

CITY OF WEST TORRENS



**MINUTES**

**of the**

**Council & Committee Meetings**

- **Urban Services Prescribed Standing Committee**
- **Governance Prescribed Standing Committee**

**of the**

**CITY OF WEST TORRENS**

held in the Council Chambers, Civic Centre  
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 6 JUNE 2017**  
**at 7.00pm**

**Terry Buss**  
**Chief Executive Officer**

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## 1 MEETING OPENED

The Presiding Member declared the meeting open at 7.07pm.

### 1.1 Evacuation Procedure

The evacuation procedures were read out to the gallery by General Manager Corporate and Regulatory.

## 2 PRESENT

### Council Members:

Mayor J Trainer (Presiding Member)

Councillors: R Haese, G Palmer, G Vlahos, S Rypp, G Demetriou, M Hill, A Mangos, S Tsiaparis, G Nitschke, T Polito, J Woodward, C O'Rielly, M Farnden

### Officers:

Mr T Buss	(Chief Executive Officer)
Ms P Koritsa	(General Manager Business and Community Services)
Mr B Ross	(General Manager Corporate and Regulatory)
Mr A Catinari	(General Manager Urban Services)
Mr J Ielasi	(Manager City Assets)
Ms S Curran	(Manager Strategy and Business)
Ms J Lennon	(Manager City Development)
Ms E Pollard	(Manager People and Culture)
Ms R Perkin	(Team Leader Strategic Planning)

## 3 APOLOGIES

### Leave of Absence

Cr Kym McKay

### Lateness

Cr George Vlahos (7.19pm)

### RECOMMENDATION

That the apologies be received.

### RESOLUTION

Moved: Cr Garth Palmer

Seconded: Cr Arthur Mangos

That the recommendation be adopted.

**CARRIED**

### 3.1 Mayor Trainer and Cr Demetriou Leave of Absence

Moved: Cr Garth Palmer

Seconded: Cr Graham Nitschke

That Mayor John Trainer and Cr George Demetriou be given leave of absence to attend the Australian Local Government Association National General Assembly in Canberra from 18 to 21 June 2017.

**CARRIED**

## 4 DISCLOSURE STATEMENTS

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Council Item 18.7 Nominations for the SA Employment Tribunal	Material	Cr Graham Nitschke
Council Item 18.8 Nominations for the Stormwater Management Authority - Presiding Member and Member Positions	Material	Cr Arthur Mangos
Correspondence Item 21.2 South Australian Liberal Better Boating Facilities Policy	Perceived	Cr Steven Rypp

## 5 CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the meeting of the Council held on 16 May 2017 be confirmed as a true and correct record.

### RESOLUTION

Moved: Cr George Demetriou

Seconded: Cr Garth Palmer

That the recommendation be adopted.

**CARRIED**

## 6 MAYORS REPORT

### RECOMMENDATION

That the Mayor's Report be noted.

### RESOLUTION

Moved: Cr Arthur Mangos

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

**CARRIED**

## 7 ELECTED MEMBERS REPORTS

Cr Arthur Mangos advised of his attendance at the following:

- City of West Torrens Citizenship Ceremony at the Thebarton Community Centre on Tuesday 30 May 2017
- Official opening of the West Torrens Art Prize and announcement of winners at the Hamra Centre Auditorium Gallery on Friday 2 June
- West Adelaide vs Central District SANFL football match at City Mazda Stadium on Saturday 3 June 2017

Cr George Demetriou advised of his attendance at the following:

- City of West Torrens Citizenship Ceremony at the Thebarton Community Centre on Tuesday 30 May 2017
- Official opening of the West Torrens Art Prize and announcement of winners at the Hamra Centre Auditorium Gallery on Friday 2 June

Cr George Demetriou also kindly donated two copies of a Greek children's storybook entitled "Melpomene and Adonis" by Michele Kiosoglous and Phillippa Adgemis, to be placed in the Hamra Centre collection.

Cr Rosalie Haese advised of her attendance with Cr Garth Palmer at the Lockleys Neighbourhood Watch Meeting on Monday 5 June 2017.

**7.19pm** Cr George Vlahos entered the meeting.

### RESOLUTION

Moved: Cr Steven Rypp

Seconded: Cr Simon Tsiaparis

That the reports from Members be noted.

**CARRIED**

## 8 PETITIONS

Nil

## 9 DEPUTATIONS

Nil

## 10 BUDGET CONSULTATION

### MOTION

Moved: Cr Arthur Mangos  
Seconded: Cr Steven Rypp

That Item 18.1 Request For A Privately Funded Development Plan Amendment at 65-73 Mooringe Avenue, Plympton be brought forward from Reports to the Chief Executive Officers for consideration following Item 10 Budget Consultation.

**CARRIED**

### RECOMMENDATION

That the meeting be adjourned, to allow for consultation on Council's proposed Budget and Annual Business Plan 2017/18 pursuant to Section 123(4) of the *Local Government Act 1999*.

