

Council Meeting Minutes

7 August 2023

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Council Members Mayor Robert Bria
Cr Kester Moorhouse
Cr Claire Clutterham
Cr Garry Knoblauch
Cr Hugh Holfeld
Cr Josh Robinson
Cr Connie Granozio
Cr Victoria McFarlane
Cr Scott Sims
Cr Grant Piggott
Cr Sue Whittington
Cr John Callisto
Cr Christel Mex

Staff Mario Barone (Chief Executive Officer)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Derek Langman (General Manager, Infrastructure & Major Projects)
Teri Hopkins (Manager, Governance & Legal)
Simonne Whitlock (Manager, Communications & Community Relations)
Eleanor Walters (Manager, Urban Planning & Sustainability)
Jim Allen (Senior Urban Planner, Urban Planning & Sustainability)
Skye Grinter-Falzun (Manager, Chief Executive's Office)
Lucinda Knight (Executive Assistant, Chief Executive's Office)

APOLOGIES Cr Kevin Duke

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Scott Sims.

3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 10 JULY 2023

Cr Knoblauch moved that the minutes of the Special Council meeting held on 10 July 2023 be taken as read and confirmed. Seconded by Cr Holfeld and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 3 July	<ul style="list-style-type: none">• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 4 July	<ul style="list-style-type: none">• Presided over a meeting of the Business & Economic Development Advisory Committee, Mayor's Parlour, Norwood Town Hall.
Wednesday, 5 July	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and representatives from the Norwood Residents Association, Mayor's Office, Norwood Town Hall.

Saturday, 8 July	<ul style="list-style-type: none">• Attended the pre-match function followed by the Norwood versus Glenelg football match, Norwood Oval.
Monday, 10 July	<ul style="list-style-type: none">• Presided over a Special meeting of Council, Council Chamber, Norwood Town Hall.
Tuesday, 11 July	<ul style="list-style-type: none">• Presided over a Special meeting of the Norwood Parade Precinct Committee, Mayor's Parlour, Norwood Town Hall.
Tuesday, 18 July	<ul style="list-style-type: none">• Attended a meeting with Reverend Julie Worrall (St Aidan's Church, Marden), Mayor's Office, Norwood Town Hall.
Wednesday, 19 July	<ul style="list-style-type: none">• Attended an Information Session: new SA Ambulance Station, Mayor's Parlour, Norwood Town Hall.
Saturday, 22 July	<ul style="list-style-type: none">• Attended the North Adelaide versus Norwood football match, Prospect Oval.
Monday, 31 July	<ul style="list-style-type: none">• Attended a meeting with Cr John Callisto and Cr Christel Mex, Mayor's Office, Norwood Town Hall.
Monday, 31 July	<ul style="list-style-type: none">• Attended a presentation of the draft Arts & Culture Plan 2024-2027, Mayor's Parlour, Norwood Town Hall.
Tuesday, 1 August	<ul style="list-style-type: none">• Attended a meeting with Mr Glyn Nicholas, Norwood.
Thursday, 3 August	<ul style="list-style-type: none">• Officially launched the SALA Festival in the City of Norwood Payneham & St Peters, St Peters Town Hall Complex, St Peters.

5. DELEGATES COMMUNICATION
Nil

6. QUESTIONS WITHOUT NOTICE
Nil

7. QUESTIONS WITH NOTICE
Nil

8. DEPUTATIONS
Nil

9. PETITIONS
Nil

10. WRITTEN NOTICES OF MOTION

**10.1 WRITTEN NOTICE OF MOTION – WEEKLY KERBSIDE FOOD AND GARDEN ORGANICS
WASTE COLLECTION – SUBMITTED BY CR KESTER MOORHOUSE**

NOTICE OF MOTION: Weekly Kerbside Food and Garden Organics Waste Collection
SUBMITTED BY: Cr Kester Moorhouse
FILE REFERENCE: qA1039
ATTACHMENTS: A

Pursuant to Regulation 12(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the following Notice of Motion has been submitted by Cr Kester Moorhouse.

NOTICE OF MOTION

That staff present a report to Council this calendar year, on the feasibility of introducing weekly kerbside food and garden organics waste collection, in line with Green Industries SA's Sustainable Kerbside Service recommendations.

