

**Minutes of the Ordinary Meeting of Council of the City of Prospect held in the Prospect Civic Centre, 128 Prospect Road, Prospect on Tuesday 28 July 2009, at 7.15pm**

**SUBJECT TO  
CONFIRMATION**

**PRESENT:**

Mayor D O'Loughlin

Councillors D Amamoo, A Dixon, G Fitzpatrick, M Lee, M Mitchell, M Mulvihill, T Newall, B Preece and F Stock (until 9.15pm)

M Goldstone - Chief Executive Officer  
J Commons - Director Corporate Services  
J Fayad - Director Community Wellbeing  
S Green - Director Environment & Planning  
S Harrison - Director Business & Economic Development  
K Loughhead - Minute Secretary

**ITEM 1: OPENING**

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

**Item 1.2** Council Prayer

**ITEM 2: ON LEAVE:**

Nil.

**ITEM 3: APOLOGIES:**

Nil.

**ITEM 4: CONFIRMATION OF MINUTES:**

Cr B Preece moved Cr A Dixon seconded

- (1) The Minutes of the Ordinary Meeting of Council held on Tuesday 23 June 2009, the Special Meeting of Council held on Tuesday 7 July 2009 and the Special Meeting of Council held on Tuesday 21 July 2009, as circulated, be taken as read and confirmed as a true record.

**CARRIED 163/09**

**ITEM 5: MAYOR'S REPORT:**

Cr A Dixon moved Cr T Newall seconded

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

**CARRIED 164/09**

**ITEM 6: VERBAL REPORTS FROM COUNCIL REPRESENTATIVES:**

Cr Newall & Cr G Fitzpatrick attended the EHA Meeting.

**ITEM 7: QUESTIONS WITH NOTICE:**

Nil.

**ITEM 8: QUESTIONS WITHOUT NOTICE:**

Questions asked by Elected Members were answered by staff.

**ITEM 9: PETITIONS:**

The Mayor invited Kristina Barnett as head petitioner to address the meeting.

Kristina Barnett of 42 Marian Place, Prospect addressed the meeting and answered questions by Elected Members.

Cr B Preece moved Cr G Fitzpatrick seconded

**Item 9.1 Elector Representation Review**

- (1) The petition regarding the Elector Representation Review be received.
- (2) Council consider the petition in conjunction with Item 13.2 on this Council Agenda (28 July 2009).

**CARRIED 165/09**

**ITEM 10: DEPUTATIONS:**

Nil.

**ITEM 11: MOTIONS ON NOTICE:****Item 11.1 Cr B Preece – Expiation Notices – Traffic Infringements**

Cr B Preece withdrew this motion.

**Item 11.2 Cr B Preece – Rescission Motion**

Cr B Preece moved Cr T Newall seconded

- (1) Resolution Numbers 23/08 and 24/08, from Council 18 February 2008; Item 3.1: Efficiency & Economy Audit – Management Response, be rescinded.

*Namely,*

- (7) *Implement a workshop session of Council on the 1st Tuesday of each month in accordance with the guidelines at Attachments 34-35. Such workshops to commence on 4 March 2008.* 23/08
- (8) *Undertake extraordinary workshops (generally on alternate Tuesday nights) as necessary.* 24/08

**LOST**

The Mayor sought leave of the meeting to bring forward Item 13.2.

Leave granted.

The Mayor indicated the motion would be taken in parts.

**Item No. 13.2: Elector Representation Review**

Cr M Mitchell moved Cr G Fitzpatrick seconded

- (1) Council notes and gives due consideration to all of the feedback obtained through the second round of consultation.

**CARRIED 166/09**

Cr D Amamoo moved Cr M Lee seconded

- (2) Council comprise the Mayor and eight (8) Councillors.

The motion was carried on the casting vote of the Mayor.

Cr B Preece called for a Division

**Affirmative**

Cr D Amamoo  
Cr M Mulvihill  
Cr A Dixon  
Cr M Lee  
Cr F Stock  
Cr S Karahalios  
Mayor D O'Loughlin

**Negative**

Cr B Preece  
Cr T Newall  
Cr M Mitchell  
Cr G Fitzpatrick

Declared in the affirmative 7:4.

**CARRIED 167/09**

Cr M Mitchell moved Cr D Amamoo seconded

- (3) The City not be divided into wards.

The motion was carried on the casting vote of the Mayor.

Cr G Fitzpatrick called for a Division.

