

**MINUTES OF CITY OF PROSPECT  
ORDINARY COUNCIL MEETING  
HELD AT THE TIRKANTHI KUU ROOM, LEVEL 1 AT PAYINTHI, 128 PROSPECT ROAD,  
PROSPECT  
ON TUESDAY, 23 JANUARY 2024 AT 7:00 PM**

**PRESENT:** Mayor Matt Larwood, Cr Kristina Barnett, Cr Alison De Backer, Cr Mark Groote, Cr Thuy Nguyen, Cr Mark Standen, Cr Trinh Nguyen, Cr Jason Nelson, Cr Lillian Hollitt

**IN ATTENDANCE:** Chris White (Chief Executive Officer), John Pearce (Director City Growth & Development), Sam Dilena (Director City Works & Presentation), Caroline Batty (Director City Corporate), Katie Faraonio (Acting Director City Strategy, Community & Culture), Amir Eskandari (Manager PMO & Project Delivery), Scott McLuskey (Manager Development & Regulatory Services), Andrew Alderson (Manager Finance), Victor DiMaria (Manager Corporate Services), Joshua Bowen (Manager Assets & Maintenance), Melanie Amezdroz (Team Leader Governance), Gwen Sincock (Minute Taker).

## **1 OPENING**

### **1.1 Acknowledgment of the Kurna people as the traditional custodians of the land**

Mayor Matt Larwood stated:

‘City of Prospect acknowledges that we are on the traditional country of the Kurna 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 Kurna people living today.’

### **1.2 Council Pledge**

Mayor Matt Larwood stated:

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**

Nil

## **3 APOLOGIES**

Nil

#### 4 DECLARATION BY MEMBERS OF CONFLICT OF INTEREST

Cr Mark Groote declared a material conflict of interest for **Item 14.1 Notice of Motion - Installing and Relocating Automated External Defibrillators**. In accordance with Council's Code of Practice – Meeting Procedures Cr Groote will leave the meeting during discussion of this item.

Chris White (Chief Executive Officer) declared a material conflict of interest for **Item 16.1 Minutes of the CEO Performance Development Review Committee Meeting held 16 January 2024**.– Chris White will leave the meeting during discussion of this item.

#### 5 CONFIRMATION OF MINUTES

##### RESOLUTION 2024/2

Moved: Cr Kristina Barnett

Seconded: Cr Thuy Nguyen

That the minutes of the Ordinary Council Meeting held on 12 December 2023 and the Special Council Meeting held on 8 January 2024 be confirmed.

**CARRIED UNANIMOUSLY**

#### 6 PUBLIC QUESTION TIME

Nil

##### Change to Order of Business

Mayor Matt Larwood sought, with approval of two-thirds leave of the meeting to change the order of business as follows:

**Item 8.1 - Deputation - Raymond Shepherd - Petition**

**Item 7.1 - Petition - Roosters and Chicken Breeding on Boyle Street**

**Item 8.2 - Deputation - Marni Mead - Line Marking near the intersection of California Street and D'Erlanger Avenue**

**Item 14.2 - Notice Of Motion - Line Marking and Parking**

(Then continue order of business as presented in Agenda, from Item 9 – Questions Without Notice)

Leave was granted.

## 8 DEPUTATIONS

### 8.1 Raymond Shepherd /Petition

Mayor Matt Larwood invited Raymond Shepherd of Prospect to make their deputation to Council.

Raymond Shepherd addressed Council and answered questions from Council Members.

## 7 PETITIONS

### 7.1 PETITION - ROOSTERS AND CHICKEN BREEDING ON BOYLE STREET, PROSPECT

#### RESOLUTION 2024/3

Moved: Cr Kristina Barnett

Seconded: Cr Mark Standen

That Council:

1. Having considered Item 7.1 Petition - Roosters and Chicken Breeding on Boyle Street, Prospect receives and notes the report.
2. Notes that Council Administration is aware of the matter and is currently continuing to address it in accordance with established operational procedures.
3. Requests Council officers to provide a suitable response to the Head Petitioner to advise of actions undertaken to date to resolve the issue in accordance with established processes.

Cr De Backer requested leave of the Mover and Seconder to make a Variation to the Motion. The Mover and Seconder agreed to the Variation.

The Variation became the Motion.

