

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, 19 SEPTEMBER 2023
at 7.00pm

Terry Buss PSM
Chief Executive Officer

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.00pm.

1.1 Acknowledgement of Country

The Presiding Member called for the Acknowledgment of Country to be read out by Cr Zoi Papafilopoulos of Thebarton Ward.

"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 Procedures

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

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, Z Papafilopoulos
G Nitschke, S Pal, L Gelonese, C O'Rielly, G Demetriou, A McKay, J Wood, S Comrie

Officers:

Mr T Buss	(Chief Executive Officer)
Mr A Catinari	(Deputy Chief Executive Officer)
Ms C Luya	(General Manager Business and Community - Acting)
Mr P Della	(General Manager Corporate and Compliance)
Ms L Johnson	(Manager Governance and Risk)
Mr G Andersen	(Manager Strategy and Business)
Mr R Gascoigne	(Manager Community Services - Acting)
Ms N O'Broin	(Team Leader Sustainability)
Ms K Allen	(Secretariat)
Ms B Dzalto	(Secretariat)
Mr M Cole	(Secretariat)
Ms G Capurso	(Secretariat)

3 APOLOGIES

Apologies

Council Member:

Cr Sam Whiting

4 DISCLOSURE STATEMENTS

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Item 16.12 - Nominations to the Australia Day Council of South Australia	Material	Cr John Woodward
Item 16.4 - Assistance to Seniors Card Holders - Update	General	Cr Graham Nitschke
Item 16.1 - Max and Bette Mendelson Scholarship Program - 2023 Scholarship Recipients	Material	Cr Surender Pal
Item 16.8 - Richmond Oval and West Adelaide Football Club - Update on Master Planning, Request for Variation of Lease and Acquisition - Confidential Order Review	General	Cr George Demetriou
Item 16.10 - Planning, Development and Infrastructure Act: Anzac Highway, Glandore, Planning and Design Code Update - Confidential Order Review	General	Cr George Demetriou
Item 16.8 - Richmond Oval and West Adelaide Football Club - Update on Master Planning, Request for Variation of Lease and Acquisition - Confidential Order Review	General	Mayor Michael Coxon

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 15 August 2023 and Minutes of the meeting of the Special Council held on 29 August 2023 be confirmed as a true and correct record.

RESOLUTION

Moved: Cr Zoi Papafilopoulos

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

6 MAYORS REPORT

Further to the report listed in the Agenda, Mayor Michael Coxon elaborated on his attendance at the Cities Power Partnership 2023 Climate Summit for Local Government and tabled several documents that he had received at the event for Members' information and inclusion in Members' Bookshelf.

Mayor Coxon advised that he received an email from the President of the West Torrens Concert Band, Mandy Chisholm, regarding their recent performance at the SA State Band Championships, where the B Grade section band won.

Mayor Coxon also elaborated on his attendance at the following:

- Filipino Barrio Fiesta held at Bonython Park on Saturday 9 September 2023, where he presented the pageant candidates with trophies.
- Immanuel College Musical Showcase 'Let Love Rule' on Thursday 14 September 2023 with Cr George Demetriou at the Adelaide Entertainment Centre.

Mayor Coxon noted an article by the City of Greater Geelong Council in relation to nominations for the 2024 Youth Council and spoke on the importance of youth representation.

Mayor Coxon noted his attendance at the Fulham Community Centre 2023 Annual General Meeting on Wednesday 30 August 2023 and tabled a copy of their 2023 Annual Report. The Fulham Community Centre were successful in receiving a Department of Human Services (DHS) grant of \$99,000 per year for 10 years.

Mayor Coxon elaborated on his attendance at the Thebarton Senior College presentation for participants of Operation Flinders and referenced Council's support for Operation Flinders.

Mayor Coxon also requested a leave of absence from Council for the period Friday 22 September 2023 up to and including Monday 2 October 2023.

RECOMMENDATION

That the Mayor's Report be noted.

RESOLUTION

Moved: Cr Surender Pal
Seconded: Cr John Woodward

That:

1. The Mayor's Report be noted.
2. Mayor Michael Coxon be granted a leave of absence for the period of Friday 22 September 2023 up to and including Monday 2 October 2023.

CARRIED

7 ELECTED MEMBERS REPORTS

Cr John Woodward noted the additional sporting facilities at Camden Oval which have enabled the local soccer club to establish a women's team. Cr Woodward congratulated the local women's team on making it to the Grand Finals.

