

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, 20 OCTOBER 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 7.01pm.

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."

7.02pm Cr George Vlahos entered the meeting.

1.2 Evacuation Procedure

The Presiding Member advised that due to COVID-19 physical distancing restrictions members of the public are excluded from attending Council meetings and, as a result, the evacuation procedures were taken as read.

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 Tsiaparis, G Vlahos, C O'Rielly, D Wilton, A McKay, B Reynolds

Officers:

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

In attendance via the online platform:

Ms R Butterfield (Manager Regulatory Services)

3 APOLOGIES

Leave of Absence

Council Member:

Cr Surrender Pal

Apologies

Council Member:

Cr Jassmine Wood

RECOMMENDATION

That the apologies be received.

RESOLUTION

Moved: Cr Daniel Huggett

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

4 DISCLOSURE STATEMENT

Nil

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council held on 6 October 2020 be confirmed as a true and correct record.

RESOLUTION

Moved: Cr Daniel Huggett

Seconded: Cr Cindy O'Rielley

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 official opening by His Excellency the Hon Hieu Van Le AC, Governor of South Australia, of Novita's new Novitatech assistive technology hub at 1 South Road, Thebarton on Thursday 8 October 2020. The Novitatech facility has been set up with the expressed aim of providing support, services and assistive technology and equipment for people living with disability to enhance independence and improve quality of life.

RECOMMENDATION

That the Mayor's Report be noted.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

7 ELECTED MEMBERS REPORTS

Cr Graham Nitschke advised of his attendance at the following:

- official opening by His Excellency the Hon Hieu Van Le AC, Governor of South Australia, of the Novita's new Novitatech assistive technology hub at 1 South Road, Thebarton, along with Mayor Michael Coxon on Thursday 8 October 2020
- meeting with the South Road Inner West Action Group along with Mayor Coxon to discuss further actions to achieve a tunnel on South Road redevelopment on Monday 19 October 2020

Cr John Woodward commented on the recent article in The Advertiser regarding the State Government using \$23 million from the open space fund to pay for the new Planning and Design Code.

Cr Cindy O'Rielly advised of her attendance at the Elected Member webinar session, *The Role of Councils and EMs in the new Planning System*, as part of the webinar series on the New Planning System on Wednesday 7 October 2020.

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr David Wilton

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 Committee.

RESOLUTION

Moved: Cr Brandon Reynolds

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

7.11pm the meeting adjourned into Committees.

7.26pm 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 Committee Meeting****RECOMMENDATION**

That the recommendations of the City Finance and Governance Committee held on 20 October 2020 be adopted.

RESOLUTION

Moved: Cr George Vlahos

Seconded: Cr Brandon Reynolds

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 13 October 2020 be noted and the recommendations adopted.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

The Presiding Member of Audit General Committee, Cr John Woodward, commended the Administration for the Committee report Item 9.3.4 - COVID-19 Learnings from Strategies Implemented - September 2020 and encouraged Members to read it. He also noted the Committee motion acknowledging and thanking the General Manager Corporate and Regulatory, Bill Ross, for his efforts and contribution to Council and the Audit General Committee over the years.

CARRIED

13 QUESTIONS WITH NOTICE

Nil

14 QUESTIONS WITHOUT NOTICE

Questions were asked and responses provided by the Administration.

15 MOTIONS WITH NOTICE

Nil

16 MOTIONS WITHOUT NOTICE**16.1 West End Brewery Christmas Display****MOTION**

Moved: Cr George Vlahos

Seconded: Cr Graham Nitschke

That the Mayor and CEO be authorised to commence discussions with Lion Pty Ltd with a view to exploring options for the retention of the West End Brewery Christmas Display on the riverbank site.

CARRIED

17 REPORTS OF THE CHIEF EXECUTIVE OFFICER**17.1 Audit General Committee Resignation**

This report advised of Cr Jassmine Wood's resignation from the Audit General Committee.

RECOMMENDATION(S)

It is recommended to Council that it:

1. Acknowledges the acceptance by the Chief Executive Officer of Cr Jassmine Wood's resignation from Council's Audit General Committee.
2. Defers its consideration of the replacement of Cr Jassmine Wood on the Audit General Committee to the 19 January 2021 meeting of Council in light of the impending enactment of the *Statutes Amendment (Local Government Review) Bill 2020* which will likely require significant amendments to the composition, scheduling and roles and responsibilities of the Committee.

RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Daniel Huggett

That the recommendation be adopted.

CARRIED

17.2 New Carparking Permit Agreements - Aged Care and Housing Group (ACH) and Temple Christian College

This report advised Members that the existing agreements which provide off-street carparking for employees and visitors for Aged Care and Housing Group (ACH) and Temple Christian College expire shortly. New permits have been requested to allow the existing arrangements to continue.