**Affirmative**

Cr D Amamoo  
Cr A Dixon  
Cr M Mitchell  
Cr M Lee  
Cr S Karahalios  
Mayor D O'Loughlin

**Negative**

Cr B Preece  
Cr T Newall  
Cr M Mulvihill  
Cr F Stock  
Cr G Fitzpatrick

Declared in the affirmative 6:5.

**CARRIED 168/09**

Cr M Mitchell moved Cr A Dixon seconded

- (4) Council staff be authorised to prepare and forward the necessary report and documents to the Electoral Commissioner, pursuant to the provisions of Sections 12(11) and 12(12) of the Local Government Act 1999.

Cr B Preece called for a Division

**Affirmative**

Cr D Amamoo  
Cr M Mulvihill  
Cr A Dixon  
Cr M Mitchell  
Cr M Lee  
Cr S Karahalios  
Mayor D O'Loughlin

**Negative**

Cr B Preece  
Cr T Newall  
Cr F Stock  
Cr G Fitzpatrick

Declared in the affirmative 7:4.

**CARRIED 169/09**

The Mayor adjourned the meeting for a short break until 9.15pm.

Cr F Stock left the meeting at 9.15pm.

The meeting resumed at 9.20pm.

Cr B Preece left the meeting at 9.20pm.

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

**The following items were reserved:**

Cr G Fitzpatrick withdrew item 13.6  
Mayor D O'Loughlin withdrew item 14.2  
Cr T Newall withdrew item 14.7  
Cr G Fitzpatrick withdrew item 18.2

**Recommendations adopted en bloc:**

Cr D Amamoo moved Cr S Karahalios seconded

- (1) The remaining items, namely 12, 13.1, 13.3, 13.4, 13.5, 13.7, 14.1, 14.3, 14.4, 14.5, 14.6, 15.1, 17.1 and 18.1 be adopted.

**ITEM 12: INFORMATION REPORT**

Cr D Amamoo moved Cr S Karahalios seconded

- (1) Council receives and notes the July 2009 Information Report.

**CARRIED 170/09**

**Item No. 13.1: Progress Report – Capital Expenditure & Major Projects**

- (1) Council notes this report.

**CARRIED 171/09**

**Item No. 13.3: Update on Council's Borrowing and Related Financial Arrangements**

- (1) This report be noted.

**CARRIED 172/09**

**Item No. 13.4: Investment Report**

- (1) This report be noted.

**CARRIED 173/09**

**Item No. 13.5: Fees & Charges Register**

- (1) The Fees and Charges Register provided as **Attachments 1–14** be adopted.

**CARRIED 174/09**

**Item No. 13.7: Delegations Manual - Delegations under the Local Government Act 1999**

- (1) Having conducted a review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. **Revocations**

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

1.1.1 Local Government Act 1999

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 identified as Appendix 12 are hereby delegated this 28th day of July 2009 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified therein or in the Schedule of Conditions in the Instrument of Delegation.

2.1.1 Local Government Act 1999 (Appendix 12)

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

**CARRIED 175/09**

**Item No. 14.1: Finalisation of Lease and Licence Agreements**

- (1) The procedure for following up complaints received by Council in relation to a club's use of a Council owned sport or recreation facility is outlined in writing to the club at the time of renewing their Lease or Licence Agreement.

**CARRIED 176/09**

**Item No. 14.3: Lease Agreement with Prospect Broadview Bowling Club**

- (1) The Common Seal of City of Prospect be affixed to the Lease Agreement with Prospect Broadview Bowling Club for use of the bowling greens and clubrooms at Broadview Oval for a period of three (3) years expiring on 30 June 2012.
- (2) The annual Lease Fee will be \$250.00 each year for the next three (3) years.

**CARRIED 177/09**

**Item No. 14.4: Lease Agreement with Broadview Croquet Club**

- (1) The Common Seal of City of Prospect be affixed to the Lease Agreement with Broadview Croquet Club for use of the croquet greens and clubrooms at Broadview Oval for a period of three (3) years expiring on 30 June 2012.
- (2) The annual Lease Fee will be \$250.00 per year.

**CARRIED 178/09**

**Item No. 14.5: Licence Agreement with Prospect District Cricket Club**

- (1) The Common Seal of City of Prospect be affixed to the Licence Agreement with Prospect District Cricket Club for use of Broadview Oval and Charles Cane Reserve for a period of three (3) years expiring on 30 June 2012.
- (2) The annual Licence Fee will be \$500.00 per year.

