

CITY OF WEST TORRENS



MINUTES

of the

Council & Committee Meetings

- **City Finance and Governance Standing Committee**

of the

CITY OF WEST TORRENS

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

on

TUESDAY, 16 APRIL 2019

at 7.00pm

Terry Buss PSM
Chief Executive Officer

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.03pm.

1.1 Evacuation Procedure

The evacuation procedures were taken as read.

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, D Wilton, A McKay, B Reynolds

Officers:

Mr T Buss	(Chief Executive Officer)
Ms P Koritsa	(General Manager Business and Community Services)
Mr B Ross	(General Manager Corporate and Regulatory)
Mr A Catinari	(General Manager Urban Services)
Mr N Biggs	(Manager Financial Services)
Ms S Curran	(Manager Strategy and Business)
Mr D Ottanelli	(Manager City Property)
Ms R Perkin	(Team Leader Strategy)
Ms C Rorke-Wickins	(Senior Land Use Policy Planner)
Ms L Gilmartin	(Financial Coordinator)

3 APOLOGIES

Apologies

Council Members:

Cr Jassmine Wood

RECOMMENDATION

That the apologies be received.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

4 DISCLOSURE STATEMENT

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Late Agenda Item 21.2 Weigall Oval Masterplan and Facilities Upgrade	Material	Cr Kym McKay
Late Agenda Item 21.2 Weigall Oval Masterplan and Facilities Upgrade	Material	Cr Anne McKay

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 2 April 2019 be confirmed as a true and correct record.

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

6 MAYORS REPORT

Mayor Michael Coxon extended congratulations to Cr John Woodward for his appointment as the Local Government Association representative to the Statewide Superannuation Pty Ltd (SSPL) Board for a further two years.

Mayor Michael Coxon also extended congratulations to Andrew King, Coordinator Engineering Services, who received an email of grateful thanks from West Torrens resident, Ildi Nacson, for assisting her with verge maintenance to allow easy placement of waste bins.

7.09pm Cr Brandon Reynolds left the meeting.

7.11pm Cr Brandon Reynolds returned to the meeting.

RECOMMENDATION

That the Mayor's Report be noted.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Kym McKay

That the recommendation be adopted.

CARRIED

7 ELECTED MEMBERS REPORTS

Cr Graham Nitschke advised of his attendance at the following:

- met with local business owners, Mayor Michael Coxon, Cr Dominic Mugavin and the Administration on Monday 8 April 2019 to discuss the proposed Philip Street Celebration;
- visited the Italian Pensioners with Mayor Michael Coxon at the Thebarton Community Centre on Wednesday 10 April 2019;
- Local Government Association Best Practice Showcase and Networking Dinner at the Adelaide Entertainment Centre on Thursday 11 April 2019;
- Local Government Association Ordinary General Meeting at the Adelaide Entertainment Centre on Friday 12 April 2019.

Cr Kym McKay advised of his attendance at the City of West Torrens Fire and Spice Festival in the West Torrens Memorial Gardens on Sunday 14 April 2019.

Cr Elisabeth Papanikolaou advised of her attendance at the Local Government Association Best Practice Showcase at the Adelaide Entertainment Centre on Thursday 11 April 2019.

7.1 Leave of Absence - Cr Elisabeth Papanikolaou

Cr Elisabeth Papanikolaou sought a leave of absence for Council meeting on 7 May 2019.

RESOLUTION

Moved: Cr John Woodward
Seconded: Cr Daniel Huggett

That leave be granted.

CARRIED

Cr Surender Pal advised of his attendance at the City of West Torrens Fire and Spice Festival in the West Torrens Memorial Gardens on Sunday 14 April 2019.

RESOLUTION

Moved: Cr Simon Tsiaparis
Seconded: Cr Dominic Mugavin

That the reports from Members be noted.

CARRIED

8 PETITIONS

Nil

9 DEPUTATIONS

9.1 Plympton Residential DPA

Reason for Confidentiality

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

- (m) information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act.

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, meeting secretariat staff, and Holmes Dyer Consultants, 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 9.1 Plympton Residential DPA, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(m) because the deputation will present information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act.
2. At the completion of the confidential session the meeting be re-opened to the public.

RESOLUTION

Moved: Cr Anne McKay

Seconded: Cr David Wilton

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, meeting secretariat staff, Ms Rebecca Perkin, Team Leader Strategy and Ms Caitlin Rorke-Wickins, Senior Land Use Policy Planner, 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 deputation Item 9.1 Plympton Residential DPA, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(m) because the deputation will present information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act.
2. At the completion of the confidential session the meeting be re-opened to the public.

CARRIED

7.22pm the meeting moved into Confidence and the confidential session commenced.

