



MINUTES

of

ORDINARY COUNCIL MEETING

*Pursuant to the provisions of Section 84(1) of the
Local Government Act 1999*

HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**TUESDAY, 22 JANUARY 2019
AT 7:00PM**

The meeting commenced at 7.05 pm.

1 ATTENDANCE RECORD

1.1 Present

MAYOR GLENN DOCHERTY – Principal Member

Cr Akram Arifi	Cr Marilyn Baker	Cr Stephen Coppins
Cr Andrew Craig	Cr Veronica Gossink	Cr Shirley Halls
Cr David Kerrison	Cr Clint Marsh	Cr Misty Norris
Cr Jane Onuzans	Cr Peter Rentoulis	Cr Dennis Ryan
Cr Gay Smallwood-Smith	Cr Katrina Stroet	Cr Cathy-Jo Tame

Also in attendance for the meeting:

Acting Chief Executive Officer	Mr Sam Green
Acting General Manager, Strategy & Corporate	Mr Greg Pattinson
Acting General Manager, City Services	Mr. Andrew Nesbitt
Senior Manager, Corporate Services	Ms Rosemary Munslow
Senior Manager, Finance	Ms Grace Pelle
Acting Senior Manager, Strategy and Policy	Mr Dale Welsh
Senior Content & Communications Advisor	Mr Rob McLean

Senior Manager Development Services
 Acting Senior Manager Health, Environment &
 Regulatory Services
 Manager Planning Services
 Manager Governance
 Minute Taker

Mr Derek Langman
 Ms Kaarina Sarac

 Mr Gary Brinkworth
 Ms Susie Reichstein
 Ms Joanne Cross / Ms Susie
 Reichstein

1.2 Apologies

Nil

1.3 Not Present

Nil

2 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

3372

Moved: Cr Smallwood-Smith Seconded: Cr Onuzans

The Minutes of the Ordinary Council Meeting held 18 December 2018 be confirmed as a true and accurate record of proceedings with the following amendment:

That the question Cr Smallwood-Smith supplied in writing and intended to ask regarding Curtis Road be included in minutes.

CARRIED

3 DECLARATIONS OF INTEREST

Name: Mayor Glenn Docherty

Conflict: Perceived

Item: 18.1 and 18.2 Workplace Safety Matter and Workplace Safety Delegations

Description: I was interviewed as a witness in a staffing matter. I have declared Perceived Conflict of Interest in the matter previously. To avoid any perception of bias I will declare an interest and leave the meeting.

Conflict Nature: a. Direct / Indirect
 b. Personal

Addressing the Conflict:

Did the Council Member remain in the meeting? No

Did the Council Member remain in the meeting in order to maintain quorum? No

If yes, how did the Council Member deal with the conflict?

N/A

Outline any further steps the Council Member took to ensure transparency and accountability:

Will leave the meeting

Voting

Did the Council Member vote on the matter?	No
How did the Council Member vote on the matter?	N/A

4 MAYOR'S REPORT

The Mayor participated in the following activities:

- Meeting to discuss collaboration with Lyell McEwin Hospital grant opportunity
- Hosting the Playford Tennis International Finals Day
- Meeting with Tom Zorich to discuss NDCC and economic expansion in Playford
- Tour Down Under – One Tree Hill
- Church Leadership Prayer Breakfast at Elizabeth Church of Christ
- Elizabeth Vale Soccer Club 'Family Fun Day'
- Australia Day Council's Australia Day Awards 2019

Summary of Media Engagements

Mayoral / Council Interviews

TV, Radio and Print engagements

- Illegal dumping, Two Wells Echo
- Illegal dumping, ABC Radio with Jules Schiller
- Playford Tennis International, The Bunyip
- Swimming pool regulations, The Messenger

5 REPORTS OF REPRESENTATIVES OF COUNCIL ON OTHER ORGANISATIONS

Nil

6 REPORTS BY COUNCILLORS

Cr Gay Smallwood-Smith

- Xmas function with local politicians
- Playford Bowling Club State singles titles heats

