

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, 18 FEBRUARY 2020
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.

Due to a large public gallery, the Presiding Member advised that Item 1.2 - Evacuation Procedure will be read out prior to Item 1.1 Acknowledgment of Country.

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

1.1 Acknowledgement of Country

The Presiding Member called for the Acknowledgment of Country to be read out by Cr Dominic Mugavin:

'West Torrens City Council acknowledges that we are meeting on the traditional Country of the Kurna 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 Kurna 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 Kurna people and that we are always mindful of this.'

1.2 Evacuation Procedure

The evacuation procedures were read out at the opening of the Meeting.

2 PRESENT

Council Members:

Mayor M Coxon (Presiding Member)

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

Officers:

Mr T Buss	(Chief Executive Officer)
Ms P Koritsa	(General Manager Business and Community Services)
Mr A Catinari	(General Manager Urban Services)
Mr C James	(General Manager Corporate and Regulatory - Acting)
Mr N Biggs	(Manager Financial Services)
Ms R Butterfield	(Manager Regulatory Services)
Ms S Curran	(Manager Strategy and Business)
Mr J Ielasi	(Manager City Assets)
Mr D Ottanelli	(Manager City Property)
Mr P Richardson	(Manager City Operations)
Mr J Leverington	(Senior Development Officer - Planning)
Ms C Rorke-Wickins	(Senior Land Use Policy Planner)

3 APOLOGIES

Apologies

Council Members:

Cr Surender Pal
Cr David Wilton

Officers:

Mr B Ross (General Manager Corporate and Regulatory)

RECOMMENDATION

That the apologies be received.

RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

4 DISCLOSURE STATEMENT

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Council Item 17.2 Local Government Association: Stronger Regulation of Corflute Election Signs	Perceived	Cr Dominic Mugavin

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 4 February 2020 be confirmed as a true and correct record.

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

6 MAYORS REPORT

Further to the report listed in the Agenda, Mayor Michael Coxon advised that two City of West Torrens staff members, Mr Dean Ottanelli, Manager City Property and Mr Steve Watson, Senior Property Assets Advisor received honorary membership to the National Servicemen's Association (NSA) at the NSA Memorial Service at Kesmond Reserve, Kesmond on Friday 14 February 2020 for their valuable support and contribution in delivering the Memorial Gardens project.

RECOMMENDATION

That the Mayor's Report be noted.

RESOLUTION

Moved: Cr Daniel Huggett
Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

Mayor Michael Coxon and Chief Executive Officer Terry Buss formally recognised and presented awards to the following staff members for their outstanding assistance to the Cuddle Creek and Kangaroo Island Communities during the 2019/2020 bushfire crisis:

- Anthony Nicholls;
- Craig Silcock;
- Simon Harper;
- Daniel Waddelow;
- Sam Dumbrill;
- Raoul Brideoake;
- Peter Richardson;
- Steven Thomson.

7.16pm Cr Cindy O'Rielley left the meeting.

7.17pm Cr Cindy O'Rielley returned to the meeting.

7 ELECTED MEMBERS REPORTS

Cr Graham Nitschke advised of his attendance at the Summer Festival Event - 'The Kings Fork' held at Kings Reserve and Thebarton Community Centre in Torrensville on Saturday 8 February 2020 and the 2020 Reconciliation Apology Breakfast at the Adelaide Convention Centre on Thursday 13 February 2020.

7.1 Letter to City of West Torrens staff members involved with the Summer Festival

RESOLUTION

Moved: Cr Graham Nitschke
Seconded: Cr Dominic Mugavin

That the Mayor formally writes to each City of West Torrens staff member involved with the Summer Festival extending Council's appreciation and congratulations to them for making the 2019/20 Summer Festival series a great success.

CARRIED

7.2 Cr Jassmine Wood Leave of Absence

Cr Jassmine Wood sought leave of absence for the Council meeting to be held on 3 March 2020.

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr Simon Tsiaparis

That leave be granted.

CARRIED

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr Simon Tsiaparis

That the reports from Members be noted.

