

MINUTES OF ORDINARY COUNCIL MEETING



MINUTES

**MINUTES OF THE MEETING OF COUNCIL HELD ON 9 NOVEMBER 2021
COMMENCING AT 7:00 PM.**

Present: Her Worship the Mayor, C. Boan, Presiding Member
Councillors, A. Wotton, V.J. Tulloch, D. Wilkins, H. Wright,
J. den Hartog, S. Vines, K. Mitchell, K.P. Dinh, J.A. Croci,
O. Colombo, C.J. Martin, B. Clayton
M.A. Basham, H. Evans and M.J. Osborn
Chief Executive Officer, M. Withers
Director Community Development, F. Harvey
Director City Assets, M. Buckerfield
Director Corporate Services, A. Dickson
Acting Governance Manager and Manager, Finance, M. Gray
Senior Risk and Internal Audit Officer, D. Dolatowski
Senior Media, Marketing and Communications Advisor, T. Nicholson

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.

Apologies: Cr. Barca

Leave of Absence: Cr. Russell

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CONFIRMATION OF MINUTES

Cr. Dinh moved that the minutes of the meeting of Council held on 12 October 2021, as per copy supplied to Members, be taken as read and confirmed.

Cr. Croci seconded.

CARRIED.

4

DECLARATIONS BY MEMBERS OF CONFLICT OF INTEREST

Cr. den Hartog declared a conflict of interest in relation to Item 12.2.9 '*Nature Play Space at Alberton Primary School*'

Cr. den Hartog declared a conflict of interest in relation to Item 12.2.11 "*Alberton Oval Precinct Consultation Feedback*"

Cr. den Hartog declared a conflict of interest in relation to Item 12.2.12 '*Alberton Oval Community Land*'

Cr. den Hartog declared a conflict of interest in relation to Item 12.2.13 '*Alberton Oval Tenure*'

Cr. den Hartog declared a conflict of interest in relation to Item 12.1.5 '*Expression of Interest- Queenstown Hall*'.

Mayor Boan declared a conflict of interest in relation to Item 12.1.4 '*Amendment to the Central Adelaide Waste and Recycling Authority Charter*'.

Mayor Boan declared a conflict of interest in relation to Item 12.2.9 '*Nature Play Space at Alberton Oval*'.

Cr. Clayton declared a conflict of interest in relation to Item 12.2.11 "*Alberton Oval Precinct Consultation Feedback*"

Cr. Clayton declared a conflict of interest in relation to Item 12.2.12 '*Alberton Oval Community Land*'

Cr. Clayton declared a conflict of interest in relation to Item 12.2.13 '*Alberton Oval Tenure*'

Cr. Vines declared a conflict of interest in relation to Item 12.2.5 '*40km/hr Speed Limit Consideration in Port Adelaide and Semaphore*'

Cr. Martin declared a conflict of interest in relation to Item 12.2.11 "*Alberton Oval Precinct Consultation Feedback*"

Cr. Martin declared a conflict of interest in relation to Item 12.2.12 '*Alberton Oval Community Land*'

Cr. Martin declared a conflict of interest in relation to Item 12.2.13 '*Alberton Oval Tenure*'

Cr. Dinh declared a conflict of interest in relation to Item 12.2.11 “*Alberton Oval Precinct Consultation Feedback*”

Cr. Dinh declared a conflict of interest in relation to Item 12.2.12 ‘*Alberton Oval Community Land*’

Cr. Dinh declared a conflict of interest in relation to Item 12.2. 13 ‘*Alberton Oval Tenure*’

Cr. Basham declared a conflict of interest in relation to Item 12.2.11 “*Alberton Oval Precinct Consultation Feedback*”

Cr. Basham declared a conflict of interest in relation to Item 12.2.12 ‘*Alberton Oval Community Land*’

Cr. Basham declared a conflict of interest in relation to Item 12.2.13 ‘*Alberton Oval Tenure*’

Cr. Osborn declared a conflict of interest in relation to Item 12.3.10 ‘Office of the Deputy Mayor’

5 DEPUTATIONS

Pursuant to Sections 75 and 75A(1)(b) of the Local Government Act, Cr. Den Hartog declared a perceived conflict of interest in relation to this item as his business once had a contractual relationship with the Port Adelaide Football Club, and whilst the agreement is no longer in place, he will leave the meeting and not participate in the vote.

Cr. den Hartog withdrew from the meeting at 7:09PM

5.2 Deputation - Alberton Oval Precinct

Cr. Vines moved that Council resolves to receive the deputation from Darren Hill regarding the Alberton Oval precinct.

Cr. Mitchell seconded

CARRIED.

5.3 Deputation - Alberton Oval Re-Development Proposal

Cr. Dinh moved that Council resolves to receive the deputation from Matthew Richardson (Chief Executive Officer) from Port Adelaide Football Club supporting the Alberton Oval Re-Development proposal.

Cr. Martin seconded

CARRIED.

Items 12.2.11, 12.2.12 & 12.2.13 were brought forward on the agenda and considered at 8:00pm.

12.2.11 Alberton Oval Precinct Consultation Feedback

Pursuant to Section 75 and 75A(1)(b) of the Local Government Act, Cr. Martin declared a

perceived conflict of interest in relation to this item on the basis that her business purchases tickets from the Port Adelaide Football Club, however, will remain in the chamber and exercise her right to vote.

Pursuant to Sections 75 and 75A(1)(a) of the Local Government Act 1999, Cr. Clayton declared an actual conflict of interest in relation to this item on the basis that her family members submitted feedback as part of the consultation. Cr. Clayton will deal with the interest by withdrawing from the chamber.