Council also resolved that:

That:

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the information received, discussed or considered within the confidential deputation Item 9.1 Plympton Residential DPA, the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(m), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting because the deputation will present information relating to a proposed amendment to a Development Plan under the Development Action 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under the Act.
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*.

7.46pm the Confidential session closed and the meeting reopened to the public.

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

10 ADJOURN TO STANDING COMMITTEE**RECOMMENDATION**

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

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

7.47pm the meeting adjourned into Committee.

8.51pm 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 Finance and Governance Standing Committee Meeting****RECOMMENDATION**

That the recommendations of the City Finance and Governance Standing Committee held on 16 April 2019 be adopted.

RESOLUTION

Moved: Cr George Vlahos

Seconded: Cr Cindy O'Rielley

That the recommendation be adopted.

CARRIED

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

Nil

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 E-Scooter trial in the City of West Torrens****RESOLUTION**

Moved: Cr Brandon Reynolds

Seconded: Cr John Woodward

That a report be presented to a future meeting of Council that considers undertaking an E-Scooter trial in the City of West Torrens.

CARRIED**17 REPORTS OF THE CHIEF EXECUTIVE OFFICER****17.1 Rescission of Land Management Agreement at Ayliffe Place and Stanford Avenue, Novar Gardens**

This report presented the results of the community consultation on the rescission of the Land Management Agreement (dealing number 8566879) at Ayliffe Place and Stanford Avenue, Novar Gardens and seeks consideration of options for the rescission of the Land Management Agreement.

RECOMMENDATION

It is recommended to Council that:

1. Council resolves to support the rescission of the Land Management Agreement (dealing number 8566879) at 1-9 Ayliffe Place and 2A-2D Stanford Avenue, Novar Gardens.
2. Any future requests to rescind the Land Management Agreement (dealing number 8566879) by individual property owners are to be dealt with on a case by case basis with all costs to be borne by the owners.
3. The Administration writes to the landowners of the properties at 1-9 Ayliffe Place and 2A-2D Stanford Avenue, Novar Gardens which are subject to the Land Management Agreement (dealing number 8566879) advising of Council's support of the rescission of the Land Management Agreement subject to all costs being borne by individual property owners and provide information on the process of rescinding the Land Management Agreement.

4. The Mayor and Chief Executive Officer be authorised to execute and affix the Common Seal of the City of West Torrens to all documents necessary to finalise the rescission of the Land Management Agreement (dealing number 8566879).

RESOLUTION

Moved: Cr Surender Pal
Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

17.2 Murray Darling Association Region 7 Committee - Nominations for Regional Chair and Committee Members

The Murray Darling Association Inc. sought nominations for the positions of chair and committee members of its Region 7 Executive Committee.

RECOMMENDATION(S)

It is recommended to Council that:

1. Cr be nominated for the position of Regional Chair on the Murray Darling Association Region 7 Executive Committee; and
2. Cr/s be nominated as a committee member on the Murray Darling Association Region 7 Executive Committee;

or

This report be received.

RESOLUTION

Moved: Cr Dominic Mugavin
Seconded: Cr John Woodward

That Cr Kym McKay be nominated as a committee member on the Murray Darling Association Region 7 Executive Committee.

CARRIED

17.3 Invitation to participate in a River Torrens governance review

The Adelaide and Mt Lofty Ranges Natural Resources Management Board invited the City of West Torrens to nominate a representative (Elected Member or Officer) to participate in a series of workshops during May and June designed to develop a new river management governance model.

RECOMMENDATION

It is recommended to Council that Mayor Michael Coxon be nominated as the City of West Torrens representative to a series of workshops designed to develop a good governance model as part of the River Torrens governance review.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr John Woodward

That the recommendation be adopted.

9.11pm Cr John Woodward left the meeting.

9.12pm Cr John Woodward returned to the meeting.

CARRIED

17.4 Proposed NRM Levies for 2019/20

Council was invited to comment on NRM levies proposed for constituent councils in 2019/20, pursuant to Section 92(4) of the *Natural Resources Management Act 2004*.

RECOMMENDATION

It is recommended to Council that the Chief Executive Officer advise the NRM Board that:

1. Council opposes NRM levy increases of the magnitude proposed, being an average of 2.7 per cent for all constituent councils and 4.8 per cent for the City of West Torrens.
2. Council strongly recommends an increase for all constituent councils in the order of 1.6 per cent, in line with the consumer price index figures over the past year and in recognition of the tough financial times our communities are facing.

RESOLUTION

Moved: Cr George Vlahos

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

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

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

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

CARRIED

19 MEMBER'S BOOKSHELF

- SA Property Landscape Report, Land Services SA

RECOMMENDATION

That the additions to Members' bookshelf be noted.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

20 CORRESPONDENCE**20.1 West Torrens resident concerns regarding land sub-division**

Email correspondence was received from West Torrens resident, Marion Eckert, regarding her concerns with the land sub-divisions occurring across Camden Park and the merits of retaining the homestead at 12-14 Mooringe Ave, North Plympton.