REASONS IN SUPPORT OF MOTION

Green Industries SA's Sustainable Kerbside Service model (see attachment) is for weekly collection of green bins, with the collection of landfill bins and recycling bins alternating fortnightly. It includes an option for households with bin capacity issues to be offered a larger bin, or to opt-out of this new service entirely and continue to receive the current service.

The City of Holdfast Bay trialled weekly green waste collection in 2020, receiving overwhelming public support. Since then, all seven of the other East Waste member councils have either already trialled, or have committed to trialling the Sustainable Kerbside Service recommended by Green Industries, leaving only the City of Norwood Payneham & St Peters yet to make such a commitment. With all the other East Waste member councils committing to a trial, this is an opportune moment for our Council to consider the scope for co-ordinating weekly green waste collection.

Transitioning to a Sustainable Kerbside Service will help reduce landfill volumes and greenhouse gas emissions, while simultaneously increasing the production of compost. It will also help minimise financial exposure to any future solid waste levy increases.

STAFF COMMENT

PREPARED BY MANAGER, URBAN PLANNING & SUSTAINABILITY

A report as requested, can be prepared.

Cr Moorhouse moved:

That staff present a report to Council this calendar year, on the feasibility of introducing weekly kerbside food and garden organics waste collection, in line with Green Industries SA's Sustainable Kerbside Service recommendations.

Seconded by Cr Mex and carried unanimously.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

[No Items listed under this Section]

Section 2 – Corporate & Finance

Reports

[No Items listed under this Section]

**Section 3 – Governance & General
Reports**

11.1 LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA ANNUAL GENERAL MEETING

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2181
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to advise the Council that the Local Government Finance Authority of South Australia, is holding its Annual General Meeting on Thursday, 26 October 2023.

BACKGROUND

The Annual General Meeting of the Local Government Finance Authority of South Australia (LGFA), will be held on Thursday, 26 October 2023, at the National Wine Centre. This meeting will again coincide with the Local Government Association of South Australia Annual General Meeting. The commencement time of the LGFA AGM is yet to be advised.

The LGFA requires that a number of procedural matters must be attended to in order to ensure compliance with the LGFA Rules.

DISCUSSION

Appointment of Council Representative

Section 15 (1) of the *Local Government Finance Authority of South Australia Act 1983* (the Act), provides that:-

“Every Council is entitled to appoint a person to represent it at a general meeting of the Authority.”

Traditionally, the Mayor has been appointed as the Council Representative.

The LGFA will be notified of the City of Norwood Payneham & St Peters representative, via the appropriate documentation (**Attachment A**), by 18 August 2023, in accordance with the prescribed timeframes.

Notices of Motion

The Rules of the LGFA in relation to the Annual General Meeting procedures, require that a Notice of Motion specifying the resolution which is to be proposed must be given to the Chief Executive Officer not less than forty-two days prior to the meeting. To comply with this rule, it is necessary for any Notices of Motion to be submitted to the LGFA no later than Friday, 18 August 2023.

Notices of Motion must be lodged stating the following:

- the Notice of Motion;
- the reason for the Notice of Motion; and
- the suggested action.

Any Notices of Motion submitted by the Council, will be forwarded to the LGFA via the appropriate documentation (**Attachment B**).

OPTIONS

The Council is entitled to appoint a person to represent it at the LGFA AGM.

It is at the discretion of the Council as to whether or not it forwards a Notice of Motion/s to be considered at the Annual General Meeting.

CONCLUSION

All relevant information must be forwarded to the Local Government Finance Authority for inclusion with the Agenda for the LGFA AGM, by Friday, 18 August 2023.

COMMENTS

Nil.

RECOMMENDATION 1

Appointment of Council Representative

1. The Council appoints Mayor Bria as the City of Norwood Payneham & St Peters Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2023.
2. The Council appoints _____ as the City of Norwood Payneham & St Peters Proxy Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2023.

RECOMMENDATION 2

Notices of Motion

1. The Council notes the report and declines the invitation to submit a Notice of Motion to the Local Government Finance Authority 2023 Annual General Meeting.

Or

2. The Council forwards a Notice of Motion to the Local Government Finance Authority 2023 Annual General Meeting in relation to the following item:
-

Appointment of Council Representative

Cr Mex moved:

The Council appoints Mayor Bria as the City of Norwood Payneham & St Peters Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2023.

Seconded by Cr Callisto and carried unanimously.

Cr Whittington moved:

The Council appoints Cr Mex as the City of Norwood Payneham & St Peters Proxy Representative at the Local Government Finance Authority Annual General Meeting to be held in October 2023.

