

Minutes of the Ordinary Meeting of Council of the City of Prospect held in the Prospect Town Hall, 126 Prospect Road, Prospect on Tuesday 24 April 2018, at 7:00pm

Present:

Subject to Confirmation

Mayor D O'Loughlin

Councillors K Barnett, A De Backer, T Evans, M Groote, A Harris, M Larwood and M Lee.

C Hart	-	Chief Executive Officer
C Hannaford	-	Director Business & Innovation
N Cunningham	-	Director Community & Planning
G Moon	-	Director Corporate Services
S Bradley	-	Director Infrastructure & Environment
J Tanti	-	Manager Governance & Administration
J Page	-	Minute Secretary

Item 1: Opening

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

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

Item 1.3 Declaration by Members of a Conflict of Interest

Cr K Barnett declared a Perceived Conflict of Interest in Item 19.1 Community Service Award Nominations 2018 and will remain in the meeting when this item is discussed.

Cr M Larwood declared an Actual Conflict of Interest in Item 19.1 Community Service Award Nominations 2018 and will leave the meeting when this item is discussed.

Item 2: On Leave

Nil.

Item 3: Apologies

Cr M Standen.

Item 4: Confirmation of Minutes

Cr M Lee moved Cr T Evans seconded

(1) The Minutes of the Ordinary Meeting of Council held on 27 March 2018 be taken as read and confirmed as a true record.

Carried Unanimously 74/18

Item 5: Mayoral Monthly Report

Cr M Groote moved Cr K Barnett seconded

(1) Council having considered Item 5 Mayoral Monthly Report for the period of 28 March 2018 to 24 April 2018, receive and note the report.

Carried Unanimously 75/18

Item 6: Elected Member Reports and Briefings

Nil.

Item 7: Petitions

Subject to Confirmation

Nil.

Item 8: Deputation

Nil.

Item 9: Motions of Notice

Nil.

Item 10: Questions with Notice

Nil.

Item 11: Questions without Notice

Nil.

Item 12: Adjourned Items**Item 12.1 Adjourned Item - Hampstead Road PLEC Funding (Item 13.6 of 27/03/2018)**

Cr A Harris moved Cr K Barnett seconded

- (1) Council having considered Item 13.6 – Hampstead Road PLEC Funding, endorse:
- a. That City of Prospect pays its first payment of \$114,543 to SA Power Networks by 30 June 2018 for the undergrounding of power lines on Hampstead Road (between McInnes Avenue and North East Road).
 - b. That City of Prospect pay the remaining portion of \$458,176 to SA Power Networks by 2020/21 for the undergrounding of power lines on Hampstead Road (between McInnes Avenue and North East Road) in association with its Long Term Financial Plan.

Carried Unanimously 76/18

Item 13: Report of Committees/ Regional Subsidiaries / Other Bodies**Item 13.1 Chief Executive Officer Performance Development Review Committee Meeting Minutes 16/04/2018**

Cr M Groote moved Cr M Larwood seconded

- (1) The Minutes of the Chief Executive Officer Performance Development Review Committee Meeting held on Monday 16 April 2018 (as presented in Attachments 1-2) be received and the following be adopted:
1. Council notes Item 4.1 Chief Executive Officer's Performance Progress Report 2017/2018:
 - 1.1 The Chief Executive Officer's Performance Development Review Committee, having considered Item 4.1, the Chief Executive Officer's Performance Progress Report

2017/2018 be received and noted the report and requested that some matters be clarified before presentation to Council (as presented in Attachments 3-16).

- 1.2 The Committee notes that the next review of the Chief Executive Officer's Performance will be conducted in time to inform the August 2018 Council agenda
- 1.3 The Committee recommends that Council adopts the Key Performance Indicators as recommended by the CEO Performance Development Review Committee for the 2018/2019 financial year, to be read in association with the core Key Performance Indicators (as presented in Attachments 17-19):
 1. The Community Hub, Library and Innovation Centre is on budget and due for completion by the end of August 2019.
 2. Council has resolved to adopt a Long Term Financial Plan that sustainably funds its aspirations, in particular but not limited to:
 - Open Space Strategy as amended and adopted following community consultation
 - staged upgrade to Main North Road
 - staged upgrade to Broadview Oval and facilities
 - a validated Asset Management Plan
 3. Council's 'Green Tunnel' investment has commenced, with stage 1 completed within the allocated budget.
 4. George Whittle Reserve upgrade is on time and on budget.

