

AGENDA

Ordinary Council Meeting Tuesday, 12 December 2023

Members of the public are advised that meetings of Council are live streamed on Council's YouTube Channel and video recorded.

**I hereby give notice that an Ordinary Meeting of Council will be held
on:**

Date: Tuesday, 12 December 2023

Time: 6pm

**Location: Tirkanthi Kuu Room
Level 1 at Payinthe
128 Prospect Road
Prospect**

**Chris White
Chief Executive Officer**

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1 OPENING

1.1 ACKNOWLEDGMENT OF THE KAURNA PEOPLE AS THE TRADITIONAL CUSTODIANS OF THE LAND

‘CITY OF PROSPECT ACKNOWLEDGES THAT WE ARE ON THE TRADITIONAL COUNTRY OF THE KAURNA PEOPLE OF THE ADELAIDE PLAINS REGION AND WE PAY OUR RESPECT TO ELDERS PAST AND PRESENT.

WE RECOGNISE AND RESPECT THEIR CULTURAL HERITAGE, BELIEFS AND RELATIONSHIPS WITH THE LAND AND WE ACKNOWLEDGE THAT THEY ARE OF CONTINUING IMPORTANCE TO THE KAURNA PEOPLE LIVING TODAY.’

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.

2 ON LEAVE

3 APOLOGIES

4 DECLARATION BY MEMBERS OF CONFLICT OF INTEREST

5 CONFIRMATION OF MINUTES

Ordinary Council Meeting - 28 November 2023

6 PUBLIC QUESTION TIME

7 PETITIONS

Nil

8 DEPUTATIONS

8.1 [Insert speaker name](#) / [Insert topic](#)

9 QUESTIONS WITHOUT NOTICE

10 REPORTS FOR DECISION

10.1 OVINGHAM POCKET PARK - CONCEPT DESIGN AND ENGAGEMENT SUMMARY

File Number: IC23/288

Author: Sam Wellington, Senior Project Manager

Responsible Executive: Sam Dilena, Director City Works & Presentation

EXECUTIVE SUMMARY

Earlier this year, the Ovingham Level Crossing Removal project was completed and officially opened to the public. This \$196m project was jointly funded by the Australian and South Australian Governments, and involved the removal of the existing level cross, the upgrade of the Ovingham train station and creation of new open public spaces.

As part of this project, the contractor was utilising a portion of land, approximately 3,200 sqm, located on Churchill Road, at the rear of 5-17 Devonport Terrace, as a compound space during construction of the project. Following completion of the project, this land was deemed surplus by the State Government, and this land has now been offered to Council as improved public space in perpetuity.

In May 2023, Council resolved to accept this land transfer, and continue to work with the Department for Infrastructure and Transport (DIT) on this project.

Staff have continued to liaise with DIT about how this site can be remediated and upgraded before being handed over to Council. Following the report to Council in May 2023, the DIT have finalised a concept design that was released for public consultation, the results of which can be found in this report.

Since the announcement of the transfer of this land as public space to the Council was made, and throughout the consultation period, the Churchill Greening Group have continued to progress their considerations of a community driven community garden on the site. The design as presented will allow for future improvements to be made should further work required to establish a community garden progress.

Council staff are seeking a contribution of \$20,000 from DIT for the progression of considerations associated with the establishment of a community garden, however this has not been confirmed at the time of this Agenda Report being finalised. Should this not be forthcoming, a standalone operating budget bid would be allocated in the 2024/25 Annual Budget deliberations for Council's consideration.

This report seeks the Council to consider supporting the concept design for the Ovingham Pocket Park that has been informed in its design by the consultation, and for it to be delivered by the DIT on behalf of the Council.

RECOMMENDATION

That Council:

- 1. Having considered Item 10.1 Ovingham Pocket Park - Concept Design and Engagement Summary receives and notes the report.**
- 2. Having considered Item 10.1 Ovingham Pocket Park - Concept Design and Engagement Summary, endorses the Ovingham Pocket Park Design (as presented in Attachments 1-3).**
- 3. Supports the Department for Infrastructure and Transport delivering the pocket park as per the Concept Design.**
- 4. Provides in-principle support for the establishment of a community garden at this location.**
- 5. Supports a \$20,000 budget bid being included for consideration as a component of the Draft 2024/25 Annual Budget that, if approved, will assist with costs necessary to progress consideration for a community garden at Ovingham Pocket Park.**
- 6. Subject to funding towards a community garden at Ovingham Pocket Park being accepted and provided, directs the Administration to assist the Churchill Greening group to;**
 - (a) Finalise a suitable concept plan aligned with the Department for Infrastructure and Transport design layout**
 - (b) Undertake a cost estimate**
 - (c) Consider governance arrangements necessary for the management of a community garden**
 - (d) Consider occupation tenure arrangements**
 - (e) Consider community consultation requirements**
 - (f) Present an update on this information at a future Council workshop.**

DISCUSSION

The State Government has in early 2023 completed the Ovingham Level Crossing removal project, which was co-funded by the Federal Government. This project has created a number of new open spaces, which have been or in the process of being transferred to the City of Prospect and the City of Charles Sturt.

In delivering this project, the contractor was utilising a portion of land, approximately 3,200 sqm located on Churchill Road by the overpass, at the rear of 5-17 Devonport Terrace. This space was being utilised as a compound during construction, and following completion of construction, is now vacant. This land has now been deemed surplus by DIT, and DIT have previously proposed to transfer this land to Council as announced publicly at the project's opening event on 11 February 2023 by the Member for Adelaide Ms Lucy Hood and Premier of South Australia Peter Malinauskas.

At its May 2023 Council meeting, Council resolved to accept transfer of this land subject to it being suitably improved by DIT to Council's satisfaction. This transfer of land will be undertaken on the intention that the land is utilised for community purposes and that the land will not be able to be commercialised or redeveloped for profit in the future. Handover will occur on completion of the landscaping works, with a maintenance period of a minimum of 12 months to be negotiated with DIT.

Public Consultation

At the May 2023 Council meeting, a concept sketch design was presented to Council, and supported for release for public consultation by DIT. A copy of the resolutions is provided below.

10.5 OVINGHAM RAIL OVERPASS PROJECT – CHURCHILL ROAD LAND PARCEL UPDATE

RESOLUTION 2023/64

Moved: Cr Kristina Barnett

Seconded: Cr Trinh Nguyen

That Council:

1. Having considered Item 10.5 Ovingham Rail Overpass Project – Churchill Road Land Parcel Update receives and notes the report.
2. Notes that the State Government, through the Ovingham Level Crossing Removal Project, has created a number of high quality and diverse open spaces located within both the City of Prospect and the City of Charles Sturt that will soon be handed over to both Councils for their respective care and control.
3. Notes that a portion of land approximately 3,200 sqm located on Churchill Road by the overpass (directly to the rear of 5- 17 Devonport Terrace) is not required by the project and provides another opportunity to extend the community open space in this locality.
4. Endorses the Chief Executive Officer finalising the transfer of this land to the City of Prospect from the State Government at no cost subject to it being suitably improved by the Department of Infrastructure and Transport to the Council's satisfaction.
5. Delegates the Chief Executive Officer and Mayor to sign and seal any required land titling documents subject to Council supporting the design of the improved reserve.
6. Endorses the draft concept design for the Pocket Park (as presented in Attachment 2) be released for public consultation by the Department for Infrastructure and Transport.
7. Request a further report following the consultation to consider the outcomes and finalise the design for construction.

CARRIED UNANIMOUSLY

DIT ran consultation from Monday 31 July to Friday 25 August 2023 inclusive. This consultation involved an online website with a survey response function, two on-site sessions, and utilisation of DIT and City of Prospect social media channels.

A copy of the engagement summary is attached to this report as **Attachment 2**. There were a total of 44 responses received, being 29 online survey responses, 2 email submissions and 13 attendees at park drop-in sessions held on Saturday 12 August and Thursday 17 August respectively.

The key themes represented in the feedback were ensuring existing established trees were kept, the planting of large canopy trees to provide shade, seating in shaded areas and a low maintenance grassed area for community use. Other feedback also included a future community garden, using rain capturing swales across the slope, fruit trees planted along swales, formal and informal recreation facilities, and functional elements such as a water fountain and doggie bag dispensers.

Update To Design

Following the feedback received, DIT and Council staff have been working collaboratively together on updating and progressing the design. There have been a number of changes to the design as a result of feedback received, including:

- Additional paths and entry points to assist and formalise entry into the park.
- Greater canopy cover as a result of an increase of trees planted, with final species selection to be agreed by Council staff to ensure appropriate trees for the location and acceptable maintenance requirements.
- Utilisation of a rock wall, seating and grading to reduce the significant slope across the site, to allow an open, usable green space area, suitable for recreational play including ball sports.

- Formalisation of the existing on-site ad-hoc stormwater management system to include an upgrade to pit infrastructure, new swale design, new planting and large rock installation.
- Significant understorey planting to green the area, beautify the space, and contribute to a new green space location.
- Modification of maintenance access point to site to allow Council maintenance vehicles to enter and exit the site safely and maintain the site.

The updated design is shown in **Attachment 1** and **Attachment 3**.

