MINUTES

OF THE

COUNCIL MEETING

HELD ON

TUESDAY 12 NOVEMBER 2019
MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON TUESDAY, 12 NOVEMBER 2019 AT 7PM.

MEMBERSHIP:  Mayor H Holmes-Ross
Crs J Bange, J Berry, A Christopoulos, S Fisher, K Hockley, D Kruse, C McCarthy, D Munro, J Sanderson, K Steele, L Taeuber, A Tilley and Y Todd

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PLEDGE AND KAURNA ACKNOWLEDGEMENT

The Mayor pledged:

We acknowledge that this land we meet on is the traditional land of the Kaurna people. We respect their spiritual relationship with their country.

We, as a Council, welcome all members of the community and pledge honesty and good governance in all of our dealings.

WELCOME

The Mayor welcomed those present to the meeting and advised the Chamber that the meeting was being recorded for teaching and training purposes. The Mayor also congratulated the Chamber on its first year of its Term of Office.
PRESENT:  
Her Worship the Mayor (H Holmes-Ross)  
Crs J Bange, J Berry, A Christopoulos, S Fisher, C McCarthy, D Munro, J Sanderson, K Steele, L Taeuber, A Tilley and Y Todd.

7:03pm Cr Hockley arrived.  
8:37pm Cr McCarthy left the meeting.  
8:44pm Cr Christopoulos left the meeting.

APologies:  
Cr D Kruse

Leave of Absence:

Absent:

Staff in Attendance:  
Acting Chief Executive Officer (K O'Neill), General Manager, Engineering & Horticulture (D Baker), General Manager Corporate Services and Innovation (W Reynolds), General Manager Development Services & Community Safety (C Harrison), Acting General Manager Organisational & Community Development (U Hickey), Minute Secretary (D Horton), Manager Finance, (L Harris), Manager Property (T Vi-Alternetti), Sporting Facility & Recreation Officer (H Ashworth) Senior Property & Facilities Advisor (J Valentine), Manager Performance & Strategy (D Jellings), Business Partner Corporate Planning & Performance (V Fisher).

Business

1. ELECTED MEMBERS’ DECLARATIONS OF INTERESTS

7:03pm Pursuant to Section 74 of the Local Government Act 1999, Cr McCarthy declared a perceived conflict of interest for Item 9.2 Hawthorndene Oval Redevelopment as he campaigned during the 2018 Local Government Elections for the development of the Oval and intends to remain in the meeting for this item and consider the matter on its merits.

2. CONFIRMATION OF MINUTES

2.1 FULL COUNCIL MEETING - 22 OCTOBER 2019

MOVED Cr Sanderson

That the Minutes of the Full Council Meeting held on 22 October 2019 be confirmed.

SECONDED Cr Fisher  
CARRIED
7:03pm Cr Hockley arrived during discussion of this item.

3. ADJOURNED MOTIONS

Nil

4. DEPUTATIONS

4.1 MR MATT SMITH AND MR BEN PAGE - HAWTHORNDENE OVAL CHANGEROOM DEVELOPMENT

Mr Matt Smith of Coromandel Valley and Mr Ben Page of South Australian Cricket Association were granted permission to address the Council concerning Item 9.2 – Hawthorndene Oval Changeroom Development and answered questions from Elected Members.

7:10pm Leave of the meeting was sought and granted for Mr Matt Smith to continue his deputation.

4.2 MR MARK KEAM - KINGSWOOD OVAL CLUBROOM REDEVELOPMENT

Mr Mark Keam of Glenside was granted permission to address the Council concerning Item 9.1 – Kingswood Oval Clubroom Redevelopment and answered questions from Elected Members.

5. ADJOURNED BUSINESS

Nil

6. PRESENTATIONS

The Mayor Presented the following Awards to the Acting Chief Executive Officer and General Manager Engineering and Horticulture;

- Urban Development Institute of Australia – Excellence in Public Realm – Mitcham Memorial Library and Brownhill Creek Redevelopment.

