

CITY OF WEST TORRENS



MINUTES
of the
Council Meeting

of the

CITY OF WEST TORRENS

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

on

TUESDAY, 7 JULY 2020
at 7.00pm

Terry Buss PSM
Chief Executive Officer

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.02pm.

1.1 Acknowledgement of Country

The Presiding Member called for the Acknowledgment of Country to be read out by Cr Graham Nitschke:

'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 taken as read.

1.3 Electronic Platform Meeting

The Presiding Member explained the housekeeping matters for the meeting and advised the meeting was being livestreamed as audio only via a Zoom public link available on City of West Torrens website.

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, A McKay, J Wood

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 D Ottanelli	(Manager City Property)
Ms H Bateman	(Manager City Development)

3 APOLOGIES

Leave of Absence

Council Members:

Cr Brandon Reynolds

4 DISCLOSURE STATEMENT

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Confidential Council Item 21.1 - Rate Equivalent Payments by Adelaide Airport Limited	Material	Cr John Woodward

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 16 June 2020 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

The Presiding Member informed the electronic attendees livestreaming via the Zoom audio platform that Council was meeting in the Council Chambers which had been reconfigured to allow for observation of the social distancing restriction resulting from COVID-19.

Further to the report listed in the Agenda, Mayor Michael Coxon read out the card from North Plympton resident Carleen Thomas thanking Council for the community services provided during COVID-19 including *Entertainment Bags* containing quizzes, craft activities, cards and puzzles to keep the older community connected and to support them in reducing social isolation. Mayor Coxon commended the Community Services staff for supporting the older community in our City.

RECOMMENDATION

That the Mayor's Report be noted.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

7 ELECTED MEMBERS REPORTS

Cr Kym McKay advised of his attendance at a football match for a friends' son that was held at the Lockleys Oval facility on Saturday 4 July 2020. Cr McKay noted that he received positive feedback about the facility from the general public and commended the functionality of the newly developed Lockleys Oval.

Cr Daniel Huggett advised of a fatal motorcycle crash that occurred on the corner of Fulham Park Drive and Henley Beach Road, Lockleys on Sunday 28 June 2020. The rider sadly died at the scene. Cr Huggett wished to pass on his condolences to the motorcycle rider's family and the young female involved in the accident. Cr Huggett commended the General Manager Urban Services for responding promptly to him about improving the road safety in the area. The matter is being investigated by Department of Planning, Transport and Infrastructure who will advise Council of any recommendations to improve safety in the intersection.

Cr Huggett also advised that he visited the Lockleys Oval facility on Saturday 4 July 2020 and commended the staff and Elected Members for their work on the redevelopment of the Lockleys Oval.

The Presiding Member suggested Cr Kym McKay provide an overview of the Lockleys Oval facility for the benefit of the members of the public who were listening to the meeting via the audio livestream and Cr Kym McKay obliged.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Surrender Pal

That the reports from Members be noted.

CARRIED

8 PETITIONS

Nil

9 DEPUTATIONS

Nil

10 ADJOURN TO STANDING COMMITTEE

Nil

11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS

Nil

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

Nil

13 QUESTIONS WITH NOTICE

Nil

14 QUESTIONS WITHOUT NOTICE

Questions were asked and responses provided by the Administration.

15 MOTIONS WITH NOTICE**15.1 Return to the Council Meeting Schedule****RESOLUTION**

Moved: Cr Cindy O'Rielley

Seconded: Cr Elisabeth Papanikolaou

That given the directions of the State Coordinator under section 25 of the *Emergency Management Act 2004* pursuant to *Emergency Management (Gatherings No 3) (COVID-19) Direction 2020* allowing council and council committee meetings to be held 'in person' rather than by electronic means, the City of West Torrens:

1. resume its normal council and committee meeting schedule 'in person' effective from 1 August 2020; and
2. provide that public attendance at such meetings will continue to be held via electronic means (audio livestream) given that density requirements for 'in person' public attendance consistent with the directions of the State Coordinator cannot be satisfied at this stage.

