MINUTES

OF THE

COUNCIL MEETING

HELD ON

TUESDAY 2 JUNE 2020

Due to the lifting of restrictions on public gatherings and maintaining social distancing as a result of COVID19 the public were able to attend the meeting in person or to observe non-confidential agenda items electronically via the online meeting provider, Zoom.
MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CHAMBER AND VIRTUAL MEETING ROOM OF THE CITY OF MITCHAM, 131 BELAIR ROAD, TORRENS PARK ON TUESDAY, 2 JUNE 2020 AT 7PM.

MEMBERSHIP: Mayor H Holmes-Ross
Crs J Bange, J Berry, A Christopoulos, 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 physically present and virtually to the meeting and advised that the meeting was being recorded.
PRESENT: Her Worship the Mayor (H Holmes-Ross) 
Crs J Berry, A Christopoulos, K Hockley, D Kruse, C McCarthy, D Munro, J Sanderson, K Steele, A Tilley and Y Todd

APOLOGIES: Crs J Bange, L Taeuber.

LEAVE OF ABSENCE: 

ABSENT: 

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), Team Leader Governance (D Horton), Senior Property & Facilities Advisor (J Valentine), Minute Secretary (J Barrett).

BUSINESS

1. **ELECTED MEMBERS’ DECLARATIONS OF INTERESTS**

   No Declarations of Interest were recorded.
2. CONFIRMATION OF MINUTES
Nil

3. ADJOURNED MOTIONS
Nil

4. DEPUTATIONS
Nil

5. ADJOURNED BUSINESS
Nil

6. PRESENTATIONS
Nil

7. GALLERY QUESTION TIME

QUESTIONS FROM THE COUNCIL MEETING – 2 JUNE 2020

MR PETER JOHNSON - DRAFT 2020/21 ABP / LTFP

Mr Peter Johnson of Westbourne Park asked:

QUESTIONS

1. Following on from my question on 26 May 2020 dealing with the .64% reduction in rate revenue being financed by a $1.434m operation deficit for the 2020/21 financial year ), and given that the Draft ABP/LTFP discloses the following Rate revenues (including NRM levy) - year 1 ($56.375m.) and Year 2 ($59.512m), what is the percentage increase in rate revenue from Year 1 to year 2?

2. Apart from the $10m net cost of Blackwood Hub, what are the other reasons for the peak debt in the Draft 2020/21 ABP/LTFP, being $68.675m (Year 7), blowing out from the figure of $44.726m shown for the equivalent year (year 8) in last year’s ABP/LTFP?

ANSWERS

1. To be provided in a future agenda.

2. To be provided in a future agenda.
8. **PETITIONS**

Nil

9. **DECISION REPORTS**

9.1 **MINISTERIAL NOTICE REQUIRING PUBLIC CONSULTATION POLICY AMENDMENTS**

Report Author/Manager: Deb Horton  
General Manager: Kate O'Neill  
(Meeting Date: 2 June 2020)  
(Location: Council Wide)  
(Consultant Used: $Nil)

MOVED Cr Hockley

1. That Council adopts and includes as an attachment to the City of Mitcham Community Public Consultation Policy, the Additional Provisions as provided at Attachment B of this report, with minor amendments delegated to the Chief Executive Officer.

2. That Council notes these new provisions are effective immediately and will remain ineffect until 28 days after the conclusion of the South Australian Public Health Emergency Order.

SECONDED Cr Sanderson  
CARRIED

10. **CONFIDENTIAL REPORTS**

10.1 **LOT 101 PORT LINCOLN BOULEVARD PASADENA**

Report Author/Manager: John Valentine  
General Manager: Craig Harrison  
(Meeting Date: 2 June 2020)  
(Location: Babbage Ward)  
(Consultant Used: $Nil)

**DECISION 1 – GO INTO CONFIDENCE**

MOVED Cr Hockley

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 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 Agenda Item 10.1 Lot 101 Port Lincoln Boulevard Pasadena and that the Council is satisfied with the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to the matter under consideration because the information is of the nature specified in Subsection 90(3)(d)(i) & (ii) of the Local Government Act 1999, being prejudice the commercial position or confer a commercial advantage on a third party

SECONDED Cr Christopoulos  
CARRIED UNANIMOUSLY
THE CHAMBER WAS CLOSED AT 7:09PM SO CONFIDENTIAL MATTERS COULD BE DISCUSSED, THE AUDIO RECORDING AND VIRTUAL MEETING WAS STOPPED AND LOCKED.

