

MINUTES OF ORDINARY COUNCIL MEETING



MINUTES

**MINUTES OF THE MEETING OF COUNCIL HELD ON 14 FEBRUARY
2023 COMMENCING AT 7:04 PM.**

In the absence of a presiding member, Acting Chief Executive Officer Abby Dickson opened the meeting and called for a Chair.

Cr. Evans self-nominated
Cr. Osborn self-nominated

As there were more candidates than positions, a vote was undertaken with the returning officer declaring Cr. Evans the successful candidate.

Cr. Wilkins moved that Cr. Evans be appointed the Chair for this meeting.

Cr. Russell seconded

CARRIED UNANIMOUSLY

Cr. Evans took the Chair.

Present:

Chair, H. Evans
Councillors, V.J. Tulloch, A. Wotton, D. Wilkins, P. McGregor, K. Mitchell, K.P. Dinh, O. Colombo, C.J. Martin (7:14pm), B. Clayton, P. Russell,
M.A. Basham, L. Panayiotou and M.J. Osborn
Acting Chief Executive Officer, A. Dickson
Director Community Development, K. Fergusen
Director City Assets, F. Harvey
Acting Director Corporate Services, L. Guerin
Team Leader Governance, K. Leighton
Governance Officer, M. Dahmen

Kaurna Acknowledgement

Before we begin the proceedings, I would like to acknowledge and pay respect to the Traditional Owners of the land on which we stand, the Kaurna People of the Adelaide Plains. It is upon their ancestral lands that the Port Adelaide Enfield Council meets. It is also The Place of the Kardi, the Emu, whose story travels from the coast inland.

We pay respect to Elders past and present. We respect their spiritual beliefs and connections to land which are of continuing importance to the living Kaurna people of today. We further acknowledge the contributions and important role that Aboriginal people continue to play within our shared community.

1 APOLOGIES

Nil

2 LEAVE OF ABSENCE

Her Worship Mayor C. Boan

3 CONFIRMATION OF MINUTES

Cr. Mitchell moved that the minutes of the meeting of Council held on 24 January 2023, as per copy supplied to Members, be taken as read and confirmed.

Cr. Russell seconded

CARRIED

Cr. Martin entered the chamber at 7:14pm

4 DECLARATIONS BY MEMBERS OF CONFLICT OF INTEREST

Pursuant to Section 74 of the Local Government Act, Cr. Basham declared a general conflict of interest in relation to item 12.2.1 "Vickers Vimy Reserve" as he is a sponsor of the Gepps Cross Cricket Club who hire Vickers Vimy Reserve for matches one half day per fortnight. Cr Basham will deal with the general conflict by remaining in the chamber and exercising his right to vote.

Pursuant to Section 74 of the Local Government Act, Cr. Osborn declared a general conflict of interest in relation to item 13.2.2 "Dudley Park & Devon Park Proposed Bus Route Changes" as he is an employee of DIT. Cr. Osborn will deal with the general conflict by remaining in the chamber and exercising his right to vote.

Pursuant to Section 75 of the Local Government Act, Cr. Tulloch declared a material conflict of interest in relation item 15.2.1 "2022 Local Government Periodic Elections – disclosure returns" as she has nominated for Deputy Mayor and there are fees involved. Cr. Tulloch will deal with the material conflict by withdrawing from the chamber.

Pursuant to Section 74 of the Local Government Act, Cr. Osborn declared a general conflict of interest in relation to item 16.1 “Notice of Motion – Bins at Bus Stops” as he is an employee of DIT. Cr. Osborn will deal with the general conflict by remaining in the chamber and exercising his right to vote.

Pursuant to Section 74 of the Local Government Act, Cr. Osborn declared a general conflict of interest in relation to item 17.1 “Motion Without Notice – Lefevre Peninsula” as he is an employee of DIT. Cr. Osborn will deal with the general conflict by withdrawing from the Chamber.

5 DEPUTATIONS

5.1 Deputation - Shane Hryhorec - Proposed introduction of a Disability Access and Inclusion Advisory Panel

Cr. Wilkins moved that Council resolves to:

1. receive and note the deputation from Shane Hryhorec.
2. request Council Administration prepare a report summarising the first six months of the Shaping Inclusion Panel, including key themes and proposed actions.
3. request Council Administration include at least one in-person or hybrid format meeting of the Shaping Inclusion Panel in the period referenced in part 2.