RECOMMENDATION(S)

It is recommended to Council that:

1. A new permit for a term of 5 years be granted to Temple Christian College commencing on 1 January 2021 and expiring on 31 December 2025. The permit fee to be determined following release of the September quarter Adelaide All Groups CPI (on 28 October 2020) and to escalate on each anniversary of the commencing date during the term by Adelaide All Groups or similar index (should that index cease to exist).
2. A new permit for a term of 5 years, with an option to terminate the permit after the first 12 months, be granted to Aged Care and Housing Group Inc (ACH) commencing on 1 November 2020 and expiring on 31 October 2025. The permit fee to be determined following release of the September quarter Adelaide All Groups CPI (on 28 October 2020) and escalate on each anniversary of the commencing date during the term by Adelaide All Groups or similar index (should that index cease to exist).
3. The Mayor and Chief Executive Officer be authorised to sign and/or seal any documentation to give effect to the grant of resolution.

RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr George Vlahos

That the recommendation be adopted.

CARRIED

17.3 Summer Fundays 2020/21

This report presented an amended Summer Festival 2020/21 program.

RECOMMENDATION(S)

It is recommended to Council that:

1. In light of the restrictions imposed by COVID-19, it approves Option 3, as detailed within this report, as its preferred approach to Council's Summer Festival 2020/21 being:
 - a. a mix of free and subsidised activities being offered with ticket prices capped at \$10 per ticket and a maximum of two subsidised tickets per household;
 - b. 25% of subsidised tickets to be made available at no cost to Centrelink recipients, capped at two tickets per household.
2. It approves the rebadging of its Summer Festival 2020/21 to 'Summer Fundays 2020/21'.
3. It approves a budget of \$67,500 for Summer Fundays to be funded either from Council's COVID-19 Relief fund or from any funding that becomes available as a result of the September 2020 budget review.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

Discussion took place on the motion specifically the ticketed options and the budget required. Cr John Woodward suggested providing the tickets free of charge for residents and, as a result, selecting Option 2 as the preferred approach. Further discussion took place on Option 2 and the additional budget required as this option recognised the hardship faced by many families at this time and seeks to provide some relief. The mover, Cr Kym McKay and seconder, Cr Elisabeth Papanikolaou, consented to the change and accordingly, with the leave of the meeting the motion was changed as follows:

Moved: Cr Kym McKay

Seconded: Cr Elisabeth Papanikolaou

That:

1. In light of the restrictions imposed by COVID-19, it approves Option 2, as detailed within this report, as its preferred approach to Council's Summer Festival 2020/21.
2. It approves the rebadging of its Summer Festival 2020/21 to 'Summer Fundays 2020/21'.
3. It approves a budget of \$77,500 for Summer Fundays to be funded either from Council's COVID-19 Relief fund or from any funding that becomes available as a result of the September 2020 budget review.

7.50pm Cr Daniel Huggett left the meeting.

CARRIED

17.4 Nominations sought for the Native Vegetation Council

This report sought nominations to the Native Vegetation Council.

RECOMMENDATION

It is recommended to Council that:

1. Cr..... be nominated for the Native Vegetation Council.

Or

2. This report be received.

RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr Kym McKay

That the report be received.

CARRIED

17.5 SA Waste and Resource Recovery Conference 2020

This report provided notice that the Waste Management and Resource Recovery Association of Australia (WMRR) will be hosting the 2020 SA Waste and Resource Recovery Conference from the 28-29 October 2020 at the Adelaide Convention Centre.

RECOMMENDATION(S)

It is recommended to Council that:

1. Subject to their confirmation, Council approves the attendance of Cr/s..... at the 2020 SA Waste and Resource Recovery Conference to be held from the 28-29 October 2020 at the Adelaide Convention Centre.
2. Expenses be reimbursed in accordance with Council policy.

OR

The report be received.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Simon Tsiaparis

That the report be received.

CARRIED

18 LOCAL GOVERNMENT BUSINESS

Nil

19 MEMBER'S BOOKSHELF

- Power Line Environment Committee Annual Report 2019-2020
- Conservation Council SA's 'What's happening to Adelaide's trees?'

RECOMMENDATION

That the additions to Members' bookshelf be noted.

RESOLUTION

Moved: Cr Kym McKay

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

CARRIED

20 CORRESPONDENCE

20.1 Conservation SA's 'What's happening to Adelaide's trees?'

Correspondence was received from the Chief Executive of Conservation SA, Craig Wilkins, regarding the release of Conservation SA's 'What's happening to Adelaide's trees?' publication. A copy of the 'What's happening to Adelaide's trees?' publication can be found in Member's Bookshelf.

