

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

and the public gallery via electronic platform

on

TUESDAY, 19 APRIL 2022
at 7.00pm

Angelo Catinari
Chief Executive Officer (Acting)

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.01pm.

1.1 Acknowledgement of Country

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

"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 Procedures

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

1.3 Electronic Platform Meeting

The Presiding Member advised the meeting was being livestreamed via a Zoom public link available on the City of West Torrens website.

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, J Wood, B Reynolds

Officers:

Mr T Buss	(Chief Executive Officer)
Mr D Ottanelli	(General Manager Urban Services - Acting)
Ms P Koritsa	(General Manager Business and Community Services)
Mr P Della	(General Manager Corporate and Regulatory Services)
Ms L Gilmartin	(Manager Financial Services)
Mr N Teoh	(Team Leader Waste Management)

Officers in attendance via online platform:

Mr A Catinari	(Deputy Chief Executive Officer)
Ms S Curran	(Manager Strategy and Business)
Ms L Johnson	(Management Lead - LG Reform and Integrity)
Ms R Butterfield	(Manager Regulatory Services)

3 APOLOGIES

Nil

4 DISCLOSURE STATEMENTS

The following disclosures of interest were made:

Item	Type of Conflict	Elected Member
Council Item 17.5 - Nominations Sought for the Power Line Environment Committee	Material	Cr John Woodward
Confidential Item 21.1 - Possible Acquisition of Land - Update	Perceived	Mayor Michael Coxon

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 5 April 2022 be confirmed as a true and correct record.

RESOLUTION

Moved: Cr Surender Pal
Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

CARRIED

5.1 Presentation of City of West Torrens Awards

Mayor Michael Coxon read out the following statement:

"Each year our Council bestows Australia Day Awards to local residents and our wider community who help make West Torrens a better place.

While many of our recipients fly under the radar as their reward is the voluntary work that they carry out for others, the Australia Day Awards do formally recognise their great achievements and provide us with an opportunity to publicly say "thank you".

This year, due to the high rate of COVID-19 outbreaks and changing State restrictions, we did not hold a formal presentation ceremony for our Australia Day award recipients, however, we are now very pleased that they have been able to join us here this evening to accept their well-deserved awards."

Mayor Coxon presented the following Awards:

City of West Torrens Civic Award to Robert (Bob) Wohlenberg OAM.

The Civic Award is given to individuals who have given outstanding service to, or been a benefactor to, West Torrens.

"While Bob is not a resident of West Torrens, he can certainly be considered a local for his long-standing service to the Western Youth Centre (WYC) at Cowandilla.

WYC started in 1956 when a group of local people rallied together to investigate sporting, cultural and recreational facilities for youth in West Torrens. In 1958, after gaining some financial support from Council, WYC opened to the public, with the first activity being a learner's dance class and the first club to be formed was the Boys Gymnasium Club. By July 1959, additions and renovations had been carried out to the building, including a running track and tennis courts and, as a result, several new sporting clubs joined WYC.

Today the Centre has programs for all ages including cricket, table tennis, badminton, martial arts and judo.

Bob was elected to the Board of Management of WYC in 1985 and held the position of President from 2005 - 2021. The 11 person board, who are all volunteers, manage more than 1,300 members who participate in eight different activities under the WYC banner.

In addition to holding the office of President, Bob was elected to the Board of Cowandilla Recreation Reserve Trust from 1990 - 2000, holding the position of Chairman from 1995 - 2000. He was also a foundation member of the West Torrens Community and Recreation Board between 2003 and 2008.

Congratulations Bob."

City of West Torrens Community Group Award to Nadine Wood for 'We Care in the West'.

Community Group Awards are presented to a local community group that has made an outstanding voluntary contribution to the community of West Torrens. Only one Community Group Award is presented annually.

"It gives me great pleasure to present this Community Group Award to Nadine Wood for 'We Care in the West'.

Torrensville resident Nadine Wood began We Care in the West Facebook Group at the beginning of COVID-19 pandemic with the aim to help elderly community members with day-to-day tasks.

Members who join the group are part of a community that gives back by undertaking what some of us would consider 'simple' tasks, such as obtaining groceries and collecting prescriptions.

The group now has more than 500 members who provide assistance wherever it's needed. This has included gathering essential items for organisations to provide to groups in need, providing non-perishable foods to elderly and those who are vulnerable in our community, donating funds and even baking cookies for essential workers to say 'thank you'.