20.2 Australian Government's 2019-20 Budget Road Safety Announcement

Correspondence was received from the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, and the Hon Scott Buchholz MP, Assistant Minister for Roads and Transport, about the 2019 Budget Night announcement to increase funding for Roads to Recovery under the Local and State Government Road Safety Package. Included also are the Roads to Recovery Funding Conditions 2019, as determined on 19 March 2019.

RECOMMENDATION

That the correspondence be received.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Surender Pal

That correspondence item 20.2 - Australian Government's 2019-20 Budget Road Safety Announcement be received.

CARRIED

20.1 West Torrens resident concerns regarding land sub-division

Email correspondence was received from West Torrens resident, Marion Eckert, regarding her concerns with the land sub-divisions occurring across Camden Park and the merits of retaining the homestead at 12-14 Mooringe Ave, North Plympton.

Cr Cindy O'Rielly commented on the frontage component of the land sub-division as noted in the letter from West Torrens resident, Marion Eckert.

RESOLUTION

Moved: Cr Cindy O'Rielley

Seconded: Cr Kym McKay

That the correspondence be received.

CARRIED

21 CONFIDENTIAL**21.1 Future of Cummins House****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 21.1 Future of Cummins House, 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 the disclosure of this information as requested could materially impact on negotiations between the parties and as such the request by the Public Official to maintain confidence is required to be upheld until such times as matters are finalised and Council has considered its position.
2. At the completion of the confidential session the meeting be re-opened to the public.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

CARRIED

9.27pm 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 21.1 - Future of Cummins House, 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 12 months from the date of this meeting, on the basis that the disclosure of this information as requested could materially impact on negotiations between the parties and as such the request by the Public Official to maintain confidence is required to be upheld until such times as matters are finalised and Council has considered its position.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

9.29pm the Confidential session closed and the meeting reopened to the public.

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

21.2 Weigall Oval Masterplan and Facilities Upgrade

9.30pm Cr Kym McKay declared a material conflict of interest in this item on the basis that his employer submitted a tender for the contract and left the meeting for the discussion and vote on the item.

9.30pm Cr Anne McKay declared a material conflict of interest in this item as her husband, Cr Kym McKay, works for an employer who submitted a tender for the Weigall Oval redevelopment contract and left the meeting for the discussion and vote on the item.

9.31pm Cr John Woodward declared a perceived conflict of interest in this item as his children play for the Cobra Soccer Club and remained in the Chamber for the discussion and vote. Following further review of the Agenda report Cr Woodward declared a material conflict of interest in this item due to changes to the budget deliberation which may include material benefit via his children who play for the Cobra Soccer Club and left the meeting for the discussion and vote on the item.

Reason for Confidentiality

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

- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

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 Weigall Oval Masterplan and Facilities Upgrade, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(k) because the information to be received, discussed or considered in relation to this agenda item is information relating to the tenders received for the carrying out of works related to Stage 2, 2a, 3, 3a and 3b of Weigall Oval redevelopment.
2. At the completion of the confidential session the meeting be re-opened to the public.

RESOLUTION

Moved: Cr Surender Pal
Seconded: Cr Cindy O'Rielley

That the recommendation be adopted.

CARRIED

9.32pm 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* the Council orders that the Item 21.2 Weigall Oval Masterplan and Facilities Upgrade the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(k), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, or until a contract is finalised, whichever occurs first, on the basis that the information to be received, discussed or considered in relation to this agenda item is information relating to the tenders received for the carrying out of works related to Stage 2, 2a, 3, 3a and 3b of Weigall Oval redevelopment.
2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

9.49pm the Confidential session closed and the meeting reopened to the public.

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

9.50pm Cr/s Anne McKay, Kym McKay and John Woodward returned to the meeting.

22 ADJOURN TO SPECIAL CITY FINANCE AND GOVERNANCE STANDING COMMITTEE**RECOMMENDATION**

That the meeting be adjourned, move into Special Standing Committee and reconvene at the conclusion of the Special Meeting of the City Finance and Governance Committee.

9.51pm Cr Brandon Reynolds left the meeting.

RESOLUTION

Moved: Cr George Vlahos
Seconded: Cr Cindy O'Rielley

That the recommendation be adopted.

CARRIED

9.51pm the meeting adjourned into Committee.

10.54pm the meeting reconvened. All those present prior to the adjournment of the meeting were present in the Chamber when the meeting reconvened with the addition of Cr Brandon Reynolds.