**CARRIED 179/09**

**Item No. 14.6: Licence Agreement with Cressy Bowmen Archery Club**

- (1) The Common Seal of City of Prospect be affixed to the Licence Agreement with Cressy Bowmen Archery Club for use of Broadview Oval expiring on 31<sup>st</sup> March 2010.
- (2) The Licence Fee be waived.

**CARRIED 180/09**

**Item No. 15.1: Eastside Business Enterprise Centre (EBEC) Annual Report**

- (1) The Eastside Business Enterprise Centre Annual Report be received and noted.
- (2) Council agrees to pay \$7,000 (excl GST) for the 2009/2010 financial year membership of EBEC.

**CARRIED 181/09**

**Item No. 17.1: The Adequacy of the Development Plan in Protecting Existing Streetscapes**

- (1) That Council receives and notes the information.
- (2) That this report be placed on the agenda of the next meeting of the Development Assessment Panel for information.

**CARRIED 182/09**

**Item No. 18.1: Draft Local Area Traffic Management Plan (LATM) – Regency North East & North West Precincts**

- (1) Council initiate consultation with residents and property owners of the Regency North East and North West precincts and affected Port Adelaide Enfield residents regarding the preferred treatments for the precincts.
- (2) Council consult further with other key stakeholders including the City of Port Adelaide Enfield and Department for Transport Energy and Infrastructure regarding the Draft LATM for the area.

**CARRIED 183/09**

**Reserved Items**

Cr B Preece re-entered the meeting at 9.25pm.

**Item No. 13.6: Meeting Procedures & Workshop Guidelines**

Cr M Mitchell moved Cr S Karahalios seconded

- (1) The reviewed and updated Meeting Procedures for Meetings of Council and Standing Committees as provided in **Attachments 1-18** be adopted.
- (2) The updated Workshop Guidelines & Protocol as provided in **Attachments 19-20** be adopted.

Cr A Dixon called a point of order against Cr Preece's disruptive behaviour in line with Council's Meeting Procedures. The Point of Order was upheld.

In line with 2.46(3)&(4), Mayor D O'Loughlin invited Cr Preece to make a personal explanation for his behaviour. After hearing Cr Preece's explanation, Cr Preece was asked to leave the room while the matter was considered by the meeting. Cr Preece left the meeting at 9.32pm.

The Mayor suspended meeting procedures until 9.50pm to consider this issue.

Meeting Procedures resumed at 9.46pm

Cr M Mitchell moved Cr D Amamoo seconded

- (1) Pursuant to 2.46 (1) of Council's Meeting Procedures, Duties and Responsibilities of Presiding Members declare that Cr Preece has behaved in an improper and disorderly manner.

**CARRIED 184/09**

Cr M Mitchell moved Cr S Karahalios seconded

- (1) Council resolves to censure the member, pursuant to 2.46(5) of Council's Meeting Procedures.

**CARRIED 185/09**

Cr B Preece re-entered the meeting at 9.55pm.

**Item 13.6 continued:**

**Amendment**

Cr G Fitzpatrick moved Cr T Newall seconded

- (1) The reviewed and updated Meeting Procedures for Meetings of Council and Standing Committees, (as amended – removal of 9.3) as provided in **Attachments 1-18** be adopted.

The amendment was put and carried.

The Amendment becomes the motion:

The Mayor indicated the motion would be taken in parts.

- (1) The reviewed and updated Meeting Procedures for Meetings of Council and Standing Committees, (as amended – removal of 9.3) as provided in **Attachments 1-18** be adopted.

**CARRIED 186/09**

- (2) The updated Workshop Guidelines & Protocol as provided in **Attachments 19-20** be adopted.

**CARRIED 187/09**

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

Cr M Mitchell moved Cr G Fitzpatrick seconded

- (1) That the meeting be extended until 11pm.

**CARRIED 188/09**



**Item No. 14.2: Finalisation of Broadview Football Club Licence Agreement**

Cr B Preece moved Cr G Fitzpatrick seconded

- (1) The Common Seal of City of Prospect be affixed to the Licence Agreement with Broadview Football Club for use of Broadview Oval and clubrooms for a period of three (3) years commencing 1 July 2009 expiring on 30 June 2012 in line with the current licence arrangements and that access to the oval grounds on Sundays commencing 1 April 2010 and expiring 30 June 2012.
- (2) The Licence Fee will be:
  - \$5216.00 in the first year pro-rata
  - \$6240.00 in the second year normal
  - \$6240.00 + CPI in the third year normal

Cr M Mitchell moved

- (2) The Licence Fee remain at \$4875 pa adjusted annually by CPI.

The Mayor suspended Meeting Procedures until 9.40pm to discuss this issue.