### RESOLUTION

Moved: Cr Steven Rypp  
Seconded: Cr George Demetriou

That the recommendation be adopted.

**CARRIED**

**7.22pm** the meeting was adjourned and at least one hour was available to be set aside to enable members of the gallery to ask questions and/or make submissions in relation to Council's proposed Budget and Annual Business Plan for 2017/18.

One member of the public attended the meeting and a second offered an apology after earlier indicating he would be attending. No submissions were received and no questions were asked.

### MOTION

Moved: Cr Steven Rypp  
Seconded: Cr John Woodward

That the meeting reconvene at the conclusion of the consultation.

**CARRIED**

**7.33pm** the meeting reconvened. All those present prior to the adjournment of the meeting were present in the Chamber when the meeting reconvened.

### **10.1 Item 18.1 Request For A Privately Funded Development Plan Amendment at 65-73 Mooringe Avenue, Plympton Brought Forward for Consideration at this Point of the Meeting**

This report advised that Holmes Dyer, on behalf of Adelaide Capital Partners, has approached Council seeking consideration of a proposal to re-zone the land at 65-73 Mooringe Avenue, Plympton from Industry to Residential through a privately funded Development Plan Amendment.

#### **RECOMMENDATION(S)**

It is recommended to Council that:

1. The 'Statement of Justification - Former Boral Batching Plant, Plympton' dated 26 May 2017 be received.
2. It provides 'in-principle' support to the proposal ,submitted by Holmes Dyer, to rezone 65-73 Mooringe Avenue, Plympton however, this 'in-principle' support be subject to:
  - a) Holmes Dyer obtaining and providing to Council an 'in principle' written agreement from the Department of Planning, Transport and Infrastructure (DPTI) that they would currently accept the commencement and continuation of the processing of a privately funded Development Plan Amendment (DPA) of this nature, given the implementation of the *Planning, Development and Infrastructure Act 2016*.
  - b) A deed agreement with the proponent be entered into that agrees on:
    - i. the project management approach for the DPA;
    - ii. the funding arrangements for the DPA, which will be by way of Method 2 as articulated in this report;
    - iii. the nature of the DPA, including the area to be covered, the purpose of the DPA and what the investigations will encompass;
    - iv. Council maintaining ultimate control of the DPA.
    - v. Key stages of the DPA are presented to Council for consideration prior to being submitted to the Minister for Planning for agreement;
    - vi. What happens if the DPA is either not authorised by the Minister for Planning or authorised with amendments that do not suit the interest of the private funder (essentially the private funder will still bear the cost of the DPA's preparation regardless of outcome);
    - vii. the private funder funding any additional investigations and legal expenses that are required by Council; and
    - viii. other matters as such to ensure an open and transparent process providing no assurance that there will be a guaranteed outcome in the DPA process.

#### **RESOLUTION**

Moved: Cr George Demetriou

Seconded: Cr Arthur Mangos

That the recommendation be adopted.

#### **AMENDMENT**

Moved: Cr John Woodward

Seconded: Cr Michael Farnden

That:

1. The 'Statement of Justification - Former Boral Batching Plant, Plympton' dated 26 May 2017 be received.



2. It provides 'in-principle' support to the proposal ,submitted by Holmes Dyer, to rezone 65-73 Mooringe Avenue, Plympton however, this 'in-principle' support be subject to:
- a) Holmes Dyer obtaining and providing to Council an 'in principle' written agreement from the Department of Planning, Transport and Infrastructure (DPTI) that they would currently accept the commencement and continuation of the processing of a privately funded Development Plan Amendment (DPA) of this nature, given the implementation of the *Planning, Development and Infrastructure Act 2016*.
  - b) A deed agreement with the proponent be entered into that agrees on:
    - i. the project management approach for the DPA;
    - ii. the funding arrangements for the DPA, which will be by way of Method 2 as articulated in this report;
    - iii. the nature of the DPA, including the area to be covered, the purpose of the DPA and what the investigations will encompass;
    - iv. Council maintaining ultimate control of the DPA.
    - v. Key stages of the DPA are presented to Council for consideration prior to being submitted to the Minister for Planning for agreement;
    - vi. What happens if the DPA is either not authorised by the Minister for Planning or authorised with amendments that do not suit the interest of the private funder (essentially the private funder will still bear the cost of the DPA's preparation regardless of outcome);
    - vii. the private funder funding any additional investigations and legal expenses that are required by Council; and
    - viii. other matters as such to ensure an open and transparent process providing no assurance that there will be a guaranteed outcome in the DPA process.
3. The 'in-principle' support does not apply to the level of urban density as shown on Page 13 of the Holmes Dyer report provided as Attachment Under Separate Cover of the Agenda.

The amendment was Put and Carried

The decision was set aside by the Presiding Member when Cr Demetriou called for a Division.