Community Garden

One consistent feature of the feedback received was regarding the installation of a community garden in the northern end of the new open space. The Churchill Greening group, who are a local advocacy group, are the leaders of this movement to see a community garden installed, as well as other features such as a meeting place, gabion rock fence, permaculture food forest on swales and walking paths. With a financial grant from Council, Churchill Greening conducted a workshop on site on 30 September 2023 to help define what they would like to see from the site.

A copy of a report summarising the workshop is attached to this report as **Attachment 4**.

There is some conflict with the DIT design for the site, and Churchill Greening's vision for the site. DIT are designing for large, usable open space areas, with grades flattened to increase usability, including for informal recreational ball sports. Churchill Greening's draft concept plan, which is shown in their attached report, has a community garden in the northern section and permaculture food forest on swales in the southern section of the park, with minimal open turfed space, and no significant altering of the existing grades.

Staff are proposing that DIT continue to finalise their design, and deliver this upgrade throughout 2024, with Council taking possession of the site at approximately the end of 2024. Should funding be provided in the 2024/25 Annual Budget, Council staff would commence engagement with Churchill Greening to progress considerations associated with developing a community garden in the northern section of this site. This would preserve the southern portion of the site for other passive recreational pursuits (ie dog exercising, informal ball sports, etc)

It is proposed Council would support this development through an initial budget allocation of \$20,000 in the 2024/25 Annual Budget. This funding would be used to finalise a concept plan for the community garden that aligns with the delivered DIT design, undertake cost estimation on the concept design, consider and implement governance arrangements necessary for the management of a community garden, consider occupation tenure arrangements and consider community consultation requirements. Council would continue to be updated throughout this process through council reports and workshops.

Construction Delivery Methodology

DIT have advised that the project design will be finalised by February 2024, and then will be tendered through DIT's standard procurement processes for delivery. It is forecast the project will be constructed through middle-late 2024 and will be completed by December 2024. It is staff's preference for DIT to deliver the works, namely its procurement, contract management, project management and be responsible for any construction risks throughout the delivery. This is the same process that was undertaken for delivery of the Prospect Pocket Park recently, and the Nottage Terrace / North East Road intersection upgrade landscaping installation. The role of Council staff would be as a key stakeholder representing Council's interest, ensuring the delivery meets the design intent, quality expected, defects are addressed and appropriate maintenance undertaken through the pre-handover maintenance period.

There are two other similar projects being delivered by DIT, in the City of Charles Sturt area, for the Chief Street location and Drayton Street location. In these locations DIT have gifted the land as part of the Ovingham Overpass Removal Project but provided a sum of money for City of Charles Sturt to deliver these works, as opposed to DIT delivering the works.

In these locations, it is the understanding of Council staff that there were complexities and fundamental elements involved, such as drainage and stormwater concerns that were yet to be fully

understood by the Council. Therefore it was in their best interest to accept a financial contribution from DIT and work through further investigations necessary to finalise respective concept plans in due course. In respect to the Churchill Road Pocket Park, retrofitting a possible community garden in the future does not present any integration risk given the concept plan as presented. There are sufficient gentle graded turf areas which could be readily reverted to a community garden if it is progressed by the Churchill Greening group, and then supported by Council following further community engagement in the future.

Relevance to Core Strategies / Policy

Community Plan: Towards 2040

► Active & Engaged

FY 20/21 Measures

AE1.2 Develop model governance frameworks for sporting and community groups to facilitate greater opportunities for involvement and access by residents to their facilities across the city.

2-to-5-year timeline

AE2.5 Continue to support a broad and diverse volunteer group

AE2.8 Leverage the above activities into outcomes that see our community build a reputation as agents of change

AE2.9 Support the Eastern Region to deliver aspirations and objectives of the Regional Public Health Plan including projects which include open space connectedness, regional volunteering, mental health support, community transport and programs to address social isolation

► Responsible & Sustainable

2 to 5 year timeline

RS2.1 Continue to plant additional street trees to align with the 'Green Tunnel' strategy

RS2.2 Promote and support projects (public and private) that include water quality and Water Sensitive Urban Design measures

RS2.7 Demonstrate innovation in the supply and delivery of infrastructure projects

ATTACHMENTS

1. **Ovingham Pocket Park Updated Design** [!\[\]\(73ae4d61a44e0d3e280171a702047018_img.jpg\)](#) 
2. **Project Update – What We Heard - Churchill Road Pocket Park** [!\[\]\(48c2517c5b97dc6016c48c9f65082038_img.jpg\)](#) 
3. **Ovingham Pocket Park - Design Render** [!\[\]\(8d173bdb49887b2118add3f3958189b8_img.jpg\)](#) 
4. **Churchill Greening Workshop Report** [!\[\]\(0bbfca25f702fee5dc44df6202efa86f_img.jpg\)](#) 

Churchill Road Pocket Park Concept Landscape Plan



Concept Landscape and Urban Design Materials



Exposed aggregate concrete paving



Stone retaining walls



Large stone boulders along swale edge



Plantings of mixed native species



Bench seating Spark Gemtree Seat



Galvanised steel stair handrail

OFFICIAL

Churchill Road Pocket Park

Project Update – What We Heard



Government
of South Australia

Department for Infrastructure
and Transport

Churchill Road Pocket Park Artist Impression



Artist impression for illustration purposes only, vegetation shown at maturity. View from northern end of the park, looking to the south.



Australian Government



Government of South Australia
Department for Infrastructure
and Transport

We're creating a pocket park near the new Torrens Road bridge and returning vacant land to the community to be used as open green space. The pocket park will be at Churchill Road in Ovingham.

Pocket parks enhance lifestyle and community connectivity, they are visually pleasing and support a safe and connected transport network.

OFFICIAL

What we heard

Between Monday, 31 July and Friday, 25 August 2023, we engaged with the local community to seek feedback so we could understand what is important to you. This information is helping us create the landscaping plan for the new pocket park.

Some of the things that you told us are:

- there is strong support for keeping the existing established trees that create habitat for local wildlife and birds;
- we should plant large canopy trees to provide shade and reduce pollution, but with consideration for maintaining visibility and line of sight for safety;
- we should put seating in shaded areas; and
- we should plant a low-maintenance grassed area for the community that is environmentally conscious and considers the gradient of the site and potential water run-off.

We've listened and where possible included these suggestions into the design by retaining the established trees and increasing the number of large canopy native trees that will be planted.

We also heard the following suggestions which we have provided to Council for their information and future consideration:

- including a community garden;
- using rain capturing swales (channels) across the slope to reduce watering requirements;
- fruit trees planted along swales;
- formal and informal recreation facilities; and
- functional elements such as a water fountain, dog bag dispensers etc.

We will start to prepare the pocket park for landscaping starting next year. We expect that landscaping will finish in late 2024 when the pocket park will be transferred to the City of Prospect to own and undertake any further development at their discretion.

Thank you for taking the time to share your thoughts with us.

Further Information

For more information or to register for project updates, please:

- visit: <http://www.dit.sa.gov.au/churchillpocketpark>
- call: 1300 794 880
- email: DIT.Engagement@sa.gov.au



