



MINUTES

of

COUNCIL MEETING

held

via electronic means through live streaming at
<https://www.youtube.com/channel/UCZxKI13S3M8n8zxKI5LFT9w>

as afforded for through the Electronic Participation in Council Meetings Notice 2020, SA Government Gazette, 31 March 2020 and resolved by Council.

on

MONDAY 15 JUNE 2020 AT 7:00PM

MINUTES
15 June 2020

The Meeting was declared open at 7.00pm.

1. ATTENDANCE RECORD

1.1 Present

Mayor Elizabeth Fricker by physical attendance
Cr MaryLou Bishop by physical attendance
Cr Rob Ashby AM by physical attendance
Cr N Coleman OAM by physical attendance
Cr S Furlan by physical attendance
Cr J Joshi by physical attendance
Cr J Williams by physical attendance

Staff in Attendance

Chief Executive Officer, K Cristol
Group Manager Assets & Infrastructure, J Bowen
Group Manager Customer Experience, D Garvey
Group Manager Planning, Environment and Regulatory Services, A Caddy
Group Manager Corporate Services, M Sodomka
Manager Community Development and Engagement, F Deckert
Business Analyst (Property and Contracts), S Reardon
Communications Officer, S Spencer
Council Secretariat, V Davidson

1.2 Apologies

Cr James Nenke
Cr Conrad Wilkins

1.3 Not Present / Leave of Absence

Nil.

2. CONFIRMATION OF MINUTES

Moved: Cr Williams

Seconded: Cr Bishop

CNC375/19-20

That the minutes of the Council meeting held on the 18 May 2020 be confirmed as a true and accurate record of the proceedings, noting that Cr Bishop was present at the meeting.

CARRIED

3. DECLARATIONS OF INTEREST (material, actual, perceived)

- 3.1 Cr James Williams declared a perceived conflict of interest in item 14.1.1 'Revocation of Community Land Classification' as he lives next door to 39 Smith St, Walkerville. Cr Williams advised that he would stay in the room, participate in the debate and vote on the matter.
- 3.2 Cr Stephen Furlan declared a perceived conflict of interest in item 14.1.1 'Revocation of Community Land Classification' as he has family members with an interest in the nearby shopping centre. Cr Furlan advised that he would stay in the room, participate in the debate and vote on the matter.

4. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Nil.

5. MAYORS DIARY

5.1 Mayors Diary

Moved: Cr Bishop
Seconded: Cr Joshi

CNC376/19-20

The Council receives and notes the Mayoral Diary from 14 May 2020 to 11 June 2020.

CARRIED

6. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED TRAINING, CONFERENCES OR SEMINARS

Nil.

7. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED SUBSIDIARY BOARD MEETINGS

Nil.

8. QUESTIONS FROM THE GALLERY

Nil.

9. QUESTIONS WITHOUT NOTICE

Nil.

10. QUESTIONS WITH NOTICE

10.1 Question With Notice – Cr Rob Ashby – City of Unley Supreme Court Action

Following the recent resolution to support an appeal by Unley Council to the Supreme Court regarding tree trimming is Administration able to report on the progress to date and if none, please keep Elected Members informed as the matter is progressed.

Response from Administration

Advice received from the City of Unley has confirmed that the Supreme Court hearing is scheduled to commence in the last week of June 2020. The LGA is coordinating the funding contributions from Councils on behalf of the City of Unley. Walkerville Council agreed to contribute \$393 (or less pending the outcome of legal costs). The LGA will issue a tax invoice following completion of the legal matter and finalisation of costs.

10.2 Question With Notice – Cr Rob Ashby – Zoning for Mellor Court

Can Administration advise Council what is the current zoning, under Council's Development Plan, as it relates to the site occupied by SA Housing Authority's Mellor Court?

Response from Administration

Mellor Court consisting of Units 1 – 54, 7A James Street Gilberton is located within the Residential Character Zone, Gilberton Policy Area 11 as delineated under the Walkerville Council Development Plan, consolidated on 6 October 2016. The Desired Character encourages Detached Dwellings and Group Dwellings with a minimum site area of 500m² and Semi-Detached Dwellings with a minimum site area of 400m². It is worth noting that the existing Development Plan allows reduced allotment sizes of 450m² for Detached Dwellings and 350m² for Semi-Detached Dwellings, where the project includes affordable housing as administered by SA Housing Authority.