Carried Unanimously 77/18

Item 14: Reports for Decision

Item 14.1 Dog Registration Fees 2018-19 and Dogs and Cats Online

Cr K Barnett moved Cr T Evans seconded

- (1) Council having considered Item 14.1 Dog Registration Fees 2018-19 and Dogs and Cats Online, endorse the Dog Registration Fees for 2018-19 as outlined in Table 1 the report.
- (2) Council receive and note information regarding the Dogs and Cats Online centralised registration system.

Carried Unanimously 78/18

Item 14.2 Developer Partnership Grant Program - Azalea Street Public Realm Upgrade

Cr M Larwood moved Cr A De Backer seconded

- (1) Council having considered Item 14.2 Developer Partnership Grant Program - Azalea Street Public Realm Upgrade endorse the application by the property owner of 1A Azalea Street, Prospect to widen the footpath on Azalea Street outside Meze Mazi Restaurant.
- (2) Council to endorse replacement of the existing older "zig zag" shaped pavers on Azalea Street, adjacent to the restaurant with the newer "H Block" shaped paver, to match the theme of paving along Prospect Road.

Carried Unanimously 79/18

Item 14.3 George Whittle Reserve Redevelopment Concept Plan

Cr K Barnett moved Cr M Larwood seconded

- (1) Council endorse in principle the proposed concept plan as presented in Attachments 1-31 for the purposes of additional consultation and support from skate park users of the current design of the skate park;
- (2) Subject to endorsement by skate park users, proceed to documentation stage in preparation for construction in 2018/19 Financial Year.

Carried Unanimously 80/18

Item 14.4 2017-2018 Events Evaluation Report

Cr M Larwood moved Cr M Lee seconded

- (1) Council having considered Item 14.4 2017-2018 City of Prospect Events Evaluation Report receive and note the report.
- (2) That a 2019 Tourrific Prospect street party event be considered as part of the 2018-2019 Budget process.
- (3) Subject to a budget allocation for Tourrific Prospect being endorsed for 2018-2019, an updated Tourrific Prospect event plan be developed based on Council's current event objectives.

Carried Unanimously 81/18

Item 14.5 Reconciliation Action Plan – Innovate (July 2018 – June 2020)

Cr A Harris moved Cr K Barnett seconded

- (1) Council having considered Item 14.5, Reconciliation Action Plan – Innovate (July 2018 – June 2020) receive and note the report.
- (2) Council endorse the Reconciliation Action Plan – Innovate (July 2018 – June 2020) as presented in Attachments 1-16, to be submitted to Reconciliation Australia for review and endorsement and authorises the Chief Executive Officer to undertake minor administrative amendments as required by Reconciliation Australia in order to achieve their endorsement.

Carried Unanimously 82/18

Item 14.6 East Waste – Recognition of Equity Share

Cr T Evans moved Cr M Groote seconded

- (1) Council having considered Item 14.6 East Waste Recognition of Equity, note the report.
- (2) Council make a favourable adjustment of \$39,370 in the fourth budget review 2017-2018 to reflect the increase in forecast equity share as at 30 June 2018.

Carried Unanimously 83/18

Item 14.7 Eastern Health Authority Second Budget Review 2017 - 2018

Cr T Evans moved Cr K Barnett seconded

Cr A Harris left the meeting at 8.40pm.

Subject to Confirmation

- (1) Council having considered Item 14.7 Eastern Health Authority Second Budget Review 2017-2018, approve the adjustments to Eastern Health Authority's Budget.
- (2) Council write to the Eastern Health Authority advising them of this approval.
- (3) Council make a favourable adjustment of \$1,638 in the third budget review 2017-2018 to reflect the increase in forecast equity share as at 30 June 2018.

Carried Unanimously 84/18

Item 14.8 Delegations to the Eastern Health Authority Inc.

Cr A De Backer moved Cr T Evans seconded

Cr Harris re-entered the meeting at 8.42pm.

Cr M Lee left the meeting at 8.42pm.

That, having conducted a review of the Council's Delegations to the Eastern Health Authority, in accordance with Section 44 of the *Local Government Act 1999*, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the Eastern Health Authority Incorporated, those powers and functions under the following:

1.1.1 Environment Protection Act 1993;

1.1.2 Expiation of Offences Act 1996;

1.1.3 Housing Improvement Act 1940;

1.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013;

1.1.6 Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulation 2009;

1.1.7 Safe Drinking Water Act 2011;

with effect from 2 May 2018.