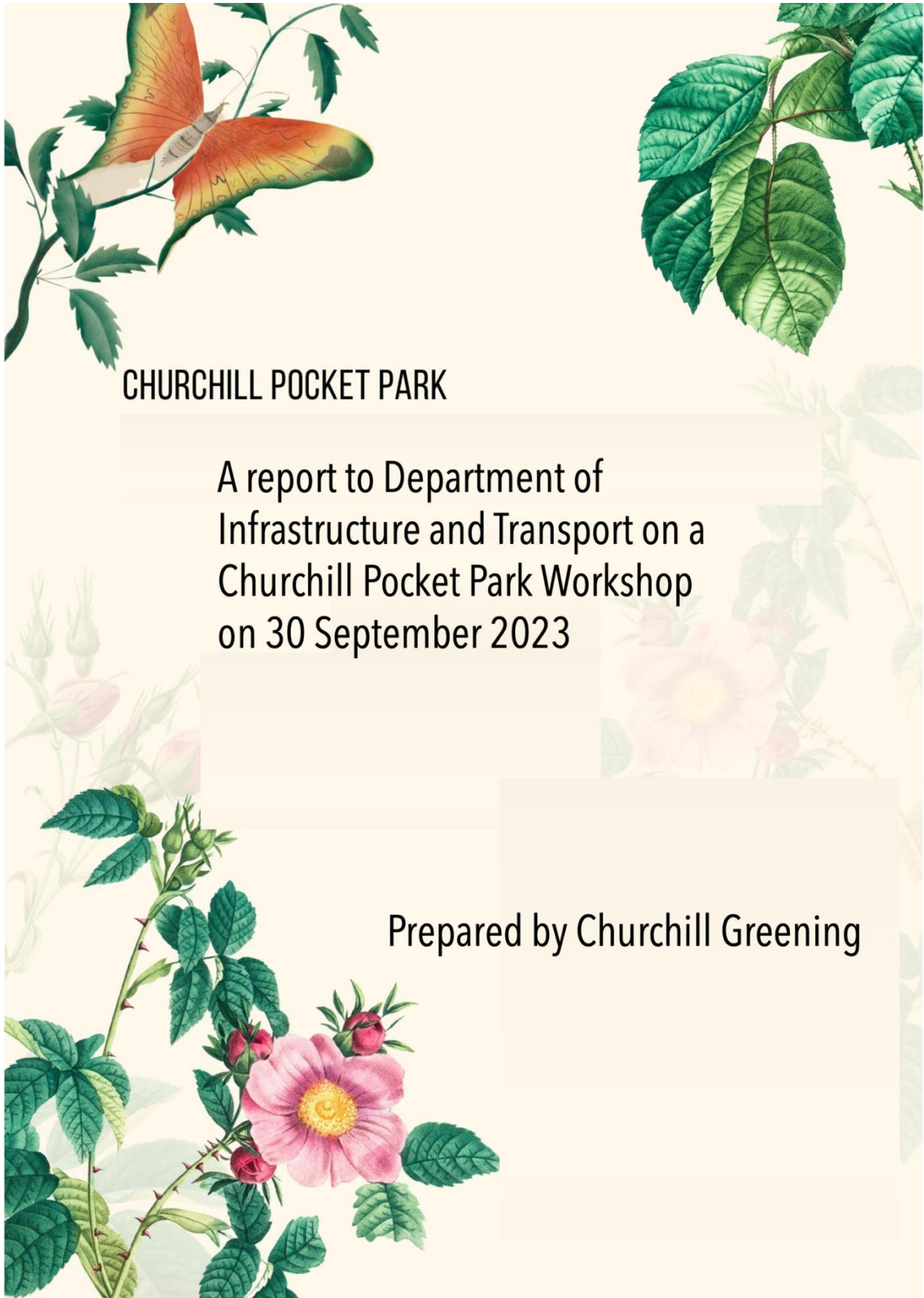


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INTRODUCTION

Churchill Greening is a community organisation self-described as “a movement to unite community by supporting community-driven activities”. It was originally established to bring a pocket park to the open space on the corner of Churchill and Torrens Roads. On 12 February 2023, the community was informed that the subject land would be transferred to Prospect Council as a park.

With funding support from Prospect Council, a workshop was held on 30 September to scope a design for the space.

Notwithstanding that the final disposition of the park is yet to be determined by Prospect Council, consultation with the community informed Churchill Greening’s decision to hold a public workshop for the design of a permaculture garden within the space.

The feedback from this event will be submitted to Department of Infrastructure and Transport.

“I liked the fact that we were interrupted by trains / passers-by; it was a great insight into who and how the area is being used already.”

FUNDING

The workshop was kindly supported by a grant from City of Prospect Council.

WORKSHOP ATTENDANCE

Invitations to the workshop were sent to residents surrounding the Ovingham Overpass (see Front Page), in the suburbs of Ovingham, Bowden, Brompton, Prospect and Renown Park. An event was created in EventBrite™ and people were asked to RSVP online. In the end 41 people attended the workshop.

WORKSHOP AGENDA

The workshop agenda was circulated to potential participants through Eventbrite.

- 11:00 Introduction
- 11:00 Welcome to Country; Uncle Tamaru
- 11:45 Introduction to Permaculture Design Principles; Lachlan McKenzie
- 12:30 Lunch and informal discussion /questions
- 1:15 Group Discussions
- 1:45 Share group ideas & evaluation

ACTIVITIES

A range of activities were conducted to elicit community aspirations and ideas about the future use of the Churchill Pocket Park (see Appendix 1, 2 & 3). The agenda included an informative presentation about the principles for designing a garden along permaculture principles. This was followed by interactive workshop engagements including traversing the land, a scenario card game linking future park activities to permaculture ethics and principles and brainstorming.

All of the material generated in these sessions were collated in a wrap up session and form the key findings of this report (below).

"It might have been good to know about the other two sites...some of the people's ideas may fit one of the other sites better."

RESULTS OF WORKSHOP

A range of findings flowed from the workshop. These are listed below. Details of these are presented in the appendices.

- 1) The community near the Ovingham Overpass expressed a unanimous desire for the Churchill Pocket Park to be a community garden.
- 2) The strong preference for the form of the community garden to be founded on and designed along permaculture principles.
- 3) People felt the space could be used in a number of ways, consistent with findings 1 & 2,
 - Food forest on swales
 - Orchard
 - Local native plant garden
 - Infrastructure
 - Barrier between CPP & Churchill Road (gabions/planting)
 - Shared community spaces
 - Education focus
 - Disability access
 - Tool shed/storage
 - Composting
 - Garden plots
 - Child-centred spaces
 - Passive water harvesting and management
 - Pond
 - Animals (eg, chickens, bees, natives)

"Many commented that Indigenous knowledge needed to be implemented and shared and ethnic groups visible in the group, in plantings and other activities."

Draft Concept Plan



DISCUSSION OF FINDINGS

The outcomes presented here incorporate a community aspiration for an integrated and interactive space that includes a mix of exotic and local native plants (for full details refer to Appendix 5). It should be a productive garden that provides food and fibre to the community and presents opportunities to move toward greater food security. It should also take advantage of emerging opportunities in the area of native food plant production.

The combination of exotics and natives will also provide habitat for invertebrates and birds, revitalising the biodiversity of the local area devastated by modern development and the construction of the overpass. It will also provide context for developing a strong education focus which can be utilised by both community groups and schools in the local area.

The proposed uses of the Churchill Pocket Park were developed with an understanding that it would be one of three parks adjacent to the Overpass and that each of these parks can contribute in specific ways to the overall amenity enjoyed by the community. There is a sense that these parks continue to develop the themes of community wellbeing and amenity expressed in the facilities under the bridge and first conceived by Colonel Light.

"Start small..."

*"Keep it simple and fun
– everyone working at
their own pace..."*

The workshop capitalised on a new opportunity to develop community connection between 5 suburbs (Renown Park, Brompton, Bowden, Ovingham and Prospect) created by the development of the recreational space under the bridge. The cooperation expressed in the workshop reflected the enthusiasm of the two Local Government Authorities (Prospect and Charles Sturt) to work collaboratively at the intersection of these groups and areas.

CONCLUSION

The Churchill Pocket Park Workshop catalysed the ideas of the local community and codified their aspirations with respect to the form of a local green space. A draft plan for the development of the space, encapsulating the community input is provided above. The development of this plan was done in the context of an area that historically has had little green public open space. It is also an area with the lowest levels of tree canopy in either of the two Local Government Areas. The results bring these ideas and aspirations together in a sophisticated draft concept plan and set of principles for a new accessible and productive community garden. This garden will be based on permaculture principles but will include infrastructure features to meet the community's needs for access and amenity.

*R: "Lachlan, what's the
main thing you grow in a
permaculture garden?"*

Lachlan: "Community"

The evaluation (presented in Appendix 4) demonstrated unanimous agreement about the usefulness of the workshop, both in terms of the specific objectives of designing a future

community garden and more generally in growing people's understanding of permaculture principles and the level of community support and groups in the area.

ACKNOWLEDGEMENTS

Churchill Greening would like to say a special thank you to Lachlan McKenzie for his willingness to share his considerable expertise with us, and Uncle Tamaru for reminding us to always care for Country the 'right way'.

The Honourable Lucy Hood MP has been a staunch supporter of the Churchill Pocket Park and was indeed integral in the establishment of the three pocket parks and we thank her for this.

The workshop would not have been possible without the contribution of elected members and staff of Prospect Council and in particular the grant funding.

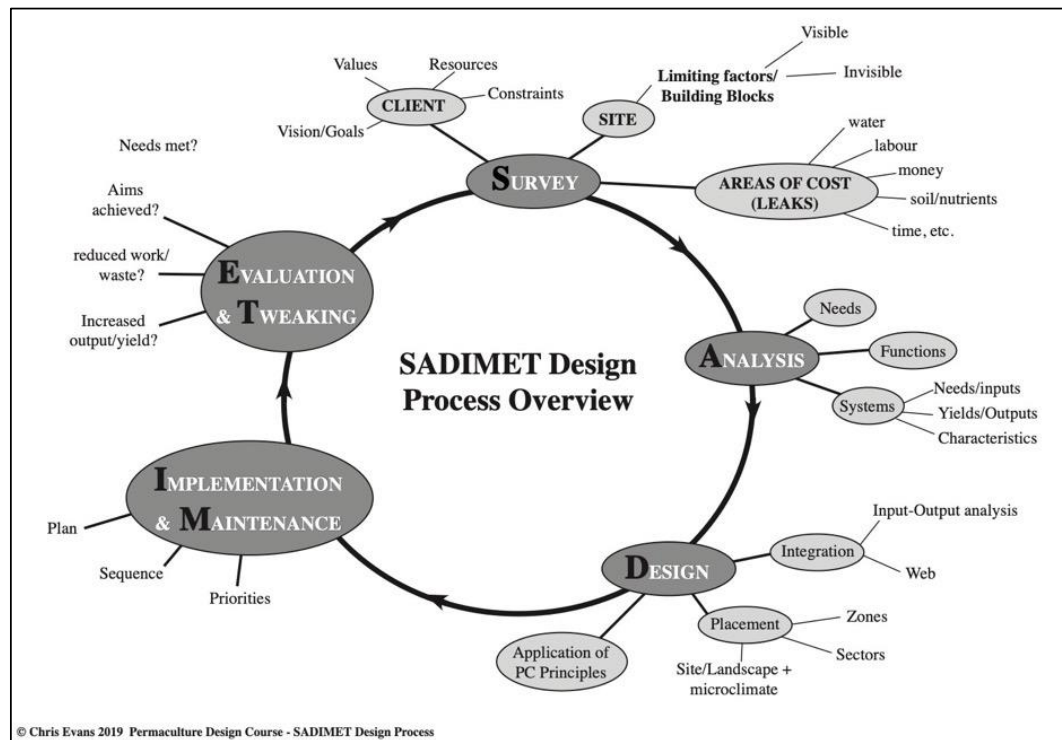
Ngoc from Vietopia Café, who provided superb support in the form of delicious lunches.

