



COUNCIL MINUTES

for the meeting held
on Monday, 27 March 2023

in the Council Chambers
72 Woodville Rd, Woodville SA 5011



PRESENT :**Elected Members:**

Mayor - Angela Evans, Councillor - Kenzie van den Nieuwelaar , Councillor - Kelly Thomas , Councillor - Alice Campbell, Councillor - Nicholas Le Lacheur, Councillor - Merlindie Fardone, Councillor - Senthil Chidambaranathan, Councillor - Peter Ppiros, Councillor - Katriona Kinsella, Councillor - Michael McEwen, Councillor - Rachele Tullio, Councillor - Quin Tran, Councillor - Edgar Agius, Councillor - Thomas Scheffler, Councillor - Stuart Ghent

DATE :

Monday, 27 March 2023 | Time 7:00 PM

VENUE :

Council Chambers

In Attendance :

Chief Executive Officer - Paul Sutton	General Manager Asset Management Services - Adrian Ralph
General Manager City Services - Bruce Williams	General Manager Corporate Services - Donna Dunbar
Manager Engineering Strategy and Assets - Sam Adams	Manager Public Health and Safety - Adam Filipi
Manager Governance and Operational Support – Kerrie Jackson	Manager Open Space Recreation and Property - Sam Higgins
Manager Innovation & Performance – Amanda Cech	Team Leader Contracted Services – Joe Parisi
Team Leader Governance and Business Support - Mary Del Giglio	

1. COUNCIL OPENING

The meeting commenced at 7 PM.

1.1 OPENING PRAYER

Almighty Father from Whom all goodness flows, grant unto us qualities of wisdom justice and tolerance, that we the civic leaders of this community may govern in harmony and concord.

This we ask in Thy name.

We also remember and give thanks for those, our sons and daughters, who gave their lives for Australia.

Lest we forget.

Niina Marni is Kurna for ' Welcome'. The City of Charles Sturt acknowledges and pays respect to the traditional custodians of the land, the Kurna people of the Adelaide plains. We pay our respect to Elders past, present and emerging. We respect their spiritual beliefs and connections to land which are of continuing importance to the Kurna people of today. We acknowledge the contributions and important role that Aboriginal people continue to play within our local community in Charles Sturt. We also respect the culture of Aboriginal people visiting from other areas of South Australia and Australia.

1.2 APOLOGIES AND LEAVE OF ABSENCE

APOLOGIES

Councillor - Nicole Mazeika

Councillor - George Turelli

LEAVE OF ABSENCE

Nil

2. CONFIRMATION OF MINUTES

2.1 COUNCIL

Brief

Confirmation of the minutes of the previous meeting held on Tuesday, 14 March 2023.

Moved Councillor - Edgar Agius

Seconded Councillor - Stuart Ghent

Motion

That the minutes of the previous meeting held on Tuesday, 14 March 2023 be taken as read and confirmed.

Carried Unanimously

2.2 REPORTS OF COMMITTEES - PART I

2.2.1 ASSET MANAGEMENT COMMITTEE

Brief

The Asset Management Committee was held on Monday, 20 March 2023.

Moved Councillor - Senthil Chidambaranathan **Seconded** Councillor - Thomas Scheffler

That having considered the recommendations of the Committee which has read and considered the reports in the agenda related to all items with the exception of Item 4.17:

3.01 DEPUTATION - PROPOSED PARKING CONTROL CHANGES - PARK TERRACE SERVICE ROAD AND COOMBE STREET, Ovingham

Motion

1. That the deputation be received and noted.
2. That Mr Ramsay be thanked for his presentation and that any deputation notes that comply with Council's Code of Practice for Meeting Procedures and the laws of defamation, be included in the minutes.

