



**MINUTES**

of

**COUNCIL MEETING**

held via

via electronic means through live streaming at  
<https://www.youtube.com/channel/UCZxKI13S3M8n8zxK15LFT9w>

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

on

**MONDAY 21 DECEMBER 2020 AT 7PM**

**MINUTES**  
21 December 2020

*The Meeting was declared open at 7pm*

**1. ATTENDANCE RECORD**

1.1 Present

Mayor Elizabeth Fricker  
Cr MaryLou Bishop  
Cr Norm Coleman OAM  
Cr Stephen Furlan  
Cr Jennifer Joshi  
Cr James Nenke (arrived at 7.01pm)  
Cr Conrad Wilkins  
Cr James Williams  
Cr Rob Ashby AM

Staff in Attendance

Chief Executive Officer, Kiki Cristol  
Group Manager Assets & Infrastructure, Ben Clark  
Group Manager Customer Experience, Danielle Garvey  
Group Manager Corporate Services, Monique Palmer  
Group Manager Planning, Environment & Regulatory Services, Andreea Caddy  
Manager Community Development and Engagement, Fiona Deckert  
Communications Officer, Sarah Spencer  
Business Analyst (Property & Contracts), Scott Reardon

1.2 Apologies

Nil

1.3 Not Present / Leave of Absence

Nil

**2. CONFIRMATION OF MINUTES**

2.1 Minutes of Ordinary Council Meeting 16 November 2020

**Moved:** Cr Furlan  
**Seconded:** Cr Williams

**CNC221/21-22**

That the minutes of the Ordinary Council meeting held on 16 November 2020 be confirmed as a true and accurate record of the proceedings.

**CARRIED**

## 2.2 Minutes of Special Council Meeting 30 November 2020

**Moved:** Cr Bishop  
**Seconded:** Cr Williams

### **CNC222/21-22**

That the minutes of the Special Council Meeting held on 30 November 2020 be confirmed as a true and correct record of the proceedings.

**CARRIED**

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

Cr Williams declared a perceived interest in relation to item 14.3.2 as it relates to proposed works along Walkerville Tce /Smith St footpath. After some discussion it was determined that no declaration of conflict was required.

## **4. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS**

### 4.1 Presentation of Years of Service Certificates

Mayor Elizabeth Fricker awarded two LGA Certificates of Service for 10 year tenure to Cr James Williams and the Town of Walkerville CEO, Kiki Cristol respectively.

## **5. MAYORS DIARY**

### 5.1 Mayors Diary

**Moved:** Cr Furlan  
**Seconded:** Cr Wilkins

### **CNC223/21-22**

That Council receives and notes the Mayoral Diary from 13 November 2020 to 17 December 2020.

**CARRIED**

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

Nil.

## **7. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED SUBSIDIARY BOARD MEETINGS**

### 7.1 East Waste Board Meeting – Cr Rob Ashby

**Moved:** Cr Ashby  
**Seconded:** Cr Williams

**CNC224/21-22**

That Council receives and notes the East Waste Board Meeting Report.

**CARRIED**

**8. QUESTIONS FROM THE GALLERY**

Nil.

**9. QUESTIONS WITHOUT NOTICE**

1. Cr Wilkins sought clarification on the frequency of receiving capital works updates via Power BI. He was advised by Administration that the 'Power BI dashboard' was made available via a link in the monthly works report and each quarter a more thorough report will be provided.
2. Cr Wilkins sought an update on Hamilton Reserve and specifically if we will see works commence this financial year. He was advised by Administration that works would definitely commence this financial year, however will remain a work in progress and continue into 2021/22 due to a number of factors, including a second round of public consultation and getting final sign off on the design.
3. Cr Wilkins sought clarification as to where the funds for Willow Bend upgrade were reflected in the capital budget as he was unable to locate it. He was advised by Administration that funds were allocated in the operational budget not the capital budget.

**10. QUESTIONS ON NOTICE**

Nil.