Cr. Clayton withdrew from meeting at 8:03pm

Pursuant to Section 75 and 75A(1)(b) of the Local Government Act, Cr. Dinh declared a perceived conflict of interest in relation to this item on the basis that her family have tickets with the Port Adelaide Football Club, however, will remain in the chamber and exercise her right to vote.

Pursuant to Section 75 and 75A(1)(b) of the Local Government Act, Cr. Basham declared a perceived conflict of interest in relation to this item as he is a member of the North Melbourne Football club and AFLW club, however, will remain in the chamber and exercise his right to vote.

Pursuant to Sections 75 and 75A(1)(b) of the Local Government Act, Cr. Den Hartog declared a perceived conflict of interest in relation to this item as his business once had a contractual relationship with the Port Adelaide Football Club, and whilst the agreement is no longer in place, he will leave the meeting and not participate in the vote. Cr. Den Hartog remained absent from the chamber.

Cr. Osborn moved that Council resolves that:

1. The report of the Director City Assets titled "Alberton Oval Precinct Consultation Feedback" be received and noted.
2. It notes the outcomes of the community engagement, as detailed in Attachment 1, and acknowledges the views expressed by the community on both separate Alberton Oval Precinct community engagements that were concurrently undertaken, namely consultation in relation to:
 - The draft Alberton Oval Community Land Management Plan; and
 - Alienation of Community Land by Lease or Licence for a Term up to 42 years, that allows for the construction of multi-sport recreation facility (including property boundary realignment).

Cr. Vines seconded

CARRIED UNANIMOUSLY.

12.2.12 Alberton Oval Community Land Management Plan

Pursuant to Section 75 and 75A(1)(b) of the Local Government Act, Cr. Martin declared a perceived conflict of interest in relation to this item on the basis that her business purchases tickets from the Port Adelaide Football Club, however, will remain in the chamber and exercise her right to vote.

Pursuant to Sections 75 and 75A(1)(a) of the Local Government Act 1999, Cr. Clayton declared an actual conflict of interest in relation to this item on the basis that her family

members submitted feedback as part of the consultation. Cr. Clayton remained absent from the chamber.

Pursuant to Section 75 and 75A(1)(b) of the Local Government Act, Cr. Dinh declared a perceived conflict of interest in relation to this item on the basis that her family have tickets with the Port Adelaide Football Club, however, will remain in the chamber and exercise her right to vote.

Pursuant to Section 75 and 75A(1)(b) of the Local Government Act, Cr. Basham declared a perceived conflict of interest in relation to this item as he is a member of the North Melbourne Football club and AFLW club, however, will remain in the chamber and exercise his right to vote.

Pursuant to Sections 75 and 75A(1)(b) of the Local Government Act, Cr. Den Hartog declared a perceived conflict of interest in relation to this item as his business once had a contractual relationship with the Port Adelaide Football Club, and whilst the agreement is no longer in place, he will leave the meeting and not participate in the vote. Cr. Den Hartog remained absent from the chamber.

Cr. Martin moved that Council resolves that:

1. The report of the Director City Assets titled "Alberton Oval Community Land Management Plan" be received and noted.
2. '*Alberton Oval Community Land Management Plan*', in Attachment 1, be adopted in accordance with Section 196 of the *Local Government Act 1999*, and unilaterally revoke the application of the '*Community Land Management Plan - Commercial Property*' for Alberton Oval, being the land comprised in Certificate of Title 6068/489 identified as Allotment 51 Deposited Plan 82919 ('the Oval').
3. Administration arrange for a Public Notice of the Alberton Oval Community Land Management Plan adoption be placed in accordance with *Section 197 (3)* of the *Local Government Act 1999*, noting the revocation of the '*Community Land Management Plan – Commercial Property*' for the Oval (only) in accordance with *Section 198 (2)*, and amend Council's existing '*Community Land Management Plan - Commercial Properties*' to remove references to the Oval.

Cr. Tulloch seconded

Cr. Vines called a division. Mayor Boan called a division and declared the vote set aside.

The following Councillors voted for the motion:

Cr. Wotton, Cr. Tulloch, Cr. Wilkins, Cr. Wright, Cr. Croci, Cr. Dinh, Cr. Colombo, Cr. Martin, Cr. Evans, Cr. Basham, Cr. Osborn

The following Councillors voted against the motion:

Against: Cr. Vines, Cr. Mitchell

The motion was CARRIED.

12.2.13 Alberton Oval Tenure

Pursuant to Section 75 and 75A(1)(b) of the Local Government Act, Cr. Martin declared a perceived conflict of interest in relation to this item on the basis that her business purchases tickets from the Port Adelaide Football Club, however, will remain in the chamber and exercise her right to vote.

Pursuant to Sections 75 and 75A(1)(a) of the Local Government Act 1999, Cr. Clayton declared an actual conflict of interest in relation to this item on the basis that her family members submitted feedback as part of the consultation. Cr. Clayton remained absent from the chamber.

Pursuant to Section 75 and 75A(1)(b) of the Local Government Act, Cr. Dinh declared a perceived conflict of interest in relation to this item on the basis that her family have tickets with the Port Adelaide Football Club, however, will remain in the chamber and exercise her right to vote.

Pursuant to Section 75 and 75A(1)(b) of the Local Government Act, Cr. Basham declared a perceived conflict of interest in relation to this item as he is a member of the North Melbourne Football club and AFLW club, however, will remain in the chamber and exercise his right to vote.

Pursuant to Sections 75 and 75A(1)(b) of the Local Government Act, Cr. Den Hartog declared a perceived conflict of interest in relation to this item as his business once had a contractual relationship with the Port Adelaide Football Club, and whilst the agreement is no longer in place, he will leave the meeting and not participate in the vote. Cr. Den Hartog remained absent from the chamber.