The Draft Phase Three Planning and Design Code earmarks this site within the Suburban Neighbourhood Zone, which based on recent amendments to the Technical Numerical Variation Overlay, seeks Detached Dwellings and Group Dwellings with a minimum site area of 500m² and Semi-Detached Dwellings with a minimum site area of 400m². This does not deviate from the existing development yield. The site is affected by the Character Area Overlay, which requires attention to be paid to the established character in the area.

10.3 Question With Notice – Cr Rob Ashby – Walkerville Oval

10.3.1 What is the cause of wilting or dying (disease?) in numerous scattered areas of the oval surface, and severe burning/ scorching, particularly between the cricket pitch and the Warwick Street goals, and is the surface expected to recover or need attention given the expected commencement of the football season?

Response from Administration

Take-all Patch is a type of root disease that attacks the root system of the turf moving outwards. Generally new turf eventually replaces the dying grass. There are a number of causes for the disease including cool wet conditions, poorly drained or over irrigated turf. Patches often occur after fumigation, in areas of low nitrogen fertility and/ or high PH.

Field officers completed a total oval treatment 3-4 weeks ago now. The turf for the most part is in hibernation, however the disease is not expected to compromise the oval for the impending resumption of sport.

10.3.2 **Following the reseal of the car park why is there a small area near the new entry that has not been completed?**

Response from Administration

The small section was not completed due to the shipping containers being still on site. This area will be completed shortly along with Herbert Street reseal works.

10.3.3 **Tennis Court upgrade. Why has the lighting not been completed as planned and the surface upgrade been artificial grass?**

Response from Administration

The approved budget for the court refurbishment was to match grant funding that would have allowed for the inclusion of lights on the courts. Unfortunately, Council was unsuccessful in its application for lights and settled on upgrading the courts this financial year.

Council consulted with the Walkerville Netball Club regarding the court size, it didn't consult on the surface type. Administration also engaged with Netball SA who communicated to Council that it would be used for training only and specifically requested adjustable rings for younger age groups.

Synthetic turf was preferred due to the ongoing maintenance requirements in comparisons to asphalt and/ or acrylic. Councils within Adelaide are moving to synthetic surfaces for community multi-sport courts (i.e. City of Tea Tree Gully) and public schools also have synthetic multi-sport courts for practice and school competition.

The existing size of the tennis courts does not comply with netball standards in terms of runoffs at each end and was never intended to be completely "fit for purpose" (from a netball perspective) and Netball SA, the Walkerville Netball Club and the Walkerville Sporting Club were made advised of that.

10.4 Question with Notice – Cr James Nenke - Assets

10.4.1 **Can Administration please provide the following information from the June 2019 valuations for each asset class - Roads, Footpaths, Stormwater, Buildings?**

- **Total Replacement Cost**
- **Total Written Down Value**
- **Annual Depreciation**

Please separate road valuations into seal and base.

Response from Administration

June 2019

Valuation data

	Roads		Footpaths	Stormwater	Buildings
	Seal	Base			
Total Replacement Cost	\$9,743,445.06	\$16,991,920.00	\$12,714,655.27	\$19,318,443.13	\$18,215,393.51
Total Written Down Value	\$6,030,468.33	\$12,891,597.99	\$5,509,794.40	\$12,661,386.21	\$11,200,370.45
Annual Depreciation	\$88,734.14	\$338,832.44	\$329,313.74	\$ 146,787.62	\$ 402,485.45

10.4.2 **Can Administration please provide the following data from the asset registry:**

- **Total road length**
- **Total footpath length**
- **Total stormwater culvert length**
- **Total stormwater pipe length**
- **Total number of stormwater pits?**

Response from Administration

Asset Inventory

Total Road Length	36.48 km
Total Footpath Length	74.54 km
Total Stormwater Culvert length	1.8 km
Total stormwater pipe length	24.78 km
Total number of stormwater pits	774 pits

10.4.3 Can Administration please provide the average age of the culvert asset?

Response from Administration

The average of the stormwater culvert is 60 years.

10.4.4 Can Administration please provide a table of the actual maintenance spend for the last 4 years per asset class - roads, footpaths, stormwater and buildings?

Response from Administration

Actual Maintenance Spend	16/17	17/18	18/19	19/20	Average
Roads	\$47,833.00	\$18,928.00	\$ 26,653.00	\$18,858.00	\$28,068.00
Footpaths	\$54,421.00	\$49,132.00	\$ 46,523.00	\$57,785.00	\$51,965.25
Stormwater*	\$6,897.00	\$ 10,134.00	\$ 4,615.00	\$ 11,807.00	\$8,363.25
Buildings	\$164,252.00	\$ 203,107.00	\$238,276.00	\$171,800.00	\$194,358.75

**proactive cleaning program. General pit renewals are funded through CAPEX line*

10.4.5 From the last condition audits for roads and footpaths (completed prior to May 2019), can Administration provide the average condition score by suburb for roads and footpaths?