Cr Woodward proceeded to make a statement regarding the upcoming referendum. Mayor Coxon sought clarification from the CEO regarding the making of personal statements by Elected Members and subsequently advised the Chamber that Cr Woodward would require leave of the meeting to make such a statement.

Cr Woodward then sought leave of the meeting to make a personal statement and Mayor Coxon sought a show of hands to approve or decline the request from Cr Woodward. Cr Woodward was then granted leave of the meeting to read out the following personal statement:

"I'd like to take this opportunity to share my thoughts on the upcoming referendum.

Firstly, there are many Australians who will vote no, and that doesn't make them racist or stupid, every Australian is entitled to form their own view and be unencumbered from harassment or persecution for that view.

I read the Uluru Statement from the Heart again last week and was reminded it does not have some hidden agenda, is not divisive, but is a genuinely modest, heartfelt, and reasonable request to all Australians to recognize an ongoing connection with our land and provide a means to improve outcomes for future generations of our first nations people.

To clear your head of the semantics and noise from both sides of the argument, please read or re-read the Uluru Statement from the Heart again, it's only 439 words, and I suggest you do that before you vote in the referendum.

This year, the Australian Federal Parliament (our peak national representative body) voted 121 to 25 in the House of Representatives and 52 to 19 in the Senate to support the referendum, that is over 80% of our federal politicians supporting the constitutional change sort by the Uluru Statement from the Heart.

Surveys earlier this year showed greater than 80% support from our First Nations people towards constitutional recognition and a voice.

And on that basis, I will be voting Yes."

Cr George Demetriou advised of his attendance at the following:

- SA Sea Rescue Squadron Annual General Meeting and Awards Night with Mayor Coxon on Saturday 19 August 2023.
- Western Youth Centre Annual General Meeting and Awards Presentation on Friday 25 August 2023.
- Italian Pensioner's Father's Day Luncheon at Thebarton Community Centre on Wednesday 30 August 2023.
- West Adelaide Football Club Under 18s Presentation Night at Richmond Oval on Monday 9 September 2023.
- Immanuel College Musical Showcase 'Let Love Rule' held at the Adelaide Entertainment Centre on Thursday 14 September 2023. Cr Demetriou applauded the musical talent and noted that Mayor Coxon was also in attendance.

Cr Surrender Pal advised of his attendance at the following:

- SANFL match between West Adelaide and Norwood at Hisense Stadium, and the Pakistan Independence Day and Eid-ul-Adha Celebration at Woodville Town Hall on Saturday 19 August 2023 on behalf of Mayor Coxon.
- Interviews for the City of West Torrens CEO on Thursday 24 August 2023.
- Special Confidential Council Meeting regarding the CEO Appointment on Tuesday 29 August 2023.
- City Finance and Governance and City Advancement and Prosperity Standing Committee meetings on Tuesday 5 September 2023.
- Morning tea organised by the Netley Grove residents along with Cr Lana Gelonese and the Manager City Assets on Wednesday 13 September 2023 to respond to any queries relating to traffic management and city asset upgrades.
- Adelaide Cobras Senior Awards Night at the Cyprus Community Centre, Welland on Friday 15 September 2023 with Mayor Coxon and Cr Gelonese.

Cr Pal also advised of his attendance at a number of other cultural events over the past four weeks.

Cr Kym McKay advised of his attendance at following:

- Official opening of the Lockleys and District War Memorial, which was opened on the 98th anniversary of the opening of the original Lockleys Soldiers Memorial Hall on Wednesday 16 August 2023.
- Along with Cr Daniel Huggett, met with the Hon Tom Koutsantonis MP in regard to the Pierson Street development.

Cr Kym McKay then thanked the Waste and Resource Recovery team for their work in providing a disposal drop off point for X-rays in the Civic Centre and Hamra Centre Library.

Cr Elisabeth Papanikolaou elaborated on her attendance at the 2023 Local Government Association of South Australia Roads and Works Conference in Port Lincoln held from Wednesday 30 August and Thursday 31 August 2023, with the Manager City Operations also in attendance. Cr Papanikolaou highlighted the presentations by Mr Steve Burgess, Engineer and Urban Strategist and shared several of his comments with Council.