In Favour: Crs George Vlahos, Rosalie Haese, Megan Hill, Cindy O'Rielley, Steven Rypp, John Woodward and Michael Farnden

Against: Crs George Demetriou, Arthur Mangos, Graham Nitschke, Garth Palmer, Tony Polito and Simon Tsiaparis

The Presiding Member declared the amendment **CARRIED**

The amendment on becoming the motion was **CARRIED**

The decision was set aside by the Presiding Member when Cr Rypp called for a Division.

In Favour: Crs George Vlahos, Rosalie Haese, Megan Hill, Graham Nitschke, Cindy O'Rielley, Steven Rypp, John Woodward and Michael Farnden

Against: Crs George Demetriou, Arthur Mangos, Garth Palmer, Tony Polito and Simon Tsiaparis

The Presiding Member declared the motion **CARRIED**

**11 ADJOURN TO STANDING COMMITTEES****RECOMMENDATION**

That the meeting be adjourned, move into Standing Committees and reconvene at the conclusion of the Governance Committee.

**RESOLUTION**

Moved: Cr Steven Rypp

Seconded: Cr Arthur Mangos

That the recommendation be adopted.

**CARRIED**

**7.53pm** the meeting adjourned into Committees.

**8.13pm** the meeting reconvened. All those present prior to the adjournment of the meeting were present in the Chamber when the meeting reconvened.

**12 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS****12.1 Urban Services Committee Meeting****RECOMMENDATION**

That the recommendations of the Urban Services Committee held on 6 June 2017 be adopted.

**RESOLUTION**

Moved: Cr John Woodward

Seconded: Cr Steven Rypp

That the recommendation be adopted.

**CARRIED**

**12.2 Governance Committee Meeting****RECOMMENDATION**

That the recommendations of the Governance Committee held on 6 June 2017 be adopted.

**RESOLUTION**

Moved: Cr Garth Palmer

Seconded: Cr Arthur Mangos

That the recommendation be adopted.

**CARRIED**

**13 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS****13.1 Community Facilities General Committee Meeting****RECOMMENDATION**

That the Minutes of the Community Facilities General Committee held on 23 May 2017 be noted and the recommendations adopted.

**RESOLUTION**

Moved: Cr Garth Palmer

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

**CARRIED**

**13.2 Audit and Risk Committee Meeting****RECOMMENDATION**

That the Minutes of the Audit and Risk Committee held on 30 May 2017 be noted and the recommendations adopted.

**RESOLUTION**

Moved: Cr Steven Rypp

Seconded: Cr John Woodward

That the recommendation be adopted.

**CARRIED**

**14 QUESTIONS WITH NOTICE**

Nil

**15 QUESTIONS WITHOUT NOTICE**

Questions were asked and responses provided by the Administration.

## **16 MOTIONS WITH NOTICE**

### **16.1 Brickworks - Request for Masterplan**

At the meeting of Council on 16 May 2017, Cr John Woodward moved the following motion which the Presiding Member ruled would be deferred to the meeting of Council on 6 June 2017.

#### **MOTION**

1. To complete a Masterplan for potential development options of the vacant land at the old Brickworks site owned by City of West Torrens, including the Hoffman heritage kiln.
2. Development of the masterplan is to include consultation with the community via on-line survey and direct engagement with the owners and operators of the existing commercial businesses at Brickworks.
3. The nature of the Masterplan is to explore opportunities to develop the balance of the Brickwork site to maximise the commercial and community use and to promote access to the heritage Hoffman kiln by the community.
4. The intent of the Masterplan is to enable the City of West Torrens to seek Expressions of Interest in from interested parties to develop the balance of the Brickworks site in alignment with the Masterplan, and may include joint development opportunities. E.g. public private partnership.

Cr John Woodward sought and was granted leave of the meeting to amend his motion.

#### **RESOLUTION**

Moved: Cr John Woodward

Seconded: Cr Michael Farnden

That in regard to the Brickworks surplus land, the Chief Executive Officer:

1. Arrange to hold a workshop for Elected Members and senior staff to establish an overall vision for the higher and best use of surplus land at the former Brickworks Markets site at Torrensville.
2. Following the outcomes of 1 above, develop a project brief to go to the market seeking fee proposals from interested parties to develop a Masterplan for potential development options of the surplus land at the former Brickworks Markets site at Torrensville, including the heritage listed Hoffman Kiln.
3. The project brief is to allow for appropriate community consultation to be undertaken and also allow for appropriate delivery and funding mechanism options to be explored during development of the Masterplan.
4. As part of the next budget review process, recommend to Council an appropriate budget amount to undertake development of the Masterplan.

**CARRIED**

**16.2 Natural Resources Management Board Levy**

Moved: Cr Arthur Mangos  
Seconded: Cr Simon Tsiaparis

That the Natural Resources Management Board be asked to explain the rationale and methodology underlying their 9.8% increase as our land value increase from the Valuer General for the City is approx. 6%.