Cr. Basham moved that Council resolves that:

1. The report of the Director City Assets titled "Alberton Oval Tenure" be received and noted.
2. Having considered the feedback to Council (in report Item 12.2.11 of this Council Agenda) in relation to the proposal, Council authorises the Chief Executive Officer to negotiate an Agreement for Lease with Port Adelaide Football Club Ltd ('the Club') which includes:
 - Council's in-principle agreement for the Club to develop Council land, including the demolition and/or removal of Council assets, being:
 - BL0004 – [Old] Alberton Croquet Club premises;
 - BL0247 – Ticket Sales Structure;
 - BL0149 – Refreshment stand (1);
 - BL0150 – Refreshment stand (2);
 - 36 Trees, including 10 of significance; and
 - fences and other civil infrastructure as required;
 - Preconditions being satisfied before a Lease Agreement is to be granted, including but not limited to:
 - A boundary realignment being undertaken, which in effect transfers a portion of land owned by the Club to Council for NIL consideration;
 - A development approval being obtained for any works required under the *Planning, Development and Infrastructure Act*; and
 - Final detailed design being (separately) satisfactory to Council's Chief Executive Officer or delegate (and not including any statutory development consents);
 - A proposed ground lease to Port Adelaide Football Club Ltd, which will include:
 - A lease area approximately being delineated in the Attachment 1, which explicitly excludes the area of the proposed soccer pitch;
 - The lease being for the total maximum term of 42 years;
 - The lease fee being a peppercorn rental arrangement, \$1 on demand;

- The Club being permitted to develop the Land during the term of the lease, and after which, the lease area and all improvements of which would be turned over to the Council or removed;
 - The Club owning and having entire maintenance and replacement obligations of any improvements on the lease area (only) during the term of the lease; and
 - The Club having entire responsibility for any rates, fees, taxes and outgoings that levied, assessed or charged upon the leased area, and including Council Rates.
3. Terms to be negotiated pursuant resolution 2 above, also include any deviation from Council's Lease, Licence and Property Agreements Policy required to exercise the performance of Council's intent and including the offer of a peppercorn lease (\$1 on demand) fee.
4. Subject to terms being satisfactory to Council's Chief Executive Officer, the Mayor and the Chief Executive Officer (pursuant *Section 38 of the Local Government Act 1999*) are authorised to attest to the affixation of the Common Seal of the City of Port Adelaide Enfield, and otherwise execute any documents necessary, to progress the intent of Council to grant the Ground Lease and conduct the boundary realignment in order to facilitate the Port Adelaide Football Club's proposed redevelopment, which may include but not be limited to:
- a. Entering into an Agreement to Lease contemplated in 2 above;
 - b. Entering into a (ground) lease agreement for a portion the land known as Alberton Oval, being community land, and currently identified as Allotment 51 in Deposited Plan 82919 and comprised in Certificate of Title Volume 6068 Folio 489 ('the Land'), and as potentially varied by a boundary realignment (where the lease would encapsulate the additional area), which is approximately indicated on Attachment 1;
 - c. Providing consent as the landowner for development works on the Land and the Old Croquet Club site (being contained in CT 5553/489 and identified as Allotment 103 in Deposited Plan 48006) pertaining to the construction of a multisport indoor recreation facility, a natural turf soccer field, carparking and other ancillary infrastructure;
 - d. Negotiating and executing any documentation ancillary to the boundary realignment;
 - e. Negotiating and entering into any easements, or varying an existing easement, in respect of the Land or any adjoining land that, in the discretion of the Chief Executive Officer, are favourable to Council; and
 - f. Negotiating and executing any minor variation to any Land Management Agreement impacted by the proposal that, in the discretion of the Chief Executive Officer, is favourable to Council and ensures it is still active for the balance of the Club owned land; and
 - g. Entering into a Costs Agreement and Agreement for Transfer, application for land division, an Application for Deposit of a Plan of Division, Client Authorisation and Direction for Certification and engaging a legal firm to prepare and advise upon the transactional documentation and undertake any conveyancing work relating to the proposal.

5. The Administration commence negotiation with the Club in regards to the separate agreement required for the use of the Soccer Pitch, which is intended to be incorporated into the existing lease and licence arrangements for the Club's use of Council owned areas in the Alberton Oval Precinct, having particular regard to:
 - a. Community access;
 - b. Facilitation of other sports (outside of Australian Rules Football); and
 - c. A maintenance fee to be applied that reflects the Club's use of the land and the increased costs to Council (for irrigation and upkeep).
6. The Council being provided an additional report in due course to consider any variations or review of the existing lease and licence arrangements for Alberton Oval and the proposed soccer pitch (being areas used by the Club that are not included in the Ground Lease contemplated in 2 above).
7. Following a boundary realignment contemplated by the above, Council authorise administration to make any public notices required and minor administrative amendments necessary to the Alberton Oval Community Land Management Plan in order to continue to adequately identify the Community Land (being the Land, realigned with neighbouring Allotment 50) which may have an updated legal description, and noting that this amendment (in itself) would not be anticipated to have any significant impact on the community.