CARRIED

15.2 Opposition to Glenburnie Terrace, Plympton Development**RESOLUTION**

Moved: Cr Simon Tsiaparis

Seconded: Cr Surender Pal

That the Mayor write to the State Commission Assessment Panel (SCAP), Environment, Resources and Development (ERD) Court and any other relevant jurisdiction to reiterate Council's strong opposition to the proposed development at 1 Glenburnie Terrace, Plympton highlighting that the current proposals represent an overdevelopment of the site and create significant negative community impacts.

CARRIED

16 MOTIONS WITHOUT NOTICE**16.1 Landscaping at Priceline Stadium Carpark****MOTION**

Moved: Cr Graham Nitschke

Seconded: Cr Dominic Mugavin

That the Mayor write to the Office of Sport and Recreation requesting information regarding what is being proposed for landscaping for the newly developed carpark for Netball SA at Priceline Stadium.

CARRIED

16.2 Outdoor Dining Fees

MOTION

Moved: Cr Graham Nitschke
Seconded: Cr Kym McKay

That, in order to assist and encourage more outdoor dining, a report be brought forward investigating the financial impacts of permanently abolishing Council fees and risk assessment costs, associated with outdoor dining in the City of West Torrens.

CARRIED

16.3 Electric Vehicle Charging Stations

MOTION

Moved: Cr Kym McKay
Seconded: Cr Dominic Mugavin

That the Administration prepare a report detailing the costs for 7 x electric vehicle multiple connection fast charger units and possible locations for one connect station in each Ward.

CARRIED

16.4 Speed reduction for Tapleys Hill Road, West Beach

MOTION

Moved: Cr Jassmine Wood
Seconded: Cr John Woodward

That the Mayor write to Minister Knoll requesting the 80 km/h residential stretch of Tapleys Hill Road, West Beach be reduced to 60 km/h in the interest of the safety of those residents residing on that stretch.

CARRIED

16.5 Support for Swap Spot Service

MOTION

Moved: Cr Daniel Huggett
Seconded: Cr Dominic Mugavin

That the Mayor write to the Local Government Association of South Australia seeking their support (as our Peak Body) to lobby our Mutual Liability Scheme to provide support to Councils that wish to provide a 'Swap Spot' service for their Community.

CARRIED

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Authority to Expend Funds in the 2020/21 Financial Year

This report proposed that the expenditure of funds be authorised in the 2020/21 financial year prior to adoption of the Council Budget and Annual Business Plan for 2020/21 occurring on 4 August 2020.

RECOMMENDATION(S)

It is recommended to Council that:

1. Council notes that in accordance with the provisions of the *Annual Business Plans and Strategic Planning Notice (No. 4) 2020*, the 2020/21 Budget and Annual Business Plan of the Council is not proposed to be adopted until 4 August 2020;
2. Until such time as the 2020/21 Budget and Annual Business Plan is adopted that Council approve the expenditure of funds on the works, services and operations of the Council where identified as:
 - (a) Operational expenditure, including employment expenses;
 - (b) Expenditure on the capital programs of the Council; or
 - (c) Expenditure on the capital works programs of the Council

in the draft Budget and Annual Business Plan for 2020/21 which was endorsed for community consultation on 16 June 2020:

3. The Chief Executive Officer be authorised to expend the funds of the Council referred to in recommendation 2 of this resolution in accordance with the terms of this approval as the Chief Executive Officer sees fit;
4. The Chief Executive Officer be authorised to delegate authority to other officers of the Council to expend funds approved in recommendation 2 in accordance with the terms of this approval as the Chief Executive Officer thinks fit.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

17.2 Small Business Economic Stimulus Initiative

This report presented a proposal to establish a business economic stimulus program to support those small businesses within West Torrens which are recovering from restrictions imposed by the Public Activities Covid-19 State Directions. The initiative would simultaneously recognise both front line emergency services workers and support vulnerable community members living within West Torrens.