Congratulations Nadine."

City of West Torrens Community Service Award to Noona Thompson.

Community Service Awards are presented to citizens of West Torrens who have made outstanding voluntary contributions in the field of community services in our City in recognition of their appreciated and highly valued efforts for the benefit of the local community.

"Noona Thompson's contribution to community service has spanned more than half a century. For more than 52 years she has helped hundreds of individuals, mostly in the field of sport, particularly in hockey.

Considered an 'excellent role model for children', in 2020, Noona established the first SA Walking Hockey Program for those with limited physical capacity. Walking hockey has enabled many people to participate in an outdoor sport, while getting exercise and socialising.

Noona is passionate about helping others keep active and connected no matter what their age and abilities. She has said that the smile on a person's face when they realise they have achieved something is worth more than anything - which is why she loves volunteering and helping people.

Congratulations Noona."

City of West Torrens Community Service Award to Kelly Stevens.

"Kelly has been a teacher at Tenison Woods Catholic School for 26 years. Her dedication to her students and others at the school has seen her awarded a Community Service Award as she has helped many students with disability, been an advocate with the U.N. Convention of Rights for Children and teaches children to be inclusive of all cultures and abilities. Her passion for teaching, and her love of children, has seen many of her students succeed.

Congratulations Kelly."

Following the Awards Presentation, Mayor Coxon congratulated the award recipients and thanked them for their service to the City of West Torrens.

7.19pm Mayor Michael Coxon left the meeting to escort the award recipients from the building.

As Mayor Michael Coxon, Presiding Member, left the meeting, Cr George Vlahos as Deputy Mayor, assumed the Chair as Presiding Member for the duration of the Mayor's absence.

6 MAYORS REPORT

RECOMMENDATION

That the Mayor's Report be noted.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Cindy O'Rielley

That the recommendation be adopted.

CARRIED

7 ELECTED MEMBERS REPORTS

Cr Dominic Mugavin advised of his attendance at the following:

- Action meeting organised by local residents on Sunday 10 April 2022 regarding the Local Area Traffic Management Plan (LATM), specifically in regard to cycling infrastructure and safer streets for cyclists and the upcoming transport strategy; and
- Bloom Block Party on Winwood Street, Thebarton on Sunday 10 April 2022 as part of the City of West Torrens 'Westival' event series.

Cr Kym McKay advised of his attendance at the following:

- Fulham Community Centre Committee Meeting on Monday 11 April 2022;
- AFLW Women's Award Night on behalf of Mayor Coxon, along with Cr Anne McKay on Thursday 14 April 2022;
- Blitz Golf tournament event held at the Glenelg Golf Club on Sunday 17 April 2022. Cr Kym McKay noted the performance of the West Torrens team who came seventh under par.
- Blitz Golf tournament event held at the North Adelaide Golf Club on Monday 18 April 2022.

Cr John Woodward noted that he had been a member of the Statewide Super Board of Directors for the past seven years. Cr Woodward advised that Statewide Super would merge with HostPlus on Friday 29 April 2022 and that he would no longer be a member of the Board of Directors as of Thursday 28 April 2022.

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr Graham Nitschke

That the reports from Members be noted.

CARRIED

8 PETITIONS

Nil

9 DEPUTATIONS

Nil

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 Standing Committee.

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr Jassmine Wood

That the recommendation be adopted.

CARRIED

7.25pm the meeting adjourned into Committee.

7.25pm Mayor Michael Coxon returned to the meeting and assumed the Chair.

7.52pm 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 19 April 2022 be adopted.

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr Anne McKay

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 12 April 2022 be noted and the recommendations adopted.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

CARRIED

13 QUESTIONS WITH NOTICE

Nil

14 QUESTIONS WITHOUT NOTICE

Questions were asked and responses provided by the Administration.

7.53pm Cr Brandon Reynolds left the meeting.

7.56pm Cr Brandon Reynolds returned to the meeting.

7.58pm Cr Daniel Huggett left the meeting.

8.05pm Cr Daniel Huggett returned to the meeting.

15 MOTIONS WITH NOTICE

Nil

16 MOTIONS WITHOUT NOTICE

Nil

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER

17.1 Planning and Design Code: Neighbourhood Zone Review - Minor Infill Housing and Urban Corridor Zone Interface Case Study

This report provided an update in relation to the redirection of funds allocated to the provision of information to the community on the Planning and Design Code (Code) to investigations into Planning and Design Code policy.