DECISION 4 – OUT OF CONFIDENCE / ITEMS TO REMAIN IN CONFIDENCE

MOVED Cr Todd

(1) That having considered the said information or matter pursuant to Section 90(2) and (3)(d)(i)&(ii) 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, attachments, discussion and minutes relating to Agenda Item 10.1 Lot 101 Port Lincoln Boulevard Pasadena be kept confidential and released when the matter is resolved.

(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 Munro CARRIED UNANIMOUSLY


10.2 BLACKWOOD - STATUS OF PROPERTY

Report Author/Manager: Craig Harrison
General Manager: Craig Harrison
(Meeting Date: 2 June 2020)
(Location: Craigburn Ward)
(Consultant Used: $Nil)

DECISION 1 – GO INTO CONFIDENCE

MOVED Cr Berry

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 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 Agenda Item 10.2 Blackwood - Status of Property and that the Council is satisfied with the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to the matter under consideration because the information is of the nature specified in Subsection 90(3)(b)(i)&(ii) of the Local Government Act 1999, being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of
the council; and would, on balance, be contrary to the public interest commercial advantage or to prejudice the commercial position of the council.

SECONDED Cr Steele  
CARRIED UNANIMOUSLY

THE CHAMBER WAS CLOSED AT 7:34PM SO CONFIDENTIAL MATTERS COULD BE DISCUSSED, THE AUDIO RECORDING AND VIRTUAL MEETING WAS STOPPED AND LOCKED.

DECISION 3 - OUT OF CONFIDENCE / ITEMS TO REMAIN IN CONFIDENCE

MOVED Cr Munro

(1) That having considered the said information or matter pursuant to Section 90(2) and (3)(b)(i)&(ii) 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, attachments, discussion and minutes relating to Agenda Item 10.2 Blackwood - Status of Property be kept confidential and released when no longer prejudice the commercial position of the Council.

(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 Berry  
CARRIED UNANIMOUSLY


11. NOTICES OF MOTION

11.1 CR KAREN HOCKLEY - RECOGNITION OF THE PASSING OF MR DAVE WALSH

MOVED Cr Hockley

That Council acknowledge the passing of Mr Dave Walsh, founder of the City of Mitcham Residents Group Facebook page and offers sincere condolences to his family and friends.

SECONDED Cr Kruse
FORMAL MOTION - QUESTION BE PUT

MOVED Cr Berry
That the question be put.
SECONDED Cr Sanderson CARRIED

SUBSTANTIVE MOTION

MOVED Cr Hockley
That Council acknowledge the passing of Mr Dave Walsh, founder of the City of Mitcham Residents Group Facebook page and offers sincere condolences to his family and friends.
SECONDED Cr Kruse CARRIED

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

For the motion: Cr Hockley, Cr Kruse, Cr McCarthy, Cr Munro, Cr Sanderson, Cr Steele, Cr Tilley, Cr Todd

Against the motion: Cr Berry, Cr Christopoulos

THE CHAIR DECLARED THE MOTION CARRIED

11.2 CR KAREN HOCKLEY - RECORDING ATTENDANCE AT INFORMAL GATHERINGS

MOVED Cr Hockley
That Council remove clause 6.1.5 from the “Elected Member – Informal Gatherings Policy”;
SECONDED Cr McCarthy LOST

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

For the motion: Cr Hockley, Cr McCarthy, Cr Munro

Against the motion: Cr Berry, Cr Christopoulos, Cr Kruse, Cr Sanderson, Cr Steele, Cr Tilley, Cr Todd

THE CHAIR DECLARED THE MOTION LOST
11.3 CR ANDREW TILLEY - RECOGNITION OF PROFESSOR NICOLA SPURRIER AND MR GRANT STEVENS

MOVED Cr Tilley

That Council:

Write a letter of acknowledgement and thanks to Professor Nicola Spurrier Chief Medical Officer and Mr Grant Stevens SA Police Commissioner for their vision and leadership in successfully (to date) guiding the South Australian response to the Covid 19 Pandemic.

SECONDED Cr Berry

AMENDMENT

MOVED Cr Kruse

That Council:

Write a letter of acknowledgement and thanks to Premier Stephen Marshall, Health Minister Stephen Wade, Professor Nicola Spurrier Chief Medical Officer and Mr Grant Stevens SA Police Commissioner for their vision and leadership in successfully (to date) guiding the South Australian response to the Covid 19 Pandemic.

The Mayor did not accept Cr Kruse’s amendment.

SUBSTANTIVE MOTION

MOVED Cr Tilley

That Council:

Write a letter of acknowledgement and thanks to Professor Nicola Spurrier Chief Medical Officer and Mr Grant Stevens SA Police Commissioner for their vision and leadership in successfully (to date) guiding the South Australian response to the Covid 19 Pandemic.

