use or benefit as per Prospect Council’s Strategic Plan to 2020 (Attachment 2).
3. Quality design and sustainability as per Prospect Council’s Strategic Plan to 2020 (Attachment 2).
4. Engagement with City of Prospect residents as per Prospect Council’s Strategic Plan to 2020 (Attachment 2).

Carried 157/17

(2) That the invitations of expressions of interest for the sale of 82 Johns Road and 218 Main North Road, Prospect, incorporating the Tram Barn, include the above four points.

Carried 158/17

(3) That the Project Executive Group meetings continue and be accessible to Elected Members.

Carried Unanimously 159/17

(4) An appropriate governance process is established for consideration of the expression of interest which provides the opportunity for Elected Member participation.

Carried 160/17

(5) Council notes that any future sale or lease of 82 Johns Road and 218 Main North Road, Prospect will require a Council resolution following consideration of the preferred tenderers.

Carried Unanimously 161/17

ITEM 10: QUESTIONS WITH NOTICE:

Nil.

ITEM 11: QUESTIONS WITHOUT NOTICE:

Nil.
ITEM 12: PROTOCOL:

As per Council’s protocol, only those items reserved by members will be debated.

The following items were reserved:

- Mayor D O’Loughlin reserved item 15.2
- Cr A Harris reserved item 18.1
- Mayor D O’Loughlin reserved item 19.2
- Cr A De Backer reserved item 19.3
- Cr A De Backer reserved item 19.6
- Cr M Groote reserved item 19.9
- Cr M Groote reserved item 19.10
- Cr A Harris reserved item 19.12

Recommendations adopted en bloc:

Cr M Lee moved Cr A Harris seconded


Item 15.1 Project Update - Community Hub, Library & Innovation Centre (CLIC)

Cr M Lee moved Cr A Harris seconded

(1) Council having considered Item 15.1 Project Update - Community Hub, Library & Innovation Centre receives and notes the progress update for the Community Hub, Library and Innovation Centre for the period 22 August 2017 until 26 September 2017.

Carried Unanimously 162/17

Item 18.2 Community Engagement Charter 2017 - Discussion Draft (Stage 1)

Cr M Lee moved Cr A Harris seconded

(1) Council having considered Item 18.2 Community Engagement Charter 2017 - Discussion Draft (Stage 1) receives and notes the Report.

(2) Council acknowledges and supports the Eastern Region Alliance is making a submission to the Commission on the Draft Discussion Paper as outlined in the discussion of this report.

(3) Council provides a submission to the Commission on the issues as outlined in the discussion of this report, should the Eastern Region Alliance not prepare a separate submission.

Carried Unanimously 163/17
Item 19.1 Appointment of Director – Eastern Waste Management Authority Board of Management

Cr M Lee moved Cr A Harris seconded

(1) The Council having considered Item 19.1 Appointment of Director - Eastern Waste Management Authority Board of Management receive and note the report.

(2) The Council appoint Chief Executive Officer as Director to the Board of Management for a two year period in accordance with Clause 21.1.1 of the Charter;

(3) The Council appoint the Director Infrastructure & Environment as Deputy Director to the Board of Management for a two year period in accordance with Clause 21.4 of the Charter;

(4) The Council accept the Charter of the Eastern Waste Management Authority as presented in Attachments 1-16.

Carried Unanimously 164/17

Item 19.4 Office Closure – Christmas Period 2017/2018

Cr M Lee moved Cr A Harris seconded

(1) Council having considered Item 19.4 Office Closure – Christmas Period 2017/2018 receives and notes the report.

Carried Unanimously 165/17

Item 19.5 Draft General Purpose Financial Statements as at 30 June 2017

Cr M Lee moved Cr A Harris seconded

(1) Council having considered Item 19.5 Draft General Purpose Financial Statements as at 30 June 2017, authorise the Mayor and Chief Executive Officer to sign the Financial Statements for the year ending 30 June 2017 following the completion of the External Audit.

