MINUTES
OF THE
COUNCIL MEETING
HELD ON
TUESDAY 22 OCTOBER 2019
COUNCIL

MINUTES 22 OCTOBER 2019

MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON TUESDAY, 22 OCTOBER 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

INDEX

PLEDGE AND KAURNA ACKNOWLEDGEMENT .............................................................. 1
WELCOME .................................................................................................................. 1
PRESENT: ............................................................................................................... 2
APOLOGIES: ......................................................................................................... 2
LEAVE OF ABSENCE: .......................................................................................... 2
ABSENT: ............................................................................................................... 2
STAFF IN ATTENDANCE: .................................................................................... 2
BUSINESS.............................................................................................................. 2
1. ELECTED MEMBERS’ DECLARATIONS OF INTERESTS ...................... 2
2. CONFIRMATION OF MINUTES ................................................................. 2
   2.1 FULL COUNCIL MEETING - 8 OCTOBER 2019................................. 2
3. ADJOURNED MOTIONS................................................................................. 3
   3.1 CR CORIN MCCARTHY - PRODUCTIVITY COMMISSION INQUIRY INTO LOCAL GOVERNMENT COSTS AND EFFICIENCY COMMITTEE.... 3
4. DEPUTATIONS................................................................................................. 4
   4.1 MS SUE HILL - CLIMATIC EMERGENCY ............................................. 4
   4.2 MR MARK KEAM - KINGSWOOD OVAL CLUBROOM REDEVELOPMENT......................................................................................... 4
   4.3 MR MATT SMITH - HAWTHORNDENE CHANGEROOM.................. 4
5. ADJOURNED BUSINESS ............................................................................. 4
6. PRESENTATIONS............................................................................................. 4
7. GALLERY QUESTION TIME ................................................................. 5
   QUESTIONS FROM THE COUNCIL MEETING – 22 OCTOBER 2019 .......... 5
   7.1 CUSTOMER SERVICE QUESTIONS ............................................. 5
   4.3 MR MATT SMITH - HAWTHORNDENE CHANGEROOM ................. 5
8. PETITIONS ......................................................................................... 5
9. DECISION REPORTS ......................................................................... 6
   9.1 SA PRODUCTIVITY COMMISSION’S INQUIRY INTO LOCAL GOVERNMENT COSTS AND EFFICIENCY ............................................. 6

CHANGE TO ORDER OF BUSINESS...................................................... 6
   9.2 LOCAL GOVERNMENT REFORM ................................................ 7
   9.3 COUNCIL MEETING RECORDING .............................................. 8
   9.4 BRIGHTON PARADE - POST IMPLEMENTATION REVIEW .......... 8

CHANGE TO ORDER OF BUSINESS .................................................. 9
   10.1 LOT 101 PORT LINCOLN BOULEVARD, PASADENA .................. 9
   9.5 ENHANCING OUR PARKS FOR PEOPLE AND DOGS OFF-LEASH HANNAFORD PARK - SURVEY FINDINGS AND RECOMMENDATIONS .................. 10
   9.6 ENDORSEMENT OF RENEWED 'LIVING WELL' PUBLIC HEALTH AND WELLBEING PLAN FOR THE CITY OF MITCHAM (DRAFT) .... 11

ADJOURNMENT OF MEETING ............................................................... 12
RESUMPTION OF MEETING ................................................................. 12

CHANGE TO ORDER OF BUSINESS .................................................. 13
   13.1 CR JANE BANGE - CLIMATE CHANGE .................................... 13
   9.7 CONSENT FOR RESCISSION OF LAND MANAGEMENT AGREEMENT ..................................................................................... 15
   9.8 RATING REVIEW PROJECT SCOPE ............................................. 16

10. CONFIDENTIAL REPORTS ............................................................... 16
   10.1 LOT 101 PORT LINCOLN BOULEVARD, PASADENA .................. 16
   10.2 AUDIT COMMITTEE - 15 OCTOBER 2019 ............................... 16

11. DISCUSSION ITEMS FOR FUTURE DECISION .............................. 18
   11.1 PUBLIC POLICY REVIEW ....................................................... 18
   11.2 KINGSWOOD OVAL CLUBROOM REDEVELOPMENT .......... 18
   11.3 HAWTHORNDENE OVAL CHANGEROOM DEVELOPMENT .... 18
       EXTENSION OF MEETING ......................................................... 19
   13.3 CR LINDY TAEUBER - ADDITIONAL BRIEFING IN NOVEMBER .... 19
   11.4 MITCHAM RESERVE HERITAGE TREE CONSERVATION - FOOTPATH REALIGNMENT .............................................................. 19
12. INFORMATION ONLY REPORTS

