

CITY OF WEST TORRENS



MINUTES

of the

Council & Committee Meetings

- **City Services and Amenity Standing Committee**

of the

CITY OF WEST TORRENS

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

on

TUESDAY, 2 JULY 2019
at 7.00pm

Terry Buss PSM
Chief Executive Officer

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1 MEETING OPENED

1.1 Acknowledgement of Country

The Presiding Member declared the meeting open at 7.00pm.

At the opening of the Meeting, the Presiding Member stated:

'West Torrens City Council acknowledges that we are meeting on the traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past, present, and emerging.

We recognise and respect their cultural heritage, beliefs and spiritual relationship with the land, sea, waterways and sky.

We acknowledge that they are of continuing importance to the Kurna people living today.

We have built a beautiful city. However, we further recognise that the process of settlement resulted in the dispossession and dislocation of the Kurna people and that we are always mindful of this.'

1.2 Evacuation Procedure

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

2 PRESENT

Council Members:

Mayor M Coxon (Presiding Member)

Councillors: J Woodward, E Papanikolaou, D Huggett, K McKay, D Mugavin, G Nitschke, S Pal, S Tsiaparis, G Vlahos, C O'Rielly, D Wilton, J Wood, B Reynolds

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) |
| Ms D Cann | (Manager People and Culture) |
| Ms S Curran | (Manager Strategy and Business) |
| Mr J Ielasi | (Manager City Assets) |
| Ms C Luya | (Manager Community Services) |
| Mr D Ottanelli | (Manager City Property) |
| Ms H Bateman | (Manager City Development) |
| Mr P Richardson | (Manager City Operations) |

3 APOLOGIES

Apologies

Council Members:

Cr Anne McKay

RECOMMENDATION

That the apologies be received.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

4 DISCLOSURE STATEMENT

The following disclosures of interest were made:

| Item | Type of Conflict | Elected Member |
|---|------------------|---------------------------|
| Council Item 17.6 - Australian Airports Association National Conference 2019 | Material | Cr Elisabeth Papanikolaou |
| Council Item 12.1 Adoption of City Advancement and Prosperity General Committee Recommendations | Perceived | Cr Kym McKay |
| *Item 8.2 - Community Grants April to June 2019, as his son works at the Torrensville Community Childcare Centre. | | |
| Council Item 15.1 - Revocation of Council decision relating to the Amazone Tower at Jubilee Park | Material | Cr David Wilton |
| Council Item 17.4 - Nominations to the Australia Day Council of SA | Perceived | Cr Brandon Reynolds |
| Council Item 17.6 - Australian Airports Association National Conference 2019 | Material | Cr Brandon Reynolds |
| Council Item 17.6 - Australian Airports Association National Conference 2019 | Material | Mayor Michael Coxon |

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 25 June 2019 be confirmed as a true and correct record.

RESOLUTION

Moved: Cr Surender Pal
Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

6 MAYORS REPORT

Nil

7 ELECTED MEMBERS REPORTS

7.1 Cr John Woodward - Photographs of Amazone Tower at Jubilee Park, Glandore

Cr John Woodward sought leave of the meeting to make a personal statement.

MOTION

Moved: Cr John Woodward
Seconded: Cr Simon Tsiaparis

That leave be granted.

CARRIED

Cr John Woodward made a personal statement in relation to the photographs presented at the 4 June 2019 deputation by Mr Benson regarding the Amazone Tower at Jubilee Park and the alleged identity of the children playing in the Jubilee Park playground as shown in the photographs.

Cr Elisabeth Papanikolaou advised of her attendance at the Mendelson Committee lunch with Dr John Maddison, the presentation ceremony guest speaker, Cr Daniel Huggett and City of West Torrens staff on Wednesday 26 June 2019, and the City of West Torrens Max and Bette Mendelson Foundation 2019 Scholarships presentation on Friday 28 June 2019.

7.2 Cr Elisabeth Papanikolaou Leave of Absence

Cr Elisabeth Papanikolaou sought leave of absence from the Council meeting on 16 July 2019.

RESOLUTION

Moved: Cr John Woodward
Seconded: Cr Daniel Huggett

That leave be granted.

CARRIED

Cr Daniel Huggett advised of his attendance at the Mendelson Committee lunch with Dr John Maddison, the presentation ceremony guest speaker, Cr Elisabeth Papanikolaou and City of West Torrens staff on Wednesday 26 June 2019, and the City of West Torrens Max and Bette Mendelson Foundation 2019 Scholarships presentation on Friday 28 June 2019.

Cr Kym McKay advised of his attendance at the West Adelaide vs South Adelaide match at City Mazda Stadium on Sunday 30 June 2019 with guests from the Airport Over 50's Club.