4.18 ROAD CLOSURE - PORTIONS OF SECOND STREET, BOWDEN

Motion

1. That Council, having considered the criteria for closing roads pursuant to section 16 of the Roads (Opening and Closing) Act 1991 (shown in Appendix 5), finds that the portions of Second Street are excess to requirements.
2. That Council commence the process in Part 3 of the Roads (Opening and Closing) Act 1991 to close the portion of Second Street marked 'A' in the Preliminary Plan contained within Appendix 1 of this report.
3. That persons making written submissions and wishing to make a verbal submission be heard prior to Council determining whether to make a Road Process Order to close the portions of Second Street.
4. That Council enter into a Preliminary Agreement as allowed in Part 3, clause 12 of the Roads (Opening and Closing) Act 1991 for the transfer of ownership to the adjoining land owner (Renewal SA).
5. That pursuant to section 193(4a) of the Local Government Act 1999, Council excludes the closed portion of Second Street from Community Land classification to enable amalgamation with the adjoining allotment currently under Renewal SA ownership.
6. That the Mayor and Chief Executive Officer affix the Council seal and sign all documents relating to this matter (or to facilitate these recommendations).
7. That Council authorise the Mayor and the Chief Executive Officer to enter into all Conveyancing Transactions relevant to this matter and to sign all documents and provide such information as required to effect such Conveyancing Transactions.

4.19 ELECTRIC SCOOTER (E-SCOOTER) TRIAL - FUTURE DIRECTION

Motion

1. That the report be received and noted.
2. That Council note the extension to legislation for the current trial by the Minister for Transport until the 31st of October 2023 (Appendix 2).
3. That current E-scooter providers are given the opportunity to extend their current permit agreements with Council in line with the extension approved by the Minister until the 31st of October 2023.
4. That Council staff commence discussions with the City of West Torrens, Port Adelaide Enfield Council and the Department for Infrastructure and Transport (DIT) regarding changes to the legislation to enable E-scooters to operate on Council shared use paths along Coast Park and the River Torrens Linear Park Path.

5. That a further report be submitted to Council's Asset Management Committee seeking endorsement of any future routes based on outcomes of the above discussion with partnering Councils and DIT for E-scooters across the City of Charles Sturt shared use path network.

4.20 NEW PATH PROGRAM 2023/24

Motion

1. That Council note the outcomes of recent consultation in relation to the 2023/24 New Path Program as shown in Appendix 2.
2. That Council endorse the 2023/24 New Path Program contained in Appendix 1 and note that a budget bid has been submitted for the delivery of this program in 2023/24.
3. That Council note that the budget of the program has been prepared in accordance with the Transport Asset Management Plan and the Long Term Financial Plan for new path expenditure which is \$500K per annum.

4.21 ASSET MANAGEMENT SERVICES CAPITAL WORKS & OPERATING PROGRAM VARIATIONS

Motion

1. That the following variations to the Capital Works Program or Annual Operating Program be approved and adjusted in the Financial Statements at the next quarterly review as they involve transfers between renewal and new/upgrade works and or new projects to be funded by unbudgeted income:-
 - a. Budgeted expenditure for Grange Lakes Corridor Shared Use Path - Stage 4 Project 3139 (Upgrade) be increased by \$30,000 by reallocating funds from New Public Lighting Program 2021/22 Project 3275 (New).
2. That the following variations to the Capital Works Program be approved and budgets or scope adjusted accordingly:
 - a. The scope of the Military Road and Main Street Streetscape Project, 3082 (Upgrade), be increased to include the replacement of the catenary festoon lighting in Henley Square and landscaped swales along East Terrace, and the budget be carried over into the 2023/24 financial year.
 - b. Budgeted expenditure for Road Rehabilitation Program of Works 2021/22 Project 3328 (Renewal) be increased by a total of \$400,000 consisting of \$120,000 savings from Carpark Renewal Program of Works 2021/22 Project 3327 (Renewal), \$50,000 of unallocated funds from Carpark Renewal Program of Works 2022/23 Project 3358 (Renewal) and \$230,000 of unallocated funds from Road Reconstruction Program of Works 2022/23 Project 3438 (Renewal).
 - c. Road Rehabilitation Program of Works 2022/23 - 3347 – Changes to the 4-year Road Renewal Program.

- d. The scope for Street Light Upgrade Program - Infill and Improvement Program Project 3356 (Upgrade) be reduced to exclude the design of package 11 of the City of Charles Sturt infill program and the design be deferred to 2023/24.
3. That by endorsing the variations listed in 1. above, Council is endorsing a variation to the approved Asset Management Plan renewal schedule where relevant.