12.1 QUARTERLY REPORT ON INNOVATION FROM CEO (JULY-SEPTEMBER) ................................................................. 20
12.2 ANNUAL REPORT FOR THE FOOD ACT AND SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2018-19 .................................................. 20
12.3 CORRESPONDENCE FOR INFORMATION ONLY ........................................ 20

13. NOTICES OF MOTION

13.1 CR JANE BANGE - CLIMATE CHANGE .................................................. 20
13.2 CR CORIN MCCARTHY - INNOVATION QUARTERLY BRIEFINGS ............. 21
13.3 CR LINDY TAEUBER - ADDITIONAL BRIEFING IN NOVEMBER ........... 21

14. MOTIONS WITHOUT NOTICE

15. QUESTIONS ON NOTICE

15.1 CR KAREN HOCKLEY - BY-LAWS TO REGULATE SMOKING 24 SEPTEMBER 2019 ................................................................. 21
15.2 CR STEPHEN FISHER - HILLVIEW RESERVE, COLONEL LIGHT GARDENS 22 OCTOBER 2019 ................................................................. 22

CLOSE: .............................................................................................................. 23
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.
PRESENT: Her Worship the Mayor (H Holmes-Ross)
Crs J Bange, J Berry, A Christopoulos, S Fisher, K Hockley, C McCarthy, D Munro, J Sanderson, K Steele, L Taeuber and Y Todd.

7:01pm - Cr Hockley arrived.
10:05pm – Cr Munro left the meeting.
10:25pm – Cr Christopoulos left the meeting.
10:40pm – Cr Berry left the meeting.
10.41pm – Cr McCarthy left the meeting.
10.41pm – Cr Hockley left the meeting.

APOLOGIES: Cr D Kruse
Cr A Tilley

LEAVE OF ABSENCE: Nil

ABSENT: Nil

STAFF IN ATTENDANCE: Chief Executive Officer (M Pears), General Manager, Engineering & Horticulture (D Baker), General Manager Corporate Services and Innovation (W Reynolds), General Manager Development Services & Community Safety (C Harrison), General Manager Organisational & Community Development (K O'Neill), Manager Finance & Procurement (L Harris), Manager Performance & Strategy (D Jellings), Manager Property & Facilities (T Alternetti), Team Leader Environmental Health (A Mackay), Team Leader Planning & Business Support (T Pride), Senior Properties & Facilities Advisor (J Valentine), Development Planning Officer (T Lewis), Sporting Facilities & Recreation Officer (H Ashworth), Minute Secretary (J Barrett).

BUSINESS

Cr Hockley arrived at 7:01pm

1. Elected Members’ Declarations of Interests

No Declarations of Interest were recorded.

2. Confirmation of Minutes

2.1 Full Council Meeting - 8 October 2019

MOVED Cr Bange

That the Minutes of the Full Council Meeting held on 8 October 2019 be confirmed.

SECONDED Cr Fisher CARRIED
3. ADJOURNED MOTIONS

3.1 CR CORIN MCCARTHY - PRODUCTIVITY COMMISSION INQUIRY INTO LOCAL GOVERNMENT COSTS AND EFFICIENCY COMMITTEE

MOVED Cr McCarthy

I hereby give notice that I intend to move:


2. Mitcham Council approves the formation of a committee to work through the draft report, then consider again with release of the final report and to consider how to apply the recommendations at the City of Mitcham.

3. The Committee’s Terms of Reference are to:

   • consider the inquiry recommendations, findings and challenges and make recommendations to Full Council on how to respond;

   • understand the cost base and cost drivers of Mitcham Council;

   • develop and analyse measures of efficiency;

   • review existing mechanisms and indicators of efficiency used by Mitcham Council; and

   • provide advice on possible options to improve efficiency and create capacity to pass on cost reductions.

4. The Committee will have at least three Councillors, it may also consider external membership if required and only after Council approval on the individual, role and reason. The Committee will meet once per month for a period of 6 months and then as required afterward.

