

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, 17 MAY 2022
at 7.00pm

Terry Buss PSM
Chief Executive Officer

Index

21	Confidential	1
21.1	Response to the State Planning Commission on Glandore Character Code Amendment.....	1
21.2	Thebarton Theatre Complex and Weslo Holdings Pty Ltd Negotiations - Update	3
21.3	Leasing Arrangements - Thebarton Oval Precinct - Update	9
21.4	Confidential Motion with Notice - Possible Acquisition of Land	11

21 CONFIDENTIAL**21.1 Response to the State Planning Commission on Glandore Character Code Amendment****Reason for Confidentiality**

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

- (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.

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 21.1 - Response to the State Planning Commission on Glandore Character Code Amendment, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(g) because advice was received from the Attorney-General's Department suggesting for the matter to be considered in confidence.
2. At the completion of the confidential session the meeting be re-opened to the public.

7.55pm 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, G Vlahos, C O'Rielly, D Wilton, A McKay, J Wood, B Reynolds

Council Members in attendance via online platform:

Councillor: S Tsiaparis

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)
Ms L Gilmartin	(Manager Financial Services)
Mr J Ielasi	(Manager City Assets)
Mr D Ottanelli	(Manager City Property)

Officers in attendance via online platform:

Ms S Curran	(Manager Strategy and Business)
Ms C Rorke-Wickins	(Senior Land Use Policy Planner)

This report presented the response to the State Planning Commission (SPC) on the potential loss of infill development if the proposed Glandore Character Code Amendment is progressed and approved.

RECOMMENDATION

It is recommended to Council that it approves the feedback contained in **Attachment 3** of the Agenda report to be submitted as Council's response to the request outlined in both **Attachments 1 and 2** of the Agenda report from the State Planning Commission.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

8.03pm Cr Daniel Huggett left the meeting.

8.03pm Cr Dominic Mugavin left the meeting.

8.04pm Cr Dominic Mugavin returned to the meeting.

CARRIED

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999*, the Council orders that the Item 21.1 - Response to the State Planning Commission on Glandore Character Code Amendment, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(g), be kept confidential and not available for public inspection until such time as the publication of the Code Amendment on the Plan SA website, on the basis that advice was received from the Attorney-General's Department suggesting for the matter to be considered in confidence.
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 John Woodward

Seconded: Cr Elisabeth Papanikolaou

That the recommendations be adopted.

CARRIED

8.06pm the Confidential session for Item 21.1 - Response to the State Planning Commission on Glandore Character Code Amendment closed and the meeting re-opened to the public.

21.3 Leasing Arrangements - Thebarton Oval Precinct - 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.

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 - Leasing Arrangements - Thebarton Oval Precinct - 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 there are ongoing negotiations relating to the lease that may impact both the existing lessee and also a future prospective lessee of (portion of) the premises and would, on balance, be contrary to the public interest.
2. At the completion of the confidential session the meeting be re-opened to the public.

9.00pm 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, G Vlahos, C O'Rielly, D Wilton, A McKay, J Wood, B Reynolds

Council Members in attendance via online platform:

Councillor: S Tsiaparis

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)
Ms L Gilmartin	(Manager Financial Services)
Mr J Ielasi	(Manager City Assets)
Mr D Ottanelli	(Manager City Property)

This report provided Members with an update in regard to the SANFL's request for a new long term lease (or licence) over portion of the Thebarton Oval/Kings Reserve complex and the recent request (letter of intent) received from the Adelaide Football Club.

RECOMMENDATION

It is recommended to Council that:

1. The report be noted.
2. The SANFL be advised that, at this point in time and based on the SANFL's current proposal considered against the overall Council approved Masterplan for Thebarton/Kings Reserve Complex, the Council does not intend to grant any further lease over the premises to the SANFL upon expiry of the current lease term.
3. The SANFL be further advised that the Council acknowledges that the lack of any further (long term) lease may likely result in the SANFL seeking to amend or abandon its Venue Improvement Plan for the premises. However, the SANFL is reminded that the obligations the SANFL has with regard to the requirement to undertake capital improvements to the premises, in accordance with the relevant provisions of the lease, are at this time not waived.
4. The Administration be authorised to enter into negotiations with the SANFL to determine whether the SANFL may be receptive to an early termination or sooner determination of their existing lease agreement, and the terms and conditions which the SANFL may seek for such sooner determination.
5. Given the recommendations provided in 2, 3 and 4 above, the Council authorise the Administration to enter into negotiations with the Adelaide Football Club (AFC) to progress discussions for the grant of a lease or licence to the AFC upon expiry, or sooner determination, of the current lease held by the SANFL.
6. A further report be provided to the Council following negotiations with the SANFL and the Adelaide Football Club.

RESOLUTION

Moved: Cr Kym McKay
Seconded: Cr Graham Nitschke

That the recommendation be adopted.

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 - Leasing Arrangements - Thebarton Oval Precinct - 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 there are ongoing negotiations relating to the lease that may impact both the existing lessee and also a future prospective lessee of (portion of) the premises and would, on balance, be contrary to the public interest.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

RESOLUTION

Moved: Cr Elisabeth Papanikolaou
Seconded: Cr Kym McKay

That the recommendations be adopted.

CARRIED

9.02pm the Confidential session for Item 21.3 - Leasing Arrangements - Thebarton Oval Precinct - Update closed.