23 ADOPTION OF SPECIAL CITY FINANCE AND GOVERNANCE STANDING COMMITTEE RECOMMENDATIONS**23.1 Special City Finance and Governance Standing Committee Meeting****RECOMMENDATION**

That the recommendations of the Special City Finance and Governance Standing Committee held on 2 April 2019, 9 April 2019 and 16 April 2019 be adopted.

RESOLUTION

Moved: Cr George Vlahos

Seconded: Cr Cindy O'Rielley

That the recommendation be adopted.

CARRIED

24 MEETING CLOSE

The Presiding Member declared the meeting closed at 10.55pm.

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.48pm.

2 PRESENT

Council Members:

Cr G Vlahos (Presiding Member)

Mayor M Coxon

Councillors: J Woodward, E Papanikolaou, D Huggett, K McKay, D Mugavin, G Nitschke, S Pal, S Tsiaparis, C O'Rielly, D Wilton, A McKay, B Reynolds

Officers:

Mr T Buss	(Chief Executive Officer)
Ms P Koritsa	(General Manager Business and Community Services)
Mr B Ross	(General Manager Corporate and Regulatory)
Mr A Catinari	(General Manager Urban Services)
Mr N Biggs	(Manager Financial Services)
Ms S Curran	(Manager Strategy and Business)
Mr D Ottanelli	(Manager City Property)
Ms L Gilmartin	(Finance Coordinator)

3 APOLOGIES

Apologies

Committee Members:

Cr Jasmine Wood

RECOMMENDATION

That the apologies be received.

COMMITTEE RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

4 DISCLOSURE STATEMENTS

Nil

5 CONFIRMATION OF MINUTES

Nil

Note: The Minutes of the City Finance and Governance Committee held on 19 March 2019 were confirmed at the Special City Finance and Governance Committee meeting that commenced on 2 April 2018.

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 FINANCE & GOVERNANCE REPORT**11.1 Creditor Payments**

This report tabled a schedule of creditor payments for March 2019.

RECOMMENDATION

The Committee recommends to Council that the schedule of creditor payments for March 2019 be received.

COMMITTEE RESOLUTION

Moved: Mayor Michael Coxon

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED**11.2 Property Leases**

This report provided information on overdue property lease payments that are greater than \$2,000.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

11.3 Mendelson Financial Report March 2019

This report provided information on the financial performance of the Mendelson Foundation as at 31 March 2019.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

Moved: Mayor Michael Coxon

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

CARRIED

11.4 Council Budget Report - NINE Months to 31 March 2019

This report provided information to Council on budget results for the nine months ended 31 March 2019.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

11.5 Local Government Reform - Local Government Association Discussion Paper Feedback

This report presented proposed feedback on the *Local Government Reform Discussion Paper* released for consultation by the Local Government Association.

RECOMMENDATION

It is recommended to Council that the feedback on the *Local Government Reform Discussion Paper*, contained in this Agenda report, be approved and submitted to the Local Government Association and the Minister for Local Government.

COMMITTEE RESOLUTION

Moved: Cr John Woodward
Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

8.03pm Cr Daniel Huggett left the meeting.

8.04pm Mayor Michael Coxon left the meeting.

8.09pm Cr Daniel Huggett returned to the meeting.

8.09pm Mayor Michael Coxon returned to the meeting.

Discussion took place regarding the requirement for a supplementary election if a vacancy arises and the impact of the administrative time and cost compared to the community participation through the number of ballot returns. Cr Cindy O'Rielley proposed an amendment to remove point two of the proposed feedback for Supplementary Elections that recommends a supplementary election six months after the close of the periodic election to December 31 the year prior to a periodic election. The proposed amendment was submitted as follows:

AMENDMENT

Moved: Cr Cindy O'Rielley
Seconded: Cr John Woodward

That the feedback on the *Local Government Reform Discussion Paper*, contained in the Agenda report, be approved and submitted to the Local Government Association and the Minister for Local Government, subject to the removal of point two of the proposed feedback for Supplementary Elections '*six months after the close of the periodic election to December 31 the year prior to a periodic election - supplementary election*'.

Further discussion took place regarding point one of the proposed feedback for Supplementary Elections, the seconder Cr John Woodward proposed an amendment so that the next runner up is offered an appointment if there are any vacancies in the first twelve months following an election. The mover, Cr Cindy O'Rielley did not consent to the change.

Cr Cindy O'Rielley sought and was granted leave of the meeting to withdraw her motion.

Subsequent discussion took place regarding the original motion and Cr John Woodward proposed an amendment to point one of the proposed feedback for Supplementary Elections so that the next runner up is offered an appointment if there are any vacancies in the first twelve months following an election. The seconder, Cr Elisabeth Papanikolaou, consented to the change and accordingly, the original motion was changed as follows:

COMMITTEE RESOLUTION

Moved: Cr John Woodward
Seconded: Cr Elisabeth Papanikolaou

That the feedback on the *Local Government Reform Discussion Paper*, contained in the Agenda report, be approved and submitted to the Local Government Association and the Minister for Local Government, subject to an amendment to point one of the proposed feedback for the Supplementary Elections to be '*vacancy in the first twelve months following an election - next runner up appointed, to be determined by ECSA (if no runner up - a supplementary election be undertaken)*'.