4.22 WOODVILLE ROAD STREETScape UPGRADE - PROJECT UPDATE MARCH 2023

Motion

1. That the report be received and noted.
2. That further quarterly reports be provided to the Asset Management Committee updating the progress of the project.

Council adopts the recommendations of the Committee as printed in the Minutes of this Committee.

Carried Unanimously

Moved Councillor - Alice Campbell

Seconded Councillor - Katriona Kinsella

4.17 PROPOSED PARKING CONTROL CHANGES - PARK TERRACE SERVICE ROAD AND COOMBE STREET, Ovingham

Motion

That a decision on proposed parking controls in Coombe Street and Park Terrace, Ovingham be delayed for consideration and a more detailed engagement report, which includes historical context of the matter, be provided to council within the next month.

Carried Unanimously

2.2.2 CITY SERVICES COMMITTEE

Brief

The City Services Committee was held on Monday, 20 March 2023.

Moved Councillor - Kenzie van den Nieuwelaar

Seconded Councillor - Quin Tran

That having considered the recommendations of the Committee which has read and considered the reports in the agenda related to items:

4.03 PRESENTATION - 107 PORT ROAD THEBARTON (THEBARTON BREWERY PRECINCT) CODE AMENDMENT - RELEASED FOR CONSULTATION

Motion

1. That the Proponent be thanked for their briefing to the Committee on the Code Amendment.
2. That a further report be presented to the Committee with a review of the proposed Code Amendment and a draft submission for consideration.

4.04 PRESENTATION - WESTERN ADELAIDE TOURISM ALLIANCE - TOURISM DESTINATION ACTION PLAN 2024

Motion

1. That the report and Draft Western Adelaide Tourism Alliance Tourism Destination Action Plan 2024 (Appendix 1) be received and noted for information.
2. That minor amendments of a formatting and or minor technical nature may be undertaken in order to finalise the Draft Western Adelaide Tourism Alliance Tourism Destination Action Plan 2024.
3. That staff be thanked for their presentation and a copy be included in the Minutes.

4.05 WEST LAKES RESIDENTIAL AND MIXED USE DRAFT CODE AMENDMENT - (PRIVATELY FUNDED) - SUMMARY OF CONSULTATION AND KEY ISSUES RECEIVED

Motion

1. That the report be received and noted.
2. That a final report be presented back to the Committee later this year, following the completion of the formal Engagement Report and recommended responses to the feedback received and proposed changes to the draft Code Amendment for the Committee's recommendation to Council.

4.06 HERITAGE CONSERVATION GRANT APPLICATIONS - FOR CONSIDERATION**Motion****90 Day Terrace, West Croydon**

1. That Council approves a grant allocation of \$500.00 from the Heritage Conservation Grants Program to the applicant Mr L Edwards for conservation work to a Regulated tree at 90 Day Terrace, West Croydon as outlined in the application referred to in Attachment 1, subject to the standard conditions of the Heritage Conservation Program Guidelines and any specified special conditions.

4A William Street, Croydon

2. That Council approves a grant allocation of \$2,000.00 from the Heritage Conservation Grants Program to the applicant Synod of the Anglican Diocese of Adelaide for conservation work to a Local Heritage Place at 4A William Street, Croydon as outlined in the application referred to in Attachment 2, subject to the standard conditions of the Heritage Conservation Program Guidelines and any specified special conditions.

68 Henry Street, West Croydon

3. That Council approves a grant allocation of \$2,000.00 from the Heritage Conservation Grants Program to the applicant C Evans for conservation work to a Representative Building at 68 Henry Street, West Croydon as outlined in the application referred to in Attachment 3, subject to the standard conditions of the Heritage Conservation Program Guidelines and any specified special conditions.

84 East Terrace, Henley Beach

4. That Council approves a grant allocation of \$2,000.00 from the Heritage Conservation Grants Program to the applicant P Eitzen and L Gelly for conservation work to a Representative Building at 84 East Terrace, Henley Beach as outlined in the application referred to in Attachment 4, subject to the standard conditions of the Heritage Conservation Program Guidelines and any specified special conditions.