**CARRIED**

**9.01pm** Cr George Vlahos left the meeting.

**16.3 West Beach Resident Meeting on Stormwater Damage**

Moved: Cr Garth Palmer  
Seconded: Cr Rosalie Haese

Council officers to arrange a meeting with residents of West Beach whose properties were damaged due to the failure of the stormwater drainage system at West Beach as a result of the 28 December 2016 storm event.

**9.02pm** Cr John Woodward left the meeting  
**9.03pm** Cr Arthur Mangos left the meeting  
**9.04pm** Cr George Demetriou retired from the meeting  
**9.04pm** Cr John Woodward returned to the meeting  
**9.07pm** Cr Arthur Mangos returned to the meeting  
**9.07pm** Cr George Vlahos returned to the meeting

**CARRIED**

**17 MOTIONS WITHOUT NOTICE**

Nil

**18 REPORTS OF THE CHIEF EXECUTIVE OFFICER****18.1 Request For A Privately Funded Development Plan Amendment at 65-73 Mooringe Avenue, Plympton**

This item was considered following Item 10 Budget Consultation.

## 18.2 Audit and Risk General Committee Structure - Confidential Order Review

In accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*, this report presented the annual review of the confidential order applied to Item 16.15 'Audit and Risk General Committee Structure' at the 23 November 2010 meeting of Council, and Item 15.17 'Audit and Risk Prescribed Committee Structure' at the 9 December 2014 Meeting of Council.

### RECOMMENDATION(S)

It is recommended to Council that

1. In accordance with s91(9)(a), having reviewed the confidentiality order made on 23 November 2010, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential Item 16.15 'Audit and Risk General Committee Structure', Council orders the information contained in the 'Confidential Report of the Selection Panel' attached to Item 16.15 'Audit and Risk General Committee Structure' relating to the appointment of independent members to Council's Audit and Risk Committee which was presented to the 23 November 2010 meeting of Council, continues to be retained in confidence in accordance with section 91(7)(a), 91(7)(b) of the *Local Government Act 1999*, and not be made available for public inspection until 23 November 2020 on the basis that the information contained in the 'Confidential Report of the Selection Panel' contains the applicants' personal information and the premature disclosure of this information would be unreasonable given it could inadvertently prejudice their future career aspirations and breach any duty of confidentiality owed to those applicants by Council.
2. In accordance with s91(9)(a), having reviewed the confidentiality order made on 9 December 2014, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential Item 15.17 'Audit and Risk Prescribed Committee Structure', Council orders the information contained in the 'Confidential Interview Report' attached to Item 15.17 'Audit and Risk Prescribed Committee Structure' relating to the appointment of independent members to Council's Audit and Risk Committee which was presented to the 9 December 2014 meeting of Council, continues to be retained in confidence in accordance with section 91(7)(a), 91(7)(b) of the *Local Government Act 1999*, and not be made available for public inspection until 9 December 2024 on the basis that the information contained in the 'Confidential Interview Report' contains the applicants' personal information and the premature disclosure of this information would be unreasonable given it could inadvertently prejudice their future career aspirations and breach any duty of confidentiality owed to those applicants by Council.
3. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not to extend it.

### RESOLUTION

Moved: Cr George Vlahos  
Seconded: Cr Michael Farnden

That the recommendation be adopted.

**CARRIED**

### 18.3 Development Assessment Panel Establishment - Confidential Order Review

In accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*, this report presented the annual review of the confidential order applied to Item 16.16 '*Development Assessment Panel- Establishment*' at the 23 November 2010 Meeting of Council, and Item 15.23 '*Development Assessment Panel - Establishment*' at the 9 December 2014 Meeting of Council.

#### RECOMMENDATION(S)

It is recommended to Council that:

1. In accordance with s91(9)(a), having reviewed the confidentiality order made on 23 November 2010, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential Item 16.16 '*Development Assessment Panel - Establishment*', Council orders the information contained in the 'Confidential Interview Report' attached to Item 16.16 '*Development Assessment Panel - Establishment*', relating to the appointment of independent members to Council's Development Assessment Panel which was presented to the 23 November 2010 meeting of Council, continues to be retained in confidence in accordance with section 91(7)(a), 91(7)(b) of the *Local Government Act 1999*, and not be made available for public inspection until 23 November 2020 on the basis the information contained in the 'Confidential Interview Report' contains the applicants' personal information and the premature disclosure of this information would be unreasonable given it could inadvertently prejudice their future career aspirations and breach any duty of confidentiality owed to those applicants by Council.
2. In accordance with s91(9)(a), having reviewed the confidentiality order made on 9 December 2014, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential Item 15.23 '*Development Assessment Panel - Establishment*', Council orders the information contained in the 'Confidential Interview Report' attached to Item 15.23 '*Development Assessment Panel - Establishment*', relating to the appointment of independent members to Council's Development Assessment Panel which was presented to the 9 December 2014 meeting of Council, continues to be retained in confidence in accordance with section 91(7)(a), 91(7)(b) of the *Local Government Act 1999*, and not be made available for public inspection until 9 December 2024 on the basis the information contained in the 'Confidential Interview Report' contains the applicants' personal information and the premature disclosure of this information would be unreasonable given it could inadvertently prejudice their future career aspirations and breach any duty of confidentiality owed to those applicants by Council.
3. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not to extend it.

#### RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Michael Farnden

That the recommendation be adopted.

**CARRIED**

#### **18.4 Development Assessment Panel - Replacement Independent Member - Confidential Order Review**

In accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*, this report presented the annual review of the confidential order applied to *Item 17.3 "Development Assessment Panel- Replacement Independent Member"* at the 15 March 2011 Meeting of Council.

#### **RECOMMENDATION(S)**

It is recommended to Council that:

1. In accordance with s91(9)(a), having reviewed the confidentiality order made on 15 March 2011, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential *Item 17.3 "Development Assessment Panel - Replacement Independent Member"*, Council orders the information contained in the 'Confidential Interview Report' attached to *Item 17.3 "Development Assessment Panel - Replacement Independent Member,"* relating to the appointment of a replacement independent member to Council's Development Assessment Panel which was presented to the 15 March 2011 meeting of Council, continues to be retained in confidence in accordance with section 91(7)(a), 91(7)(b) of the *Local Government Act 1999*, and not be made available for public inspection until 15 March 2021 on the basis the information contained in the 'Confidential Interview Report' contains the applicants' personal information and the premature disclosure of this information would be unreasonable given it could inadvertently prejudice their future career aspirations and breach any duty of confidentiality owed to those applicants by Council.
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not to extend it.

#### **RESOLUTION**

Moved: Cr Graham Nitschke

Seconded: Cr Arthur Mangos

That the recommendation be adopted.

**CARRIED**



## 18.5 Brickworks Riverfront Land - Confidential Order Review

This report presents the annual review of the confidential order applied to reports relating to the Brickworks Riverfront Land in accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*.

### RECOMMENDATION (S)

It is recommended to Council that:

1. Pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999*, Council orders that the following reports relating to the Brickworks Riverfront Land, the Minutes arising from the reports, attachments, any associated documentation or recording having been considered by the Council in confidence under Section 90(3)(b)(i) and 90(3)(b)(ii) of the *Local Government Act, 1999*,

- Brickworks Markets - Retained Land
- Brickworks Riverfront Land - Expression of Interest
- Brickworks Riverfront Land - Divestment Proposal
- Divestment Proposal - Brickworks Riverfront Land
- Divestment Proposal Update - Brickworks Riverfront Land

continue to be retained in confidence in accordance with sections 91(7)(a), 91(7)(b) of the *Local Government Act 1999*, and not be available for public inspection for a further 12 month period or until Council finalises its position on the future use of the retained land, whichever is sooner, given that the disclosure of the information would not be in the public interest as to do so would reasonably be expected to:

- confer a commercial advantage on those persons with whom the Council is proposing to conduct business;
- prejudice the commercial position of the Council;
- lead to Council not obtaining the best possible sale price or development outcome for the remnant land retained by Council.

2. Pursuant to s91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not extend it.

### RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr George Vlahos

That the recommendation be adopted.

**CARRIED**

## 18.6 Rates Agreement - Adelaide Airport - Confidential Order Review

In accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*, this report presented the annual review of the confidential order applied to Item 21.1 'Rates Agreement - Adelaide Airport' at the 15 March 2016 Meeting of Council.

### RECOMMENDATION(S)

It is recommended to Council that:

1. In accordance with section 91(9)(a), having reviewed the confidentiality order made on 15 March 2016, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential Item 21.1- 'Rates Agreement - Adelaide Airport', Council orders the information contained in:
  - a) the confidential report Item 21.1 - "Rates Agreement - Adelaide Airport" presented to Council at its 15 March 2016 Meeting;
  - b) all relevant documentation associated with and attached to the confidential agenda *Item 21.1 - "Rates Agreement - Adelaide Airport"* of 15 March 2016, but not the Minutes arising from the report Item 21.1 - "Rates Agreement - Adelaide Airport";

continues to be retained in confidence in accordance with Section 90(3)(g) of the *Local Government Act 1999*, and not be available for public inspection for a further 12 month period, on the basis that the information received, discussed and considered in relation to this agenda item are in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty because the draft rates Agreement, the subject of this report, and any subsequent agreed rates Agreement binds the parties to confidentiality provisions the disclosure of which in the public realm will constitute a breach of obligations and duty of confidence pursuant to the Rates Agreement.

2. Pursuant to s91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not extend it.

### RESOLUTION

Moved: Cr Arthur Mangos

Seconded: Cr Steven Rypp

That the recommendation be adopted.