CARRIED

The feedback on the *Local Government Reform Discussion Paper* to be submitted to the Local Government Association and the Minister for Local Government is as follows:

Stronger Council Member Capacity and Better Conduct

Strengthening the Code of Conduct for Council Members

Proposed Feedback

The Code of Conduct - Behavioural Code states that:

1. **"A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator."** (Emphasis added). Therefore, further devolution of responsibility under this section does not appear possible.
2. The LGA should be clear on a process as to where higher penalties are to be applied, and an appeals process for when they are applied unjustly. There are no appeal provisions available under the Code of Conduct, which would be inequitable with the proposed higher penalties.
3. Council supports the ability for a presiding member to temporarily exclude a member from a meeting, Council or Committee when their behaviour is called into question however, there needs to be clarity detailing in what instances this could occur and the penalties for a member who refuses to leave a meeting.
4. Council welcomes a clear definition of bullying, intimidation and sexual and other harassment and associated mandatory education of all new councillors as part of their induction program.
5. Council supports suspension or exclusion mechanisms to protect the health and safety of council members and employees while serious misconduct allegations are investigated but only when a potential and/or on-going threat is identified.
6. Council does not support the provision of powers to an oversight body to dismiss council members following an investigation but rather that this power be only via the SACAT.
7. Council supports the establishment of effective deterrents for frivolous and vexatious complaints that abuse the processes available and waste public resources but not only with regard to complaints against council members but also with regard to internal review of council decisions and S270 complaints.

Prevention to Intervention

Proposed Feedback

These issues are currently managed in house by councils by way of policy. Therefore Council considers that legislating and creating further red-tape and obligations is unnecessary and contrary to the purpose of these reforms.

*General duties of council members (Section 62 of the Local Government Act 1999)***Proposed Feedback**

Council supports the inclusion of all the provisions of s62 of the Act in the Code along with associated enforcement procedures and penalties.

*Mandatory Training Requirements***Proposed Feedback**

1. Council requests that the LGA Training Standard very clearly detail what constitutes refresher mandatory training for continuing councillors including the module(s) and content.
2. Council supports the inclusion of mandatory training participation, including refresher training, requirements in statute.
3. That some mandatory and other training sessions provided by the LGA be held afterhours to accommodate those members who work during business hours.

Efficient and Transparent Local Government Representation*2014 Elections Review & the Local Government (Elections) Amendment Bill 2017***Proposed Feedback**

1. Council seeks the removal of Clause 8 - Amendment of section 27 - Publication of Election from any reintroduction of this Bill.
2. Council continues to advocate for the provision of the voters roll to candidates in electronic form.
3. Council seeks the re-instatement of automatic inclusion of business owners on a council's voters roll.

*2018 Elections Review***Proposed Feedback**

Council supports these recommendations, however clear and direct guidance should be provided to the State Government (i.e. "simplification of the process" does not provide any clear and concise direction as to what changes the sector would like to see implemented).

*Representation Reviews***Proposed Feedback**

Council recommends that:

1. The LGA be more prescriptive in its guidance to the State Government. Seeking only a "review" could result in an outcome which is a greater burden to the sector.
2. Given the complexity of representation reviews, criteria be developed and an accreditation scheme be established that ensures consultants are suitably qualified to undertake representation reviews.
3. Through its procurement arm, and in partnership with ECSA, the LGA creates a procurement panel of consultants who are suitably qualified to undertake representation reviews.

*Electronic voting in local government elections***Proposed Feedback**

Council recommends that the LGA continues to seek amendments to the legislation that will allow for the implementation of electronic voting if, and when, a reliable and secure system is available. This could be achieved by legislating that ECSA has the authority to determine the method of voting in local government elections.

*Supplementary Elections***Proposed Feedback**

Council advises that while changes to the arrangements for the filling of casual vacancies is supported in principle, changes that allow for political parties to make appointments to casual vacancies is abhorrent to the principles of apolitical local government in South Australia and would be egregious to local government democracy in South Australia.

Possible examples that could be given with any feedback to the State Government are:

Vacancy in the first twelve months following an election

Next runner up appointed, to be determined by ECSA (if no runner up - a supplementary election be undertaken)

Twelve months after the close of the periodic election to December 31 the year prior to a periodic election

Supplementary election

1 January year of periodic election until the election

Casual vacancy maintained until periodic election as is currently the case.