Cr Dominic Mugavin advised of his attendance the Australian Local Government Association National General Assembly in Canberra on Sunday 16 June to Wednesday 19 June 2019.

Cr Graham Nitschke advised of his attendance at the following on behalf of Mayor Coxon:

- sod turning ceremony at the development site for the new Meals on Wheels State Headquarters at 80-84 Sir Donald Bradman Drive Hilton on Thursday 27 June 2019;
- officiated the City of West Torrens Max and Bette Mendelson Foundation 2019 Scholarships presentation on Friday 28 June 2019.

Cr Surender Pal advised of his attendance at the City of West Torrens Max and Bette Mendelson Foundation 2019 Scholarships presentation on Friday 28 June 2019 and the West Adelaide vs South Adelaide match at City Mazda Stadium on Sunday 30 June 2019.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Graham Nitschke

That the reports from Members be noted.

CARRIED

8 PETITIONS

Nil

9 DEPUTATIONS

Nil

10 ADJOURN TO STANDING COMMITTEE

RECOMMENDATION

That the meeting be adjourned, move into Standing Committee and reconvene at the conclusion of the City Services and Amenity Standing Committee.

RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

CARRIED

7.13pm the meeting adjourned into Committees.

7.25pm the meeting reconvened. All those present prior to the adjournment of the meeting were present in the Chamber when the meeting reconvened.

11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS**11.1 City Services and Amenity Standing Committee Meeting****RECOMMENDATION**

That the recommendations of the City Services and Amenity Standing Committee held on 2 July 2019 be adopted.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS**12.1 City Advancement and Prosperity General Committee Meeting****RECOMMENDATION**

That the Minutes of the City Advancement and Prosperity General Committee held on 25 June 2019 be noted and the recommendations adopted.

RESOLUTION

Moved: Cr Cindy O'Rielley

Seconded: Cr Jassmine Wood

That the recommendation be adopted.

CARRIED

13 QUESTIONS WITH NOTICE

Nil

14 QUESTIONS WITHOUT NOTICE

Nil

15 MOTIONS WITH NOTICE

7.26pm Cr David Wilton left the meeting

15.1 Revocation of Council decision relating to the Amazone Tower at Jubilee Park**MOTION**

Moved: Mayor Michael Coxon

Seconded: Cr John Woodward

That the decision made at the Ordinary Council meeting on 4 June 2019 relating to the Amazone Tower at the Jubilee Park reserve in that the Amazone Tower is retained, improvements are made to the vegetation including additional plantings to provide natural screening with the neighbouring property and shade structures proposed within this report are installed in order to provide appropriate screening with the neighbouring property, be revoked.

Mayor Michael Coxon sought leave of the meeting to withdraw his motion.

MOTION

Moved: Cr John Woodward

Seconded: Cr Graham Nitschke

That leave be granted.

CARRIED

MOTION

Moved: Cr Dominic Mugavin

Seconded: Cr John Woodward

That Council instructs the Administration to delay the implementation of the decision made at the Ordinary Council meeting on 4 June 2019 relating to the Amazone Tower at the Jubilee Park reserve, until or before the Council Meeting on 6 August 2019.

The motion was Put and the vote was tied.

Mayor Coxon, Presiding Member, exercised his casting vote and voted in favour of the motion.

The motion was **CARRIED**

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

In Favour: Mayor Michael Coxon and Cr/s John Woodward, Dominic Mugavin, Graham Nitschke, Simon Tsiaparis, Jassmine Wood and Brandon Reynolds

Against: Cr/s Elisabeth Papanikolaou, Daniel Huggett, Kym McKay, Surender Pal, George Vlahos and Cindy O'Rielley

The Presiding Member declared the motion **CARRIED**

7.50pm Cr David Wilton returned to the meeting

Mayor Michael Coxon requested for Cr David Wilton to clarify his conflict of interest in Item 15.1 - Revocation of Council decision relating to the Amazone Tower at Jubilee Park. Cr David Wilton declared a material conflict in this item due to the relationship between his mother and the Bensons who made a deputation to Council in relation to the Adventure Tower at Jubilee Park.

15.2 Inclusion of categories and revenue collected by the City of West Torrens on behalf of the State Government on the Council Rate Notice

MOTION

Moved: Cr John Woodward

Seconded: Cr Simon Tsiaparis

That the Council Rate Notice is amended (at the earliest possible time) to show categories and total amounts of revenue collected by West Torrens on behalf of the State Government and to also show Council's overall dollar contribution to State Government revenue.

7.51pm Cr Brandon Reynolds left the meeting.

