

**MINUTES OF CITY OF PROSPECT  
ORDINARY COUNCIL MEETING  
HELD AT THE TIRKANTHI KUU ROOM, LEVEL 1 AT PAYINTHI, 128 PROSPECT ROAD,  
PROSPECT  
ON TUESDAY, 23 AUGUST 2022 AT 7.02PM**

**PRESENT:** Mayor David O'Loughlin (Mayor), Cr Matt Larwood (Deputy Mayor), Cr Kristina Barnett, Cr Alison De Backer, Cr Mark Groote, Cr Thuy Nguyen, Cr Robin Pearce, Cr Steven Rypp (Cr)

**IN ATTENDANCE:** Chris White (Chief Executive Officer), Farlie Taylor (Director City Strategy, Community and Culture), Ginny Moon (Director City Corporate), John Pearce (Director City Growth & Development), Sam Dilena (City Works & Presentation), Deborah Horton (Team Leader Governance & Risk), Cheryl Goult (Minute Secretary)

## **1 OPENING**

### **1.1 Acknowledgment of the Kaurna people as the traditional custodians of the land**

Mayor David O'Loughlin stated:

'City of Prospect acknowledges that we are on the traditional country of the Kaurna people of the Adelaide Plains region and we pay our respect to Elders past and present.

We recognise and respect their cultural heritage, beliefs and relationships with the land and we acknowledge that they are of continuing importance to the Kaurna people living today.'

### **1.2 Council Pledge**

Mayor David O'Loughlin stated:

We seek wisdom and understanding as we face the duties of our united task, praying for the peace and prosperity of our City.

## **2 ON LEAVE**

Nil.

## **3 APOLOGIES**

Cr Allen Harris.

## **4 DECLARATION BY MEMBERS OF CONFLICT OF INTEREST**

Pursuant to Section 75 of the *Local Government Act 1999* (SA), Cr Allison De Backer declared a perceived conflict of interest for **Item 10.7 Local Government Election Signage** as she intends to nominate as a candidate in the November 2022 Local Government Elections. Cr De Backer intends to deal with the perceived conflict by withdrawing from the meeting and not voting on the item.

**5 CONFIRMATION OF MINUTES****RESOLUTION 2022/144**

Moved: Cr Kristina Barnett

Seconded: Cr Mark Groot

That the minutes of the Ordinary Council Meeting held on 26 July 2022 be confirmed.

**CARRIED UNANIMOUSLY**

**6 PUBLIC QUESTION TIME**

Elizabeth Crisp of 8 Cassie Street Collinswood asked questions which were answered by the CEO and Mayor David O'Loughlin.

Rachel Sanderson C/O 9/14 Howard Street Collinswood asked questions which were answered by the CEO and Mayor David O'Loughlin.

**7 PETITIONS**

Nil.

**8 DEPUTATIONS****8.1 Lazar Karisk/Creperie & Co**

Mayor David O'Loughlin invited Lazar Karisk of 21 Medika Boulevard Mansfield Park to make their deputation to Council.

Lazar Karisk addressed Council and answered questions from Elected Members.

**8.2 Anna Graves/proposed demolition of the Rosary School Hall**

Mayor David O'Loughlin invited Anna Graves of PO Box 2059 Prospect to make their deputation to Council.

Anna Graves addressed Council and answered questions from Elected Members.

**9 QUESTIONS WITHOUT NOTICE**

Questions asked by Elected Members were responded to by Mayor David O'Loughlin and staff.

**10 REPORTS FOR DECISION**

**10.1 PERCY STREET RESERVE ROUND 2 CONSULTATION OUTCOMES**

Cr Matt Larwood withdrew from the meeting and returned at 7.56pm during discussion on this item.

**MOTION**

Moved: Cr Thuy Nguyen

Seconded: Cr Alison De Backer

That Council:

1. Having considered Item 10.1 Percy Street Reserve Round 2 Consultation Outcomes receives and notes the report.
2. Endorses the draft concept plan, as shown in Attachment 1, to proceed to final design, documentation, and construction within the existing \$215,000 budget.
3. Acknowledges that an offer to purchase a portion of land at the south-west corner of the reserve (123sqm) has been made by an adjoining property owner and respectfully declines further consideration on this matter.
4. Continues to review and implement Crime Prevention through Environmental Design (CPTED) principles as detailed in this report during the design development and documentation stage.