Carried Unanimously 166/17

Item 19.7 Use of Common Seal – Funding Deed Alexandra Street Road Reconstruction

Cr M Lee moved Cr A Harris seconded

(1) Council having considered Item 19.7 Use of Common Seal - Funding Deed Alexandra Street Road Reconstruction, that pursuant to Section 38(2) Local Government Act 1999 resolve to affix the common seal for the execution of the State Local Government Infrastructure Partnership Funding deed (as presented in Attachments 1-23).

Carried Unanimously 167/17
**Item 19.8 Discretionary Rate Rebate - Village Heart Marketing Fund**

Cr M Lee moved Cr A Harris seconded

(1) Council having considered Item 19.8 Discretionary Rate Rebate - Village Heart Marketing Fund:

1. Council decline the application for assessment 189332 to receive a discretionary rebate for their Village Heart Marketing Fund.

2. Council and pursuant to the *Local Government Act 1999* Section 166 subsequently provide a rebate to the same Ratepayers for their assessment 189647 of $99.00 for the separate levied on this property.

*Carried Unanimously 168/17*

**Item 19.11 Review of Waste Tender**

Cr M Lee moved Cr A Harris seconded

(1) Council having considered Item 19.11 Review of Waste Tender notes the report and acknowledges the investigation and findings as presented by the Chief Executive Officer.

(2) Council endorses the improved processes identified and implemented by the Chief Executive Officer.

*Carried Unanimously 169/17*

**ITEM 13: REPORT OF COMMITTEES**

Nil.

**ITEM 14: COUNCIL REPORTS**

Nil.

**ITEM 15: COUNCIL REPORTS - Core Strategy 1 - Our Community**

**Item 15.2 Fund My Neighbourhood Grant Program - First Stage Idea Submissions**

The Mayor sought leave of the meeting to suspend meeting proceedings to discuss Item 15.2 on the Agenda until 8.30pm.

Leave granted.

Meeting proceedings suspended at 8.02pm.

Meeting proceedings resumed at 8.30pm.

The Mayor sought leave of the meeting to suspend meeting proceedings to discuss Item 15.2 on the Agenda until 8.45pm.

Leave granted.

Meeting proceedings suspended at 8.30pm.
Cr M Larwood left the meeting at 8.31pm.

Cr M Larwood re-entered the meeting at 8.33pm.

Cr A Harris left the meeting at 8.39pm.

Meeting proceedings resumed at 8.39pm.

Cr A Harris re-entered the meeting at 8.41pm.

Mayor D O’Loughlin sought leave of the meeting to suspend meeting proceedings to take a short break until 8.55pm.

Leave granted.

Meeting proceedings were suspended at 8.40pm.

Meeting proceedings resumed at 8.52pm.

Cr K Barnett moved Cr M Larwood seconded

(1) Council having considered Item 15.2 Fund My Neighbourhood Grant Program – First Stage Idea Submissions endorse and provide a response to the State Government that:

1. Council is willing to support the following projects as nominated by the community, subject to the allocated amounts being applied to each project:
   - Mawson Street Playground Upgrade $200,000
   - Picnic Table Sunshade $35,000
   - Prospect Nesting Boxes $5,000
   - Prospect Dog Parks $50,000-$80,000
   - Broadview Community Hub $65,000

2. Council is not able to support the following projects as currently nominated by the community:
   - St Helens Park Fence
   - Irish Harp Park East
   - Improve Myrtle Street Prospect SA
   - Doggy Park

Carried Unanimously 170/17

ITEM 16: COUNCIL REPORTS - Core Strategy 2 - Our Economy

Nil.

ITEM 17: COUNCIL REPORTS - Core Strategy 3 - Our Environment

Nil.
ITEM 18: COUNCIL REPORTS – Core Strategy 4 – Our Character

Item 18.1 Development and Public Realm Compliance Options

Cr A Harris moved Cr K Barnett seconded

Cr M Groote left the meeting at 9.02pm.

Cr M Groote re-entered the meeting at 9.05pm.

(1) Council, having considered Item 18.1 Development and Public Realm Compliance Options, endorse the development of a Development and Public Realm Compliance Policy which will incorporate a targeted compliance approach.

Carried Unanimously 171/17

ITEM 19: COUNCIL REPORTS – Core Strategy 5 – Your Council

Item 19.2 Local Government Association – Annual General Meeting 2017 – Notices of Motion

The Mayor sought leave of the meeting to suspend meeting proceedings to discuss Item 19.2 on the agenda until 9.45pm.