**11. PETITIONS**

Nil.

**12. MOTIONS WITHOUT NOTICE**

**Moved:** Cr Bishop  
**Seconded:** Cr Ashby

**CNC225/21-22**

That Administration investigate the impact to and interest of residents bounded by Lansdowne Tce, North East Rd, Ascot Avenue and the River Torrens to be designated as part of the suburb of Walkerville rather than Vale Park.

**CARRIED**

**Moved: Cr Williams**  
**Seconded: Cr Nenke**

**CNC226/20-21**

As part of the detailed design phase for the Walkerville Oval Redevelopment, that Administration present Council with options that include but are not limited to:

- A heritage style design option for the grandstand section of the Walkerville Oval Sports Club
- Access to the grandstand that allows Civic Functions
- Connectivity by way of footpaths between all clubs, Memorial Gardens, carparks and road ways
- Incorporates public art in accordance with Council's Public Art Strategy.

**CARRIED**

**13. MOTIONS WITH NOTICE**

Nil.

**14. REPORTS REQUIRING DECISION OF COUNCIL**

14.1 Strategy

Nil.

14.2 Policy

14.2.1 Review of the Public Land Encroachment Policy

**Moved: Cr Bishop**  
**Seconded: Cr Joshi**

**CNC227/20-21**

1. That Council receives and notes the revised Public Land Encroachment Policy appearing as Attachment A to this report with the amendments to change the current statement "artificial turf is not permitted" so as to read "that as from 1 March 2021, no further artificial turf is permitted".
2. That Council approve the release of the revised Public Land Encroachment Policy, appearing as Attachment B to this report, for public consultation for a period of 21 days commencing in January 2021 after which time the revised Policy be presented to Council for consideration.
3. That Council notes that Administration will include verge maintenance as part of the draft 2021/22 annual business plan for Councils consideration.

4. That Council notes that Administration will present a further report to Council outlining legal and governance issues pertaining to the potential removal of synthetic turf verges that currently exist in and around the township.

**CARRIED**

#### 14.2.2 Review of the Order Making Policy

**Moved:** Cr Williams

**Seconded:** Cr Joshi

**CNC228/20-21**

That Council:

1. Receives and notes the revised Order Making Policy appearing as Attachment A to this report.
2. Approves the release of the revised, Order Making Policy, appearing as Attachment A to this report, for public consultation for a minimum period of four (4) weeks after which time the revised Policy is to be presented to Council for consideration.

**CARRIED**

#### 14.2.3 Transition of Building Fire Safety Committee from *Development Act 1993* to *Planning, Development and Infrastructure Act 2016*

**Moved:** Cr Ashby

**Seconded:** Cr Furlan

**CNC229/20-21**

That Council:

1. Receive and note the report entitled *Transition of Building Fire Safety Committee from Development Act 1993 to Planning, Development and Infrastructure Act 2016*;
2. Adopt the revised Town of Walkerville & City of Prospect Building Fire Safety Committee Terms of Reference, which appear as Attachment A to this report subject to clause 6.1 being amended to read as follows:

*'The Committee will meet at least once each quarter of the financial year and as business needs arise or as decided by the Presiding Member from time to time'.*

3. In conjunction with City of Prospect, establishes a body to be known as the Walkerville and Prospect Councils Building Fire Safety Committee;

4. Designates the Walkerville and Prospect Councils Building Fire Safety Committee as an 'appropriate authority' under Section 157 of the Planning, Development and Infrastructure Act 2016;
5. Delegates the power to appoint members to the Walkerville and Prospect Councils Building Fire Safety Committee, in accordance with Section 157(17)(a) of the *Planning, Development and Infrastructure Act 2016*, to Councils Chief Executive Officer;
6. Receives and notes the Walkerville and Prospect Councils Building Fire Safety Committee Terms of Reference as attached to the report (Attachment A);
7. Authorise Administration to make changes of a minor technical or formatting nature to the Walkerville and Prospect Councils Building Fire Safety Committee Terms of Reference.

