

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, 21 MAY 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 7.02pm.

1.1 Acknowledgement of Country

At the opening of the Meeting, the Presiding Member stated:

'West Torrens City Council acknowledges that we are meeting on the traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past, present, and emerging.

We recognise and respect their cultural heritage, beliefs and spiritual relationship with the land, sea, waterways and sky.

We acknowledge that they are of continuing importance to the Kaurna people living today.

We have built a beautiful city. However, we further recognise that the process of settlement resulted in the dispossession and dislocation of the Kaurna people and that we are always mindful of this.'

1.2 Evacuation Procedure

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

2 PRESENT

Council Members:

Mayor M Coxon (Presiding Member)

Councillors: J Woodward, E Papanikolaou, K McKay, D Mugavin, G Nitschke, S Pal, S Tsiaparis, G Vlahos, C O'Rielley, D Wilton, A McKay, J Wood, 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)
Ms G Capoccia	(Program Leader Continuous Improvement)

3 APOLOGIES

Leave of Absence

Council Members:

Cr Daniel Huggett

Lateness

Council Members:

Cr George Vlahos (7.07pm)

4 DISCLOSURE STATEMENT

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Council Item 17.5 - Nominations sought for the Libraries Board of South Australia	Material	Cr Jassmine Wood

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 7 May 2019 be confirmed as a true and correct record.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Surrender Pal

That the recommendation be adopted.

CARRIED

6 MAYORS REPORT

Further to the report listed in the Agenda, Mayor Michael Coxon elaborated on his attendance at the Local Government Professionals Leadership Excellence Awards Gala Dinner on Friday 17 May 2017, noting that City of West Torrens as part of a collaborative effort with neighbouring Councils won an award for Excellence in Cross Council Collaboration for the Western Region Alliance - Cities of Charles Sturt, Holdfast Bay, Port Adelaide Enfield and West Torrens. The award was commended to the Western Adelaide Region of Councils on the basis of developing and implementing the Western Region Tourism Destination Action Plan 2020 (TDAP).

Mayor Michael Coxon and Chief Executive Officer Terry Buss also recognised and presented an award to staff member Ms Gemma Capoccia, Program Leader Continuous Improvement, who was one of the finalist in the Emerging Leader of the Year category of the 2019 Local Government Professionals Leadership Excellence Awards.

7.07pm Cr George Vlahos entered the meeting

RECOMMENDATION

That the Mayor's Report be noted.

RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr Surrender Pal

That the recommendation be adopted.

CARRIED

7 ELECTED MEMBERS REPORTS

Cr Kym McKay advised of his attendance at the following:

- Murray Darling Association Region 7 Annual General Meeting and Ordinary Meeting on Thursday 16 May 2019
- West Adelaide vs Sturt match at City Mazda Stadium on Friday 17 May 2019
- City of West Torrens Business Networking Breakfast held at Atura Hotel, Adelaide Airport on Tuesday 21 May 2019

Cr Graham Nitschke advised of his attendance at the following:

- Seven News 2019 Young Achiever Awards at Hilton Hotel, as Deputy Mayor, to support Camden Park's Mark Neville Franklin receive his Finalist Award on Saturday 17 May 2019
- City of West Torrens Business Networking Breakfast held at Atura Hotel, Adelaide Airport on Tuesday 21 May 2019

RESOLUTION

Moved: Cr Anne McKay

Seconded: Cr Brandon Reynolds

That the reports from Members be noted.

CARRIED

8 PETITIONS

Nil

9 DEPUTATIONS

9.1 Planning and Design Code

The Mayor invited Mr Michael Lennon, Chair of the State Planning Commission, to address Council in relation to the implementation of the Planning and Design Code.

MOTION

Moved: Cr John Woodward

Seconded: Cr Kym McKay

That no time limit be applied to the deputation from Mr Michael Lennon regarding Item 9.1 Planning and Design Code.

CARRIED

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

The Presiding Member thanked Mr Lennon for his presentation and attendance.

10 ADJOURN TO STANDING COMMITTEE**RECOMMENDATION**

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

RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

CARRIED

7.52pm the meeting adjourned into Committees.