Cr. Osborn moved an amendment to the above motion, by moving the following:
Council resolves that:

1. The report of the Director City Assets titled "Alberton Oval Tenure" be received and noted.
 2. Having considered the feedback to Council (in report Item 12.2.11 of this Council Agenda) in relation to the proposal, Council authorises the Chief Executive Officer to negotiate an Agreement for Lease with Port Adelaide Football Club Ltd ('the Club') which includes:
- Council's in-principle agreement for the Club to develop Council land, including the demolition and/or removal of Council assets, being:
 - BL0004 – [Old] Alberton Croquet Club premises;
 - BL0247 – Ticket Sales Structure;
 - BL0149 – Refreshment stand (1);
 - BL0150 – Refreshment stand (2);
 - 36 Trees, including 10 of significance; and
 - fences and other civil infrastructure as required;
 - Preconditions being satisfied before a Lease Agreement is to be granted, including but not limited to:
 - A boundary realignment being undertaken, which in effect transfers a portion of land owned by the Club to Council for NIL consideration;
 - A development approval being obtained for any works required under the *Planning, Development and Infrastructure Act*; and
 - Final detailed design being (separately) satisfactory to Council's Chief Executive Officer or delegate (and not including any statutory development consents);
 - A proposed ground lease to Port Adelaide Football Club Ltd, which will include:

- A lease area approximately being delineated in the Attachment 1, which explicitly excludes the area of the proposed soccer pitch;
 - The lease being for the total maximum term of 42 years;
 - ~~The lease fee being a peppercorn rental arrangement, \$1 on demand;~~
 - The Club being permitted to develop the Land during the term of the lease, and after which, the lease area and all improvements of which would be turned over to the Council or removed;
 - The Club owning and having entire maintenance and replacement obligations of any improvements on the lease area (only) during the term of the lease; and
 - The Club having entire responsibility for any rates, fees, taxes and outgoings that levied, assessed or charged upon the leased area, and including Council Rates.
3. Terms to be negotiated pursuant resolution 2 above, also include any deviation from Council's Lease, Licence and Property Agreements Policy required to exercise the performance of Council's intent ~~and including the offer of a peppercorn lease (\$1 on demand) fee.~~
4. Subject to terms being satisfactory to Council's Chief Executive Officer, the Mayor and the Chief Executive Officer (pursuant *Section 38 of the Local Government Act 1999*) are authorised to attest to the affixation of the Common Seal of the City of Port Adelaide Enfield, and otherwise execute any documents necessary, to progress the intent of Council to grant the Ground Lease and conduct the boundary realignment in order to facilitate the Port Adelaide Football Club's proposed redevelopment, which may include but not be limited to:
- a. Entering into an Agreement to Lease contemplated in 2 above;
 - b. Entering into a (ground) lease agreement for a portion the land known as Alberton Oval, being community land, and currently identified as Allotment 51 in Deposited Plan 82919 and comprised in Certificate of Title Volume 6068 Folio 489 ('the Land'), and as potentially varied by a boundary realignment (where the lease would encapsulate the additional area), which is approximately indicated on Attachment 1;
 - c. Providing consent as the landowner for development works on the Land and the Old Croquet Club site (being contained in CT 5553/489 and identified as Allotment 103 in Deposited Plan 48006) pertaining to the construction of a multisport indoor recreation facility, a natural turf soccer field, carparking and other ancillary infrastructure;
 - d. Negotiating and executing any documentation ancillary to the boundary realignment;
 - e. Negotiating and entering into any easements, or varying an existing easement, in respect of the Land or any adjoining land that, in the discretion of the Chief Executive Officer, are favourable to Council; and
 - f. Negotiating and executing any minor variation to any Land Management Agreement impacted by the proposal that, in the discretion of the Chief Executive Officer, is favourable to Council and ensures it is still active for the balance of the Club owned land; and
 - g. Entering into a Costs Agreement and Agreement for Transfer, application for land division, an Application for Deposit of a Plan of Division, Client Authorisation and Direction for Certification and

engaging a legal firm to prepare and advise upon the transactional documentation and undertake any conveyancing work relating to the proposal.

h. Subject to the land owned by PAFC on EP Nazer Reserve Ethelton, being returned to the City of Port Adelaide Enfield for nil consideration.

5. The Administration commence negotiation with the Club in regards to the separate agreement required for the use of the Soccer Pitch, which is intended to be incorporated into the existing lease and licence arrangements for the Club's use of Council owned areas in the Alberton Oval Precinct, having particular regard to:
 - a. Community access;
 - b. Facilitation of other sports (outside of Australian Rules Football); and
 - c. A maintenance fee to be applied that reflects the Club's use of the land and the increased costs to Council (for irrigation and upkeep).
6. The Council being provided ~~an~~ additional reports in due course to consider:
 - a) *An appropriate rental fee for the ground lease area: and*
 - b) any variations or review of the existing lease and licence arrangements for Alberton Oval and the proposed soccer pitch (being areas used by the Club that are not included in the Ground Lease contemplated in 2 above).
7. Following a boundary realignment contemplated by the above, Council authorise administration to make any public notices required and minor administrative amendments necessary to the Alberton Oval Community Land Management Plan in order to continue to adequately identify the Community Land (being the Land, realigned with neighbouring Allotment 50) which may have an updated legal description, and noting that this amendment (in itself) would not be anticipated to have any significant impact on the community.

Cr. Basham seconded

Cr. Vines called for a division. Mayor Boan acknowledged the division and declared the vote set aside.

The following Councillors voted for the motion:

Cr. Wotton, Cr. Wilkins, Cr. Wright, Cr. Croci, Cr. Dinh, Cr. Colombo, Cr. Martin, Cr. Evans, Cr. Basham, Cr. Osborn

The following Councillors voted against the motion:

Cr Tulloch, Cr. Vines & Cr Mitchell

The motion was CARRIED.

Cr. den Hartog & Cr. Clayton returned to the meeting at 8:56pm

Cr. Wright left the meeting at 8:55pm

Cr. Wright returned to the meeting at 8:57pm

7 MAYOR'S REPORT

7.1 Mayor's Report - 1 October to 31 October 2021

Cr. Evans moved that Council resolves that the report of the Director Corporate Services titled "Mayor's Report - 1 October to 31 October 2021" be received and noted.

Cr. Dinh seconded

CARRIED.