Cr Lana Gelonese advised of her attendance at the following:

- Morning tea organised by the Netley Grove residents along with Cr Pal and the Manager City Assets on Wednesday 13 September 2023 to respond to any queries relating to traffic management and city asset upgrades.
- Adelaide Cobras Senior Awards Night at the Cyprus Community Centre, Welland on Friday 15 September 2023.

Mayor Coxon sought clarification from Cr Woodward that he wished for his personal statement to be included in the Council Minutes. Cr Woodward confirmed that this was the case and Mayor Coxon subsequently sought a motion to that effect.

MOTION

Moved: Cr Graham Nitschke

Seconded: Cr Zoi Papafilopoulos

That the personal statement from Cr John Woodward be included in the Council Minutes.

CARRIED

RESOLUTION

Moved: Cr Lana Gelonese

Seconded: Cr Daniel Huggett

That the reports from Members be noted.

CARRIED

8 PETITIONS**8.1 Non-compliant petition requesting amendment of parking restrictions in Wilford Avenue, Underdale**

This report presented a non-compliant petition asking for the parking restrictions in Wilford Avenue, Underdale, to be changed from 1-hour parking 24 hours a day to 2-hour parking between 8am and 5pm, Monday to Friday.

RECOMMENDATION

It is recommended to Council that:

1. The non-compliant petition asking for the parking restrictions in Wilford Avenue, Underdale, to be changed from 1-hour parking 24 hours a day to 2-hour parking between 8am and 5pm, Monday to Friday, be noted.
2. The Administration follow up on the matter raised in the non-compliant petition and take appropriate action to address the hours of parking on Wilford Avenue, Underdale.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

CARRIED

9 DEPUTATIONS**9.1 Frank Norton Reserve**

The Presiding Member invited City of West Torrens resident, Mr Ralph Abbot, to address Council in relation to Frank Norton Reserve.

7.35pm Mr Abbot commenced the Deputation.

7.41pm Mr Abbot concluded the Deputation.

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

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

Following the deputation by Mr Abbot, Mayor Coxon, in discussion with the CEO, foreshadowed a possible solution in response to Mr Abbot's deputation and subsequently sought a mover and seconder for the following motion:

9.1.1 Installation of a plaque at Frank Norton Reserve

MOTION

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

That the Administration contact Mr Ralph Abbot with a view to investigating the possibility of installing a suitably worded plaque at Frank Norton Reserve recognising the Poole Family's contribution to the City of West Torrens in line with Mr Abbot's deputation.

CARRIED

9.2 Arts and Cultural Ganesh Festival of SA 2023

The Presiding Member invited the Public Relations Officer of the United Indians of South Australia Inc., Mr Sandy More, to address Council in relation to the Arts and Cultural Ganesh Festival of SA 2023.

The Presiding Member foreshadowed that he would seek a motion that Item 16.2 - United Indians of South Australia Incorporated Request for Early Consideration for Community Grant Funding, be brought forward from the Reports of the Chief Executive Officer for consideration at the conclusion of the deputation by Mr More.

7.46pm Mr More commenced the Deputation.

7.51pm the time limit of five minutes for the deputation was reached. The Presiding Member sought for an extension of time for this deputation.

MOTION

Moved: Cr John Woodward
Seconded: Cr Lana Gelonese

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

CARRIED

7.52pm Mr More continued the Deputation.

7.57pm Mr More concluded the Deputation.

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

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

The Presiding Member sought and was granted leave of the meeting to bring forward Item 16.2 - United Indians of South Australia Incorporated Request for Early Consideration for Community Grant Funding, for consideration at this point in the meeting.

9.2.1 Item 16.2 - United Indians of South Australia Incorporated Request for Early Consideration for Community Grant Funding Brought Forward for Consideration at this Point in the Meeting

This report presented to Council, a request for the early consideration for a Community Grant application from the United Indians of South Australia (UIOSA) who are requesting \$5,000 from Council to fund the "Arts and Cultural Ganesh Festival of SA", also identified as the Australia Cha Raja event, to be held on Saturday 23 September to Sunday 24 September 2023.

RECOMMENDATION

It is recommended to Council that it approves \$5,000 to the United Indians of South Australia for funding towards the cost of the "Arts and Cultural Ganesh Festival of SA" also identified as the Australia Cha Raja event to be held on Saturday 23 September to Sunday 24 September 2023.

MOTION

Moved: Cr Surender Pal
Seconded: Cr Kym McKay

That Council approves \$10,000 to the United Indians of South Australia for funding towards the cost of the Australia Cha Raja Multicultural Festival and that the Administration be authorised to negotiate a Partnership Agreement for future festivals.

