

CITY OF WEST TORRENS



MINUTES
of the
Special Council Meeting

of the

CITY OF WEST TORRENS

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

on

TUESDAY, 8 NOVEMBER 2022

at 7.00pm

Terry Buss PSM
Chief Executive Officer

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.01pm.

1.1 Acknowledgement of Country

The Presiding Member called for the Acknowledgment of Country to be read out by Cr Brandon Reynolds.

"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 Services.

1.3 Meeting Livestream

The Presiding Member advised that the meeting was being livestreamed for the benefit of the public via a Zoom link on the 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 (7.11pm) C O'Rielly, A McKay, B Reynolds

Officers:

Mr T Buss	(Chief Executive Officer)
Mr A Catinari	(Deputy Chief Executive Officer)
Ms P Koritsa	(General Manager Business and Community Services)
Mr P Della	(General Manager Corporate and Regulatory Services)
Mr D Ottanelli	(Manager City Property)
Mr P Richardson	(Manager City Operations)
Mr J Ielasi	(Manager City Assets)

In attendance:

Ms Z Docherty	(Kelledy Jones Lawyers)
Mr M Mitsioulis	(Kelledy Jones Lawyers)

3 APOLOGIES

Apologies

Council Members:

Cr David Wilton

Cr Jasmine Wood

Lateness

Council Member

Cr George Vlahos (7.11pm)

4 DISCLOSURE STATEMENTS

Nil

5 PETITIONS

5.1 Petition seeking further consultation for Thebarton Oval Precinct

This report presented a petition, received in two parts, which sought further public consultation in respect of the proposed grant of lease in respect of Thebarton Oval Precinct.

RECOMMENDATION

It is recommended to Council that the attached petitions be received.

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

6 DEPUTATIONS

6.1 Adelaide Football Club Lease Proposal for Thebarton Oval Precinct - Community Concerns

The Presiding Member invited Ms Kyla Young of Torrensville and Mr Richard Parton of Torrensville to address Council in relation to the Thebarton Oval Precinct Community Consultation process.

7.07pm Mr Richard Parton and Ms Kyla Young commenced their Deputation.

7.11pm Cr George Vlahos entered the meeting.

7.12pm the time limit of five minutes in total for the deputation was reached. The Presiding Member sought for an extension of time for this deputation.

MOTION

Moved: Cr Anne McKay

Seconded: Cr Cindy O'Rielley

That the time limit allocated for this deputation be extended for a further five minutes.

CARRIED

7.13pm Ms Young continued the Deputation.

7.18pm the time limit of a further five minutes for the deputation was reached. The Presiding Member sought for a further extension of time for this deputation.

MOTION

Moved: Cr Anne McKay

Seconded: Cr Brandon Reynolds

That the time limit allocated for this deputation be extended for a further five minutes.

CARRIED

7.19pm Ms Young continued the Deputation.

7.20pm Ms Young concluded the Deputation.

The Presiding Member thanked Mr Parton and Ms Young for their deputation and attendance.

6.2 Adelaide Football Club (AFC) Lease Proposal for Thebarton Oval Precinct - CEO of AFC Tim Silvers

The Presiding Member advised that following the printing and distribution of the Council Agenda, the Office of the Mayor and CEO received a request from the Adelaide Football Club CEO, Tim Silvers, for a Deputation in relation to the proposal from the Adelaide Football Club to lease Thebarton Oval/Kings Reserve. Mayor Coxon advised that the request had been approved and subsequently invited Tim Silvers, Chief Executive Officer of the Adelaide Football Club, to address Council in relation to the Adelaide Football Club Lease Proposal for the Thebarton Oval Precinct.

7.22pm Mr Silvers commenced his Deputation.

7.27pm Mr Silvers concluded the Deputation.

Following the deputation Elected Members were invited to ask questions which were responded to by Mr Silvers.

The Presiding Member thanked Mr Silvers for his deputation and attendance.

The Presiding Member advised that Cr John Woodward had advised of his intention to move the following Motion without Notice:

6.3 Motion without Notice - Public Release of Ministerial Response relating to Caretaker Exemption

Moved: Cr John Woodward

That Council's application to, and the correspondence from the Minister for Local Government dated 5 August 2022 (subject to the Minister's consent) providing an exemption to Council from the application of section 91A of the *Local Government (Elections) Act 1999* to make a number of designated decisions in relation to its current negotiations with the Adelaide Football Club concerning the Thebarton Oval/Kings Reserve Precinct, be made public.