8 PETITIONS - NIL

9 REPORTS BY COUNCIL DELEGATES - NIL

10 QUESTIONS WITHOUT NOTICE

10.1. Questions Without Notice- Cr. Vines- Shipping Container Encroachments

- a) **What recourse is available to PAEC where a council road verge is encroached upon by a business via the long term storage of shipping containers, unregistered/undriveable vehicles, fixed signs and other such materials?**

Section 221 of the Local Government Act 1999 states that a person (other than the council or a person acting under some other statutory authority) must not make an alteration to a public road (including a road verge) unless authorised to do so by the council. An alteration includes installing or placing an object or structure on the road.

Council has an application process for a person seeking to obtain a permit to place an object or structure on a road for a short term basis. Each application is assessed on its merit to determine the suitability to issue a permit.

If Council becomes aware of objects or structures being stored on a road/road verge without a permit, Council's Authorised officers will work with business owners to remove the objects from the road, or obtain a relevant permit (if appropriate) prior to taking enforcement action. Should this process not resolve the issue, Authorised officers have two options to address a breach of Section 221.

1: An authorised officer may order the person to take specified action to remedy the breach ie remove the objects from the road in accordance with Section 262 of the Local Government Act 1999.

2: An authorised officer can arrange for the removal of the object or structure from the road and recover the cost of doing so, as a debt from the person who placed the object or structure on the road.

If a person places an object or structure on the road without council permission there is a maximum penalty of \$5,000, however this penalty can only occur through a court prosecution. There is no expiation fee for this offence.

- b) **Would the following items held long term in a commercial building by a storage business be allowable dwellings under the rules that govern appropriate structures for housing in PAE: shipping containers, pantech trucks, caravans and trailers, and what recourse is available to PAEC in relation to these matters?**

Commercial buildings such as warehouses and like cannot be used for residential purposes under the Planning, Development and Infrastructure Act 2016 (POI Act). This includes people sleeping in shipping containers, trucks, trailers, caravans and the like, within a warehouse building. Warehouse buildings are not designed to be used as sleeping quarters and such as use will not satisfy the requirements of the National Construction Code.

There is recourse available to Council, should evidence be provided that such a use was occurring. In the first instance, Council officers will engage with the property owner and seek co-operation from them to take steps to prevent the residential use from occurring. Should a warehouse building continued to be used for residential purposes, an Emergency Order under Section 155 of the POI Act may be issued, to cease using the building for residential purposes. Alternatively, a Fire Safety Order under Section 157 of the POI Act may be issued, which may require the evacuation of the building or prohibit the occupation or use of a building.

Cr. Vines moved that his Question Without Notice to be included in the Minutes.

Cr. Osborn seconded

CARRIED.

11 QUESTIONS ON NOTICE - NIL

12 COUNCIL BUSINESS

12.1 Director Of Community Development Report

12.1.1 Outstanding Matters - Community Development

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

Cr. Dinh seconded

CARRIED.

12.1.2 New Council Policy - CD39 Grants, Sponsorship and Other Assistance

Cr. Mitchell moved that Council resolves that:

1. The report of the Director Community Development titled "New Council Policy - CD39 Grants, Sponsorship and Other Assistance" be received and noted.
2. Council Policy CD39 Grants, Sponsorship and Other Assistance, as provided in Attachment 1 is endorsed.
3. Council Policies, as provided in Attachment 2 be revoked:
CD09 Events in Kind Support
CD16 Grants – Request for Financial Assistance
CD33 Grants and Sponsorship
4. Council notes the new Guidelines, as provided in Attachment 3:

12.1.3 Aboriginal Advisory Panel Membership Nominations

Mayor Boan sought suspension of meeting procedures to enable voting. This was carried by a show of hands of more than 2/3 of the Councillors.

Formal meeting procedures were suspended at 9:07pm
Formal meeting procedures resumed at 9:10pm.

Cr. Martin moved that Council resolves that:

1. The report of the Director Community Development titled "Aboriginal Advisory Panel Membership Nominations" be received and noted.
2. The following individuals be appointed as Members of the Aboriginal Advisory Panel until 30 November 2023:
 - Diana Grose – Elder
 - Vicki Hartman – Agency Representative for Tauondi Aboriginal College
 - Alex Houthuysen – Agency Representative for St. John's Youth Services
 - Michael O'Brien – Community Representative
 - Tina Quitadamo – Agency Representative for Nunga Mi:Minar Inc.
 - Jasmine Tonkin – Community Representative
 - Patricia Waria-Read – Elder
 - Lisa Warner – Community Representative
 - Kym Wills – Community Representative
 - Linda Wondunna – Agency Representative for Kura Yerlo Inc.
3. Outgoing members of the Aboriginal Advisory Panel are formally thanked for their contribution.
4. Cr Tulloch and Cr Vines be appointed as Elected Member representatives on the Aboriginal Advisory Panel for a two-year term.

Cr. den Hartog seconded

CARRIED UNANIMOUSLY.

12.1.4 Amendment to the Central Adelaide Waste and Recycling Authority Charter

Pursuant to Sections 75 and 75A(1)(a) of the Local Government Act 1999, Mayor Boan declared an actual conflict of interest in relation to this matter on the basis that she is on the board of CAWRA and will deal with the conflict by removing herself from the meeting.

Mayor Boan withdrew the meeting at 9:44pm.

In the absence of the Mayor and the Deputy Mayor, Cr. Vines moved a motion for Cr. Osborn to Chair the meeting for items 12.1.4 & 12.2.9.

Cr. Basham seconded

CARRIED.

Cr. Vines moved that Council resolves that:

1. The report of the Director Community Development titled "Amendment to the Central Adelaide Waste and Recycling Authority Charter" be received and noted.