Seconded by Cr Callisto and carried unanimously.

Notices of Motion

Cr Piggott moved:

The Council notes the report and declines the invitation to submit a Notice of Motion to the Local Government Finance Authority 2023 Annual General Meeting.

Seconded by Cr Clutterham and carried unanimously.

11.2 LEASE AGREEMENT- 66 NELSON STREET, STEPNEY- NO STRINGS ATTACHED THEATRE DISABILITY INCORPORATED

REPORT AUTHOR: Manager, Governance & Legal
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8336 4626
FILE REFERENCE: qA59165
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present the final iteration of the Lease Agreement between the Council and No Strings Attached Theatre of Disability Incorporated, for the premises located at 66 Nelson Street, Stepney for the Council's approval.

BACKGROUND

At the Council meeting held on 7 November 2022, the Council considered a Draft Lease Agreement between the Council and No Strings Attached Theatre of Disability Incorporated (the Lessee), for the Council owned premises at 66 Nelson Street, Stepney (the premises). Following consideration of the matter, the Council resolved the following:

That the Council endorses the draft Lease contained in Attachment A, prepared between the Council and No Strings Attached Theatre of Disability Incorporated for the premises at 66 Nelson Street, Stepney.

Since the Council meeting held on 7 November 2022, the Lessee has revised the terms of the Lease Agreement. The term of the Lease is five (5) years, with a right of renewal to the Lessee for a further five (5) year term.

A copy of the final Lease Agreement between the Council and the Lessee is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant goals contained in the CityPlan 2030 are:

Outcome 1: Social Equity

Objective 1.1- Convenient and accessible services, information and facilities

Strategy

1.1.1 Establish community hubs that integrate social support, health, recreational and commercial services in multi-purpose spaces

FINANCIAL AND BUDGET IMPLICATIONS

The final Lease Agreement takes into account a recent market rental valuation of the premises, which was undertaken in October 2022, in accordance with the general revaluation of Council owned assets.

Therefore, the Annual Lease Fee under the Lease Agreement is based on a market rental valuation, which is subsidised by the Council's Lease Fee Model, which provides for up to a seventy (70) per cent reduction in the Annual Lease Fee for not-for-profit community groups. The Annual Lease Fee under the Lease Agreement is \$8,000.00, which amounts to a monthly Lease Fee of \$666.66.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The Lessee is a not-for-profit community group providing opportunities for persons with disabilities as well as raising awareness of disability issues within the broader community.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The Lease Agreement has been reviewed by the Council's lawyers to mitigate any risk to the Council in entering into the Lease Agreement with the Lessee for a further five (5) year term.

CONSULTATION

- **Elected Members**
Elected Members previously considered the matter at the Council Meetings held on 6 December 2021 and 7 November 2022
- **Community**
Not Applicable.
- **Staff**
General Manager, Governance & Civic Affairs
- **Other Agencies**
Not Applicable.

DISCUSSION

Due to a change in the constitution of the Lessee's Board, the negotiations around the Lease Agreement have been delayed. However, the parties have now reached an agreement on the terms of the Lease Agreement.

During the negotiations, the Lessee has been "holding over" the premises under the terms of the previous Lease Agreement which expired on 31 December 2022.

The next step in the process is for the parties to execute the Lease Agreement. This requires the endorsement of the Council to authorise the Mayor and the Chief Executive Officer to enter into the Lease Agreement with the Lessee, for a five (5) year term at the premises in the form of the Lease Agreement contained in Attachment A.

The proposed commencement date of the Lease Agreement is 1 September 2023, expiring on 31 August 2028.

OPTIONS

The Council can determine not to enter into a Lease with the Lessee in the form contained in Attachment A. However, this is not recommended given that the Council has in principle endorsed entering into a Lease Agreement with the Lessee and negotiated with the Lessee on that basis.

CONCLUSION

Given the Lessee has occupied the premises since 2008, and during this time has met its obligations of a Lessee under the Lease Agreement, it is recommended that the Council authorise the Chief Executive Officer to enter into the final Lease Agreement with the Lessee.

COMMENTS

Not Applicable.

RECOMMENDATION

That the Council authorises the Mayor and the Chief Executive Officer to execute the Lease Agreement. Attachment A, with No Strings Attached Theatre of Disability Incorporated, for a term of five (5) years commencing on 1 September 2023.