Mayor David O'Loughlin sought leave of the meeting to suspend formal meeting procedures to facilitate discussion on the item until 8.40pm.

Leave was granted.

Meeting procedures were suspended at 8.15pm.

Meeting procedures were resumed at 8.30pm.

**AMENDMENT**

Moved: Cr Robin Pearce

Seconded: Cr Kristina Barnett

That Council:

1. Having considered Item 10.1 Percy Street Reserve Round 2 Consultation Outcomes receives and notes the report.
2. Endorses the draft concept plan, as shown in Attachment 1, to proceed to final design, documentation, and construction within the existing \$215,000 budget.
3. ~~Acknowledges that an offer to purchase a portion of land at the south-west corner of the reserve (123sqm) has been made by an adjoining property owner and respectfully declines further consideration on this matter.~~
3. Progresses consideration of sale of portion of land to straighten the boundary
4. Fence the play space separately to the balance of the space of the park as per figure 2 page 7 of the staff report.
5. Provide a shelter over existing picnic setting.
6. Investigates the offer from neighbour to straighten fence by acquiring land from that property.
- 4.7. Continues to review and implement Crime Prevention through Environmental Design (CPTED) principles as detailed in this report during the design development and documentation stage.

Mayor David O'Loughlin sought leave of the meeting for Elected Members to vote on each addition of the amendment in parts.

Leave was granted.

That Council:

3. Progresses consideration of sale of portion of land to straighten the boundary. **CARRIED**
4. Fence the play space separately to the balance of the space of the park as per figure 2 page 7 of the staff report. **CARRIED**
5. Provide a shelter over existing picnic setting. **LOST**
6. Investigates the offer from neighbour to straighten fence by acquiring land from that property. **CARRIED**

### **SUBSTANTIVE MOTION**

The Amendment became the Substantive Motion and was voted upon in parts:

Moved: Cr Thuy Nguyen

Seconded: Cr Alison De Backer

That Council:

1. Having considered Item 10.1 Percy Street Reserve Round 2 Consultation Outcomes receives and notes the report. **CARRIED UNANIMOUSLY**
2. Endorses the draft concept plan, as shown in Attachment 1, to proceed to final design, documentation, and construction within the existing \$215,000 budget. **LOST**
3. Progresses consideration of sale of portion of land to straighten the boundary. **CARRIED**
4. Fence the play space separately to the balance of the space of the park as per figure 2 page 7 of the staff report. **CARRIED**
5. Council investigates the offer from neighbour to straighten fence by acquiring land from that property. **CARRIED**
6. Continues to review and implement Crime Prevention through Environmental Design (CPTED) principles as detailed in this report during the design development and documentation stage. **CARRIED UNANIMOUSLY**

**10.2 R L PASH RESERVE UPGRADE - GRANT AGREEMENT****RESOLUTION 2022/145**

Moved: Cr Matt Larwood

Seconded: Cr Mark Groote

Mayor David O'Loughlin sought leave of the meeting for Elected Members to vote on each point of the resolution in parts.

Leave was granted.

That Council:

1. Having considered Item 10.2 R L Pash Reserve Upgrade - Grant Agreement receives and notes the report.

**CARRIED UNANIMOUSLY**

2. Endorses the Chief Executive Officer to execute a Grant Agreement for the upgrade of RL Pash Reserve.

**CARRIED UNANIMOUSLY**

3. Defer the concept design development for Matthews Reserve, as funded in the 2022/23 Annual Business Plan (\$15,000) to allocate this funding to RL Pash Reserve for concept design development in the 2022/23 financial year allowing integrated outcomes to be achieved.

**CARRIED**

4. Incorporate the Barker Inlet Central Stormwater Management Plan action for RL Pash Reserve as part the reserve's concept plan development.

**CARRIED UNANIMOUSLY**

5. Support contributing to the funding for the construction of RL Pash Reserve in the 2023/24 Financial Year in place of the construction of Matthews Reserve, for works required to fund the balance of infrastructure required beyond that funded by the State Government grant as part of its upgrade.