Discussion took place in relation to the motion, specifically the matter of negotiating a Partnership Agreement for future festivals. Cr John Woodward suggested that reference towards the negotiation of a Partnership Agreement be removed from the motion. The mover, Cr Surender Pal, and seconder, Cr Kym McKay, agreed to the change and accordingly the motion was changed as follows:

MOTION

Moved: Cr Surender Pal
Seconded: Cr Kym McKay

That Council approves \$10,000 to the United Indians of South Australia for funding towards the cost of the Australia Cha Raja Multicultural Festival.

Further discussion took place with concerns expressed regarding compliance with Council's revised Community Grant Program, specifically the commencement and conclusion dates of each round.

Cr Jassmine Wood foreshadowed that she would move that the motion be amended to provide \$5,000 instead should the motion moved by Cr Surender Pal and seconded by Cr Kym McKay be lost.

The motion moved by Cr Surender Pal and seconded by Cr Kym McKay was Put and **LOST**

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

In Favour: Cr/s George Demetriou, Graham Nitschke, Kym McKay, Lana Gelonese, Surender Pal and Zoi Papafilopoulos

Against: Cr/s Cindy O'Rielly, Anne McKay, Daniel Huggett, Elisabeth Papanikolaou, Jassmine Wood, John Woodward and Sara Comrie

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 Surender Pal and seconded by Cr Kym McKay.

RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr Anne McKay

That Council approves \$5,000 to the United Indians of South Australia for funding towards the cost of the "Arts and Cultural Ganesh Festival of SA" also identified as the Australia Cha Raja event to be held on Saturday 23 September to Sunday 24 September 2023.

CARRIED

8.16pm Cr Surender Pal left the meeting.

10 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS

10.1 City Finance and Governance Standing Committee Meeting

RECOMMENDATION

That the recommendations of the City Finance and Governance Standing Committee held on 5 September 2023 be adopted.

RESOLUTION

Moved: Cr Sara Comrie

Seconded: Cr Zoi Papafilopoulos

That the recommendation be adopted.

CARRIED

10.2 City Advancement and Prosperity Standing Committee Meeting

RECOMMENDATION

That the recommendations of the City Advancement and Prosperity Standing Committee held on 5 September 2023 be adopted with the inclusion of the below changes to be made to the *2023/24 Tree Incentive Rebate Guidelines* as per Committee Item 11.2 - Evaluation of the Significant and Regulated Tree Assistance Rebate Program and the Tree Incentive Rebate Program:

1. The following sentence will be added to the *2023/24 Tree Incentive Rebate Guidelines* (Section 1. Purpose), and associated promotional information:
Examples of trees that have been planted with the rebate include lemon, orange, avocado, ornamental pear, maple, and crepe myrtle.

Original

"The City of West Torrens recognises the need to create a green and cool city to counteract the loss of trees and shading occurring in the private realm and to create a liveable city by building resilience to a drier climate with more heat waves.

The Tree Incentive Rebate provides residents with a rebate on the purchase and planting of a shady tree to enhance shading and cooling of the private realm in West Torrens. "

New

*"The City of West Torrens recognises the need to create a green and cool city to counteract the loss of trees and shading occurring in the private realm and to create a liveable city by building resilience to a drier climate with more heat waves. The Tree Incentive Rebate provides residents with a rebate on the purchase and planting of a shady tree to enhance shading and cooling of the private realm in West Torrens. **Examples of trees that have been planted with the rebate include lemon, orange, avocado, ornamental pear, maple and crepe myrtle.**"*

2. In the 2023/24 Tree Incentive Rebate Guidelines, Section 3. Eligibility provides detail in relation to tree/s not being planted within 2m of a neighbour's fence. The requirement will be strengthened by changing the word 'should' to 'must':

Original

To be eligible, applicants must be able to meet the following criteria:

- The subject tree(s) should be planted at least 2 metres from the property boundary to minimise over hanging of neighbouring properties and/or the verge.

New

To be eligible, applicants must be able to meet the following criteria:

- The subject tree(s) **must** be planted at least 2 metres from the property boundary to minimise over hanging of neighbouring properties and/or the verge.

RESOLUTION

Moved: Cr Elisabeth Papanikolaou

Seconded: Cr Zoi Papafilopoulos

That the recommendation be adopted.