RECOMMENDATION

It is recommended to Council that:

1. It approves the establishment of a (Small Business Economic Stimulus Initiative (Small Business Voucher Program), as detailed in this report, to operate between 1 September 2020 and 1 December 2020 or until the vouchers have been fully subscribed, whichever is earlier.
2. It approves funding of \$100,000 to the small business voucher program, allocated from Council's Covid-19 relief fund, to create 4,000 x \$25 vouchers available to eligible recipients for redemption in participating businesses.
3. Eligible recipients be those categorised as Stream A and Stream B in this report, i.e. those residents of West Torrens who are first line emergency services workers or recipients of identified Centrelink payments respectively.
4. Stream A recipients' vouchers be in the form of \$25 off a purchase of \$50 or more at participating eligible businesses to maximise the potential local economic benefit.
5. Stream B recipients' vouchers to be in the form of a single use \$25 voucher for redemption at eligible participating businesses.
6. Vouchers not be redeemable against the purchase of alcohol, cigarettes or gambling.
7. One (1) voucher in total per eligible recipient to be issued.
8. Only those small businesses that were categorised as 'defined activities' in the *State Public Activities Covid-19 Directions* be invited to participate in the small business voucher program.
9. It promotes those businesses participating in the small business voucher program on Council's media and other platforms including Talking Points.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

17.3 2020 Local Government Association Annual General Meeting - Proposed Items of Business and Appointment of Delegates

This report sought proposed items of business and appointment of delegates to the 2020 Local Government Association Annual General Meeting to be held on Thursday 29 October 2020 at the Adelaide Town Hall.

RECOMMENDATION(S)

It is recommended to Council that:

1. The Local Government Association be advised that the voting delegate for the City of West Torrens at the Local Government Association Annual General Meeting be Mayor Michael Coxon with Deputy Mayor, Cr John Woodward as proxy.
2. The recommended process for the lodgement of Notices of Motion for the 29 October 2020 Local Government Association Annual Meeting, contained within the report, be approved.
3. It authorises the Chief Executive Officer to finalise the wording of any Item of Business and submit them to the Local Government Association.

RESOLUTION

Moved: Cr Cindy O'Rielley

Seconded: Cr Kym McKay

That the recommendation be adopted.

CARRIED

17.4 Camden Oval Complex Lease/Licence Arrangements

This report provided Members with an update on the lease / licence arrangements over the Camden Oval facility, (the oval and surrounds, west of the soccer pitches and east of the drainage channel).

RECOMMENDATION(S)

It is recommended to Council that:

1. The Administration enter into a new short term licence agreement with the Plympton High Old Scholars and Camden Sports and Social Club (PHOS), over the following portions of the Camden Oval complex:
 - a. The oval and changerooms of the facility for the period from 1 July 2020 until 30 September 2020, and
 - b. The oval and changerooms of the facility for the period from 1 April 2021 until 30 September 2021, and
 - c. The clubroom components of the facility for the period from 1 July 2020 to 30 September 2021;
2. The Plympton High Old Scholars and Camden Sports and Social Club (PHOS) be granted use of the clubroom component (i.e. bar, kitchen and function areas and the office space within the building) for the duration of the short term licence on condition that the clubroom component be made available for Council and/or other sporting and community user during the non-football season, at a hire fee to be determined by the Council.
3. The Administration enter into a new short term licence agreement with the Camden Athletic Club for the use of the oval and changerooms of the facility for the period 1 October 2020 until 31 March 2021.

4. The Administration enter into a new short term licence agreement with the Glenelg District Cricket Club for the use of the oval and changerooms of the facility for the period 1 October 2020 until 31 March 2021.
5. Licence fees for each user club (i.e. Plympton High Old Scholars and Camden Sports and Social Club, Camden Athletic Club and Glenelg District Cricket Club) will be finally determined in accordance with the indicative rentals identified within the report, and all user costs for the complex to be apportioned between the parties on a user-pays basis, after the Council COVID-19 assistance package/rental waiver period ends.
6. Use of the "former changeroom" component of the toilet building on the south / western side of the complex (Anzac Highway) frontage be also provided as part of the agreements (for storage only).
7. The Mayor and Chief Executive Officer be authorised to sign and seal any documentation to give effect to the grant of licences.
8. The Administration continue to investigate opportunities for the Phantoms Cricket Club to use portion of the Camden Oval complex during the 2020/2021 summer cricket season at times when such use would not cause usage conflicts with other licence users.