**CARRIED**

6. Supports a budget bid for the concept design development of Matthews Reserve upgrade concept being brought back to Council during 2023/2024 Annual Business Plan and Budget deliberations for consideration/reprioritisation.

**CARRIED UNANIMOUSLY**

**10.3 PARKING MANAGEMENT POLICY UPDATE**

Mayor David O'Loughlin sought leave of the meeting to suspend formal meeting procedures to facilitate discussion on the item until 9.30pm.

Leave was granted.

Meeting procedures were suspended at 9.08pm.

An extension to the suspension was sought and granted at 9:30pm until 9.40pm.

Formal meeting procedures were resumed at 9.38pm.

Cr Robin Pearce withdrew and returned to the meeting at 9.42pm during discussion on this item.

**MOTION**

Moved: Cr Matt Larwood

Seconded: Cr Thuy Nguyen

That Council:

1. Having considered Item 10.3 Parking Management Policy Update receives and notes the report.
2. Having considered Item 10.3 Parking Management Policy Update, endorses the Parking Management (On-street/ Off-street) Policy as presented in Attachment 1, with the following amendment:

- a. Re-number clause 3.34 to clause 3.4;
- b. Add a new clause 3.5, as follows:

**3.5 Maintenance of Private Off-Street Parking Capacity**

The City of Prospect has a growing shortage of parking capacity, in particular around commercial and retail precincts.

In order to preserve on-street parking capacity, Council will take active steps to enforce consent conditions that provide on-site parking capacity on private land used for commercial or retail purposes within the Urban Corridor Zone. Enforcement activity will be subject to the priorities set by the *Development and Associated Public Realm (Urban Corridor) Enforcement Policy* (as amended).

3. Directs that the content and operation of the Policy be consulted and reviewed as part of ongoing work towards developing Council's Integrated Transport Plan.

**AMENDMENT**

Moved: Cr Allison De Backer

Seconded: Cr Kristina Barnett

That Council:

1. Having considered Item 10.3 Parking Management Policy Update receives and notes the report.
2. Having considered Item 10.3 Parking Management Policy Update, endorses the Parking Management (On-street/ Off-street) Policy as presented in Attachment 1, with the following amendment:

- a. Re-number clause 3.34 to clause 3.4;
- b. Add a new clause 3.5, as follows:

**3.5 Maintenance of Private Off-Street Parking Capacity**

The City of Prospect has a growing shortage of parking capacity, in particular around commercial and retail precincts.

In order to preserve on-street parking capacity, Council will take active steps to enforce consent conditions that provide on-site parking capacity on private land used for commercial or retail purposes within the Urban Corridor Zone. Enforcement activity will be subject to the priorities set by the *Development and Associated Public Realm (Urban Corridor) Enforcement Policy* (as amended).

- c. Add an additional principle, principle (l), to the list of permit principles under clause 3 of the Policy, as follows:

(l) That no residential parking permits be issued to the owner(s) or occupier(s) of dwellings within a multi-unit residential development, including but not restricted to, apartments and town houses, in cases where consent for that building was granted on or after 1 November, 2013.

3. Directs that the content and operation of the Policy be consulted and reviewed as part of ongoing work towards developing Council's Integrated Transport Plan.

**CARRIED**

The Amendment became the Substantive Motion

### **SUBSTANTIVE MOTION**

#### **RESOLUTION 2022/146**

Moved: Cr Matt Larwood

Seconded: Cr Thuy Nguyen

That Council:

1. Having considered Item 10.3 Parking Management Policy Update receives and notes the report.
2. Having considered Item 10.3 Parking Management Policy Update, endorses the Parking Management (On-street/ Off-street) Policy as presented in Attachment 1, with the following amendment:

- a. Re-number clause 3.34 to clause 3.4;
- b. Add a new clause 3.5, as follows:

#### 3.5 Maintenance of Private Off-Street Parking Capacity

The City of Prospect has a growing shortage of parking capacity, in particular around commercial and retail precincts.