CARRIED

11 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

Nil

12 QUESTIONS WITH NOTICE

Nil

13 QUESTIONS WITHOUT NOTICE

Questions were asked and responses were provided by the Administration.

8.17pm Cr Surender Pal returned to the meeting.

14 MOTIONS WITH NOTICE

14.1 Damage associated with property developments

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Elisabeth Papanikolaou

That the Administration prepare a report to Council that provides advice on:

1. Strategies to better protect Council infrastructure and public safety from damage associated with property developments (e.g. urban infill), particularly in circumstances when the development takes place over an extended period.
2. Measures to improve the visual amenity of such property developments, including to reducing issues with vacant dusty sites, overgrown properties, appropriate fencing, fire hazards, pests, accumulation of rubbish and illegal dumping on these sites.

CARRIED

14.2 Leave of Absence - Cr Sam Whiting

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Graham Nitschke

That Council approve Cr Sam Whiting's request for a leave of absence for the period of September 13th to October 1st 2023.

CARRIED

15 MOTIONS WITHOUT NOTICE

Nil

16 REPORTS OF THE CHIEF EXECUTIVE OFFICER

16.1 Max and Bette Mendelson Scholarship Program - 2023 Scholarship Recipients

8.31pm *Cr Surrender Pal declared a material conflict of interest in relation to this item as he is related to one of the recommended scholarship recipients and left the meeting for the discussion and vote on the item.*

The purpose of this report was to advise Council of the scholarships to be awarded under the Max and Bette Mendelson Foundation Scholarship Awards program for the 2023 year.

RECOMMENDATION

It is recommended to Council, as the Trustee, that the Max and Bette Mendelson Foundation Management Committee be granted approval to award the 2023 Max and Bette Mendelson scholarships to the applicants, as outlined in the confidential list provided separately to this report.

MOTION

Moved: Cr Daniel Huggett
Seconded: Cr George Demetriou

That the recommendation be adopted.

Discussion took place in relation to the motion, with Cr John Woodward expressing concern that two recipients would receive four scholarships, with the remainder receiving three. The Chief Executive Officer explained that Council previously limited the number of scholarships to two per person, however the nomination form was not updated to reflect this and several applicants applied while unaware of this change. As it was felt that this was an oversight by the Administration, the applicants should not be disadvantaged because of this, and that the updated requirements would be corrected for next year's applicants.

Further discussion took place on the matter, with Cr Woodward suggesting that the motion be changed as follows:

8.51pm Cr/s Graham Nitschke and Zoi Papafilopoulos left the meeting.

MOTION

Moved: Cr John Woodward
Seconded: Cr Elisabeth Papanikolaou

That:

1. The Max and Bette Mendelson Foundation Management Committee be granted approval to award the 2023 Max and Bette Mendelson Scholarships to the applicants, as outlined in the confidential list provided separately to this report.
2. The funding allocation for an additional four Max and Bette Mendelson Scholarships be increased by an additional \$16,000 which will be provided by Council.
3. The Mayor be authorised to approve the additional four scholarship recipients as recommended by the Mendelson Committee.

8.53pm Cr/s Graham Nitschke and Zoi Papafilopoulos returned to the meeting.

The motion moved by Cr John Woodward and seconded by Cr Elisabeth Papanikolaou was Put and **LOST**

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

In Favour: Cr/s Cindy O'Rielley, Anne McKay, Elisabeth Papanikolaou and John Woodward

Against: Cr/s Daniel Huggett, George Demetriou, Graham Nitschke, Jassmine Wood, Kym McKay, Lana Gelonese, Sara Comrie and Zoi Papafilopoulos

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 John Woodward and seconded by Cr Elisabeth Papanikolaou.

RESOLUTION

Moved: Cr Daniel Huggett
Seconded: Cr George Demetriou

That the Max and Bette Mendelson Foundation Management Committee be granted approval to award the 2023 Max and Bette Mendelson scholarships to the applicants, as outlined in the confidential list provided separately to this report.

CARRIED

16.2 United Indians of South Australia Incorporated Request for Early Consideration for Community Grant Funding

This item was considered following Item 9.2. - Arts and Cultural Ganesh Festival of SA 2023.

16.3 Local Government Mayoral Taskforce Supporting People Seeking Asylum

9.07pm Cr Surender Pal returned to the meeting.

This report presented to Council for its consideration the Terms of Reference and Membership details for membership to the Local Government Mayoral Taskforce Supporting People Seeking Asylum.