CARRIED

8 PETITIONS

Nil

9 DEPUTATIONS

9.1 Rain Garden installation at 29 Rutland Avenue Lockleys

7.22pm The Presiding Member invited Mr Gregory Wright to address Council in relation to the proposed Rain Garden installation at 29 Rutland Avenue, Lockleys.

7.27pm the time limit of five minutes in total for the deputation was reached. The Presiding Member sought a motion for an extension of time for this deputation.

MOTION

Moved: Cr Jassmine Wood

Seconded: Cr Brandon Reynolds

That the time limit allocated for this deputation be extended for a further 5 minutes.

CARRIED

7.30pm Mr Wright concluded his deputation.

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

The Presiding Member thanked Mr Wright for his attendance.

9.2 Cat By-laws

Mr Michael Grant, wished to address Council in relation to Cat By-laws, however, Mr Grant did not attend the meeting to address Council.

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 Dominic Mugavin

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

CARRIED

7.34pm the meeting adjourned into Committees.

7.56pm the meeting reconvened. All those present prior to the adjournment of the meeting were present in the Chamber when the meeting reconvened with the exception of Cr Kym McKay.

7.57pm Cr Kym McKay entered the meeting.

11 ADOPTION OF STANDING COMMITTEE RECOMMENDATIONS

11.1 City Finance and Governance Committee Meeting

RECOMMENDATION

That the recommendations of the City Finance and Governance Committee held on 18 February 2020 be adopted.

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr Jassmine Wood

That the recommendation be adopted.

CARRIED

12 ADOPTION OF GENERAL COMMITTEE RECOMMENDATIONS

12.1 Audit General Committee Meeting

RECOMMENDATION

That the Minutes of the Audit General Committee held on 11 February 2020 be noted and the recommendations adopted.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

CARRIED

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 Planning Reform: Planning and Design Code Recommendations and Update**

This report presented recommended feedback to the Department of Planning, Transport and Infrastructure on its draft *Planning and Design Code* as it applies to the City of West Torrens.

RECOMMENDATION

It is recommended to Council that:

1. The recommendations contained in this report be approved and submitted to the Department of Planning, Transport and Infrastructure as Council's third and final formal response to the current consultation on the draft Planning and Design Code; and
2. The Administration continues to analyse and make recommendations to DPTI/SPC that reflect a transition to the new Planning and Design Code that are as consistent as possible to current planning legislation and the Development Plan (unless otherwise stated in Council's submission).
3. The Chief Executive Officer be authorised to make any amendments of a minor nature, finalise and submit the feedback contained in this report to DPTI/SPC.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

CARRIED

17.2 Local Government Association: Stronger Regulation of Corflute Election Signs

Cr Dominic Mugavin declared a perceived conflict of interest in this item as he is a member of the Greens Party who use Corflute Election Signs and participated in the discussion and vote.

This report responded to a request from the Local Government Association for feedback on measures to restrict the use of corflute election signs.

RECOMMENDATION

It is recommended to Council that the feedback contained in the table within this report be approved and submitted to the Local Government Association.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Kym McKay

That the feedback contained in the table within the Agenda report be approved and submitted to the Local Government Association, subject to the following feedback inclusions and amendments:

a) Council's position statement

The Council's preferred position is corflute election signs are banned in South Australia.

b) Proposal 1. Restricting the number of signs allowed per candidate

This option should be considered, but with solution options to limit the burden on Council to monitor corflute numbers. A possible solution is for candidates to submit a statutory declaration as to the number of corflutes that have been procured. Given a cap on corflutes would be well publicised and known to the community, media and other candidates, it is reasonable to expect Council involvement would be limited to complaints and not pro-active enforcement of corflute limits.

c) Proposal 3. Negotiating with infrastructure owners for withdrawal of permissions to erect signs or restricting the range of infrastructure that can be used

This option should be pursued as it will reduce the opportunity and available options for corflutes, providing a natural barrier to the current excessive use of corflutes on public infrastructure. There is also a significant public safety risk with use of public infrastructure for corflutes, and both State and Local Government have a duty of care to ensure potential harm to citizens is avoided.

d) Proposal 4. Limiting the types of roads that signs can be erected

This proposal is not preferred, given the feedback provide for proposal 3 (above).

e) Proposed General Feedback

Solution options should look to minimise the impact of Council resources, focus on complaints rather than proactive oversight by Council (e.g. Council would only pursue an issue when there was a complaint made) and ensure the State and Local Government fulfil their duty of care to the public.