Cr Piggott moved:

That the Council authorises the Mayor and the Chief Executive Officer to execute the Lease Agreement. Attachment A, with No Strings Attached Theatre of Disability Incorporated, for a term of five (5) years commencing on 1 September 2023.

Seconded by Cr Whittington and carried unanimously.

11.3 BY-LAW DELEGATIONS UNDER SECTION 44 OF THE LOCAL GOVERNMENT ACT 1999

REPORT AUTHOR: Manager, Governance & Legal
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8336 4626
FILE REFERENCE: qA123520
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of this report is to present to the Council, the Delegations under the Council's By-laws pursuant to Section 44 of the *Local Government Act 1999* for the Council's endorsement.

BACKGROUND

At the Council meeting held on 6 August 2018, the Council considered the making of By-laws in accordance with Section 246 of the *Local Government Act 1999* (the Act), where the Council resolved the following:

1. *That in exercise of the powers contained in Section 246 of the Local Government Act 1999, and having satisfied the requirements of the Act having had regard to the outcome of the consultation process, the National Competition Policy Report, the Certificates of Validity provided to the Council's legal practitioner, and the comments from the Dog and Cat Management Board in relation to By-law No 5, the majority of the Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as contained in Attachment A:*

By-Law No 1- Permits and Penalties By-Law 2018;

By-Law No 2- Moveable Signs By-Law 2018;

By-Law No 3- Local Government Act By-Law 2018;

By-Law No 4- Roads-By-Law 2018;

By-Law No 5- Dogs By-Law 2018; and

By-Law No 6- Waste Management By-Law 2018.

2. *That the Chief Executive Officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws.*

The resolution at the 6 August 2018 meeting incorrectly referenced:

- By-Law No 3-Local Government Act By-Law 2018 which should read By-Law No 3-Roads-By-Law 2018, and
- By-Law No 4-Roads-By-Law 2018 which should read By-Law No 4-Local Government Act By-Law 2018.

Legislative Framework

The power of the Council to make By-laws is contained in Section 246 of the Act. The Council, under Section 246(1) of the Act, has the power to make By-laws that are within the contemplation of the Act or another Act, or a matter authorised under the regulations under the Act or another Act.

The Council also has the general power under Section 246(2) to make By-laws for the good rule and government of the area, and for the convenience, comfort and safety of its community. However, the By-laws must not be inconsistent with the Act, or the general law of the State and must not exceed the power conferred under the Act.

It is a breach of Section 262 of the Act for a person to engage in conduct in contravention of a By-law that is made under this Act. An Authorised Person appointed under Section 260(1) of the Act, may order a person who is in contravention of the By-law, to stop the conduct and take specified action to remedy the contravention. The failure to comply with an order by an Authorised Person is an offence under the Act and carries a maximum penalty of \$5000.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
Elected Members previously considered the matter at the Council meetings on 3 April 2018 and 6 August 2018.
- **Community**
The By-laws were subject to community consultation in accordance with sections 132(1) and 249(1) of the Act.
- **Staff**
General Manager, Governance & Civic Affairs
- **Other Agencies**
Not Applicable.

DISCUSSION

The Council currently has six (6) By-laws in place dated 30 June 2018, that relate to the following:

1. By-law No 1- Permits and Penalties By-law 2018;
2. By-law No 2- Moveable Signs By-law 2018;
3. By-law No 3- Roads By-law 2018;
4. By-law No 4- Local Government Land By-law 2018;
5. By-law No 5- Dog By-law 2018; and
6. By-law No 6- Waste Management By-law 2018

A copy of the above-mentioned By-laws is contained within **Attachment A**.

The powers and functions under each of the above By-laws rests with the Council and have not been delegated to the Chief Executive Officer pursuant to Section 44 of the Act.

Delegation to the Chief Executive Officer

Section 44(1) of the Act provides that the Council may delegate a power or function vested or conferred under this or another Act. This includes the power to delegate a power and function of a By-law made under the Act. The Council, pursuant to Section 44(4)(a) of the Act, may attach conditions and limitations to the delegation of its powers and functions.

At the time of making the By-laws the Council did not delegate the powers and functions under the By-laws to the Chief Executive Officer. From a good governance perspective, it is recommended the Council delegates its powers and functions under the By-laws to the Chief Executive Officer, to ensure the By-laws are appropriately enforced and implemented in a timely manner.