RECOMMENDATION

It is recommended to Council that it approves the dedication of the budget funds of \$24,000 from the Planning and Design Code Communications specifically to the *Planning and Design Code: Neighbourhood Zone Review - Minor Infill Housing and Urban Corridor Zone Interface Case Study*.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

CARRIED

17.2 Mooringe Code Amendment: Proposed Response to the SA Parliament Environment Resources and Development Committee

This report presented feedback in response to the Environment, Resources and Development Committee's (ERDC) invitation to provide views and comments on the *65-73 Mooringe Avenue Plympton Code Amendment* undertaken by ACP Mooringe Pty Ltd in accord with the ERDC's role of parliamentary scrutiny and details the ERDC's approval process.

RECOMMENDATION

It is recommended to Council that it authorises the Chief Executive Officer to write to the Environment, Resources and Development Committee (ERDC) outlining both the concerns identified during community consultation and by Council on the private proponent led *65-73 Mooringe Avenue Plympton Code Amendment* process, as proposed in this report to enable these concerns to be considered by the ERDC during its deliberations with regard to the approval of this code amendment.

RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

17.3 Proposed Transport and Movement Strategy - Strategy Overview for consultation

This report presented the Transport and Movement Strategy Overview for approval to progress to public consultation, feedback of which will be used to develop the Transport and Movement Strategy 2022-2032.

RECOMMENDATION(S)

It is recommended to Council that:

1. It approves the progression of the Transport and Movement Strategy Overview to public consultation.
2. The outcomes of the public consultation be presented to Council.
3. The Chief Executive Officer be authorised to make changes of a minor or formatting nature.

8.20pm Cr David Wilton left the meeting.

8.23pm Cr David Wilton returned to the meeting.

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

17.4 Report to undertake a trial with RecycleSmart

A report to undertake a trial with RecycleSmart was first presented at the City Facilities and Waste Recovery General Committee on 27 July 2021. Following discussion by Council at the Council Meeting on 3 August 2021 and Elected Member's Strategic Workshop on 31 August 2021, a revised report was presented to Council on 5 October 2021 resulting in a provisional endorsement subject to obtaining suitable grant funding for the trial.

RECOMMENDATION

It is recommended to Council that a six-month trial with RecycleSmart with a total cost of \$48,600 consisting of Council's contribution of up to \$26,100 and grant funding of \$22,500 be endorsed.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

17.5 Nominations Sought for the Power Line Environment Committee

8.28pm Cr John Woodward declared a material conflict of interest in relation to this item as he wished to be nominated to the Power Line Environment Committee and as the position is remunerated, he left the meeting for the discussion and vote on the item.

This report sought nominations to the Power Line Environment Committee.

RECOMMENDATION

It is recommended to Council that:

1.be nominated to the Power Line Environment Committee.

OR

2. The *Nominations Sought to the Power Line Environment Committee* report be received.

RESOLUTION

Moved: Cr Simon Tsiaparis
Seconded: Cr Graham Nitschke

That Cr John Woodward be nominated to the Power Line Environment Committee.

CARRIED

8.29pm Cr John Woodward returned to the meeting.

17.6 Adelaide Airport Rates Agreement - Confidential Order Review

This report presented the annual review of the confidentiality order applied to Item 21.1 - Rates Agreement - Adelaide Airport, at the 15 March 2016 meeting of Council 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 made on 15 March 2016 and reviewed at Council's 6 June 2017, 1 May 2018, 21 May 2019, 19 May 2020 and 4 May 2021 meetings, Council orders that the confidential Agenda report, attachments and any associated documentation but not the Minutes arising from the report, continue to be retained in confidence in accordance with 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 subject of this report 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 George Vlahos
Seconded: Cr Jassmine Wood

That the recommendation be adopted.

