

CITY OF WEST TORRENS



Minutes
of the
Council & Committee Meetings

- Urban Services Prescribed Standing Committee
- Governance Prescribed Standing Committee

of the

CITY OF WEST TORRENS

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

on

TUESDAY, 5 JULY 2016
at 7.00 PM

Terry Buss
Chief Executive Officer

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1. MEETING OPENED

The Presiding Member declared the meeting open at 7.04pm.

1.1 Evacuation Procedure

The evacuation procedures were taken as read.

2. PRESENT

Council Members:

Mayor J Trainer (Presiding Member)

Councillors: R Haese, G Palmer, G Vlahos, C O'Rielley, J Woodward, K McKay, S Rypp, G Demetriou, M Hill, A Mangos, S Tsiaparis, G Nitschke, T Polito.

Officers:

Mr T Buss (Chief Executive Officer)
Mr B Ross (GM Corporate and Regulatory)
Mr A Catinari (GM Urban Services)
Ms P Koritsa (GM Business and Community Services)
Ms J Lennon (Manager City Development)
Mr J Ielasi (Manager City Assets)
Ms L Johnson (Manager Business Services - Acting)
Ms E Pollard (Manager Human Resources and Service Centre)

3. APOLOGIES

Leave of Absence

Cr Dua

RECOMMENDATION

That the apologies be received.

COUNCIL DECISION

MOVED Cr Rypp SECONDED Cr Mangos that the recommendation be adopted.

CARRIED

4. DISCLOSURE STATEMENTS

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Council Item 17.5 - 2016 LGA Roads and Works Conference	Material	Cr Demetriou
Council Item 11.1 Adoption of Urban Services Prescribed Standing Committee Recommendations	Perceived	Cr Demetriou
Council Item 12.1 Adoption of Civic Non-Prescribed General Committee Recommendations	Perceived	Cr Rypp

Item	Type of Conflict	Elected Member
Council Item 17.4 Norman Waterhouse Lawyers Local Government Conference 2016	Material	Cr Rypp
Council Item 11.1 Adoption of Urban Services Prescribed Standing Committee Recommendations	Perceived	Cr Mangos
Council Item 17.4 Norman Waterhouse Lawyers Local Government Conference 2016	Material	Cr Mangos

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of Council held on 21 June 2016 be confirmed as a true and correct record.

COUNCIL DECISION

MOVED Cr McKay SECONDED Cr Polito that the recommendation be adopted.

CARRIED

6. MAYOR'S REPORT

RECOMMENDATION

That the Mayor's Report be noted.

COUNCIL DECISION

MOVED Cr Palmer SECONDED Cr Hill that the recommendation be adopted.

CARRIED

7. ELECTED MEMBER REPORTS

Cr Haese advised of her attendance at the Mendelson Scholarship Presentation Ceremony held on Friday 1 July 2016.

Cr Demetriou advised of his attendance at the ALGA National General Assembly held in Canberra on 19-22 June 2016.

Cr Palmer advised of his attendance at the Lockleys Neighbourhood Watch meeting on Monday 4 July 2016.

Cr Mangos advised of his attendance, along with Acting Mayor Cr McKay, Cr Rypp, Cr Haese, Cr Hill and Cr Demetriou, at the Mendelson Scholarship Presentation Ceremony held on Friday 1 July 2016.

COUNCIL DECISION

MOVED Cr Palmer SECONDED Cr Haese that the reports from Members be noted.

CARRIED

8. PETITIONS

Nil

9. DEPUTATIONS

Nil

10. ADJOURN INTO STANDING COMMITTEES

RECOMMENDATION

That the meeting be adjourned, move into Standing Committees and reconvene at the conclusion of the Governance Prescribed Standing Committee.

COUNCIL DECISION

MOVED Cr Polito SECONDED Cr Haese that the recommendation be adopted.

CARRIED

7.12pm the meeting adjourned into Committees.

7.29pm 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 URBAN SERVICES COMMITTEE

Cr Demetriou and Cr Mangos declared a perceived conflict of interest in Urban Services Committee Item 11.2 Request Approval for Closure of George Street Thebarton for Annual Street Party, in that they have an affiliation with the Greek Orthodox Community SA Incorporated organising the St Nicholas Church 'Street Party' and participated in the discussion and vote.