2. Delegations made under Local Government Act 1999

2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachments 1-40 of the Report dated 24 April

2018 and entitled Item 13.2 Delegations to the Eastern Health Authority Inc. (each of which is individually identified as indicated below) are hereby delegated this 24th day of April 2018 to Eastern Health Authority with effect from 2 May 2018, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation. **Subject to Confirmation**

2.1.1 Environment Protection Act 1993 (Attachments 1-4);

2.1.2 Expiation of Offences Act 1996 (Attachments 5-9);

2.1.3 Local Government Act 1999 (Attachments 10-11);

2.1.4 Safe Drinking Water Act 2011 (Attachments 12-16);

2.1.5 South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (General) Regulations 2013 (Attachments 17-37); and

2.1.6 Fines Enforcement and Debt Recovery Act 2017 (Attachments 38-40).

2.2 Such powers and functions may be further delegated by Eastern Health Authority in accordance with Section 44 of the Local Government Act 1999 as Eastern Health Authority sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3. Delegations under Supported Residential Facilities Act 1992

3.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009, specified in the proposed Instrument of Delegation (contained in Attachments 41-48 to the Report dated 24 April 2018 and entitled Item 13.2 Delegations to the Eastern Health Authority Inc.) are hereby delegated this 24th day of April 2018 to Eastern Health Authority, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992, with effect from 2 May 2018.

3.2 Such powers and functions may be further delegated by Eastern Health Authority as Eastern Health Authority sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992 and Supported Residential Facilities Regulation 2009.

4. Enforcement Agency under the Food Act 2001

The Council acknowledges that:

4.1 Eastern Health Authority has been established as a regulatory subsidiary and is thereby prescribed, pursuant to Section 4 of the Food Act 2001 and in accordance with Regulation 4(1) of the Food Regulations 2002, as an enforcement agency for the purposes of the Food Act 2001; and

4.2 Eastern Health Authority is completely responsible for the operation and enforcement of the Food Act 2001 within the area of City of Prospect; and

4.3 the Chief Executive Officer of Eastern Health Authority, as the person designated by the Constituent Councils of Eastern Health Authority as the principal officer of Eastern Health

Authority, is, pursuant to Regulation 5 of the Food Regulations 2002, prescribed as the head of an enforcement agency for the purposes of the Food Act 2001.

5. The delegations made by the Council to Eastern Health Authority take effect 2 May 2018 and the powers and functions so delegated may not be exercised by Eastern Health Authority from that date.

Carried Unanimously 85/18

Item 14.9 GigCity Implementation

Formal Motion

Cr A Harris moved Cr K Barnett seconded

- (1) That the meeting proceed to the next item of business.

Carried Unanimously 86/18

Cr M Lee re-entered the meeting at 8.45pm.

Item 14.10 Third Budget Review 2017-2018

The Mayor sought leave of the meeting to suspend proceedings to discuss Item 14.10 on the agenda until 9.15pm.

Leave granted.

Meeting proceedings were suspended at 8.46pm.

Meeting proceedings resumed at 8.49pm.

Cr A Harris moved Cr T Evans seconded

- (1) Council having considered Item 14.10 Third Budget Review 2017-2018 endorse the Third Budget Review 2017-2018 as presented in Attachments 1 - 21.
- (2) Council approves the revised projected operating surplus (before capital amounts) of \$346,790, a projected net surplus (total comprehensive income amounts) of \$1,021,340, and a projected Net Borrowing position of \$5,689,007.

Carried Unanimously 87/18

Item 14.11 Plans for Endorsement – Community Hub, Library and Innovation Centre (CLIC)

The Mayor sought leave of the meeting to suspend proceedings to discuss Item 14.11 on the agenda until 9.15pm.

Leave granted.

Meeting proceedings were suspended at 8.51pm.

Meeting proceedings resumed at 9.15pm.

The Mayor sought leave of the meeting to suspend proceedings to discuss Item 14.11 on the agenda until 9.30pm.

Leave granted.

Subject to Confirmation

Meeting proceedings were suspended at 9.15pm.

Meeting proceedings resumed at 9.30pm.

The Mayor sought leave of the meeting to suspend proceedings to discuss Item 14.11 on the agenda until 9.45pm.

Leave granted.

Meeting proceedings were suspended at 9.30pm.

Meeting proceedings resumed at 9.42pm.