7:25pm Cr McCarthy left the meeting during presentations.

7. GALLERY QUESTION TIME
QUESTIONS FROM THE COUNCIL MEETING – 12 NOVEMBER 2019

Nil

8. PETITIONS

Nil

9. DECISION REPORTS

9.1 KINGSWOOD OVAL CLUBROOM REDEVELOPMENT

Report Author/Manager: Hayley Ashworth & John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 12 November 2019)
(Location: Boorman Ward)
(Consultant Used: $Nil)

MOVED Cr Tilley

1. That Council advise the Kingswood Sports and Social Club that it supports the development of more appropriate facilities at Kingswood Oval.

2. That at this stage Council does not provide in principle landlord support to the Kingswood Oval Clubroom Development for the plans dated 9 September 2019, as provided at Attachment A of this report.

3. That Council in principle allocate $25,000 (to be decided at a future budget review) to undertake design, structural engineering and quantity surveying investigations based on the existing option estimated to cost $2,100,000.

4. That the outcome of the design, structural engineering and quantity surveying investigations be reported back to Council for consideration.

SECONDED Cr Bange

CARRIED

7:25pm Cr McCarthy returned during the discussion of this item.

8:01pm Cr Hockley called a point of order against Cr Todd, stating that Cr Todd was in breach of Regulation 14(1) (a variation could only be moved by the Mover of the motion with the consent of the seconder and with leave of the meeting) of the Local Government (Procedures at Meetings) Regulations 2013. The Mayor ruled in favour of the order.
A DIVISION WAS CALLED BY CHRISTOPOULOS AND THE DECISION WAS SET ASIDE.

For the motion: Cr Bange, Cr Berry, Cr Fisher, Cr Munro, Cr McCarthy, Cr Sanderson, Cr Steele, Cr Taeuber, Cr Tilley, Cr Todd

Against the motion: Cr Christopoulos, Cr Hockley

THE CHAIR DECLARED THE MOTION CARRIED

9.2 HAWTHORNDENE OVAL CHANGEROOM DEVELOPMENT

Report Author/Manager: Hayley Ashworth & John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 12 November 2019)
(Location: The Park Ward)
(Consultant Used: $Nil)

Pursuant to Section 74 of the Local Government Act 1999, Cr McCarthy re-declared a perceived conflict of interest for Item 9.2 Hawthorndene Oval Redevelopment as he campaigned during the 2018 Local Government Elections for the development of the Oval and remained in the meeting for this item to consider the matter on its merits.

MOVED Cr McCarthy

1. That Council advise the Coromandel Valley Ramblers Cricket Club that it does not support the development of facilities at Hawthorndene Oval whilst the issue of alcohol licensing remains unknown, in terms of closing times and likely numbers of patrons.

2. That Council agrees that alcohol service until 9pm on a Thursday and 10pm on a Saturday in close proximity to resident properties in a secluded residential area is too late.

The motion lapsed for want of a seconder.

MOVED Cr Bange

1. That in-principle landlord support be granted for the development of change rooms with associated amenities, public toilet, umpires’ room and canteen (provided in Attachment A of this report).

2. That Council manage the project to deliver the design, construction and commissioning stages of the project, noting that development approval will be required.

3. Should the necessary development approval be gained, that Council work closely with the Coromandel Valley Ramblers Cricket Club to see what professional tradespeople connected with the club may be willing and available to volunteer their professional services and/or labour, with
the aim of reducing the overall costs of this project.

4. In addition to the $65,000 already committed for this project, Council provides in-principle support for the allocation of $117,000 new capital (to be considered at a future budget review) for this project, omitting, at this stage, the demolition of the existing toilet block and construction of the new car park.