RECOMMENDATION

That the recommendations of the Urban Services Prescribed Standing Committee held on 5 July 2016 be adopted.

COUNCIL DECISION

MOVED Cr Polito SECONDED Cr Rypp that the recommendation be adopted.

CARRIED

Cr Demetriou and Cr Mangos voted in favour of the motion moved by Cr Polito and seconded by Cr Rypp.

11.2 GOVERNANCE COMMITTEE

RECOMMENDATION

That the recommendations of the Governance Prescribed Standing Committee held on 5 July 2016 be adopted.

COUNCIL DECISION

MOVED Cr Palmer SECONDED Cr Woodward that the recommendation be adopted.

CARRIED

12. ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

12.1 CIVIC NON-PRESCRIBED GENERAL COMMITTEE

Cr Rypp declared a perceived conflict of interest in Civic Committee Item 7.3 Community Grants Round Three 2015-16, in that he is a member of the Reedbeds Community Centre and participated in the discussion and vote.

RECOMMENDATION

That the Minutes of the Civic Non-prescribed General Committee dated 28 June 2016, be noted and the recommendations adopted.

COUNCIL DECISION

MOVED Cr Polito SECONDED Cr Demetriou that the recommendation be adopted.

CARRIED

Cr Rypp voted in favour of the motion moved by Cr Polito and seconded by Cr Demetriou.

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

16.1 Cr Palmer Leave of Absence

MOVED Cr Mangos SECONDED Haese that Cr Palmer be granted a leave of absence for the Council meeting to be held 19 July 2016.

CARRIED

16.2 Queen Elizabeth Hospital Cardiac Unit

MOVED Cr Rypp that the City of West Torrens write to the Minister for Health, Mr Jack Snelling, to oppose the closure of the Cardiac Unit at the Queen Elizabeth Hospital. This is due to putting at risk the health and wellbeing of our City of West Torrens residents that utilise services at the hospital and this letter is to be sent to local state MPs in the western suburbs as well.

Presiding Member ruled that the motion be deferred to the 19 July 2016 meeting of Council.

16.3 NRM Levy

MOVED Cr McKay SECONDED Cr Rypp that the CEO write to the LGA and seek an update on the actions taken following the passing of a resolution at the April 2016 LGA Ordinary General Meeting requiring the LGA to lobby the State Government for a cessation of the current collection method of the NRM levy.

CARRIED

17. REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Adoption of the Budget and Annual Business Plan and Declaration of the Rates for 2016/17

This report proposed adoption of the budget and annual business plan, and the long term financial plan, and declaration of the rates for 2016/17.

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

RECOMMENDATION(S)

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 2017:

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 2016/17, included as a part of the Budget and Annual Business Plan 2016/17, be adopted.

COUNCIL DECISION

MOVED Cr Demetriou SECONDED Cr Mangos that the recommendation be adopted.

CARRIED

2. Adoption of the Budget

The budget for 2016/17, included as a part of the Budget and Annual Business Plan 2016/17, 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.

COUNCIL DECISION

MOVED Cr McKay SECONDED Cr Rypp 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's area, totalling \$15,327,460,020, be adopted for rating purposes.

COUNCIL DECISION

MOVED Cr Mangos SECONDED Cr 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's area according to the use of the land as follows:
 - (a) 0.265938 cents in the dollar on rateable land use of the permissible differing category (a);
 - (b) 0.620855 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 \$870 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.

COUNCIL DECISION

MOVED Cr Demetriou SECONDED Cr McKay that the recommendation be adopted.

CARRIED

5. Declaration of Separate Rate - Regional Natural Resources Management Levy

In accordance with Section 95 of the *Natural Resources Management Act 2004* and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council for an amount of \$1,260,136 contributed to the Adelaide and Mt Lofty Ranges Natural Resource Management Board, a separate rate of 0.009360 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.

COUNCIL DECISION

MOVED Cr Mangos SECONDED Cr McKay 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 2016 in respect of the first instalment;
- (ii) 1st December 2016 in respect of the second instalment;
- (iii) 1st March 2017 in respect of the third instalment; and
- (iv) 1st June 2017 in respect of the fourth instalment.