SECONDED Cr Todd

The Mayor sought and was granted leave of the meeting for everyone to speak again to the motion.

Cr McCarthy sought and was granted leave of the meeting to withdraw his Notice of Motion.
4. DEPUTATIONS

4.1 MS SUE HILL - CLIMATIC EMERGENCY

Ms Sue Hill of Westbourne Park was granted permission to address the Council concerning Item 13.1 Cr Jane Bange - Climate Change.

4.2 MR MARK KEAM - KINGSWOOD OVAL CLUBROOM REDEVELOPMENT

Mr Mark Keam of Glenside was granted permission to address the Council concerning Item 11.2 – Kingswood Oval Clubroom Redevelopment and answered questions from Elected Members.

4.3 MR MATT SMITH - HAWTHORNDENE OVAL CHANGEROOM DEVELOPMENT

Mr Matt Smith of Coromandel Valley was granted permission to address the Council concerning Item 11.3 – Hawthorndene Oval Changeroom Development but as he had not arrived, the deputation was not heard.

5. ADJOURNED BUSINESS

Nil

6. PRESENTATIONS

Nil
7. GALLERY QUESTION TIME

QUESTIONS FROM THE COUNCIL MEETING – 22 OCTOBER 2019

7.1 CUSTOMER SERVICE QUESTIONS – 22 OCTOBER 2019

Ms Scott of Colonel Light Gardens asked the following questions;

QUESTION

1. Can Mitcham Council please – when acknowledging my question – please include my question ideally the subject line with the acknowledgment – so I know which of the 10 questions I put in this one is about?
2. Can Mitcham Council please provide a time frame for a useful response to the question

ANSWER

To be answered in a future agenda

CHANGE TO ORDER OF BUSINESS

The Mayor sought and was granted leave of the meeting to hear Item 4.3 Mr Matt Smith – Hawthorndene Oval Changeroom Development at this time as they had arrived at the meeting.

4.3 MR MATT SMITH - HAWTHORNDENE OVAL CHANGEROOM DEVELOPMENT

Mr Matt Smith of Coromandel Valley was granted permission to address the Council concerning Item 11.3 – Hawthorndene Oval Changeroom Development and answered questions from Elected Members.

8. PETITIONS

Nil
9. DECISION REPORTS

9.1 SA PRODUCTIVITY COMMISSION’S INQUIRY INTO LOCAL GOVERNMENT COSTS AND EFFICIENCY

Report Author/Manager: Dan Jellings
General Manager: Wade Reynolds
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

MOVED Cr McCarthy

1. That Council endorses the draft submission (Attachment A) as its formal response to the recommendations outlined in the SA Productivity Commission’s draft report.

2. That Council submits a copy of our submission to the Minister for Local Government and local State Members of Parliament.

SECONDED Cr Taeuber

CARRIED

CHANGE TO ORDER OF BUSINESS

MOVED CR TODD

That item 13.1 be dealt with at this point.

SECONDED CR BERRY

LOST

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

For the motion: Cr Berry, Cr Fisher, Cr McCarthy, Cr Todd

Against the motion: Cr Bange, Cr Christopoulos, Cr Hockley, Cr Munro, Cr Sanderson, Cr Steele, Cr Taeuber

THE CHAIR DECLARED THE MOTION LOST
9.2 LOCAL GOVERNMENT REFORM
Report Author/Manager: Deb Horton
General Manager: Kate O’Neill
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

MOVED Cr Berry

1. That Council endorses the proposed City of Mitcham submission provided at Attachment C of this report in relation to the Local Government Reform and that this be submitted to the Office of State and Local Government by the due date of 1 November 2019, with minor amendments delegated to the Chief Executive Officer.

2. That Council notes that further detail is required in relation to the proposed reforms and how they will be implemented and the associated administrative costs.

3. That Council notes strong support particularly in relation to proposals:
   - 1.6, 1.7 and 1.8 Elected Member Code of Conduct, which is in need of significant overhaul
   - 2.1 - Audit Committees to have majority independent members
   - 2.11 - Standardising the calculation of Council rates, highlighting the % and actual dollars of rates attributed to the following: cost of business, new / improved services, addressing asset backlog, cost shifting and Consumer Price Index
   - 3.4 - Automatic re-enrolment of property franchise
   - 3.7 - Should also include additional options aligned to the eligibility of the Candidate that is seeking nomination for a particular ward eg; live, own property, have a business etc.
   - 3.8 - Candidates being required to disclose political affiliations (supported by previous Council resolution)
   - 3.20 - Standing down of Council Members who stand for State Parliament, during the election campaign (supported by previous Council Resolution). This should also include standing for Federal Parliament.