*Caretaker Policy and Code of Conduct***Proposed Feedback**

Council recommends that:

1. The wording of s91(A)7 of the *Local Government (Elections) Act 1999* be amended to better reflect the Codes of Conduct as prescribed by regulation.
2. Council officer behavioural standards be specified and included at s91(A) of the *Local Government (Elections) Act 1999*.

Lower Costs and Enhanced Financial Accountability*Audit Committees***Proposed Feedback**

1. Given the many tiers of oversight it is subjected to, the transparency of process by which it operates and the additional cost to ratepayers that such measures would result in, Council does not support:
 - a. The mandatory appointment of an independent chair to local government audit committees.
 - b. The mandating of a majority of independent members.
 - c. The increase of responsibilities of the audit committee to include greater oversight of strategic management plans, rating practices, performance monitoring, use of public resources and quality of financial management.
2. The level of advisory role proposed by the LGA goes far beyond the scope of an audit committee, begins to dilute and is egregious to democracy.
3. Audit committees should retain their role as that of review and not become a link in the decision making process.
4. Independent audit committee members should only be able to be appointed to one local government audit committee per Council term.
5. Council does not support the empowering of an audit committee chair to make public statements on the audit committee's work and findings on the basis that this is egregious to democracy and the defined roles of the Mayor and CEO.
6. In line with the LGA's position, Council does not support the 'heavy handed' prescription of audit committees.

*Standardising external audits***Proposed Feedback**

Standardisation should be achieved within the audit industry and via the mandating of model financial statements and not by adding a level of compliance and red tape to the local government industry via the undertaking of audits by the Auditor General.

*Fee for lodgement of a section 270 complaint***Proposed Feedback**

A fee upon application for an internal review of a council decision would assist councils in the administration of these requests and act as a deterrent to frivolous, vexatious complaints or requests for review. However, waiver criteria should be considered to ensure those that are on low incomes are not financially inhibited from requesting a review or lodging a complaint.

*Increasing the maximum penalty for breach of by-law***Proposed Feedback**

Council supports the proposed increase in the allowed maximum penalty to allow more flexibility for councils when setting their expiation fees and ensure consistency between the Local Government Act 1999 and the *Expiation of Offences Act 1999*

*Benchmarking***Proposed Feedback**

1. While council supports a benchmarking program in principle, it is concerned about the lack of success of its previous benchmarking projects. As such, a benchmarking program needs to provide meaningful data that can be used by councils and others and one that takes into account the significant differences of each council in the services it offers to its community, which are based on community needs as articulated in its strategic plans.
2. A benchmarking platform should be developed and rolled out in conjunction with councils prior to any obligations being legislated.
3. The introduction of legislative requirements before an effective framework has been developed almost ensures that councils will be unable to comply or able to achieve the required benchmark.

*Prescribed format for Asset Management Plans and Long-Term Financial Plans***Proposed Feedback**

Any prescribed format should be developed in conjunction with councils and a preferred format should be provided to the State Government along with any other feedback.

Simpler Regulations

Informal Gatherings

Proposed Feedback

1. Council does not see any need for further clarification of informal gatherings however does not oppose such clarification if it assists those councils that are having difficulties in the application of the legislation.
2. Council seeks the inclusion of a legislative provision to enable the Mayor, Presiding Member, CEO or his/her delegates to remove disruptive members of the public from an informal gathering/designated informal gathering in the same manner as a council meeting.

Conflict of Interest

Proposed Feedback

1. The ICAC and Ombudsman have both stated differing views on whether a material conflict of interest applies to Council Members seeking Council approval to attend a conference. As such, this needs to be clarified in statute by regulating that such a request is an 'ordinary business matter' in regulation 8AAA of the *Local Government (General) Regulations 2013* thus exempting requests to attend conferences and training from material conflict of interest provisions.
2. The material conflict of interest provisions only apply when a Council Member is participating in a meeting of Council or Committee and not to the agenda and associated papers provided to the Council Member five days prior to the meeting. As such, this can inadvertently provide information to a Council Member which exposes them to information, such as tender price information, that provides a potential material benefit to them. Therefore, review of the material conflict of interest provisions is sought to:
 - a. protect a Council Member from the inadvertent exposure to papers on a matter to which they have a material conflict of interest.
 - b. protect the Council and community from the inadvertent, potential prejudicing of the sale/purchase process in the public interest.
3. The conflict of interest provisions are very complicated and confusing to many. As such, any efforts to simplify the legislation, and its application, is supported however, it is unclear how the LGA intends to simplify the provisions and application of the legislation.

