

CITY OF WEST TORRENS



# **MINUTES**

## **of the**

### **Council & Committee Meetings**

- **City Services and Climate Adaptation Standing Committee**

**of the**

**CITY OF WEST TORRENS**

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

and the public gallery via electronic platform

on

**TUESDAY, 6 JULY 2021**

**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

At the opening of the Meeting, the Presiding Member read out the Acknowledgment of Country:

*"West Torrens City Council acknowledges that we are meeting on the traditional Country of the Kaurna 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 Kaurna 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 Kaurna 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 advised the meeting was being livestreamed via a Zoom public link available 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, C O'Rielly, 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)

## 3 APOLOGIES

### Apologies

### Council Members:

Cr David Wilton  
Cr Anne McKay  
Cr Brandon Reynolds

### Officers:

Ms P Koritsa (General Manager Business and Community Services)

## RECOMMENDATION

That the apologies be received.

## RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

## CARRIED

Mayor Michael Coxon acknowledged and welcomed the attendance of His Excellency the Honourable Hieu Van Le AC, Governor of South Australia, and his wife Mrs Lan Le to Council. Mayor Coxon also acknowledged the attendance of the Honorary Aides-de-Camp to His Excellency, Detective Chief Inspector Darren Fielke, former Mayor of the City of West Torrens John Trainer OAM, past Councillor and former Deputy Mayor of the City of West Torrens, George Demetriou, and his partner Ms Fiona Hui in the gallery.

Mayor Coxon was pleased to present His Excellency with the City of West Torrens Civic Award in recognition of his outstanding service to the community of the City of West Torrens and delivered the following speech:

*"Your Excellency, it is with great pleasure that I present you with the City of West Torrens' highest honour, the Civic Award.*

*The Civic Award is presented to individuals who have given outstanding service to, or been a benefactor to, the City of West Torrens.*

*Council wishes to present this Award to you to not only recognise your esteemed and invaluable contribution as Governor to the State of South Australia but also, as Patron of the many community organisations within the City of West Torrens to which you have served during your seven years as Governor.*

*Some, and I stress some, of these organisations are:*

- *Adelaide Sailing Club at West Beach*
- *Athletics South Australia in Mile End South*
- *SA German Association at Brooklyn Park*
- *Meals on Wheels (SA) Inc. in Hilton*
- *Netball South Australia in Mile End South*
- *Orana Australia Limited in Netley*
- *Royal Association of Justices of SA Inc. in Netley*
- *Royal Flying Doctor Service of Australia at Adelaide Airport*
- *Royal United Services Institute for Defence and Security Studies SA Inc. at Keswick*
- *South Australian Sports Federation Inc. (Sport SA) at West Beach*
- *Special Olympics South Australia at West Beach*
- *Surf Life Saving South Australia Inc. at West Beach*
- *The Royal South Australia Regiment - 10<sup>th</sup>/27<sup>th</sup> Battalion at Torrensville*
- *TPI - The Association of Totally & Permanently Incapacitated Ex-Service Men and Women (SA Branch) Inc. at Richmond*

*I further note that your current honours include:*

### **Orders**

- 2010: Officer of the Order of Australia (AO)
- 2014: Knight of Grace of the Order of St John
- 2016: Companion of the Order of Australia (AC)

### **Medals**

- 2001: Centenary Medal for "service to the advancement of multiculturalism in Australia"

### **Appointments**

- 2014: Colonel of the Royal South Australia Regiment
- 2014: Deputy Prior of the Order of St John

*I trust that this Civic Award from the City of West Torrens will sit comfortably next to your other Awards and that in the years to come you will have fond memories of your time in West Torrens.*

*So, in conclusion, Your Excellency, tonight we honour you. Thank you Your Excellency for being so gracious in your acceptance of this Civic Award.*

*Mrs Le, and for those who may not be aware, you have also served many organisations in our City. Amongst the more than 25 organisations across Adelaide that you are Patron of, may I recognise and reference one special organisation in West Torrens, namely the Embroiderers' Guild of South Australia in Mile End.*

*I attended their most recent event in March this year for the official opening of the Nature by Needle exhibition. I watched as the President, Kerry Sanders, and the other members of her Executive welcomed you on your arrival and escorted you through the exhibition. It was clear to me that you are highly respected and adored by the Guild and all in attendance that day. Such is your effect on others.*

*Mrs Le, you have been a beacon to women from all walks of life in our community and have been warmly welcomed into our City's hearts and, as a token of our appreciation, please accept this bouquet of flowers.*

*Your Excellency and Mrs Le, on behalf of the Council of the City of West Torrens, thank you for your service and commitment to our City and for your attendance this evening."*

His Excellency was then personally introduced to each Elected Member and members of the Administration by Mayor Coxon before departing.