SECONDED Cr Bange CARRIED
9.3 COUNCIL MEETING RECORDING
Report Author/Manager: Deb Horton
General Manager: Kate O'Neill
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

MOVED Cr Taeuber

That Item 9.3 Recording of Meetings be deferred to the Full Council meeting where the Meeting Procedure Report will be presented.

SECONDED Cr Hockley
CARRIED UNANIMOUSLY

9.4 BRIGHTON PARADE - POST IMPLEMENTATION REVIEW
Report Author/Manager: Richard Tang / Chris Haskas
General Manager: Daniel Baker
(Meeting Date: 22 October 2019)
(Location: Craigburn Ward)
(Consultant Used: $25,530)

MOVED Cr Hockley

1. That Council notes the post implementation review findings demonstrating the effective general reduction in traffic volumes and speeds as outlined in this report.

2. That Council notes that remedial works are required to be undertaken for the two identified devices along Brighton Parade.


4. 12 months after the completion of the remedial works above, Council undertake an informal review of Brighton Parade to ensure that the road is serviceable.

SECONDED Cr Taeuber
CARRIED

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

For the motion: Cr Bange, Cr Berry, Cr Christopoulos, Cr Hockley, Cr McCarthy, Cr Steele, Cr Taeuber, Cr Todd

Against the motion: Cr Fisher, Cr Munro, Cr Sanderson

THE CHAIR DECLARED THE MOTION CARRIED

7:57pm Cr McCarthy left the meeting and returned at 7:58pm during the discussion of this item.
CHANGE TO ORDER OF BUSINESS

MOVED Cr Fisher

That item 10.1 be dealt with at this point.

SECONDED Cr Taeuber

CARRIED

10.1 LOT 101 PORT LINCOLN BOULEVARD, PASADENA
Report Author/Manager: John Valentine & Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Babbage Ward)
(Consultant Used: $10,000)

DECISION 1 – GO INTO CONFIDENCE

MOVED Cr Todd

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, Stuart Henry QC from Carrington Chambers Barristers for Agenda Item 10.1 Lot 101 Port Lincoln Boulevard Pasadena 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 that the 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 the matter further.

SECONDED Cr Sanderson

CARRIED UNANIMOUSLY

THE GALLERY LEFT THE MEETING AT 8.14PM SO CONFIDENTIAL MATTERS COULD BE DISCUSSED AND THE AUDIO RECORDING WAS STOPPED.
DECISION 3 – OUT OF CONFIDENCE/ITEMS TO REMAIN IN CONFIDENCE

MOVED Cr Bange

(1) That having considered the said information or matter pursuant to Section 90(2) and (3)(h) 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 this Report, Attachments A, B, C, D, E, decision and minutes of Agenda Item No 10.1 Lot 101 Port Lincoln Boulevard, Pasadena be kept confidential and released when the legal privilege no longer applies.

(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 Todd CARRIED UNANIMOUSLY

FOLLOWING DISCUSSION OF CONFIDENTIAL MATTERS, THE MEETING MOVED OUT OF CONFIDENCE AT 8:36PM AND THE AUDIO RECORDING WAS RECOMMENCED.

8.37pm Cr Hockley left the meeting and returned to the meeting
8.38pm Cr Sanderson left the meeting and returned to the meeting.

9.5 ENHANCING OUR PARKS FOR PEOPLE AND DOGS OFF-LEASH
HANNAFORD PARK - SURVEY FINDINGS AND RECOMMENDATIONS

Report Author/Manager: Stephen Saffin
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: The Park Ward)
(Consultant Used: $6,000)

MOVED Cr McCarthy

1. That Council receives the findings of the “Enhancing Our Parks for People and Dogs Off-Leash – Hannaford Park – Survey”

2. That Council endorses the following recommendations at Hannaford Park and proceed with implementation using existing budget from the Dog and Cat Management Budget lines.