*Suspension of allowances during state or federal elections***Proposed Feedback**

1. Council supports the imposition of an enforced leave of absence and suspension of allowance with regard to any Council Member standing for State or Federal elections.
2. It would appear that the optimum standardised period to which an enforced leave of absence and suspension of allowances would apply would be from the issuing of the writs to the conclusion of a State or Federal election.
3. If no changes eventuate with regard to an enforced leave of absence during a State or Federal election then it would be beneficial to amend the regulation to enable a Council Member to refuse their allowance when they stand for State or Federal election.

*Mobile food vendors (food trucks)***Proposed Feedback**

Council supports the LGA's endeavours in seeking a review of the legislation governing mobile food vendors to provide greater support to bricks and mortar businesses while catering to demands for mobile food vendors.

*Public consultation requirements in the Local Government Act 1999***Proposed Feedback**

Council supports consistent public consultation requirements across the *Local Government Act 1999*, *Development Act 1993* and the *Planning, Development and Infrastructure Act 2016* to allow for greater consistency through Council departments. However, in reviewing these requirements, the LGA should give regard to the judicial review ruling of s50 - Public consultation policies of the Act that was handed down in the Supreme Court by Justice Blue *Coastal Ecology Protection Group Inc. & ORS and City of Charles Sturt 2017 SASC 136* (Coast Park Decision).

*Requirements to publish in newspapers***Proposed Feedback**

1. Council supports the proposal to include a review of the requirements to publish various notices in the newspapers and for this review to form part of the public consultation requirements review.
2. Before any changes to notice requirements are legislated, online notice periods should be trialled, and the LGA should develop a central notification portal.
3. Removing notification requirements before these alternatives are prepared and tested will create inequitable outcomes for the community.

Public Consultation requirements for permits under sections 221 and 222 of the Local Government Act 1999

Proposed Feedback

Council supports the LGA's efforts to seek legislative changes to require public consultation to be undertaken prior to the issuing of permits for the use of a road for business purposes.

Developer Contributed Assets

Proposed Feedback

Council is of the view that 'project' is defined under the Act as any form of activity or enterprise, the provision of facilities or services or any form of scheme, work or undertaking. Accepting a new asset would fall within this definition of a project, as it would require changes to the Asset Management Plan. Councils have the option of preparing a prudential report on any project that they deem necessary and any clarity around this section should not be in the form of amendment to the legislation.

Rating equity for commercial and/or industrial land uses

Proposed Feedback

The LGA should be specific as to which of the recommendations from the report it is advocating, as they are long and varied.

Regulations for section 245A of the Local Government Act 1999 (Development Bonds)

Proposed Feedback

Council strongly advocates for amendments to s245A of the Act and the establishment of regulations to enable councils to enforce the requirement for developers to enter into an agreement (security bond).

Regulation 21 of the Local Government (Procedures at meetings) Regulations 2013

Proposed Feedback

The LGA should supply the sector with their recommended wording for this section.

Other Reform Issues

Management of unmade roads

Proposed Feedback

Nil.

*Community housing***Proposed Feedback**

Rather than removing the 75% rebate available to community housing providers, the LGA should recommend that this portion of the rates be paid for in full by the State Government even when they shift management of the properties to external providers. This is in line with the recommendations in the Legatus report which is mentioned under the recommendation for "*Rating equity for commercial and/or industrial land uses.*"

*Fees and charges***Proposed Feedback**

The amendment of fees and charges is a wide ranging reform, and recommended price setting principles should be provided to the State Government, rather than just a request for review.

*Petitions***Proposed Feedback**

1. Council seeks a review of regulation 10 - Petitions of the *Local Government (Procedures at Meetings) Regulations 2013*
2. The review to consider the increasing use of on-line petitions and a process for accepting and presenting petitions, both hard copy and on-line, to a council when they don't meet the requirements of regulation 10.

*Development and Waste Levies***Proposed Feedback**

That a significant portion of those development and waste levies collected by Council and submitted to State Government be retained by Councils to support waste management initiatives and the greening of cities to address the climate change impact of infill development.

11.6 Draft Strategic Plan and draft Annual Business Plan for GAROC

The Local Government Association asked for comment on the draft Strategic Plan and draft Annual Business Plan for GAROC.

RECOMMENDATION

The Committee recommends to Council that the feedback on the draft Strategic Plan and draft Annual Business Plan for GAROC, contained within the Agenda report, be approved and submitted to the Local Government Association.

COMMITTEE RESOLUTION

Moved: Cr Surender Pal
Seconded: Cr Daniel Huggett

That the recommendation be adopted.

8.36pm Cr Graham Nitschke left the meeting.
8.37pm Cr Anne McKay left the meeting.
8.39pm Cr Graham Nitschke returned to the meeting.
8.40pm Cr Anne McKay returned to the meeting.
8.44pm Cr Kym McKay left the meeting.
8.45pm Cr Kym McKay returned to the meeting.

Discussion took place regarding GAROC's ability to influence and advocate changes and the role of Local Government on educating the Community on the Code.