Response from Administration

Overall Condition Index (out of 6)	Roads	Footpath
Gilberton	2.02	2.71
Walkerville	1.77	2.8
Vale Park	1.75	2.91
Medindie	1.74	2.89
Council wide condition index (out of 6)	1.82	2.83

11. PETITIONS

Nil.

12. MOTIONS WITHOUT NOTICE

12.1 Motion Without Notice – Cr James Williams

Moved: Cr Williams
Seconded: Cr Joshi

CNC377/19-20

1. That Council be informed of the number of hits from the live streaming of the Ordinary Council meeting on 15 June 2020 and the associated costs in implementing this facility long term.
2. A report be presented to a future meeting of Council detailing the responses.

CARRIED**13. MOTIONS WITH NOTICE**13.1 Motion with Notice - Cr Rob Ashby

Moved: Cr Ashby
Seconded: Cr Furlan

CNC378/19-20

That Council seek further advice from State Government on the outcomes and circumstances surrounding the recent alleged murder and ongoing serious crime emanating from their premises at Mellor Court and what action has been taken to implement building improvements and tenant screening to ensure their safety and quell the anxiety of and risks to residents.

Cr Ashby moved a formal motion that the motion be put.

The Presiding Member put the motion.

CARRIED13.2 Motion with Notice - Cr Rob Ashby

Moved: Cr Ashby
Seconded: Cr Coleman

CNC379/19-20

That Administration investigate whether Council can have a greater level of responsibility/ involvement in terms of supervision, compliance, inspection, use and approvals for the site known as Mellor Court, which is owned by the State Government through SA Housing Authority.

That Administration invite SA Police and SA Housing Authority to a future meeting of Council.

CARRIED13.3 Motion with Notice - Cr Rob Ashby

Moved: Cr Ashby
Seconded: Cr Williams

CNC380/19-20

That Administration provides to Elected Members details of all associated costs incurred as part of the planning and development stage to date and expected costs to commencement including the terms and process of engagement (EOI, tender or other) of 180 Sports and Development.

CARRIED13.4 Motion with Notice - Cr Rob Ashby

As part of the planning process Administration prepare a business plan for the ongoing operation of the facility that includes the following:

- A budget including proposed leasing and income streams
- Operational costs to Council by way of, management, depreciation, maintenance and all expected contingencies
- Operating and management plan
- Identify and assess user groups including current and potential and their viability
- Other, as identified by Elected Members, Audit and SPDC.

“After discussion and recognising that the Walkerville Oval redevelopment was to be considered at an Informal Gathering scheduled for 16 June 2020, Cr Ashby, on the advice of Administration, consented to deferring the motion on notice to the 17 August 2020 Council meeting.”

14. REPORTS REQUIRING DECISION OF COUNCIL14.1 Strategy

14.1.1 Revocation of Community Land Classification

Motion**Moved:** Cr Bishop**Seconded:** Cr Joshi**CNC381/19-20**

That Standing Orders be suspended for a period of 15 minutes in order for Elected Members to ask questions of the report writer and facilitate discussion.

CARRIED

The Presiding Member declared Standing Orders resumed at 8.02pm

Moved: Cr Bishop**Seconded:** Cr Joshi**CNC382/19-20**

1. That Council directs Administration to withdraw from the Minister of Local Government its current 2020 application, which seeks to revoke the Community Land Classification from those portions of land contained within Certificates of Title 5728/637 (**Smith 1**) and 5838/95 (**Smith 2**) and the portion of land contained within Certificate of Title 5796/887 (**Depot**), which represent the footprint of the building located at 39 Smith Street;
2. That following the findings of both the 2016 and 2019 Strategic Property Reviews and associated Council decisions relating to both reviews, Council endorse the proposed Revocation of the Community Land Classification from the whole of land contained within Certificates of Title 5728/637 (**Smith 1**) and 5838/95 (**Smith 2**) and the portion of land contained within Certificate of Title 5796/887 (**Depot**);
3. That pursuant to s.194 of the *Local Government Act* 1999, Council directs Administration to undertake the required Community Consultation pertaining to the proposed Revocation;
4. That following the conclusion of the Consultation, a subsequent report be submitted to Council outlining any/ all feedback received.
5. That the public consultation period be for a period of six weeks commencing on 1 September 2020 and concluding on Friday 16 October 2020 to enable Administration to present a report to the Ordinary meeting of Council in November 2020.