CARRIED

17.7 Thebarton Theatre Complex - Update - Confidential Order Review

This report presented the annual review of the confidential order applied to confidential report Item 21.1 - Thebarton Theatre Complex - Update at the 4 May 2021 meeting of Council 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 made on 4 May 2021, Council orders that the confidential Agenda report, the Minutes arising, attachments and any associated documentation, continue to be retained in confidence in accordance with Section 90(b)(i) and (b)(ii) of the *Local Government Act 1999*, and not be available for public inspection for a further 12 month period on the basis that Council considers that the disclosure of the information would, on balance, be contrary to the public interest 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 with regard to matters which may impact the proposed upgrade of the Thebarton Theatre Complex and actions required under the lease of the Theatre.
2. Pursuant to Section 91(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 Jassmine Wood
Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

CARRIED

18 LOCAL GOVERNMENT BUSINESS

Nil

19 MEMBER'S BOOKSHELF

Nil

20 CORRESPONDENCE

20.1 Brown Hill Keswick Creek Stormwater Project Update March 2022

Correspondence was received from the Project Director of the Brown Hill and Keswick Creeks Stormwater Board, Peta Mantzarapis, regarding the Project Update for March 2022.

20.2 Review of the Planning, Development and Infrastructure Act 2016

Correspondence was received from the Acting Mayor of the City of Onkaparinga, Cr Simon McMahon, regarding the review of the *Planning, Development and Infrastructure Act 2016*.

20.3 Notification from SA Heritage Council regarding Theberton Cottage

Correspondence was received from the South Australian Heritage Council, regarding the confirmation of Theberton Cottage as a State Heritage Place.

20.4 Notification from SA Heritage Council regarding the Plaque commemorating Theberton Cottage

Correspondence was received from the South Australian Heritage Council, regarding the confirmation of the Plaque commemorating Theberton Cottage as a State Heritage Object.

20.5 Minutes of the Brown Hill Keswick Creek Owners' Executive Committee Meeting

Correspondence was received from the Brown Hill and Keswick Creeks Stormwater Board, providing the Minutes of the BHKCS Owners' Executive Committee Meeting held on 30 March 2022.

Cr Cindy O'Rielley commented on the operational and maintenance costs associated with the project and sought further clarification on how this cost would affect Council. The Chief Executive Officer provided clarification on the project and noted that the regional subsidiary was successful in receiving a \$10 million grant from the Federal Government towards the project which would reduce the cost.

RECOMMENDATION

That the correspondence be received.

RESOLUTION

Moved: Cr Cindy O'Rielley
Seconded: Cr Dominic Mugavin

That the recommendation be adopted.

CARRIED

21 CONFIDENTIAL

21.1 Possible Acquisition of Land - 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.

Prior to moving into Confidence, the Presiding Member advised the virtual attendees that the public portion of the Council meeting livestream would be locked during the discussion and consideration of the confidential Item 21.1 - Possible Acquisition of Land - Update.

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 - Possible Acquisition of Land - 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 the information received, discussed and considered in relation to this agenda item is information, the disclosure of which could reasonably be expected to severely prejudice Council's ability to achieve the best possible outcome relating to the acquisition of the property under consideration and 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 Surrender Pal

Seconded: Cr Simon Tsiaparis

That the recommendation be adopted.

CARRIED

8.38pm 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 - Possible Acquisition of Land - Update, the Minutes arising, attachments and any associated documentation, 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 the information received, discussed and considered in relation to this agenda item is information, the disclosure of which could reasonably be expected to severely prejudice Council's ability to achieve the best possible outcome relating to the acquisition of the property under consideration and 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*.

9.08pm the Confidential session closed and the meeting reopened to the public.

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

9.09pm Mayor Michael Coxon returned to the meeting and assumed the Chair.

22 MEETING CLOSE

The Presiding Member declared the meeting closed at 9.09pm.

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.27pm.

2 PRESENT

Council Members:

Cr B Reynolds (Presiding Member)

Mayor M Coxon

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

Officers:

Mr T Buss (Chief Executive Officer)

Mr D Ottanelli (General Manager Urban Services - Acting)

Ms P Koritsa (General Manager Business and Community Services)

Mr P Della (General Manager Corporate and Regulatory Services)

Ms L Gilmartin (Manager Financial Services)

Mr N Teoh (Team Leader Waste Management)

Officers in attendance via online platform:

Mr A Catinari (Deputy Chief Executive Officer)

Ms S Curran (Manager Strategy and Business)

Ms L Johnson (Management Lead - LG Reform and Integrity)

3 APOLOGIES

Nil

4 DISCLOSURE STATEMENTS

Nil

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the City Finance and Governance Standing Committee held on 15 March 2022 be confirmed as a true and correct record.

COMMITTEE RESOLUTION

Moved: Cr Surender Pal

Seconded: Cr Kym McKay

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 March 2022.