In order to preserve on-street parking capacity, Council will take active steps to enforce consent conditions that provide on-site parking capacity on private land used for commercial or retail purposes within the Urban Corridor Zone. Enforcement activity will be subject to the priorities set by the *Development and Associated Public Realm (Urban Corridor) Enforcement Policy* (as amended).

- c. Add an additional principle, principle (l), to the list of permit principles under clause 3 of the Policy, as follows:
  - (l) That no residential parking permits be issued to the owner(s) or occupier(s) of dwellings within a multi-unit residential development, including but not restricted to, apartments and town houses, in cases where consent for that building was granted on or after 1 November, 2013.

3. Directs that the content and operation of the Policy be consulted and reviewed as part of ongoing work towards developing Council's Integrated Transport Plan.

**CARRIED**

**ADJOURNMENT OF MEETING**

Mayor David O'Loughlin sought leave of the meeting to adjourn the meeting until 10pm to enable a brief break.

Leave was granted.

The meeting was adjourned at 9.55pm.

**RESUMPTION OF MEETING**

There being a quorum, the meeting resumed at 10pm.

**10.4 PARKING MANAGEMENT NEXT STEPS - VILLAGE HEART STUDY AND REVIEW OF TEMPORARY 2P PARKING CONTROLS****MOTION:**

Moved: Cr Pearce

Seconded: Cr Barnett

1. Having considered Parking Management Next Steps - Village Heart Study and Review of Temporary 2P Parking Controls receives and notes the report.
2. Supports the next steps as outlined in this report with respect to taking action on improved parking management outcomes in the Village Heart, namely;
  - a. Undertake a Council staff Travel and Transport Survey to inform further consideration of car parking distribution in vicinity to Payinthe;
  - b. Review of occupancy in the Payinthe Carpark upon completion of building works at 132 Prospect Road.
  - c. Update parking occupancy surveys on Pulsford Road, Myrtle Street and Flora Terrace, noting localised issues during the study which may have skewed data collected.
  - d. Design and consult on parking restrictions recommendations from the Village Heart Parking Study report, in line with the proposed Revised Parking Management Policy, namely:
    - i. Vine Street directly adjacent Prospect Road;
    - ii. Daphne street- For all or part of Daphne Street;
    - iii. Rose Street- extend controls to include weekend business hours
  - e. Trial of a Construction Management Plan being required by major development sites in the City as detailed in this report.
3. Implemented changes to parking restrictions only in the event that at least 50% support to the approach is proposed in the consultation with local roadway residents.



**AMENDMENT**

Moved: Cr Rypp

1. Having considered Parking Management Next Steps - Village Heart Study and Review of Temporary 2P Parking Controls receives and notes the report.
2. Supports the next steps as outlined in this report with respect to taking action on improved parking management outcomes in the Village Heart, namely;
  - a. Undertake a Council staff Travel and Transport Survey to inform further consideration of car parking distribution in vicinity to Payinthei;
  - b. Review of occupancy in the Payinthei Carpark upon completion of building works at 132 Prospect Road.
  - c. Update parking occupancy surveys on Pulsford Road, Myrtle Street and Flora Terrace, noting localised issues during the study which may have skewed data collected.
  - d. Design and consult on parking restrictions recommendations from the Village Heart Parking Study report, in line with the proposed Revised Parking Management Policy, namely:
    - i. Vine Street directly adjacent Prospect Road;
    - ii. Daphne street- For all or part of Daphne Street;
    - iii. Rose Street- extend controls to include weekend business hours
  - d. Trial of a Construction Management Plan being required by major development sites in the City as detailed in this report.
3. ~~Implemented changes to parking restrictions only in the event that at least 50% support to the approach is proposed in the consultation with local roadway residents.~~
3. Implemented changes to parking restrictions only in the event that at least 50% support to the approach which must include greater than 50% response rate to the survey proposed in the consultation with the local roadways property owners and occupiers. In the event of a lower than 50% response rate, the matter be reported to Council for decision.

Mayor David O'Loughlin sought leave of the meeting, with the consent of the mover and seconder, and the mover of the Amendment, for the following:

- In part d, remove the word "recommendations" and add the words "with reference to a range of parking options, including the proposed restrictions recommended in"
- The proposed Amendment to part 3 be changed in its entirety to read: "Following consultation, a report be brought back to Council for decision" .