CARRIED

Cr Dominic Mugavin voted in favour of the motion moved by Cr John Woodward and seconded by Cr Kym McKay.

17.3 National General Assembly of Local Government 2020 - Call for Motions

This report sought Notices of Motion for the 2020 Australian Local Government Association National Assembly.

RECOMMENDATION

It is recommended to Council that:

1. The recommended process for the lodgement of Notices of Motion for the 2020 Australian Local Government Association National Assembly, contained within this report, be approved.
2. Council authorises the Chief Executive Officer to finalise the wording of any Motion prior to submission to the Australian Local Government Association.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

CARRIED

17.4 Historic and Character Area Statements (Late Agenda Item)

This report sought to provide justification for the inclusion of Technical and Numeric Variation (TNVs) overlay being added in the Historic and Character Areas to protect these areas from potentially unsuitable land divisions and erosion of the existing desirable character.

RECOMMENDATION

It is recommended to Council that

1. The Technical Numerical Variations requested in **Attachment 1** be approved and submitted to DPTI.
2. If, or where, DPTI does not accept the Technical Numerical Variations that DPTI be requested to incorporate stronger language and additional qualitative assessment provisions into the *Planning and Design Code* to avoid unsuitable land divisions.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Dominic Mugavin

That

1. The Technical Numerical Variations requested in Attachment 1 of the Agenda Report be approved and submitted to DPTI, subject to the following feedback amendment on page 13 of the Late Agenda Item report relating to Rose Street WeTo4:
 - That the TNV suggested within Table 9: Frontage width review and recommendation be listed as '11' and not 'nil'.
2. If, or where, DPTI does not accept the Technical Numerical Variations that DPTI be requested to incorporate stronger language and additional qualitative assessment provisions into the *Planning and Design Code* to avoid unsuitable land divisions.

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 Dominic Mugavin
Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

CARRIED

19 MEMBER'S BOOKSHELF

- Department of Human Services, Inclusive SA, Inclusive Play: Guidelines for accessible playspaces

RECOMMENDATION

That the additions to Members' bookshelf be noted.

RESOLUTION

Moved: Cr Cindy O'Rielley
Seconded: Cr Graham Nitschke

That the recommendation be adopted.

8.26pm Cr Jassmine Wood left the meeting.

CARRIED

20 CORRESPONDENCE

20.1 Implementation timeframes for the Planning and Design Code

Correspondence was received from the Chair of the State Planning Commission, Mr Michael Lennon, regarding the implementation timeframes for the Planning and Design Code.

20.2 5G mobile networks and the impact on people and the environment

Correspondence was received from the Chief Radiation Health Scientist of the Australian Radiation Protection and Nuclear Safety Agency, Dr Gillian Hirth, regarding 5G mobile networks and the impact on people and the environment.

20.3 Brown Hill Keswick Creeks Stormwater Board, Project Director Progress Report December 2019 Quarter

Correspondence was received from the Project Director of the Brown Hill Keswick Creek Stormwater Project, Ms Peta Mantzarapis, providing the Brown Hill Keswick Creeks Stormwater Board, Project Director Progress Report for the December 2019 Quarter.

RECOMMENDATION

That the correspondence be received.

RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

CARRIED

21 CONFIDENTIAL**21.1 Weslo Holdings - Update****Reason for Confidentiality**

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

- (b)(i) information the disclosure of which - could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.
- (b)(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 Weslo Holdings - Update, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(b)(i) and (b)(ii) because it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible outcome to the lease dispute with Weslo Holdings Pty Ltd. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to satisfactorily resolve the lease dispute with Weslo Holdings Pty Ltd and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
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.

8.28pm Cr Jassmine Wood returned to the meeting.

CARRIED

8.30pm the meeting moved into Confidence and the confidential session commenced.