Meeting Procedures resumed at 9.39pm.

The amendment was not accepted as it contravened a previous resolution of Council.

The original motion, namely:

- (1) The Common Seal of City of Prospect be affixed to the Licence Agreement with Broadview Football Club for use of Broadview Oval and clubrooms for a period of three (3) years commencing 1 July 2009 expiring on 30 June 2012 in line with the current licence arrangements and that access to the oval grounds on Sundays commencing 1 April 2010 and expiring 30 June 2012.
- (2) The Licence Fee will be:
  - \$5216.00 in the first year pro-rata
  - \$6240.00 in the second year normal
  - \$6240.00 + CPI in the third year normal

**CARRIED 189/09**

**Item No. 14.7: Crime Prevention Strategy for Memorial Gardens**

Cr M Mitchell moved Cr S Karahalios seconded

- (1) Report be received.
- (2) a) That the consultant recommendations (3-9) be endorsed and the estimated cost of \$5,000 to improve fencing be referred to the next budget review.
  - b) Council administration investigate the cost of contracting out a team of street youth workers through an external service agency and report back to Council.

**Amendment**

Cr T Newall moved Cr B Preece seconded

- (1) Report be received.
- (2) a) That the consultant recommendations (1 & 3-9) be endorsed and the estimated cost of \$30,000 to improve fencing and install portable CCTV cameras be referred to the next budget review.  
b) Council administration investigate the cost of contracting out a team of street youth workers through an external service agency and report back to Council.

As the time was approaching 11pm, the Mayor sought to extend the meeting until 11.30pm.

Cr D Amamoo moved Cr G Fitzpatrick seconded

- (1) The meeting be extended to 11.30pm.

**CARRIED 190/09**

The Item 14.7 amendment was then put and lost.

The original motion, namely:

- (1) Report be received.
- (2) a) That the consultant recommendations (3-9) be endorsed and the estimated cost of \$5,000 to improve fencing be referred to the next budget review.  
b) Council administration investigate the cost of contracting out a team of street youth workers through an external service agency and report back to Council.

**CARRIED 191/09**

**Item No. 18.2: Local Area Traffic Management Plan (LATM) – Nailsworth & Collinswood Precincts – D’Erlanger Avenue**

Cr G Fitzpatrick moved Cr M Mulvihill seconded

- (1) Council proceed with design and tendering for construction of the full width devices on D’Erlanger Avenue as shown in **Attachment 6**.
- (2) D’Erlanger Avenue residents be notified of Council’s decision.

**CARRIED 192/09**

**ITEM 19: COUNCIL DIARY:**

The Mayor brought Members’ attention to forthcoming diary dates.

**ITEM 20: GENERAL BUSINESS:**

**Item No. 20.1 Naming of Lane**

Cr T Newall moved Cr B Preece seconded

- (1) A report be provided regarding the naming of the lane between Kintore Avenue and Menzies Crescent to be Lindner Lane.

**CARRIED 193/09**

**Item No. 20.2: Parking Expiations**

Cr B Preece moved Cr M Mitchell seconded

- (1) A workshop item be listed to review the practice of Community Safety Officers affixing expiations to vehicles with a particular focus on issues of occupational health and safety.

As the time was approaching 11.30pm the Mayor sought to extend the meeting until 11.45pm

Cr D Amamoo moved Cr B Preece seconded

- (1) That the meeting be extended until 11.45pm.

**CARRIED 194/09**

Item 20.2 was then put and

**CARRIED 195/09**

**Item No. 20.3: Workshop Review**

Cr G Fitzpatrick moved Cr D Amamoo seconded

- (1) A workshop item be listed to look at a process to conduct a formal review of the workshop structure.

**CARRIED 196/09**

**ITEM 21: GENERAL BUSINESS – URGENT MATTERS:**

Nil.

**ITEM 22: CONFIDENTIAL ITEMS:**

**Item No. 22.1: Order to Exclude Public – Reconstruction Harrington Street**

Lapsed.

**Item No. 22.2: Reconstruction Harrington Street**

Cr T Newall moved Cr G Fitzpatrick seconded

- (1) Tenders be called by select tender process.
- (2) The Chief Executive Officer be authorised to affix the Common Seal of City of Prospect to the contract between City of Prospect and the successful tenderer if the total project cost is not greater than 5% of the budget allocation for Harrington Street.

**CARRIED 197/09**

**ITEM 23: CLOSURE:**

The meeting closed at 11.38pm.

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**Mayor D O'Loughlin**  
25 August 2009