Cr. Osborn seconded

CARRIED UNANIMOUSLY

6 ADJOURNED DEBATE

Nil

7 MAYOR'S REPORT

7.1 Mayor's Report - 1 January 2023 to 31 January 2023

Cr. Russell moved that Council resolves that the report of the Director Corporate Services titled “Mayor's Report - 1 January 2023 to 31 January 2023” be received and noted.

Cr. Dinh seconded

CARRIED

8 PETITIONS

8.1 Petition - Major Peter Badcoe Reserve

Cr. Clayton moved that Council resolves that:

1. that the petition titled "Petition - Major Peter Badcoe Reserve" be received and noted.
2. Administration bring back a report to a subsequent Council meeting investigating options to improve the facilities and patronage at Major Peter Badcoe Reserve including but not limited to cricket nets, seating with shelter and playground.

Cr. Martin seconded

CARRIED UNANIMOUSLY

9 REPORTS BY COUNCIL DELEGATES

Nil

10 QUESTIONS WITHOUT NOTICE

Nil

11 QUESTIONS ON NOTICE

11.1 Question on Notice - Cr. Panayiotou - Locking of Council Toilets Overnight

QUESTION:

Can the Administration please provide a summary of the reasoning or decisions guiding when and why council-managed public toilets lock overnight?

ANSWER:

A range of factors are considered when assessing opening times for public toilets across PAE.

An assessment is done on a site by site basis and considers the factors set out in the table below.

Public Safety	Service Demand	Asset Security
1. Is there clear visibility and site lines allowing for public surveillance and access 2. Is the toilet and/or its surrounds known to attract anti-social behaviour 3. Is there electricity supply to the toilet and can the surrounds be well illuminated 4. Is CCTV available in the area	5. Is the toilet located within a locked reserve 6. Is the toilet located within a highly populated area used for night time recreational activities 7. Costs to operate and maintain the facility 24 hours 8. Are reactive maintenance service providers available after hours 9. Customer demand and feedback	1. Is 24-hour use likely to increase risk to nearby assets 2. Is the toilet built under the same roof as a sporting club 3. Does the toilet suffer from extreme vandalism during daylight hours

An exception to this is all automated toilets (Exeloo) which have a shut down period overnight for an automated full clean and disinfection cycle.

- Council has 12 Exeloo's across the PAE area.
- All Exeloo's across PAE lock at 10:00pm and unlock at 6:00am, with the exception of North Haven which remains open 24 hours as it is not a fully automated Exeloo. During the shutdown period a full cycle cleaning program is implemented.
- Council has the ability to set the locking/unlocking times of Exeloo's and could investigate varying locking/unlocking times on a site-by-site basis with consideration to the feasibility.
- Other toilet facilities across PAE are managed in three general streams; 1) toilets that are open 24 hours a day; 2) toilets that are locked from 'dusk until dawn', (however the timing of this will vary as toilets are manually locked on a patrol route each night); and 3) toilets which are associated with sporting clubrooms, with opening times managed through club users and reserve booking hires.

12 DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS

12.1 Information Reports

Items 12.1.1 & 12.1.2 were considered as a composite

12.1.1 Outstanding Matters - Community Development

Cr. Osborn moved that Council resolves that the report of the Director Community Development titled "Outstanding Matters - Community Development" be received and noted.

Cr. Tulloch seconded

CARRIED

12.1.2 Waste Contractor Performance Monitoring

Cr. Osborn moved that Council resolves that the report of the Director Community Development titled "Waste Contractor Performance Monitoring" be received and noted.

Cr. Tulloch seconded

CARRIED

12.2 Decision Reports

12.2.1 Vickers Vimy Reserve

Pursuant to Section 74 of the Local Government Act, Cr. Basham declared a general conflict of interest in relation to item 12.2.1 "Vickers Vimy Reserve" as he is a sponsor of the Gepps Cross Cricket Club who hire Vickers Vimy Reserve for matches one half day per fortnight. Cr Basham will deal with the general conflict by remaining in the chamber and exercising his right to vote.