7.54pm Cr Brandon Reynolds returned to the meeting.

The Presiding Member proposed the inclusion of the word 'future' Council Rate Notices to clarify the intent of the motion. The mover, Cr John Woodward and seconder, Cr Simon Tsiaparis consented to the change and accordingly, the motion was changed as follows:

That future Council Rate Notices are amended (at the earliest possible time) to show categories and total amounts of revenue collected by West Torrens on behalf of the State Government and to also show Council's overall dollar contribution to State Government revenue.

CARRIED

15.3 Green Industries Fund

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Kym McKay

That Council seek confirmation from the State Government about the amount (if any) of the waste levy for 2019-20 and beyond is budgeted to be re-directed to State Treasury and also seek details of the current and forecast balance of the Green Industries Fund and the expected investments in waste initiatives over the forward estimates.

CARRIED

16 MOTIONS WITHOUT NOTICE

Nil

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Adoption of the Budget and Annual Business Plan and Declaration of the Rates for 2019/20

8.07pm Cr Jassmine Wood left the meeting.

This report proposed adoption of the budget and annual business plan, along with the long term financial plan which forms a part of the budget, and declaration of the rates for 2019/20.

Council needed to adopt each numbered recommendation in A separately, along with recommendations in B and C separately.

RECOMMENDATION

It is recommended to Council that:

A. Rates

The following recommendations are made in exercise of powers contained in Chapters 8, 9 and 10 of the *Local Government Act 1999* for the financial year ending on 30th June 2020:

1. Adoption of the Annual Business Plan

Pursuant to and in accordance with section 123 of the *Local Government Act 1999* and regulation 6 of the *Local Government (Financial Management) Regulations 2011*, having considered all submissions in accordance with section 123(6) of the *Local Government Act 1999*, the Annual Business Plan for 2019/20, included as a part of the Budget and Annual Business Plan 2019/20, be adopted.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

CARRIED

2. Adoption of the Budget

The budget for 2019/20, included as a part of the Budget and Annual Business Plan 2019/20, and prepared in accordance with section 123 of the *Local Government Act 1999* and regulation 7 of the *Local Government (Financial Management) Regulations 2011*, as detailed in the budget papers laid before the Council at this meeting, including:

- the budgeted statement of comprehensive income;
- the budgeted statement of financial position;
- the budgeted statement of cash flows; and
- the budgeted statement of changes in equity;

be adopted.

RESOLUTION

Moved: Cr Graham Nitschke
Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

8.08pm Cr Jassmine Wood returned to the meeting.

CARRIED

3. Adoption of the Valuations

Pursuant to section 167(2)(a) of the *Local Government Act 1999*, the most recent valuations of the Valuer -General available to the Council of the capital value of land within the Council area, totalling \$18,254,488,120, be adopted for rating purposes.

RESOLUTION

Moved: Cr Daniel Huggett
Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

4. Declaration of General Rates

Having taken into account the general principles of rating in section 150 and the requirements of section 153(2) of the *Local Government Act 1999*, the Council determines that:

- (1) Differential general rates be declared pursuant to and in accordance with sections 153(1)(b) and 156(1)(a) of the *Local Government Act 1999* on the capital value of all rateable land within the Council area according to the use of the land as per the permissible differentiating factors set out in regulation 14 of the *Local Government (General) Regulations 2013* as follows:
 - (a) 0.243017 cents in the dollar on rateable land use of the permissible differing category (a);
 - (b) 0.617258 cents in the dollar on any rateable land use of the permissible differing categories (b) to (i) inclusive.
- (2) Pursuant to section 158(1)(a) of the *Local Government Act 1999*, a minimum amount payable by way of general rates of \$935 is fixed in respect of rateable land within the Council's area.
- (3) Pursuant to section 153(3) of the *Local Government Act 1999*, there be no fixed maximum increase in the general rate to be charged on a principal place of residence of a principal ratepayer.

RESOLUTION

Moved: Cr Kym McKay
Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

5. Declaration of Separate Rate - Regional Natural Resources Management Levy

In accordance with section 95 of the *Natural Resources Management Act 2004* and section 154 of the *Local Government Act 1999*, in order to reimburse the Council for an amount of \$1,542,510 contributed to the Adelaide and Mt Lofty Ranges Natural Resource Management Board, a separate rate of 0.009510 cents in the dollar be declared on all rateable land in the area of the Council and the Board based on the capital value of that land.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

6. Payment of Rates

Pursuant to section 181(1) and (2) of the *Local Government Act 1999*, all rates are payable in four equal or approximately equal instalments on the day on which each of four instalments falls due as follows:

- (i) 2nd September 2019 in respect of the first instalment;
- (ii) 2nd December 2019 in respect of the second instalment;
- (iii) 2nd March 2020 in respect of the third instalment; and
- (iv) 1st June 2020 in respect of the fourth instalment.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

B. Adoption of the Long Term Financial Plan

Pursuant to section 122(1a)(a) of the *Local Government Act 1999*, the long term financial plan included in the 2019/20 Budget and Annual Business Plan be adopted.

