

CITY OF WEST TORRENS



## **Confidential Minutes**

**of**

## **Report Items 21.1, 21.2, 21.3 and 21.4 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, 6 JULY 2021  
at 7.00pm**

**Terry Buss PSM  
Chief Executive Officer**

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Released

### 21.3 Proponent Led Code Amendment 1

**8.34pm** Cr John Woodward declared a perceived conflict of interest in this item as he owns a property approximately 400 metres from the proposed site and intended to leave the meeting for the discussion and vote of the item.

**8.35pm** Mayor Michael Coxon declared a material conflict in this item as he owns a property within proximity of the development, and left the meeting for the discussion and vote on the item.

**8.36pm** After having heard the disclosure of interest from Mayor Coxon, Cr John Woodward amended his declaration to a material conflict of interest based on the proximity of his property to the proposed development 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 Jassmine Wood as Deputy Mayor, assumed the Chair as Presiding Member for the conduct of this item.

#### Reason for Confidentiality

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

- (j)(i) information the disclosure of which - would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council).
- (j)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.

#### Council resolved 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 21.3 - Proponent Led Code Amendment 1, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(j)(i) and (j)(ii) because this information is required to be dealt with in confidence to ensure that Council does not divulge confidential information provided to it by a Minister for the Crown.

**8.34pm** the meeting moved into Confidence and the confidential session commenced.

## PRESENT

### Council Members:

Deputy Mayor J Wood (Presiding Member)

Councillors: E Papanikolaou, D Huggett, K McKay, D Mugavin, G Nitschke, S Pal, S Tsiaparis, G Vlahos, C O'Rielly

### Officers:

Mr T Buss (Chief Executive Officer)  
Mr C James (General Manager Corporate and Regulatory - Acting)  
Mr A Catinari (General Manager Urban Services)  
Ms L Gilmartin (Manager Financial Services)  
Ms S Curran (Manager Strategy and Business)  
Mr J Ielasi (Manager City Assets)  
Mr D Ottanelli (Manager City Property)  
Ms H Bateman (Manager City Development)  
Ms C Rorke-Wickins (Senior Land Use Policy Planner)

This report presented information and initial feedback with regard to a private proponent led Planning and Design Code Amendment, in relation to land located at 65-73 Mooringe Avenue, Plympton, which has been initiated by the Minister for Planning and Local Government.

## RECOMMENDATION

It is recommended to Council that the Chief Executive writes to the Minister of Planning and Local Government:

1. Detailing the issues raised in this report with regard to the *65-73 Mooringe Avenue, Plympton Code Amendment*.
2. Seeking more detailed investigations be undertaken to inform zone selection and inclusion of appropriate technical and numeric variances (TNV) in the *65-73 Mooringe Avenue, Plympton Code Amendment*.
3. Seeking the inclusion of a concept plan in the *65-73 Mooringe Avenue, Plympton Code Amendment* that details:
  - a) anticipated building heights;
  - b) building envelope and setbacks;
  - c) infrastructure layout;

in order to:

- i. provide policy that is compatible with the surrounding character of the area; and
- ii. ensure that environmental audit advice that has been provided applies to the intended design of development at the site in order to protect human health; and
- iii. future-proof infrastructure associated with any development that takes place as a result of the *65-73 Mooringe Avenue, Plympton Code Amendment*

4. Advising that, to be consistent with surrounding zones, the *65-73 Mooringe Avenue, Plympton Code Amendment* should give consideration to the 'General Neighbourhood Zone' as an alternative option for the conversion of this site to residential uses (subject to appropriate site remediation if required).

Prior to the consideration of Confidential Council Item 21.3 - Proponent Led Code Amendment 1, the Presiding Member allowed the Chief Executive Officer to provide a statement advising Council of the reasoning behind the amended wording of the resolution, particularly the first and second points.

## RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Surender Pal

That the Chief Executive writes to the Minister of Planning and Local Government:

1. Advising that Council in response to Private Proponent Planning and Design Code Amendments has already resolved to write to the Minister for Planning and Local Government expressing its concerns with the Private Proponent Plan Code Amendment process and seeks a review of this process and also suggests that Code Amendments be put on hold pending the outcome any such review.
2. Should the Minister not agree to review the Private Proponent Plan Code Amendment process or put a hold on such Code Amendments pending the outcome of any review, the Chief Executive be authorised to concurrently write to the Minister:
  - a) Detailing the issues raised in this report with regard to the *65-73 Mooringe Avenue, Plympton Code Amendment*.
  - b) Seeking more detailed investigations be undertaken to inform zone selection and inclusion of appropriate technical and numeric variances (TNV) in the *65-73 Mooringe Avenue, Plympton Code Amendment*.
  - c) Seeking the inclusion of a concept plan in the *65-73 Mooringe Avenue, Plympton Code Amendment* that details:
    - a. anticipated building heights;
    - b. building envelope and setbacks;
    - c. infrastructure layout;in order to:
    - i. provide policy that is compatible with the surrounding character of the area; and
    - ii. ensure that environmental audit advice that has been provided applies to the intended design of development at the site in order to protect human health; and
    - iii. future-proof infrastructure associated with any development that takes place as a result of the *65-73 Mooringe Avenue, Plympton Code Amendment*
  - d). Advising that, to be consistent with surrounding zones, the *65-73 Mooringe Avenue, Plympton Code Amendment* should give consideration to the 'General Neighbourhood Zone' as an alternative option for the conversion of this site to residential uses (subject to appropriate site remediation if required).