For example, the power to provide permission to a person to undertake certain activities on Council land under Clause 9 of By-law No 4-Local Government Land, rests with the Council. Activities, such as advertising, camping, fireworks and games and sport, that require permission to undertake on Council land, should be delegated to the Chief Executive Officer to manage as part of council day-to-day operations. The general power of the Council to grant permission for specified activities under Clause 9 of By-law No 4- Local Government Land is under clause 8.2 of By-law No 1- Permits and Penalties By-law 2018.

The Chief Executive Officer may then consider sub-delegating these powers and functions delegated by the Council under the By-laws to staff to assist in the administration, operation and enforcement of the By-laws and the Act, unless the Council directs otherwise.

The list of the powers and functions open to the Council to delegate to the Chief Executive Officer pursuant to section 44 of the Act, under By-law No 1 to By-law No 6 inclusive, have been prepared by the Council's Lawyers.

A copy of the powers and functions to be delegated to the Chief Executive Officer under By-law No 1 to By-law No 6 inclusive is contained within **Attachment B**.

OPTIONS

Delegations are an essential component of any organisation. In essence, the majority of delegations are of an administrative and operational nature and are necessary for the efficient and effective implementation of decisions and the administration of Council business and operations and the efficient use of limited resources.

Without the use of delegations under the By-laws, a significant number of minor matters would need to be referred to the Council for decision. Put simply, an organisation such as a Council cannot operate or perform the necessary functions as required under the various pieces of legations without delegations.

CONCLUSION

The Council has not delegated its powers and functions under the By-laws to the Chief Executive Officer. From a good governance perspective and in order to achieve efficiency within the organisation, it is proposed that the Council delegate its powers and functions under the By-laws to the Chief Executive Officer pursuant to section 44 of the Act.

COMMENTS

The Delegations under the By-laws will be effective immediately upon the Council's approval and adoption.

RECOMMENDATION

1. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the following By-laws and specified in the proposed Instruments of Delegation for By-laws contained in the Appendices numbered 1 to 6 inclusive, to this report are hereby delegated this 7 August 2023 to the person occupying the office of Chief Executive Officer, or any person acting in the office of Chief Executive Officer, subject to the conditions and or limitations (if any) specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation for the By-laws:
 - 1.1 Permits and Penalties By-law 2018;
 - 1.2 Movable Signs By-law 2018;
 - 1.3 Roads By-law 2018;
 - 1.4 Local Government Land By-law 2018;
 - 1.5 Dogs By-law 2018; and
 - 1.6 Waste Management By-law 2018.
 2. The Chief Executive Officer, or any person acting in the office of Chief Executive Officer, is authorised to sub-delegate these powers as the delegate thinks fit in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation for the By-laws.
-

Cr Piggott moved:

1. *In exercise of the power contained in Section 44 of the Local Government Act 1999, the powers and functions under the following By-laws and specified in the proposed Instruments of Delegation for By-laws contained in the Appendices numbered 1 to 6 inclusive, to this report are hereby delegated this 7 August 2023 to the person occupying the office of Chief Executive Officer, or any person acting in the office of Chief Executive Officer, subject to the conditions and or limitations (if any) specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation for the By-laws:*
 - 1.1 *Permits and Penalties By-law 2018;*
 - 1.2 *Movable Signs By-law 2018;*
 - 1.3 *Roads By-law 2018;*
 - 1.4 *Local Government Land By-law 2018;*
 - 1.5 *Dogs By-law 2018; and*
 - 1.6 *Waste Management By-law 2018.*
2. *The Chief Executive Officer, or any person acting in the office of Chief Executive Officer, is authorised to sub-delegate these powers as the delegate thinks fit in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation for the By-laws.*

Seconded by Cr Clutterham and carried unanimously.

11.4 REVIEW OF CONFIDENTIAL ITEMS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA65013
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present information regarding the review of the Confidential Items to the Council for information.

BACKGROUND

In accordance with the *Local Government Act 1999* (the Act), Council (and Committee) meetings are open to the public and attendance is encouraged and welcomed.

There are, however, times where the Council (or the Committee), believes it is necessary in the broader community interest to exclude the public from the discussion of a particular matter in accordance with Section 90(3) of the Act.

The public will only be excluded when the need for confidentiality outweighs the principle of open decision making.