Cr M Groote moved Cr M Lee seconded

- (1) Council having considered Item 14.11 Plans and Program for Endorsement – Community Hub, Library and Innovation Centre receive and note the report.
- (2) Council endorses the 100% Design Development Plans as described in the Attachments 1-70 to this report, and in particular endorses the following internal elements of the design:
 - a. Gallery / Art store / Window Gallery spaces configuration and presentation, noting the feedback from the Prospect Art Action Network which assisted in refining the design and layout
 - b. Local history nook and study area layout and fitout on Level 1, noting the feedback from the Prospect Local History Group and the Family History Group has assisted in refining the design and layout
 - c. Flooring
 - Ground floor – matting to each entry, terrazzo tile (black & white) throughout, carpet inlays around customer service, carpet to children's area and reading area at edge of library, timber deck to balcony, marmoleum to processing room and art store, carpet to parent room, tiles to toilet areas, terrazzo through Town Hall corridors.
 - Level 1 - Tasmanian oak to main staircase and public area (Local History, study and Chamber/ Event space) and meeting rooms, terrazzo to chamber/ event space balcony and lift floors, tiles to toilet areas, carpet to staff area, marmoleum to staff kitchen and modwood to rear balcony.
 - Level 2 – Terrazzo to lift landing, base carpet to commercial space and selected carpet (from level 1) to staff area. Timber stair to connect Level 1 and 2.
 - d. Internal materials and finishes based on the materials board referenced in Attachment 21 to this report
 - e. Café area to be established as a 'warm shell' ready for future tenant fitout with fitout to include flooring
 - f. Not to proceed with the internal security screen/ curtain at the mid-point of the ground floor level
- (3) In endorsing the 100% Design Development Plans as described in the Attachments to this report, Council endorses the following external elements of the design:
 - a. Painted colour for the modular steel façade being Pale Blue or similar (B34-AS2700), as referenced in Attachment 16

- b. Painted colours to soffits (underside of canopies) and the gallery reveal being Cavelli Islands or similar (similar to Y21-Primrose AS2700) as referenced in Attachment 16, noting opportunity for colour to be updated (repainted) in future years
 - c. The painting to the quoins/rendered mouldings and dominate features of the Town Hall being Ghost Gum or similar (R33-AS2700) as referenced in Attachment 16 Subject to Confirmation
- (4) In endorsing the 100% Design Development Plans as described in the Attachments to this report, Council notes the following components remain outstanding for further design development and review at workshop before being returned to Council for endorsement:
- a. Internal and External Lighting type and layout
 - b. Screening / shading solution to the western balcony area
 - c. Level 1 Chamber / Event area furniture, fitout and layout
 - d. Street trees and front landscaping to Prospect Road
 - e. Internal fitout to Town Hall
 - f. Spandrel material to building façade and colour
 - g. Floor finishes to the maker space
 - h. Glazing colours
 - i. Building signage and naming
- (5) In endorsing the 100% Design Development Plans as described in the Attachments to this report, Council notes the following components for resolution by staff through Project Management Team and Project Executive Group discussions, to be workshopped with Elected Members as necessary and reported to Council in future update reports on the project:
- a. Layout and operations of Bar area in Town Hall
 - b. Food and drink store with prep benches guided by caterer advice
 - c. Cleaners store with sink
 - d. Cabinetry and loose furniture in keeping with the endorsed material and colour selections
 - e. Internal art installations such as history timeline
 - f. Seating options (including materials) for window gallery presentations to Prospect Road
 - g. Internal blinds to glazed areas as needed (except for Commercial area warm shell)
 - h. Northern precast wall to have visual interest at front and rear

Carried 88/18

Item 15: Protocol

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

The following items were reserved:

Nil.

Recommendations adopted en bloc:

Cr M Lee moved Cr M Groote seconded

- (1) The remaining items, namely 16.1, 16.2 & 16.3 be adopted.

Item 16: Reports for Information**Item 16.1 Project Update – Community Hub, Library & Innovation Centre (CLIC)**

Cr M Lee moved Cr M Groote seconded

Subject to Confirmation

- (1) Council having considered Item 16.1 Project Update – Community Hub, Library & Innovation Centre receives and notes the progress update for the Community Hub, Library and Innovation Centre for the period 28 March 2018 until 24 April 2018.

Carried Unanimously 89/18

Item 16.2 2017 Annual Internal Review (Section 270)

Cr M Lee moved Cr M Groote seconded

- (1) The Council having considered Item 16.2 2017 Annual Internal Review (Section 270) receive and note the report.

Carried Unanimously 90/18

Item 16.3 Service Review – Library and Customer Services

Cr M Lee moved Cr M Groote seconded

- (1) Council having considered Item 16.3 Service Review – Library and Customer Services receives and notes the report.
- (2) Council receive a progress report on the 28 August 2018 Meeting on the outcomes of the Library and Customer Services Review and the reviews earmarked for 2018/2019.

Carried Unanimously 91/18

Item 17: Council Diary

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

Item 18: General Business – Urgent Matters

Nil.