**CARRIED**

### 14.3 Operational

#### 14.3.1 Warwick Street Car Park - Extension of Licence Agreement with Minister for Education

**Moved:** Cr Williams

**Seconded:** Cr Ashby

#### **CNC230/20-21**

1. That Council approve the application made by the Minister for Education to renew the existing Licence Agreement held between Council and the Minister for Education (ABN 91 814 239 978) over the portion of land contained within Certificate of Title Volume 5255 Folio 827 (commonly known as Walkerville Oval Warwick Street Carpark) for a term of ten (10) years commencing 14 December 2020 based on the same terms and conditions as outlined in the Head Licence Agreement (dated 14 December 2010), subject to the additional inclusion of:
  - a. the "*Redevelopment & Demolition Clause*" outlined in this report;
2. That the Mayor and Chief Executive Officer be authorised to execute any/all relevant and ancillary documents pertaining to the proposed Deed of Extension of Licence Agreement between the Minister for Education and Council including affixing of the common seal of Council.

**CARRIED**

#### 14.3.2 Local Roads & Community Infrastructure Grant Proposed Projects

**Moved:** Cr Joshi

**Seconded:** Cr Bishop

#### **CNC231/20-21**

1. That Council accepts the projects identified in Table 1 for construction using the \$317,000 Federal Government Local Roads and Community Infrastructure Grant to construct one of the proposed new public toilets at Levi Park, leaving only one public toilet at Willow Bend.
2. That Council supports Administration applying for matched funding of \$317,000 to undertake projects listed in Table 2, should matched grant funding be secured.

**MOTION WITHDRAWN**

**Moved:** Cr Williams

**Seconded:** Cr Bishop

**CNC232/20-21**

1. That Council accepts the projects identified in Table 1 for construction using the \$317,000 Federal Government Local Roads and Community Infrastructure Grant.
2. That Council supports Administration applying for matched funding of \$317,000 to undertake projects listed in Table 2, should matched grant funding be secured. However replacing the new exeloo in Hamilton Reserve to a new exeloo in Levi Park.

**CARRIED**

14.3.3 Murray Darling Association – Proposed Name Change

**Moved:** Cr Wilkins

**Seconded:** Cr Furlan

**CNC233/20-21**

That Council:

1. Receives and notes the correspondence from Mr Matt Pinnegar, CEO of the Local Government Association (SA), which appears as Attachment A to this report.
2. Resolves not to write to the Murray Darling Association regarding their proposed name change unless the Murray Darling Association specially requests an opinion from Council at which time a further report outlining the Murray Darling Association's request will be presented to Council.

**CARRIED**

14.3.4 Delegations under the Local Government (Financial Management) Regulations 2011



**Moved:** Cr Wilkins  
**Seconded:** Cr Joshi

**CNC234/20-21**

That Council:

Having conducted a review of the powers and functions previously delegated to the Chief Executive Officer and others under the Local Government (Financial Management) Regulations 2011 in accordance with section 44(6) of the *Local Government Act 1999*, the Council:

1. Hereby revokes all previous delegations made to persons occupying the position of Chief Executive Officer under the Local Government (Financial Management) Regulations 2011.
- 2a. In exercise of the power contained in section 44 of the *Local Government Act 1999* the powers and functions under the Local Government (Financial Management) Regulations 2011 and specified in the proposed instrument of Delegation, listed as Attachment A, being attached to this report are hereby delegated this 21<sup>st</sup> day of December 2020 to the person(s) in the position(s) specified in the instruments (under the 'delegate heading') and to anyone acting in the positions and limitations specified in the Instrument.
- 2b. In the case of powers and functions that are delegated to the person occupying the position of Chief Executive Officer, such powers and functions may be further delegated in accordance with section 44 and section 101 of the *Local Government Act 1999* as the person occupying the office of Chief Executive Officer sees fit, unless otherwise indicated herein or in the limitations and conditions specified in the Instrument.