Cr Katrina Stroet

- YAC (Playford Youth Advisory Committee) Christmas Party
- Nick Champion MP Christmas Celebration Drinks
- NAWMA Recycling Facility Tour
- Playford City Soccer and Community Club, Meet and Greet – Ward 4 Councillors
- Cos We Care Volunteering, Helping Homeless with everyday items they might need

Cr Clint Marsh

- NAWMA Recycling Facility Tour

Cr Peter Rentoulis

- NAWMA Recycling Facility Tour

7 REPORTS OF REPRESENTATIVES (CONFERENCES & TRAINING PROGRAMS)

Nil

8 QUESTIONS WITHOUT NOTICE

8.1 VEHICLES PARKING ON ESTABLISHED FOOTPATHS (Cr Clint Marsh)

Question: What is the Council's position on vehicles parking on established residential driveways, where there is no established footpaths. Is it fair to fine those who park on this section of driveway? If Council decides to monitor this within the City of Playford, is it in the best interest to educate a person (expiation notice) vs issuing a fine for first offence?

Answer: Ms Sarac advised that regardless of an established footpath being in place, it is an offence to park across the verge area (under Australian Road Rules s198 cl2). Officers have discretion in determining how to manage an offence of this nature and are likely to provide a verbal warning if the offender is on location. There are road safety, vehicle access and infrastructure safety reasons for this being an offence.

As there is officer discretion, there is ability to look at the best manner to manage this type of behaviour and determine appropriate action. Officer decisions will be guided by the principles within a Draft Enforcement Policy that is scheduled for discussion with Council shortly.

Question: Will any car that parks on an established residential driveway, where there is no established footpath the in the vicinity of the residential area be fined?

Answer: If officers see an offence they will use discretion depending on the circumstances, however in most standard instances they will expiate when an offence is seen.

8.2 FRADD ROAD, ANGLE VALE - STORMWATER (Cr Peter Rentoulis)

Question: 1. Which land deed in Angle Vale is meant to trigger the eventual release of funding to provide for satisfactory storm water provision along Fradd Road?

2. Can council link the need for improved storm water provision along Fradd Road at Angle Vale to the current development of Burgundy Estate opposite the Sports Complex? Can this link potentially bring the storm water works forward?

Answer: Mr Langman advised that there are 2 deeds that relate to that area – Interim stormwater deed and the Road Infrastructure Deed

The **Angle Vale Interim Stormwater Deed** requires that Council and Land Owners work together to manage the flooding of private land so it can be developed and, in respect to Fradd East Road and the Burgundy Estate, a 550 metre stormwater culvert is being constructed by the developer to convey regional stormwater from north to south as part of their contribution to the regional Stormwater Management Plan.

The **Angle Vale Road Infrastructure Deed** specifically identifies this section of Fradd East Road (Intervention 34) as requiring upgrade due in part to development pressures from new land division and housing in the Angle Vale Growth Area.

The Minister for Planning, Transport & Infrastructure administers the Road Deed and is responsible for collecting contributions and funding works. DPTI is also responsible for the timing of works, and Council has already requested that DPTI ensures that Fradd Road East is upgraded in accordance with the Deed in FY 2020/2021 and not be delayed.

8.3 GAWLER ROAD, VIRGINIA - STORMWATER (Cr Peter Rentoulis)

Question: Can Council inspect the swale drains on Gawler Road at Virginia between Womma West Road and the Virginia Nursery on the western side of Gawler Road and then consider widening them to prevent flooding of properties along this strip during the winter months? Can this be funded through the repairs and maintenance budget? Alternatively, can Council clean these drains by removing overgrown grasses and weeds in order to improve water flow and fund this through the repairs and maintenance budget?

Answer: Mr Green advised an inspection can be undertaken along Gawler Road, Virginia. Further, that we are currently proactively surveying and reinstating swale drains back to AHD levels across the City of Playford. Gawler Road is to be considered in work planned on Womma West Road for a more holistic drainage approach.