2. Council approves the amendments to the Central Adelaide Waste and Recycling Authority (CAWRA) Charter as provided in Attachment 1 and endorsed by the CAWRA Board.
3. Council notes that the City of Charles Sturt will consider adopting the Charter as provided in Attachment 1, at its meeting on 8 November 2021.
4. Subject to the City of Charles Sturt resolving in the same terms, the Council, together with the City of Charles Sturt, provide to the Minister for Planning and Local Government, the Hon. Vickie Chapman MP, in accordance with Clause 3 of Schedule 2 to the *Local Government Act 1999*, the amended copy of the Central Adelaide Waste and Recycling Authority Charter.
5. The Chief Executive Officer (or his delegate) publishes the Charter on the City of Port Adelaide Enfield website, and a notice is published in the Gazette.

Cr. Tulloch seconded

CARRIED UNANIMOUSLY.

Items 12.2.9 was brought forward.

12.2.9 Nature Play Space at Alberton Primary School

Pursuant to Sections 75 and 75A(1)(b) of the Local Government Act 1999, Cr. Den Hartog declared a perceived conflict of interest in relation to this matter on the basis that he has a family member attending the school and will deal with the conflict by remaining in the meeting and exercising his right to vote.

Pursuant to Sections 75 and 75A(1)(b) of the Local Government Act, Mayor Boan declared a perceived conflict of interest on that basis of being involved in the school and will deal with the conflict by leaving the meeting.

Cr. Basham moved to adjourn this motion to ensure that the Council are fully informed of all the options available.

Cr. Dinh seconded

CARRIED.

Mayor Boan returned to Chair the meeting at 9:48pm

12.1.5 Expression of Interest - Queenstown Hall

Pursuant to Sections 75 and 75A(1)(a) of the Local Government Act 1999, Cr. den Hartog declared an actual conflict of interest in relation to this matter on the basis that his business will be submitting an expression of interest and will deal with the conflict by removing himself from the meeting.

Cr. den Hartog withdrew from the meeting at 9:49pm

Cr. Tulloch left the meeting at 9:49pm

Cr. Vines moved that Council resolves that:

1. The report of the Director Community Development titled "Expression of Interest - Queenstown Hall" be received and noted.
2. Expressions of Interest be invited for the management of Queenstown Hall for a period of up to two (2) years.
3. Council be presented with a further report, following the closure of the Expression of Interest period and subsequent assessment of proposals.

Cr. Mitchell seconded

CARRIED.

Cr. Tulloch returned to the meeting at 9:50pm

Cr. den Hartog returned to the meeting at 9:53pm

Cr. Mitchell left the meeting at 9:54pm

12.2 Director Of City Assets Report

Cr. Mitchell returned to the meeting at 9:56pm.

12.2.1 Outstanding Matters – City Assets

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

Cr. Wilkins seconded

CARRIED.

12.2.2 Northgate Parade Footpath Construction

Cr. Basham moved a motion for a deferral of Item 12.2.2 (the below) to enable Elected Members and staff to discuss the impact on this footpath on existing verges, and other matters, and a further report be brought back to a subsequent meeting of the Council.

Cr. Osborn seconded

CARRIED.

12.2.3 Jagoe Street, Semaphore - Event Road Closure

Cr. Wilkins moved that Council resolves that:

1. The report of the Director City Assets titled "Jagoe Street, Semaphore - Event Road Closure" be received and noted.
2. The Temporary Road Closure Order and The Schedule be endorsed for the installation of a temporary road closure at the roadway that will be affected by the event.

TEMPORARY ROAD CLOSURE ORDER

That Council exercises the power pursuant to Section 33 of the Road Traffic Act 1961 through the Instrument of General Approval, Part One, Clause G: Delegation of Power to Close Roads and Grant Exemptions for Road Events to:

- 1.1 Declare the 'Activation' Event as an event to which Section 33 of the Road Traffic Act 1961 applies and;
- 1.2 Make an order to temporarily close the road(s) or that part of a road specified in The Schedule below to vehicular traffic as provided in Section 33 (1) of the Road Traffic Act 1961;
- 1.3 Exempt other road users in this area when it is temporarily closed to vehicular traffic from Australian Road Rules 1999, Rules 230, 238, 268, and 298.

THE SCHEDULE

'Activation' Event - The following roadway will be temporarily closed on Sunday 28 November 2021 from 8am to 5pm (including set up/take down):

- Jagoe Street (between Nelson Street and Semaphore Road), Semaphore

Cr Wright seconded

CARRIED.

12.2.4 Further Traffic Management Considerations - Company Street, Semaphore

Cr. Wright moved that Council resolves that:

1. The report of the Director City Assets titled "Further Traffic Management Considerations - Company Street, Semaphore" be received and noted.
2. Minor traffic control modifications, subject to community consultation, to the intersection of Company Street, Hanson Street and Freshwater Road to tighten the approach and departure geometry of this junction be undertaken.
3. Apart from (2) above that the existing traffic arrangements along Company Street, Semaphore remain unchanged.
4. Council Administration advises local residents along Company Street, Semaphore of (2) and (3) above.

Cr. den Hartog seconded

CARRIED.

12.2.5 40km/hr Speed Limit Considerations in Port Adelaide and Semaphore

Pursuant to Sections 75 and 75A(1)(b) of the Local Government Act 1999, Cr. Vines declared a perceived conflict of interest in relation to this matter on the basis that he lives in the area and will deal with the conflict by remaining in the meeting and exercising his right to vote.

Cr. Vines moved that Council resolves that:

1. The report of the Director City Assets titled "40km/hr Speed Limit Considerations in Port Adelaide and Semaphore" be received and noted.
2. The implementation of a 40km/hr speed limit be further considered at the following locations:
 - a. Semaphore Road (between Military Road and Swan Terrace); and
 - b. throughout the Port Centre.
3. Speed and traffic volumes in the areas identified in (2) above be collected in accordance with the legislative requirements to consider such a speed limit and community consultation occur on such a proposal.
4. The results of the consultation be brought back in a subsequent report to Council.