Cr. Basham moved that Council resolves that:

1. The report of the Director Community Development titled "Vickers Vimy Reserve" be received and noted.
2. The following times are provided for formalised club activity, and broader community informal use as follows:

Monday to Friday

- 5 days a week; Monday to Friday 9am to 4pm – available for Cedar College.
- 3 nights per week; Monday, Wednesday and Friday booked for formalised sporting club activities.
- 2 nights per week; Tuesday and Thursday not booked for formal activities, available to the broader community for informal use (during winter Council will ensure lights are on 6pm to 8pm).

Weekends

- Half a day on the weekend booked for formalised sporting activities.
- 1 day on the weekend available to the broader community for informal use.

3. In line with Council's new Signage Strategy install signage to Vickers Vimy Reserve that provides information on:
 - scheduled booking times for formal use and informal community use.
 - how to book.
 - who to contact in case of an issue.
 - what is deemed "informal community use".
4. Working with Council's Marketing and Community Engagement team, develop and implement a Communication Strategy that informs the City PAE communities about locations and uses of Council's Active Reserves and educates them about their use and how to book.
5. In the event that Cedar College relinquish their weekend usage of Vickers Vimy Reserve an additional half day per weekend be made available during the winter season for organised sport and licensed through Council in the usual manner.

Cr. Panayiotou seconded

CARRIED

13 DIRECTOR OF CITY ASSETS REPORTS

13.1 Information Reports

13.1.1 Outstanding Matters - City Assets

Cr. Clayton moved that Council resolves that the report of the Director City Assets titled "Outstanding Matters - City Assets" be received and noted.

Cr. Mitchell seconded

CARRIED

13.2 Decision Reports

13.2.1 Policy - Shade Over Playgrounds

Cr. Basham moved that Council resolves that:

1. The report of the Director City Assets titled "Policy – Shade Over Playgrounds" be received and noted.
2. Council Policy TS10 Shade over Playgrounds as provided in Attachment 1 is endorsed

Cr. Wotton seconded

Cr. Osborn moved to adjourn this item until the next Council meeting.

Cr. Wilkins seconded

CARRIED

13.2.2 Dudley Park & Devon Park Proposed Bus Route Changes

Pursuant to Section 74 of the Local Government Act, Cr. Osborn declared a general conflict of interest in relation to item 13.2.2 "Dudley Park & Devon Park Proposed Bus Route Changes" as he is an employee of DIT. Cr. Osborn will deal with the general conflict by remaining in the chamber and exercising his right to vote.

Cr. Dinh moved that Council resolves that:

1. The report of the Director City Assets titled "Dudley Park & Devon Park Proposed Bus Route Changes" be received and noted.
2. The introduction of new bus routes into the Dudley Park/Devon Park/Croydon Park area be supported with Option 1 being Council's preferred route option for Bus 232.
3. To minimise the impact on Oldsmobile Terrace and Stacey Street, propose a bus stop on the Pedler Crescent, closer to Stacey Street and propose one bus stop only along Oldsmobile Terrace
4. The Department for Infrastructure and Transport (DIT) be advised of (2) above accordingly.

Cr. Clayton seconded

LOST

Cr. Dinh called a division:

For: Cr. Osborn, Cr. Basham, Cr. Clayton, Cr. Dinh

Against: Cr. Wotton, Cr. Tulloch, Cr. Wilkins, Cr. McGregor, Cr. Mitchell, Cr. Colombo, Cr. Martin, Cr. Russell, Cr. Panayiotou

Cr. Mitchell moved that Council resolves that:

1. The report of the Director City Assets titled "Dudley Park & Devon Park Proposed Bus Route Changes" be received and noted.
2. The introduction of new bus routes into the Dudley Park/Devon Park/Croydon Park area be supported with Option 2 being Council's preferred route option for Bus 232.
3. The Department for Infrastructure and Transport (DIT) be advised of (2) above accordingly.

Cr. Wilkins seconded

CARRIED

13.2.3 Lease for Sidewinders - Wingfield Reserve - Hines Road, Wingfield

Cr. Mitchell moved that Council resolves that:

1. The report of the Director City Assets titled "*Lease for Sidewinders – Wingfield Reserve – Hines Road, Wingfield*" be received and noted.
2. Administration proceeds with the Road Process Order to the Surveyor General.
3. A report is presented to Council once a decision has been reached on the Road Process Order by the Surveyor General.
4. Subject to the satisfactory completion of a relevant Road process, the Chief Executive Officer be authorised to negotiate the variation of any relevant agreements with lease holders at Wingfield Reserve Hines Road Wingfield to ensure the premises are adequately identified.
5. Administration place this portion of land into the Community Land Management Plan in accordance with section 197 (4a) of the Local Government Act 1999, Land that formed a road or part of a road that is vested in a council after the closure of the road under the Roads (Opening and Closing) Act 1991 is taken to have been classified as community land and as such be listed in the Community Land Management Plan – Active Recreation Reserves.