COUNCIL DECISION

MOVED Cr Rypp SECONDED Cr Nitschke 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 2016/17 Budget and Annual Business Plan be adopted.

COUNCIL DECISION

MOVED Cr Rypp SECONDED Cr Haese 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 2017/18 budget.

COUNCIL DECISION

MOVED Cr Palmer SECONDED Cr Haese that the recommendation be adopted.

CARRIED

17.2 Local Government Election Signage

This report responded to a motion with notice regarding the investigation of how election posters could be banned from public land and infrastructure during local government elections for the City of West Torrens.

RECOMMENDATION(S)

It is recommended to Council that this report be received.

COUNCIL DECISION

MOVED Cr Demetriou SECONDED Cr Palmer that the recommendation be adopted.

CARRIED

17.3 OPAL Network and Transition

This report provided information about the potential continuation of the OPAL Program.

RECOMMENDATION(S)

It is recommended to Council that it joins the OPAL Network.

COUNCIL DECISION

MOVED Cr Rypp SECONDED Cr Demetriou that the recommendation be adopted.

CARRIED

17.4 Norman Waterhouse Lawyers Local Government Conference 2016

7.58pm Cr Mangos declared a material conflict of interest as he wished to attend the Normal Waterhouse Lawyers Local Government Conference and left the meeting for the discussion and vote on the item.

7.58pm Cr Rypp declared a material conflict of interest as he wished to attend the Normal Waterhouse Lawyers Local Government Conference and left the meeting for the discussion and vote on the item.

This report provided notice of the 2016 Norman Waterhouse Lawyers Local Government Conference to be held at Adelaide Oval on Friday 12 August 2016.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the attendance of Cr/s..... at the Norman Waterhouse Lawyers Local Government Conference to be held at Adelaide Oval on Friday 12 August 2016.
2. Expenses be reimbursed in accordance with Council policy.

COUNCIL DECISION

MOVED Cr McKay SECONDED Cr Haese that:

1. Subject to their confirmation, Council approves the attendance of Cr/s Rypp and Mangos at the Norman Waterhouse Lawyers Local Government Conference to be held at Adelaide Oval on Friday 12 August 2016.
2. Expenses be reimbursed in accordance with Council policy.

CARRIED

7.59pm Crs Mangos and Rypp returned to the meeting.

17.5 2016 LGA Roads and Works Conference

7.59pm *Cr Demetriou declared a material conflict of interest as he wished to attend the 2016 LGA Roads and Works Conference and left the meeting for the discussion and vote on the item.*

This report provided notice of the 2016 Local Government Association Roads and Works Conference to be held at the Sir Robert Helpmann Theatre in Mount Gambier on 1 and 2 September 2016.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to confirmation, Council approves the attendance of Cr/s at the Local Government Association Roads and Works Conference being held in Mount Gambier on 1 and 2 September 2016 at Sir Robert Helpmann Theatre.
2. Expenses be reimbursed in accordance with Council policy.
3. Subject to their confirmation, Council approves the attendance of the spouses/partners of attending Elected Members and further, consistent with Council policy, that costs, other than air fares or other travel costs, be met by Council.

Or

That the report be received.

COUNCIL DECISION

MOVED Cr Palmer SECONDED Cr Hill that:

1. Subject to confirmation, Council approves the attendance of Cr Demetriou at the Local Government Association Roads and Works Conference being held in Mount Gambier on 1 and 2 September 2016 at Sir Robert Helpmann Theatre.
2. Expenses be reimbursed in accordance with Council policy.
3. Subject to their confirmation, Council approves the attendance of the spouses/partners of attending Elected Members and further, consistent with Council policy, that costs, other than air fares or other travel costs, be met by Council.

CARRIED

8.00pm Cr Demetriou returned to the meeting.

18. LOCAL GOVERNMENT BUSINESS

18.1 Local Government Circulars

This report provided a detailed listing of current items under review by the Local Government Association.

RECOMMENDATION(S)

It is recommended to Council that the Local Government Circulars report be received.

COUNCIL DECISION

MOVED Cr Rypp SECONDED Cr Palmer that the recommendation be adopted.

CARRIED

19. MEMBERS' BOOKSHELF

Nil

20. CORRESPONDENCE

20.1 Australian Mayoral Aviation Council Executive Committee Minutes

Correspondence was received from the Australian Mayoral Aviation Council regarding the minutes from the meeting of the Executive Committee held on Wednesday 4 May 2016.