45 Hodgeman Road, Pennington

5. That Council approves a grant allocation of \$2,000.00 from the Heritage Conservation Grants Program to the applicant P V Ruiten for conservation work to a Representative Building at 45 Hodgeman Road, Pennington as outlined in the application referred to in Attachment 5, subject to the standard conditions of the Heritage Conservation Program Guidelines and any specified special conditions.

22 Rosetta Street, West Croydon

6. That Council approves a grant allocation of \$2,000.00 from the Heritage Conservation Grants Program to the applicant M Snelling for conservation work to a Representative Building at 22 Rosetta Street, West Croydon as outlined in the application referred to in Attachment 6, subject to the standard conditions of the Heritage Conservation Program Guidelines and any specified special conditions.

18 Oval Avenue, Woodville South

7. That Council approves a grant allocation of \$2000.00 from the Heritage Conservation Grants Program to the applicant Ms K Evans for conservation work to a Representative Building at 18 Oval Avenue, Woodville South as outlined in the application referred to in Attachment 7, subject to the standard conditions of the Heritage Conservation Program Guidelines and any specified special conditions.

21-23 Young Avenue, West Hindmarsh

8. That Council approves a grant allocation of \$2000.00 from the Heritage Conservation Grants Program to the applicant Mr Evangelou for conservation work to a Local Heritage Place at 21-23 Young Avenue, West Hindmarsh as outlined in the application referred to in Attachment 8, subject to the standard conditions of the Heritage Conservation Program Guidelines and any specified special conditions.

4.07 HISTORICAL SOCIETIES GRANTS PROGRAM**Motion**

That the following organisations be allocated Historical Society Funding for 2022/23 for the purpose specified in their funding applications:

1. Charles Sturt Memorial Museum Trust - \$8,824.40
2. Hindmarsh Historical Society - \$3,914.00
3. Henley & Grange Historical Society - \$7,700
4. Fort Glanville Historical Association - \$3,960

4.08 COUNCIL ASSESSMENT PANEL - SEPTEMBER 2022 QUARTERLY REPORT**Motion**

That the report be received and noted.

4.09 COUNCIL ASSESSMENT PANEL - DECEMBER 2022 QUARTERLY REPORT**Motion**

That the report be received and noted.

4.10 RESPONSE TO PETITION - REQUEST FOR CHANGE TO DOG LEASH LAWS ON THE FORESHORE**Motion**

1. That the report be received and noted.
2. That no changes to the 'dog on leash' requirements along the City of Charles Sturt foreshore be made at this meeting.
3. That Council's administrative staff notify the head petitioner of the outcome of the decision.

4.11 DOG REGISTRATION FEES 2023/24

Motion

That Council endorses the proposed dog registration fee structure for 2023/24, as detailed in Appendix 1.

4.12 EVENTS AND FESTIVALS SPONSORSHIP - RECOMMENDATIONS FOR FUNDING

Motion

1. That Triathlon South Australia be funded \$2,000 to support the West Lakes Triathlon on Sunday 2 April 2023.
2. That the People Welfare Association be funded \$2000 to support Siragugal 2023 in the Woodville Town Hall on Saturday 15 April 2023.
3. That the Tamil Association be funded \$2,000 to support Sangamam in the Woodville Town Hall on Saturday 6 May 2023.
4. In principle support be provided for \$5,000 to the Southern Bricks Lego User Group for Brixpo 2023 to be held at the St Clair Recreation Centre on 15 and 16 July 2023 subject to the 23/24 financial year Events and Festivals sponsorship budget being approved.
5. That the 22/23 events and festivals sponsorship budget be closed and \$247 be attributed to savings.

Council adopts the recommendations of the Committee as printed in the Minutes of this Committee.

General Declaration of Interest

Councillor - Senthil Chidambaranathan declared a general conflict of interest pursuant to section 75B of the Local Government Act for Item 2.2.2-4.12. The nature of Councillor - Senthil Chidambaranathan's general conflict is that he is a past Treasurer of the Adalide Tamil association and an active association member. Councillor - Senthil Chidambaranathan dealt with the conflict of interest in the following transparent and accountable way and left the meeting.