**CARRIED**

## 18.7 Nominations for the SA Employment Tribunal

**9.13pm** Cr Graham Nitschke *declared a material conflict of interest in this item as he wishes to nominate for the SA Employment Tribunal and left the meeting for the discussion and vote on the item.*

The Local Government Association sought nominations for Supplementary Panel Members to the South Australian Employment Tribunal.

### RECOMMENDATION(S)

It is recommended to Council that Cr/s..... be nominated as a Supplementary Panel Members for the South Australian Employment Tribunal.

Or

The report be received.

### RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Simon Tsiaparis

That Cr Nitschke be nominated as a Supplementary Panel Member for the South Australian Employment Tribunal.

**CARRIED**

**9.14pm** Cr Graham Nitschke returned to the meeting.

## 18.8 Nominations for the Stormwater Management Authority - Presiding Member and Member Positions

**9.15pm** Cr Arthur Mangos *declared a material conflict of interest in this item as he wishes to nominate for the Stormwater Management Authority Member Position and left the meeting for the discussion and vote on the item.*

The Local Government Association sought nominations for a Presiding Member and three other members to the Stormwater Management Authority.

### RECOMMENDATION(S)

It is recommended to Council that:

1. .... be nominated as Presiding Member of the Stormwater Management Authority.
2. Cr/s..... be nominated as a member of the Stormwater Management Authority.

Or

The report be received.

### RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Michael Farnden

That Cr Mangos be nominated as a member of the Stormwater Management Authority.

**CARRIED**

**9.16pm** Cr Arthur Mangos returned to the meeting.

### **18.9 Max and Bette Mendelson Scholarship Awards - 2017**

The purpose of this report was to advise Council of the proposed Max and Bette Mendelson Foundation Scholarship Awards to the successful 2017 applicants.

#### **RECOMMENDATION(S)**

It is recommended to Council that:

1. Approval be granted to the Mendelson Management Committee to award the 2017 Max and Bette Mendelson scholarships as outlined in the list provided separately; and
2. Approval be granted for the Mendelson Management Committee, in conjunction with the Chief Executive Officer, to arrange a suitable presentation ceremony to be held on Friday 30 June 2017 along the lines of previous years.

#### **RESOLUTION**

Moved: Cr Rosalie Haese

Seconded: Cr Megan Hill

That the recommendation be adopted.

**CARRIED**

## **19 LOCAL GOVERNMENT BUSINESS**

### **19.1 Local Government Circulars**

This report provided a detailed listing of current items under review by the Local Government Association.

#### **RECOMMENDATION(S)**

It is recommended to Council that the Local Government Circulars report be received.

#### **RESOLUTION**

Moved: Cr Steven Rypp

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

**CARRIED**

## **20 MEMBER'S BOOKSHELF**

#### **RECOMMENDATION**

That the additions to Members' bookshelf be noted.

#### **RESOLUTION**

Moved: Cr Michael Farnden

Seconded: Cr Garth Palmer

That the recommendation be adopted.

**CARRIED**

## **21 CORRESPONDENCE**

*Cr Steven Rypp declared a perceived conflict of interest in correspondence item 21.1 South Australian Liberal Better Boating Facilities Policy as he is the Liberal Party candidate for Seat of Lee in the 2018 State Election, but as the item was for information purposes only he participated in the discussion and vote.*

### **21.1 Australian Mayoral Aviation Council Executive Committee Minutes**

Correspondence was received from the Australian Mayoral Aviation Council regarding the minutes from the meeting of the Executive Committee held on 4 May 2017.

### **21.2 South Australian Liberal Better Boating Facilities Policy**

Correspondence was received from the State Member for Unley, Mr David Pisoni MP, regarding South Australian Liberal Policy aimed at improving access to funding to create better boating facilities across South Australia.

### **21.3 Brown Hill Keswick Creek Stormwater Management Project**

Correspondence was received from the Minister for Water and the River Murray, The Hon Ian Hunter MLC, acknowledging Council's letter dated 18 April 2017 in relation to the Brown Hill Keswick Creek Stormwater Management Project.

### **21.4 Metropolitan Local Government Group - Key Outcome Summary**

Correspondence was received from Local Government Association regarding the Key Outcomes Summary from the Metropolitan Local Government Group meeting on 8 March 2017.

### **21.5 Airservices AACC Presentation**

Correspondence was received from Adelaide Airport Limited providing a copy of the presentation Airservices provided at the Adelaide Airport Consultative Committee meeting on 17 May 2017.

### **21.6 Financial Assistance Grant Program 2017-18**

Correspondence was received from Senator the Hon Fiona Nash regarding the indexation of the Financial Assistance Grant program for 2017-18 from 1 July 2017.

### **21.7 Council Development Assessment Panels**

Correspondence was received from the Deputy Premier and Minister for Planning, the Hon John Rau MP, providing an update on the *Planning, Development and Infrastructure Act 2016*, particularly in relation to Council Development Assessment Panels.