ITEM 19: Confidential Items**Item 19.1 Community Service Awards 2018**

Cr A De Backer moved Cr M Lee seconded

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

Under the provisions of Section 90(2) of the Local Government Act 1999, an order be made that the public with the exception of the Chief Executive Officer, Cate Hart; Director Corporate Services, Ginny Moon; Director Infrastructure and Environment, Simon Bradley; Director Business and Innovation, Chris Hannaford; Director Community and Planning, Nathan Cunningham; Manager Governance and Administration, Jo-Ann Tanti and the Minute Secretary, Jasmyn Page be excluded from attendance at the meeting of the Council in order to consider in confidence Agenda Item 19.1 titled "Community Service Awards 2018".

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

- on the grounds provided by Section 90(3)(a) of the Act, information to be received, discussed or considered in relation to this Agenda Item would involve the unreasonable disclosure of information concerning the personal affairs of the nominees, in that details of their personal attributes and merits of the nominations may be discussed; and
- the disclosure of this information would, on balance, be contrary to the public interest. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details regarding the merits of the nominations may be prematurely released before all award nominees have been notified and the successful award recipients have been announced at the official ceremony on 25 May 2018.

Carried Unanimously 92/18

Cr K Barnett declared a perceived Conflict of Interest at Agenda in Item 19.1 Community Service Awards 2018 and remained in the meeting to participate in the discussion and voted.

Cr M Larwood declared an actual Conflict of Interest in Item 19.1 Community Service Awards 2018, and left the meeting at 9.47pm as his daughter is nominated for a City of Prospect Community Service Award and did not participate in the discussion or vote.

The Mayor sought leave of the meeting to suspend meeting proceedings to discuss Item 19.1 until 10.15pm.

Leave granted.

Meeting proceedings were suspended at 9.48pm.

Cr A De Backer left the meeting at 9.56pm.

Meeting proceedings resumed at 10.08pm.

Confidential Resolutions

Cr A Harris moved Cr K Barnett seconded

- (2) "This Item was dealt with "in confidence".
- (3) "This Item was dealt with "in confidence".
- (4) "This Item was dealt with "in confidence".
- (5) "This Item was dealt with "in confidence".

(6) **Order Pursuant to Section 91(7)**

That in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item 18.1 for the ordinary meeting of the Council held on 24 April 2018 was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the Local Government Act 1999, this meeting of the Council, orders that the report titled "Item 19.1 Community Service Award Nominations 2018", attachments, minutes and any other associated information submitted to this meeting in relation to the matter, remain confidential (other than for the purpose of implementing the Council decision) and not available for public inspection until all award nominees have been notified and the successful award recipients have been announced at the official ceremony on 25 May 2018.

Carried Unanimously 93/18

Cr M Larwood re-entered the meeting at 10.10pm.

Item 19.2 Update on the disposal of recyclable material

Cr A Harris moved Cr K Barnett seconded

(1) Order to pursuant to Section 90(3)(d)

Subject to Confirmation

That under the provisions of Section 90(2) of the Local Government Act 1999, an order be made that the public with the exception of Cate Hart, Chief Executive Officer; Chris Hannaford, Director Business and Innovation; Nathan Cunningham, Director Community & Planning; Ginny Moon, Director Corporate Services; Simon Bradley, Director Infrastructure & Environment; Jo-Ann Tanti, Manager Governance & Administration and Jasmyn Page, Minute Secretary; be excluded from attendance at the Ordinary meeting of Council in order to consider in confidence Agenda Item 19.2 'Update on the disposal of recyclable material' of 24 April 2018.

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

- On the grounds provided by Section 90(3)(d) of the Act, information to be received, discussed or considered in relation to this Agenda Item are contracts for the provision of waste management services for the Council and Community.
- Council is satisfied that the principle that the meeting be conducted in a place open to the public would, on balance, be contrary to the public interest and 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.

(2) Council having considered Item 19.2 Update on the disposal of recyclable material, receive and note the report.

(3) Order Pursuant to section 91(7)

That in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item 19.2 for the Ordinary meeting of Council held on 24 April 2018 was received, discussed and considered in confidence pursuant to Section 90(3)(d) of the Local Government Act 1999, this meeting of the Council, does order that the report titled 'Update on the disposal of recyclable material' and the attachments and any other associated information submitted to this meeting in relation to the matter be retained in confidence for a period of 2 years and that this order be reviewed every 12 months.

Carried Unanimously 94/18

The meeting closed at 10.15pm.

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Mayor D O'Loughlin
 22 May 2018