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

CARRIED

C. Budget Review

The Council be provided with reviews of its budgetary position throughout the year consistent with the requirements of regulation 9 of the *Local Government (Financial Management) Regulations 2011*, including a framework for development of the 2020/21 budget.

RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr David Wilton

That the recommendation be adopted.

CARRIED

17.2 Annual Review of Delegations

This report presented the 2019/2020 review of delegations pursuant to the *Local Government Act 1999*.

RECOMMENDATION

It is recommended to Council that having conducted its 2019/2020 review of the powers and functions previously delegated to the Chief Executive Officer, and others, in accordance with s44(6) of the *Local Government Act 1999*, it:

1. Revocations

Hereby revokes its previous delegations to the Chief Executive Officer and all other Council officers of those powers and functions under the following:

- I. City of West Torrens By-laws 1-5 (inclusive);
- II. *Community Titles Act 1996*;
- III. *Electronic Conveyancing National Law (South Australia) Act 2013*;
- IV. *Environment Protection Act 1993 and Environment Protection (Air Quality) Policy 2016*;
- V. *Development Act 1993*
- VI. *Fences Act 1975*;
- VII. *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*;
- VIII. *Food Act 2001*;
- IX. *Freedom of Information Act 1991*;
- X. *Heavy Vehicle National Law (South Australia) Act 2013*;
- XI. *Housing Improvement Act 1940*;
- XII. *Land and Business (Sale and Conveyancing) Act 1994*;
- XIII. *Liquor Licensing Act 1997*;
- XIV. *Local Government Act 1999*;
- XV. *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*;
- XVI. *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*;
- XVII. *Real Property Act 1886*;
- XVIII. *Recreation Grounds Regulations 2011*;
- XIX. *Roads (Opening & Closing) Act 1991*;
- XX. *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

- XXI. *South Australian Public Health Act 2011 the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013;*
- XXII. *Strata Titles Act 1988;*
- XXIII. *Supported Residential Facilities Act 1992;*
- XXIV. *Unclaimed Goods Act 1987; and*
- XXV. *Work Health and Safety Act 2012.*

2. Delegations made under Local Government Act 1999

In exercise of the power contained in s44 of the *Local Government Act 1999*, the powers and functions under the following acts and specified in the proposed *Instruments of Delegation* contained in this reports attachments (each of which is individually identified as indicated below) are hereby delegated this 2nd day of June 2019 to the person occupying the office of Chief Executive Officer (and anyone acting in that position) subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- I. *City of West Torrens By-laws 1-5 (inclusive) (Appendix 1);*
- II. *Community Titles Act 1996 (Appendix 2);*
- III. *Development Act 1993 (Appendix 3);*
- IV. *Disability Inclusion Act 2018 (Appendix 4)*
- V. *Dog and Cat Management Act 1995 (Appendix 5)*
- VI. *Environment Protection Act 1993 and Environment Protection (Air Quality) Policy 2016 (Appendix 6);*
- VII. *Electronic Conveyancing National Law (South Australia) Act 2013 (Appendix 7);*
- VIII. *Fines Enforcement and Debt Recovery Act 2017 (Appendix 8);*
- IX. *Freedom of Information Act 1991 (Appendix 9);*
- X. *Fences Act 1975 (Appendix 10);*
- XI. *Real Property Act 1986 (Appendix 11);*
- XII. *Fire and Emergency Services Act 2005 (Appendix 12);*
- XIII. *Liquor Licensing Act 1997 (Appendix 15);*
- XIV. *Local Government Act 1999 (Appendix 16);*
- XV. *Natural Resources Management Act 2004 (Appendix 18);*
- XVI. *Road Traffic Act 1961 (Appendix 19);*
- XVII. *Roads (Opening and Closing) Act 1991 (Appendix 20);*
- XVIII. *South Australian Public Health Act 2011 and South Australian Public Health Regulations (Appendix 22);*
- XIX. *Strata Titles Act 1988 (Appendix 23);*
- XX. *Unclaimed Goods Act 1987 (Appendix 25); and*
- XXI. *Work Health and Safety Act 2012 (Appendix 26).*

3. Delegations made under Food Act 2001

In exercise of the powers contained in s91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* contained in the proposed Instrument of Delegation, being **Appendix 13**, are hereby delegated this 2nd day of June 2019 to the person occupying the office of the Chief Executive Officer ('the head of the enforcement agency' for the purposes of the *Food Act 2001*) and anyone acting in that position.