## **RECOMMENDATION**

That the correspondence be received.

## **RESOLUTION**

Moved: Cr Michael Farnden  
Seconded: Cr Graham Nitschke

That the recommendation be adopted.

**CARRIED**

**22 CONFIDENTIAL****22.1 Acquisition of Premises - Morphett Road, North Plympton****Reason for Confidentiality**

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

- (b)(i) information the disclosure of which - could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.
- (b)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.

**RECOMMENDATION(S)**

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 22.1 Acquisition of Premises - Morphett Road, North Plympton, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3) (b)(i) and (b)(ii) because the information received, discussed and considered in relation to this agenda item is information, the disclosure of which could reasonably be expected to severely prejudice Council's ability to achieve the best possible outcome relating to acquisition of the site on Morphett Road, North Plympton and would, on balance, be contrary to the public interest.
2. At the completion of the confidential session the meeting be re-opened to the public.

**RESOLUTION**

Moved: Cr Arthur Mangos

Seconded: Cr Steven Rypp

That the recommendations be adopted.

**CARRIED**

**9.19pm** the meeting moved into Confidence and session commenced.

**Council also resolved that:**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 22.1 Acquisition of Premises - Morphett Road, North Plympton, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3) (b)(i) and (b)(ii), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, or settlement has occurred on the contract, whichever is the earlier, on the basis that the information received, discussed and considered in relation to this agenda item is information, the disclosure of which could reasonably be expected to severely prejudice Council's ability to achieve the best possible outcome relating to acquisition of the site on Morphett Road, North Plympton and would, on balance, be contrary to the public interest.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**Note: The Confidential Minutes are kept separately from this document.**

**9.46pm** the confidential session closed and the meeting reopened to the public.

**23 MEETING CLOSE**

The Presiding Member declared the meeting closed at 9.47pm.

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## **1 MEETING OPENED**

The Presiding Member declared the meeting open at 7.55pm.

## **2 PRESENT**

### **Council Members:**

Cr J Woodward (Presiding Member)

Mayor J Trainer

Councillors: R Haese, G Palmer, G Vlahos, S Rypp, G Demetriou, M Hill, A Mangos, S Tsiaparis, G Nitschke, C O'Rielley, M Farnden, T Polito

### **Officers:**

Mr T Buss	(Chief Executive Officer)
Ms P Koritsa	(General Manager Business and Community Services)
Mr B Ross	(General Manager Corporate and Regulatory)
Mr A Catinari	(General Manager Urban Services)
Mr J Ielasi	(Manager City Assets)
Ms S Curran	(Manager Strategy and Business)
Ms J Lennon	(Manager City Development)
Ms E Pollard	(Manager People and Culture)
Ms R Perkin	(Team Leader Strategic Planning)

## **3 APOLOGIES**

### **Leave of Absence**

Cr Kym McKay

### **RECOMMENDATION**

That the apologies be received.

### **RESOLUTION**

Moved: Cr Arthur Mangos

Seconded: Cr Steven Rypp

That the recommendation be adopted.

**CARRIED**

## **4 DISCLOSURE STATEMENTS**

Nil

**5 CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the meeting of the Urban Services Committee Meeting held on 2 May 2017 be confirmed as a true and correct record.

**RESOLUTION**

Moved: Cr Michael Farnden

Seconded: Cr Steven Rypp

That the recommendation be adopted.

**CARRIED**

**6 COMMUNICATION BY THE CHAIRPERSON**

Nil

**7 QUESTIONS WITH NOTICE**

Nil

**8 QUESTIONS WITHOUT NOTICE**

Questions were asked and responses provided by the Administration.

**9 MOTIONS WITH NOTICE**

Nil

**10 MOTIONS WITHOUT NOTICE**

Nil

## 11 URBAN SERVICES DIVISION REPORTS

### 11.1 Update - Leased Kindergarten Properties within the City of West Torrens

This report provided Elected Members with an update in regard to the remaining three kindergarten properties within the City of West Torrens which are leased to the Department for Education and Child Development (DECD).

#### RECOMMENDATION(S)

The Committee recommends to Council that:

1. New ground leases be entered into for the three (3) kindergarten properties (Glandore, Kurralta Park and Netley Kindergartens) with the Department for Education and Child Development (excluding the requirement to divest the properties), each for a term of 5 years and each commencing on 1 July 2017 at the following commencing rentals
  - (i) Netley Kindergarten - \$1,800pa plus GST
  - (ii) Glandore Kindergarten - \$3,600pa plus GST
  - (iii) Kurralta Park Kindergarten - \$3,600pa plus GST.
2. The rental for each kindergarten to escalate by Adelaide All Groups Consumer Price Index (or similar index should that cease to exist) on each anniversary of the commencement date during the lease terms.
3. The Mayor and Chief Executive be authorised to sign and seal any documentation relating to the grant of leases for the three kindergarten properties and the Chief Executive Officer be authorised to provide approval for any consents that may be required in accordance with the terms of the leases.