We also would like to thank those of you from our local community for generously giving up their time on Grand Final day!

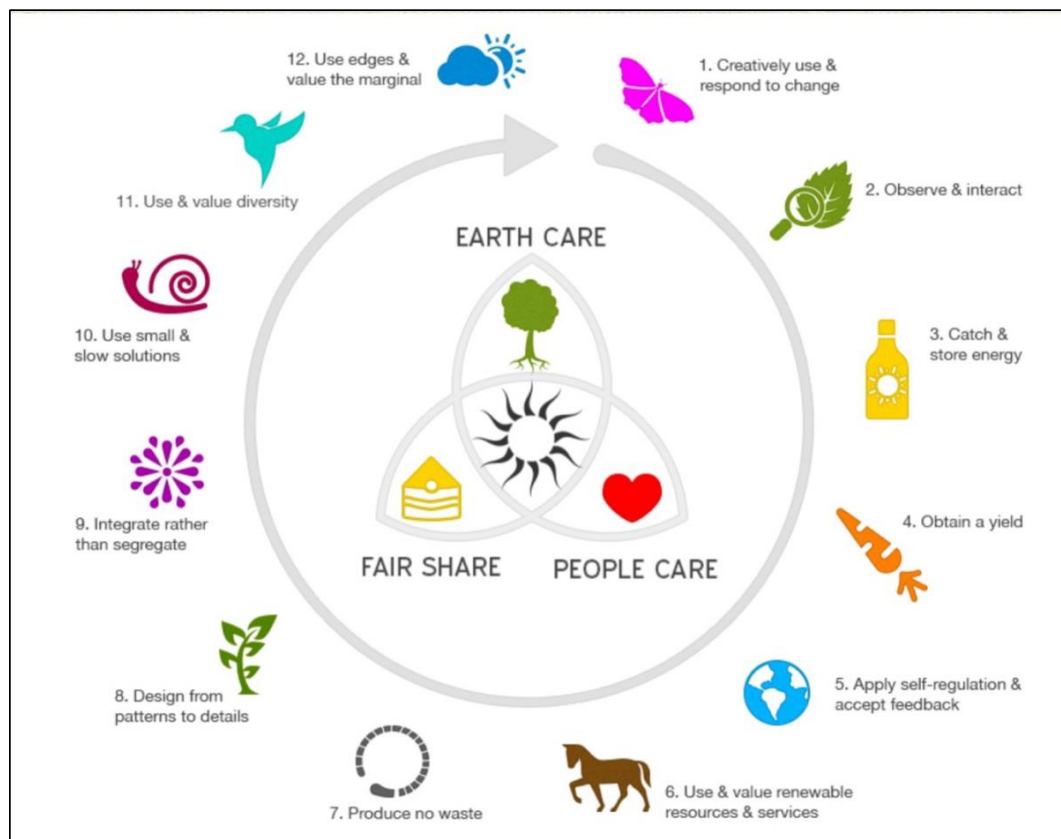
APPENDIX 1 PHOTOGRAPHS OF WORKSHOP



APPENDIX 2 SADIMET PERMACULTURE DESIGN



APPENDIX 3 PERMACULTURE ETHICS AND PRINCIPLES



APPENDIX 4 WORKSHOP EVALUATION

Workshop participants were asked to evaluate the event by responding to the following questions:

1. Did this workshop fulfill your expectations?
2. Do you think it achieved the desired outcomes for our community in exploring possible future uses of the Churchill Pocket Park?
3. Was the presentation useful/interesting for you?
4. What actions might you take in the future as a result of this workshop?

Table of results of Evaluation

Respondents	Qu 1	Qu 2	Qu 3	Qu 4	General Comment
1	Y	Y	Y	Background on potential site use/exploring site/brainstorming around concepts	People valued learning about permaculture design.
2	Y		Y	noise is an issue in this location/ usefulness depends on meaningful summary	Thanks Lachlan & the team.
3	Y	Y	Y	attend future community events	I loved the fact that we were interrupted by trains/passers by- great insight into who & how the area is being used already.
4	y	y	Y	Good use of activities as well as info.	
5	y	y	Y	Difficult to hear/Attend 19 on Green Community Centre event	A regular meeting to organise & allocate small jobs for action.
6	y	y	Y	Learnt a lot, clarified patchy learning/able to give a lot of input and get ideas from others	
7	y	y	Y	Allowed for very open discussion- produce ideas & starting plan/learned from others experience/focussed mostly on idea generation need follow-up to create final solutions	Useful to hear from Lachlan about other gardens & how they worked to narrow our options.
7				Suggest- limit paper handouts/other light materials (windy)/PA system	Equipment food etc Vietopia excellent/Schedule board good to keep track. Well done!!
8	y	y	Y	Early days- may have raised more questions than answers. Good to know about 3 parks beforehand- will they end up different/similar?	Studying permaculture- got info, activity ideas and contacts.
9	N	Y	Y	Actual workshop interesting- prefer no political agenda involved/involved time permitting	Always do Welcome to Country first.
10	Y	Y	Y	Distraction of trains & wind	
11	Y	Y	Y	Need to get feedback to ensure our work is in sync with the development plans	
12	Y	Y	Y	Happy to get involved	
13	Y	Y	Y	Hard to hear when trains went by	
14	Y	Y	Y	Feedback to DIT	
15	Y	Y	Y	Become involved- small steps	

APPENDIX 5: CPP WORKSHOP RESULTS - GROUP ACTIVITY: Brainstorm session**MANAGEMENT STRUCTURE NEEDS**

- Legal matters: insurance, auspicing to save costs, people with financial management expertise – fund hunters, grant writers
- Site design & planning
- Keep it simple & fun, everyone working at own pace.
- Joint ventures - collaborate with other community groups.
- Organise 'easy' event to meet at the Pocket Park & avoid endless talking & planning
- Some "starters" (reliable, welcoming) who can mentor "newbies"
- Core group of interested people: planning ideas, site management – how garden will be run
- Network with govt people, e.g., local government
- Work with Rail Care
- Green industry
- Promotion/Networking - Understanding who we can contact directly, signage, website, Council Events page, Local businesses, social events to build interest

INFRASTRUCTURE

- Vehicle access, Foot access (Compacted gravel path connecting overpass area to garden), bike parking
- Composting bays/bins, worm farms
- Solar – watering system/irrigation, power – lighting, Battery Bank (community resource)
- Funding (Rotary Club donate recycled plastic seats)
- Toilet x 3, compost toilet, dry stone wall
- Secure storage shed, indoor/outdoor kitchen, BBQ/Pizza oven, shady meeting area
- Good quality taps hoses, small watering cans (children) – link to visiting children's groups
- Fencing on busy road.

NATIVE GARDENS

- Native mixed with non-native fruit trees in food forest (liiypillies, bush tomatoes) x 7 + quandongs & acacia – symbiotic relationship x 2
- Cultural connections, yarning circle in native planting – link with Provenance Nursery (Indigenous plants), Salisbury (insect, birds, food)
- Weaving & dying plants, workshops
- Bring in Aboriginal Elder x 4 – lots of info re: bush foods, learn, maybe intro to own garden x 3
- Big shade trees x 2; shade trees along the fence (tall eucalypts for shade, birds, insects) x 5
- Swale - Build up area along NE border (Roadside) plant with endemic sp. – noise and visual barrier, safer x 12 – native living fence

ANIMALS, BEES ETC.

- Native bee hotels (gabions x 3 - using recycled materials e.g. shoes) – include bare ground for bees to collect clay
- Chickens x 3
- Habitat for e.g. bird shelters, ponds, trees, bird baths (to clean water and minimise disease), nests, logs: native reptiles (BTLs), pond(s) for lizards, birds, insects & frogs (popular)
- Education info boards – local fauna; men's & women's sheds
- Dogs?? Separate area?