**7.24pm** Mayor Michael Coxon left the meeting.

**7.26pm** Mayor Michael Coxon returned to the meeting.

#### 4 DISCLOSURE STATEMENT

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Council Item 17.9 - Rate Equivalent Payments by Adelaide Airport Limited - Confidential Order Review	Perceived	Cr John Woodward
Council Item 21.3 - Proponent Led Code Amendment 1	Perceived <i>(This was amended at the item to Material)</i>	Cr John Woodward

#### 5 CONFIRMATION OF MINUTES

##### RECOMMENDATION

That the Minutes of the meeting of the Council held on 15 June 2021 be confirmed as a true and correct record.

##### RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Surender Pal

That the recommendation be adopted.

**CARRIED**

#### 6 MAYORS REPORT

Further to the report listed in the Agenda, Mayor Michael Coxon advised that he received correspondence from the President of the Italian Pensioners Club of Thebarton and Suburbs Inc., Frank Violi, conveying his thanks to the City of West Torrens for providing the group with 90 *Think, Buy, Be LOCAL* vouchers which were used for lunch at the Hilton Hotel, Hilton.

Mayor Coxon also elaborated on his attendance at the Founding Chair of Filipina SA women's volunteer recognition event at Apex Park on Saturday 3 July 2021, where he presented plaques in recognition of around 40 volunteers. Mayor Coxon further highlighted their work in the local Filipina community, as well as in Mount Gambier, Renmark and other country locations, providing assistance in the areas of domestic violence support, economic violence support and other issues affecting Filipina women.

##### RECOMMENDATION

That the Mayor's Report be noted.

##### RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

**CARRIED**

## **7 ELECTED MEMBERS REPORTS**

Cr Daniel Huggett advised of his attendance at the Australian Local Government Association National General Assembly of Local Government at the National Convention Centre in Canberra along with Mayor Michael Coxon and Cr/s Brandon Reynolds, Elisabeth Papanikolaou and Surender Pal from 20 to 23 June 2021.

Cr Elisabeth Papanikolaou advised of her attendance at the following:

- Australian Local Government Association National General Assembly of Local Government at the National Convention Centre in Canberra along with Mayor Michael Coxon and Cr/s Brandon Reynolds, Daniel Huggett and Surender Pal from 20 to 23 June 2021; and
- Western Adelaide Tourism Networking Function 'Food Tourism in the West' at Imperial Measures Distilling in Thebarton on Friday 25 June 2021.

Cr Simon Tsiaparis advised of his attendance at the following:

- Working bee at Netley Kindergarten on Saturday 19 June 2021, where a handful of educators and parents volunteered a few hours on Saturday morning to landscape, paint, and repair around the kindy grounds. Cr Tsiaparis thanked all who volunteered their time;
- Adelaide Cobras first night match at the new Weigall Oval, along with Cr/s John Woodward and George Vlahos on Friday 25 June 2021. Cr Tsiaparis noted that a goal, conceded in the dying seconds, proved to be the difference and recognised the valiant effort by the players and a great turnout on a cold and wet winter's night; and
- SANFL Round 13 Match between West Adelaide Football Club and North Adelaide Football Club at Hisense Stadium on Saturday 3 July 2021.

Cr Surender Pal advised of his attendance at the following

- Australian Local Government Association National General Assembly of Local Government at the National Convention Centre in Canberra along with Mayor Michael Coxon and Cr/s Brandon Reynolds, Daniel Huggett and Elisabeth Papanikolaou from 20 to 23 June 2021;
- Western Adelaide Tourism Networking Function 'Food Tourism in the West' at Imperial Measures Distilling in Thebarton on Friday 25 June 2021; and
- SANFL Match between West Adelaide Football Club and Adelaide Football Club at Hisense Stadium on Saturday 26 June 2021.

## **RESOLUTION**

Moved: Cr Jassmine Wood

Seconded: Cr Simon Tsiaparis

That the reports from Members be noted.