Mayor Michael Coxon proposed an inclusion to the feedback on the GAROC Annual Business Plan, section theme 1 built environment and planning actions, specifically 'consult and engage with councils to prepare guides to assist with the new Planning code through increased understanding and awareness. The mover, Cr Surender Pal and seconder, Cr Daniel Huggett, consented to the change and accordingly, the original motion was changed as follows:

The feedback on the draft Strategic Plan and draft Annual Business Plan for GAROC, contained within the Agenda report, be approved and submitted to the Local Government Association subject to the inclusion of:

- a) Council views the primary role of GAROC with regards to the Planning and Design Code is to influence the inclusion of better development outcomes.
- b) Council is also of the view that the education of the community rests primarily with DPTI and not Local Government.

The motion was Put and **CARRIED**

The feedback on the draft Strategic Plan and draft Annual Business Plan for GAROC, to be submitted to the Local Government Association is as follows:

GAROC Strategic Plan

Theme 1: Built Environment and Planning

GAROC recognises the importance of well-considered planning decisions and processes in achieving good design outcomes and the preservation of character and local heritage.

Objective: Advocate to the State Government to ensure that South Australia's planning system reflects leading practice and that the Planning and Design Code and associated resources delivers quality design outcomes that complement and preserve the special qualities of local communities.

Proposed Feedback

The theme should be broadened to consider the other areas of planning reform which are of great concern to councils, including urban infill, open space and greening.

Theme 2: Economic Development and Jobs

GAROC recognises the important role of councils as local place makers. With the right policy settings and partnerships, councils can help to create the best conditions for local businesses to grow and thrive.

Objective: Enable advocacy and partnership opportunities that recognise the specific needs of metropolitan Adelaide; and assist councils to contribute to creating conditions that support increased and sustainable employment in the region.

Proposed Feedback

Council supports Theme 2: Economic Development and Jobs.

Theme 3: Best practice & continuous improvement

GAROC recognises the opportunity to work with metropolitan councils to develop best practice and continuous improvement for an integrated and coordinated local government.

Objective: Assist councils to drive best practice and continuous improvement through innovations in systems thinking, data management and processes to enhance governance and operations.

Proposed Feedback

Nil.

GAROC Annual Business Plan

Theme 1: Built Environment and Planning - Actions

Advocate to the State Government on behalf of metropolitan councils on the implementation of the *Planning Development and Infrastructure Act 2016* and the Planning and Design Code, particularly they relate to good design practices and the impact on our local communities.

Proposed Feedback

This focus should go beyond design standards that are used in the public realm and include good design practices for the private realm.

Consult and engage with councils to prepare guides to assist with the new Planning code through increased understanding and awareness. GAROC hosted workshop discussions

Proposed Feedback

This work should be done in conjunction with DPTI to ensure there is minimal overlap and effective information can be supplied to councils.

Council views the primary role of GAROC with regards to the Planning and Design Code is to influence the inclusion of better development outcomes.

Council is also of the view that the education of the community rests primarily with DPTI and not Local Government.

Theme 2: Economic Development and Jobs- Actions

Identify best practice economic grant programs and job creation initiatives undertaken by South Australian councils.

Proposed Feedback

This should be shifted to focus on new partnerships, rather than simply reviewing what has been in place in the past.

This theme should be put towards a longer term milestone. Even though this is an "annual" plan, projects are able to continue for longer than 12 months.

Lead the conclusion of the Economic Development 'themed' projects commenced by the MLGG in 2018-19.

Proposed Feedback

GAROC should also focus on scoping future plans, rather than simply concluding previous initiatives.

Theme 3: Best practice and continuous improvement - Actions

Survey metropolitan councils to identify and make an assessment of service reviews, data management, and new processes.

Establish a common expenditure framework to facilitate sector-wide benchmarking.

Proposed Feedback

This should be the focus of GAROC, and not part of the legislative reform advocacy.

*Councils feedback***Proposed Feedback**

That council sees GAROC has a primary role in influencing elements of the Code to enable better developments to occur within councils and that the responsibility for education of the community in relation to the new Code should rest with DPTI.

11.7 Update on the Planning Reform Implementation

This report presented an update on the implementation of the *Planning, Development and Infrastructure Act 2016* and subsequent instruments.

RECOMMENDATION

The Committee recommends to Council that it notes the *Update on the Planning Reform Implementation* report.

COMMITTEE RESOLUTION

Moved: Mayor Michael Coxon

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

11.8 Legislative Progress Report - March-April 2019

This report provided an update on the status of proposed legislative changes affecting local government either 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 'Legislative Progress Report - March-April 2019' be received.

COMMITTEE RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

12 MEETING CLOSE

The Presiding Member declared the meeting closed at 8.51pm.