**CARRIED**

## FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.3 - Proponent led Code Amendment 1, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(j)(i) and (j)(ii), be kept confidential and not available for public inspection for a period of 6 months from the date of this meeting, on the basis that this information is required to be dealt with in confidence to ensure that Council does not divulge confidential information provided to it by a Minister for the Crown.
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*.

## RESOLUTION

Moved: Cr Graham Nitschke  
Seconded: Cr Kym McKay

That the recommendations be adopted.

**CARRIED**

**8.41pm** the Confidential session for Item 21.3 - Proponent Led Code Amendment 1 closed.

**8.42pm** Cr John Woodward returned to the meeting.

**8.42pm** Mayor Michael Coxon returned to the meeting and assumed the Chair.

### 21.4 Private Proponent Code Amendment 2

#### Reason for Confidentiality

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

- (j)(i) information the disclosure of which - would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council).
- (j)(ii) information the disclosure of which - would, on balance, be contrary to the public interest.

#### Council resolved 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 21.4 - Private Proponent Code Amendment 2, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(j)(i) and (j)(ii) because this information is required to be dealt with in confidence to ensure that Council does not divulge confidential information provided to it by a Minister for the Crown.

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

**8.43pm** the meeting moved into Confidence and the confidential session commenced.

## 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'Rielley, J Wood

### Officers:

Mr T Buss	(Chief Executive Officer)
Mr C James	(General Manager Corporate and Regulatory - Acting)
Mr A Catinari	(General Manager Urban Services)
Ms L Gilmartin	(Manager Financial Services)
Ms S Curran	(Manager Strategy and Business)
Mr J Ielasi	(Manager City Assets)
Mr D Ottanelli	(Manager City Property)
Ms H Bateman	(Manager City Development)
Ms C Rorke-Wickins	(Senior Land Use Policy Planner)

This reports presents information and initial feedback with regard to a private proponent led Planning and Design Code Amendment, in relation to land in Lockleys, which has been initiated by the Minister for Planning and Local Government.

## RECOMMENDATION

It is recommended to Council that the Chief Executive writes to the Minister of Planning and Local Government:

1. Detailing the issues raised in this report with regard to the *Lockleys Code Amendment*.
2. Seeking more detailed investigations to be undertaken to inform zone selection and inclusion of appropriate technical and numeric variances (TNV) in the *Lockleys Code Amendment*.
3. Seeking the inclusion of a concept plan in the *Lockleys Code Amendment* that details:
  - a) anticipated building heights;
  - b) building envelope and setbacks;
  - c) infrastructure layout;

in order to:

- i. provide policy that is compatible with the surrounding character of the area; and
- ii. ensure that environmental audit advice that has been provided applies to the intended design of development at the site in order to protect human health; and
- iii. achieve appropriate interface policy between the subject site and the River Torrens Linear Park; and
- iv. future-proof infrastructure associated with any development that takes place as a result of the *Lockleys Code Amendment*

4. Advising that, to be consistent with surrounding zones, the *Lockleys Code Amendment* should give consideration to the 'Suburban Neighbourhood Zone' as an alternative option for the conversion of this site to residential uses (subject to appropriate site remediation if required).

Prior to the consideration of Confidential Council Item 21.4 - Private Proponent Code Amendment 2, the Chief Executive Officer reiterated his statement advising Council of the reasoning behind the amended wording of the resolution, particularly the first and second points.

## RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr Daniel Huggett

That the Chief Executive writes to the Minister of Planning and Local Government:

1. Advising that Council in response to Private Proponent Planning and Design Code Amendments has already resolved to write to the Minister for Planning and Local Government expressing its concerns with the Private Proponent Plan Code Amendment process and seeks a review of this process and also suggests that Code Amendments be put on hold pending the outcome any such review.
2. Should the Minister not agree to review the Private Proponent Plan Code Amendment process or put a hold on such Code Amendments pending the outcome of any review, the Chief Executive be authorised to concurrently write to the Minister:
  - a). Detailing the issues raised in this report with regard to the *Lockleys Code Amendment*.
  - b). Seeking more detailed investigations to be undertaken to inform zone selection and inclusion of appropriate technical and numeric variances (TNV) in the *Lockleys Code Amendment*.
  - c). Seeking the inclusion of a concept plan in the *Lockleys Code Amendment* that details:
    - a. anticipated building heights;
    - b. building envelope and setbacks;
    - c. infrastructure layout;in order to:
    - i. provide policy that is compatible with the surrounding character of the area; and
    - ii. ensure that environmental audit advice that has been provided applies to the intended design of development at the site in order to protect human health; and
    - iii. achieve appropriate interface policy between the subject site and the River Torrens Linear Park; and
    - iv. future-proof infrastructure associated with any development that takes place as a result of the *Lockleys Code Amendment*



- d). Advising that, to be consistent with surrounding zones, the *Lockleys Code Amendment* should give consideration to the 'Suburban Neighbourhood Zone' as an alternative option for the conversion of this site to residential uses (subject to appropriate site remediation if required).

**CARRIED**

#### **FURTHER**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.4 - Private Proponent Code Amendment 2 the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(j)(i) and (j)(ii), be kept confidential and not available for public inspection for a period of 6 months from the date of this meeting, on the basis that this information is required to be dealt with in confidence to ensure that Council does not divulge confidential information provided to it by a Minister for the Crown.
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*.

#### **RESOLUTION**

Moved: Cr Jassmine Wood

Seconded: Cr Daniel Huggett

That the recommendations be adopted.

**CARRIED**

**8.44pm** the Confidential session closed and the meeting reopened to the public.