20.2 South Australian Police (SAPOL) Metropolitan Police Stations Review

Correspondence was received from the Assistant Commissioner of Police of the South Australian Police (SAPOL), Mr Noel Bamford, responding to Council's submission in relation to the Metropolitan Police Stations Review.

20.3 Groundwater Bore Use and Ongoing Investigation in Keswick Update

Correspondence was received from the Environment Program Manager of the Kelvinator Australia Pty Ltd, Mr Paul Thomas, providing an update on the investigations into site contamination that have been undertaken by Kelvinator Australia Pty Ltd within Keswick.

RECOMMENDATION

That the correspondence be received.

COMMITTEE DECISION

MOVED Cr Palmer SECONDED Cr Nitschke that the recommendation be adopted.

CARRIED

21. CONFIDENTIAL

Nil

22. MEETING CLOSE

The Presiding Member declared the meeting closed at 8.01pm.

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1. MEETING OPENED

The Presiding Member declared the meeting open at 7.13pm.

2. PRESENT

Committee Members:

Cr T Polito (Presiding Member)

Mayor J Trainer

Councillors: R Haese, G Palmer, G Vlahos, C O'Rielly, J Woodward, K McKay, S Rypp, G Demetriou, M Hill, A Mangos, S Tsiaparis, G Nitschke.

Officers:

Mr T Buss (Chief Executive Officer)

Mr A Catinari (GM Urban Services)

Mr B Ross (GM Corporate and Regulatory)

Ms P Koritsa (GM Business and Community Services)

Ms J Lennon (Manager City Development)

Mr J Ielasi (Manager City Assets)

Ms L Johnson (Manager Business Services - Acting)

Ms E Pollard (Manager Human Resources and Service Centre)

3. APOLOGIES

Leave of Absence

Cr Dua

RECOMMENDATION

That the apologies be received.

COMMITTEE DECISION

MOVED Cr Rypp SECONDED Cr O'Rielly that the recommendation be adopted.

CARRIED

4. DISCLOSURE STATEMENTS

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Urban Services Standing Committee Item 11.2 Request Approval for Closure of George Street Thebarton for Annual Street Party	Perceived	Cr Demetriou
Urban Services Standing Committee Item 11.2 Request Approval for Closure of George Street Thebarton for Annual Street Party	Perceived	Cr Mangos

5. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Urban Services Prescribed Standing Committee held on 7 June 2016 be confirmed as a true and correct record.

COMMITTEE DECISION

MOVED Cr Haese SECONDED Cr Rypp that the recommendation be adopted.

CARRIED

6. COMMUNICATIONS BY THE CHAIRPERSON

Nil

7. QUESTIONS WITH NOTICE

Nil

8. QUESTIONS WITHOUT NOTICE

Questions were asked and responses provided by the Administration.

9. MOTIONS WITH NOTICE

Nil

10. MOTIONS WITHOUT NOTICE

Nil

11. URBAN SERVICES DIVISION REPORTS

11.1 Proposed Road Closure - Road Reserve Land on the Corner of Allchurch Avenue and Packard Street

This report updated Elected Members in regard to actions that have occurred relating to the preliminary investigation of a proposed road closure ("allotments" on each corner of the intersection of Allchurch Avenue and Packard Street at Plympton).

RECOMMENDATION(S)

The Committee recommends to Council that:

1. It provide its consent for the road closure process for the identified portions of land in Attachments 1 and 2 to this report to commence; and
2. Further reports be provided to Council as necessary and/or when significant milestones are reached throughout the road closure process.

COMMITTEE DECISION

MOVED Cr Tsiaparis SECONDED Cr Mangos that the recommendation be adopted.

CARRIED

11.2 Request Approval for Closure of George Street Thebarton for Annual Street Party

Cr Demetriou and Cr Mangos declared a perceived conflict of interest in this item in that they have an affiliation with the Greek Orthodox Community of SA Incorporated organising the St Nicholas Church 'Street Party' and participated in the discussion and vote.