**That Council:**

1. **Having considered Item 7.1 Petition - Roosters and Chicken Breeding on Boyle Street, Prospect receives and notes the report.**
2. **Notes that Council Administration is aware of the matter and is currently continuing to address it in accordance with established operational procedures.**
3. **Requests Council officers to provide a suitable response to the Head Petitioner to advise of actions undertaken to date to resolve the issue in accordance with established processes.**
4. **Requests that staff prepare a report to be brought to a meeting of Council, no later than the 23 April 2024 meeting, giving advice to the Council on the process and costs involved in the creation of an Animal Management By-Law addressing the keeping of poultry.**
5. **Resolves that the Mayor shall write to the SA Housing Authority requesting improvements in collaboration and communication between Council and the Authority to achieve better outcomes in respect of Local Nuisance issues, drawing particular reference to the recent change in legislation which gives Council greater enforcement powers in relation to properties owned by the Authority.**

**CARRIED UNANIMOUSLY**

**8.2 Marni Mead/Linemarking near the intersection of California Street and D'Erlanger Avenue**

Mayor Matt Larwood invited Marni Mead of Nailsworth to make their deputation to Council.

Marni Mead addressed Council and answered questions from Council Members.

**14.2 NOTICE OF MOTION - LINE MARKING AND PARKING****RESOLUTION 2024/4**

Moved: Cr Mark Standen

Seconded: Cr Lillian Hollitt

**That Council:**

- 1. Request administration to schedule a workshop to discuss line-marking procedures, impacts and options.**
- 2. Instruct staff to halt any line marking works that would change existing line marking in a manner that would reduce parking availability, until after the workshop discussion has been held and an appropriate pathway forward has been determined.**

**CARRIED UNANIMOUSLY**

**9 QUESTIONS WITHOUT NOTICE**

Nil

## 10 REPORTS FOR DECISION

### 10.1 INTEGRATED TRANSPORT PLAN UPDATE

#### RESOLUTION 2024/5

Moved: Cr Mark Groote

Seconded: Cr Kristina Barnett

That Council:

1. Having considered Item 10.1 Integrated Transport Plan Update receives and notes the report.
2. Having considered Item 10.1 Integrated Transport Plan Update, supports the procurement of a suitably qualified consultant/s based on the scope presented in this report to deliver an Integrated Transport Plan for our city.

Cr De Backer requested leave of the Mover and Seconder to make a Variation to the Motion. The Mover and Seconder agreed to the Variation.

The Variation became the Motion.

**That Council:**

1. **Having considered Item 10.1 Integrated Transport Plan Update receives and notes the report.**
2. **Having considered Item 10.1 Integrated Transport Plan Update, supports the procurement of a suitably qualified consultant/s based on the scope presented in this report to deliver an Integrated Transport Plan for our city.**
3. **Delegates to the CEO to make minor amendments to the project brief to enhance the key themes of Active Transport and Active Neighbourhoods, for further consideration in developing the Integrated Transport Plan project.**

**CARRIED UNANIMOUSLY**

**10.2 PERIODIC REVIEW OF KEY FINANCIAL INDICATORS AND 2024/2025 ANNUAL BUSINESS PLAN AND BUDGET PARAMETERS****RESOLUTION 2024/6**

Moved: Cr Mark Groote

Seconded: Cr Mark Standen

**That Council:**

1. Having considered Item Periodic Review of Key Financial Indicators and 2024/2025 Annual Business Plan and Budget Parameters receives and notes this report.
2. Having considered this report and the recommendation from the Audit and Risk Committee, endorse the following Key Financial Indicator target ranges:
  - 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% unless Special Consideration is resolved by Council;
  - Net Financial Liabilities Ratio for a 5-year average period < 90% unless Special Consideration is resolved by Council;
  - Interest Ratio for an individual year 0% - 3%; and
  - Asset Funding Renewal Ratio 90% - 120%.

**CARRIED UNANIMOUSLY****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.

Nil

## 12 REPORTS FOR INFORMATION

Information reports can be resolved en bloc.