Council resolved as follows in terms of this Confidential item:

That Weslo Holdings be required to pay the outstanding arrears on their lease by 2 March 2020, following which Council will reduce the value of the cottage from the lease agreement and reduce the rent in accordance with the independent valuation previously provided to Council.

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 Weslo Holdings - Update the Minutes arising, attachments and any associated documentation but not the decision, having been considered by the Council in confidence under Section 90(3)(b)(i) and (b)(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 it may prejudice the commercial position of the Council and lead to Council not obtaining or securing the best possible outcome to the lease dispute with Weslo Holdings Pty Ltd. In addition, Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to satisfactorily resolve the lease dispute with Weslo Holdings Pty Ltd and consequently, Council considers the disclosure of this information would, on balance, be contrary to the public interest.
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*.

9.10pm the Confidential session closed and the meeting reopened to the public.

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

22 MEETING CLOSE

The Presiding Member declared the meeting closed at 9.11pm.

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.35pm.

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 Tsiaparis, C O'Rielly, A McKay, J Wood, B Reynolds

Officers:

Mr T Buss	(Chief Executive Officer)
Ms P Koritsa	(General Manager Business and Community Services)
Mr A Catinari	(General Manager Urban Services)
Mr C James	(General Manager Corporate and Regulatory - Acting)
Mr N Biggs	(Manager Financial Services)
Ms S Curran	(Manager Strategy and Business)
Mr J Ielasi	(Manager City Assets)
Mr D Ottanelli	(Manager City Property)

3 APOLOGIES

Apologies

Committee Members:

Cr Surender Pal

Cr David Wilton

Officers:

Mr B Ross (General Manager Corporate and Regulatory)

RECOMMENDATION

That the apologies be received.

COMMITTEE RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

4 DISCLOSURE STATEMENTS

Nil

5 CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of the meeting of the City Finance and Governance Committee held on 21 January 2020 be confirmed as a true and correct record.

COMMITTEE RESOLUTION

Moved: Cr Elisabeth Papanikolaou

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

6 COMMUNICATION BY THE CHAIRPERSON

Nil

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 MOTIONS WITH NOTICE

Nil

10 MOTIONS WITHOUT NOTICE

Nil

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

This report tabled a schedule of creditor payments for January 2020.

RECOMMENDATION

The Committee recommends to Council that the schedule of creditor payments for January 2020 be received.

COMMITTEE RESOLUTION

Moved: Cr Kym McKay
Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

7.43pm Cr Daniel Huggett left the meeting.

7.44pm Cr Daniel Huggett returned to the meeting.

CARRIED

11.2 Credit Card Purchases - October to December 2019

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

RECOMMENDATION

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

COMMITTEE RESOLUTION

Moved: Cr Kym McKay
Seconded: Cr Cindy O'Rielley

That the recommendation be adopted.

CARRIED

11.3 Register of Allowances and Benefits - 6 Months to 31 December 2019

This report tabled the register of allowances and benefits for Elected Members for the 6 months to 31 December 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 6 months to 31 December 2019, prepared pursuant to the requirements of Section 79 of the *Local Government Act 1999*, be received.

COMMITTEE RESOLUTION

Moved: Cr Graham Nitschke
Seconded: Cr Jassmine Wood

That the recommendation be adopted.

CARRIED

11.4 Council Budget Report - SEVEN Months to 31 January 2020

This report provided information to Council on budget results for the seven months ended 31 January 2020.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr Kym McKay

That the recommendation be adopted.

CARRIED

11.5 Budget Review - December 2019

This report provided details of changes proposed to the 2019/20 budget, following completion of the budget review for December 2019.

RECOMMENDATION

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

COMMITTEE RESOLUTION

Moved: Cr Cindy O'Rielley

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

7.52pm Cr Kym McKay left the meeting.

CARRIED

11.6 Legislative Progress Report - February 2020

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 - February 2020' be received.

COMMITTEE RESOLUTION

Moved: Cr Jassmine Wood

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

CARRIED

12 MEETING CLOSE

The Presiding Member declared the meeting closed at 7.55pm.