**CARRIED**

## **8 PETITIONS**

Nil

## **9 DEPUTATIONS**

Nil



**10 ADJOURN TO STANDING COMMITTEE****RECOMMENDATION**

That the meeting be adjourned, move into Standing Committee and reconvene at the conclusion of the City Services and Climate Adaptation Standing Committee.

**RESOLUTION**

Moved: Cr Surender Pal

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

**CARRIED**

**7.38pm** the meeting adjourned into Committee.

**7.46pm** the meeting reconvened. All those present prior to the adjournment of the meeting were present in the Chamber when the meeting reconvened.

**11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS****11.1 City Services and Climate Adaptation Standing Committee Meeting****RECOMMENDATION**

That the recommendations of the City Services and Climate Adaptation Standing Committee held on 6 July 2021 be adopted.

**RESOLUTION**

Moved: Cr Dominic Mugavin

Seconded: Cr Kym McKay

That the recommendation be adopted.

**CARRIED**

**12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS****12.1 City Advancement and Prosperity General Committee Meeting****RECOMMENDATION**

That the Minutes of the City Advancement and Prosperity General Committee held on 22 June 2021 be noted and the recommendations adopted.

**RESOLUTION**

Moved: Cr Jassmine Wood

Seconded: Cr George Vlahos

That the recommendation be adopted.

**CARRIED**

**13 QUESTIONS WITH NOTICE**

Nil

**14 QUESTIONS WITHOUT NOTICE**

Questions were asked and responses provided by the Administration.

**15 MOTIONS WITH NOTICE**

Nil

**16 MOTIONS WITHOUT NOTICE**

Nil

**17 REPORTS OF THE CHIEF EXECUTIVE OFFICER****17.1 Adoption of the Budget and Annual Business Plan and Declaration of the Rates for 2021/22**

This report proposed adoption of the budget and annual business plan, along with the long term financial plan which forms a part of the budget, and declaration of the rates for 2021/22.

Council needed to adopt each numbered recommendation in A separately, along with recommendations in B and C separately.

**RECOMMENDATION(S)**

It is recommended to Council that:

**A. Rates**

The following recommendations are made in exercise of powers contained in Chapters 8, 9 and 10 of the *Local Government Act 1999* for the financial year ending on 30th June 2022:

**1. Adoption of the Annual Business Plan**

Pursuant to and in accordance with section 123 of the *Local Government Act 1999* and regulation 6 of the *Local Government (Financial Management) Regulations 2011*, having considered all submissions in accordance with section 123(6) of the *Local Government Act 1999*, the Annual Business Plan for 2021/22, included as a part of the Budget and Annual Business Plan 2021/22, be adopted.

**RESOLUTION**

Moved: Cr Kym McKay

Seconded: Cr George Vlahos

That the recommendation be adopted.

**CARRIED**

## 2. Adoption of the Budget

The budget for 2021/22, included as a part of the Budget and Annual Business Plan 2021/22, and prepared in accordance with section 123 of the *Local Government Act 1999* and regulation 7 of the *Local Government (Financial Management) Regulations 2011*, as detailed in the budget papers laid before the Council at this meeting, including:

- the budgeted statement of comprehensive income;
- the budgeted statement of financial position;
- the budgeted statement of cash flows; and
- the budgeted statement of changes in equity;

be adopted.

### RESOLUTION

Moved: Cr George Vlahos

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

**CARRIED**

## 3. Adoption of the Valuations

Pursuant to section 167(2)(a) of the *Local Government Act 1999*, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council area, totalling \$19,013,335,580, be adopted for rating purposes.

### RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

**CARRIED**

## 4. Declaration of General Rates

Having taken into account the general principles of rating in section 150 and the requirements of section 153(2) of the *Local Government Act 1999*, the Council determines that:

- (1) Differential general rates be declared pursuant to and in accordance with sections 153(1)(b) and 156(1)(a) of the *Local Government Act 1999* on the capital value of all rateable land within the Council area according to the use of the land as per the permissible differentiating factors set out in regulation 14 of the *Local Government (General) Regulations 2013* as follows:
  - (a) 0.245032 cents in the dollar on rateable land use of the permissible differing category (a);
  - (b) 0.629690 cents in the dollar on any rateable land use of the permissible differing categories (b) to (i) inclusive.
- (2) Pursuant to section 158(1)(a) of the *Local Government Act 1999*, a minimum amount payable by way of general rates of \$961 is fixed in respect of rateable land within the Council's area.