RECOMMENDATION

It is recommended to Council that it joins the Mayoral Taskforce Supporting People Seeking Asylum as a General Member Council fulfilling the requirements of such membership as outlined in the Terms of Reference, with an annual fee of \$500.

RESOLUTION

Moved: Cr George Demetriou
Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

16.4 Assistance to Seniors Card Holders - Update

9.08pm Cr George Demetriou declared a material conflict of interest in relation to this item as he is a recipient of a benefit under the Seniors Card holder scheme and left the meeting for the discussion and vote.

9.08pm Cr Graham Nitschke declared a general conflict of interest in relation to this item as he is a holder of a Seniors Card. However, as the motion is only to note the report and there is no material gain or loss, Cr Nitschke remained in the meeting for the discussion and vote on the item.

This report provided Members with information relating to assistance available to Seniors Card Holders for payment of residential rates.

RECOMMENDATION

It is recommended to Council that the report be noted.

RESOLUTION

Moved: Cr Elisabeth Papanikolaou

Seconded: Cr Sara Comrie

That the recommendation be adopted.

CARRIED

Cr Graham Nitschke voted in favour of the recommendation moved by Cr Elisabeth Papanikolaou and seconded by Cr Sara Comrie.

9.09pm Cr George Demetriou returned to the meeting.

16.5 Creditor Payments

This report tabled a schedule of creditor payments for August 2023.

RECOMMENDATION

It is recommended to Council that the schedule of creditor payments for August 2023 be received.

RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr Zoi Papafilopoulos

That the recommendation be adopted.

CARRIED

16.6 Nominations Sought for the Dog and Cat Management Board

This report sought nominations to the Dog and Cat Management Board.

RECOMMENDATION

It is recommended to Council that:

1.be nominated to the Dog and Cat Management Board.

Or

2. The report be received.

RESOLUTION

Moved: Cr Cindy O'Rielley

Seconded: Cr Jassmine Wood

That City of West Torrens employee, Ms Lindsey Barker, Senior Community Safety Officer, be nominated to the Dog and Cat Management Board.

CARRIED

16.7 Possible Acquisition of Land - Update - Confidential Order Review

This report presented the annual review of the confidential order applied to confidential report Item 21.1 - Possible Acquisition of Land - Update, at the 7 September 2021 meeting of Council in accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*.

9.12pm Cr John Woodward left the meeting.

RECOMMENDATION

It is recommended to Council that:

1. In accordance with Section 91(9)(a), having reviewed the confidentiality order made at the 7 September 2021 Council meeting, and reviewed at Council's 6 September 2022 meeting, Council orders that the Item 21.1 - Possible Acquisition of Land - Update, the Minutes arising, attachments and any associated documentation, continue to be retained in confidence in accordance with Section 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 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 acquisition of the property under consideration and would, on balance, be contrary to the public interest.
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 Cindy O'Rielley

That the recommendation be adopted.

CARRIED

16.8 Richmond Oval and West Adelaide Football Club - Update on Master Planning, Request for Variation of Lease and Acquisition - Confidential Order Review

9.12pm Mayor Michael Coxon declared a general conflict of interest in relation to this item as he is a patron of the West Adelaide Football Club. Mayor Coxon advised that he would leave the meeting for the discussion and vote.

As Mayor Michael Coxon, Presiding Member, left the meeting, Cr Cindy O'Rielley as Deputy Mayor, assumed the Chair as Presiding Member.

This report presented the annual review of the confidential order applied to confidential report Item 10.1 - Richmond Oval and West Adelaide Football Club - Update on Master Planning, Request for Variation of Lease and Acquisition, at the 22 September 2020 meeting of the City Facilities and Waste Recovery General Committee in accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*.

RECOMMENDATION

It is recommended to Council that:

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999*, having reviewed the confidentiality order made at the 22 September 2020 meeting of the City Facilities and Waste Recovery General Committee and reviewed at Council's 5 October 2021 and 20 September 2022 meetings, Council orders that the Item 10.1 - Richmond Oval and West Adelaide Football Club - Update on Master Planning, Request for Variation of Lease and Acquisition, 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), continue to be retained in confidence and not available for public inspection for a further 12 month period, 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 acquisition of the property in Richmond and would, on balance, be contrary to the public interest.
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 Anne McKay

That the recommendation be adopted.

CARRIED

9.13pm Mayor Michael Coxon returned to the meeting and assumed the Chair.