**CARRIED**

14.3.5 Bin Audit Report

**Moved:** Cr Williams  
**Seconded:** Cr Joshi

**CNC235/20-21**

1. That Council requests that Administration investigate and develop a strategy for the implementation of an opt-in weekly green organics bin trial.
2. That Council requests that Administration review the financial feasibility of a green organics bin subsidy scheme as part of the 2021/22 draft budget process.

**CARRIED**

14.3.6 Green Waste Diversion – Survey Results and Education

**Moved:** Cr Williams

**Seconded:** Cr Joshi

**CNC237/20-21**

1. That Council receive and note the consultation results of the green waste survey appearing at Attachment A.
2. That Council set aside \$3,000 for a targeted green waste education program including, updated website content as part of the budget review process.
3. That Council requests that Administration liaise with East Waste Authority to seek their assistance in research initiatives focused on educational programs for waste diversion

**CARRIED**

14.3.7 Application for Rent Relief – INEA YMCA

**Moved:** Cr Williams

**Seconded:** Cr Bishop

**CNC236/20-21**

That Council, having considered INEA YMCA's request seeking a full waiver of rental fees for the months of November and December 2020, agree to waive only the amounts applicable for the period of the State Government forced lockdown closure; totalling \$257.39.

**CARRIED**

14.4 Subsidiaries

14.4.1 ERA Water First Budget Review & Long Term Financial Plan

**Moved:** Cr Wilkins

**Seconded:** Cr Nenke

**CNC238/20-21**

1. That Council approves the ERA Water First Budget Review Report for 2020/2021 as detailed in Attachment A to this report.
2. That Council approves the ERA Water Long Term Financial Plan for 2021 - 2030 as detailed in Attachment B to this report, noting its concern with the Long Term Financial Plan 2021-2030 and encourages the Board to:
  - work to reduce the debt levels identified
  - pursue sales to third parties
  - incorporating sales in the strategic focus
  - deliver a ERA Water Financial Recovery Plan.

3. That Administration writes to ERA Water advising of Council's decision.

**CARRIED**

## 15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

**Moved:** Cr Joshi  
**Seconded:** Cr Furlan

That items 16.3.1, 16.3.2, 16.3.4, 16.3.6, 16.3.7, 16.3.8, 16.4.1, 16.4.2, 16.4.3, 16.4.5 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 Joshi  
**Seconded:** Cr Furlan

**CNC239/20-21**

That Council receives and notes the Monthly Financial Report as at 30 November 2020.

**CARRIED**

#### 16.3.2 Works Report for November 2020

**Moved:** Cr Joshi  
**Seconded:** Cr Furlan

**CNC240/20-21**

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

**CARRIED**

#### 16.3.3 Civic Centre Solar Panel System Productivity

**Moved:** Cr Joshi

**Seconded:** Cr Ashby

**CNC241/20-21**

That Council receives and notes Civic Centre Solar Panel System Productivity report.

**CARRIED**

16.3.4 Vale House Remediation Works

**Moved:** Cr Joshi

**Seconded:** Cr Furlan

**CNC242/20-21**

That Council receives and notes the Vale House Remediation Works report.

**CARRIED**

16.3.5 The Value of South Australian Libraries

**Moved:** Cr Ashby

**Seconded:** Cr Joshi

**CNC243/20-21**

That Council receives and notes the Value of South Australian Libraries report.

**CARRIED**

16.3.6 Women of Walkerville Committee Minutes

**Moved:** Cr Joshi

**Seconded:** Cr Furlan

**CNC244/20-21**

That Council receives and notes the minutes of the Women of Walkerville Committee meeting held on 24 November 2020.

**CARRIED**

16.3.7 Waste Advisory Group Minutes

**Moved:** Cr Joshi

**Seconded:** Cr Furlan

**CNC245/20-21**

That Council receives and notes the minutes of the Waste Advisory Group Meeting convened on 2 December 2020.