8.04pm 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 21 May 2019 be adopted.

RESOLUTION

Moved: Cr George Vlahos

Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

CARRIED

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

Nil

13 QUESTIONS WITH NOTICE

Nil

14 QUESTIONS WITHOUT NOTICE

Nil

15 MOTIONS WITH NOTICE

Nil

16 MOTIONS WITHOUT NOTICE

Nil

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER**17.1 Amendment of City Advancement and Prosperity General Committee Terms of Reference**

This report proposed an amendment to the City Advancement and Prosperity General Committee Terms of Reference based on Feedback from the Minister for Transport, Infrastructure and Local Government.

RECOMMENDATION

It is recommended to Council that:

1. The City Advancement and Prosperity General Committee Terms of Reference attached to the report be approved.
2. The Chief Executive Officer be delegated authority to make amendments of a formatting and/or minor technical nature to the City Advancement and Prosperity General Committee Terms of Reference.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Cindy O'Rielley

That the recommendation be adopted.

CARRIED

17.2 Prescribed Officers 2019 - Register of Interest

The *Local Government Act 1999* required Council to declare, on an annual basis, which officers are 'prescribed officer' positions for the purposes of completing a return to be included in the 'Officers Register of Interests'.

RECOMMENDATION(S)

It is recommended to Council that:

1. On the basis that they have a level of financial sub-delegation, which may be in addition to other delegations or authorisations to make decisions on behalf of Council or the Chief Executive Officer, the following positions be declared as 'prescribed officer' positions in accordance with Section 111 of the *Local Government Act 1999*:
 - Chief Executive Officer
 - General Manager Business and Community Services
 - General Manager Corporate and Regulatory
 - General Manager Urban Services
 - Manager City Assets
 - Manager City Development
 - Manager City Operations
 - Manager City Property
 - Manager Community Services
 - Manager Financial Services
 - Manager Information Services
 - Manager People and Culture
 - Manager Regulatory Services
 - Manager Strategy and Business
 - Team Leader Compliance
 - Program Leader Governance
 - Team Leader Waste Management
 - Team Leader Library
 - Team Leader Community Development
 - Team Leader Creative Services
 - Team Leader Planning
 - Team Leader Service Centre
 - Coordinator City Development
 - Coordinator Civil Works and Services
 - Coordinator Engineering Services
 - Coordinator Horticulture Services
 - Coordinator Property Services
 - Coordinator Fleet Cleansing and Support Services
 - Executive Coordinator Office of the Mayor and CEO
 - Revenue Accountant
 - Senior Property Assets Advisor
 - Mechanic
 - Senior Strategic Procurement Officer
 - Traffic Engineer
 - Community Centres Coordinator
 - Home Support Services Coordinator
 - Collections Coordinator
 - Events Coordinator
 - Finance Coordinator

2. On the basis that they have delegation, other than a financial delegation, or authorisation to make decisions on behalf of Council or the Chief Executive Officer the following positions be declared as 'prescribed officer' positions in accordance with Section 111 of the *Local Government Act 1999*:

- Team Leader Building
- Contract Planner
- Team Leader Environmental Health
- Team Leader Compliance and Monitoring
- Senior Compliance Officer
- Senior Development Officer - APPS
- Senior Development Officer - Planning
- Senior Development Officer - Building
- Environmental Health Officer
- Development Officer - Planning
- Development Officer - Building
- Development Assistant
- Development Technician
- Cadet Development Officer - Building
- Rates Coordinator
- Freedom of Information Officer

3. Given the nature of their role and responsibilities the following positions be declared as a 'prescribed officer' position in accordance with Section 111 of the *Local Government Act 1999*:

- Senior Network Administrator
- Program Leader Strategic Resilience
- Assessment Manager
- Governance Officer
- Finance Coordinator
- Revenue Accountant
- Organisational Resilience Officer

RESOLUTION

Moved: Cr Cindy O'Rielley

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

17.3 Brickworks Riverfront Land - Confidential Order Review

This report presented the annual review of the confidential order applied to reports relating to the Brickworks Riverfront Land in accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*.