ORCHARD FRUIT TREES

- Lesser-known varieties – not Jujube (Sp?) – invasive roots
- Herb/native ground cover/succulent understories
- Espalier
- Suited to Adelaide Mediterranean climate Nut trees (walnuts, pistachio, almond), figs x 4, citrus (lemon, mandarin, navel orange), stone fruit, quandong etc – mixing native & exotic,
- Nature play area open to public - Swale paths with fruit trees forming a food forest with underplanting - not grass

FOOD FOREST (overlap with Orchard)

- Save trees from demolished gardens
- Unique food tree & bushes including native (e.g. finger lime)
- Using plants that produce at different times of the year
- Nitrogen fixing plants – fast growing, provide shade for other food plants then crop & drop for soil creation
- Harvest days/share boxes

VEGETABLES & HERBS

- Lesser-known varieties, Vietnamese & other ethnic groups x 4 veg/herbs, self-seeding/ Perennials (rocket -winter & summer varieties, lettuce, spring onions), spinach, silverbeet, ginger (in our local honey to sell as fundraiser, staples tomatoes, onions (potatoes, carrots, cucumber, edible weeds (workshops on how to use)
- Parsley, sage, rosemary & thyme (beds or in food forest)
- Mix of allotment for families/individuals/ shared community plots
- Chop & drop weeds etc. to create soil,
- Composting – local

GROUPS THAT COULD USE THE GARDEN

- Community groups:

- Schools – e.g. Stephanie Alexander Program
- NDIS groups, aged, disability support groups
- After school care activities (access needs to be considered)
- Yarning/weaving groups, Land custodian groups
- Art groups, sculpture exhibitions, play groups etc.(fencing essential)

10.2 APPOINTMENT OF EAST WASTE INDEPENDENT CHAIRPERSON

File Number: IC23/342

Author: Sam Dilena, Director City Works & Presentation

Responsible Executive: Sam Dilena, Director City Works & Presentation

EXECUTIVE SUMMARY

East Waste is seeking Council to endorse the recommendation of its Board to extend the appointment of Mr Fraser Bell as the Independent Chairperson of East Waste.

The East Waste Chairperson is an independent role and is appointed for a period of three (3) years as per *Clause 21.1.2* of the *East Waste Charter* (the appointment tenure was changed to three years through the 2022 Charter Review).

There was resounding confidence from the Board in his continued leadership, noting his performance in managing the Board during his tenure and also his unique allied expertise as an expert environmental legal practitioner. At Thomson Greer Lawyers Fraser Bell leads the group focusing on all aspects of environmental and planning law, climate change, and contaminated land.

RECOMMENDATION

That Council:

1. **Having considered Item 10.2 Appointment of East Waste Independent Chairperson receives and notes the report.**
2. **Having considered Item 10.2 Appointment of East Waste Independent Chairperson, endorses Mr Fraser Bell to be reappointed as the Eastern Waste Management Authority Independent Chair for a further three- year term commencing in January 2024.**

DISCUSSION

East Waste is the trading name of Eastern Waste Management Authority (The Authority), which was established in 1928. The Authority is a regional subsidiary of the Adelaide Hills Council, City of Burnside, Campbelltown City Council, City of Norwood Payneham & St Peters, City of Mitcham, City of Prospect, City of Unley and Town of Walkerville.

East Waste is governed by a Charter (the [Charter](#)) pursuant to Section 43 of the Local Government Act 1999 and administered by a Board of Management (the [Board](#)), which includes either an executive team member or Council Member appointed by each Council as well as an Independent Chairperson.

Mr Bell was first appointed to the role of Independent Chairperson in February 2020 following an open recruitment process. He was subsequently reappointed for a second two-year period in late 2022. With Mr Bell's role expiring in January 2024 the East Waste Board considered the matter at the September 2023 Board Meeting and subsequently resolved:

9.4 RE-APPOINTMENT OF INDEPENDENT CHAIRPERSON

Moved Mayor Jones that the Board:

1. *Supports the re-appointment of Mr Fraser Bell as the Independent Chair of the East Waste Board for a further three-year term, effective from January 2024.*
2. *Instructs the General Manager to formally write to each Member Council seeking their approval to re-appoint Mr Fraser Bell as the Independent Chair of the East Waste Board for a further three-year period.*
3. *Confirms the remuneration of the role to be set at \$26,000 per annum.*

Seconded Cr Huxter

Carried

With the Board endorsing Mr Bell as Chair for a third term there was no need to proceed to an open market test for the position. Assuming the Board's recommendation receives absolute majority endorsement from constituent councils, at the expiration of Mr Bell's next term in 2027, he will have been in the role for 7 years and it may be prudent to test the market at this point; or at the very least seek feedback from Member Councils prior to progressing.

Relevance to Core Strategies / Policy

- *Local Government Act 1999*
- Eastern Waste Management Authority Charter

Community Plan: Towards 2040

► Responsible & Sustainable

FY 20/21 Measures

RS1.4 Continue a zero waste to landfill outcome at events

2 to 5 year timeline

RS2.6 Significantly reduce food waste contamination of general waste streams

RS2.9 Actively encourage and support all businesses and multi-unit residential sites to equal or better general recycling levels

ATTACHMENTS

1. Letter from East Waste [↓](#) 



24 October 2023

Mr Chris White
Chief Executive Officer
City of Prospect
PO Box 171
PROSPECT SA 5082
(sent via email: chris.white@prospect.sa.gov.au)

Dear Chris,

RE: Endorsement of Independent Chairperson, Mr Fraser Bell

The East Waste Chair is an independent role and is appointed for a period of three years as per *Clause 21.1.2* of the *East Waste Charter* (the appointment tenure was changed to three years through the 2022 Charter Review).

21.1.2 *one independent person (who shall be the Chair) appointed jointly by Absolute Majority of the Constituent Councils for a two year term (and at the expiration of the term is eligible for re-appointment) who is not an officer, employee or elected member of a Constituent Council, but who has expertise in:*

- (a) corporate financial management and/or*
- (b) general management and/or*
- (c) waste management and/or*
- (d) transport fleet management and/or*
- (e) public sector governance*
- (f) marketing and/or*
- (g) economics and/or*
- (h) environmental management.*

Mr Bell was first appointed to the role of Independent Chair in February 2020 following an open recruitment process. He was subsequently reappointed for a second two-year period in late 2022. With Mr. Bell's role expiring in January 2024 the East Waste Board considered the matter at the September Board meeting and subsequently resolved:

9.4 RE-APPOINTMENT OF INDEPENDENT CHAIRPERSON

Moved Mayor Jones that the Board:

- 1. Supports the re-appointment of Mr Fraser Bell as the Independent Chair of the East Waste Board for a further three-year term, effective from January 2024.*
- 2. Instructs the General Manager to formally write to each Member Council seeking their approval to re-appoint Mr Fraser Bell as the Independent Chair of the East Waste Board for a further three-year period.*
- 3. Confirms the remuneration of the role to be set at \$26,000 per annum.*

Seconded Cr Huxter

Carried

As a practicing lawyer engaged strongly in the waste industry for over 30 years, Fraser has strong subject matter credentials and is a current or past Chair or Board Member of a diverse range of Organisations, providing valuable governance experience. Further details on Fraser's broad experience is available via his [LinkedIn profile](#).

EastWaste

In reviewing the remuneration for the role, the Board resolved to increase the remuneration by \$2,000 which is below the combined CPI rate for the past two years.

With the Board endorsing Mr Bell as Chair for a third term there was no need to proceed to an open market test for the position. At the expiration of Mr. Bell's next term (2027 – and assuming he receives absolute majority endorsement), he will have been in the role for 7 years and it may be prudent to test the market at this point; or at the very least seek feedback from Member Councils prior to progressing.

In order for Mr Bell to commence duties at the February Audit & Risk Committee meeting (as a Committee Member), it would be appreciated if the Council passed a motion at an upcoming meeting (January 2024 at the latest), consistent with the following:

The Council endorses Mr Fraser Bell is reappointed as the Eastern Waste Management Authority Independent Chair for a three- year term commencing in January 2024.

I appreciate your assistance with this and should you need any further information or assistance, please do not hesitate to contact me on mobile, 0417 466 929, or email robg@eastwaste.com if you have any questions.

Yours sincerely,



ROB GREGORY
GENERAL MANAGER

10.3 PAYINTHI KUMANGKA QUARTERLY UPDATE

File Number: IC23/343

Author: Katie Faraonio, Manager Community Relations & Programs

Responsible Executive: Farlie Taylor, Director City Strategy, Community & Culture

EXECUTIVE SUMMARY

The Payinthe Kumangka Steering Group was formed in August 2021 to lead Council's efforts in developing a Makarrata (or similar) agreement between City of Prospect and the Kurna People of the Adelaide Plains, the traditional custodians of the land on which City of Prospect is located. A Makarrata refers to 'coming together after a struggle', and at its core, is a reconciliation process and signifies moving forward together as one.

This report provides an update on Payinthe Kumangka Steering Group and its activities for the period of August 2023 – December 2023. Payinthe Kumangka has held two meetings during this period.

The key outcomes for this period include Steering Group membership and Terms of Reference, appointment of new a new Kurna representative, Mr Garth Agius, continued engagement with the new KYAC Chairperson regarding Payinthe Kumangka matters, public art grant submission for the new Broadview Community and Sports Hub and discussions around 26 January.

RECOMMENDATION

That Council:

- 1. Having considered Item 10.3 Payinthe Kumangka Quarterly Update receives and notes the report.**
- 2. Having considered Item 10.3 Payinthe Kumangka Quarterly Update, endorses the draft Terms of Reference for the Payinthe Kumangka Steering Group (as presented in Attachment 1).**
- 3. Resolves that Council will in future receive updates on the Payinthe Kumangka Steering Group and broader reconciliation activities a six-monthly basis.**

DISCUSSION

The Payinthe Kumangka Steering Group was established to provide strategic direction and leadership to progressing a Makarrata (or similar agreement) between Kurna people and City of Prospect; ensure the voice of Kurna people is heard in an ongoing, fair, and truthful relationship with the whole community represented within the City; and provide cultural advice and expertise to Council on all matters relating to the interest of Kurna people.