Leave was granted.

The Amendment became the Substantive Motion.

**SUBSTANTIVE MOTION****RESOLUTION 2022/147**

Moved: Cr Robin Pearce  
Seconded: Cr Kristina Barnett

That Council:

1. Having considered Parking Management Next Steps - Village Heart Study and Review of Temporary 2P Parking Controls receives and notes the report.

2. Supports the next steps as outlined in this report with respect to taking action on improved parking management outcomes in the Village Heart, namely;
  - a. Undertake a Council staff Travel and Transport Survey to inform further consideration of car parking distribution in vicinity to Payinthe;
  - b. Review of occupancy in the Payinthe Carpark upon completion of building works at 132 Prospect Road.
  - c. Update parking occupancy surveys on Pulsford Road, Myrtle Street and Flora Terrace, noting localised issues during the study which may have skewed data collected.
  - d. Design and consult on parking restrictions with reference to a range of parking options, including the proposed restrictions recommended in the Village Heart Parking Study report, in line with the proposed Revised Parking Management Policy, namely:
    - i. Vine Street directly adjacent Prospect Road;
    - ii. Daphne street- For all or part of Daphne Street;
    - iii. Rose Street- extend controls to include weekend business hours
  - e. Trial of a Construction Management Plan being required by major development sites in the City as detailed in this report.
3. Following consultation, a report be brought back to Council for decision.

**CARRIED UNANIMOUSLY**

Mayor David O'Loughlin sought leave of the meeting at 10:27pm, to extend the meeting to 11pm. Leave was granted.

### **10.5 EASTERN HEALTH AUTHORITY BOARD APPOINTMENTS**

Cr Matt Larwood withdrew from the meeting at 10.27pm and returned at 10:30pm during discussion on this item.

#### **RESOLUTION 2022/148**

Moved: Cr Mark Groote  
Seconded: Cr Robin Pearce

That Council:

1. Having considered Item 10.5 Eastern Health Authority Board Appointments receives and notes the report.
2. Rescinds Part (2) and Part (3) of Council Resolution 230/18 of 27 November 2018, being
  - (2) *That Cr K Barnett (Board Member 1) and Director Community & Planning (Board Member 2) be appointed to the Eastern Health Authority Board of Management.*
  - (3) *That Cr S Rypp (Deputy to Board Member 1) and Manager Community Development (Deputy to Board Member 2) be appointed as Deputy Board Members to Eastern Health Authority.*
3. Appoints Councillor Kristina Barnett (Board Member 1) and the Director City Growth and Development (Board Member 2) to the Eastern Health Authority Board of Management for the remainder of the current term of Council.

**CARRIED UNANIMOUSLY**

**10.6 REVIEW OF COUNCIL BY-LAWS****RESOLUTION 2022/149**

Moved: Cr Kristina Barnett

Seconded: Cr Mark Groote

That Council:

- 1 Having considered Item 0.0 Review of Council Bylaws, receives and notes the report.
- 2 Pursuant to Section 246 of the *Local Government Act 1999*:
  - 2.1 there being at least two-thirds of the members of Council present; and
  - 2.2 having considered the:
    - Permits and Penalties By-law No 1 2022 (Attachment 1);
    - Moveable Signs By-law No 2 2022 (Attachment 2);
    - Local Government Land By-law No 3 2022 (Attachment 3);
    - Roads By-law No 4 2022 (Attachment 4);
    - Dogs By-law No 5 2022 (Attachment 5); and
    - Waste Management By-law No 6 2022 (Attachment 6)(together, the By-laws); and
  - 2.3 Having considered all further documentation including; correspondence from the Dog & Cat Management Board (Attachment 7), the submissions from the community consultation stages and recommendations made on the By-laws (Attachment 8), the National Competition Policy Reports (Attachment 9), the Legislative Review Committee Reports (Attachment 10) the certificates of validity as provided by Council's legal practitioner (Attachment 11), makes the By-Laws in exercise of the powers contained in the *Acts Interpretation Act 1915*, *Dog and Cat Management Act 1995*, *Local Government Act 1999*.
- 3 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, including by making any minor changes to the form of the By-laws (or the Attachments provided supporting this report) that the Chief Executive Officer considers necessary provided the changes are formatting or administrative in nature only.