Cr. Dinh seconded

CARRIED

13.2.4 Proposed Closure of Portion of Schumacher Road, Wingfield

Cr. Mitchell moved that Council resolves that:

1. The report of the Director City Assets Report titled "*Proposed Closure of Portion of Schumacher Road, Wingfield*" be received and noted.
2. A portion of Allotment (Road) 30 identified in Deposited Plan 71326 and described in Certificate of Title Volume 5982 Folio 6 and a portion of Allotment (Road) 260 identified in Deposited Plan 73696 and described in Certificate of Title Volume 5988 Folio 196, and labelled Parcels '1', '2', '3', '4' and '5' on the plan contained in Attachment 1 of the Council Report (subject to survey and as amended by Council or a government authority) be declared surplus to Council's requirements in accordance with Council's Sale and Disposal of Land and Assets Policy.
3. Administration is authorised to implement the required provisions of the Roads (Opening and Closing) Act 1999 to commence a process for closure of portions of Schumacher Road, Wingfield, identified in red on Attachment 1 – Plan of proposed Road Closure.

4. Subject to the Chief Executive Officer fulfilling the requirements of the *Roads (Opening and Closing) Act 1991*, the Chief Executive Officer is authorised to:
- a. determine whether or not to proceed with the closure of the Road or any part of the Road; and
 - b. where the Chief Executive Officer determines to proceed, to do all things necessary, expedient or incidental to give effect to the closure of the Road or any part of the Road, including:
 - i. negotiate with the owners of the properties adjoining the Road, being 14 Schumacher Road Pty Ltd, 22 Schumacher Road Pty Ltd and Combined Industries Pty Ltd (and their representatives) ('the Purchasers') on all sale, disposal and transactional matters relating to the proposed disposal and closure of portions of the Road outlined in this report.
 - c. have delegation to negotiate the best possible financial outcome for the disposal of the land, should the Road Closure be supported by Council and received Ministerial Approval. Council Administration have received a Valuation Report from a Licensed Independent Valuer (as outlined in this report) and will enter into a sales agreement, taking into consideration non-financial outcomes that assist in achieving Council's values and strategic priorities, in accordance with Council's Sale and Disposal of Land and Assets Policy.
 - d. should no objections be received after completion of the Public Consultation Process, determine and sign the Road Process order for the proposed Road Closure and to sign any documents necessary to give effect to the Road Closure and disposal of the Road and to submit the required documentation to the Surveyor General for approval.
5. Pursuant to Section 38(1) of the Local Government Act 1999, the Mayor and the Chief Executive Officer are authorised to attest to the affixation of the Common Seal of the City of Port Adelaide Enfield to any documents, and to sign documents necessary to give effect to the 'Road Process' for the closure and disposal of the Road.

Cr. Dinh seconded

CARRIED

14 DIRECTOR OF CORPORATE SERVICES REPORTS

14.1 Information Reports

Items 14.1.1 & 14.1.2 were considered as a composite.

14.1.1 Outstanding Matters - Corporate Services

Cr. Russell moved that Council resolves that the report of the Director Corporate Services titled "Outstanding Matters - Corporate Services" be received and noted.

Cr. Clayton seconded

CARRIED

14.1.2 Quarter 2 Review – Professional Fees

Cr. Russell moved that Council resolves that the report of the Director Corporate Services titled "Quarter 2 Review – Professional Fees" be received and noted.

Cr. Clayton seconded

CARRIED

14.2 Decision Reports

14.2.1 Quarterly Confidential Items Review

Cr. Wilkins moved that Council resolves that:

1. The report of the Director Corporate Services titled "Quarterly Confidential Items Review" be received and noted.
2. Having reviewed the current confidentiality orders, Council endorses the continuation of the orders in Attachment 1 of the report entitled "Quarterly Review of Confidential Orders" and releases those specified for release.