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr David Wilton

That the recommendation be adopted.

CARRIED

17.5 Prescribed Officers 2019 - Register of Interest

The *Local Government Act 1999* required Council to declare, on an annual basis, which officers are 'prescribed officer' positions for the purposes of completing a return to be included in the 'Officers Register of Interests'.

RECOMMENDATION(S)

It is recommended to Council that:

1. On the basis that they have a level of financial sub-delegation, which may be in addition to other delegations or authorisations to make decisions on behalf of Council or the Chief Executive Officer, the following positions be declared as 'prescribed officer' positions in accordance with Section 111 of the *Local Government Act 1999*:
 - Chief Executive Officer
 - General Manager Business and Community Services
 - General Manager Corporate and Regulatory
 - General Manager Urban Services
 - Manager City Assets
 - Manager City Development
 - Manager City Operations
 - Manager City Property
 - Manager Community Services
 - Manager Financial Services
 - Manager Information Services
 - Manager People and Culture

- Manager Regulatory Services
- Manager Strategy and Business
- Program Leader Events
- Program Leader Governance
- Program Leader Strategic Resilience
- Team Leader Compliance
- Team Leader Community Development
- Team Leader Creative Services
- Team Leader Library
- Team Leader Planning
- Team Leader Service Centre
- Team Leader Waste Management
- Community Centres Coordinator
- Coordinator Civil Works and Services
- Coordinator Engineering Services
- Coordinator Fleet Cleansing and Support Services
- Coordinator Horticulture Services
- Coordinator Property Services
- Executive Coordinator Office of the Mayor and CEO
- Home Support Services Coordinator
- Revenue Accountant
- Senior Property Assets Advisor
- Senior Strategic Procurement Officer
- Mechanic
- Traffic Engineer
- Collections Coordinator
- Finance Coordinator
- Turf and Irrigation Worker
- Stores Worker

2. On the basis that they have delegation, other than a financial delegation, or authorisation to make decisions on behalf of Council or the Chief Executive Officer the following positions be declared as 'prescribed officer' positions in accordance with Section 111 of the *Local Government Act 1999*:

- Team Leader Building
- Contract Planner
- Team Leader Environmental Health
- Team Leader Compliance and Monitoring
- Senior Compliance Officer
- Senior Development Officer - APPS
- Senior Development Officer - Planning
- Senior Development Officer - Building
- Environmental Health Officer
- Development Officer - Planning
- Development Officer - Building
- Development Assistant
- Development Technician
- Cadet Development Officer - Building
- Rates Coordinator
- Freedom of Information Officer

3. Given the nature of their role and responsibilities the following positions be declared as a 'prescribed officer' position in accordance with Section 111 of the *Local Government Act 1999*:
- Senior Network Administrator
 - Assessment Manager
 - Governance Officer
 - Finance Coordinator
 - Revenue Accountant
 - Organisational Resilience Officer

RESOLUTION

Moved: Cr Surender Pal
Seconded: Cr Jassmine Wood

That the recommendation be adopted.

CARRIED

17.6 Airservices Australia - Feedback Sought on Flight Path Design Principles

This report provided an overview and proposed response to Airservices Australia on its recently updated *Flight Path Design Principles*.

RECOMMENDATION

It is recommended to Council that the proposed response, contained in Attachment 4 of the Agenda report be approved and submitted to Airservices Australia as feedback on the recently released *Flight Path Design Principles*.

RESOLUTION

Moved: Cr Jassmine Wood
Seconded: Cr Cindy O'Rielley

That the recommendation be adopted.

CARRIED

17.7 EPA Review of Noise Policy 2007

The Environment Protection Authority (EPA) was reviewing the Environment Protection (Noise) Policy 2007, due to emerging issues from the introduction of the *Local Nuisance and Litter Control Act 2016* and/or the *Planning, Development and Infrastructure Act 2016*.

RECOMMENDATION

It is recommended to Council that the feedback contained in Attachments 2 and 3 of the Agenda report be approved and submitted to the Environment Protection Agency as Council's response to the review of the *Environment Protection (Noise) Policy 2007 Discussion Paper*.