**CARRIED UNANIMOUSLY**

**10.7 LOCAL GOVERNMENT ELECTIONS SIGNAGE 2022**

Cr Alison De Backer re-declared a perceived conflict of interest for Item 10.7 Local Government Election Signage as she intends to nominate in the local government election. Cr De Backer therefore withdrew from the meeting at 10.32pm.

Cr Mark Groote withdrew and returned to the meeting at 10.32pm.

**RESOLUTION 2022/150**

Moved: Cr Matt Larwood  
Seconded: Cr Thuy Nguyen

That Council:

1. Having considered Item 10.7 Local Government Elections Signage 2022 receives and notes the report.
2. Having considered Item 10.7 Local Government Elections Signage 2022, provides a blanket General Approval to display local government election signs as set out in Attachment 1 to this report.

**CARRIED UNANIMOUSLY**

Cr Alison De Backer returned to the meeting at 10.39pm.

**11 GENERAL BUSINESS – URGENT ITEMS**

Nil.

**12 REPORTS FOR INFORMATION**

Information reports can be resolved en bloc.

As per Council's protocol, only those items reserved by members will be debated.

**The following items were reserved:**

Cr Steven Rypp reserved Item 12.1

**12.2 HERITAGE SIGNAGE PROJECT UPDATE****RESOLUTION 2022/151**

Moved: Cr Matt Larwood  
Seconded: Cr Kristina Barnett

That Council:

1. Having considered Item 12.2 Heritage Signage Project Update receives and notes the report.

**CARRIED UNANIMOUSLY**

**12.3 DISABILITY ACTION AND INCLUSION PLAN - QUARTERLY UPDATE REPORT****RESOLUTION 2022/152**

Moved: Cr Matt Larwood  
Seconded: Cr Kristina Barnett

That Council:

1. Having considered Item 12.3 Disability Action and Inclusion Plan - Quarterly Update Report receives and notes the report.

**CARRIED UNANIMOUSLY**

**12.1 MAYORAL MONTHLY ACTIVITY REPORT****RESOLUTION 2022/153**

MOVED: CR STEVEN RYPP

SECONDED: CR MARK GROOTE

THAT COUNCIL:

1. HAVING CONSIDERED ITEM 12.1 MAYORAL MONTHLY ACTIVITY REPORT RECEIVES AND NOTES THE REPORT.

**CARRIED UNANIMOUSLY****13 COUNCIL MEMBER REPORTS AND BRIEFINGS**

Nil.

**14 MOTIONS ON NOTICE**

Nil.

**15 QUESTIONS WITH NOTICE****15.1 LABRINA AVENUE PARKING RESTRICTIONS****Question**

Can a status update regarding Labrina Avenue parking restrictions be provided to Members that addresses;

- a) The inconsistencies in the treatment of parking restrictions on football match days within the whole street (noting that football related parking treatments do not exist at the eastern end of the street), including any historic reasons this may be the case.
- b) Options to provide consistent parking treatments in the street on football match days, noting the small response to a recent survey (7 people), of which 3 were in support of consistent treatments being applied.

**Response**Background

Seasonal parking restrictions during football season have been in place for over 15 years in the streets surrounding Prospect Oval. Flip signage exists for a No Parking 12noon- 5pm Saturday and Sunday restriction on: Labrina Avenue between Laura Street and Prospect Road, on Willcox Avenue, Kintore Avenue (in part), Old Street, New Street, Union Street, Barker Street, Chevalier St. The purpose of this restriction is to ensure traffic flow in the streets that provide access between the Oval and Main North and Prospect Roads. The signs are opened each football season approximately 2 weeks before the first home game and closed a week after the last home game-this usually occurs between April and August and dates vary slightly each season.