4. Delegations made under Local Nuisance and Litter Control Act 2016

In exercise of powers under s10 of the *Local Nuisance and Litter Control Act 2016*, the powers and functions under the *Local Nuisance and Litter Control Act 2016* contained in the proposed Instrument of Delegation being **Appendix 17**, are hereby delegated this 2nd day of June 2019 to the person occupying the office of Chief Executive Officer and anyone acting in that position.

5. Delegations under Supported Residential Facilities Act 1992

In exercise of the power contained in s9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* contained in the proposed Instrument of Delegation being **Appendix 24**, are hereby delegated this 2nd day of June 2019 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

6. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013

In exercise of the powers contained in s44 of the *Local Government Act 1999* and s22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (as relevant) the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained in the proposed Instrument of Delegation being **Appendix 14**, are hereby delegated this 2nd day of June 2019 to the person occupying the office of the Chief Executive Officer and anyone acting in that position, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.

7. Authorisations under the Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961

In exercise of the powers contained in s44 of the *Local Government Act 1999* and otherwise pursuant to the *Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961* dated 22 August 2013, the Council hereby adopts the authorisations and delegations under the *Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961* contained in the proposed Instrument of Delegation, being **Appendix 21**.

The Chief Executive Officer advised of a date error in the recommendations as printed indicating the reference to 2 June 2019 should be 2 July 2019.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Elisabeth Papanikolaou

That having conducted its 2019/2020 review of the powers and functions previously delegated to the Chief Executive Officer, and others, in accordance with s44(6) of the *Local Government Act 1999*, it:

1. Revocations

Hereby revokes its previous delegations to the Chief Executive Officer and all other Council officers of those powers and functions under the following:

- I. City of West Torrens By-laws 1-5 (inclusive);
- II. *Community Titles Act 1996*;
- III. *Electronic Conveyancing National Law (South Australia) Act 2013*;
- IV. *Environment Protection Act 1993 and Environment Protection (Air Quality) Policy 2016*;
- V. *Development Act 1993*
- VI. *Fences Act 1975*;
- VII. *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*;
- VIII. *Food Act 2001*;
- IX. *Freedom of Information Act 1991*;

- X. *Heavy Vehicle National Law (South Australia) Act 2013;*
- XI. *Housing Improvement Act 1940;*
- XII. *Land and Business (Sale and Conveyancing) Act 1994;*
- XIII. *Liquor Licensing Act 1997;*
- XIV. *Local Government Act 1999;*
- XV. *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017;*
- XVI. *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005;*
- XVII. *Real Property Act 1886;*
- XVIII. *Recreation Grounds Regulations 2011;*
- XIX. *Roads (Opening & Closing) Act 1991;*
- XX. *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014;*
- XXI. *South Australian Public Health Act 2011 the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013;*
- XXII. *Strata Titles Act 1988;*
- XXIII. *Supported Residential Facilities Act 1992;*
- XXIV. *Unclaimed Goods Act 1987; and*
- XXV. *Work Health and Safety Act 2012.*

2. Delegations made under Local Government Act 1999

In exercise of the power contained in s44 of the *Local Government Act 1999*, the powers and functions under the following acts and specified in the proposed *Instruments of Delegation* contained in this reports attachments (each of which is individually identified as indicated below) are hereby delegated this 2nd day of July 2019 to the person occupying the office of Chief Executive Officer (and anyone acting in that position) subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- I. *City of West Torrens By-laws 1-5 (inclusive) (Appendix 1);*
- II. *Community Titles Act 1996 (Appendix 2);*
- III. *Development Act 1993 (Appendix 3);*
- IV. *Disability Inclusion Act 2018 (Appendix 4)*
- V. *Dog and Cat Management Act 1995 (Appendix 5)*
- VI. *Environment Protection Act 1993 and Environment Protection (Air Quality) Policy 2016 (Appendix 6);*
- VII. *Electronic Conveyancing National Law (South Australia) Act 2013 (Appendix 7);*
- VIII. *Fines Enforcement and Debt Recovery Act 2017 (Appendix 8);*
- IX. *Freedom of Information Act 1991 (Appendix 9);*
- X. *Fences Act 1975 (Appendix 10);*
- XI. *Real Property Act 1986 (Appendix 11);*
- XII. *Fire and Emergency Services Act 2005 (Appendix 12);*
- XIII. *Liquor Licensing Act 1997 (Appendix 15);*
- XIV. *Local Government Act 1999 (Appendix 16);*
- XV. *Natural Resources Management Act 2004 (Appendix 18);*
- XVI. *Road Traffic Act 1961 (Appendix 19);*
- XVII. *Roads (Opening and Closing) Act 1991 (Appendix 20);*
- XVIII. *South Australian Public Health Act 2011 and South Australian Public Health Regulations (Appendix 22);*
- XIX. *Strata Titles Act 1988 (Appendix 23);*
- XX. *Unclaimed Goods Act 1987 (Appendix 25); and*
- XXI. *Work Health and Safety Act 2012 (Appendix 26).*