Councillor - Senthil Chidambaranathan left the meeting at 7.16 PM

Carried Unanimously

Councillor - Senthil Chidambaranathan entered the meeting at 7.17 PM

3. REPORTS

Nil

4. DEPUTATIONS

Nil

5. PETITIONS

5.03 PETITION - OPPOSITION TO THE DEMOLITION OF 102 GIBSON STREET, BOWDEN

Brief

A petition has been received from Dr Steve Sutton requesting that Council acknowledges the community's strong opposition to the demolition of 102 Gibson Street, Bowden; recognises the valuable contribution that the building makes to the amenity of the historic streetscape and neighbourhood; and utilises every avenue at its disposal to retain this historic building.

Moved Councillor - Katriona Kinsella

Seconded Councillor - Thomas Scheffler

Motion

1. That Council receives the petition and acknowledges the views as stated by the individuals who signed the petition, however notes the relevant authority currently considering this matter is the City of Charles Sturt Council Assessment Panel (ref 22034280).
2. That the head petitioner be advised to raise the points outlined in the petition when presenting to the City of Charles Sturt Council Assessment Panel when this matter is considered.
3. That following the consideration of this matter at the City of Charles Sturt Council Assessment Panel, a report be presented to Council about the avenues that Council utilises to retain and promote local historic building of heritage value.

Material Declaration of Interest

Councillor - Edgar Agius declared a material conflict of interest pursuant to section 75C of the Local Government Act for Item 5.03. The nature of Councillor - Edgar Agius' material conflict is that this item will be presented to the Council Assessment Panel of which he is a Member and left the meeting.

Councillor - Edgar Agius left the meeting at 7.23 PM

Carried Unanimously

Councillor - Edgar Agius entered the meeting at 7.26 PM

6. BUSINESS

6.35 NEW RESERVE IN ALBERT PARK - RESULTS OF COMMUNITY ENGAGEMENT AND ENDORSEMENT OF COMMUNITY LAND MANAGEMENT PLAN AND FINAL DESIGN

Brief

This report provides a further update on the project costs and the community engagement outcomes following a proposal to adopt a Community Land Management Plan for Spad Street Reserve, Albert Park and to support the construction of a Council reserve with recreation facilities and amenities. The report also provides the community engagement outcomes and seeks Council's endorsement of the final concept plan for Spad Street Reserve.

Moved Councillor - Kelly Thomas **Seconded** Councillor - Kenzie van den Nieuwelaar

Motion

1. That the community engagement report, included as Appendix 1, summarising the engagement process and outcomes for the draft Community Land Management Plan (Section 197 of the Local Government Act 1999) and concept plan for Spad Street Reserve, Albert Park, including the feedback received, be noted.
2. That Council, having considered the community engagement results in Appendix 1, adopt the Community Land Management Plan for Spad Street Reserve, Albert Park as included in Appendix 2, pursuant to Section 196 of the Local Government Act 1999.
3. That the final concept plan for the new reserve in Albert Park in Appendix 3, as informed and amended by the feedback received and included in Appendix 1, be endorsed for detailed design and construction.
4. That savings of \$113,822 realised through the *ex graëa* relief request to refund the stamp duty costs paid by Council, remain allocated to the project.

Carried Unanimously

**6.36 LOCAL GOVERNMENT ASSOCIATION ORDINARY GENERAL MEETING - 14 APRIL 2023
- VOTING PREFERENCES AND VOTING DELEGATE****Brief**

The Ordinary General Meeting of the Local Government Association (LGA) is being held on Friday 14 April 2023 at the Adelaide Convention Centre. This report requests Council to consider the items on the agenda to determine Council's voting preference for each of these items.

Moved Councillor - Alice Campbell

Seconded Councillor - Michael McEwen

Motion

1. Council endorse the positions as detailed in Appendix 1 for each of the Motions on Notice on the agenda for the LGA Ordinary General Meeting being held on Friday 14 April 2023.
2. Council appoints Mayor Evans to attend the 2023 LGA Ordinary General Meeting only at no cost and to be Council's Delegate for voting rights.

Carried Unanimously

6.37 CEO PERFORMANCE REVIEW 2022-23 - PANEL MEMBERS**Brief**

To seek endorsement from Council on the time lines for the yearly CEO Performance Review and to select a CEO Performance Review Panel to oversee this independent process.

