

CITY OF WEST TORRENS



Confidential Minutes

of

Report Items 8.1, 10.1 and 10.2 of the Committee Meeting

of the

CITY OF WEST TORRENS

held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 26 MARCH 2019
at 6.00pm**

**Terry Buss PSM
Chief Executive Officer**

City of West Torrens Disclaimer

Please note that the contents of this Committee Minutes have yet to be considered by Council and Committee recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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Released

10 CONFIDENTIAL**8.1 Cummins House - Update (Motion moved to consider under Confidence)****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.

Committee resolved that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Committee 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 Cr/s Cindy O'Rielley and Elisabeth Papanikolaou, and Ms Anna Pope and Mr Stuart Burns of Department of Environment, Waster and Natural Resources, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the City Facilities and Waste Recovery General Committee Item 8.1 Cummins House - Update, 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.

6.08pm the meeting moved into Confidence and the Confidential session commenced.

PRESENT:**Committee Members:**

K McKay (Presiding Member)

Councillors: D Mugavin, G Vlahos, B Reynolds, J Woodward, S Pal, A McKay

Officers:

Mr T Buss	(Chief Executive Officer)
Mr B Ross	(General Manager Corporate and Regulatory)
Mr A Catinari	(General Manager Urban Services)
Ms R Butterfield	(Manager Regulatory Services)
Mr N Teoh	(Team Leader Waste Management)
Ms R Cusick	(Manager Strategy and Business - Acting)
Mr D Ottanelli	(Manager City Property)
Mr S Watson	(Senior Property Assets Advisor)

In attendance:

Cr E Papanikolaou

Cr C O'Rielley

Ms Anna Pope Department of Environment, Waster and Natural Resources
(Heritage SA)

Mr Stuart Burns Department of Environment, Waster and Natural Resources
(Crown Lands)

This report provided Committee Members' with an update of the Cummins House property.

RECOMMENDATION

The Committee recommends to Council that the report be noted.

The Presiding Member invited representatives from the Department of Environment and Water, Ms Anna Pope of Heritage SA, and Mr Stuart Burns of Crown Lands, to address the Committee in relation to Cummins House and discuss the possible future options for the property.

Discussion took place regarding the available options and Council's involvement in the future of Cummins House.

COMMITTEE RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Surender Pal

That:

1. The report be noted.
2. The Administration report back to Council at its meeting on 16 April 2019 regarding the options available to it relating to Council's involvement in the future of Cummins House.
3. The existing hold-over arrangements in place for Cummins House continue until Council resolves otherwise.

CARRIED

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the City Facilities and Waste Recovery General Committee orders that Item 8.1 Cummins House - Update, the Minutes arising, attachments and any associated documentation, having been considered by the City Facilities and Waste Recovery General Committee 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. Committee 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*.

COMMITTEE RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr Anne McKay

That the recommendations be adopted.

CARRIED

6.38pm the Confidential session closed and the meeting reopened to the public.

10.1 Kerbside Waste and Recycling Collection Contract - Offer to Extend

Reason for Confidentiality

The Committee 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.

Committee resolved that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Committee 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 Cr/s Cindy O'Rielley and Elisabeth Papanikolaou, 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 10.1 Kerbside Waste and Recycling Collection Contract - Offer to Extend, 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 price for the waste and recycling contract. In addition, Council considers the disclosure of this information would, on balance, be contrary to the public interest because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible outcome for the waste and recycling contract for the benefit of the Council and its community.
2. At the completion of the confidential session the meeting be re-opened to the public.

8.05pm the meeting moved into Confidence and the Confidential session commenced.

PRESENT:

Committee Members:

K McKay (Presiding Member)

Mayor M Coxon

Councillors: D Mugavin, G Vlahos, B Reynolds, J Woodward, S Pal, A McKay

Officers:

Mr T Buss (Chief Executive Officer)

Mr B Ross (General Manager Corporate and Regulatory)

Mr A Catinari (General Manager Urban Services)

Ms R Butterfield (Manager Regulatory Services)

Mr N Teoh (Team Leader Waste Management)

Ms R Cusick (Manager Strategy and Business - Acting)

Mr D Ottanelli (Manager City Property)

Mr S Watson (Senior Property Assets Advisor)

In attendance:

Cr E Papanikolaou

Cr C O'Rielley

This report provided a recommendation for Council to consider regarding continuation of Council's waste collection services beyond the expiry date of 30 April 2020 of its kerbside waste and recycling contract.