Leave granted.

Meeting proceedings were suspended at 9.23pm.

Meeting proceedings resumed at 9.45pm.

Cr M Groote moved Cr M Lee seconded

(1) Council having considered Item 19.2 Local Government Association – Annual General Meeting 2017 – Notices of Motion, endorse the following motions (subject to minor amendments) be sent to the Local Government Association for consideration of inclusion in the agenda for the Annual General Meeting to be held on 16 November 2017:

1. “That the Annual General Meeting requests the Local Government Association to liaise with the Attorney General for the establishment of a procedural guideline in relation to the use of Council community facilities within Parenting Orders for child visitation. The guideline should include the requirement for notification to Council through discussion between courts / court officers and an appropriate delegated officer managing the council facility.”

2. “That the Annual General Meeting requests the Local Government Association to liaise with essential service providers to establish an agreed policy on reinstating public infrastructure to the satisfaction of councils after completion of works and remediation improvements.”

3. “That the Annual General Meeting requests the Local Government Association to seek interest from the Local Government sector in:
   - Establishing common formats for collecting data
   - The LGA collating and sharing such data
   - Ensuring the data is available to the public in a user friendly format.”

Carried Unanimously 172/17
Item 19.6  Civic Centre and Depot Transitional Arrangements

Cr M Groote moved Cr T Evans seconded

(1) The Council having considered Item 19.12 Civic Centre and Depot Transitional Arrangements receive and note the report.

(2) The Council authorises the Chief Executive Officer to enter into lease negotiations with the Town of Walkerville for use of their Depot Site at 42 Fuller Street, Walkerville for Council’s administrative and depot operations.

(3) The Council endorse the timely temporary relocation of staff from the Prospect Road Civic Centre and the Johns Road Depot to the Prospect Town Hall (Irish Harp Room and Foyer) subject to practicalities associated with the detailed design, Thomas Street Centre and Walkerville Depot.

Carried Unanimously 173/17

Item 19.9  Discretionary Rate Rebate - General Rates

Cr M Groote moved Cr M Lee seconded

(1) Pursuant to Local Government Act 1999 Section 166, Council having considered their eligibility provide a 100% discretionary rebate for the 2017-2018 rating year to the 2nd Prospect Sea Scouts (assessment 161463).

(2) Pursuant to Local Government Act 1999 Section 166, Council having considered their eligibility provide a 100% discretionary rebate for the 2017-2018 rating year to the RSL Club (assessment 161463).

Carried Unanimously 174/17

Item 19.10  93 Charles Street Prospect

Cr M Lee moved Cr A De Backer seconded

(1) Council having considered Item 19.10 93 Charles Street Prospect endorse the demolition of the existing dwelling and ancillary buildings on the site.

Carried Unanimously 175/17

Late Item 19.12  Rose Street Public Realm Upgrade

Cr M Lee left the meeting at 10.15pm.

Cr A Harris moved Cr K Barnett seconded

Cr M Lee re-entered the meeting at 10.17pm.

(1) Council having considered Item 19.12 Rose Street Public Realm Upgrade receive and note the report.

(2) Council commits to finalising the Partnership Agreement with the Maras Group based on a funding model of 1/3rd equal funding by Council, the State Government and the Maras Group.

(3) Council notes the amendment to the footpath design for the Prospect Road frontage.

Carried Unanimously 176/17
ITEM 20: COUNCIL DIARY:

Mayor D O’Loughlin brought Members’ attention to forthcoming diary dates.

ITEM 21: GENERAL BUSINESS:

Elected Members raised matters of a minor nature for action by the Administration.

Item 21.1 Letter of congratulations to Eagles Lacrosse Club

Cr M Standen moved Cr K Barnett seconded

(1) The Mayor to write a letter of congratulations for the event held at the Charles Cane Reserve / Parndo Yerta on the 23 September 2017 by the Eagles Lacrosse Club.

Carried Unanimously 177/17

Item 21.2 Waste Management Services in Myrtle and Rose Streets

Cr K Barnett moved Cr M Standen seconded

(1) To investigate and report on potential improvements to the waste management services in the common carpark between Myrtle Street and Rose Street.