CARRIED

14.2 Policy

14.2.1 Delegations under the *Planning, Development and Infrastructure Act* 2016

Moved: Cr Bishop

Seconded: Cr Ashby

CNC383/19-20

- 1a. In exercise of the power contained in section 44 of the *Local Government Act* 1999 the powers and functions under the *Planning, Development and Infrastructure Act* 2016 and regulations made thereafter contained in the Proposed Instrument of Delegation (annexed to the Report dated 15 June 2020) and entitled 'Instrument of Delegation under the *Planning, Development and Infrastructure Act* 2016 of Powers of Council as a Council, a designated authority and a designated entity' and marked 'Appendix A' are hereby delegated this 15th day of June 2020 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and / or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- 1b. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with sections 44 and 101 of the *Local Government Act* 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein on in the Schedule of Conditions contained in the proposed Instrument of Delegation

- 2a. In exercise of the power contained with section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and regulations made thereafter contained in the Proposed Instrument of Delegation (annexed to the Report dated 15 June 2020) and entitled 'Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 of Powers of Council as a Council, a Relevant Authority' and marked 'Appendix B' are hereby delegated this 15th day of June 2020 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and / or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- 2b. Such powers and functions may be further delegated by Chief Executive Officer in accordance section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer see fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

CARRIED

14.3 Operational

14.3.1 2019/2020 CAPEX Projects Status Report, May 2020

Moved: Cr Ashby
Seconded: Cr Bishop

CNC384/19-20

That Council:

- a) receive and note the 2019/ 2020 CAPEX Projects Program Status Report, May 2020; and
- b) approve \$668,700 of the 2019/2020 Capital works budget for *various open space projects, including Hamilton Reserve*, to be carried forward into the 2020/ 2021 Capital Works Program, noting that \$6,300 has been spent in 2019/ 20 towards design and public consultation costs.

CARRIED

14.4 Subsidiaries

Nil.

15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

Moved: Cr Bishop
Seconded: Cr Furlan

CNC385/19-20

That agenda items 16.3.3, 16.3.4, 16.3.5, 16.4.2, 16.5 be moved as per their recommendations.

CARRIED

16 REPORTS PRESENTED FOR INFORMATION

16.1 Strategy

Nil.

16.2 Policy

Nil.

16.3 Operational

16.3.1 Monthly Financial Report

Moved: Cr Furlan
Seconded: Cr Joshi

CNC386/19-20

That Council receives and notes the Monthly Financial Report as at 31 May 2020.

CARRIED

16.3.2 Works Report for May 2020

Moved Cr Bishop
Seconded: Cr Williams

CNC387/19-20

That Council receives and notes the Works Report for May 2020.

CARRIED

16.3.3 Heritage Plaques Project Update

Moved: Cr Bishop
Seconded: Cr Furlan

CNC390/19-20

That the Heritage Plaques Project Update report be received and noted.

CARRIED16.3.4 Permits under the *Local Government Act 1999*

Moved: Cr Bishop
Seconded: Cr Furlan

CNC393/19-20

That Council receive and note the report titled Permits under the *Local Government Act 1999*.

CARRIED

16.3.5 Council Assessment Panel – New Appointments

Moved: Cr Bishop
Seconded: Cr Furlan

CNC391/19-20

That Council receive and note the report titled Council Assessment Panel – New Appointments.

CARRIED16.4 Subsidiaries

16.4.1 ERA Water Operations Progress Report

Moved: Cr Bishop
Seconded: Cr Ashby

CNC388/19-20

That Council receives and notes the ERA Water Operations Progress Reports appearing as Attachment A to this report.

CARRIED

16.4.2 ERA Water Board Minutes

Moved: Cr Bishop
Seconded: Cr Furlan

CNC392/19-20

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 27 May 2020.

CARRIED

16.4.3 East Waste 2019 Household Bin Audit Report

Moved: Cr Williams
Seconded: Cr Joshi

CNC389/19-20

That Council receives and notes the East Waste 2019 Household Bin Audit, appearing as Attachment B to this report.

CARRIED16.5 Outstanding Council resolutions

Moved: Cr Bishop
Seconded: Cr Furlan

CNC393/19-20

That Council receive and note the list of Council resolutions currently being processed as at 11 June 2020.