Cr. Osborn seconded

CARRIED

15 CHIEF EXECUTIVE OFFICER REPORTS

15.1 Late Item – 2022 Local Government Periodic Elections – Disclosure Returns

Suspended meeting procedures at 8:38pm
Meeting procedures resumed at 8:47pm

Pursuant to Section 75 of the Local Government Act, Cr. Tulloch declared a material conflict of interest in relation item 15.2.1 "2022 Local Government Periodic Elections – disclosure returns" as she has nominated for Deputy Mayor and there are fees involved. Cr. Tulloch will deal with the material conflict by withdrawing from the chamber.

Cr. Tulloch withdrew from the Chamber at 8:46pm

Cr. Osborn moved that Council resolves that:

1. The report of the Director Corporate Services titled "2022 Local Government Periodic Elections – disclosure returns" be received and noted.
2. Council notes the vacancies as advised by the Electoral Commissioner in accordance with Section 54(4)(a) of the Local Government Act 1999.
3. Cr. Tulloch be appointed as Deputy Mayor for the period of 15 February 2023 to 14 March 2023.

Cr. Wotton seconded

CARRIED UNANIMOUSLY

Cr Tulloch returned to the Chamber at 8:53pm

16 NOTICE OF MOTION

16.1 Notice of Motion - Cr. Martin - Bins at Bus Stops

Pursuant to Section 74 of the Local Government Act, Cr. Osborn declared a general conflict of interest in relation to item 16.1 “Notice of Motion – Bins at Bus Stops” as he is an employee of DIT. Cr. Osborn will deal with the general conflict by remaining in the chamber and exercising his right to vote.

Cr. Mitchell moved that Council resolves that the Mayor writes to the Department for Infrastructure and Transport SA (DIT) to place rubbish bins on Gepps Cross /Port Wakefield designated bus stops 27 - East Side for Stateliner buses travelling north and returning to Adelaide designated bus stops 27A - West Side this is a frequent run traveling north and returning to Adelaide.

Cr. Dinh seconded

CARRIED

16.2 Notice of Motion - Cr. Basham - Cricket Nets

Cr. Basham moved that the Administration bring a report back to the March 2023 meeting of Council on:

1. The provision of building cricket nets on Edward Smith Reserve to replace the existing ones;
2. Referring this item to the 2023/24 Budget deliberations;
3. Existing cricket clubs who are registered users on this reserve and LJ Lewis Reserve be consulted as part of this process.

Cr. Osborn seconded

CARRIED

16.3 Motion on Notice - Cr. Wilkins - Parking Management Policy

Cr. Wilkins moved that that Council resolves to request Council Administration prepare a report which explores amendments to the Parking Management Policy (the Policy) in relation to Residential Parking Exemptions (Permits).

Cr. Russell seconded

CARRIED

17.1 Motion Without Notice – LeFevre Peninsula

Pursuant to Section 74 of the Local Government Act, Cr. Osborn declared a general conflict of interest in relation to item 17.1 “Motion Without Notice – Lefevre Peninsula” as he is an employee of DIT. Cr. Osborn will deal with the general conflict by withdrawing from the Chamber.

Cr. Osborn withdrew from the Chamber at 9:02pm

Cr. Russell moved that Council:

1. Notes its significant concerns about the SA Department of Infrastructure and Transport Project upgrade to the intersections of Veitch and Pelican Point Roads with Victoria Road, Lefevre Peninsula.
2. recognises the intergenerational significance of the Federal Submarine Project on the LeFevre Peninsula. However, it is Council’s view that the expected increase in commuter and heavy vehicle traffic onto the peninsula and subsequent impacts on the community have not been addressed in the SA Department for Infrastructure and Transport’s preferred redesign of the above-mentioned intersections.
3. resolves to advocate to the State Government that the proposed upgrade to the intersections (as presented to Elected Members on 31 January 2023) be reconsidered. This consideration should include a traffic study on the increase movements across Derrick Diver Bridge and through adjacent intersections in addition to providing noise pollution and air quality considerations. Consideration should also be given to alternative options.
4. Authorise the Mayor and the CEO communicate our resolution via letters to the State and Federal Transport Ministers, The Premier of South Australia and Federal and State Representatives for the region.
5. Authorises the Mayor and the CEO to request an urgent meeting with the relevant Ministers and The Premier, seeking further consultation to develop a more acceptable alternate plan; and
6. Authorises the Mayor and the CEO to communicate Council’s concerns and actions to the residents of Lefevre Peninsula inviting their feedback and advising them of the steps Council is taking towards a better outcome as soon as practically possible.