The purpose of this report was to advise Council of a request for the closure of a section of George Street Thebarton, between Dew Street and Albert Street, by the Greek Orthodox Community of SA Incorporated, in conjunction with the St Nicholas Church, to facilitate the holding of the Church of St Nicholas 'Street Party' on Saturday 10 and Sunday 11 December 2016.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. Approval be granted for the closure of the section of George Street, Thebarton between Dew Street and Albert Street from 8am on Saturday 10 December 2016 to 2am on Monday 12 December 2016 for the Church of St Nicholas "Street Party".
2. The Administration undertakes the temporary closure of George Street, Thebarton under delegated authority pursuant to Section 33 of the Road Traffic Act and advises the applicant of the requirements and conditions for compliance with the road closure order.
3. The Administration authorises the temporary placement of equipment in George Street for the event under delegated authority pursuant to Section 221 of the Local Government Act and advises the applicant of the requirements and conditions for compliance with the authorisation to make a (temporary) alteration to the road.
4. The costs associated with the event including any statutory charges for the event shall be borne by the applicant.

COMMITTEE DECISION

MOVED Cr Nitschke SECONDED Cr Mangos that the recommendation be adopted.

CARRIED

Cr Demetriou and Cr Mangos voted in favour of the motion moved by Cr Nitschke and seconded by Cr Mangos.

11.3 Result of the Resident Survey on Parking Controls in Rawlings Avenue and Palmyra Avenue, Torrensville

The purpose of this report was to provide Council with a report on the outcome of the resident parking survey recently conducted in Rawlings Avenue and Palmyra Avenue Torrensville in response to the residents' previous petition to Council.

RECOMMENDATION(S)

The Committee recommends to Council that the report be received.

COMMITTEE DECISION

MOVED Cr O'Rielley SECONDED Cr Palmer that the recommendation be adopted.

CARRIED

11.4 West Torrens Building Fire Safety Committee

The purpose of this report was to re-establish membership of the West Torrens Building Fire Safety Committee pursuant to Section 71 of the *Development Act 1993*.

RECOMMENDATIONS

The Committee recommends to Council that:

1. The West Torrens Building Fire Safety Committee be re-established as the appropriate authority in accordance with Section 71(18) and (19) of the *Development Act 1993* with the following membership;
 - Janine Lennon – Council employee, Manager City Development
 - Andrew Romaniuk – Council employee with prescribed qualification in building surveying
 - Jonathon Pearce (and Rodney Bahr as a deputy) – persons nominated by the Chief Officer of the South Australian Metropolitan Fire Service
 - Richard Newton Read – consultant from Marion City Council who is a person with extensive knowledge and experience with fire safety matters.

All members shall hold office until 30 August 2019, unless resolved otherwise by Council.

2. Janine Lennon be appointed as the Presiding Member of the Building Fire Safety Committee.
3. The Administration nominate an Executive Officer to provide support to the Committee.
4. The Terms of Reference for the West Torrens Building Fire Safety Committee as provided in Attachment 1 of this report be approved.

COMMITTEE DECISION

MOVED Cr Vlahos SECONDED Cr Rypp that the recommendation be adopted.

CARRIED

11.5 Urban Services Activities Report

The purpose of this report was to provide Elected Members with information on activities within the Urban Services Division.

RECOMMENDATION

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

COMMITTEE DECISION

MOVED Cr Rypp SECONDED Cr Nitschke that the recommendation be adopted.

CARRIED

12. MEETING CLOSE

The Presiding Member declared the meeting closed at 7.22pm.

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1. MEETING OPENED

The Presiding Member declared the meeting open at 7.23pm.

2. PRESENT

Committee Members:

Cr G Palmer (Presiding Member)

Mayor J Trainer

Councillors: R Haese, G Vlahos, C O'Rielly, J Woodward, K McKay,
S Rypp, G Demetriou, M Hill, A Mangos, S Tsiaparis, G Nitschke, T Polito.

Officers:

Mr T Buss (Chief Executive Officer)

Ms P Koritsa (GM Organisational Support)

Mr B Ross (GM Corporate and Regulatory)

Ms P Koritsa (GM Business and Community Services)

Ms J Lennon (Manager City Development)

Mr J Ielasi (Manager City Assets)

Ms L Johnson (Manager Business Services - Acting)

Ms E Pollard (Manager Human Resources and Service Centre)

3. APOLOGIES

Leave of Absence

Cr Dua

RECOMMENDATION

That the apologies be received.