The Presiding Member accepted for debate the Motion without Notice from Cr Woodward and called for a seconder.

MOTION

Moved: Cr John Woodward

Seconded: Cr Cindy O'Rielley

That Council's application to, and the correspondence from the Minister for Local Government dated 5 August 2022 (subject to the Minister's consent) providing an exemption to Council from the application of section 91A of the *Local Government (Elections) Act 1999* to make a number of designated decisions in relation to its current negotiations with the Adelaide Football Club concerning the Thebarton Oval/Kings Reserve Precinct, be made public.

CARRIED

7 REPORTS OF THE CHIEF EXECUTIVE OFFICER

7.1 Thebarton Oval Precinct Consultation Feedback

This report provided Elected Members with a detailed summary on the consultation report received from consultants regarding the proposal by the Adelaide Football Club to lease a portion of the Thebarton Oval Precinct.

RECOMMENDATION

It is recommended that:

1. Council notes and receives the report of the CEO titled "*Thebarton Oval Precinct Consultation Feedback*" dealing with the community consultation feedback in relation to the proposed lease of the Thebarton Oval Precinct by the Adelaide Football Club (**AFC**), including the report prepared by URPS entitled "*Thebarton Oval Precinct Proposed Lease Agreement*".
2. Council:
 - a. have regard to all of the outcomes of the community consultation, in particular areas of concern raised by the community, the various submissions made in their entirety, the content of the CEO report on this matter and the fact that a further round of public consultation will occur in relation to the draft Masterplan (when developed); and
 - b. in doing so, factor them into its considerations for the purposes of informed and responsible decision-making, as required by the *Local Government Act 1999*.
3. Council accepts the CEO report and the findings of the URPS Report and in particular, acknowledges the views expressed by the community in the feedback process.
4. Subject to those current third-party interests in the Thebarton Oval Precinct expiring, being terminated, or surrendered, the Administration progress negotiations with AFC in relation to the proposed lease with such outcomes being the subject of further report(s) to Council.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

CARRIED

7.2 Thebarton Oval Precinct Lease Proposal

This report provided Members with a further update and additional information regarding the granting of a proposed long term lease to the Adelaide Football Club over portions of the Thebarton Oval complex and Kings Reserve.

RECOMMENDATION

It is recommended that:

1. The Council notes and receives the report of the CEO titled "*Thebarton Oval Precinct Lease Proposal*" in respect of the proposed draft Memorandum of Agreement (**MOA**) between the Council and Adelaide Football Club (AFC), for the purposes of structuring and conducting negotiations with AFC in connection with the proposed redevelopment and the proposed lease of, Thebarton Oval Precinct (the **Project**).
2. The Council:
 - a. approve the draft Memorandum of Agreement (MOA) (including the Flowchart attached thereto) for execution, subject to any further non-material refinements being approved by the Mayor and CEO and after having taken legal advice; and
 - b. authorise the Mayor and CEO to execute the MOA on behalf of the Council, including if required by affixation of the Common Seal of the Council; and
 - c. authorise the CEO to take all steps contemplated by the MOA to advance the Project in accordance with the terms of the MOA.

MOTION

Moved: Cr Brandon Reynolds
Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

Cr John Woodward foreshadowed that he would move a motion in relation to Item 7.2 - Thebarton Oval Precinct Lease Proposal in the event that the matter before the meeting was Put and Lost.

Discussion took place in relation to the matter and Cr Graham Nitschke moved that the decision be deferred to the next meeting of Council.

FORMAL MOTION

Moved: Cr Graham Nitschke
Seconded: Cr Dominic Mugavin

That consideration of Item 7.2 - Thebarton Oval Precinct Lease Proposal be deferred to the next Council meeting.

LOST

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

In Favour: Cr/s John Woodward, Dominic Mugavin, Graham Nitschke and Cindy O'Rielley

Against: Cr/s Elisabeth Papanikolaou, Daniel Huggett, Kym McKay, Surender Pal, Simon Tsiaparis, George Vlahos, Anne McKay and Brandon Reynolds

The Presiding Member declared the motion **LOST**

As there was no equality of votes, Mayor Michael Coxon, as the Presiding Member was not required to vote on the motion moved by Cr Graham Nitschke and seconded by Cr Dominic Mugavin.

Further discussion took place in relation to the original motion as moved by Cr Brandon Reynolds and seconded by Cr Elisabeth Papanikolaou.