RECOMMENDATION

The Committee recommends to Council that the schedule of creditor payments for March 2022 be received.

COMMITTEE RESOLUTION

Moved: Cr Anne McKay
Seconded: Cr Jassmine Wood

That the recommendation be adopted.

7.33pm Cr Jassmine Wood left the meeting.

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 Kym McKay
Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

11.3 Mendelson Financial Report March 2022

This report provided information on the financial performance of the Mendelson Foundations as at 31 March 2022.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

Moved: Cr David Wilton
Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

11.4 Council Budget Report - NINE Months to 31 March 2022

This report provided information to Council on budget results for the nine months ended 31 March 2022.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

Moved: Cr Anne McKay
Seconded: Cr George Vlahos

That the recommendation be adopted.

7.41pm Cr Jassmine Wood returned to the meeting.

CARRIED

11.5 Delegations Review 2022

This report provided the results of the 2021/2022 review of delegations made by Council to the person occupying the Office of the Chief Executive Officer and seeks Council's approval of the resulting Delegations Framework 2022.

RECOMMENDATION

It is recommended to Council that having conducted its 2021/2022 review of the powers and functions previously delegated to the Chief Executive Officer, and others, in accordance with s44(6) of the *Local Government Act 1999*, it:

1. Revocations

Hereby revokes its previous delegations to the Chief Executive Officer and all other Council officers of those powers and functions under the following instruments effective 1 May 2022:

- I. City of West Torrens By-laws 1-5 (inclusive)
- II. *Community Titles Act 1996*
- III. *Disability Inclusion Act 2018*
- IV. *Dog and Cat Management Act 1995*
- V. *Environment Protection Act 1993 and Environment Protection (Air Quality) Policy 2016*
- VI. *Electronic Conveyancing National Law (South Australia) Act 2013*
- VII. *Fines Enforcement and Debt Recovery Act 2017*
- VIII. *Freedom of Information Act 1991*
- IX. *Fences Act 1975*
- X. *Real Property Act 1986*
- XI. *Fire and Emergency Services Act 2005*
- XII. *Liquor Licensing Act 1997*
- XIII. *Local Government Act 1999*
- XIV. *Natural Resources Management Act 2004*
- XV. *Road Traffic Act 1961*
- XVI. *Roads (Opening and Closing) Act 1991*
- XVII. *South Australian Public Health Act 2011 and South Australian Public Health Regulations*
- XVIII. *Strata Titles Act 1988*
- XIX. *Unclaimed Goods Act 1987*
- XX. *Work Health and Safety Act 2012*
- XXI. *Food Act 2001*
- XXII. *Local Nuisance and Litter Control Act 2016*
- XXIII. *Supported Residential Facilities Act 1992*
- XXIV. *Heavy Vehicle National Law (South Australia) Act 2013*
- XXV. *Planning, Development and Infrastructure Act 2016 (Instruments A and B).*

2. Delegations made under *Local Government Act 1999*

In exercise of the power contained in s44 of the *Local Government Act 1999*, the powers and functions under the following instruments and specified in the proposed *Delegations Framework 2022 (Attachment 1)* are hereby delegated to the person occupying the office of Chief Executive Officer (and anyone acting in that position), with commencement of these delegations to occur on 2 May 2022, subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- I. City of West Torrens By-laws 1-5 (inclusive)
- II. *Community Titles Act 1996*
- III. *Crown Land Management Act 2009*
- IV. *Disability Inclusion Act 2018 and Disability Inclusion Regulations 2019*
- V. *Dog and Cat Management Act 1995 and Dog and Cat Management Regulations 2017*
- VI. *Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2021*
- VII. *Environment Protection Act 1993, Environment Protection Regulations 2009, Environment Protection (Noise) Policy 2017, Environment Protection (Used Packaging Materials) Policy 2012, Environment Protection (Waste to Resources) Policy 2010 and Environment Protection (Air Quality) Policy 2016*
- VIII. *Expiation of Offences Act 1996*
- IX. *Fines Enforcement and Debt Recovery Act 2017*
- X. *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2021*
- XI. *Food Regulations 2017*
- XII. *Freedom of Information Act 1991 and Freedom of Information (Fees and Charges) Regulations 2018*
- XIII. *Gas Act 1997*
- XIV. *Independent Commission Against Corruption 2012*
- XV. *Land and Business (Sale and Conveyancing) Act 1994*
- XVI. *Landscape South Australia Act 2019. Landscape South Australia (General) Regulations 2020 and Landscape South Australia (Water Management) Regulations 2020*
- XVII. *Liquor Licensing Act 1997*
- XVIII. *Local Government Act 1999, Local Government (Building Upgrade Agreements) Regulations 2017, Local Government (Financial Management) Regulations 2011, Local Government (General) Regulations 2013, Local Government (Members Allowances and Benefits) Regulations 2010 and Local Government (Procedures at Meetings) Regulations 2013*
- XIX. *Local Government (Elections) Act 1999*
- XX. *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
- XXI. *Magistrates Court Rules 1992*
- XXII. *Ombudsman Act 1972*
- XXIII. *Planning, Development and Infrastructure Act 2016 (Instruments A and B)*
- XXIV. *Private Parking Areas Act 1961*
- XXV. *Real Property Act 1986*
- XXVI. *Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*
- XXVII. *Roads (Opening and Closing) Act 1991*
- XXVIII. *South Australian Public Health Act 2011, South Australian Public Health (General) Regulations 2013. South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013*
- XXIX. *State Records Act 1997*
- XXX. *Strata Titles Act 1988*
- XXXI. *Summary Procedure Act 1921*

