Minutes of the Ordinary Meeting of Council of the City of Prospect held in the Prospect Civic Centre, 128 Prospect Road, Prospect on Tuesday 23 May 2017, at 7:00pm

PRESENT: Subject to Confirmation

Deputy Mayor Mark Groote
Councillors K Barnett, A De Backer, T Evans, A Harris, M Larwood, M Lee and M Standen

C Hart	-	Chief Executive Officer
C Hannaford	-	Director Business & Innovation
C Birch	-	Acting Director Corporate Services
C Newby	-	Manager Development Services
J Tanti	-	Manager Governance & Administration
A Cortes	-	Manager Infrastructure, Assets & Environment
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:

Mayor D O'Loughlin.

ITEM 3: APOLOGIES:

Nil.

ITEM 4: CONFIRMATION OF MINUTES:

Cr M Lee moved Cr A Harris seconded

(1) The Minutes of the Ordinary Meeting of Council held on Tuesday 18 April 2017 and the Special Council Meeting held on Tuesday 9 May 2017 be taken as read and confirmed as a true record.

Carried Unanimously 68/17

ITEM 5: MAYOR'S REPORT:

Cr K Barnett moved Cr M Lee seconded

(1) The Mayoral and Deputy Mayor Monthly Report be received and noted.

Carried Unanimously 69/17

ITEM 6: VERBAL REPORTS FROM COUNCIL REPRESENTATIVES:

Nil.

ITEM 7: PETITIONS:

Subject to Confirmation

Nil.

ITEM 8: DEPUTATIONS:

Nil.

ITEM 9: MOTIONS ON NOTICE:

Item 9.1 Councillor Alison De Backer – Development Application Compliance Policy

Cr A De Backer moved Cr A Harris seconded

(1) That Council Administration investigate the benefits of establishing a 'Development Application Compliance Policy', including service levels and resourcing implications for council consideration no later than September 2017.

Carried Unanimously 70/17

ITEM 10: QUESTIONS WITH NOTICE:

Nil.

ITEM 11: QUESTIONS WITHOUT NOTICE:

Questions asked by Elected Members were responded to by Deputy Mayor M Groote and staff.

ITEM 12: PROTOCOL:

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

The following items were reserved:

Cr A Harris reserved item 13.1
Deputy Mayor M Groote reserved item 14.1
Deputy Mayor M Groote reserved item 15.3
Deputy Mayor M Groote reserved item 16.1
Cr M Larwood reserved item 16.2
Cr M Larwood reserved item 16.3
Cr A De Backer reserved item 19.3
Deputy Mayor M Groote reserved item 19.4
Cr A Harris reserved item 19.6
Cr T Evans reserved item 19.8

Recommendations adopted en bloc:

Cr K Barnett moved Cr M Lee seconded

(1) The remaining items, namely items 13.2, 14.2, 15.1, 15.2, 19.1, 19.2, 19.5, 19.7 and 19.9 be adopted.

Item 13.2 Minutes of the Audit Committee Meeting held on 27 April 2017

Cr K Barnett moved Cr M Lee seconded

(1) The Minutes of the Audit Committee Meeting held on Thursday 27 April 2017 be received and noted as provided in Attachments 1-4.

Subject to Confirmation

Carried Unanimously 71/17

Item 14.2 Appointment of Acting Chief Executive Officer

Cr K Barnett moved Cr M Lee seconded

(1) Council receives and notes the Appointment of Acting Chief Executive Officer report.

Carried Unanimously 72/17

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

Cr K Barnett moved Cr M Lee seconded

(1) Council receives and notes the progress update for the Community Hub, Library and Innovation Centre (CLIC) for the period 18 April 2017 until 23 May 2017.

(2) Council receives and notes the Project Executive Group (PEG) Actions List (as presented in Attachment 1).

Carried Unanimously 73/17

Item 15.2 City of Prospect Art Collection Management Policy

Cr K Barnett moved Cr M Lee seconded

(1) The City of Prospect Art Collection Management Policy (as presented in Attachments 1-9) is adopted by Council.

(2) The works of art currently identified as 'City of Prospect Art Collection' and 'Civic Museum Collection' (as presented in Attachments 10-19) be formally accessioned into the Prospect Art Collection in accordance with Item 6. of the City of Prospect Art Collection Management Policy.

(3) The works of art (as presented in Attachments 20) and identified as 'De-accession and Dispose' be formally de-accessioned and disposed of from the City of Prospect Art Collection and asset register in accordance with Item 13.7 of the City of Prospect Art Collection Management Policy.