Cr. Evans seconded

CARRIED.

12.2.6 Electric Vehicles

Cr. Osborn moved that Council resolves:

1. To receive and note the Director, City Assets report titled "Electric Vehicles";

2. To become a foundation partner in the State Government led Electric Vehicle (EV) Fleet Pledge Program;
3. To approve correspondence to the Minister for Energy and Mining.

Cr. Evans seconded

CARRIED.

12.2.7 Updated Draft Integrated Transport Strategy

Cr den Hartog moved that Council resolves that:

1. The report of the Director City Assets titled "Updated Draft Integrated Transport Strategy" be received and noted.
2. The updated Draft Integrated Transport Strategy and Action Plan be endorsed for consultation with the wider community.
3. The results of the consultation be brought back to a subsequent meeting of Council.

Cr. Evans seconded

CARRIED.

12.2.8 Draft Port Adelaide Enfield Walking and Cycling Plan

Cr. den Hartog moved that Council resolves that:

1. The report of the Director, City Assets titled "Draft Port Adelaide Enfield Walking and Cycling Plan" be received and noted.
2. The Draft Port Adelaide Enfield Walking and Cycling Plan as provided in Attachment 1 to this report is approved for community consultation.
3. A further report be brought back to Council following the conclusion of the community engagement for Council to consider the feedback received.

Cr. Clayton seconded

CARRIED.

Cr. Dinh left the meeting at 9:27pm

12.2.10 Assignment of Lease - ANI Pathway Falie Reserve

Cr. Dinh returned to the meeting at 9:29pm

Cr. Clayton moved that Council resolves that:

1. The report of the Director City Assets titled "Assignment of Lease - ANI Pathway Falie Reserve" be received and noted.
2. Subject to Council Administration being satisfied that the assignee is suitable to perform obligations under the lease, then pursuant to Section 38(1) of the Local Government Act 1999, the Council authorises the Mayor and Chief Executive Officer to attest to the affixation of the Common Seal of the Port Adelaide Enfield Council to the documents necessary, or otherwise execute those documents, to give effect to:
 - 2.1 any minor variations that are considered satisfactory by Council's Administration; and
 - 2.2 the assignment of lease from the current lessee, namely Laing O'Rourke Australia construction Pty Ltd (ACN 112 099 000), to the proposed nominee, namely Australian Naval Infrastructure Pty Ltd (ACN 051 762 639).

Cr. Tulloch seconded

CARRIED.

12.3 Director Of Corporate Services Report

12.3.1 Outstanding Matters - Corporate Services

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

Cr. Dinh seconded

CARRIED.

12.3.2 Audited Financial Statements 2020-21

Cr. Osborn moved that Council resolves that:

1. The report of the Director Corporate Services titled "Audited Financial Statements 2020-21" be received and noted;
2. The General Purpose Financial Statements for the year ended 30 June 2021 be adopted;
3. The Chief Executive Officer and the Mayor are authorised to certify the General Purpose Financial Statements for the year ended 30 June 2021, in their final form;
4. The General Purpose Financial Statements for the year ended 30 June 2021 be incorporated into the Council's 2020-21 Annual Report.

Cr. Mitchell seconded

CARRIED.

12.3.3 2020-21 Annual Report

Cr. Evans moved that Council resolves that:

1. The report of the Director Corporate Services titled "2020-21 Annual Report" be received and noted;
2. The Audited General Purpose Financial Statements 2020-21 (adopted by Council at Item 12.03.02) are inserted into the final Annual Report 2020-2021 document once signed;
3. The Annual Report 2020-2021 as provided in Attachment 1 of this report is adopted by Council for publication in accordance with the Local Government Act 1999, Section 131 and Schedule 4, Part 4;
4. Council authorises the Chief Executive Officer or delegate(s) to make minor editorial and technical changes as may be required before the Annual Report is finalised.

Cr. Dinh seconded

CARRIED.

12.3.4 Long-Term Financial Plan 2022-31

Cr. Osborn moved that Council resolves that:

1. The report of the Director Corporate Services titled "Long-Term Financial Plan 2022-31" be received and noted;
2. Having considered all public submissions received, the Long-Term Financial Plan 2022-31 as provided in Attachment 1 to this report be adopted.

Cr. Dinh seconded

CARRIED.

12.3.5 Quarter 1 Review - Business Plan and Budget 2021-22

Cr. Mitchell moved that Council resolves that:

1. The report of the Director Corporate Services titled "Quarter 1 Review - Business Plan and Budget 2021-22" be received and noted.
 2. The requested budget variations for 2021-2022 as summarised in the Uniform Presentation of Finances are approved, including:
 - an increase in net operating surplus of \$886,000
 - an increase in net capital expenditure on existing, new and upgraded assets of \$3,852,300
 3. Council notes the requested budget variations (operating plus capital) amount to an increase in Net Funding Requirement of \$2,966,300 versus the Adopted budget.
- Cr. Evans seconded CARRIED.

12.3.6 EP Nazer/John Hart Reserves Master Plan - Project Update

Cr. Wright moved that Council resolves that the report of the Director Corporate Services titled "EP Nazer/John Hart Reserves Master Plan - Project Update" be received and noted.

Cr. den Hartog seconded CARRIED.

12.3.7 Local Government Reform - Community Engagement

Cr. Evans moved that Council resolves that:

1. The report of the Director, Corporate Services titled "Local Government Reform - Community Engagement" be received and noted.
2. The feedback contained within this report and Attachment 3 of this report form the basis of Council's submission to the Local Government Association's Proposed Community Engagement and proposed Model Community Engagement Policy consultation.

Cr. Clayton seconded CARRIED.