SECONDED Cr Berry

AMENDMENT

MOVED Cr Todd

That Council:

Write a letter of acknowledgement and thanks to Professor Nicola Spurrier Chief Medical Officer and her staff and Mr Grant Stevens SA Police Commissioner and his staff for their vision and leadership in successfully (to date) guiding the South Australian response to the Covid 19 Pandemic.

The Mayor did not accept Cr Todd’s amendment.
SUBSTANTIVE MOTION

MOVED Cr Tilley

That Council:

Write a letter of acknowledgement and thanks to Professor Nicola Spurrier Chief Medical Officer and Mr Grant Stevens SA Police Commissioner for their vision and leadership in successfully (to date) guiding the South Australian response to the Covid 19 Pandemic.

SECONDED Cr Berry CARRIED UNANIMOUSLY

8:24pm Cr Hockley left the meeting during this item.
8:26pm Cr Hockley returned to the meeting.

11.4 CR DARREN KRUSE - BLACKWOOD COMMUNITY HUB

MOVED Cr Kruse

That subject to the building of the Blackwood Hub on Waite Reserve comprising a new library, a new community centre and a new service centre.

1. That Council gives in principle support for the future sale of the surplus library and adjoining land at 215 Main Road in a manner and time of Council’s choosing.

2. That Council gives in principle support for the future sale of the nursery and adjoining land at 207 Main Road in a manner and time of Council’s choosing.

SECONDED Cr McCarthy TIED

The Mayor used her casting vote to declare the motion CARRIED

8:26 Cr Berry left the meeting and returned at 8:28pm during discussion of this item.
8:40pm Cr Munro left the meeting and returned at 8:41pm during discussion of this item.

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

For the motion: Cr Berry, Cr Kruse, Cr McCarthy, Cr Munro, Cr Sanderson, Cr Steele

Against the motion: Cr Christopoulos, Cr Hockley, Cr Tilley, Cr Todd

THE CHAIR DECLARED THE MOTION CARRIED
12. DISCUSSION ITEMS FOR FUTURE DECISION

12.1 COMMUNITY HOUSING
Report Author/Manager: Kate O’Neill
General Manager: Craig Harrison
(Meeting Date: 2 June 2020)
(Location: Council Wide)

MOVED Cr Todd

That the report be received for information only.

SECONDED Cr Berry  CARRIED UNANIMOUSLY

8:49pm Cr Kruse left the meeting and returned during discussion of this item.
8:50pm Cr McCarthy and Cr Christopoulos left the meeting during discussion of this item.
8:50pm Cr Hockley left the meeting and returned at 8:52pm during discussion of this item.
8:51pm Cr McCarthy returned to the meeting during discussion of this item.
8:53pm Cr Christopoulos returned to the meeting during discussion of this item.
8:55pm Cr Hockley left the meeting and returned at 9:04pm during discussion of this item.
9:03pm Cr Sanderson left and returned to the meeting during discussion of this item.
9:03pm Cr Tilley sought and was granted leave of the meeting to speak to the motion again.

ADJOURNMENT OF MEETING

THE MEETING ADJOURNED AT 9:21pm.

RESUMPTION OF MEETING

THE MEETING RESUMED AT 9:33pm.

12.2 BELAIR TO CITY BIKEWAY STAGE 2 - FUNDING AGREEMENT
Report Author/Manager: Richard Tang / Chris Haskas
General Manager: Daniel Baker
(Meeting Date: 2 June 2020)
(Location: Gault Ward)

MOVED Cr Berry

That the report be received for information only.

SECONDED Cr Steele  CARRIED UNANIMOUSLY
12.3  BLACKWOOD COMMUNITY HUB AND WAITE STREET RESERVE - STAGE 2 COMMUNITY CONSULTATION
Report Author/Manager: Ursula Hickey
General Manager: Kate O'Neill
(Meeting Date: 2 June 2020)
(Location: Council Wide)

MOVED Cr Kruse

That the report be received for information only.

SECONDED Cr McCarthy  
CARRIED

9:41pm Cr Sanderson left the meeting and returned at 9:42pm during discussion of this item.

13.  INFORMATION ONLY REPORTS

RECOMMENDATIONS ADOPTED EN BLOC

MOVED Cr Hockley


SECONDED Cr McCarthy  
CARRIED UNANIMOUSLY

13.1  MONTHLY FINANCIAL REPORT APRIL 2020
Report Author/Manager: Leta Northcott & Luke Harris
General Manager: Wade Reynolds
(Meeting Date: 2 June 2020)
(Location: Council Wide)
(Consultant Used: $Nil)

RECOMMENDED

That the report be received for information only.