For those impacted by road closures associated with games, a permit Zone temporary parking control exists 10am-5.30pm Saturday and Sunday on Flora Terrace (between the gate & Union St), and residents in Flora Terrace receive 2 permits per household via letterbox drop each season with a notification letter. A permit zone temporary parking control exists on Willcox Avenue with permits issued to the tennis club, cricket club, croquet club, and RSL. Permits are also issued for parking

within the Willcox Avenue Gate area to the North Adelaide Football Club, and Mayor's Enclosure. In relation to the Parking Policy being discussed it would be envisioned that these permits continue as a type of Temporary Special Use Event permit. The suggestion to provide game dates to those residents within the Special Parking Zones on Flora Terrace & Willcox Avenue for Football season can be taken on notice, to improve the process next season, and how this is publicised on Council's website and social media platforms. However the restrictions apply for the whole season whilst signage is in place.

#### Labrina Avenue Consultation background

Earlier this year, a consultation was prepared for the installation of part-time 'No-parking' restrictions that align with the football restrictions along the north side of Labrina Avenue between Laura Street and Watkins Street.

Investigation into why this section of Labrina Avenue was not included in the football restrictions suggests this section of Labrina Avenue was not included as there is no direct through access between Prospect Road and Main North Road and Southern Cross Care Labrina Village Residential Care is on this section of the Labrina Avenue, with visiting hours occurring on weekends.

As per normal practice, Council undertakes consultation prior to implementing any parking restrictions with the residents they will impact. 30 letters were sent, and 7 responses were received. 23 people did not respond to the consultation, resulting in a 23% response rate. Of the 7 responses received 57% or 4 responses objected to implementation of the restriction proposed, and 43% or 3 responses supported the proposal.

Given the response rate, and the higher number of responses received objecting to the proposal there was no clear support from other residents for the restriction to be implemented. A common theme in comments among those who objected to the proposal was that they strongly don't believe they have issues on football game days, value the on-street parking for their own and visitors use and that the proposal suggests a solution to a problem which does not exist. Of those who supported the restrictions, all comments suggested that a year-round restriction or removal of parking would be preferable to a restriction only on game days.

Given that over 50% of respondents did not support the proposal, it was not proposed to proceed with the restrictions. There is no verified conflict or safety issue in the street. The outcome of this consultation was reported to members in the CEO update Edition 14 on 28 July 2022. A copy of the letter sent to residents was attached for reference.

Usually, consultations are only sent out where there are multiple requests received about a traffic issue, rather than responding to isolated requests and a verified conflict or need over time for restrictions is established through observations, review of enforcement history and requests and parking occupancy surveys where time restrictions are involved. That was not the case in this instance.

The proposed Draft Parking Policy and the proposed accompanying related operational documents- Parking Restriction Requests Process Map and Driveway Access Issues Process Map would both help outline processes which would assist in situations such as these, and fulfil principle (d), namely that a process for initiation or review of timed parking be established triggering consideration of any changes only after a clearly identified need over time is established (ie. not responding to single or isolated requests for review)".

#### Options

The rationale for implementing change is a defined need to manage traffic flow on match days in the vicinity of the Oval. The football season for 2022 will end this weekend and as such it is proposed that Council staff review traffic flow at the beginning of next season. At that time they would undertake traffic counts to ascertain the variation in level of through traffic on this section of Labrina Avenue during football season, as well as review parking occupancy to determine if consultation for any further intervention is warranted.

**16 CONFIDENTIAL ITEMS****16.1 SALE OF LAND FOR RECOVERY OF UNPAID RATES****REASON FOR CONFIDENTIALITY**

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

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

**RESOLUTION 2022/154**

Moved: Cr Matt Larwood

Seconded: Cr Kristina Barnett

**RECOMMENDATION: ORDER TO GO INTO CONFIDENCE**

It is recommended to Council that:

1. Pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the Council orders that all members of the public, except the Elected Members of the City of Prospect and the following persons:
  - Chief Executive Officer
  - Director City Works and Presentation
  - Director City Corporate
  - Director City Growth and Development
  - Director City Strategy, Community and Culture
  - Team Leader Governance and Risk
  - Minute Secretary

be excluded from attendance at the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item **16.1 Sale of Land for Recovery of Unpaid Rates**, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Reason.

2. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

**CARRIED UNANIMOUSLY**

**RESOLUTION 2022/155**

Moved: Cr Mark Groote

Seconded: Cr Kristina Barnett

**RECOMMENDATION: ORDER COME OUT OF/RETAIN ITEMS IN CONFIDENCE**

1. That, pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999*, and having considered the matter **Item 16.1 Sale of Land for Recovery of Unpaid Rates** for the meeting of Council held on 23 August 2022 in confidence, the Council orders that:
  - 1.1 the report, attachments and minutes arising from the report, and any associated documentation, having been considered by the Council in confidence under Section 90(2) & (3) (a) and (i) be kept confidential and not available for public inspection until

litigation has been finalised in relation to this matter, on the basis that the information received, discussed and considered in relation to this agenda item is:

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); AND 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.

- 1.2 the Chief Executive Officer is delegated authority that the order be revoked in whole or part.
- 1.3 the confidentiality order will be reviewed by the Council / Chief Executive Officer at least once every 12 month period.
2. That, for the item named in Clause 1 and associated sub clauses, unless:
  - 2.1 the period in respect of any order made under Section 91 (7) of the Local Government Act 1999 lapses; or
  - 2.2 Council resolves to revoke an order made under Section 91 (7) of the Local Government Act 1999; or
  - 2.3 the Chief Executive Officer determines pursuant to delegated authority that the order be revoked; any discussions of the Council on the matter and any recording of those discussions are also confidential.

**CARRIED UNANIMOUSLY**

## **16.2 CEO PERFORMANCE REVIEW PROCESS PLANNING**

### **REASON FOR CONFIDENTIALITY**

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

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

### **RESOLUTION 2022/156**

Moved: Cr Matt Larwood

Seconded: Cr Kristina Barnett

### **RECOMMENDATION: ORDER TO GO INTO CONFIDENCE**

It is recommended to Council that:

1. Pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the Council orders that all members of the public, except the Elected Members of the City of Prospect be excluded from attendance at the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report ***Item 16.2 CEO Performance Review Process Planning***, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
2. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

**CARRIED UNANIMOUSLY**



**16.2 CEO PERFORMANCE REVIEW PROCESS PLANNING****RESOLUTION 2022/157**

Moved: Cr Matt Larwood

Seconded: Cr Mark Groote

That Council:

1. Having considered Item 16.2 CEO Performance Review Process Planning receives and notes the report.
2. Having considered Item 16.2 CEO Performance Review Process Planning, commences the annual CEO Performance Review (as provided in Attachment 1 to this report) with the aim that any decisions relating to remuneration flowing from the CEO Performance Review process be made by the newly formed CEO Performance Review Committee and new Full Council (November 2022 – 2026).
3. Extend the existing Independent Contractor engagement until December 2023.

**CARRIED UNANIMOUSLY**

**RESOLUTION 2022/158**

Moved: Cr Mark Groote

Seconded: Cr Steven Rypp

**RECOMMENDATION: ORDER TO COME OUT OF/RETAIN ITEMS IN CONFIDENCE**

1. That, pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999*, and having considered the matter **Item 16.2 CEO Performance Review Process Planning** for the meeting of Council held on 23 August 2022 in confidence, the Council orders that:
  - 1.1 the report and attachments, and any associated documentation, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until a new order is made, on the basis that the information received, discussed and considered in relation to this agenda item is:

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
  - 1.2 the Chief Executive Officer is delegated authority that the order be revoked in whole or part.
  - 1.3 the confidentiality order will be reviewed by the Council / Chief Executive Officer at least once every 12 month period.
2. That, for the item named in Clause 1 and associated sub clauses, unless:
  - 2.1 the period in respect of any order made under Section 91 (7) of the Local Government Act 1999 lapses; or
  - 2.2 Council resolves to revoke an order made under Section 91 (7) of the Local Government Act 1999; or
  - 2.3 the Chief Executive Officer determines pursuant to delegated authority that the order be revoked; any discussions of the Council on the matter and any recording of those discussions are also confidential.

**CARRIED UNANIMOUSLY**

**17 MEETING CLOSURE**

Mayor David O'Loughlin declared the meeting closed at 11.00pm.

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 September 2022.**

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**CHAIRPERSON**