CARRIED**17 CORRESPONDENCE**

Moved: Cr Joshi
Seconded: Cr Bishop

CNC394/19-20

That the correspondence as listed below be received and noted:

- 17.1 Letter to Mayor Fricker from Dr Helen Donovan Walking SA
- 17.2 Letter to Mayor Fricker from Mr Brian Hearn OAM
- 17.3 Letter to Mayor Fricker from Mr Jack Gough Pew Charitable Trusts
- 17.4 Letter to Mayor Fricker from Mayor Redman, Chair of GAROC

CARRIED**18 URGENT OTHER BUSINESS**

Council acknowledges the contribution of Mr David Mason to the Walkerville Sports Club over a long period of time and extends their sincere condolences on his passing to his

family and friends.

19 CONFIDENTIAL ITEMS

19.1 Appointment of Independent Member to ERA Water Audit Committee

Recommendation (Public)

Moved: Cr Bishop

Seconded: Cr Ashby

CNC39519-20

Pursuant to s90(3)(a)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Chief Executive Officer, Kiki Cristol, Group Manager Assets & Infrastructure Joshua Bowen, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Customer Experience Danielle Garvey, Group Manager Corporate Services Marc Sodomka, Manager Community Development & Engagement Fiona Deckert, Business Analyst (Property & Contracts) Scott Reardon, Communications Officer Sarah Spencer, Ben Clark (incoming Group Manager Assets & Infrastructure) and Council Secretariat, Vanessa Davidson be excluded from attendance at the meeting for Agenda Item 19.1 Appointment of Independent Member to ERA Water Audit Committee.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being persons who expressed interest in being appointed as an Independent Member to the ERA Water Audit Committee.

The 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 disclosure of details may be released to the public before the successful applicant has been formally notified of their appointment

CARRIED

The time being 8.41pm the meeting moved into confidence.

Recommendation (Confidential)

Moved: Cr Furlan

Seconded: Cr Williams

CNC396/19-20

The Council approves the appointment of Mr Michael Parkinson as the Town of Walkerville's Independent Member to ERA Water Audit Committee for a two year period to commence on or after 16 June 2020.

CARRIED

Recommendation (Public)**Moved:** Cr Ashby**Seconded:** Cr Joshi**CNC397/19-20**Pursuant to s.91(7)

That having considered Agenda Item 19.1 Appointment of Independent Member to ERA Water Audit Committee in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, minutes and attachments relevant to this Agenda Item be retained in confidence until the matter has been finalised, excepting that Council authorises the release of the minutes to substantive party/parties to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the review and power to revoke this Order

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* and re-admit the public.

CARRIED

The time being 8.46 pm the meeting moved out of confidence.

19.2 Levi Caravan Park – Asset Valuations and EOI Update

Recommendation (Public)**Moved:** Cr Furlan**Seconded:** Cr Joshi**CNC398/19-20**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Chief Executive Officer Kiki Cristol, Group Manager Asset & Infrastructure Joshua Bowen, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Marc Sodomka, Group Manager Customer Experience Danielle Garvey, Manager Community Development & Engagement Fiona Deckert, Business Analyst (Property & Contracts) Scott Reardon, Ben Clark (incoming Group Manager Assets & Infrastructure) and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 19.2 Levi Caravan Park – Asset Valuations and EOI Update.

The Council is satisfied that, pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council may propose to conduct business and would therefore prejudice the commercial position of the Council

CARRIED

The time being 8.47 pm the meeting moved into confidence.

Recommendation (Public)

Moved: Cr Bishop
Seconded: Cr Williams

CNC399/19-20

That Standing Orders be suspended for a period of ten minutes in order for questions to be asked of the report writer.

CARRIED

The Presiding Member declared Standing Orders resumed at 9.00pm

Moved: Cr Ashby
Seconded: Cr Coleman

CNC400/19-20

That Council receives and notes the Levi Caravan Park – Asset Valuation and EOI Update report noting that the legislative restrictions governing aspects of the land use and the emergence of COVID -19 saw Administration test the market in the first instance prior to conducting public consultation.

CARRIED**Recommendation (Public)**

Moved: Cr Bishop
Seconded: Cr Williams

CNC401/19-20

Pursuant to s.91(7)

That having considered Agenda Item 19.2 Levi Caravan Park – Asset Valuations and EOI Update in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and attachments relevant to this Agenda Item be retained in confidence for a period of 12 months or the matter has been finalised, excepting that Council authorises the release of the minutes to substantive party / parties to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the review and power to revoke this Order

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* and re-admit the public.

CARRIED

The time being 9.02pm the meeting moved out of confidence.

20. CLOSURE

The meeting was declared closed at 9.02pm.

Released