Carried Unanimously 74/17

Item 19.1 Quarterly Legislative Delegations Review May 2017

Cr K Barnett moved Cr M Lee seconded

(1) That Council makes the following amendments to the Delegations Register:

1. **Revocations**

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

1.1.1 *Freedom of Information Act 1991*

1.1.2 *Local Government Act 1999*

1.1.3 *Local Nuisance and Litter Control Act 2016*

1.2 Hereby revokes its previous delegations to its Development Assessment Panel under the *Development Act 1993* and *Development Regulations 2008.*

Subject to Confirmation

2. **Delegations made under Local Government Act 1999**

2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Act and specified in the proposed Instrument of Delegation contained in Appendix 7, 11 and 12 are hereby delegated this 23rd day of May 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

Freedom of Information Act 1991 (Appendix 7)

Local Government Act 1999 (Appendix 11)

Local Nuisance and Litter Control Act 2016 and *Local Nuisance and Litter Control Regulations 2017* (Appendix 12)

2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

3. **Delegations made under Development Act 1993**

3.1 In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* and *Development Regulations 2008* contained in the proposed Instrument of Delegation (attached to the report dated 23 May 2017 and entitled Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008 and marked Appendix 3) are hereby delegated this 23rd Day of May 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

3.3 In exercise of the powers contained in Section 20 and 34(23) of the *Development Act 1993* the powers and functions under the *Development Act 1993* and the *Development Regulations 2008* contained in the proposed Instrument of Delegation (attached to the report dated 23 May 2017 and entitled Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008 and marked Appendix 3) and which are specified below are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

10.1.1, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.2, 12.1, 12.2, 12.3, 12.4, 12.5, 14.1.1, 14.1.2, 14.2, 15.1, 15.2, 16.1, 16.2, 16.3.1, 16.3.2, 16.4, 17.2.1.1, 17.2.1.2, 17.2.2.1, 17.2.2.2, 17.2.3, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11, 18.1.1, 18.1.2, 18.1.3, 18.1.4, 18.1.5, 18.2, 18.3.3, 18.3.4, 18.4.1, 18.4.2, 18.5, 18.6, 18.7, 18.10, 18.11, 18.12, 18.15, 18.16, 19.1, 19.2, 20.1, 21.1, 21.2, 21.3, 21.4, 22.1, 23.1, 23.2, 23.3, 24.1, 24.2, 24.3, 25.1, 25.2, 25.3, 26.1.1, 26.1.2, 26.1.3, 26.2, 26.3, 26.4, 26.5, 26.6, 27.3, 27.4,

27.5, 29.1, 30.1, 31.1, 31.2, 31.3, 31.4, 31.5.1, 31.5.2, 37A.1, 37A.2, 37A.3, 39.1, 39.2.1, 39.2.2, 39.6, 59.1, 59.2, 59.3, 59.4, 62.1, 62.2, 65.1, 69.1, 69.2, 70.3, 71.1, 74.1.1, 74.1.2, 74.2, 76.1, 77.1, 77.2, 78.1, 80.1, 81.1, 81A.1, 83.1, 83.2, 84.1, 85.1, 85.2, 85.3, 86.1, 111.1.1, 111.1.2, 111.1.3, 111.1.4, 112.1, 114.1, 118.1, 118.2, 118.3.1, 118.3.2, 118.4.1, 118.4.2, 118.5, 118.6.1, 118.6.2, 118.6.3, 118.7.1, 118.7.2

Subject to Confirmation

Carried Unanimously 75/17

Item 19.2 2017/2018 Dog Registration Fees

Cr K Barnett moved Cr M Lee seconded

(1) Council having considered Item 19.2 2017/2018 Dog Registration Fees formally endorse the fees, rebates and concessions as set out in Attachment 1-2.

(2) Upon endorsement of the dog registration fees, rebates and concessions, Council's fees and charges register be updated accordingly.

Carried Unanimously 76/17

Item 19.5 Revocation of Community Land status – 218 Main North Road

Cr K Barnett moved Cr M Lee seconded

(1) That Council resolves to proceed with the lodgement of an application to the Minister for State/ Local Government Relations for revocation of the community land status associated with 218 Main North Rd, Prospect; and

(2) That Council acknowledges the purpose of revocation of community land status at 218 Main North Road, Prospect is to allow the sale or redevelopment of the site in the interest of generating funds for the new Community Hub Library and Innovation Centre project.

Carried Unanimously 77/17

Item 19.7 Eastern Health Authority Annual Business Plan

Cr K Barnett moved Cr M Lee seconded

(1) The draft Eastern Health Authority Annual Business Plan and Budgeted Financial Statements for 2017/18 provided as Attachments 1-42 of this report is endorsed.

(2) Chief Executive Officer to write to the Eastern Health Authority advising of Council's decision to endorse their draft Annual Business Plan for 2017/18 for final adoption by the Eastern Health Authority Board of Management.

Carried Unanimously 78/17

Item 19.9 Appointment of Independent Member – Audit Committee

Cr K Barnett moved Cr M Lee seconded

(1) That the Council reappoint David Moffatt as independent member of the Audit Committee for a three year term expiring 31 March 2020.