3. Delegations made under Food Act 2001

In exercise of the powers contained in s91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* contained in the proposed Instrument of Delegation, being **Appendix 13**, are hereby delegated this 2nd day of July 2019 to the person occupying the office of the Chief Executive Officer ('the head of the enforcement agency' for the purposes of the *Food Act 2001*) and anyone acting in that position.

4. Delegations made under Local Nuisance and Litter Control Act 2016

In exercise of powers under s10 of the *Local Nuisance and Litter Control Act 2016*, the powers and functions under the *Local Nuisance and Litter Control Act 2016* contained in the proposed Instrument of Delegation being **Appendix 17**, are hereby delegated this 2nd day of July 2019 to the person occupying the office of Chief Executive Officer and anyone acting in that position.

5. Delegations under Supported Residential Facilities Act 1992

In exercise of the power contained in s9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* contained in the proposed Instrument of Delegation being **Appendix 24**, are hereby delegated this 2nd day of July 2019 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

6. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013

In exercise of the powers contained in s44 of the *Local Government Act 1999* and s22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (as relevant) the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained in the proposed Instrument of Delegation being **Appendix 14**, are hereby delegated this 2nd day of July 2019 to the person occupying the office of the Chief Executive Officer and anyone acting in that position, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.

7. Authorisations under the Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961

In exercise of the powers contained in s44 of the *Local Government Act 1999* and otherwise pursuant to the *Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961* dated 22 August 2013, the Council hereby adopts the authorisations and delegations under the *Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961* contained in the proposed Instrument of Delegation, being **Appendix 21**.

CARRIED

17.3 State Government Planning Reform - SA Planning Commission Heritage and Character in the New Planning System

Planning reform in South Australia is being introduced progressively via the *Planning, Development and Infrastructure Act 2016* and associated regulations. This report provided an overview of how heritage and character is proposed to transition into the new planning system.

RECOMMENDATION

It is recommended to Council that it:

1. Acknowledges report and receipt of SPC position papers and PERDC report with no further action to be taken with regard to heritage, character or contributory items (Option 1).

Or

1. Writes to the Minister for Planning advising that Council (Option 2):
 - a) Supports the recommendations of the PERDC and considers that these should be the basis for the Government's and the Commission's approach to heritage places, conservation areas, contributory items and character areas in the new planning system.
 - b) Is opposed to the removal of contributory items in the first generation of the Planning and Design Code and considers that these should be transferred over, intact, into generation 1 of the Planning and Design Code.
 - c) Is supportive of a well-founded and well-funded state-wide, strategic and collaborative review of the role of, and need for, contributory items in future generations of the Planning and Design Code undertaken pursuant to the approach recommended by the PERDC.
 - d) Is opposed to the removal of non-complying development status for the demolition of state places and the concurrent reduction in public consultation, loss of third party appeal rights and introduction of proponent appeal rights.
 - e) Considers that the increased reliance on the Minister for Environment and Heritage to issue directions at his or her discretion with respect to the demolition of Heritage Places, in lieu of the characteristics of the existing arrangements, is contrary to the key planning reform goals of consistency, transparency and community understanding of the "planning rules".
 - f) Considers that the proposed new criteria for assessing demolition need to be strengthened to create a balance between protection including understanding significance of the listing and demolition.
 - g) Is extremely concerned about lack of community engagement by the State with regard to the planning reform generally and on key issues including heritage and character.

And/Or

2. Pursues further investigation into the State Planning Commissions offer of a Council funded Development Plan Amendment (DPA) to elevate existing contributory items identified as meeting section 23(4) of the *Development Act 1993*, including engaging a consultant to undertake a sample of Contributory Items to determine the likelihood that any Contributory Items warrant elevation to Local Heritage Places with a subsequent report to be presented to Council for further direction (Option 3).

RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr John Woodward

That Council writes to the Minister for Planning advising that Council:

- a) Supports the recommendations of the PERDC and considers that these should be the basis for the Government's and the Commission's approach to heritage places, conservation areas, contributory items and character areas in the new planning system.
- b) Is opposed to the removal of contributory items in the first generation of the Planning and Design Code and considers that these should be transferred over, intact, into generation 1 of the Planning and Design Code.
- c) Is supportive of a well-founded and well-funded state-wide, strategic and collaborative review of the role of, and need for, contributory items in future generations of the Planning and Design Code undertaken pursuant to the approach recommended by the PERDC.
- d) Is opposed to the removal of non-complying development status for the demolition of state places and the concurrent reduction in public consultation, loss of third party appeal rights and introduction of proponent appeal rights.
- e) Considers that the increased reliance on the Minister for Environment and Heritage to issue directions at his or her discretion with respect to the demolition of Heritage Places, in lieu of the characteristics of the existing arrangements, is contrary to the key planning reform goals of consistency, transparency and community understanding of the "planning rules".
- f) Considers that the proposed new criteria for assessing demolition need to be strengthened to create a balance between protection including understanding significance of the listing and demolition.
- g) Is extremely concerned about lack of community engagement by the State with regard to the planning reform generally and on key issues including heritage and character.

CARRIED

17.4 Nominations to the Australia Day Council of SA

8.31pm Cr Kym McKay left the meeting.

Cr Brandon Reynolds declared a perceived conflict of interest in this item as he wishes to nominate for the Australia Day Council of SA and participated in the discussion but left the room for the vote

8.32pm Cr Brandon Reynolds left the meeting for the vote on the item.

The Australia Day Council of SA sought a Local Government ex officio Board Member for a maximum term of two years, commencing as soon as possible.

RECOMMENDATION

It is recommended to Council that:

Cr..... be nominated for the Australia Day Council of SA Board.

Or

The 'Nominations to the Australia Day Council of SA' report be received.

RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr George Vlahos

That Cr Brandon Reynolds be nominated for the Australia Day Council of SA Board.

CARRIED

17.5 Nominations to the Coastal Councils Executive Committee

The SA Coastal Councils Alliance wrote to Council seeking nominations for members to establish the Coastal Councils Executive Committee.

RECOMMENDATION

It is recommended to Council that:

Cr/s..... be nominated to the Coastal Councils Executive Committee.

Or

The report calling for nominations to the Coastal Councils Executive Committee be received.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Graham Nitschke

That the report calling for nominations to the Coastal Councils Executive Committee be received.

CARRIED

17.6 Australian Airports Association National Conference 2019

8.34pm *Mayor Michael Coxon declared a material conflict of interest in this item as he wishes to attend the Australian Airports Association National Conference 2019 and left the meeting for the discussion and vote on the item.*

As Mayor Michael Coxon, Presiding Member, left the meeting for the discussion and vote on the item, Cr Graham Nitschke as Deputy Mayor, assumed the Chair as Presiding Member for the conduct of this item.

8.34pm *Cr Brandon Reynolds declared a material conflict of interest in this item as he wishes to attend the Australian Airports Association National Conference 2019 and left the meeting for the discussion and vote on the item.*

8.35pm *Cr/s George Vlahos and Surendar Pal declared a material conflict of interest in this item as they wished to attend the Australian Airports Association National Conference 2019 and left the meeting for the discussion and vote on the item.*

8.36pm *Cr Elisabeth Papanikolaou declared a material conflict of interest in this item as she wishes to attend the Australian Airports Association National Conference 2019 and left the meeting for the discussion and vote on the item.*

8.36pm Cr Kym McKay returned to the meeting.

This report provided notice of the Australian Airports Association (AAA) National Conference which is being held at the Gold Coast Convention and Exhibition Centre from Tuesday 19 to Friday 22 November 2019.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the attendance of Cr/s at the Australian Airports Association (AAA) National Conference being held from Tuesday 19 to Friday 22 November 2019 at the Gold Coast Convention and Exhibition Centre.
2. Expenses be reimbursed in accordance with Council Policy; and
3. Subject to their confirmation, Council approves the attendance of spouses/partners of attending Elected Members and further, consistent with Council Policy, that costs other than airfares, be met by Council.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Daniel Huggett

That:

1. Council approves the attendance of Mayor Michael Coxon, Cr/s George Vlahos, Brandon Reynolds, Surender Pal and Elisabeth Papanikolaou at the Australian Airports Association (AAA) National Conference being held from Tuesday 19 to Friday 22 November 2019 at the Gold Coast Convention and Exhibition Centre.
2. Expenses be reimbursed in accordance with Council Policy; and
3. Subject to their confirmation, Council approves the attendance of spouses/partners of attending Elected Members and further, consistent with Council Policy, that costs other than airfares, be met by Council.