Carried Unanimously 178/17

As the time was approaching 10.30pm the Mayor sought to extend the meeting until 11.00pm.

Cr K Barnett moved Cr M Groote seconded

(1) That the meeting time be extended until 11.00pm.

Carried Unanimously 179/17

ITEM 22: GENERAL BUSINESS – URGENT MATTERS:

Item 22.1 St George’s Nursing Home 13-14 Fitzroy Terrace Fitzroy

Cr K Barnett moved Cr M Groote seconded

(1) That Prospect Council urgently contacts the South Australian State Government Planning Minister, John Rau, the Premier Jay Weatherill, as well as the Opposition Planning Minister and Opposition Leader Steven Marshall, objecting to the State Government’s position on Major Development as declared in the Government Gazette on 19 April 2017 regarding the Planning Minister’s new interpretation for Aged Care Facilities and Retirement Villages in excess of $20 Million in value.

(2) Further, Council draws the attention of the above recipients to the fact that a Proposed Aged Care Facility was previously refused by Council’s Development Assessment Panel at 13-14 Fitzroy Terrace, Fitzroy due to its scale and impact on the locality.

(3) Council is concerned that the applicants may have amended the proposed development value to now be in excess of $20 Million (whereas previously the value of proposals on the site ranged from $9 Million - $12 Million) in order to attempt to trigger the Major Project status.

(4) Should a proposal at the above address be declared a Major Project, Council encourages the State to run a process inclusive of the Prospect Community where Council would be happy to facilitate a public information session within City of Prospect (recognising that Major Development has a required public consultation component).

Carried Unanimously 180/17
ITEM 23: CONFIDENTIAL ITEMS:

Item 23.1  Sale of 132-134 Prospect Road, Prospect
Cr M Groote moved Cr M Standen seconded

(1) Order pursuant to section 90(3)(b)

That under the provisions of Section 90(2) of the Local Government Act 1999, an order be made that the public with the exception of the Cate Hart, Chief Executive Officer; Nathan Cunningham, Director Community and Planning; Chris Birch, Acting Director Corporate Services; Jo-Ann Tanti, Acting Director Business & Innovation; Chris Newby, CLIC Project Lead, Alex Cortes, Manager Infrastructure, Assets & Environment and Jasmyn Page, Executive Assistant be excluded from attendance at the meeting of the Ordinary Council Meeting in order to consider in confidence Agenda Item 23.1 titled “Sale of 132-134 Prospect Road, Prospect”.

The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting:

• on the grounds provided by Section 90(3)(b) of the Act, information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and would prejudice the commercial position of the Council.

• the disclosure of this information would, on balance, be contrary to the public interest. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information within the report and attachments will potentially impact the capacity of Council to negotiate or enter into a contract that will obtain the best outcome for the community.

Carried Unanimously  181/17

The Mayor sought leave of the meeting to suspend meeting proceedings to discuss Item 23.1 on the Agenda until 10.55pm.

Leave Granted.

Meeting proceedings were suspended at 10.40pm.

Meeting proceedings resumed at 10.55pm.
Item 23.1  Sale of 132-134 Prospect Road, Prospect (continued)

Cr M Groote moved  Cr M Larwood seconded

(2) This item was dealt with “in confidence”.

(3) This item was dealt with “in confidence”.

(4) This item was dealt with “in confidence”.

(5) This item was dealt with “in confidence”.

Carried Unanimously 182/17

Cr M Groote moved Cr M Lee seconded

(6) Order Pursuant to section 91(7)

That in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item 23.1 for the Ordinary Council Meeting held on 26 September 2017 was received, discussed and considered in confidence pursuant to Section 90(3)(b) of the Local Government Act 1999, this meeting of the Council, orders that the report titled “Sale of 132-134 Prospect Road, Prospect”, attachments and the minutes of this meeting in relation to the matter be retained in confidence and not available for public inspection for a period of 12 months or until the contract has been signed and that this order be reviewed every 12 months.

Carried Unanimously 183/17

The meeting closed at 11.00pm.

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Mayor D O'Loughlin
24 October 2017