#### RESOLUTION

Moved: Cr Arthur Mangos

Seconded: Cr Megan Hill

That the recommendation be adopted.

**CARRIED**

### 11.2 Parking on Verges - Proposal to Amend the Australian Road Rules

The Local Government Association sought feedback from councils on a proposal to amend the *Australian Road Rules 1999* to permit parking wholly, or in part on council verges.

#### RECOMMENDATION

The Committee recommends to Council that the feedback contained within the report be provided as Council's response to the Local Government Association on the proposed amendments to the *Australian Road Rules 1999*.

#### Proposed feedback to the LGA

Council supports Option 2 to Amend the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014* on the basis that each council is best placed to determine whether or not verge parking is appropriate within their local government area.

**RESOLUTION**

Moved: Cr Cindy O'Rielley

Seconded: Cr Garth Palmer

That the recommendation be adopted.

**CARRIED**

**11.3 Urban Services Activities Report**

The purpose of this report was to provide Elected Members' with information on activities within the Urban Services Division.

**RECOMMENDATION**

The Committee recommends to Council that the Activities Report be received.

**RESOLUTION**

Moved: Cr Steven Rypp

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

**CARRIED**

**12 MEETING CLOSE**

The Presiding Member declared the meeting closed at 8.08pm.

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Nil

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## 1 MEETING OPENED

The Presiding Member declared the meeting open at 8.09pm.

## 2 PRESENT

### Council Members:

Cr G Palmer (Presiding Member)

Mayor J Trainer

Councillors: R Haese, G Vlahos, S Rypp, G Demetriou, M Hill, A Mangos, S Tsiaparis, G Nitschke, C O'Rielly, M Farnden, T Polito, J Woodward

### Officers:

Mr T Buss	(Chief Executive Officer)
Ms P Koritsa	(General Manager Business and Community Services)
Mr B Ross	(General Manager Corporate and Regulatory)
Mr A Catinari	(General Manager Urban Services)
Mr J Ielasi	(Manager City Assets)
Ms S Curran	(Manager Strategy and Business)
Ms J Lennon	(Manager City Development)
Ms E Pollard	(Manager People and Culture)

## 3 APOLOGIES

### Leave of Absence

Cr Kym McKay

### RECOMMENDATION

That the apologies be received.

### RESOLUTION

Moved: Cr Steven Rypp

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

**CARRIED**

**8.10pm** Cr John Woodward left the meeting.

## 4 DISCLOSURE STATEMENTS

Nil

## **5 CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the meeting of the Governance Committee Meeting held on 2 May 2017 be confirmed as a true and correct record.

### **RESOLUTION**

Moved: Cr Simon Tsiaparis

Seconded: Cr Rosalie Haese

That the recommendation be adopted.

**CARRIED**

## **6 COMMUNICATION BY THE CHAIRPERSON**

Nil

## **7 QUESTIONS WITH NOTICE**

Nil

## **8 QUESTIONS WITHOUT NOTICE**

Nil

## **9 MOTIONS WITH NOTICE**

Nil

## **10 MOTIONS WITHOUT NOTICE**

Nil

## **11 GOVERNANCE REPORTS**

### **11.1 South Australian Planning Reform Implementation Progress Report - June 2017**

This report presented the June 2017 update on the status of the implementation of the South Australian Planning Reform, including the transition from the *Development Act 1993* to the *Planning, Development and Infrastructure Act 2016 (Act)*, and the implementation of associated legislation and statutory planning documents.

### **RECOMMENDATION(S)**

The Committee recommends to Council that the South Australian Planning Reform Implementation Progress Report - June 2017 be received.

**RESOLUTION**

Moved: Cr Rosalie Haese

Seconded: Cr Steven Rypp

That the recommendation be adopted.

**CARRIED**

**11.2 Kaurna Native Title Claim Update**

This report presented an update on the progress and status of the Kaurna Native Title Claim.

**RECOMMENDATION(S)**

The Committee recommends to Council that the Kaurna Native Title Claim Update report be received.

**RESOLUTION**

Moved: Cr Steven Rypp

Seconded: Cr Rosalie Haese

That the recommendation be adopted.

**CARRIED**

**11.3 Legislative Progress Report - May 2017**

This report provided an update on the status of proposed legislative changes affecting local government either dealt with in Parliament, by the Local Government Association or contained in the Government Gazette during the preceding month.

**RECOMMENDATION(S)**

The Committee recommends to Council that the 'Legislative Progress Report - May 2017' be received.

**RESOLUTION**

Moved: Cr Steven Rypp

Seconded: Cr Michael Farnden

That the recommendation be adopted.

**CARRIED**

**8.11pm** Cr John Woodward returned to the meeting.

**12 MEETING CLOSE**

The Presiding Member declared the meeting closed at 8.12pm.