8.4 REMOVAL OF HARD WASTE FROM PUBLIC LAND (Cr Misty Norris)

Question: Does the City of Playford currently have a policy in place regarding the removal of hard waste from public land in a safe and timely manner? I.e. is the Council obligated to remove it within a certain timeframe to ensure the safety of residents and to uphold the presentation (tidiness) of our suburbs.

Answer: Ms Sarac advised that Waste on public land is illegal dumping rather than part of the hard waste service, and Council has a Service Standard relating to illegal dumping which dictates timeframes for collection of dumped material. The service standard is that 96% of illegal dumping will be collected within 10 business days. In practice items tend to be collected faster (~3-4d) and those identified as public risk are fast-tracked.

From a proactive perspective, Council has been running a campaign to reduce illegal dumping by encouraging use of the hard waste service provided. In the instance of dumped material in reserves Council staff will investigate and, if possible, expiate and prosecute. Our first preference is for officers to talk to households in identified problem areas about appropriate waste disposal options as there should be no reason to dump material in reserves or on road sides. This has been yielding positive results to reduce dumping in our area.

8.5 PARKING RESTRICTIONS ALONG MAIN NORTH ROAD NEAR SMITHFIELD OVAL (Cr Gay Smallwood-Smith)

Question: Can consideration be given to installing 1 hour parking signs alongside Main North Road in front of Smithfield Oval between merging lane from Munno Para shops and exit left into Anderson Walk? There are cars being parked there with For Sale signs on them dangerously close to the main road which is an

80 km road. On Monday this week 3 cars were parked there For Sale.

Answer: Mr Langman took the question on notice and will provide a response via memo.

8.6 ARGANA PARK SPORTING FACILITIES (Cr Misty Norris)

Question: Are there currently an plans in place to upgrade or incorporate new instructure at Argana Park? In particular, referencing clubrooms, lighting on the sports grounds, entry points and car-parking?

Answer: Mr Welsh advised that plans are in place for 2 light poles to address lighting issues and work on the change rooms to make them unisex. The park has had a focus in recent years which includes the resealing of the carpark.

Question: Can I suggest that a report be created to update Councillors on the age of current facilities, approximate member numbers of the sporting Clubs at Argana and also if the Ovals and lighting meet with requirements of their respective leagues?

Answer: Mr Welsh advised that a report would be brought back to Council.

8.7 RESPONSE TIMES TO A CUSTOMER REQUEST (Cr Shirley Halls)

Question: How long does it take to act on a CRS that an Elected Member puts in? One was placed on 11 January regarding a parked car parked against a verge and blocking pedestrians and to date I haven't received a response and the car is still there.

Answer: Mr Nesbitt took the question on notice and will follow the matter up with the relevant staff for a response to be provided.

8.8 MANAGEMENT PLAN FOR CONTROL OF SILVER-LEAF NIGHTSHADE (Cr David Kerrison)

Question: Does Council have a management program targeting silver leaf nightshade?

Answer: Ms Sarac advised we have management plans for a number of weeds throughout the area and took the question on notice to provide a full response via memo.

COUNCIL RESOLUTION

3373**Moved: Cr Craig****Seconded: Cr Halls****That the questions without notice from:****Cr Marsh****Cr Rentoulis****Cr Smallwood-Smith****Cr Norris****Cr Kerrison**

Cr Halls

and the accompanying responses be recorded in the minutes.

CARRIED

9 QUESTIONS ON NOTICE**Cr Clint Marsh****History**

Councillor Marsh has submitted the following questions for inclusion in the Council Agenda.

Question

Do Council have a tree policy, if so can this be supplied to the Chamber?