Cr. Wotton seconded

Cr. Basham moved to adjourn this item to a future Council meeting with the date to be determined

Cr. Dinh seconded

CARRIED UNANIMOUSLY

Cr. Osborn returned to the Chamber at 9:21pm

18 ADOPTION OF COMMITTEE REPORTS

Nil

19 CONFIDENTIAL ITEMS

19.1 Meeting to be held in Camera - Section 90(2) and Section 90(3)(j) - Land Acquisition at Carroll Avenue, Kilburn

Cr. McGregor withdrew from the Chamber at 9:22pm

Cr. Wotton moved that Council resolves that:

1. Pursuant to Section 90(2) of the Local Government Act 1999 (the Act) the Council orders that all members of the public, except the staff members present:

- Acting Chief Executive Officer
- Director Community Development
- Director City Assets
- Acting Director Corporate Services
- Manager Property & Building Assets
- Team Leader Governance
- Governance Officer

be excluded from the meeting for the Agenda Item 19.1 Meeting to be held in Camera - Section 90(2) and Section 90(3)(j) - Land Acquisition at Carroll Avenue, Kilburn.

2. The Council is satisfied that pursuant to Section 90(3)(j) of the Local Government Act 1999 the information to be considered involves information the disclosure of which- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and(ii) would, on balance, be contrary to the public interest.

3. Council has considered and is satisfied that the principle that meetings should be conducted in a place open to the public is outweighed by the need to keep the information or discussion confidential.

Cr. Tulloch seconded

CARRIED

CONFIDENTIAL

19.2 Land Acquisition at Carroll Avenue, Kilburn

Cr. Martin moved that:

1. The report of the Director City Assets titled "Land Acquisition at Carroll Avenue, Kilburn" be received and noted.
2. The Chief Executive Officer, or nominee, is authorised to negotiate the acquisition of allotments identified as 16, 15, 14 and 13 in Deposited Plan 32157 as shown in Attachment 1 – Deposited Plan 32157, and described in Certificate of Title Volume 5414 Folio 886, Certificate of Title Volume 5414 Folio 887, Certificate of Title Volume 5414 Folio 888 and Certificate of Title Volume 5414 Folio 889 from the South Australian Housing Authority (SAHA).
3. The Chief Executive Officer, or nominee, is authorised to do all things necessary, expedient or incidental, to the performance and discharge of Council's objective of acquiring the allotments
4. More specifically and without limitation, the Chief Executive Officer is authorised to:
 - (a) negotiate with The South Australian Housing Authority relating to the terms of the acquisition;
 - (b) Apply to the Office for Design and Architecture SA seeking funding to purchase the relevant land through the 2022-2023 Open Space Grant program (Land Purchase for Pocket Parks) and to assist in the acquisition of 16, 15, 14 and 13 in Deposited Plan 32157, and described in Certificate of Title Volume 5414 Folio 886, Certificate of Title Volume 5414 Folio 887, Certificate of Title Volume 5414 Folio 888 and Certificate of Title Volume 5414 Folio 889
 - (c) subject to the outcome of the Chief Executive Officer's negotiations, determine whether or not to proceed with the acquisition of the Property;
 - (d) negotiate and enter into a sale and purchase contract;
 - (e) sign any documents necessary and incidental to effect the acquisition of the allotments including and without limitation:
 - all documentation ancillary to the contract for sale and purchase;
 - any Client Authorization, transfer instrument or Direction to Act;
 - any document in relation to a Vendor's Statement including an acknowledgment of receipt, instrument of waiver and/or prescribed notice;
 - (f) arrange the conveyancing associated with the acquisition of the Property, the registration of any associated documents at Land Services SA and the issue of any confirmation of registration notices; and
 - (g) enter into an assignment of any contracts or arrangements for the provision of any services, works and goods associated with the Property.