16.9 Request for rent and other relief - Weslo Holdings Pty Ltd - Confidential Order Review

This report presented the annual review of the confidential order applied to confidential report Item 21.2 - Request for rent and other relief - Weslo Holdings Pty Ltd, at the 7 September 2021 meeting of Council in accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*.

RECOMMENDATION

It is recommended to Council 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 - Request for rent and other relief - Weslo Holdings Pty Ltd 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), continue to be retained in confidence and not available for public inspection for a further 12 month period, 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.
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.

9.13pm Cr John Woodward returned to the meeting.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Jassmine Wood

That the recommendation be adopted.

CARRIED

16.10 Planning, Development and Infrastructure Act: Anzac Highway, Glandore, Planning and Design Code Update - Confidential Order Review

This report presented the annual review of the confidential order applied to confidential reports relating to the Planning, Development and Infrastructure Act and the Planning and Design Code in accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*.

RECOMMENDATION

It is recommended to Council that:

1. In accordance with Section 91(9)(a), having reviewed the confidentiality orders made at Council's 7 September 2021 and 20 September 2022 meetings, in respect of reports relating to the Planning, Development and Infrastructure Act and the Planning and Design Code, Council orders that the following confidential reports, the Minutes arising, attachments and any associated documentation or recording:
 - Item 21.3 - Planning, Development and Infrastructure Act: Anzac Highway, Glandore, presented to Council at its 7 September 2021 meeting; and
 - Item 21.1 - Planning and Design Code Update, presented to Council at its 20 September 2022 meeting.

continue to be retained in confidence in accordance with Sections 90(3)(h) and (j)(i) and (j)(ii) of the *Local Government Act 1999*, and not be available for public inspection for a further 12 month period on the basis that legal privilege is maintained with regard to this matter and that the State Government requires this matter to be dealt with in confidence and is contrary to the public interest as disclosure may result in development which is contrary to the intent of the Urban Corridor (Boulevard) Zone.

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 Jassmine Wood

Seconded: Cr Sara Comrie

That the recommendation be adopted.

CARRIED

16.11 Adelaide Football Club - Proposed relocation to Thebarton Oval Precinct - Confidential Order Review

This report presented the annual review of the confidential order applied to confidential report Item 5.1 - Adelaide Football Club - Proposed relocation to Thebarton Oval Precinct, at the 15 September 2022 special meeting of Council in accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*.

RECOMMENDATION

It is recommended to Council that:

1. In accordance with Section 91(9)(a), having reviewed the confidentiality order made at Council's 15 September 2022 special meeting, in respect of the confidential Agenda report relating to the Adelaide Football Club's proposed relocation to the Thebarton Oval Precinct, Council orders that the Item 5.1 - Adelaide Football Club - Proposed relocation to Thebarton Oval Precinct, the Council Resolution 1, 2, 3, 7, 8, 9 and 10 of the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under section 90(3)(b)(i) and (ii), and (d)(i) and (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 because there are ongoing negotiations relating to the proposed 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. 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 Kym McKay
Seconded: Cr John Woodward

That the recommendation be adopted.

CARRIED

16.12 Nominations to the Australia Day Council of South Australia

9.15pm *Cr John Woodward declared a material conflict of interest in relation to this matter as he is a member of the Australia Day Council of South Australia and wishes to be nominated to the Australia Day Council of SA Board of Management. Cr Woodward advised that he would leave the meeting for the discussion and vote on the item.*

The Australia Day Council of SA (ADCSA) are conducting an election of four (4) Board Member positions for appointment to their Board of Management. The term of office for the successful candidates will expire at the 2025 Annual General Meeting of the ADCSA.

As a financial member of the ADCSA, the City of West Torrens is eligible to nominate a candidate to the Board of Management.

RECOMMENDATION

It is recommended to Council that:

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

Or

2. The report be received.

RESOLUTION

Moved: Cr Elisabeth Papanikolaou

Seconded: Cr Anne McKay

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

CARRIED

9.16pm Cr John Woodward returned to the meeting.

17 LOCAL GOVERNMENT BUSINESS

Nil

18 MEMBER'S BOOKSHELF

Nil

19 CORRESPONDENCE

19.1 Brown Hill and Keswick Creeks Stormwater Board Project Update June 2023

Correspondence was received from the Executive Assistant of the Brown Hill and Keswick Creeks Stormwater Board, providing a copy of their Project Update for June 2023.