Character of the Park

- Retain the existing rustic character and openness of the Park
- Retain the park as an off-leash, multi-purpose park
Minor enhancements

- A shelter (note: Blackwood Rotary Club has showed interest on funding the shelter. Final arrangements are still being worked through).
- A path leading to the shelter
- Relocate the water fountain away from the existing path to ease congestion on the path
- Reconfigure the entry/exit points on Laffers Road for greater safety
- Renew signage with messages about picking up after your dog and dog controls

Maintenance improvements

- At this stage maintain existing maintenance, maintenance will be monitored and reviewed post enhancement implementation

SECONDED Cr Bange  CARRIED UNANIMOUSLY

9.6 ENDORESEMENT OF RENEWED ’LIVING WELL’ PUBLIC HEALTH AND WELLBEING PLAN FOR THE CITY OF MITCHAM (DRAFT)

Report Author/Manager: Cathy Isbester / Stephen Saffin
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $12,000)

MOVED Cr Steele

Council endorses the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for community consultation, with minor amendments delegated to the Chief Executive Officer.

With emphasis given to the priority populations identified on page 12 and 13 of the plan including the Panorama region.

SECONDED Cr Bange

8:55pm Leave of the meeting was sought and granted for Cr Steele to speak again to the motion.

VARIATION

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

Council endorses the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for community consultation, with minor amendments delegated to the Chief Executive Officer.
With emphasis given to the priority population of Panorama region when implementing the Public Health Strategies to reduce public health inequities.

**SUBSTANTIVE MOTION**

**MOVED** Cr Steele

Council endorses the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for community consultation, with minor amendments delegated to the Chief Executive Officer.

With emphasis given to the priority population of Panorama region when implementing the Public Health Strategies to reduce public health inequities.

**SECONDED** Cr Bange

**ADJOURNMENT OF MEETING**

THE MEETING ADJOURNED AT 9.02pm.

**RESUMPTION OF MEETING**

THE MEETING RECONVENED AT 9.12pm.

9:15pm Leave of the meeting was sought and granted for Cr Steele to speak again to the motion.

**VARIATION**

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

Council endorses the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for community consultation, with minor amendments delegated to the Chief Executive Officer.

With emphasis given to the priority population as outlined on Pages 12 and 13 of the ‘Living Well’ Public Health and Wellbeing Plan and greater regard given to the Aboriginal and Torres Strait Islanders populations of Mitcham when implementing the Public Health Strategies to reduce public health inequities.

**SUBSTANTIVE MOTION**

**MOVED** Cr Steele

Council endorses the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for community consultation, with minor amendments delegated to the Chief Executive Officer.
With emphasis given to the priority population as outlined on Pages 12 and 13 of the ‘Living Well’ Public Health and Wellbeing Plan and greater regard given to the Aboriginal and Torres Strait Islanders populations of Mitcham when implementing the Public Health Strategies to reduce public health inequities.

SECONDED Cr Bange

FORMAL MOTION - QUESTION BE PUT

MOVED Cr McCarthy

That the question be put

SECONDED Cr Berry

CARRIED

SUBSTANTIVE MOTION WAS PUT

MOVED Cr Steele

Council endorses the renewed ‘Living Well’ Public Health and Wellbeing Plan for the City of Mitcham (draft) for community consultation, with minor amendments delegated to the Chief Executive Officer.

With emphasis given to the priority population as outlined on Pages 12 and 13 of the ‘Living Well’ Public Health and Wellbeing Plan and greater regard given to the Aboriginal and Torres Strait Islanders populations of Mitcham when implementing the Public Health Strategies to reduce public health inequities.

SECONDED Cr Bange

CARRIED

CHANGE TO ORDER OF BUSINESS

MOVED Cr Berry

That item 13.1 be dealt with at this point.

SECONDED Cr Todd

CARRIED

13.1 CR JANE BANGE - CLIMATE CHANGE

MOVED Cr Bange

1. That Council recognises that climate change poses a significant risk to both the quality of life of residents within the City of Mitcham and its natural and built environments.
2. That Council acknowledges the work already being done to both mitigate, and adapt to, climate change within the City of Mitcham. However, Council recognises the need to give climate mitigation and adaptation still more emphasis in its decisions and operations.

3. That Council declares there is currently a climate emergency that requires urgent action by all levels of government in Australia (including Local Government) to both slow down changes in climate and to assist communities to better adapt to the changes already occurring.

4. That the Mayor write to the Australian Prime Minister and Federal Opposition Leader, the South Australian Premier and South Australian Opposition Leader, and to all Federal and State Members of Parliament whose electorates contain the City of Mitcham, providing a copy of this resolution and calling upon them to act urgently to effectively address climate change and its impacts.