RECOMMENDATION

The Committee recommends to Council that:

1. A renegotiated offer from Solo Resource Recovery for a five year extension to the current waste contract involving the provision of refurbished vehicles be endorsed; and
2. The Mayor and Chief Executive Officer be authorised to finalise contract negotiations and execute an agreement to give effect to this decision.

COMMITTEE RESOLUTION

Moved: Mayor Michael Coxon

Seconded: Cr Surender Pal

That the recommendation be adopted.

CARRIED

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the City Facilities and Waste Recovery General Committee orders that the Item 10.1 Kerbside Waste and Recycling Collection Contract - Offer to Extend, attachments and any associated documentation, excluding the Minutes, having been considered by the City Facilities and Waste Recovery General Committee 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 price for the waste and recycling contract. In addition, Council considers the disclosure of this information would, on balance, be contrary to the public interest because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible outcome for the waste and recycling contract for the benefit of the Council and its community.
2. Committee 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*.

COMMITTEE RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr John Woodward

That:

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the City Facilities and Waste Recovery General Committee orders that the Item 10.1 Kerbside Waste and Recycling Collection Contract - Offer to Extend, attachments and any associated documentation, having been considered by the City Facilities and Waste Recovery General Committee 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 price for the waste and recycling contract. In addition, Council considers the disclosure of this information would, on balance, be contrary to the public interest because the disclosure of Council's commercial position may severely prejudice Council's ability to secure the best possible outcome for the waste and recycling contract for the benefit of the Council and its community.

2. Committee 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*.

CARRIED

8.19pm the Confidential session closed and the meeting reopened to the public.

10.2 Item 8.3 Weigall Oval Masterplan and Facilities Upgrade - Update

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.

Committee resolved that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Committee 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 Cr/s Cindy O'Rielley and Elisabeth Papanikolaou, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information relating to Item 8.3 Weigall Oval Masterplan and Facilities Upgrade - Update, 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.

8.22pm the meeting moved into Confidence and the Confidential session commenced.

Note: *As this item related to discussion on tenders for the Weigall Oval redevelopment, Cr Kym McKay, declared a material conflict of interest on the basis that his employer submitted a tender for the contract and left the meeting for the discussion and vote on the item.*

PRESENT:

Committee Members:

D Mugavin (Deputy Presiding Member)

Mayor M Coxon

Councillors: G Vlahos, B Reynolds, J Woodward, S Pal, A McKay

Officers:

Mr T Buss	(Chief Executive Officer)
Mr B Ross	(General Manager Corporate and Regulatory)
Mr A Catinari	(General Manager Urban Services)
Ms R Butterfield	(Manager Regulatory Services)
Mr N Teoh	(Team Leader Waste Management)
Ms R Cusick	(Manager Strategy and Business - Acting)
Mr D Ottanelli	(Manager City Property)
Mr S Watson	(Senior Property Assets Advisor)

In attendance:

Cr E Papanikolaou

Cr C O'Rielley

Discussion took place on the submitted tenders for the Weigall Oval redevelopment.

8.24pm Mayor Michael Coxon left the meeting.

8.26pm Mayor Michael Coxon returned to the meeting.

8.28pm Mayor Michael Coxon left the meeting.

8.29pm Mayor Michael Coxon returned to the meeting.

8.29pm *After hearing the initial discussion on the matter, Cr Anne McKay declared a perceived 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.*

8.32pm Cr/s Brandon Reynolds and John Woodward left the meeting.

8.35pm Cr/s Brandon Reynolds and John Woodward returned to the meeting.

COMMITTEE RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr John Woodward

That:

1. The update report on Weigall Oval Masterplan and Facilities be received.
2. The Administration provide a further report to Council on the options available to Council to deliver the Weigall Oval upgrade project as per the Masterplan.

CARRIED

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the City Facilities and Waste Recovery General Committee orders that the information received, discussed or considered relating to the tenders received for the carrying out of works related to Stage 2, 2a, 3, 3a and 3b of Weigall Oval redevelopment be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting or until Council formally executes contracts for the tender.
2. Committee 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*.

COMMITTEE RESOLUTION

Moved: Mayor Michael Coxon

Seconded: Cr Brandon Reynolds

That the recommendations be adopted.

CARRIED

8.44pm the Confidential session closed and the meeting reopened to the public.