3. Delegations made under *Food Act 2001*

In exercise of the powers contained in s91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* contained in the proposed *Delegations Framework 2022 (Attachment 1)*, are hereby delegated to the person occupying the office of the Chief Executive Officer ('the head of the enforcement agency' for the purposes of the *Food Act 2001*) and anyone acting in that position with commencement of these delegations to occur on 2 May 2022.

4. Delegations made under *Local Nuisance and Litter Control Act 2016*

In exercise of powers under s10 of the *Local Nuisance and Litter Control Act 2016*, the powers and functions under the *Local Nuisance and Litter Control Act 2016* contained in the proposed *Delegations Framework 2022 (Attachment 1)*, are hereby delegated to the person occupying the office of Chief Executive Officer and anyone acting in that position with commencement of these delegations to occur on 2 May 2022.

5. Delegations under *Supported Residential Facilities Act 1992*

In exercise of the power contained in s9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* contained in the proposed *Delegations Framework 2022 (Attachment 1)*, are hereby delegated to the person occupying the office of the Chief Executive Officer and anyone acting in that position with commencement of these delegations to occur on 2 May 2022.

6. Delegations under the *Heavy Vehicle National Law (South Australia) Act 2013*

In exercise of the powers contained in s44 of the *Local Government Act 1999* and s22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (as relevant) the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained in the proposed *Delegations Framework 2022 (Attachment 1)*, are hereby delegated to the person occupying the office of the Chief Executive Officer and anyone acting in that position, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013* with commencement of these delegations to occur on 2 May 2022.

7. Authorisations under the *Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961*

In exercise of the powers contained in s44 of the *Local Government Act 1999* and otherwise pursuant to the *Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961* dated 22 August 2013, the Council hereby adopts the authorisations and delegations under the *Ministers Instrument of General Approval and Delegation to Council under the Road Traffic Act 1961* contained in the proposed *Delegations Framework 2022 (Attachment 1)* with commencement of these delegations to occur on 2 May 2022.

8. Delegations under the *Safe Drinking Water Act 2011*

In exercise of the power contained in s43 of the *Safe Drinking Water Act 2011*, the powers and functions under the *Safe Drinking Water Act 2011* contained in the proposed *Delegations Framework 2022 (Attachment 1)*, are hereby delegated to the person occupying the office of the Chief Executive Officer and anyone acting in that position with commencement of these delegations to occur on 2 May 2022.

COMMITTEE RESOLUTION

Moved: Mayor Michael Coxon

Seconded: Cr Anne McKay

That the recommendation be adopted.

CARRIED

11.6 2022 Council Elections

This report provided information to the Committee about the upcoming 2022 Council Elections.

RECOMMENDATION

The Committee recommends to Council that the *2022 Council Elections Report* be received.

COMMITTEE RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

11.7 Legislative Progress Report - April 2022

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 between the last meeting of the Committee and 4 April 2022.

RECOMMENDATION

The Committee recommends to Council that the Legislative Progress Report - April 2022 be received.

COMMITTEE RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Anne McKay

That the recommendation be adopted.

CARRIED

12 MEETING CLOSE

The Presiding Member declared the meeting closed at 7.51pm.