RECOMMENDATION (S)

It is recommended to Council that:

1. In accordance with Section 91(9)(a), having reviewed the confidentiality order at Council's 1 May 2018 and 6 June 2017 meetings, pursuant to 91(7) and 91(9) of the *Local Government Act 1999*, Council orders that the following reports relating to the Brickworks Riverfront Land, the Minutes arising from the reports, attachments, any associated documentation or recording having been considered by the Council in confidence under Sections 90(3)(b)(i) and 90(3)(b)(ii) of the *Local Government Act, 1999*,
 - Brickworks Markets - Retained Land
 - Brickworks Riverfront Land - Expression of Interest
 - Brickworks Riverfront Land - Divestment Proposal
 - Divestment Proposal - Brickworks Riverfront Land
 - Divestment Proposal Update - Brickworks Riverfront Land
 - Divestment of Council Property

continue to be retained in confidence in accordance with sections 91(7)(a), 91(7)(b) of the *Local Government Act 1999*, and not be available for public inspection for a further 12 month period or until Council finalises its position on the future use of the retained land, whichever is sooner, given that the disclosure of the information would not be in the public interest as to do so would reasonably be expected to:

- confer a commercial advantage on those persons with whom the Council is proposing to conduct business;
 - prejudice the commercial position of the Council;
 - lead to Council not obtaining the best possible sale price or development outcome for the remnant land retained by Council.
2. Pursuant to s91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not extend it.

RESOLUTION

Moved: Cr George Vlahos
Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

17.4 Rates Agreement - Adelaide Airport - Confidential Order Review

In accordance with the provisions of Section 91(9)(a) of the *Local Government Act 1999*, this report presented the annual review of the confidential order applied to Item 21.1 'Rates Agreement - Adelaide Airport' at the 15 March 2016 Meeting of Council.

RECOMMENDATION(S)

It is recommended to Council that:

1. In accordance with Section 91(9)(a), having reviewed the confidentiality order made on 15 March 2016 and reviewed at Council's 6 June 2017 and 1 May 2018 meetings, pursuant to 91(7)(a) and 91(7)(b) of the *Local Government Act 1999*, in respect of confidential Item 21.1- 'Rates Agreement - Adelaide Airport', Council orders the information contained in:

the confidential report Item 21.1 - "Rates Agreement - Adelaide Airport" presented to Council at its 15 March 2016 Meeting;

all relevant documentation associated with and attached to the confidential agenda *Item 21.1 - "Rates Agreement - Adelaide Airport"* of 15 March 2016, but not the Minutes arising from the report Item 21.1 - "Rates Agreement - Adelaide Airport";

continues to be retained in confidence in accordance with Section 90(3)(g) of the *Local Government Act 1999*, and not be available for public inspection for a further 12 month period, on the basis that the information received, discussed and considered in relation to this agenda item are in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty because the draft rates Agreement, the subject of this report, and any subsequent agreed rates Agreement binds the parties to confidentiality provisions the disclosure of which in the public realm will constitute a breach of obligations and duty of confidence pursuant to the Rates Agreement.

2. Pursuant to s91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to review the confidentiality order on a monthly basis and to revoke but not extend it.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

17.5 Nominations sought for the Libraries Board of South Australia

8.10pm Cr Jassmine Wood declared a material conflict of interest in this item as she wishes to nominate to the Libraries Board of South Australia and as the position is remunerated she left the meeting for the discussion and vote on the item.

Nominations are sought for three local government representatives to the Libraries Board of South Australia.

RECOMMENDATION

It is recommended to Council that:

Cr/s be nominated to the Libraries Board of South Australia.

Or

The report be received.

RESOLUTION

Moved: Cr George Vlahos

Seconded: Cr Dominic Mugavin

That Cr Jassmine Wood be nominated to the Libraries Board of South Australia.

CARRIED

8.11pm Cr Jassmine Wood 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

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

RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

19 MEMBER'S BOOKSHELF

Nil

20 CORRESPONDENCE

20.1 Adelaide Airport Curfew Dispensation Report

Correspondence was received from the Adelaide Airport Limited, regarding the approved curfew dispensations from January to March 2019.