This report provides an update on the Payinthe Kumangka Reference Group and its activities for the quarterly period from August 2023 – December 2023.

Since Council's last update Payinthe Kumangka have met on two occasions. Meetings were held on 16 August 2023 and 18 October 2023.

At its meeting in August, a workshop was facilitated by Ms Sue Milne LLB; BA; PhD Candidate, Lecturer (Law), on the Voice to Parliament referendum. Ms Milne's presentation provided a comprehensive overview of how a 'yes' result in the upcoming vote would change the Australian Constitution, where within the Constitution the proposed changes would sit and what the impact of such changes would be. Payinthe Kumangka members had an opportunity to ask questions and seek clarification from Ms Milne, who is an expert in constitutional law. The discussion was robust, engaging, and meaningful. Feedback from all members suggested this presentation was highly beneficial and appreciated by the group.

At the October meeting, Kurna members discussed the membership at length, subsequently requesting a review of the Steering Group's Terms of Reference, to facilitate a more flexible approach to ensure a quorum is achieved. Currently the Terms of Reference highlight a KYAC Board Director must be in attendance to achieve quorum, however this has not always been achieved.

The Terms of Reference have been updated to reflect:

- Council Membership, keeping the reference broad, however the description of the role remains the same;
- Amended quorum requirements to reflect Kurna representatives, not only KYAC Board Directors to achieve a quorum; and
- The ability for the Steering Group to appoint a proxy Chair at the meeting, to create flexibility.

Should Council support the amended Terms of Reference, they will be presented to the Steering Group at their next meeting for endorsement. Amended Terms of Reference are Attachment A.

ATTACHMENTS

1. **Attachment - Payinthe Kumangka Steering Group Terms of Reference** [↓](#) 

Payintha Kumangka



Steering Group Terms of Reference

1/12/2023

City of Prospect Reference – CR22/46419

Payintha (Prospect) ['to seek,
look for, examine; be
thinking']

Kumangka ['examining together']



Contents

1. [Purpose](#)
2. [Composition](#)
3. [Open to the Public](#)
4. [Membership Terms](#)
5. [Meetings](#)
6. [Steering Group Guidelines](#)
7. [Working Groups](#)
8. [No Delegation of Powers](#)
9. [Definitions](#)

[Appendix 1](#): Charter of Engagement

1. Purpose

The Payinthe Kumangka Steering Group has been established to:

1.1. Provide strategic direction and leadership to:

- investigate options and the process for progressing a Makarrata (or similar agreement) between Kurna people and City of Prospect.

1.2. Coordinate activities to:

- fulfill the commitments made within the Payinthe Kumangka Charter of Engagement.
- ensure the voice of Kurna people is heard in an ongoing, fair, and truthful relationship with the whole community represented within the City.

1.3. Provide cultural advice and expertise to Council on all matters relating to the interest of Kurna people, including:

- use of Kurna language
- land use
- capital projects

2. Composition

The Payinthe Kumangka Steering Group shall comprise up to eleven (11) members. The members shall include:

2.1. Six (6) KYAC Appointed Representatives.

2.2. Three (3) Council Appointed Representatives.

2.3. Two (2) ex officio Council appointed staff representatives, as appointed by the CEO.

3. Open to the Public

The processes and undertakings of Payinthe Kumangka Steering Group will be open and transparent.

3.1. All meetings of Payinthe Kumangka Steering Group will be open to anyone from the public to attend and observe meeting discussion.

3.2. Other than members, anyone attending Payinthe Kumangka meetings will not be able to participate within the discussions unless invited to do so.

3.3. Agenda and Minutes taken from Payinthe Kumangka meetings will be made available to the public through the Payinthe Kumangka webpage.

4. Membership Terms

4.1. Steering Group members will be appointed for a period of two years.

4.2. The meetings will be Co-Chaired (alternating) between a Council Member and Kurna representative.

4.3. In the absence of a Co-Chairperson a proxy can be appointed by the Steering Group.

4.4. Members can be removed at the discretion of their nominated body.

4.5. Members can be reappointed at the discretion of their nominated body.

5. Meetings

5.1. A quorum of four members (not including staff) is required for each meeting. One of those four members must be a Kurna representative and one other must be a Councillor or Mayor of City of Prospect.

5.2. A minimum of four (4) meetings will be held per financial year and will be scheduled for two (2) hours unless prior agreement is made to extend a meeting for a specific purpose.

5.3. Meetings will be held at Payinthe, or alternatively by suitable electronic or video-conferencing means, unless otherwise agreed to be held at an alternative community-based venue. The CEO or their delegate will determine venue and method of meeting in consultation with the chairpersons.

Not less than one of these four annual meetings will be held 'on country' as determined by Kurna representatives.

5.4. The annual calendar of meetings will be distributed to members by the City's relevant Administration Officer.

5.5. Meetings may only be called by the CEO or their delegate, in consultation with either of the Payinthe Kumangka Steering Group Chairpersons.

6. Steering Group Guidelines

- 6.1 The purpose of the meetings and the way in which members conduct themselves in the meetings and their engagement in related activities will be guided by the intent and content of the Charter of Engagement (included as **Appendix 1** to these Terms of Reference).
- 6.2 The agendas, discussion and outcomes of the Steering Group are to be focussed on delivering on the intent of the Charter of Engagement through a range of methods such as regular Steering group meetings, research, presentations to Council or other bodies, seeking external advice, and hosting regular workshops and forums to encourage broader community participation.
- 6.3 To guide its work, the Steering Group will establish a strategic plan and review the plan regularly to measure performance and guide future activity.
- 6.4 The Steering Group may recommend a review and update of the Charter of Engagement or these Terms of Reference at any time.

7. Working Groups

- 7.1. The Payinthe Kumangka Steering Group may recommend appointment of Working Groups to investigate specific issues and report back to the Payinthe Kumangka Steering Group at each meeting.
- 7.2. Working groups must not take any action or make any recommendations without approval of the Payinthe Kumangka Steering Group.
- 7.3. Working groups can include people who are not Payinthe Kumangka Steering Group members as long as this has been approved by the Payinthe Kumangka Steering Group.

8. No Delegation of Powers

- 8.1. Council has the discretion to review the role or re-organisation or disbandment of the Steering Group.
- 8.2. KYAC has the discretion to review the role or re-organisation or disbandment of the Steering Group
- 8.3. Steering Groups act in an advisory capacity only and have no delegated authority.
- 8.4. The Steering Group must not:

- enter into contractual relationships on behalf of the Council or City of Prospect.
- enter into contractual relationships on behalf of KYAC.
- issue a media release on behalf of the Payinthe Kumangka Steering Group, City of Prospect or KYAC.
- use the City of Prospect's or KYAC's Crest or Logo for external purposes.

9. Definitions

In these Terms of Reference:

9.1. Council means City of Prospect.

9.2. Local Government means the City of Prospect.

9.3. KYAC means Kurna Yerta Aboriginal Corporation.

Appendix 1

CHARTER OF ENGAGEMENT

BETWEEN

CITY OF PROSPECT ('CITY') a statutory corporation established by the South Australian *Local Government Act 1999*

AND

THE KAURNA PEOPLE OF THE ADELAIDE PLAINS ('KAURNA PEOPLE') part of the First Nations of this continent who possessed the land according to their own lores and customs since time immemorial and which possession has never been ceded.

The Spirit of the Journey

First, we come together in the spirit of *Payintha Kumangka*. To seek and find a pathway forward that we can embrace together.

This can only be achieved by:

- looking back,
- listening to hear and learn,
- allow time for the whole truth to be told, and
- fully understand the truth with heart,

Seeking a lasting and just pathway forward together.

Honouring the status, culture and heritage of the Kurna people

In this journey, the City will honour the Kurna people in the spirit of *Payintha Kumangka* by:

Experience and Knowledge of the Elders

- Being led by Kurna Elders, hearing and learning about their stories respecting their guidance, and deferring to their wisdom and their priorities, throughout this journey;
- Understanding the resilience of Kurna people, how they have survived. Which is important for how Kurna people survive today.

Listen and Understand

- Listen, understand, and agree upon the future that we want together;
- Seeking to understand the Kurna peoples connection with the land, the seasons and the winds, waters, skies and seek to understand the sacred, dreaming stories of the Kurna people;

- Respecting the standing of the Kurna people as part of the First Nations of this continent who possessed it according to their own lores and customs since time immemorial and which possession has never been ceded;
- Ensure truth telling includes an understanding that Australia was invaded by Europeans, with landings all over the country, including initially in NSW and later in South Australia.
- Hearing and understanding the trauma caused by more than 250 years of European occupation and specifically the impact upon the generations of the Kurna people as well as that which is ongoing and yet to be remedied;

Grieve

- Grieving amongst Kurna people needs to be understood as being a shared experience;
- Developing empathy for the experiences of Kurna people will allow non-Kurna people to share the grief felt by Kurna people.