In addition to the above, the Act requires the Council to specify the duration of the order (ie determine a suitable period for which the item will remain confidential), and either impose a “release” date or event which will trigger the release of the item or a period after which the Council will review the order and determine if in fact the item should remain confidential.

In accordance with the Act, a review of the Council’s Confidential Items as at 30 June 2023, has been undertaken. A summary of all Confidential Items is set out in the Register of Confidential Items which details the date of the order, the grounds upon which the order was made and whether or not the document has become public by virtue of the resolution.

A copy of the Register of Confidential Items is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

A review of the Confidential Items as at 30 June 2023, has been undertaken.

The Council’s last review of the Confidential Items was conducted in October 2022 for the period ending 30 June 2022. A total of 39 items have been considered by the Council “in camera” since that time up 30 June 2023 and these items have been included in the Register of Confidential Items.

Twenty-two (22) items are no longer confidential by virtue of the Council’s original resolution which specified a time and/or an event to trigger the release of the item. The details of these items are contained in Attachment A.

There are eight (8) items which require the Council’s consideration. These items will be considered as part of a separate Confidential report.

OPTIONS

The annual review in accordance with Section 91(9) of the Act is simply an administrative review. This does not mean that every confidentiality order needs to be remade. The only orders that need to be remade are those where the existing order is due to expire and the documents have been assessed against the relevant ground contained in Section 90(3) and determined to be required to remain confidential.

This report, therefore, is presented to the Council for information purposes only.

CONCLUSION

The review of the Council's confidentiality orders ensures compliance with the legislative requirements as set out in Sections 90 and 91 of the *Local Government Act 1999*.

COMMENTS

Nil

RECOMMENDATION

That the report be received and noted.

Cr Moorhouse moved:

That the report be received and noted.

Seconded by Cr Robinson and carried unanimously.

12. ADOPTION OF COMMITTEE MINUTES

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: Not Applicable
ATTACHMENTS: A - B

PURPOSE OF REPORT

The purpose of the report is to present to the Council the Minutes of the following Committee Meetings for the Council's consideration and adoption of the recommendations contained within the Minutes:

- Business & Economic Development Advisory Committee – (4 July 2023)
(A copy of the Minutes of the Business & Economic Development Advisory Committee meeting is contained within **Attachment A**)
- Special Meeting of the Norwood Parade Precinct Committee – (11 July 2023)
(A copy of the Minutes of the Special Meeting of the Norwood Parade Precinct Committee is contained within **Attachment B**)

ADOPTION OF COMMITTEE MINUTES

- **Business & Economic Development Advisory Committee**

Cr Callisto moved that the minutes of the meeting of the Business & Economic Development Advisory Committee held on 4 July 2023, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council. Seconded by Cr Robinson and carried unanimously.

- **Special Meeting of the Norwood Parade Precinct Committee**

The minutes of the Special Meeting of the Norwood Parade Precinct Committee held on 11 July 2023, will be adopted at the next Council meeting to be held on 4 September 2023.

Cr Robinson left the meeting at 7.25pm.
Cr Robinson returned to the meeting at 7.26pm.

13. OTHER BUSINESS

13.1 Personal Explanation – Cr Scott Sims

Cr Scott Sims sought leave of the meeting to make a Personal Explanation in relation to a meeting he attended at the offices of the Federal Member for Sturt, Mr James Stevens MP, on 26 June 2023.

The meeting granted leave for Cr Sims to make a Personal Explanation.

Cr Sims' Personal Explanation

I wish to address comments that have been made to me by various parties, that attended a meeting on the 26th June 2023 at the offices of Mr James Stevens MP, Federal Member for Sturt, regarding my behaviour at the meeting.

While my disappointment and frustration at the meeting and comments, I acknowledge that my behaviour at times was not appropriate.

Frustration and disappointment is no excuse for inappropriate and unprofessional behaviour as an Elected Member. In retrospect, I should have considered not attending the meeting, as I had anticipated it would not adequately address the concerns of residents regarding the Coalition's \$100 million intersection project, which resulted in the demolition of numerous houses without apparent community benefit. I was actively involved in the "Marshall Destroying Homes" newsletters and campaign to address these issues.

As the Council would be aware, I can be very passionate and admit I can get carried away. In reflection, I could have behaved better, but it was frustrating listening to the debate, considering the amount of community angst that has been ignored over the years. I offer a sincere apology for anyone offended by my comments or behaviour at the meeting.