CONFIDENTIAL

5. Authorisation is given to the Chief Executive Officer and the Mayor (pursuant to section 38(1) of the *Local Government Act 1999*) to attest to the affixation of the Common Seal of the City of Port Adelaide Enfield and to sign any documents in relation to the acquisition of the Property (including any deed of assignment or deed of variation of sale contract).
6. The allotments identified as 16, 15, 14 and 13 in Deposited Plan 32157, and described in Certificate of Title Volume 5414 Folio 886, Certificate of Title Volume 5414 Folio 887, Certificate of Title Volume 5414 Folio 888 and Certificate of Title Volume 5414 Folio 889 be included into the Community Land Management Plan – Passive Recreation Reserves and be classified at Community Land in accordance with Section 193 of the *Local Government Act 1999*.
7. Council approves an additional budget allocation of up to \$2,650,000 (excluding transaction fees) should the acquisition of the 4 allotments outlined in this report proceed, and that such funding will be sourced as follows:
 - (a) Up to \$1,325,000 in co-funding from the State Government Open Space Grant Program (if successful);
 - (b) Up to \$1,325,000 from Council's Open Space Development Fund (if grant funding application is successful);
 - (c) Up to \$2,209,000 from Council's Open Space Development Fund (if grant funding application is not successful);
 - (d) Any balance of funding required to complete the acquisition (up to the total approved amount of \$2,650,000) from additional borrowings.
8. Council notes that ongoing discussions are being held with South Australian Housing Authority to determine options to offset the acquisition of the Carroll Avenue properties for affordable housing provision, this includes Sunnybrae Reserve Kilburn. A further report on this matter will be brought back to Council.

Cr. Basham seconded

CARRIED

Cr. McGregor returned to the Chamber at 9:24pm

19.3 Confidentiality Order 91(7) of the Local Government Act - Land Acquisition Carroll Avenue, Kilburn

Cr. Mitchell withdrew from the Chamber at 9:24pm

Cr. Basham moved that Council resolves that:

1. The report of the Director City Assets titled “Confidentiality Order 91(7) of the Local Government Act - Land Acquisition Carroll Avenue, Kilburn considered in confidence under Section 90(2) and 90(3)(j)(i)(ii) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that al:

- reports
- attachments
- minutes

in relation to this matter be retained in confidence.

2. Pursuant to Section 91(9)(a) the matter be retained in confidence until the transactions detailed in the report are finalised.

Cr. Russell seconded

CARRIED

19.4 Meeting to be held in Camera - Section 90(2) and Section 90(3)(b)(i)(ii) - Waste Contractor Performance Management

Cr. Mitchell returned to the Chamber at 9:25pm

Cr. Russell moved that Council resolves that:

1. Pursuant to Section 90(2) of the Local Government Act 1999 (the Act) the Council orders that all members of the public, except the staff members present:
 - Acting Chief Executive Officer
 - Director Community Development
 - Director City Assets
 - Acting Director Corporate Services
 - Manager Community & Environmental Health
 - Manager Strategic Procurement
 - Team Leader Governance
 - Governance Officer

be excluded from the meeting for the Agenda Item “Waste Contractor Performance Management”.

2. The Council is satisfied that, pursuant to Section 90(3)(b)(i)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda Item “Waste Contractor Performance Management” is information, the disclosure of which –

- (i) 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
 - (ii) would, on balance, be contrary to the public interest.
3. Council has considered and is satisfied that the principle that meetings should be conducted in a place open to the public is outweighed by the need to keep the information or discussion confidential.

Cr. Wotton seconded

CARRIED

CONFIDENTIAL

19.5 Waste Contractor Performance Management

Cr. Wotton withdrew from the chamber at 9:26pm
Cr. Wotton returned to the Chamber at 9:28pm

Cr. Osborn moved that Council resolves that the report of the Director Community Development titled "Waste Contractor Performance Management" be received and noted.

Cr. Mitchell seconded

CARRIED UNANIMOUSLY

19.6 Confidentiality Order - Section 91(7) Local Government Act 1999 - Waste Contractor Performance Management

Cr. Martin moved that Council resolves that the report of the Director Community Development titled "Waste Contractor Performance Management" considered in confidence under Section 90(3)(b)(i)(ii) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that all:

- Reports
- Attachments

in relation to the Waste Contractor Performance Management report be retained in confidence for a period of twelve (12) months or until the matter is resolved.

Cr. Mitchell seconded

CARRIED

20 CLOSURE OF MEETING

The Chair declared the meeting closed at 9:43pm.

Minutes confirmed.

PRESIDING MEMBER