SECONDED Cr Berry

8:05pm Councillor Todd left the meeting once seconded, of Item 9.2 Hawthorndene Oval Change room Development to avoid breaches of the Assessment Panel Members - Code of Conduct adopted pursuant to Schedule 3 of the Planning, Development and Infrastructure Act 2016 (PDI Act).

VARIATION

The Mover with the consent of the Seconder, sought and was granted leave of the meeting to vary the motion as follows;

1. That in-principle landlord support be granted for the development of change rooms with associated amenities, public toilet, umpires' room and canteen (provided in Attachment A of this report).

2. That Council manage the project to deliver the design, construction and commissioning stages of the project, noting that development approval will be required.

3. Should the necessary development approval be gained, that Council work closely with the Coromandel Valley Ramblers Cricket Club to see what professional tradespeople connected with the club may be willing and available to volunteer their professional services and/or labour, with the aim of reducing the overall costs of this project.

4. In addition to the $65,000 already committed for this project, Council provides in-principle support for the allocation of $117,000 new capital (to be considered at a future budget review) for this project, omitting, at this stage, the demolition of the existing toilet block and construction of the new car park.

5. Council authorises the Chief Executive Officer to execute the funding agreement between Council and Coromandel Ramblers Cricket Club to enable the delivery of the project.

SUBSTANTIVE MOTION

MOVED Cr Bange

1. That in-principle landlord support be granted for the development of change rooms with associated amenities, public toilet, umpires' room and canteen (provided in Attachment A of this report).

2. That Council manage the project to deliver the design, construction
and commissioning stages of the project, noting that development approval will be required.

3. Should the necessary development approval be gained, that Council work closely with the Coromandel Valley Ramblers Cricket Club to see what professional tradespeople connected with the club may be willing and available to volunteer their professional services and/or labour, with the aim of reducing the overall costs of this project.

4. In addition to the $65,000 already committed for this project, Council provides in-principle support for the allocation of $117,000 new capital (to be considered at a future budget review) for this project, omitting, at this stage, the demolition of the existing toilet block and construction of the new car park.

5. Council authorises the Chief Executive Officer to execute the funding agreement between Council and Coromandel Ramblers Cricket Club to enable the delivery of the project.

SECONDED Cr Berry

CARRIED

8:20pm Cr Todd returned to the meeting.

9.3 MITCHAM RESERVE HERITAGE TREE CONSERVATION - FOOTPATH REALIGNMENT
Report Author/Manager: Tim Johnson / Rick Hennig
General Manager: Daniel Baker
(Meeting Date: 12 November 2019)
(Location: Boorman Ward)
(Consultant Used: $2790)

MOVED Cr Tilley

That Council:

1. Supports increased mulching around trees 7 and 51 and the realignment of approximately 60 m of footpath

2. That any plantings within the mulch area around Tree 7 be restricted to the eastern side of the tree, i.e. from the base of the tree to the edge of the path, to maintain an open feel to the central area of the reserve.

3. In principle supports the priority and budget bid of $18,000 for the replacement of the footpaths to be considered at 2019/2020 Budget Review 2.

Leave of the meeting was sought and granted for Cr Tilley to speak for a further three minutes.
8:37pm Cr McCarthy left the meeting.

9.4 PUBLIC POLICY REVIEW
Report Author/Manager: Kate O'Neill
General Manager: Kate O'Neill
(Meeting Date: 12 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

DECISION 1 – PUBLIC POLICIES RECOMMENDED TO BE REVOKED

MOVED Cr Hockley

That Council revokes the Public Policies set out in Table 1: Public Policies to be Revoked of this report.

SECONDED Cr Christopoulos CARRIED UNANIMOUSLY

DECISION 2 – PUBLIC POLICIES RECOMMENDED TO BE AMENDED

MOVED Cr Hockley

That all current Public Policies be amended to include the following clause:

Policy Review
This Policy will be subject to review every four (4) years or sooner at the discretion of the relevant General Manager.