COMMITTEE DECISION

MOVED Cr Woodward SECONDED Cr Haese that the recommendation be adopted.

CARRIED

4. DISCLOSURE STATEMENTS

Nil

5. CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Governance Prescribed Standing Committee held on 7 June 2016 be confirmed as a true and correct record.

COMMITTEE DECISION

MOVED Cr Tsiaparis SECONDED Cr Haese that the recommendation be adopted.

CARRIED

6. COMMUNICATIONS 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. GOVERNANCE REPORTS

11.1 Boundary Adjustment Process Reform Feedback

The Local Government Association sought feedback from councils on the Boundary Adjustment Process Proposals by 12 August 2016.

RECOMMENDATION(S)

The Committee recommends to Council that the feedback contained within this report be provided as Council's response to the Boundary Adjustment Process Proposals to the Local Government Association and the Office for Local Government.

1.1 An independent Commissioner to be appointed to determine boundary adjustment issues

Proposed feedback to the LGA

Council does not support the proposal to appoint a Commission/er to determine boundary adjustment issues without clarification of important questions raised in the 2015 Discussion Paper on the basis that the impact is likely to be significant and the appointment may raise issues of independence and could lead to potential conflicts of interests.

1.2 Commissioner will develop guidelines for the assessment of proposals (major/minor)

Proposed feedback to the LGA

Council, in principle, supports the proposal that the Commissioner, should a Commissioner be appointed, would develop guidelines for the assessment of proposals (major/minor) and for boundary adjustment submissions on the basis that the proposal will allow for increased transparency and encourage the investigation of all options, subject to the criteria being incorporated into the *Local Government Act 1999* and councils being consulted during the development of the guidelines.

1.3 Commissioner may also establish a register of appropriately skilled people to form Advisory Boards for the consideration of major proposals (refer 5 below)

Proposed feedback to the LGA

In reference to Proposal 1.1, Council does not support the appointment of a Commission/er. However, if a Commission/er is appointed, Council supports the Proposal to allow the Commissioner to establish a register of appropriately skilled people to form Advisory Boards for the consideration of major proposals in principle on the basis that it will increase the transparency, accountability and independence of the decision making process. However, further clarification regarding when an advisory board is necessary, their decision making powers, the membership of this board are required as well as the requirement of the Commission/er to adhere to their recommendations is required.

2.1 Require a submission, setting out proposal and reasons

Proposed feedback to the LGA

Council is unable to comment on the proposal to require a submission, setting out proposal and reasons, until further clarification and detail is provided from the Local Government Association as to the proposed change.

2.2 Allow Ministerial submissions

Proposed feedback to the LGA

Council does not support the proposal to allow the Ministerial boundary adjustment submissions on the basis that Ministerial initiated submissions may look to serve a political agenda and not reflect the sentiment of the community. The power for the Minister to amend or substitute boundary adjustment submissions is already contained within the *Local Government Act 1999* and includes limitations which are deemed sufficient.

2.3 Allow submissions from single Councils

Proposed feedback to the LGA

Council supports the proposal to allow the single council boundary adjustment submissions in principle on the basis that the proposal will allow for the consideration of all options and it will increase the transparency, accountability and independence of the decision making process. However, due consideration must be given to how council consultation is to occur for feedback to be incorporated into the decision making process. Further information is required regarding the process to deal with frivolous adjustment submissions and to ensure major boundary adjustment submissions, such as amalgamations, are provided with the appropriate consideration by all stakeholders.

2.4 Allow submissions from electors, but require a minimum number of five electors within an affected Council area to make a submission

Proposed feedback to the LGA

Council supports the Proposal to allow submissions from electors, but require a minimum number of five electors within an affected Council area to make a submission in principle on the basis that the proposal will allow for a simpler proposal process. This support is subject to further clarification on the consultation of affected stakeholders, whether all residents and ratepayers in the affected area need to agree to the adjustment with details of how this is achieved as well as a description of a stringent assessment process for boundary adjustment proposals to prevent frivolous and unsupported proposals. Further information is also required in situations where there are not 5 members of the public who have lodged a submission but are required to form a committee to represent the submission.