19.2 Mixed Cardboard and Paper Export Bans Regulations

Correspondence was received from the Chief Executive Officer of the National Waste Recycling Industry Association, regarding the impact of the new Cardboard and Paper Export Bans Regulations on councils.

19.3 Design Standard for Residential Driveway Crossover

Correspondence was received from the Chair of the State Planning Commission regarding public consultation on the Design Standard for Residential Driveway Crossovers.

19.4 Lockleys Riding Club

Correspondence was received from the Office of the Deputy Premier, Minister for Climate, Environment, and Water regarding a letter sent to the Breakout Creek Stage 3 Redevelopment Project Steering Committee in relation to the Lockleys Riding Club.

Cr Cindy O'Rielley sought further clarification in relation to the matter in regard to working out a solution for the Lockleys Riding Club. The Deputy Chief Executive Officer advised that a response had been sent to the Minister advising him of Council's contributions to Lockleys Riding Club and discussed the idea that the Project Steering Group work with SA Water to determine options to re-irrigate the area and split the costs across all parties involved.

19.5 Liberty Life Church

Correspondence was received from the Pastor of the Liberty Life Church expressing gratitude for Council's thoughtfulness in relation to the rates reduction granted to the Camden Park Church.

19.6 SA Health Legionella Seminars

Correspondence was received from the Director of Health Protection to express appreciation to the City of West Torrens for its generosity and hospitality in SA Health's Legionella Seminars for Environment Health Officers held on 16 and 17 August 2023. Special thanks were received for the Team Leader Environmental Health for his continued commitment to supporting initiatives that contribute to improved public health outcomes for South Australians.

19.7 Waste & Recycling Industry Association (SA)

Correspondence was received from the Waste and Recycling Industry Association (SA) regarding the cost impact on Council from the Federal Government's cardboard and paper export bans.

19.8 Emergency Management Act Review

Correspondence was received from the Senior Project Officer of the Department of the Premier and Cabinet in relation to an independent review of the *Emergency Management Act 2004*.

19.9 Local Government Advice Scheme

Correspondence was received from the Minister for Local Government, Hon Geoff Brock MP acknowledging Council's letter dated 3 May 2023 in relation to the Local Government Advice Scheme administered by the Essential Services Commission of South Australia (ESCOSA).

19.10 The Observation Post - September 2023 Edition

Correspondence was received from the President of the National Malaya & Borneo Veterans Association Australia Inc SA/NT Branch, providing a copy of the September edition of the Observation Post.

19.11 Malaya & Borneo Veterans Day Service of Commemoration

Correspondence was received from the President of the National Malaya & Borneo Veterans Association Australia Inc SA/NT Branch, thanking Council for its support provided to the 2023 Malaya & Borneo Veterans Day commemoration service.

RECOMMENDATION

That the correspondence be received.

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Zoi Papafilopoulos

That the recommendation be adopted.

CARRIED

20 CONFIDENTIAL

20.1 Sale of Property for the Non Payment of Rates

Reason for Confidentiality

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

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

because this report recommends that Council issues an order, in accordance with Section 184 of the *Local Government Act 1999* which provides the ability for Council to sell property when the rates due on the property have been in arrears for three years or more, to sell property which meets this criteria and, to assist Council to determine whether to issue an order in this instance, the report contains information which would, if dealt with in public, result in the unreasonable disclosure of the personal affairs of the ratepayers named within that report.

- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.

because there is a possibility that the issuing of the order will result in litigation involving the Council and as such the release of this information could prejudice Council's position.

Prior to moving into Confidence, the Presiding Member advised the virtual attendees that the public portion of the Council meeting livestream would be locked during the discussion and consideration of the confidential Item 20.1 - Sale of Property for the Non Payment of Rates.

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 20.1 - Sale of Property for the Non Payment of Rates, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(a) and (i) because the report involves personal affairs of the ratepayers named in the report and Council litigation.
2. At the completion of the confidential session the meeting be re-opened to the public.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Anne McKay

That the recommendation be adopted.

CARRIED

9.19pm 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 20.1 - Sale of Property for the Non Payment of Rates, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(a) and (i), 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 report involves personal affairs of the ratepayers named in the report and Council litigation.
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*.

9.24pm the Confidential session closed and the meeting reopened to the public.

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

21 MEETING CLOSE

The Presiding Member declared the meeting closed at 9.25pm.