The CEO has delegated authority to endorse any amendments to the Policy that do not vary the intent of the policy.

SECONDED Cr Christopoulos CARRIED UNANIMOUSLY

CHANGE TO ORDER OF BUSINESS

The Mayor sought and was granted leave of the meeting to change the order of the meeting for Item 11.1 Code of Practice – Meeting Procedures to be dealt with at this time.

10. DISCUSSION ITEMS FOR FUTURE DECISION

11.1 CODE OF PRACTICE - MEETING PROCEDURES
Report Author/Manager: Deb Horton
General Manager: Kate O'Neill
(Meeting Date: 12 November 2019)
(Location: Council Wide)
MOVED Cr Bange

That the report be received for information only.

SECONDED Cr Taeuber

CARRIED

8:44pm Cr Christopoulos left the meeting during discussion of this item.

ADJOURNMENT OF MEETING

THE MEETING ADJOURNED AT 9:01 pm.

RESUMPTION OF MEETING

THE MEETING RECONVENED AT 9:12 pm.

11 CONFIDENTIAL REPORTS

10.1 EASTERN WASTE MANAGEMENT AUTHORITY - LEGAL MATTER UPDATE

Report Author/Manager: Craig Harrison
General Manager: Craig Harrison
(Meeting Date: 12 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

DECISION 1 – GO INTO CONFIDENCE

MOVED Cr Taeuber

That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders the public be excluded with the exception of staff present and Mr Rob Gregory, General Manager East Waste for Agenda Item 10.1 Eastern Waste Management Authority – Legal Update on the basis that the Council considers it necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence legal advice in relation to this matter.

That Council is satisfied that pursuant to section 90(3)(h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda item is legal advice that is subject to legal professional privilege.

The Council is satisfied in principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because it will allow Council to consider and discuss the legal advice given including options in order to progress this matter further.
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SECONDED Cr Todd  CARRIED UNANIMOUSLY

9:13pm Cr Tilley, Cr Hockley and Cr Steele entered the meeting.

THE GALLERY LEFT THE MEETING AT 9:13 PM SO CONFIDENTIAL MATTERS COULD BE DISCUSSED AND THE AUDIO RECORDING WAS STOPPED.

DECISION 3 – REMAIN IN/OUT OF CONFIDENCE

MOVED Cr Munro

1. That having considered the said information or matter pursuant to Section 90(2) and (3) under Part 3 of Chapter 6 of the Local Government Act 1999, the Council orders pursuant to Section 91(7) of the Local Government Act 1999 that the Report, Attachment, Decision and discussion of Agenda Item No 10.1 Eastern Waste Management Authority – Legal Matter Update be kept confidential and released when the General Manager of Eastern Waste consents to its release.

2. That the Chief Executive Officer be authorised to review the confidentiality order annually.

3. That pursuant to Section 91(9)(c) of the Local Government Act 1999 the Chief Executive Officer be authorised to revoke this order.

SECONDED Cr Fisher  CARRIED UNANIMOUSLY

FOLLOWING DISCUSSION OF CONFIDENTIAL MATTERS, THE MEETING MOVED OUT OF CONFIDENCE AT 9:16PM AND THE AUDIO RECORDING WAS RECOMMENDED.

11.2 2018/19 ANNUAL REPORT

Report Author/Manager: Virginia Fisher / Dan Jellings
General Manager: Wade Reynolds
(Meeting Date: 12 November 2019)
(Location: Council Wide)

MOVED Cr Fisher

That the report be received for information only.

SECONDED Cr Bange  CARRIED UNANIMOUSLY
12. INFORMATION ONLY REPORTS

INFORMATION ONLY REPORTS

MOVED Cr Hockley

That the recommendations for Items 12.1 to 12.4 be adopted en bloc.