Answer

Council does not have a specific Tree Policy, however there is an internally focused Vegetation Management Policy which guides decisions on retention and removal of vegetation including trees on Council land including streetscapes, road reserves, open space and other lands. It defines a mitigation hierarchy for tree and native vegetation removal which is (in order):

1. avoid impact;
2. minimise any impacts where avoidance is not practicable;
3. rehabilitate onsite where degradation occurs; and
4. offset where a significant impact remains.

It also establishes a hierarchy to guide plant selection decisions, including street tree replacement, of:

- locally indigenous species (particularly within the connected reserve system);
- non invasive (and non locally indigenous) species; and
- sterile cultivars.

In addition, Council has recently established a Tree Team within the City Operations area which manages the on-going street tree program as well as tree health across Council lands. Strategies of this team will be presented to Council at a future Designated Informal Gathering..

Cr Clint Marsh**Question**

Do Council pay for the cost of running street lighting on roads, parks etc? If so, can Council come up with a policy to have developers install energy efficient (LED) lighting.

Answer

Council do pay for the running and maintenance of all street lighting. In new developments Council requests that all new lighting be LED. However the Development Act does not provide powers to Council to enforce the provision of

street lighting within new developments and all street lighting outcomes are negotiated with the developer. Once agreed the installation of LED lighting is enforced by the signing of an Infrastructure Agreement between the Developer and the Council.

10 PETITIONS

10.1 FRADD ROAD, ANGLE VALE

Contact Person: Andrew Nesbitt

Council has received a petition on 15 January 2019 via head petitioner Councillor Clint Marsh.

The petition is calling for the City of Playford and DPTI to release the allocated funding under the relevant deeds as a matter of urgency for the upgrade of Fradd Road Angle Vale.

85 signatories are included on the petition.

The petition is attached.

1. This request has been assessed and will be actioned through Council's routine customer request processes.

11 DEPUTATION / REPRESENTATIONS

Nil

12 MOTIONS WITHOUT NOTICE

Nil

13 MOTIONS ON NOTICE

13.1 MOTION ON NOTICE - OPEN SPACE FUND

Contact Person: Greg Pattinson

COUNCIL RESOLUTION

3374

Moved: Cr Marsh

Seconded: Cr Rentoulis

That a report be provided to Council on how much funds sit in the Councils open space fund. What projects are planned and being funded from this fund over the next two years, and the projected cost.

CARRIED

13.2 MOTION ON NOTICE - PROJECT BUDGETS

Contact Person: Greg Pattinson

COUNCIL RESOLUTION

3375

Moved: Cr Marsh

Seconded: Cr Craig

That a presentation, followed by a report, is given to Council on new Capital projects

valued at over \$2M that have gone over budget for the past four years. Include the budgeted amount, overspent amount, where the shortfall was funded from, and the reasons why the project went over budget.

CARRIED

13.3 MOTION ON NOTICE - URBAN TREE FUND

Contact Person: Gary Brinkworth

COUNCIL RESOLUTION

3376

Moved: Cr Marsh

Seconded: Cr Rentoulis

That a report be provided to Council on the impacts of establishing an Urban Tree Fund under Section 50B of the *Development Act 1993*.

CARRIED

14 COMMITTEE REPORTS

Chief Executive Officer Performance Review Committee

Nil

Civic Events Committee

Nil

Corporate Governance Committee

Nil

Services Committee

Nil

Strategic Planning Committee

Nil

15 STAFF REPORTS

Matters which cannot be delegated to a Committee or Staff.

15.1 APPOINTMENT TO COUNCIL ADVISORY GROUPS - PLAYFORD ALIVE COMMUNITY REFERENCE GROUP/ ACCESS AND SOCIAL INCLUSION ADVISORY GROUP

Responsible Executive Manager : Greg Pattinson

COUNCIL RESOLUTION

3377

Moved: Cr Smallwood-Smith

Seconded: Cr Onuzans

1. Council endorse to continue to have Elected Member on the Playford Alive Community Reference Group

2. The Council appoints Cr Smallwood-Smith and Cr Onuzans to the Playford Alive

Community Reference Group until November 2020.