- (3) Pursuant to section 153(3) of the *Local Government Act 1999*, there be no fixed maximum increase in the general rate to be charged on a principal place of residence of a principal ratepayer.

## RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

**CARRIED**

## 5. Declaration of Separate Rate - Regional Landscape Levy

In accordance with section 69 of the *Landscape South Australia Act 2019* and section 154 of the *Local Government Act 1999*, in order to reimburse the Council for an amount of \$1,594,713 contributed to the Green Adelaide Board, a separate rate of 0.009339 cents in the dollar be declared on all rateable land in the area of the Council and the Board based on the capital value of that land.

## RESOLUTION

Moved: Cr George Vlahos

Seconded: Cr Surender Pal

That the recommendation be adopted.

**CARRIED**

## 6. Payment of Rates

Pursuant to section 181(1) and (2) of the *Local Government Act 1999*, all rates are payable in four equal or approximately equal instalments on the day on which each of four instalments falls due as follows:

- (i) 1st September 2021 in respect of the first instalment;
- (ii) 1st December 2021 in respect of the second instalment;
- (iii) 1st March 2022 in respect of the third instalment; and
- (iv) 1st June 2022 in respect of the fourth instalment.

## RESOLUTION

Moved: Cr Elisabeth Papanikolaou

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

**CARRIED**

**B. Adoption of the Long Term Financial Plan**

Pursuant to section 122(1a)(a) of the *Local Government Act 1999*, the long term financial plan included in the 2021/22 Budget and Annual Business Plan be adopted.

**RESOLUTION**

Moved: Cr Kym McKay

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

**CARRIED**

**C. Budget Review**

The Council be provided with reviews of its budgetary position throughout the year consistent with the requirements of regulation 9 of the *Local Government (Financial Management) Regulations 2011*, including a framework for development of the 2022/23 budget.

**RESOLUTION**

Moved: Cr Cindy O'Rielley

Seconded: Cr Surender Pal

That the recommendation be adopted.

**CARRIED**

**17.2 Open Space Plan - Consultation**

This report presented an overview of Council's draft Open Space Plan (the Plan), including a set of goals and strategies for approval to progress to public consultation.

**RECOMMENDATION**

It is recommended to Council that:

1. It approves the release of the draft Open Space Plan to public consultation for a period of no less than twenty-one (21) days.
2. The Chief Executive Officer be authorised to make changes of a minor or formatting nature to the draft Open Space Plan prior to its release to public consultation.
3. The outcomes of the public consultation be presented to a future meeting of Council.

**RESOLUTION**

Moved: Cr Graham Nitschke

Seconded: Cr Jassmine Wood

That the recommendation be adopted.

**CARRIED**

### **17.3 Private Proponent Planning and Design Code Amendments**

This report presented proposed feedback to the Minister for Planning with regard to Planning and Design Code Amendments.

#### **RECOMMENDATION**

It is recommended to Council that the Chief Executive Officer writes to the Minister for Planning and Local Government detailing the concerns raised in this report and advising that Council:

1. Seeks a review of the private proponent led Planning and Design Code Amendment process be undertaken to:
  - a. ensure appropriate rigour, checks and balances are in place;
  - b. reduce the potential for errors and poorly informed policy changes that may have long term impacts on West Torrens and its community;
2. Requests that Code Amendments be put on hold pending the outcome of this review.

#### **RESOLUTION**

Moved: Cr Dominic Mugavin

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

**CARRIED**

### **17.4 Community Grant Application - National Servicemen's Association SA Branch**

This report presented a community grant application from the National Servicemen's Association SA Branch for funding towards the cost of the 70<sup>th</sup> Anniversary Commemoration event to be held in August 2021.

#### **RECOMMENDATION**

It is recommended to Council that it approves \$1,500 to the National Servicemen's Association SA Branch for funding towards the cost of the 70th Anniversary Commemoration event to be held in August 2021.

#### **RESOLUTION**

Moved: Cr Kym McKay

Seconded: Cr John Woodward

That the recommendation be adopted.

**CARRIED**

### **17.5 Update - Request to purchase portion of the road reserve - corner of Arthur Lemon Avenue & Witty Court, Underdale**

This report provided Members with an update regarding the possible purchase of portion of the road (verge land) on the south-western corner of Witty Court, Underdale and Arthur Lemon Avenue, Underdale.