RESOLUTION

Moved: Cr John Woodward
Seconded: Cr Elisabeth Papanikolaou

That the feedback contained in Attachments 2 of the Agenda report be approved and submitted to the Environment Protection Agency as Council's response to the review of the *Environment Protection (Noise) Policy 2007 Discussion Paper* subject to comments being included stating that neighbours should be notified in advance of early morning concrete pours.

CARRIED

17.8 Divestment of Council Property - Confidential Order Review

This report presented the annual review of the confidential orders applied to reports relating to the Divestment of Council Property 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. In accordance with s91(9)(a), having reviewed the confidentiality orders made on 19 February 2019, 2 July 2019 and 21 January 2020, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, Council orders that the following confidential reports relating to Divestment of Council Property at 108-120 Marion Road, Brooklyn Park, the Minutes arising, attachments and any associated documentation:

- Item 21.1 - Divestment of Council Property presented to Council at its 19 February 2019 Meeting;
- Item 21.1 - Divestment of Council Property at 108-120 Marion Road, Brooklyn Park presented to Council at its 2 July 2019

continue to be retained in confidence in accordance with sections 90(3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, and not be available for public inspection for a further 12 month period on the basis 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.

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 extend it.

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

17.9 Weslo Holdings Pty Ltd - Thebarton Theatre Complex - 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 11.1 - Weslo Holdings Pty Ltd - Thebarton Theatre Complex, Project and Business Plan, Lease Update and Air-conditioning*, at the 23 July 2019 Meeting of City Facilities and Waste Recovery General Committee.

RECOMMENDATION(S)

It is recommended to Council that:

1. In accordance with s91(9)(a), having reviewed the confidentiality order made on 23 July 2019, pursuant to 91(7) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential *Item 11.1 - Weslo Holdings Pty Ltd - Thebarton Theatre Complex, Project and Business Plan, Lease Update and Air-conditioning*, Council orders that the Agenda report, the Minutes arising, attachments and any associated documentation, but not the decision, continues to be retained in confidence in accordance with Section 90(3)(d)(i) 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 could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party which may subsequently seek to enter into negotiations with Weslo Holdings Pty Ltd for a similar arrangement, either at the expiry of this agreement, or should this agreement not be entered into.

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 extend it.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Jassmine Wood

That the recommendation be adopted.

CARRIED

17.10 Information Only Council and Committee Reports

The purpose of this report was to provide a detailed listing of information only Council and Committee reports to be received.

RECOMMENDATION

It is recommended to Council that the information only Council and Committee reports, contained in the Attachment Under Separate Cover of Agenda report, be received.

RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

CARRIED

18 LOCAL GOVERNMENT BUSINESS

Nil

19 MEMBER'S BOOKSHELF

Nil

20 CORRESPONDENCE

20.1 *Genetically Modified Crops Management Act 2004*

Correspondence was received from the Greens Member of the Legislative Council of the Parliament of South Australia, Mark Parnell MLC, regarding recent changes to the *Genetically Modified Crops Management Act 2004*.

20.2 *Filipina Network of SA - Letter of Thanks*

Correspondence was received from the Filipina Network of SA, thanking Council for the support provided during the 2019 Philippine Fiesta celebration.

20.3 Planning and Design Code Update

Correspondence was received from the Chair of State Planning Commission, Michael Lennon, regarding the release of the Engagement Report for the Phase Two (Rural Areas) and the What We Have Heard Report for the Phase Three (Urban Areas) of the Planning and Design Code (**Attachment 3**). Hard copies of the released Engagement Report and What We Have Heard Report are available for viewing on the Elected Members' bookshelf. The documents are also available on the SA Planning Portal: <https://www.saplanningportal.sa.gov.au/>

20.4 Statutes Amendment (Local Government Review) Bill 2020

Correspondence was received from the Minister for Transport, Infrastructure and Local Government, and Minister for Planning, Hon Stephan Knoll MP, regarding the *Statutes Amendment (Local Government Review) Bill 2020*.