SECONDED Cr Bange

CARRIED UNANIMOUSLY

12.1 OUTSTANDING RATES - SEPTEMBER 2019

Report Author/Manager: Benjamin Griffen / Luke Harris
General Manager: Wade Reynolds
(Meeting Date: 12 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

RECOMMENDED

That the report be received for information only.

12.2 FEDERAL ELECTION PLEDGE AND OTHER FUNDING UPDATE - FACILITIES

Report Author/Manager: Hayley Ashworth / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 12 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

RECOMMENDED

That the report be received for information only.

12.3 CORRESPONDENCE FOR INFORMATION ONLY

(Meeting Date: 12 November 2019)
(Location: Council Wide)

RECOMMENDED

That the report be received for information only.
12.4 COUNCIL RESOLUTIONS PROGRESS REPORT
Report Author/Manager: Deb Horton
General Manager: Kate O'Neill
(Meeting Date: 12 November 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

RECOMMENDED

That the report and attachments be received for information only.

13. RECOMMENDATIONS FROM COMMITTEES
Nil

14. COUNCIL ASSESSMENT PANEL
Nil

15. REPORTS FROM REGIONAL SUBSIDIARIES

15.1 CENTENNIAL PARK CEMETERY AUTHORITY – SEPTEMBER 2019 QUARTERLY PROGRESS REPORT
Report Author/Manager: Deb Horton
General Manager: Kate O'Neill
(Meeting Date: 12 November 2019)
(Location: Council Wide)

MOVED Cr Hockley

1. That the CPCA CEO Progress Report for the September Quarter 2019, as provided at Attachment A of this report, be received for information.

2. That the CPCA CEO Progress Quarterly Reports no longer be reported to Council via the Full Council Agenda and instead be made available on the City of Mitcham website (where appropriate) and the Elected Member intranet.

SECONDED Cr Munro

A DIVISION WAS CALLED BY COUNCILLOR FISHER AND THE DECISION WAS SET ASIDE.

For the motion: Cr Bange, Cr Berry, Cr Hockley, Cr Munro, Cr McCarthy, Cr Sanderson, Cr Steele, Cr Taeuber, Cr Tilley, Cr Todd

Against the motion: Cr Fisher

THE CHAIR DECLARED THE MOTION CARRIED
16. NOTICES OF MOTION

16.1 CR ANDREW TILLEY - PARK N RIDE TORRENS STATION

MOVED Cr Tilley

Further to the attached letter from Minister Knoll to Mr Rod Ellis, and Council’s letter to Minister Knoll dated 9 July 2019 (attached), Council seek a joint meeting with the Minister and the Members for Elder and Waite to request the State Government reconsider their position with a view to seek agreement to purchase the 2 allotments adjacent the Torrens Park Railway station which are currently for sale.

In addition, that Council also contact Nicolle Flint the Federal Member for Boothby seeking federal support for the Torrens Park Station Parking Upgrade and implementation.

SECONDED Cr Fisher

CARRIED

17. MOTIONS WITHOUT NOTICE

Nil

18. QUESTIONS ON NOTICE

18.1 CR KAREN HOCKLEY - RANDELL RESERVE IMPROVEMENTS 8 OCTOBER 2019

QUESTION

When will improvements to the cycle path on Randell Reserve be completed and when will the Alcatraz gate be removed?

ANSWER

The trail improvements are scheduled for February / March 2020 and the fence removal and trail head is to be completed after trail construction.

Currently the trail construction scope is out for tender and a spring vegetation survey has been completed for the Native Vegetation Clearance Application (a State Government requirement).

Due to weather conditions, works will not be undertaken in the reserve through peak fire season and the Christmas period (December 2019 / January 2020) this is assuming the clearance application is successful.
18.2 CR JANE BANGE - MEMBERSHIP OF THE CITIES POWER PARTNERSHIP - 12 NOVEMBER 2019

QUESTION

Is there a timeframe for when the report on membership of the Cities Power Partnership will come before Council?

ANSWER

Answer to be provided in a future agenda.