SECONDED Cr Fisher CARRIED

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

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

Against the motion: Cr Christopoulos, Cr Munro

THE CHAIR DECLARED THE MOTION CARRIED

9:50pm Cr Fisher left the meeting.
9.7 CONSENT FOR RESSION OF LAND MANAGEMENT AGREEMENT

Report Author/Manager: Tegan Lewis & Cassia Byrne / Tim Pride
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Craigburn Ward)
(Consultant Used: $Nil)

MOVED Cr Taeuber

(1) That Council agrees to rescind the Land Management Agreement over the whole of the land in Certificate of Title Register Book Volume 5282 Folio 664 (1A View Road, Blackwood) subject to a dwelling application being lodged, assessed and approved and the commencement of the construction of the approved dwelling.

(2) That all costs associated with rescinding of the Land Management Agreement are entirely born by the owner.

(3) That Council authorises the Chief Executive Officer to execute all documents required to give effect to the rescission of the Land Management Agreement, and where required, the Council authorises the Mayor and Chief Executive Officer to affix the Common Seal of the Council to all required documents to give effect to Council’s resolution in this matter.

SECONDED Cr Bange

CARRIED

9:50pm Cr Hockley left the meeting during discussion of this item.
9:51pm Cr Todd left the meeting and returned during discussion of this item.
9:51pm Cr Bange left the meeting and returned during the discussion of this item.
9:51pm Cr Bange left the meeting.
9:52pm Cr Fisher returned to the meeting during discussion of this item.
9:52pm Cr Bange returned during discussion of this meeting.
9.8 RATING REVIEW PROJECT SCOPE
Report Author/Manager: Luke Harris
General Manager: Wade Reynolds
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

MOVED Cr McCarthy

That Council endorses the Rating Review Project based on the following scope inclusions:

a. Main principles of taxation
b. Rating structures of other councils
c. Rating mechanisms available:
   i. valuation method
   ii. fixed charge or minimum rate
   iii. differential rating – land use, location and current relativities
   iv. separate and service rates and charges
   v. capping
   vi. discretionary rebates
d. Specific policy areas covering:
   i. vacant land / commercial differential rate
   ii. seniors / pensioners rebate
   iii. separate / special rates charges
   iv. discount for the payment of the full year’s rates
   v. rates notice wording and layout
e. Options to adjust rating policy settings to achieve closer alignment to taxation principles.

SECONDED Cr Bange
CARRIED UNANIMOUSLY

9:55pm Cr Hockley returned to the meeting during discussion of this item.

10. CONFIDENTIAL REPORTS

10.1 LOT 101 PORT LINCOLN BOULEVARD, PASADENA
Was dealt with prior to Item 9.5

10.2 AUDIT COMMITTEE - 15 OCTOBER 2019

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 for Agenda Item 10.2 Audit Committee – Tuesday 15 October 2019 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
The information in this report.

The Council is satisfied that pursuant to section 90(3)(d)(i)&(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or may confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest as the information to be considered in relation to this agenda item includes costings and other financial information, the disclosure of which may prejudice the commercial position of tenderers.

SECONDED Cr Berry CARRIED UNANIMOUSLY

THE GALLERY LEFT THE MEETING AT 9.57PM SO CONFIDENTIAL MATTERS COULD BE DISCUSSED AND THE AUDIO RECORDING WAS STOPPED.

9:57pm Cr Bange returned to the meeting during confidential discussions.

DECISION 3 - ITEMS TO REMAIN IN CONFIDENCE

MOVED Cr Fisher

(1) That having considered the said information or matter pursuant to Section 90(2) and 90(3)(d) under Part 3 of Chapter 6 of the Local Government Act 1999, the Audit Committee orders pursuant to Section 91(7) of the Local Government Act 1999 that the report, resolution (decision) and minutes relating to Agenda Item No 10.2 Audit Committee – Tuesday 15 October be kept confidential and released when the preferred tender has been appointed by Council.

(2) That having considered the said information or matter pursuant to Section 90(2) and 90(3)(d) under Part 3 of Chapter 6 of the Local Government Act 1999, the Audit Committee orders pursuant to Section 91(7) of the Local Government Act 1999 that the discussion and the attachments in relation to Agenda Item No 10.2 Audit Committee – Tuesday 15 October be kept confidential and released after the 1 July 2025 or following the appointment of a new external auditor, which ever is the later.