20.2 Aircraft Operations during Adelaide Curfew

Correspondence was received from the Adelaide Airport Limited summarising aircraft operations during the Adelaide curfew period from January to March 2019.

20.3 Mayors for Peace Joint Appeal for Common Ground on the NPT

Correspondence was received from the Mayors of Peace providing an update on the Mayors of Peace joint appeal for common ground on the Non-Proliferation of Nuclear Weapons (NPT).

RECOMMENDATION

That the correspondence be received.

RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

CARRIED

21 CONFIDENTIAL

Nil

22 MEETING CLOSE

The Presiding Member declared the meeting closed at 8.12pm.

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.53pm.

2 PRESENT

Council Members:

Cr G Vlahos (Presiding Member)

Mayor M Coxon

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

3 APOLOGIES

Leave of Absence

Committee Members:

Cr Daniel Huggett

4 DISCLOSURE STATEMENTS

Nil

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Special Meeting of the City Finance and Governance Committee held on 2 April 2019, 9 April 2019 and 16 April 2019, be confirmed as a true and correct record.

COMMITTEE RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Surrender Pal

That the Minutes of the Special Meeting of the City Finance and Governance Committee held on 2 April 2019, 9 April 2019 and 16 April 2019, and the Minutes of the City Finance and Governance Committee held on 16 April 2019, be confirmed as a true and correct record.

CARRIED

6 COMMUNICATION BY THE CHAIRPERSON

Nil

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 MOTIONS WITH NOTICE

Nil

10 MOTIONS WITHOUT NOTICE

Nil

11 CITY FINANCE & GOVERNANCE REPORT**11.1 Creditor Payments**

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

RECOMMENDATION

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

COMMITTEE RESOLUTION

Moved: Cr Kym McKay

Seconded: Mayor Michael Coxon

That the recommendation be adopted.

CARRIED

11.2 Credit Card Purchases - January to March 2019

This report tabled a schedule of credit card payments for the March quarter of 2019.

RECOMMENDATION

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

COMMITTEE RESOLUTION

Moved: Cr Surender Pal
Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

11.3 Register of Allowances and Benefits - 9 Months to 31 March 2019

This report tabled the register of allowances and benefits for Elected Members for the 9 months to 31 March 2019, prepared pursuant to the requirements of Section 79 of the *Local Government Act 1999*.

RECOMMENDATION

The Committee recommends to Council that the register of allowances and benefits for Elected Members for the 9 months to 31 March 2019, prepared pursuant to the requirements of Section 79 of the *Local Government Act 1999*, be received.

COMMITTEE RESOLUTION

Moved: Cr Kym McKay
Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

CARRIED

11.4 Council Budget Report - TEN Months to 30 April 2019

This report provided information to Council on budget results for the ten months ended 30 April 2019.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

Moved: Mayor Michael Coxon
Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

11.5 Budget Review - March 2019

This report provided details of changes proposed to the 2018/19 budget, following completion of the budget review for March 2019.

RECOMMENDATION

The Committee recommends to Council that the budget review changes for March 2019 be adopted pursuant to Regulation 9 of the *Local Government (Financial Management) Regulations 2011*.

COMMITTEE RESOLUTION

Moved: Cr Elisabeth Papanikolaou

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

7.59pm Cr Jassmine Wood left the meeting.

CARRIED

11.6 Legislative Progress Report - May 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 - May 2019' be received.

COMMITTEE RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

8.02pm Cr Jassmine Wood returned to the meeting.

CARRIED

11.7 Feedback on draft Landscape South Australia Act

This report presented proposed feedback on the *Landscape South Australia Bill 2019*, to be provided to the Local Government Association and the Minister for Environment and Water.

RECOMMENDATION

The Committee recommends to Council that:

1. The proposed feedback contained in the report be approved and submitted to the Local Government Association and the Minister for Environment and Water as Council's response to its request for feedback on the *Landscape South Australia Bill 2019*.
2. The Chief Executive Officer be authorised to approve any minor additions or changes of an editorial nature required prior to final submission.

COMMITTEE RESOLUTION

Moved: Mayor Michael Coxon

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

12 MEETING CLOSE

The Presiding Member declared the meeting closed at 8.03pm.