2.5 Create a single application process for all proposals initiating a change

Proposed feedback to the LGA

Council supports the proposal to streamline the application process for boundary adjustment submissions in principle on the basis that the proposal will allow for a simpler proposal process whilst maintaining transparency and encouraging the investigation of all options, subject to an appropriate process and criteria incorporated into the *Local Government Act 1999*.

2.6 Require all submissions to be made direct to the Commissioner

Proposed feedback to the LGA

Council does not support the proposal to allow boundary adjustment submissions to be submitted directly to the Commissioner in principle on the basis that the proposal will allow for submissions to have no consideration by council prior to being formerly consulted upon.

Further clarification is required on the consultation of affected stakeholders, whether all residents and ratepayers in the affected area need to agree to the adjustment with details of how this is achieved as well as a description of a stringent assessment process for boundary adjustment proposals to prevent frivolous and unsupported proposals.

3.1 Empower the Commissioner to make an initial pre-assessment, including the ability to reject if trivial, frivolous, vexatious or not in the public interest

Proposed feedback to the LGA

Council supports the proposal to formalise the pre-assessment filtering process for boundary adjustment submissions to empower the Commissioner to reject if trivial, frivolous, vexatious or not in the public interest in principle on the basis that the proposal will allow for a simpler proposal process whilst maintaining transparency and encouraging the investigation of all options, subject to an appropriate process and criteria incorporated into the *Local Government Act 1999*. Council does not support this power to make an initial pre-assessment prior to the consideration of the affected council/s.

3.2 Formalise and simplify a pre-assessment filtering process for Council, public and Ministerial submissions with Commissioner to undertake a pre-assessment of initial proposal

Proposed feedback to the LGA

Council supports the proposal to formalise the pre-assessment filtering process for boundary adjustment submissions in principle on the basis that the proposal will allow for a simpler proposal process whilst maintaining transparency and encouraging the investigation of all options, subject to an appropriate process and criteria incorporated into the *Local Government Act 1999*.

3.3 Criteria for initial assessment for major or minor adjustment must include:

Proposed feedback to the LGA

Council supports the proposal to include initial assessment criteria for major and minor boundary adjustment submissions in principle as they are likely to streamline the process for boundary adjustments and reduce unnecessary expenditure. However, this support is conditional on the number of criteria being broadened to include key factors such as employees, assets, liabilities, payments, services and documentation as well as process considerations which would occur if the Minister or Commissioner amended or substituted a submission which changed the nature of the proposal from a minor to a major boundary adjustment.

3.4 Enable Commissioner to seek information for the purposes of pre-assessment as the Commissioner sees fit

Proposed feedback to the LGA

Council supports the proposal to enable Commissioner to seek information for the purposes of pre-assessment as the Commissioner sees fit in principle as they are likely to streamline the process for boundary adjustments and reduce unnecessary expenditure.

4.1 Minor adjustments where consultation is not required or already demonstrated and Councils are supportive of change

Proposed feedback to the LGA

Council supports the proposal to introduce minor adjustments where consultation is not required or already demonstrated and Councils are supportive of change in principle on the basis that the proposal will allow for a simpler process whilst maintaining transparency, subject to an appropriate process and criteria incorporated into the *Local Government Act 1999*. Further, that the ability of the Commission/er or Minister to amend or substitute submissions pursuant to section 27(7) of the *Local Government Act 1999* is addressed.

4.2 Commissioner to finalise report and recommend to Minister

Proposed feedback to the LGA

Council supports the proposal to allow the Commission/er to finalise a report and make recommendations to the Minister in principle on the basis that the proposal will allow for a simpler process whilst maintaining transparency, subject to an appropriate process and criteria incorporated into the *Local Government Act 1999*. Further, that the ability of the Commission/er or Minister to amend or substitute submissions pursuant to section 27(7) of the *Local Government Act 1999* is addressed.

5.1 Commissioner must appoint an appropriately qualified Advisory Body for major adjustments on a case by case basis (containing Local Government expertise as outlined in 1 above)

Proposed feedback to the LGA

If a Commission/er is appointed, Council supports the Proposal to allow the Commissioner to establish a register of appropriately skilled people to form Advisory Boards for the consideration of major proposals in principle on the basis that it will increase the transparency, accountability and independence of the decision making process. However, further clarification regarding when an advisory board is necessary, their decision making powers, the membership of this board are required as well as the requirement of the Commission/er to adhere to their recommendations is required.