#### **RECOMMENDATION**

It is recommended to Council that:

1. The Council advise the applicant (the owners of 1 Witty Court, Underdale) that it agrees to increase the area of verge land (beyond that provided at its meeting of 8 December 2020) in accordance with the additional land sought in the aerial plan, should the applicant determine to proceed in this manner.

OR

2. The Council advise the applicant that it does not provide its consent for the potential disposal of the additional (verge) land sought by the applicant.

#### **RESOLUTION**

Moved: Cr Daniel Huggett

Seconded: Cr Kym McKay

That the Council advise the applicant (the owners of 1 Witty Court, Underdale) that it agrees to increase the area of verge land (beyond that provided at its meeting of 8 December 2020) in accordance with the additional land sought in the aerial plan, should the applicant determine to proceed in this manner.

**CARRIED**

### **17.6 Sale of Property for the Non Payment of Rates - Confidential Order Review**

This report presents the annual review of the confidential order applied to the confidential report Item 22.1 - Sale of Property for the Non Payment of Rates, at the 4 June 2019 meeting of Council 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 Section 91(9)(a), having reviewed the confidentiality order made on 4 June 2019 and reviewed at Council's 2 June 2020 meeting, in respect of confidential Item 22.1 - Sale of Property for the Non Payment of Rates, Council orders that the confidential Agenda report, the Minutes arising, attachments and any associated documentation, continues to be retained in confidence in accordance with Section 90(3)(a) and (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 report involves personal affairs of the ratepayers named in the report and Council litigation.
2. Pursuant to s91(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 Surender Pal

That the recommendation be adopted.

**CARRIED**

**17.7 Divestment of Council Property - Confidential Order Review**

This report presented the annual review of the confidential orders applied to the confidential 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 Section 91(9)(a), having reviewed the confidentiality orders at Council meetings on 19 February 2019, 2 July 2019, 21 January 2020 and 7 July 2020, in regards to reports relating to the divestment of Council property at 108-120 Marion Road, Brooklyn Park, Council orders that the following confidential Agenda reports, 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 Simon Tsiaparis

Seconded: Cr Surender Pal

That the recommendation be adopted.

**CARRIED**



### **17.8 Weslo Holdings and Thebarton Theatre Complex - Confidential Order Review**

This report presented the annual review of the confidential orders applied to confidential reports relating to the Weslo Holdings and Thebarton Theatre Complex 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 Section 91(9)(a), having reviewed the confidentiality orders at Council meetings on 23 July 2019 and 7 July 2020, in respect of reports relating to the Weslo Holdings and Thebarton Theatre Complex, Council orders that the following confidential Agenda reports, the Minutes arising, attachments and any associated documentation:
  - Item 11.1 - Weslo Holdings Pty Ltd - Thebarton Theatre Complex, Project and Business Plan, Lease Update and Air-conditioning Upgrade, presented to the City Facilities and Waste Recovery General Committee at its 23 July 2019 Meeting;
  - Item 21.1 - Weslo Holdings and Thebarton Theatre - Update, presented to Council at its 7 July 2020 Meeting;

continue to be retained in confidence in accordance with Sections 90(3)(b)(i) and (ii) and 90(3)(d)(i) and (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 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. In addition, it may also 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.

#### **RESOLUTION**

Moved: Cr Kym McKay

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

**CARRIED**

**17.9 Rate Equivalent Payments by Adelaide Airport Limited - Confidential Order Review**

**8.17pm** Cr John Woodward declared a material conflict of interest in this item as he is a Director of Statewide Super and the industry fund has a shareholding in Adelaide Airport. Cr Woodward left the meeting for the discussion and vote on the item.

This report presented the annual review of the confidential order applied to confidential report Item 21.1 - Rate Equivalent Payments by Adelaide Airport Limited, at the 7 July 2020 Meeting of Council 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 order made on 7 July 2020, in respect of confidential Agenda report relating to rate equivalent payments by Adelaide Airport Limited, Council orders that the confidential Agenda report, the Minutes arising, attachments and any associated documentation, continues to be retained in confidence in accordance with Section 90(3)(b)(i),(b)(ii) and (g) of the *Local Government Act 1999*, and not available for public inspection for a further 12 month period, on the basis that disclosure of the information received, discussed and considered 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. 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 Daniel Huggett

Seconded: Cr Kym McKay

That the recommendation be adopted.