Healing

- Understanding that, by whatever means and however recognised, the Kurna people ultimately seek their voice to be heard in an ongoing, fair and truthful relationship with the whole community represented within the City;
- To that end, ensuring that this journey engages with as many in our community as possible and that it encompasses the City's existing diversity of perspectives and cultures;
- Recognising that this journey is part of a *Makarrata* process: a coming together for peacemaking and for justice after a struggle; and
- Seeking to understand in what way this journey could lead to a meaningful, authentic and substantive agreement between the City and the Kurna people that could be formally recognised and embraced across our local community by Kurna and non-Kurna peoples alike.

In bringing good faith to this journey, the City:

- Acknowledges that it comes with a willingness to meet, to hear, to understand and to grieve, but recognises that there is much ground to cover, much truth telling to be heard, and many learnings to be had, before being able to move forward together with a truly shared understanding;

- Recognises that there will need to be appropriate resources allocated to support the journey and its needs, like opportunities for truth-telling;
- Supports a Steering Group:
 - consisting of Kurna Elders, the City and agreed advisers along with interested community members of both Kurna and non-Kurna people;
which will coordinate the activities required to fulfil the process leading to a Charter; address and guide responses to issues, opportunities and aspirations raised throughout the journey;
 - by providing Council staff for secretariat services to support the Group, including coordinating meeting times, taking minutes (and so on).
- Understands that the timing, and holistic time frame, of this journey will be what is required for it to be authentic in every sense – it is not about arbitrarily imposed milestones or deadlines.

In response, Kurna Yerta Aboriginal Corporation RNTBC will:

- Decide who will speak for the Kurna people in this journey and who will form part of the Steering Group;
- Have representatives who can commit a reasonable amount of time to the Steering Group;
- Seek to reach out to all Kurna stakeholders who should be respected by inviting their involvement in this journey and whose support will be essential to the successful creation of a Charter.

SIGNED ON BEHALF OF THE CITY – Mayor and Chief Executive

SIGNED ON BEHALF OF THE KURNA PEOPLE – KYAC Chairperson

DATE:

City of Prospect Reference – CR22/46419

11 GENERAL BUSINESS – URGENT ITEMS

Council has resolved that an Agenda Item “General Business – Urgent Matters” be included on the agenda to enable members to raise matters of a genuinely urgent nature, is not a change to Council Policy and cannot wait until the next Council meeting recognising that the leave of meeting will be required for each item on each occasion.

12 REPORTS FOR INFORMATION

The Council has adopted the protocol that only those items on the Council Agenda provided for information (to receive and note) may be adopted without further discussion.

12.1 MAYORAL MONTHLY ACTIVITY REPORT

File Number: IC23/352
Author: Kirsty Howlett, EA CEO and Mayor
Responsible Executive: Chris White, Chief Executive Officer

EXECUTIVE SUMMARY

This report covers the period from 28 November 2023 to 11 December 2023. In brief, the Mayoral activities have included the following:

1. Activities

- Eastern Region Alliance (ERA) Mayor's Breakfast
- Prospect Blair Athol Lions Club Carols in Memorial Gardens
- 2023 Mayor's Dinner
- Fashion Show
- Lucy Hood MP, Public Consultation at Prospect Primary School
- City of Prospect Volunteer End of Year Celebration
- 12th Prospect Portrait Prize, Opening and Presentation

2. Meetings: face to face, by teleconference or video conference

- Meeting with the Chief Executive Officer (CEO) and Executive Assistant
- Meeting with Chief Executive Officer and Richard Altman
- Council Agenda Review
- Audit and Risk Committee Meetings
- Councillor information, Briefing Session and Workshop

3. Other

- Media Enquiries.
- Various Phone Calls, Emails, Letters, Video Promotions etc.
- Correspondence and Meetings with Constituents and Community Members

RECOMMENDATION

That Council:

- 1. Having considered Item 12.1 Mayoral Monthly Activity Report receives and notes the report.**

ATTACHMENTS

Nil

12.2 MINUTES OF THE AUDIT & RISK COMMITTEE MEETING HELD 4 DECEMBER 2023

File Number: IC23/339


Author: Melanie Amezdroz, Corporate Support Coordinator

Responsible Executive: Andrew Alderson, Acting Director City Corporate

RECOMMENDATION

1. That the Minutes of the Audit & Risk Committee Meeting held on 4 December 2023 be received and the recommendations therein be adopted.

ATTACHMENTS

1. Audit & Risk Committee - Minutes - 4 December 2023 [!\[\]\(13dd0e1ab3baa23f7c1ed52b3eec2756_img.jpg\)](#) 

AUDIT & RISK COMMITTEE MEETING MINUTES**4 DECEMBER 2023**

**MINUTES OF CITY OF PROSPECT
AUDIT & RISK COMMITTEE MEETING
HELD AT THE TIRKANTHI KUU, LEVEL 1 AT PAYINTHI ,128 PROSPECT ROAD, PROSPECT
ON MONDAY, 4 DECEMBER 2023 AT 6PM**

PRESENT: Chairperson Corinne Garrett, Mr Peter Fairlie-Jones, Mr Peter Scargill, Member Jason Nelson, Member Matt Larwood (Mayor)

IN ATTENDANCE: Chris White (Chief Executive Officer), Andrew Alderson (Acting Director City Corporate), Victor DiMaria (Manager Corporate Services), Melanie Amezdroz (Minute Secretary), Gwen Sincock (Administration Officer – Governance)

1 ACKNOWLEDGEMENT OF THE KAURNA PEOPLE AS THE TRADITIONAL CUSTODIANS OF THE LAND

Chairperson Corinne Garrett stated:

‘City of Prospect acknowledges that we are on the traditional country of the Kaurna people of the Adelaide Plains region and we pay our respect to Elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationships with the land and we acknowledge that they are of continuing importance to the Kaurna people living today.’

2 ON LEAVE

Nil

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION 2023/36

Moved: Mr Peter Fairlie-Jones

Seconded: Mr Peter Scargill

That the minutes of the Audit & Risk Committee Meeting held on 16 October 2023 be confirmed.

CARRIED

5 CHAIRPERSON'S REPORT

Nil

6 QUESTIONS WITH NOTICE

Nil

7 DECLARATION BY MEMBERS OF A CONFLICT OF INTEREST

Nil

AUDIT & RISK COMMITTEE MEETING MINUTES**4 DECEMBER 2023****8 REPORTS FOR DECISION****8.1 AUDIT COMMITTEE - MEETING DATES AND MEMBERSHIP****COMMITTEE RESOLUTION 2023/37**

Moved: Member Jason Nelson

Seconded: Mr Peter Fairlie-Jones

That Council:

- 1. Having considered Item 8.1 Audit Committee - Meeting Dates and Membership receives and notes the report.**
- 2. Having considered Item 8.1 Audit Committee - Meeting Dates and Membership, endorses the following meeting dates for 2024 with all meetings commencing at 6pm;**
 - (a) Monday 19 February 2024 – LTFP Planning session**
 - (b) Monday 15 April 2024**
 - (c) Monday 15 July 2024**
 - (d) Monday 21 October 2024**
 - (e) Monday 2 December 2024**
- 3. That the Committee authorises the CEO to adjust the planned dates of the Committee meetings, if required.**

CARRIED**8.2 PERIODIC REVIEW OF KEY FINANCIAL INDICATORS****COMMITTEE RESOLUTION 2023/38**

Moved: Mr Peter Fairlie-Jones

Seconded: Mr Peter Scargill

That the Audit and Risk Committee:

- 1. Having considered Item 8.2 Periodic Review of Key Financial Indicators receives and notes the report.**
- 2. Having considered Item 8.2 Periodic Review of Key Financial Indicators, recommends for Council's adoption in preparation of the Long Term Financial Plan and 2023-2024 Budget deliberations Key Financial Indicator ranges, as set out below, unless Special Consideration is resolved by Council:**
 - Operating Surplus Ratio for an individual year (1%) - 3%;**
 - Operating Surplus Ratio for a 5 year average period 0% - 2%;**
 - Net Financial Liabilities Ratio for an individual year < 90%;**
 - Interest Ratio for an individual year 0% - 3%; and**
 - Asset Renewal Funding Ratio for a 5 year average period 100%**

CARRIED

Page 2

AUDIT & RISK COMMITTEE MEETING MINUTES**4 DECEMBER 2023****8.3 RISK WHS AUDIT WORK PLAN****COMMITTEE RESOLUTION 2023/39**

Moved: Member Matt Larwood

Seconded: Member Jason Nelson

That Council:

1. **Having considered Item 8.3 Risk WHS Audit Work Plan receives and notes the report.**
2. **Having considered Item 8.3 Risk WHS Audit Work Plan , endorses the Risk WHS Audit Work Plan (as presented in Attachment 1).**

CARRIED**9 REPORTS FOR INFORMATION**

Information reports can be resolved en bloc.