Moved Councillor - Alice Campbell

Seconded Councillor - Thomas Scheffler

Motion

1. That Council appoints the following Council Members to the CEO Performance Review Panel:
 - Mayor Evans (Mayor)
 - Cr Alice Campbell (current member)
 - Cr Senthil Chidambaranathan

2. That Council confirms that Ms Allison Ashby - AM Consulting is a qualified independent person that has the appropriate qualifications or experience in human resource management for the Panel to obtain and consider advice from as part of the CEO's Performance Review.

3. That Council endorses the CEO Performance Review timeline attached as Appendix 1.

Carried Unanimously

6.38 DISCRETIONARY WARD ALLOWANCE – CONSIDERATION OF APPLICATIONS**Brief**

Discretionary Ward Allowance grants are available to eligible, not for profit individuals, groups and organisations which are seeking funding support for programs, projects and activities that benefit the local community. This report is for Council to consider new applications that have been received and assessed.

Leave of the meeting was sought to consider the parts to Item 6.38 individually. Leave was granted.

Moved Councillor - Katriona Kinsella

Seconded Councillor - Alice Campbell

Motion

- 1. That the Discretionary Ward Allowance application for St Barnabas Anglican Church Croydon for \$3,000.00 (no GST) be approved from Hindmarsh Ward.**

Carried Unanimously

Moved Councillor - Stuart Ghent

Seconded Councillor - Nicholas Le Lacheur

Motion

- 2. That the Discretionary Ward Allowance application for (Canoe SA trading as) Paddle SA for \$2,102.25 (ex GST) be approved from Semaphore Park Ward.**

Carried Unanimously

General Declaration of Interest

Councillor - Nicholas Le Lacheur declared a general conflict of interest pursuant to section 75B of the Local Government Act for Item 6.38-3. The nature of Councillor - Nicholas Le Lacheur's general conflict is that his son plays soccer for school through the North West Junior Soccer Association. Councillor - Nicholas Le Lacheur dealt with the conflict of interest in the following transparent and accountable way and remained in the meeting, did not enter in the debate but did vote on the matter.

Moved Councillor - Stuart Ghent

Seconded Councillor - Edgar Agius

Motion

- 3. That the Discretionary Ward Allowance application for North West Junior Soccer Association for \$4,730.00 (no GST) be approved from Semaphore Park Ward.**

Carried Unanimously

7. MOTIONS ON NOTICE

Nil

8. QUESTIONS ON NOTICE

Nil

9. MOTIONS WITHOUT NOTICE

[As previously identified and agreed by the Presiding Member]

Nil

10. QUESTIONS WITHOUT NOTICE**10.01 – QUESTIONS WITHOUT NOTICE – COUNCILLOR CHIDAMBARANATHAN**

Moved Councillor - Senthil Chidambaranathan

Seconded Councillor - Quin Tran

Motion

I would like to move a motion to include this question without notice and the staff reply in today's meeting minutes.

Question

Hon Mayor, I would like to seek clarification from the staff through you regarding the speed controls placed on the Cheltenham Streets around the Alberton Oval during the weekend – these Speed controls were in the Seventh Ave and Brougham Pl. Are staff able to confirm if this was approved by CCS? If not what's the administration planning to ensure this is not being repeated in the future?

Answer

(provided by Bruce Williams, General Manager City Services)

The controls were not approved by Council and advice was provided to the residents that they were able to move the signs and these were subsequently removed by the

contractor. We have expressed our concerns to the Port Adelaide Football Club around this issue.

Question

Would we be looking at issuing any penalties for future breaches of a similar nature?

Answer

(provided by Bruce Williams, General Manager City Services)

We aim to have a collaborative relationship with both Port Adelaide Football Club and the contractors so it is our preference to work with them to manage any concerns. The last resort would be to seek penalties and this would be via the court process not expiation.

Carried Unanimously

11. BUSINESS - PART 11 - CONFIDENTIAL ITEMS

Nil

12. REPORTS OF COMMITTEES - PART 11 - CONFIDENTIAL ITEMS

Nil

13. MEETING CLOSURE

The meeting concluded at 7.49 PM.