(3) That the Chief Executive Officer be authorised to review the confidentiality orders annually.

(4) 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 Bange CARRIED UNANIMOUSLY
FOLLOWING DISCUSSION OF CONFIDENTIAL MATTERS, THE MEETING MOVED OUT OF CONFIDENCE AT 10.04PM AND THE AUDIO RECORDING WAS RECOMMENDED.

11. DISCUSSION ITEMS FOR FUTURE DECISION

11.1 PUBLIC POLICY REVIEW
Report Author/Manager: Kate O’Neill
General Manager: Kate O’Neill
(Meeting Date: 22 October 2019)
(Location: Council Wide)

MOVED Cr Fisher

That the report be received for information only.

SECONDED Cr Sanderson CARRIED UNANIMOUSLY

10.05pm Cr Munro left the meeting.

11.2 KINGSWOOD OVAL CLUBROOM REDEVELOPMENT
Report Author/Manager: Hayley Ashworth & John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Boorman Ward)

MOVED Cr Christopoulos

That the report be received for information only.

SECONDED Cr Bange CARRIED UNANIMOUSLY

11.3 HAWTHORNDENE OVAL CHANGEROOM DEVELOPMENT
Report Author/Manager: Hayley Ashworth & John Valentine / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: The Park Ward)

MOVED Cr Bange

That the report be received for information only.

SECONDED Cr McCarthy CARRIED UNANIMOUSLY
EXTENSION OF MEETING

MOVED Cr Bange

That Item 13.3 be dealt with at this point and that the meeting be extended until 10:45pm or until the agenda is finished whichever is earlier.

SECONDED Cr McCarthy CARRIED

10.25pm Cr Christopoulos left the meeting.

13.3 CR LINDY TAEUBER - ADDITIONAL BRIEFING IN NOVEMBER

MOVED Cr Taeuber

That an additional briefing be held on the first Tuesday in November in order to allow discussion and presentation of topics, including Efficiency and Effectiveness, in light of the number of issues worthy of Elected Members consideration and the current limits on briefing time available.

SECONDED Cr Hockley CARRIED

11.4 MITCHAM RESERVE HERITAGE TREE CONSERVATION - FOOTPATH REALIGNMENT

Report Author/Manager: Tim Johnson
General Manager: Daniel Baker
(Meeting Date: 22 October 2019)
(Location: Boorman Ward)

MOVED Cr Fisher

That the report be received for information only.

SECONDED Cr Steele CARRIED

12. INFORMATION ONLY REPORTS

RECOMMENDATIONS ADOPTED EN BLOC

MOVED Cr Berry

That the recommendations for Item 12.1 to 12.3 be adopted en bloc.

SECONDED Cr Bange CARRIED
12.1 **QUARTERLY REPORT ON INNOVATION FROM CEO (JULY-SEPTEMBER)**

Report Author/Manager: Matthew Pears
General Manager: Matthew Pears
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

RECOMMENDED

That the report be received for information only.

12.2 **ANNUAL REPORT FOR THE FOOD ACT AND SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2018-19**

Report Author/Manager: Abraham Mackay / Stephen Saffin
General Manager: Craig Harrison
(Meeting Date: 22 October 2019)
(Location: Council Wide)
(Consultant Used: $Nil)

RECOMMENDED

That the report be received for information only.

12.3 **CORRESPONDENCE FOR INFORMATION ONLY**

(Meeting Date: 22 October 2019)
(Location: Council Wide)

RECOMMENDED

That the report be received for information only.

13. **NOTICES OF MOTION**

13.1 **CR JANE BANGE - CLIMATE CHANGE**

Was dealt with prior to Item 9.7
13.2 CR CORIN MCCARTHY - INNOVATION QUARTERLY BRIEFINGS

MOVED Cr McCarthy

That as part of, and following on from, the impending review of Council’s Efficiency and Effectiveness, Budget Management and Strategic Priority Frameworks, Administration provides a quarterly briefing on Council’s innovation program, commencing from the first quarter of 2020/21 to present outcomes and seek input to inform improvement and innovation initiatives going forward.

That these quarterly briefings are scheduled within the existing third Tuesday timeslots form Council informal gatherings.