CARRIED

8.40pm Cr/s George Vlahos, Surender Pal, Elisabeth Papanikolaou and Brandon Reynolds returned to the meeting

8.41pm Mayor Michael Coxon returned to the meeting and assumed the Chair.

18 LOCAL GOVERNMENT BUSINESS**18.1 Local Government Circulars**

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

RECOMMENDATION

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

RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

19 MEMBER'S BOOKSHELF

Nil

20 CORRESPONDENCE**20.1 Mayors for Peace Newsletter**

Correspondence was received from the Mayors for Peace, providing the June 2019 No. 114 Newsletter.

20.2 Revised Protocol for Vegetation Management Near Powerlines

Correspondence was received from the Manager, Network Assets of SA Power Networks, Steve Wachtel, regarding the revised protocol for vegetation management near powerlines. A copy of the protocol is available for viewing on the Elected Members' bookshelf.

20.3 Approval of funding for Kings Reserve Stage 2

Correspondence was received from the Minister for Transport, Infrastructure and Local Government and Minister for Planning, the Hon Stephan Knoll MP, advising that the request for funding for the Kings Reserve Stage 2 (Playspace Upgrade) has been approved.

RECOMMENDATION

That the correspondence be received.

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Jassmine Wood

That the recommendation be adopted.

CARRIED

21 CONFIDENTIAL**21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park****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

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 21.1 Divestment of Council Property at 108-120 Marion Road, Brooklyn Park, 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 it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information 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 Dominic Mugavin

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

CARRIED

8.43pm the meeting moved into Confidence and the confidential 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 21.1 - Divestment of Council Property at 108-120 Marion Road, Brooklyn Park, 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, on the basis that it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible price for the land to be divested. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible price for the land for the benefit of the Council and its community and consequently, Council considers the disclosure of this information 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*.

9.26pm the Confidential session closed and the meeting reopened to the public.

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

22 MEETING CLOSE

The Presiding Member declared the meeting closed at 9.27pm.

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.14pm.

2 PRESENT

Council Members:

Cr S Tsiaparis (Presiding Member)

Mayor M Coxon

Councillors: J Woodward, E Papanikolaou, D Huggett, K McKay, D Mugavin, G Nitschke, S Pal, G Vlahos, C O'Rielly, D Wilton, J Wood, B Reynolds

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) |
| Ms S Curran | (Manager Strategy and Business) |
| Mr J Ielasi | (Manager City Assets) |
| Mr C James | (Manager Information Services) |
| Ms C Luya | (Manager Community Services) |
| Mr D Ottanelli | (Manager City Property) |
| Mr P Richardson | (Manager City Operations) |

3 APOLOGIES

Apologies

Committee Members:

Cr Anne McKay

RECOMMENDATION

That the apologies be received.

COMMITTEE RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr David Wilton

That the recommendation be adopted.

CARRIED

4 DISCLOSURE STATEMENTS

Nil

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the City Services and Amenity Standing Committee held on 4 June 2019 be confirmed as a true and correct record.

COMMITTEE RESOLUTION

Moved: Cr Daniel Huggett
Seconded: Cr Jassmine Wood

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 CITY SERVICES AND AMENITY REPORTS

11.1 Active Ageing update and proposal for use of unspent funds

This report sought the use of the Active Ageing operational budget for internal renovations to the Plympton Community Centre.

RECOMMENDATION

The Committee recommends to Council that the unspent Active Ageing Program budget, of around \$50,000, be re-allocated to the capital budget to undertake minor internal renovations at the Plympton Community Centre.

COMMITTEE RESOLUTION

Moved: Cr George Vlahos
Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

11.2 Actions to improve green cover across City of West Torrens

This report summarised the work being undertaken to improve green cover across the City of West Torrens.

RECOMMENDATION

The Committee recommends to Council that this report be received.

COMMITTEE RESOLUTION

Moved: Cr Dominic Mugavin
Seconded: Cr Kym McKay

That the recommendation be adopted.

CARRIED

11.3 Urban Services Activities Report

This report provided Elected Members' with information on activities within the Urban Services Division.

RECOMMENDATION

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

COMMITTEE RESOLUTION

Moved: Cr Graham Nitschke
Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

11.4 Community Services Activities Report - June 2019

This report detailed the activities of the Community Services Department for June 2019.

RECOMMENDATION

The Committee recommends to Council that the Community Services Activities Report - June 2019 be noted.

COMMITTEE RESOLUTION

Moved: Cr Dominic Mugavin
Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

CARRIED

12 MEETING CLOSE

The Presiding Member declared the meeting closed at 7.24pm.