3. If required, the private ballot process outlined in the Code of Practice for Council and Committee Meetings – Section 16 be utilised to elect representatives to the advisory committees, with the results of the ballot becoming the outcome.

CARRIED

*Cr Rentoulis nominated Cr Smallwood-Smith.
Cr Smallwood-Smith accepted the nomination.*

*Cr Smallwood-Smith nominated Cr Onuzans
Cr Onuzans accepted the nomination*

COUNCIL RESOLUTION**3378****Moved: Cr Rentoulis****Seconded: Cr Onuzans**

1. Council endorse to continue to have Elected Member membership on the Access and Social Inclusion Advisory Group
2. That Council appoints Cr Tame to the Access and Social Inclusion Advisory Group for a 2 year period.
3. If required, the private ballot process outlined in the Code of Practice for Council and Committee Meetings – Section 16 be utilised to elect representatives to the advisory committees, with the results of the ballot becoming the outcome.

CARRIED

*Cr Rentoulis nominated Cr Tame
Cr Tame accepted the nomination*

*Cr Halls nominated Cr Onuzans
Cr Onuzans accepted the nomination*

As there were more nominations for the position than required, Council undertook the private ballot process. Mr Green announced the results for the private ballot process as follows:

*Cr Tame 13 votes
Cr Onuzans 3 votes*

15.2 DEVELOPMENT ACT DELEGATIONS AND POLICY REVIEW

Responsible Executive Manager : Andrew Nesbitt

COUNCIL RESOLUTION**3379****Moved: Cr Rentoulis****Seconded: Cr Baker**

1. Delegations are made under the Development Act 1993. 1.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (Attachment 1) are hereby delegated on the 22 January 2019 to the person occupying the office of Chief Executive Officer of the Council, and the Council Assessment Panel subject to the Schedule of Conditions and Limitations contained in the proposed Instrument of Delegations under the Development Act 1993.

With the following amendment:

15.4 TAYLORS AND ROBERT ROAD INTERSECTION - PENFIELD**Responsible Executive Manager : Greg Pattinson***Cr Smallwood-Smith left the meeting at 8.09pm.**Cr Smallwood-Smith returned to the meeting at 8:12pm.***COUNCIL RESOLUTION****3381****Moved: Cr Rentoulis****Seconded: Cr Marsh**

That the Mayor reinforces Council's concerns regarding the issue of hoon driving activities at the intersection of Taylors and Robert Roads, Penfield, at the Community Safety Committee facilitated by SA Police.

CARRIED*Matters for Information.***15.5 BUDGET UPDATE REPORT DECEMBER 2018****Responsible Executive Manager : Sam Green****COUNCIL RESOLUTION****3382****Moved: Cr Baker****Seconded: Cr Craig**

That Council receives the Budget Update Report for the period ending 31 December 2018 (Attachment 1).

CARRIED**15.6 MID YEAR REVIEW - END OF YEAR FORECAST****Responsible Executive Manager : Sam Green****COUNCIL RESOLUTION****3383****Moved: Cr Onuzans****Seconded: Cr Rentoulis**

Council receives the Mid-Year Review Report and 2018/19 Forecast Financial Statements (Attachment 1)

CARRIED/**16 INFORMAL DISCUSSION**

Nil

17 FORWARD AGENDA**17.1 ORDINARY COUNCIL FORWARD AGENDA**

Presenter: Mr Sam Green

Outcome: Councillors reviewed the Council forward agenda

Mayor Docherty declared an interest in items 18.1 and 18.2 as he was interviewed as a witness in a staffing matter. He advised he had declared a Perceived Conflict of Interest in

the matter previously and to avoid any perception of bias he declared an interest and left the meeting at 8:12pm.

Cr Tame conveyed her apologies and retired from the meeting at 8:15pm.

Minute Taker, Ms Cross left the meeting at 8:15pm.

Ms Reichstein commenced minute taking duties at 8:17pm.