5.2 Commissioner, together with Advisory Body, be given power to manage an options development phase that includes a consultation process with the relevant parties and collaborative optioneering

Proposed feedback to the LGA

Council supports the Proposal to allow a Commissioner, together with Advisory Body, be given power to manage an options development phase that includes a consultation process with the relevant parties and collaborative optioneering in principle on the basis that the proposal will allow for increased transparency and encourage the investigation of all options, subject to the further development of the process to determine who is responsible for considering the options and determining which option/s is pursued.

5.3 Commissioner to develop Terms of Reference in line with the Guidelines

Proposed feedback to the LGA

Council supports the Proposal to allow a Commissioner to develop Terms of Reference in line with the Guidelines in principle on the basis that the proposal will allow for increased transparency, subject to the criteria and being incorporated into the *Local Government Act 1999* and local government being consulted upon during the development of the terms of reference and the guidelines.

5.4 Require the Advisory Body's Terms of Reference to include an integrated stakeholder and community engagement plan into for major proposals

Proposed feedback to the LGA

Council supports the Proposal to require the Advisory Body's Terms of Reference to include an integrated stakeholder and community engagement plan into for major proposals on the basis that the proposal will streamline the process and encourage the investigation of all options, subject to all submissions, regardless of whether they are deemed minor or major, to be consulted upon.

6.1 Commissioner to develop guidelines and tools for implementation, apportionment and transitional arrangements

Proposed feedback to the LGA

Council does not support the Proposal that a Commissioner to develop guidelines and tools for implementation, apportionment and transitional arrangements on the basis that the proposal will place undue resource investment for affected councils who may not have the ability to create these plans in the case of major boundary adjustment. The proposal also contains no guidance on what process should be followed in the event that affected councils do not agree on elements of the implementation plan, or the implementation plan as a whole. It is proposed that in the case of major boundary adjustment, such as amalgamation, or where affected councils disagree on any element of the implementation plan, that an independent and appropriately skilled third party, is contracted by the affected councils to develop and implement this plan to ensure independence and transparency in the process.

6.2 Commissioner to assist affected Councils to prepare an implementation plan

Proposed feedback to the LGA

Council does not support the Proposal for a Commissioner to assist affected Councils to prepare an implementation plan on the basis that the proposal will place undue resource investment for affected councils who may not have the ability to create these plans in the case of major boundary adjustment. It is proposed that in the case of major boundary adjustment, such as amalgamation or where councils do not agree, that an independent and appropriately skilled third party, is contracted by the affected councils to develop and implement this plan to ensure independence and transparency in the process.

6.3 Commissioner to appoint a person to carry out an independent evaluation and provide a report

Proposed feedback to the LGA

Council supports the Proposal to require a Commissioner to appoint a person to carry out an independent evaluation and provide a report on the implementation of boundary adjustment changes on the basis that the proposal will allow for increased transparency and continuous development of the boundary adjustment process.

COMMITTEE DECISION

MOVED Cr Polito SECONDED Cr Nitschke that the recommendation be adopted.

CARRIED

11.2 Response to the Minister for Local Government re Informal Gatherings

This report presented the response to The Hon. Geoff Brock MP's letter to Council advising that Council's Informal Gatherings Policy does not meet his expectations.

RECOMMENDATION(S)

The Committee recommends to Council that the letter to the Hon. Geoff Brock MP, signed by the Mayor and the Chief Executive Officer, in response to his correspondence advising that Council's Informal Gatherings Policy does not meet his expectations be received.

COMMITTEE DECISION

MOVED Cr McKay SECONDED Cr Rypp that the recommendation be adopted.

CARRIED

11.3 Legislative Progress Report - June 2016

This report provided an update on the status of proposed legislative changes affecting local government, dealt with in Parliament, by the Local Government Association or contained in the Government Gazette during the preceding month.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE DECISION

MOVED Cr Polito SECONDED Cr Nitschke that the recommendation be adopted.

CARRIED

12. MEETING CLOSE

The Presiding Member declared the meeting closed at 7.28pm.