Cr Sims moved:

That my Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Piggott and carried.

14. CONFIDENTIAL REPORTS

14.1 COUNCIL RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act, 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (m) information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the *Planning, Development and Infrastructure Act 2016* before the draft instrument or amendment is released for public consultation under that Act;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the proposed amendment is released for the purpose of public consultation.

Cr Robinson moved:

That pursuant to Section 90(2) and (3) of the Local Government Act, 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Urban Planning & Environment, General Manager, Infrastructure & Major Projects, Manager, Governance & Legal, Manager, Communications & Community Relations, Manager, Urban Planning & Sustainability, Senior Urban Planner, Urban Planning & Sustainability, Manager, Chief Executive's Office and Executive Assistant, Chief Executive's Office], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (m) information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the consideration of the information confidential

Seconded by Cr Knoblauch and carried unanimously.

Cr Knoblauch moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until the proposed amendment is released for the purpose of public consultation.

Seconded by Cr Holfeld and carried unanimously.

14.2 TENDER SELECTION REPORT – TRINITY VALLEY DRAINAGE UPGRADE STAGES 2 & 3

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Sims moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff [Chief Executive Officer, General Manager, Urban Planning & Environment, General Manager, Infrastructure & Major Projects, Manager, Governance & Legal, Manager, Communications & Community Relations, Manager, Urban Planning & Sustainability, Senior Urban Planner, Urban Planning & Sustainability, Manager, Chief Executive's Office and Executive Assistant, Chief Executive's Office], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Robinson and carried unanimously.

Cr Robinson moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Callisto and carried unanimously.

14.3 REVIEW OF CONFIDENTIAL ITEMS – TENDER SELECTION REPORTS

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

In accordance with Section 91(7) of the *Local Government Act 1999*, the reports and attachments discussed in this Item be kept confidential for a further 12 month period, after which time the order will be reviewed.

Cr Holfeld moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Urban Planning & Environment, General Manager, Infrastructure & Major Projects, Manager, Governance & Legal, Manager, Communications & Community Relations, Manager, Urban Planning & Sustainability, Senior Urban Planner, Urban Planning & Sustainability, Manager, Chief Executive's Office and Executive Assistant, Chief Executive's Office], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Knoblauch and carried unanimously.

Cr Piggott moved:

In accordance with Section 91(7) of the Local Government Act 1999, the reports and attachments discussed in this Item be kept confidential for a further 12 month period, after which time the order will be reviewed.

Seconded by Cr Callisto and carried unanimously.

14.4 REVIEW OF CONFIDENTIAL ITEMS – QUESTIONS WITH NOTICE - COUNCIL RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

In accordance with Section 91(7) of the *Local Government Act 1999*, the report, Questions with Notice – Council Related Matter, be kept confidential until August 2028, after which time the order will be reviewed.

Cr Knoblauch moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Urban Planning & Environment, General Manager, Infrastructure & Major Projects, Manager, Governance & Legal, Manager, Communications & Community Relations, Manager, Urban Planning & Sustainability, Senior Urban Planner, Urban Planning & Sustainability, Manager, Chief Executive's Office and Executive Assistant, Chief Executive's Office], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Callisto and carried unanimously.

Cr Moorhouse moved:

In accordance with Section 91(7) of the Local Government Act 1999, the report, Questions with Notice – Council Related Matter (Attachment A), be kept confidential until August 2028, after which time the order will be reviewed.

Seconded by Cr Whittington and carried unanimously.

14.5 REVIEW OF CONFIDENTIAL ITEMS – STAFF RELATED MATTERS

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Chief Executive Officer, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

In accordance with Section 91(7) of the *Local Government Act 1999*, the items discussed in this report be kept confidential until August 2028, after which time the order will be reviewed.

Cr Clutterham moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the [Chief Executive Officer, Manager, Chief Executive's Office and Executive Assistant, Chief Executive's Office], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Holfeld and carried unanimously.

Cr Sims declared a material conflict of interest in this Item and left the meeting at 7.57pm.

Cr Moorhouse moved:

In accordance with Section 91(7) of the Local Government Act 1999, the items discussed in this report be kept confidential until August 2028, after which time the order will be reviewed.

Seconded by Cr Callisto and carried unanimously.

Cr Sims returned to the meeting at 7.59pm.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.00pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)