18 CONFIDENTIAL MATTERS

Confidential item 18.2 brought forward for consideration

18.2 WORKPLACE SAFETY DELEGATIONS

Responsible Executive Manager : Sam Green

A. COUNCIL TO MOVE MOTION TO GO INTO CONFIDENCE

COUNCIL RESOLUTION

3384

Moved: Cr Rentoulis

Seconded: Cr Craig

Pursuant to Section 90 (2) of the Local Government Act 1999 an order is made that the public be excluded from attendance at the meeting, with the exception of:

- Acting Chief Executive Officer;**
- Senior Manager Corporate Services;**
- Mr Lincoln Smith, Norman Waterhouse; and**
- Minute Taker.**

in order to consider in confidence agenda item number 18.2 under Section 90 (3) (i) of the Local Government Act 1999 on the basis that:

- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.**

This matter is Confidential because there is currently pending litigation in the Supreme Court in relation to the Workplace Safety matter.

On the basis of this information, the principle that meetings should be conducted in a place open to the public has been outweighed in this instance; Council consider it necessary to consider this matter in confidence.

CARRIED

The meeting went into confidence at 8:20pm.

The meeting reopened to the public at 8:56pm.

C. PROCEDURAL DECISION - TO DECIDE HOW LONG ITEM 18.2 IS TO BE KEPT IN CONFIDENCE**COUNCIL RESOLUTION****3387****Moved: Cr Craig****Seconded: Cr Marsh**

Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the Council orders that the following aspects of Item 18.2 be kept confidential in accordance with Council's reasons to deal with this item in confidence pursuant to Section 90 (3) (i) of the Local Government Act 1999:

- Report for Item 18.2
- Decision for Item 18.2

This order shall operate until the next scheduled annual review of confidential items by Council at which time this order will be reviewed and determined in accordance with Section 91(9)(a) of the Local Government Act 1999.

CARRIED**18.1 WORKPLACE SAFETY INVESTIGATION REPORT****Responsible Executive Manager : Rosemary Munslow****A. COUNCIL TO MOVE MOTION TO GO INTO CONFIDENCE****COUNCIL RESOLUTION****3388****Moved: Cr Marsh****Seconded: Cr Ryan**

Pursuant to Section 90 (2) of the Local Government Act 1999 an order is made that the public be excluded from attendance at the meeting, with the exception of:

- Acting Chief Executive Officer;
- Senior Manager Corporate Services;
- Minute Taker;

in order to consider in confidence agenda item number 18.1 under Sections 90 (3) (a) (h) (i) of the Local Government Act 1999 on the basis that:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and
- (h) legal advice; and
- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.

This matter is confidential because the disclosure of this information would be unreasonable because the information is not relevant to the workings of the Council, is sensitive to a number of staff, relates to legal advice on the Workplace Safety matter and is currently pending litigation in the Supreme Court.

On the basis of this information, the principle that meetings should be conducted in a place open to the public has been outweighed in this instance; Council consider it necessary to consider this matter in confidence.

CARRIED

Meeting went into confidence at 8:59pm.

C. PROCEDURAL DECISION - TO DECIDE HOW LONG ITEM 18.1 IS TO BE KEPT IN CONFIDENCE

COUNCIL RESOLUTION

3391

Moved: Cr Rentoulis

Seconded: Cr Halls

Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the Council orders that the following aspects of Item 18.1 be kept confidential in accordance with Council reasons to deal with this item in confidence pursuant to Sections 90 (3) (a) (h) (i) of the Local Government Act 1999:

- Report for Item 18.1
- Attachment(s) and Workplace Safety Investigation Reports, Author - Ms Susan Zeitz for Item 18.1
- Minutes which are the record of the Council's decision for Item 18.1

This order shall operate until further order and will be reviewed within 12 months.

CARRIED UNANIMOUSLY

The meeting reopened to the public at 11:35pm.

19 CLOSURE

The meeting closed at 11:35 pm.