**CARRIED**

**8.18pm** Cr John Woodward returned to the meeting.

**18 LOCAL GOVERNMENT BUSINESS**

Nil

**19 MEMBER'S BOOKSHELF**

- History Trust of South Australia Highlights 2019 - 2020

**RECOMMENDATION**

That the additions to Members' bookshelf be noted.

**RESOLUTION**

Moved: Cr Kym McKay

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

**CARRIED**

## **20 CORRESPONDENCE**

### **20.1 SA Heritage Grants 2020/21 - Thebarton Theatre Conservation Works**

Correspondence was received from the Manager of Heritage South Australia, Beverly Voigt, on behalf of the Minister for Environment and Water, the Hon. David Speirs MP, regarding a grant offer toward the Thebarton Theatre Conservation Works.

### **20.2 Letter of thanks from the Greeks of Egypt & Middle East Society of SA Inc.**

Correspondence was received from the President of the Greeks of Egypt & Middle East Society of SA Inc., Renata Irene Papaioannou, thanking Mayor Michael Coxon for his attendance at their 70<sup>th</sup> Anniversary function on Sunday 6 June 2021.

### **20.3 Statutes Amendment (Local Government Review) Bill 2020**

Correspondence was received from the Deputy Premier, Attorney-General and Minister for Planning and Local Government, the Hon. Vickie Chapman MP, informing Council that the *Statutes Amendment (Local Government Review) Bill 2020* passed both Houses of Parliament on Thursday 10 June 2021.

### **20.4 Metropolitan Council Involvement in COVID-19 Compliance Activities**

Correspondence was received from the Chief Public Health Officer for SA Health, Professor Nicola Spurrier, regarding the City of West Torrens' involvement in COVID-19 Compliance Activities.

Cr Cindy O'Rielley sought an explanation on this item specifically how the COVID-19 Compliance Activities would affect Council and a response was provided by the Administration.

### **20.5 Green Industries SA Grant Funding**

Correspondence was received from the Minister for Environment and Water, the Hon. David Speirs MP, congratulating Council on being awarded funding by the Marshall Liberal Government through Green Industries SA for the Kerbside Performance (Food Waste) Incentives Grant and Council Modernisation Grant.

### **20.6 Mayors for Peace Newsletter - June 2021**

Correspondence was received from the Mayors for Peace, providing the June 2021 No.138 Newsletter.

## **RECOMMENDATION**

That the correspondence be received.

## **RESOLUTION**

Moved: Cr George Vlahos

Seconded: Cr Kym McKay

That the recommendation be adopted.

**CARRIED**

## 21 CONFIDENTIAL

### 21.1 Kerbside Waste Management Services

#### Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(g) and (j)(i) 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.
- (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).

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 Report Items 21.1, 21.2, 21.3 and 21.4.

#### 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 - Kerbside Waste Management Services, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(g) and (j)(i) because the [REDACTED] has directed that all communication regarding [REDACTED] (including email correspondence) be treated as confidential and not made publicly available or published (such as in the Council's meeting minutes) until the report is finalised.
2. At the completion of the confidential session the meeting be re-opened to the public.

#### RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Elisabeth Papanikolaou

That 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 - Kerbside Waste Management Services, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(g) and (j)(i) because the [REDACTED] has directed that all communication regarding [REDACTED] (including email correspondence) be treated as confidential and not made publicly available or published (such as in the Council's meeting minutes) until the report is finalised.

**CARRIED**

**8.26pm** 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*, Council orders that the Item 21.1 - Kerbside Waste Management Services, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(g) and (j)(i), be kept confidential and not available for public inspection until such time as the examination report is finalised by the [REDACTED] and [REDACTED] has given permission for, or makes, the examination report publicly available on the basis that the [REDACTED] has directed that all communication regarding [REDACTED] (including email correspondence) be treated as confidential and not made publicly available or published (such as in the Council's meeting minutes) until the report is finalised.
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*.

**8.31pm** the Confidential session for Item 21.1 - Kerbside Waste Management Services closed.

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

**21.2 Public Lighting Rebate Dispute****Reason for Confidentiality**

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

- (h) legal advice.
- (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.