13.2  QUARTERLY REPORT ON INNOVATION FROM CEO (JANUARY - MARCH 2020)
Report Author/Manager: Matthew Pears
General Manager: Matthew Pears
(Meeting Date: 2 June 2020)
(Location: Council Wide)
(Consultant Used: $Nil)

RECOMMENDED

That the report be received for information only.
13.3 CORRESPONDENCE FOR INFORMATION ONLY
Report Author/Manager: Amee Yardley
General Manager: Matthew Pears
(Meeting Date: 2 June 2020)
(Location: Council Wide)
(Consultant Used: $NIL)

RECOMMENDED

That the report be received for information only.

14. RECOMMENDATIONS FROM COMMITTEES
Nil

15. REPORTS FROM REGIONAL SUBSIDIARIES
Nil

16. MOTIONS WITHOUT NOTICE
Nil

17. QUESTIONS ON NOTICE

17.1 CR KAREN HOCKLEY - SPRINGFIELD DRAINAGE RESERVE - 28 APRIL 2020

QUESTION

In September 2014, Council passed the following motion:

7.10 SPRINGFIELD DRAINAGE RESERVE - REVOCATION OF CLASSIFICATION AS COMMUNITY LAND
Wade Reynolds / Kristen Manson / Kathryn Tanser
(Meeting Date: 9 September 2014) (Ref: FF/2011/3134 / RN 1498022)

Pursuant to Section 74(1) of the Local Government Act 1999, Cr Moriarty declared a conflict of interest in this item - she is an employee of Mercedes College - and left the room at 3.47 pm.

MOVED Cr Weaver:

That conditional upon Council establishing that the Reserve contains significant stormwater infrastructure utilised by the residents of Woodland Road, the Council endorses the proposal to issue permits to property owners on Woodland Road, Springfield to authorise their current unauthorised use of Springfield Drainage Reserve pursuant to Section 202 of the Local Government Act 1999 (as amended).

SECONDED Cr Fisher  CARRIED UNANIMOUSLY

Cr Moriarty returned to the meeting at 10.03 pm following discussion of this item.

What outcomes have resulted from this decision and when is it likely that the necessary action will be completed?
ANSWER

Administration researched the nature of the stormwater infrastructure in the easement. There are 10 houses along Springfield Ave (1) and Woodland Road (9) that back onto this reserve. In terms of stormwater infrastructure the reserve contains community stormwater pipes serving a number of these directly adjacent properties.

The reserve is approximately 2 metres wide making it difficult to maintain and given its location there is no logic in it being used as a pedestrian thoroughfare. A number of adjacent landowners on Woodland Road have incorporated the land into their yard areas including various improvements on the land. The reserve also has overhead electricity distribution lines.

Council’s resolution sought to issue permits to residents based on establishing that significant stormwater infrastructure existed. Investigations revealed that the reserve does not provide significant stormwater infrastructure nor strategic infrastructure of value although it does contain community stormwater pipes serving a number of these directly adjacent properties.

Initial correspondence sent to property owners and subsequent discussions with property owners received limited response and feedback with no consensus about a suitable approach foreseeable and to further progress this matter will be a costly and resource intensive activity for City of Mitcham to pursue. Whilst the matter remains on Council’s list of property matters further pursuit of the matter has not progressed at this stage.

There are in excess of 100 similar property transactional projects with encroachments across Council, the Property and Facility Team has been progressing other Council decisions of greater priority.

The Manager Property and Facilities is presently working through the development of an updated list of all the property transactional matters to provide Elected Members with information on each matter and a greater awareness of the overall program and the prioritising the works.
17.2 CR YVONNE TODD - BABBAGE WARD LAND - 26 MAY 2020

QUESTION

1) How many council owned land holdings/assets in Babbage ward were sold in the last five years, and how much revenue was generated?

What was done with that revenue?

2) Knowing that DPTI had indicated an intention to compulsory acquire a portion of Ragless Reserve and expressed the intention to pay Council at the assessed commercial value for the land and to pay for all costs associated with the valuation and land transfers, how much revenue was provided by the State government (DPTI) to City of Mitcham?

What was done with that revenue?

ANSWER

To be provided in a future agenda.

18. PREVIOUS GALLERY QUESTIONS

Nil

19. QUESTIONS WITHOUT NOTICE

Nil

20. MAYORAL BUSINESS

Nil

21. WRITTEN REPORTS BY ELECTED MEMBERS

Nil

CLOSE:

There being no further business the meeting closed at 9:51pm.