SECONDED Cr Bange

CARRIED UNANIMOUSLY

13.3 CR LINDY TAEUBER - ADDITIONAL BRIEFING IN NOVEMBER

Was dealt with prior to Item 11.4

10.40pm Cr Berry left the meeting.

14. MOTIONS WITHOUT NOTICE

Nil

15. QUESTIONS ON NOTICE

15.1 CR KAREN HOCKLEY - BY-LAWS TO REGULATE SMOKING 24 SEPTEMBER 2019

QUESTION

Council has by-laws that regulate smoking on Council land. Do these laws regulate e-cigarettes and traditional cigarettes or would an amendment be required to ensure that e-cigarettes or vaping are also regulated by the by-laws?

ANSWER

Councils By-law No. 3 of 2015 Local Government Land does not apply to the use of e-cigarettes. This is because the By-law restrictions regarding smoking (at clause 10.11) specifically relate to “ignited tobacco products”.

The definition of “tobacco product” within the Act does not include e-cigarettes, which are separately defined.

This means that it would be necessary to amend the Council’s by-laws No. 3 of 2015 for clause 10.11 to apply to e-cigarettes. An amendment in the following terms would achieve this:
10.11 – Smoking

Subject to the Tobacco and E-Cigarette Products Act 1997, smoke, hold or otherwise have control over an e-cigarette or an ignited tobacco product:

10.11.1 – in any building; or
10.11.2 – on any land to which the Council has determined this subclause applies.

Council By-laws are due for renewal prior to 2023 and any amendment would require the By-law to undergo a full renewal as if it was a new By-law being created.

If any other By-laws were to be reviewed prior to the 2023 renewal requirement then it would be appropriate to include renewal of By – law 3.

15.2 CR STEPHEN FISHER - HILLVIEW RESERVE, COLONEL LIGHT GARDENS 22 OCTOBER 2019

QUESTION

1. What are the garden Suburb design elements applicable to the use of this type of Community Land (Hillview Reserve) to ensure that the requirements of the Heritage Places Act are met?

2. Have Administration reviewed the applicable Community Land Management Plan (required by the Local Government Act) to ensure that the performance measures relating to the Garden Suburb design elements are fully identified? Full regard is to be made to the judgement in COASTAL ECOLOGY PROTECTION GROUP INC & ORS v CITY OF CHARLES STURT [2017] SASC 136 (21 September 2017)

3. Have Administration identified if the applicable Community Land Management Plan is fully consistent with the provisions of the Development Plan (particularly the Objectives) applying to the land (Hillview Reserve) in accordance with the Local Government Act 1965(b) to ensure that there is no uncertainty to require consideration under 196(6)?

4. Can Administration provide the records detailed in The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013, Article 28?

5. Can Administration identify which category of the Principle of Developmental Control 26 applying to the land is envisaged to apply in respect of the existing structure (toilet block)?

6. Can Administration provide photographs of structures
built at children’s playgrounds including those at the display playground at the First Town Planning and Housing Conference and Exhibition (1917), Glover Playground (South Terrace) (1918), West Playground (1919), Lefevre Terrace North Adelaide (1920), Glover Playground (East Terrace and Wakefield Street)(1925), Hillview Reserve, Colonel Light Gardens (1927) and at Mortlock Park, Colonel Light Gardens (1928)?

CEO COMMENT

Please refer to CEO note from 8 October 2019 meeting below:

The work required to undertake a comprehensive report addressing each of the points in detail would need to be scoped and costed out. The work is not prioritised within existing resources which are dedicated to progressing planning policy and heritage work, namely the Special Character Development Plan Amendment, the Growth Precincts DPA and reviewing the Planning and Design Code that has been released for consultation. It would necessitate engaging external resources in research and report preparation.

These Questions on Notice were originally included in the Agenda of the Full Council Meeting on Tuesday, 8 October 2019 as a Notice of Motion. At this meeting the Notice of Motion was withdrawn by Councillor Fisher and he requested that they be included as Questions on Notice in the Agenda for Council on Tuesday, 22 October 2019.

During the Questions without Notice section of the Agenda of Tuesday, 8 October 2019, Councillor Fisher raised these questions and the above answer was given.

10.41pm Cr McCarthy left the meeting.
10.41pm Cr Hockley left the meeting.

CLOSE:

The Mayor declared the meeting closed at 10.42pm due to lack of quorum.