**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 - Public Lighting Rebate Dispute, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(h) and (i) because the report contains legal advice and relates to litigation that council believes on reasonable grounds will take place.
2. At the completion of the confidential session the meeting be re-opened to the public.

## RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Cindy O'Rielly

That 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 - Public Lighting Rebate Dispute, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(h) and (i) because the report contains legal advice and relates to litigation that council believes on reasonable grounds will take place.

**CARRIED**

**8.32pm** 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*, Council orders that the Item 21.2 - Public Lighting Rebate Dispute the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(h) 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 contains legal advice and relates to litigation that council believes on reasonable grounds will take place.
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*.

**8.33pm** the Confidential session for Item 21.2 - Public Lighting Rebate Dispute closed.

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

### 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.

### 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 21.3 - 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.
2. At the completion of the confidential session the meeting be re-opened to the public.

### RESOLUTION

Moved: Cr Daniel Huggett

Seconded: Cr Kym McKay

That 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.

**CARRIED**

**8.34pm** 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 21.3 - 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*.

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

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

**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.

##### **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 21.4 - 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.

##### **RESOLUTION**

Moved: Cr Jassmine Wood

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

**CARRIED**

**8.43pm** 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 21.4 - 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*.

**8.44pm** 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 8.44pm.

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## **1 MEETING OPENED**

The Presiding Member declared the meeting open at 7.39pm.

## **2 PRESENT**

### **Council Members:**

Cr D Mugavin (Presiding Member)

Mayor M Coxon

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

## **3 APOLOGIES**

### **Apologies**

#### **Committee Members:**

Cr David Wilton

Cr Anne McKay

Cr Brandon Reynolds

#### **Officers:**

Ms P Koritsa (General Manager Business and Community Services)

## **RECOMMENDATION**

That the apologies be received.

## **COMMITTEE RESOLUTION**

Moved: Cr Jassmine Wood

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

**CARRIED**

**7.39pm** Mayor Michael Coxon left the meeting.

## **4 DISCLOSURE STATEMENTS**

Nil

## **5 CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the meeting of the City Services and Climate Adaptation Standing Committee held on 1 June 2021 be confirmed as a true and correct record.

### **COMMITTEE RESOLUTION**

Moved: Cr George Vlahos

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

**CARRIED**

## **6 COMMUNICATION BY THE CHAIRPERSON**

Nil

## **7 QUESTIONS WITH NOTICE**

Nil

## **8 QUESTIONS WITHOUT NOTICE**

Nil

## **9 MOTIONS WITH NOTICE**

Nil

## **10 MOTIONS WITHOUT NOTICE**

Nil

## **11 CITY SERVICES AND CLIMATE ADAPTATION REPORTS**

### **11.1 Petition - Turner Avenue Plympton**

The purpose of this report was to brief Council on an investigation of the traffic condition on Turner Avenue Plympton following a petition received by Council.

#### **RECOMMENDATION**

The Committee recommends to Council that:

1. The concerns of petitioners be noted for the future LATM plan study to be prepared for the area; and
2. The Administration liaise with the Department for Infrastructure and Transport (DIT) regarding the road planning for Marion Road and Cross Road, with a view of requesting DIT to improve the traffic flow conditions on these major arterial roads, to assist in reducing through traffic using local streets in the area.

#### **COMMITTEE RESOLUTION**

Moved: Cr Simon Tsiaparis

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

**CARRIED**

**7.40pm** Mayor Michael Coxon returned to the meeting.

### **11.2 Community Services Activity Report - June 2021**

This report detailed the activities of the Community Services Department for June 2021.

#### **RECOMMENDATION**

The Committee recommends to Council that the Community Services Activity Report - June 2021 be received.

#### **COMMITTEE RESOLUTION**

Moved: Cr Daniel Huggett

Seconded: Cr Jassmine Wood

That the recommendation be adopted.

**CARRIED**

### **11.3 Urban Services Activities Report**

This report provided Elected Members with information on activities within the Urban Services Division.

#### **RECOMMENDATION**

The Committee recommends to Council that the Urban Services Activities Report be received.

#### **COMMITTEE RESOLUTION**

Moved: Cr Graham Nitschke

Seconded: Cr Surender Pal

That the recommendation be adopted.

**CARRIED**

### **12 MEETING CLOSE**

The Presiding Member declared the meeting closed at 7.45pm.