Carried Unanimously 79/17

ITEM 13: REPORT OF COMMITTEES

Item 13.1 Minutes of the Chief Executive Officer Performance Development Review Committee Meeting held on 19 April 2017

Subject to Confirmation

Cr A Harris moved Cr M Lee seconded

(1) The Minutes of the Chief Executive Officer Performance Development Review Committee Meeting held on Wednesday 19 April 2017 be received and the following be adopted:

1. Council notes Item 4.1 Chief Executive Officer Key Performance Indicators Review Progress Report 2016/2017:

1.1 The report and attachments to the Chief Executive Officer Performance Development Review Committee held on Wednesday 19 April 2017 be received and noted with a request to update the documentation for Council's consideration (as presented in Attachments 3-16).

1.2 Council notes the next review of the Chief Executive Officer Performance will be in October 2017.

1.3 Council adopts the Key Performance Indicators as recommended by the Chief Executive Officer Performance Development Review Committee for the 2017/2018 financial year (as presented in Attachment 17).

Carried Unanimously 80/17

ITEM 14: COUNCIL REPORTS

Item 14.1 2016-2017 Capital and Operating Projects Progress Report

Cr A Harris moved Cr M Lee seconded

(1) Council notes the 2016-2017 Capital Projects and Operating Projects Progress Report as per Attachments 1-7.

Carried Unanimously 81/17

ITEM 15: COUNCIL REPORTS – Core Strategy 1 – Our Community

Item 15.3 Future of Prospect Arts Action Network and City Wide Public Art Advisory Board

Deputy Mayor M Groote called for nominations for the City Wide Public Art Roundtable.

Cr A De Backer nominated herself.

Deputy Mayor M Groote called for nominations for the Prospect Arts Action Network.

Cr A Harris nominated himself.

Cr K Barnett nominated herself.

Cr M Standen moved Cr T Evans seconded

(1) The City Wide Public Art Advisory Board be renamed City Wide Public Art Roundtable (CWPAR) to reflect its interactive discussion focus and role.

Subject to Confirmation

(2) The updated City Wide Public Art Roundtable (CWPAR) Terms of Reference (provided as Attachment 8-9), which acknowledges participation and makes administrative updates to reflect the new Strategic Plan to 2020, be endorsed.

(3) That Mayor David O'Loughlin and Cr A De Backer have expressed an interest in participating in City Wide Public Art Roundtable.

(4) The updated Prospect Arts Action Network (PAAN) Terms of Reference (provided as Attachments 1-7), which acknowledges participation and makes administrative updates to reflect the new Strategic Plan to 2020, be endorsed.

(5) That Cr A Harris and Cr K Barnett have expressed an interest in participating in Prospect Arts Action Network.

Carried Unanimously 82/17

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

Item 16.1 Urban Design Awards

Deputy Mayor M Groote called for nominations.

Cr M Lee nominated herself.

Cr M Larwood nominated Cr A De Backer. Cr A De Backer accepted the nomination.

Cr K Barnett nominated herself.

Cr A Harris moved Cr M Larwood seconded

(1) Council having considered Item 16.1 Urban Design Awards receive and note the report.

(2) Council to nominate Mayor O'Loughlin and appoint Cr M Lee, Cr A De Backer and Cr K Barnett to be on the judging panel.

Carried Unanimously 83/17

Item 16.2 Business Incubator Proposal

Cr M Larwood moved Cr K Barnett seconded

(1) That City of Prospect apply for funding for Business Incubator project under the Commonwealth's, $23 million Incubator Support Initiative.

Subject to Confirmation

(2) That the Chief Executive Officer is authorised to sign the funding application on behalf of City of Prospect. That a funding commitment of up to $100,000 is provided to this project subject to endorsement of the 2017/18 budget.

(3) That Council support in principle the delivery of this project through a management structure that includes Eastside Business Enterprise Centre, a coworking management agency, Eastern Regional Alliance of Councils and the University of Adelaide.

(4) That the Intelligent Communities Forum (ICF) best practice approach of linking business, research institutions and government is integral to the development of the proposed business incubator.

Carried Unanimously 84/17

Item 16.3 Smart Cities Funding and Memorandum of Understanding with University of Adelaide

Cr M Larwood moved Cr T Evans seconded

(1) That City of Prospect apply for funding for the Connected Places project under the Commonwealth's, $50 million Smart Cities and Suburb Program. That the application is a joint funding initiative with the University of Adelaide and City of Port Adelaide Enfield and other Councils who nominate and provide funding commitments.

(2) That the Chief Executive Officer is authorised to sign the funding application on behalf of City of Prospect. That a funding commitment of up to $35,000 is provided to this project subject to endorsement of the 2017/18 budget.