12.3.8 Local Government Reform - Round 2 Draft Regulations Feedback

Cr. Clayton moved that Council resolves that:

1. The report of the Director Corporate Services titled "Local Government Reform - Round 2 Draft Regulations Feedback" be received and noted;
2. The feedback provided in Attachment 1 is provided to the Local Government Association.

Cr. Dinh seconded CARRIED.

12.3.9 Revocation of Informal Gatherings Policy

Cr. Martin moved that Council resolves that:

1. The report of the Director Corporate Services titled "Revocation of Informal Gatherings Policy" be received and noted.
2. Council Policy – Informal Gatherings (as per Attachment 1) is hereby revoked.

Cr. Wright seconded CARRIED.

12.3.10 Office of Deputy Mayor

Cr. Wilkins moved a motion on the floor that the meeting be extended beyond 10:30pm in line with the *Meeting Procedures*.

Cr. Mitchell seconded CARRIED.

Mayor Boan moved that the Council move out of formal procedures at 10:27pm

Mayor Boan moved Council into formal procedures at 10:36pm.

Cr. Evans withdrew from the meeting at 10:36pm

Cr. Wilkins moved that Council resolves that:

1. The report of the Director, Corporate Services titled "Office of the Deputy Mayor" be received and noted.
2. Cr. Evans be appointed as Deputy Mayor for a one-year term commencing on 10 November 2021 and concluding at the Council meeting of November 2022.

Cr. Osborn seconded CARRIED.

Cr. Evans returned to the meeting 10:36pm

12.3.11 Recognition of Service - Elected Member

Cr. Martin moved that Council resolves that:

1. The report of the Director Corporate Services titled "Recognition of Service - Elected Member" be received and noted.
2. Cr. Helen Wright is recognized by Council for her outstanding contribution and 15 years of service to Local Government and the local community.

Cr. Croci seconded CARRIED UNANIMOUSLY.

12.4 Chief Executive Officer Report

Cr Croci left the meeting at 10:37pm.

12.4.1 COVID-19 Recovery Projects Update

Cr. Evans moved that Council resolves that the report of the Chief Executive Office titled "COVID-19 Recovery Projects Update" be received and noted.

Cr. Wright seconded CARRIED.

13 NOTICE OF MOTION

13.1 Notice Of Motion - Cr. Basham - Infrastructure Service Standards

Cr. Basham moved that Council resolves that that the Administration bring back a report to a subsequent meeting of Council on ways of publishing its service standards for works and

services to be undertaken so ratepayers may understand how long it should take for Council to undertake action on such matters.

Cr. Clayton seconded

CARRIED.

Cr Croci returned to the meeting at 10:39pm

13.2 Notice of Motion - Cr. Martin - Futsal Park Blair Athol Reserve

Cr. Martin moved that Council resolves that staff bring back a report to the December Council meeting on the extent to which the arrangements with SAASL are delivering the objectives set out in the lease of Futsal Park, Blair Athol Reserve.

Cr. Clayton seconded

CARRIED.

13.3 Notice of Motion - Cr. Wilkins - Intersection of Semaphore Road and Fletcher Road Semaphore

Cr. Wilkins moved that Council resolves that:

1. The Mayor write to the Minister for Infrastructure and Transport, Hon. Corey Wingard MP, along with the developer of Fletcher's Slip and Cedar Woods, calling for the intersection of Semaphore Road and Fletcher Road, Birkenhead, to be upgraded in the interests of road safety, as a priority.
2. A copy of the Mayor's letter be provided to the State Member for Port Adelaide, Susan Close MP, for her information.

Cr. Wright seconded

CARRIED.

13.4 Notice of Motion - Cr. Osborn - Roy Amer Reserve Biodiversity

Cr. Osborn moved that Council resolves that the Administration bring back a report concerning biodiversity at Roy Amer Reserve in Oakden, a sanctuary for native birds and fish, including:

- Any monitoring activities of the birds, fish and other native fauna undertaken by the City of Port Adelaide Enfield;
- Any complaints or reports about the changing balance of species at Roy Amer Reserve;
- The implications for flora and fauna of certain species becoming dominant at Roy Amer Reserve, e.g. Ibis and Carp;
- Any investigations undertaken to determine the apparent decline of native water birds from Roy Amer Reserve;
- Any investigations undertaken to determine the apparent existence of carp in the waterways in Roy Amer Reserve; and
- Possible steps that can be taken (whether in line with the Biodiversity Management Plan 2016-2020 or otherwise) to increase monitoring and management of this important native fauna sanctuary.

Cr. Evans seconded

CARRIED.

13.5 Notice of Motion - Cr. Osborn - Valley View Golf Driving Range Placemaking Opportunity

Cr. Osborn moved that

Council resolves that the Administration bring back a report on opportunities to improve the amenity of the Valley View Driving Range on the corner of Nelson Road and Grand Junction Road via a placemaking project.

Cr. Clayton seconded

CARRIED.

14 MOTIONS WITHOUT NOTICE

Cr. Vines moved a Motion without Notice to ask the Council for a minute of reflection on the difficulties faced by Cr. Russell & Cr. Barca.

Cr. Martin seconded

CARRIED.

15 ADOPTION OF COMMITTEE REPORTS

15.2 Minutes Of The Audit Committee Meeting - 20 October 2021

Cr. Mitchell moved that Council resolves that the minutes of the Audit Committee held on the 20 October 2021 be received and noted.

Cr. Evans seconded

CARRIED.

16 CONFIDENTIAL ITEMS - NIL

17 CLOSURE OF MEETING

Meeting concluded with a minute of silence recognising the passing of Russell Ebert and the difficulties faced by Cr. Russell & Cr. Barca at this time.

Meeting concluded at 10:45pm.