That:

1. The Council notes and receives the report of the CEO titled "*Thebarton Oval Precinct Lease Proposal*" in respect of the proposed draft Memorandum of Agreement (**MOA**) between the Council and Adelaide Football Club (AFC), for the purposes of structuring and conducting negotiations with AFC in connection with the proposed redevelopment and the proposed lease of, Thebarton Oval Precinct (the **Project**).
2. The Council:
 - a. approve the draft Memorandum of Agreement (MOA) (including the Flowchart attached thereto) for execution, subject to any further non-material refinements being approved by the Mayor and CEO and after having taken legal advice; and
 - b. authorise the Mayor and CEO to execute the MOA on behalf of the Council, including if required by affixation of the Common Seal of the Council; and
 - c. authorise the CEO to take all steps contemplated by the MOA to advance the Project in accordance with the terms of the MOA.

Cr John Woodward suggested the inclusion of a point 2d. to include a guiding principle as part of the MOA.

Cr Dominic Mugavin advised that he sought to invoke clause 16 of the City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings, and subsequently requested for the following documents to be tabled by the CEO:

- A full list of CWT consultations conducted via YourSay including the number of responses that were received for each and a geographic distribution of the responses; and
- An analysis of the media coverage of this project and an analysis of whether the coverage is overall supportive, neutral/mixed, or opposed.

9.04pm Cr John Woodward left the meeting.

Adjournment of the Meeting

Moved: Cr Kym McKay
Seconded: Cr Elisabeth Papanikolaou

That the meeting be adjourned for a period of 30 minutes to consider the request from Cr Dominic Mugavin and that the meeting be reconvened at 9.35pm.

CARRIED

The Presiding Member adjourned the meeting at 9.05pm.

MEETING RESUMED

The Presiding Member declared that the meeting was resumed at 9.35pm.

All those present prior to the adjournment of the meeting were present in the Chamber when the meeting reconvened with the addition of Cr John Woodward.

The Chief Executive Officer clarified the request from Cr Dominic Mugavin for the documentation listed and stated that, under consideration of the request in terms of invoking clause 16 of the City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings, the requirement of this was for the Chief Executive Officer to table any documents of the Council, however, as the request was for documents that the Council did not possess, the documents could not be tabled, thus clause 16 (Regulation 18) would not be applicable in regard to this request.

The Presiding Member referred to the suggestion from Cr Woodward to include a point 2d. The mover, Cr Brandon Reynolds and seconder, Cr Elisabeth Papanikolaou, agreed to the change and accordingly the motion was amended as follows:

That:

1. The Council notes and receives the report of the CEO titled "*Thebarton Oval Precinct Lease Proposal*" in respect of the proposed draft Memorandum of Agreement (**MOA**) between the Council and Adelaide Football Club (AFC), for the purposes of structuring and conducting negotiations with AFC in connection with the proposed redevelopment and the proposed lease of, Thebarton Oval Precinct (the **Project**).
2. The Council:
 - a. approve the draft Memorandum of Agreement (MOA) (including the Flowchart attached thereto) for execution, subject to any further non-material refinements being approved by the Mayor and CEO and after having taken legal advice; and
 - b. authorise the Mayor and CEO to execute the MOA on behalf of the Council, including if required by affixation of the Common Seal of the Council; and
 - c. authorise the CEO to take all steps contemplated by the MOA to advance the Project in accordance with the terms of the MOA; and
 - d. develop a set of 'guiding principles' with the Adelaide Football Club for development of the Masterplan, and to be included in the Masterplan Advisory Group (MAG) terms of reference.

FORMAL MOTION

Moved: Cr Kym McKay
Seconded: Cr Simon Tsiaparis

That the motion be Put.

CARRIED

The motion as moved by Cr Brandon Reynolds and seconded by Cr Elisabeth Papanikolaou was Put and **CARRIED**

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

In Favour: Cr/s Elisabeth Papanikolaou, Daniel Huggett, Kym McKay, Surender Pal, Simon Tsiaparis, Anne McKay and Brandon Reynolds

Against: Cr/s John Woodward, Dominic Mugavin, Graham Nitschke, George Vlahos and Cindy O'Rielley

The Presiding Member declared the motion **CARRIED**

As there was no equality of votes, Mayor Michael Coxon, as the Presiding Member was not required to vote on the motion moved by Cr Brandon Reynolds and seconded by Cr Elisabeth Papanikolaou.

8 MEETING CLOSE

The Presiding Member declared the meeting closed at 9.37pm.