20.5 Adelaide and Mount Lofty Ranges Natural Resources Management Board Minutes

Correspondence was received from the Adelaide and Mount Lofty Ranges Natural Resources Management Board regarding the minutes of the Board meeting held on Thursday 23 April 2020.

20.6 Community Services during COVID-19 - Letter of Thanks

Correspondence was received from North Plympton resident Carleen Thomas thanking Council for the community services provided during COVID-19.

20.7 State Commission Assessment Panel Representation

Correspondence was received from the Chair of State Planning Commission, Michael Lennon, acknowledging Council's letter to Minister Knoll dated 11 March 2020 in relation to State Commission Assessment Panel (SCAP) representation.

20.8 Mayors for Peace Newsletter June 2020

Correspondence was received from the Mayors for Peace, providing the June 2020 No. 126 Newsletter.

20.9 Planning and Design Code available for Community Familiarisation

Correspondence was received from the Chair of State Planning Commission, Michael Lennon, advising that South Australia's new Planning and Design Code covering the State's outback and rural areas is now available for community familiarisation.

20.10 Council Customer Service - Email of Thanks

Email correspondence was received from Mile End resident Mr Lawrie Lewis, providing Council with feedback on his experience with our customer service team and services.

20.11 Green Adelaide Board

Correspondence was received from the Minister for Environment and Water, David Speirs MP, regarding the appointment of the newly established Green Adelaide Board.

RECOMMENDATION

That the correspondence be received.

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

21 CONFIDENTIAL

21.1 Rate Equivalent Payments by Adelaide Airport Limited

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(b)(i),(b)(ii) and (g) 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.
- (g) matters that must be considered in confidence 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.

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 - Rate Equivalent Payments by Adelaide Airport Limited, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(b)(i),(b)(ii) and (g) 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 the rate equivalent payments and would, on balance, be contrary to the public interest. Council also needs to ensure that it does not breach any duty of confidence owed to Adelaide Airport Limited.
2. At the completion of the confidential session the meeting be re-opened to the public.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Surender Pal

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, meeting secretariat staff, and Mark Young, Managing Director and James Sangster, Executive General Manager Property, of Adelaide Airport Limited for their presentation component only, 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 Rate Equivalent Payments by Adelaide Airport Limited, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(b)(i),(b)(ii) and (g) 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 the rate equivalent payments and would, on balance, be contrary to the public interest. Council also needs to ensure that it does not breach any duty of confidence owed to Adelaide Airport Limited.

2. At the completion of the confidential session the meeting be re-opened to the public.

8.17pm Cr John Woodward declared a material conflict of interest in this item as he is a Director at Statewide Super with 20% ownership interest in Adelaide Airport and left the meeting for the discussion and vote on the item.

CARRIED

8.18pm 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 - Rate Equivalent Payments by Adelaide Airport Limited, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(b)(i),(b)(ii) and (g), 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 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 the rate equivalent payments and would, on balance, be contrary to the public interest. Council also needs to ensure that it does not breach any duty of confidence owed to Adelaide Airport Limited.
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*.

8.37pm the Confidential session closed and the meeting reopened to the public.

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

8.38pm Cr/s John Woodward and Jassmine Wood returned to the meeting.

21.2 Weslo Holdings and Thebarton Theatre - Update

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 21.2 - Weslo Holdings and Thebarton Theatre - Update, 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 outcome to the lease dispute with Weslo Holdings Pty Ltd. In addition, Council is satisfied that the principle of the meeting being conducted in a place open to the public has been outweighed in this circumstance because the disclosure of Council's commercial position may severely prejudice Council's ability to satisfactorily resolve the lease dispute with Weslo Holdings Pty Ltd 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 Jassmine Wood

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

8.39pm 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 21.2 - Weslo Holdings and Thebarton Theatre - Update, 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 outcome to the lease dispute with Weslo Holdings Pty Ltd. In addition, Council is satisfied that the principle of the meeting being conducted in a place open to the public has been outweighed in this circumstance because the disclosure of Council's commercial position may severely prejudice Council's ability to satisfactorily resolve the lease dispute with Weslo Holdings Pty Ltd 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*.

8.50pm 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 8.51pm.