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

**The following items were reserved:**

Cr De Backer - **12.1 Section 221 Permit Framework - Status Update - Incentive Deeds and Internal Working Group**

Cr De Backer - **12.2 Mayoral Monthly Activity Report**

### 12.1 SECTION 221 PERMIT FRAMEWORK - STATUS UPDATE - INCENTIVE DEEDS AND INTERNAL WORKING GROUP

#### RESOLUTION 2024/7

Moved: Cr Alison De Backer

Seconded: Cr Kristina Barnett

**That Council:**

1. **Having considered Item 12.1 Section 221 Permit Framework - Status Update - Incentive Deeds and Internal Working Group receives and notes the report.**

**CARRIED UNANIMOUSLY**

### 12.2 MAYORAL MONTHLY ACTIVITY REPORT

#### RESOLUTION 2024/8

Moved: Cr Alison De Backer

Seconded: Cr Mark Groote

**That Council:**

1. **Having considered Item 12.2 Mayoral Monthly Activity Report receives and notes the report.**

**CARRIED UNANIMOUSLY**

**13 COUNCIL MEMBER REPORTS AND BRIEFINGS**

Cr Barnett provided the following written report:

During December 2023 & January 2024:

1. Met with Carol Stubbs, Council's new Community Engagement officer
2. Churchill Greening - On 14 January 2024, I was part of the second Churchill Greening volunteer work group under RAILCare
  - a. 15 volunteers attended
  - b. 70 plants planted with lots of watering
  - c. Graffiti removed
  - d. 2 bins filled with rubbish
3. I notified staff of a C/W Community Energy Upgrades Fund
4. Assisted residents with various requests (including petition, traffic/parking issues, noise complaint)]
5. Attended Special Council meeting, CEO Performance Review Committee, Newmarch Gallery Exhibition Opening - Accidental Aesthetics and Prospect Arts Network Meeting



**14 MOTIONS ON NOTICE**

Cr Mark Groote redeclared a material conflict of interest for **Item 14.1 Notice of Motion - Installing and Relocating Automated External Defibrillators.**

Cr Groote left the meeting at 8:26pm.

**14.1 NOTICE OF MOTION - INSTALLING AND RELOCATING AUTOMATED EXTERNAL DEFIBRILLATORS****RESOLUTION 2024/9**

Moved: Cr Lillian Hollitt

Seconded: Cr Kristina Barnett

**That Council:**

- 1. Move the existing internal Automated External Defibrillators fitted at Nailsworth Community Hall and Cane Reserve Club Rooms to visible positions on the external walls of the buildings.**
- 2. Purchase and fit an Automated External Defibrillator and an outdoor cabinet in the vicinity of Vine Street Plaza/Prospect Road in a visible location.**
- 3. Consider an adjustment to the Council's 2023-24 Annual Budget to fund this work at the 2nd Quarter Budget Review due to the low cost anticipated, noting the final cost will be informed by Council staff.**

**CARRIED UNANIMOUSLY**

Cr Groote re-entered the meeting at 8:35pm.

**15 QUESTIONS WITH NOTICE**

Nil

**16 CONFIDENTIAL ITEMS**

Chris White (Chief Executive Officer) left the meeting at 8:36pm.

**16.1 MINUTES OF THE CEO PERFORMANCE DEVELOPMENT REVIEW COMMITTEE MEETING HELD 16 JANUARY 2024****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:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

**RESOLUTION 2024/10**

Moved: Cr Mark Groote  
Seconded: Cr Mark Standen

**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:

- 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 Minutes of the CEO Performance Development Review Committee Meeting** Held 16 January 2024, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Unreasonable disclosure of information concerning the personal affairs of any person.

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.

**CARRIED UNANIMOUSLY**

**16.1 MINUTES OF THE CEO PERFORMANCE DEVELOPMENT REVIEW COMMITTEE MEETING HELD 16 JANUARY 2024**

**RESOLUTION 2024/11**

Moved: Cr Mark Groote

Seconded: Cr Thuy Nguyen

**That Council:**

- 1. Receive and note the Minutes of the CEO Performance Development Review Committee Meeting, held 16 January 2024 and adopt the recommendations therein.**

**CARRIED UNANIMOUSLY**

Chris White (Chief Executive Officer) re-entered the meeting at 8:46pm.

**16.2 SALE OF LAND FOR RECOVERY OF UNPAID RATES****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:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council
- (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

**RESOLUTION 2024/12**

Moved: Cr Mark Groote

Seconded: Cr Jason Nelson

**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 Corporate
- Director City Growth and Development
- Manager Finance
- 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 Sale of Land for Recovery of Unpaid Rates**, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Reason.

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.

**CARRIED UNANIMOUSLY**

**RESOLUTION 2024/14**

Moved: Cr Jason Nelson

Seconded: Cr Thuy Nguyen

1. That, pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999*, and having considered the matter ‘ **16.2 Sale of Land for Recovery of Unpaid Rates**’ for the meeting of Council held on 23 January 2024 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) (a) and (i) be kept confidential and not available for public inspection until Review event, on the basis that the information received, discussed and considered in relation to this agenda item is:

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); AND information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.
  - 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.