18.3 CR ADRIANA CHRISTOPOULOS - THE COST AND USE OF CONSULTANTS - 12 NOVEMBER 2019

QUESTION

The meeting of 22/10/2019 had four decision reports and one information report which used consultants:

Decision Reports
- 9.4 Brighton Parade- Post Implementation Review Consultants used $25,530
- 9.5 Enhancing our Parks for People and Dogs Off Leash Hannaford Park- Survey Findings and Recommendations Consultants used $6000
- 9.6 Endorsement of Renewed' Living Well'' Public Health and Wellbeing Plan for the City of Mitcham Consultants used $12,000
- 10.1 Lot 101 Port Lincoln Boulevard Pasadena Consultants used $10,000

Information Report
- 11.4 Mitcham Reserve Heritage Tree Conservation Footpath Consultants used $2790

The total cost of consultants used in this Agenda was $56,320.

For me that's an exorbitant amount of rate payer’s money being spent on consultants for this agenda in comparison to other agendas.

Could the Chief Executive Officer please explain:

1. Why this particular agenda was so heavily dependent on the use of consultants?

2. Is this a one off or is this the future for the City of Mitcham?

3. How much has the City of Mitcham spent on consultants across the organisation in this calendar year?

With a 3.95% rate increase and with 40% of our rate revenue going to
employment costs, I struggle to think that in one agenda alone we could have incurred such high consultant costs.

*ANSWER*

*Answer to be provided in a future agenda*

### 18.4 CR CORIN MCCARTHY - RANDELL BIKE TRAIL - 12 NOVEMBER 2019

**QUESTION**

1. Can Administration provide an update on bikes using the access point at Burnell Drive onto the Randell Park trail?

2. Has the recent motion (Item 8.2 of the Full Council Meeting 26 March 2019) been fully implemented?

*ANSWER*

*Answer to be provided in a future agenda*

### 18.5 CR KRUSE - CLIMATE KEY PERFORMANCE INDICATORS BASELINE NUMBERS - 12 NOVEMBER 2019

**QUESTION**

While I was absent from the vote on 22/10/19, I gave prior written support for the motion to declare a Climate Emergency on the basis that it was going to lead economically sensible and measurable KPIs that are also tangible, effective and economically responsible.

I have zero interest and won't support employing “climate specialist staff”, setting up climate committees or funding lobbying projects for State and Federal Government.

So, the purpose of these questions is create a set of baseline numbers that Council can build upon to create the actual Climate KPI's in a future motion to Council.

I've drawn up these baseline questions in part with half an eye on the climate action pledges various other councils have given; [https://citiespowerpartnership.org.au/](https://citiespowerpartnership.org.au/) eg; [https://citiespowerpartnership.org.au/partners/onkaparinga/](https://citiespowerpartnership.org.au/partners/onkaparinga/)

Can Administration please provide numerical answers to the following:
1. The number and % of Council buildings with solar
2. The number and % of households with solar
3. The number and % of businesses with solar
4. The number of kilowatt hours Council use per annum on average
5. The cost of Council’s electricity bill in $ per annum on average
6. The number of fast-chargers in the city for electric vehicles
7. The % and $ of Council investments that are fossil fuel aligned
8. What is Council’s tree canopy cover %

**ANSWER**

Answers will be provided in a future agenda.

19. **QUESTIONS WITHOUT NOTICE**

   Nil

20. **MAYORAL BUSINESS**

   20.1 **BUSINESS RAISED BY THE MAYOR**

   **MOVED** Mayor Holmes-Ross

   That the report be received for information only.

   **SECONDED** Cr Fisher

   **CARRIED UNANIMOUSLY**

   9:49pm Cr Fisher sought and was granted leave of the meeting to speak to the motion again.

21. **WRITTEN REPORTS BY ELECTED MEMBERS**

   Nil

**CLOSE:**

There being no further business the meeting closed at 9:50pm.