20.2 Closure of Australian Refugee Association Underdale office

Correspondence was received from the Chief Executive Officer of the Australian Refugee Association, Deb Stringer, regarding Closure of the Australian Refugee Association's Underdale office.

20.3 Moratorium on the taking of Groundwater for Domestic Purposes in the Adelaide Metropolitan Area

Correspondence was received from the General Manager Water Licensing of the Water and River Murray Division, Department for Environment and Water, Mike Fuller, regarding the lifting of the Moratorium on the taking of Groundwater for Domestic Purposes in the Adelaide Metropolitan Area.

20.4 Open letter to The Hon. Vickie Chapman MP concerning the loss of tree canopy across the Adelaide Metropolitan Area

Correspondence was received from the Mayor of the City of Mitcham, Dr Heather Holmes-Ross, regarding an open letter addressed to the Hon. Vickie Chapman concerning the loss of tree canopy across the Adelaide Metropolitan Area.

RECOMMENDATION

That the correspondence be received.

RESOLUTION

Moved: Cr Dominic Mugavin

Seconded: Cr Graham Nitschke

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) 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.

Prior to moving into Confidence the Presiding Member advised the virtual attendees that the public portion of the Council meeting will be closed with the virtual meeting locked and all virtual attendees removed from the electronic meeting platform.

RECOMMENDATION(S)

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) 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 Brandon Reynolds

Seconded: Cr Cindy O'Rielly

That the recommendation be adopted.

CARRIED

7.57pm the meeting moved into Confidence and the Confidential session commenced.

7.59pm Cr Daniel Huggett entered the Confidential session.

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, having been considered by the Council in confidence under Section 90(3)(b)(i), 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*.

8.43pm the Confidential session closed.

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

22 MEETING CLOSE

The Presiding Member declared the public portion of the meeting was closed at 7.57pm and the confidential session closed at 8.43pm.

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1 MEETING OPENED

The Presiding Member declared the meeting open at 7.12pm.

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, D Wilton, A McKay, B Reynolds

Officers:

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

In attendance via the online platform:

Ms R Butterfield (Manager Regulatory Services)

3 APOLOGIES

Leave of Absence

Committee Member:

Cr Surender Pal

Apologies

Committee Member:

Cr Jasmine Wood

RECOMMENDATION

That the apologies be received.

COMMITTEE RESOLUTION

Moved: Cr Graham Nitschke

Seconded: Cr Kym McKay

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 15 September 2020 be confirmed as a true and correct record.

COMMITTEE RESOLUTION

Moved: Cr Daniel Huggett
Seconded: Cr Simon Tsiaparis

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 September 2020.

RECOMMENDATION

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

COMMITTEE RESOLUTION

Moved: Cr Anne McKay
Seconded: Cr Brandon Reynolds

That the recommendation be adopted.

CARRIED

11.2 Property Leases

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

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

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

That the recommendation be adopted.

CARRIED

11.3 Mendelson Financial Report September 2020

This report provided information on the financial performance of the Mendelson Foundation as at 30 September 2020.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

Moved: Cr Daniel Huggett
Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

CARRIED

11.4 Council Budget Report - THREE Months to 30 September 2020

This report provided information to Council on budget results for the three months ended 30 September 2020.

RECOMMENDATION

The Committee recommends to Council that the report be received.

COMMITTEE RESOLUTION

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

That the recommendation be adopted.

CARRIED

11.5 Annual Report 2019-2020

This report presented the 2019/20 City of West Torrens Annual Report, excluding the 2019/20 Annual Financial Statements, which are scheduled to be presented to Council at its meeting on 3 November 2020 and will be included in the final report once adopted.

RECOMMENDATION

The Committee recommends to Council that:

1. It approves the 2019/20 City of West Torrens Annual Report, excluding the 2019/20 Annual Financial Statements, pursuant to the requirements of s1(1) of the *Local Government Act 1999*.
2. The Chief Executive Officer be delegated authority to, before the final publication of the 2019/20 city of West Torrens Annual Report:
 - a) make minor changes of a technical or editorial nature if required; and
 - b) include the City of West Torrens 2019/20 Annual Financial Statements as adopted by Council.

COMMITTEE RESOLUTION

Moved: Cr John Woodward

Seconded: Cr Elisabeth Papanikolaou

That the recommendation be adopted.

CARRIED

11.6 Legislative Progress Report - October 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 report be received.

COMMITTEE RESOLUTION

Moved: Cr Simon Tsiaparis

Seconded: Cr Anne McKay

That the recommendation be adopted.

CARRIED

12 MEETING CLOSE

The Presiding Member declared the meeting closed at 7.25pm.