**CARRIED UNANIMOUSLY**

**16.3 250B CHURCHILL ROAD PROSPECT - RENEWAL SA DEVELOPMENT**

Emily Livingston & Jarrod Bishop of Thomson Geer joined the meeting at 8:54pm  
Sam Dilena (Director of City Works & Presentation), and Fraser Bell of Thomson Geer joined the meeting via video conference at 8:54pm

**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:

- (b)(i) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council
- (h) legal advice.

Resolution 2024/15

Moved: Cr Jason Nelson

Seconded: Cr Alison De Backer

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 Corporate
  - Director City Growth and Development
  - Director City Works and Presentation
  - Manager PMO and Project Delivery
  - Independent Consultants Emily Livingston and Fraser Bell of Thomson Geer, and Jarrod Bishop of LBW Co.
  - 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 16.3 250B Churchill Road Prospect - Renewal SA Development**, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Legal Advice Commercial advantage or to prejudice the commercial position of the Council.

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.

**CARRIED UNANIMOUSLY**

**16.3 250B CHURCHILL ROAD PROSPECT - RENEWAL SA DEVELOPMENT****Suspension of Meeting Procedures**

Mayor Matt Larwood sought, with approval of two-thirds leave of the meeting, for a short-term suspension of proceedings pursuant to Regulation 20 to facilitate informal discussion by members on **Item 16.3 250B Churchill Road Prospect - Renewal SA Development** at 8:58pm for 10 minutes.

Leave was granted.

Mayor Larwood sought leave of the meeting, at 9:08pm to extend the suspension of meeting procedures for a further 10 minutes.

Leave was granted.

Formal meeting procedures resumed at 9:18pm

**RESOLUTION 2024/16**

Moved: Cr Mark Groote

Seconded: Cr Mark Standen

**That Council:**

1. **Having considered Item 16.3 250B Churchill Road Prospect - Renewal SA Development receives and notes the report.**
2. **Delegate to the Council's Chief Executive Officer the power to accept vesting of future public land (roads and open space reserves) and the corresponding ongoing management responsibility set out in the Site Management Plan, subject to Renewal SA:**
  - i. **Confirming that this land is constructed in accordance with the Construction Environmental Management Plan, as verified by acceptance of its completion report by the Site Contamination Auditor and the Council's Chief Executive Officer (or delegate);**
  - ii. **Entering into an Infrastructure Agreement on terms acceptable to Council's Chief Executive Officer (or delegate) regarding the undertaking and management of quarterly gas monitoring on this land for at least 2 years, Renewal SA retaining ongoing liability for site contamination as well as the possible vesting of this land to Council prior to gas monitoring being completed if needed, on basis that management responsibilities remain with Renewal SA until such time as gas monitoring determines that no alteration to the Site Management Plan is required;**
  - iii. **Providing reports to evidence outcomes post gas monitoring pose no further risk to the Council's management approach for the land, as accepted by an independent site contamination consultant working on behalf of the Council to the satisfaction of the Council's Chief Executive Officer (or delegate);**  
**and**
  - iv. **Consulting Council's Chief Executive Officer (or delegate) on the wording of the ground gas risk notification that will be provided to all enquiries made to 'Before you Dig Australia'.**
3. **Notes that Council's relevant strategic plans, corporate plans, registers and work health safety systems will be updated in vesting of this infrastructure and management responsibility to the Council in the future.**

**CARRIED**

**RESOLUTION 2024/17**

Moved: Cr Kristina Barnett

Seconded: Cr Thuy Nguyen

1. That, pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999*, and having considered the matter ‘ **16.3 250B Churchill Road Prospect - Renewal SA Development**’ for the meeting of Council held on 23 January 2024 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) (b)(i) and (h) be kept confidential and not available for public inspection until The handing over of responsibility to the Council for management associated with the contaminated soils at 250B Churchill Road Prospect, on the basis that the information received, discussed and 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, or proposing to conduct, business, or to prejudice the commercial position of the council; AND legal advice.
  - 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.

**CARRIED UNANIMOUSLY**



**7 MEETING CLOSURE**

The Meeting closed at 9:34pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 February 2024.

.....  
CHAIRPERSON