(3) That a Memorandum of Understanding (MoU) with the University of Adelaide as in Attachment 1-5 is approved to further develop Smart City Initiatives.

(4) That the Chief Executive Officer is authorised to sign the MoU with the University of Adelaide on behalf of City of Prospect and make minor alterations as suggested by the Board of the University of Adelaide or its officers.

(5) That the Memorandum of Understanding (MoU) with the University of Adelaide makes reference to the Intelligent Communities Forum (ICF) best practice approach of linking business, research institutions and government to achieve greater economic, environmental and social outcomes.

Carried Unanimously 85/17

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

Nil.

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

Nil.

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

Item 19.3 R.L. Pash Reserve – Extinguishment of Right of Way

Cr A De Backer moved Cr A Harris seconded

Subject to Confirmation

(1) Council delegates to the Chief Executive Officer (who may sub-delegate to Director Infrastructure, Assets and Environment) the power to consent to the discharge of the Right(s) of Way over the land marked 'A' in Road Plan 8471, in relation to Certificate of Title Volume 5895 Folio 253.

(2) Council delegates to the Chief Executive Officer (who may sub-delegate to Director Infrastructure, Assets and Environment) to exercise any power necessary to extinguish the Right(s) of Way over the land marked 'A' in Road Plan 8471, or to discharge the same Right(s) of Way in relation to all affected Certificates of Title, as required.

Carried Unanimously 86/17

Item 19.4 Membership of Chief Executive Officer Performance Development Review Committee

Deputy Mayor M Groote called for nominations.

Cr A Harris nominated himself.

Cr M Lee nominated Cr M Larwood. Cr Larwood accepted the nomination.

Cr K Barnett moved Cr T Evans seconded

(1) That the Council appoint Cr A Harris and Cr M Larwood to the Chief Executive Officer Performance Development Review Committee for a term of two years expiring on 31 October 2018.

Carried Unanimously 87/17

Item 19.6 Third Budget Review 2016-2017

Cr A Harris moved Cr T Evans seconded

(1) Council approves the Third Budget Review adjustments for the nine month period to 31 March 2017.

(2) Council approves the revised projected operating deficit (before capital amounts) of $366,298, a projected net deficit (total comprehensive income amounts) of $126,568, and a projected Net Borrowing position of $2,562,540.

Carried Unanimously 88/17

Item 19.8 Eastern Health Authority Third Budget Review 2016 - 2017

Cr T Evans moved Cr K Barnett seconded

(1) The request from Eastern Health Authority Inc for budget amendments as a result of their Third Budget Review 2016-2017 be approved.

Carried Unanimously 89/17

ITEM 20: COUNCIL DIARY:

Deputy Mayor M Groote brought Members' attention to forthcoming diary dates noting that the Prospect Eco Markets will be held on Saturday 1 July 2017 at 9am.

Subject to Confirmation

ITEM 21: GENERAL BUSINESS:

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

Item 21.1 Letter of Congratulations to Eleni Glouftsis

Cr A Harris moved Cr K Barnett seconded

(1) That the council send a letter of congratulations to Eleni Glouftsis on umpiring her first AFL Game on Sunday 21 May 2017 as a field umpire.

Carried Unanimously 90/17

ITEM 22: GENERAL BUSINESS – URGENT MATTERS:

Nil.

ITEM 23: CONFIDENTIAL ITEMS:

Item 23.1 Strategic Property Acquisition - Prospect

Cr A De Backer moved Cr K Barnett seconded

(1) 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 Chief Executive Officer, Acting Director Corporate Services, Manager Infrastructure, Assets and Environment, and the Minute Secretary, be excluded from attendance at the meeting of the Council in order to consider in confidence Agenda Item 23.1 Strategic Property Acquisition - 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 91/17

Deputy Mayor M Groote sought leave of the meeting to suspend meeting procedures to discuss Item 23.1 on the agenda until 8.38pm.

Leave Granted.

Meeting procedures were suspended at 8.18pm.

Meeting procedures resumed at 8.38pm.

Deputy Mayor M Groote sought leave of the meeting to suspend meeting procedures to discuss item 23.1 on the agenda until 8.58pm.

Subject to Confirmation

Leave granted.

Meeting procedures were suspended at 8.38pm.

Meeting procedures resumed at 8.58pm.

Deputy Mayor M Groote sought leave of the meeting to suspend meeting procedures to discuss item 23.1 on the agenda until 9.18pm.

Leave granted.

Meeting procedures were suspended at 8.58pm.

Meeting procedures resumed at 9.11pm.

Cr M Lee moved Cr T Evans seconded

(2) This Item was dealt with “in Confidence”.

(3) 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 meeting of the Council held on 23 May 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, does order that the agenda item, report and attachments and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential 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 92/17

The meeting closed at 9.17pm.

Subject to Confirmation

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Deputy Mayor M Groote
27 June 2017