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

The following items were reserved:**Item 9.1 Internal Audit Plan – Progress** was reserved by Mr Peter Fairlie-Jones**Item 9.2 Quarterly Dispensation Register** was reserved by Mt Peter Scargill**Item 9.3 Local Government Act 1999 Reforms Update as at December 2023** was reserved by Chairperson Corrine Garrett**9.1 INTERNAL AUDIT PLAN - PROGRESS****COMMITTEE RESOLUTION 2023/40**

Moved: Mr Peter Fairlie-Jones

Seconded: Mr Peter Scargill

That the Audit & Risk Committee:

1. **Having considered Item 9.1 Internal Audit Plan Progress receives and notes the report.**
2. **Having considered Item 9.1 Internal Audit Plan - Progress, endorses the Internal Audit Works Plan (as presented in Attachment 2).**

CARRIED

AUDIT & RISK COMMITTEE MEETING MINUTES**4 DECEMBER 2023****9.2 QUARTERLY DISPENSATION REGISTER****COMMITTEE RESOLUTION 2023/41**

Moved: Mr Peter Scargill

Seconded: Mr Peter Fairlie-Jones

That Council:

1. **Having considered Item 9.2 Quarterly Dispensation Register receives and notes the report.**

CARRIED**9.3 LOCAL GOVERNMENT ACT 1999 REFORMS UPDATE AS AT DECEMBER 2023****COMMITTEE RESOLUTION 2023/42**

Moved: Member Jason Nelson

Seconded: Member Matt Larwood

That Council:

1. **Having considered Item 9.3 Local Government Act 1999 Reforms update as at December 2023 receives and notes the report.**

CARRIED**10 CONFIDENTIAL ITEMS**

Nil

11 MEETING CLOSURE**The Meeting closed at 6.47.****The minutes of this meeting were confirmed at the Audit & Risk Committee held on .**.....
CHAIRPERSON

13 COUNCIL MEMBER REPORTS AND BRIEFINGS

14 MOTIONS ON NOTICE

14.1 NOTICE OF MOTION - MEMBERSHIP OF PAYINTHI KUMANGKA STEERING GROUP - CR BARNETT

File Number: IC23/341

I, Councillor Kristina Barnett, give notice that at the next Ordinary Meeting of Council to be held on 12 December 2023, I intend to move the following motion:

MOTION

That Council:

- 1. Invites Mr Tim Agius, Chair of the Kurna Yerta Aboriginal Corporation (KYAC), and as a new resident of the City of Prospect to join the Payinthe Kumangka Steering Group as an Kurna community representative for a period of two-years, as per membership in the Payinthe Kumangka Steering Group Terms of Reference.**

RATIONALE

I commend this Notice of Motion to Council.

CEO COMMENT

The opportunity to invite Mr Tim Agius to join the Payinthe Kumangka Steering Group as a resident of City of Prospect would be highly beneficial to not only the Payinthe Kumangka Steering Group, but to the community of City of Prospect in general.

ATTACHMENTS

Nil

14.2 NOTICE OF MOTION - BUDGET WORKSHOPS - CR JASON NELSON

File Number: IC23/348

I, Councillor Jason Nelson, give notice that at the next Ordinary Meeting of Council to be held on 12 December 2023, I intend to move the following motion:

MOTION

That Council:

- 1. Schedule a full-day workshop on a weekend in March 2024 to consider the entire draft budget, with such workshop to replace the series of budget workshops normally scheduled on Tuesday evenings in March.**

RATIONALE

Last year, and as I understand for many years before, Council staff scheduled a series of workshops throughout March to discuss components of the draft budget with Elected Members and seek feedback.

These workshops consisted of:

- Week 1 – a workshop to consider the draft recurrent budget and provide feedback;
- Week 2 – a workshop to consider the draft operating projects list and associated budget, and provide feedback;
- Week 3 – a workshop to consider the draft capital projects list and budget, and provide feedback.

These workshops were helpful, but in my view they stretched the process out too far and could be better delivered as a single session.

There were many instances this year where Council would be considering a particular line item, but would then need to refer back to another item for clarification. This proved difficult when the other item was covered 3-4 weeks earlier. One workshop to cover all 3 budgets (recurring, operating and capital) would allow Councillors to view the entire budget holistically and in one session to make better decisions.

Accordingly, I am asking Council to consider the merits of running these sessions as a single session on a weekend.

This will also enable us to claw back these three Tuesday evenings for alternative workshops on March.

I commend this Notice of Motion to Council.

CEO COMMENT

This is ultimately a matter for Council.

From a staff perspective, a few observations need to be offered in relation to the proposal:

- One of the benefits of running these workshops over 3 weeks is the capacity to take feedback on board in one week, and re-model the budget to consider in the following week. This will be more difficult in a one-day workshop, in particular as the Manager Finance (who is primarily responsible for financial modelling) will be a presenter throughout the day. Still, this can likely be managed if required.
- Whilst the senior staff present are salaried and not entitled to overtime, other support staff who will be necessary to manage minuting, governance, etc will be entitled to overtime or TOIL, which will create a minor budget impact for this workshop.
- If approved, I would be seeking to offer a flexible option for senior staff to reclaim some of the lost weekend time during the work week in the interests of preserving work/life balance. This may create a minor service delivery impact, though I am confident this can be managed without impact to the community.
- Budget workshops must be conducted in public, requiring the venue (presumably Payinthe) to be open and accessible during the workshop. The Library is usually open from 10am-4pm on Saturdays, but is not open on Sundays. This may present some logistical challenges in terms of managing building/library access and security, in particular if a time outside of 10am-4pm Saturday is chosen – though this can certainly be overcome (again, this may present a minor budget impact). An option may be to run the workshop at an alternative location, such as Nailsworth Hall, which (depending on venue) may raise other issues.
- The Manager Finance and Director City Corporate will be primarily responsible for delivering these workshops, with support from the Director City Works and Presentation (in particular on the Capital Works component). This will be a long day for those staff, and others present – though again, I have full confidence that staff could deliver the workshop.

Assuming members consider the proposal to have merit, staff can definitely deliver the desired outcome (subject to the above considerations).

If supported, it would certainly liberate workshop time throughout March, which is traditionally reserved for budget workshops.

ATTACHMENTS

Nil

15 QUESTIONS WITH NOTICE

Nil

16 CONFIDENTIAL ITEMS

16.1 PROSPECT CITIZEN OF THE YEAR

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (o) information relating to a proposed award recipient before the presentation of the award.

RECOMMENDATION

Order to exclude the public

It is recommended to Council that:

1. Pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the Council orders that all members of the public, except the Elected Members of the City of Prospect and the following persons:

- Chief Executive Officer
- Director City Strategy, Community and Culture
- Director City Corporate
- Director City Growth and Development
- Director City Works and Presentation
- Team Leader Governance
- Minute Secretary

be excluded from attendance at the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 16.1 Prospect Citizen of the Year, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Award Recipient.

2. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

RECOMMENDATION

1. That, pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999*, and having considered the matter ' 16.1 Prospect Citizen of the Year' for the meeting of Council held on [enter the meeting date] in confidence, the Council orders that:
 - 1.1 the report and attachments arising from the report, and any associated documentation, having been considered by the Council in confidence under Section 90(2) & (3) (o) be kept confidential and not available for public inspection until 1 January 0001, on the basis that the information received, discussed and considered in relation to this agenda item is:

information relating to a proposed award recipient before the presentation of the award.
 - 1.2 the Chief Executive Officer is delegated authority that the order be revoked in whole or part.
 - 1.3 the confidentiality order will be reviewed by the Council / Chief Executive Officer at least once every 12 month period.
2. That, for the item named in Clause 1 and associated sub clauses, unless:
 - 2.1 the period in respect of any order made under Section 91 (7) of the Local Government Act 1999 lapses; or
 - 2.2 Council resolves to revoke an order made under Section 91 (7) of the Local Government Act 1999; or
 - 2.3 the Chief Executive Officer determines pursuant to delegated authority that the order be revoked; any discussions of the Council on the matter and any recording of those discussions are also confidential.

16.2 PROSPECT OVAL LIGHTING UPDATE

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which 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
- (d)(ii) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest.

RECOMMENDATION

Order to exclude the public

It is recommended to Council that:

1. Pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the Council orders that all members of the public, except the Elected Members of the City of Prospect and the following persons:

- Chief Executive Officer
- Director City Strategy, Community and Culture
- Director City Corporate
- Director City Growth and Development
- Director City Works and Presentation
- Team Leader Governance
- Minute Secretary

be excluded from attendance at the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 16.2 Prospect Oval Lighting Update, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of confidential commercial information.

2. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

RECOMMENDATION

1. That, pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999*, and having considered the matter ' 16.2 Prospect Oval Lighting Update' for the meeting of Council held on [enter the meeting date] in confidence, the Council orders that:
 - 1.1 the report, attachments and minutes arising from the report, and any associated documentation, having been considered by the Council in confidence under Section 90(2) & (3) (d)(i) and (d)(ii) be kept confidential and not available for public inspection until 1 January 0001, on the basis that the information received, discussed and considered in relation to this agenda item is:

commercial information of a confidential nature (not being a trade secret) the disclosure of which 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 commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest.
 - 1.2 the Chief Executive Officer is delegated authority that the order be revoked in whole or part.
 - 1.3 the confidentiality order will be reviewed by the Council / Chief Executive Officer at least once every 12 month period.
2. That, for the item named in Clause 1 and associated sub clauses, unless:
 - 2.1 the period in respect of any order made under Section 91 (7) of the Local Government Act 1999 lapses; or
 - 2.2 Council resolves to revoke an order made under Section 91 (7) of the Local Government Act 1999; or
 - 2.3 the Chief Executive Officer determines pursuant to delegated authority that the order be revoked; any discussions of the Council on the matter and any recording of those discussions are also confidential.

17 MEETING CLOSURE