**CARRIED**

## 16.3.8 CEO Performance Review Committee Minutes

**Moved:** Cr Joshi  
**Seconded:** Cr Furlan

**CNC246/20-21**

That Council receives and notes the minutes of the meeting of the CEO Performance Review Committee convened on 12 November 2020.

**CARRIED**16.4 Subsidiaries

## 16.4.1 ERA Water Operations Report

**Moved:** Cr Joshi  
**Seconded:** Cr Furlan

**CNC247/20-21**

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 Joshi  
**Seconded:** Cr Furlan

**CNC248/20-21**

That Council receives and notes the ERA Water Board Minutes for the meetings convened on 13 November 2020 and 14 December 2020.

**CARRIED**

## 16.4.3 East Waste Board Minutes

**Moved:** Cr Joshi  
**Seconded:** Cr Furlan

**CNC249/20-21**

That Council receives and notes the East Waste Management Authority Board minutes of the meeting convened on 26 November 2020.

**CARRIED**

#### 16.4.4 Eastern Health Authority Board of Management Minutes

**Moved:** Cr Bishop  
**Seconded:** Cr Joshi

##### **CNC250/20-21**

1. That Council receive and note the minutes of the Eastern Health Authority Board of Management meeting held on 2 December 2020 appearing as Attachment A to this report.
2. That Council receive and note the minutes of the Eastern Health Authority Special Board of Management meeting held on 9 December 2020 appearing as Attachment B to this report.

**CARRIED**

#### 16.5 Outstanding Council resolutions

**Moved:** Cr Joshi  
**Seconded:** Cr Furlan

##### **CNC251/20-21**

That Council receives and notes the list of Council resolutions currently being processed as at 17 December 2020.

**CARRIED**

### 17 CORRESPONDENCE

**Moved:** Cr Williams  
**Seconded:** Cr Furlan

##### **CNC252/20-21**

That the correspondence as listed below be received and noted.

- 17.1 Correspondence to Mayor Fricker from Davin Lambert CEO, LGFA
- 17.2 Correspondence to Mayor Fricker from Paul Fletcher MP
- 17.3 Correspondence to Mayor Fricker from Hon Vickie Chapman MP
- 17.4 Correspondence to Mayor Fricker and Councillors from Steve Georganas MP

**CARRIED**

### 18 URGENT OTHER BUSINESS

#### 18.1 Recognition of Mrs Raye Whitehead to Wesleyan Cemetery Advisory Committee

**Moved:** Cr Williams

**Seconded:** Cr Nenke

**CNC253/20-21**

That Council formally recognise the contribution of Mrs Raye Whitehead to the Wesleyan Cemetery Advisory Committee.

**CARRIED**

**19 CONFIDENTIAL ITEMS**

19.1 ERA Water Appointment of Independent Chairperson

**Recommendation (Public)**

**Moved:** Cr Furlan

**Seconded:** Cr Joshi

**CNC254/20-21**

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 Ben Clark, Group Manager Corporate Services Monique Palmer, Group Manager Customer Experience Danielle Garvey, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Manager Community Development & Engagement Fiona Deckert and Communications Officer Sarah Spencer, be excluded from attendance at the meeting for Agenda Item 19.1 ERA Water – appointment of Independent Chair.

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 applicants for the position of Independent Chairperson of ERA Water.

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 the disclosure of details may prematurely be disclosed before the details have been discussed with the successful applicant / candidate.

**CARRIED**

*The time being 9pm the meeting moved into confidence*

**Recommendation (Confidential)**

**Moved:** Cr Bishop

**Seconded** Cr Furlan

**CNC255/20-21**

That Council endorse the appointment of Mr Steve Mathewson as the Independent Chairperson for ERA Water for a two year period to commence from a date, immediately preceding, the date of the last decision and consistent resolution of all three Constituent Councils.

### **Recommendation (Public)**

**Moved:** Cr Wilkins

**Seconded:** Cr Bishop

### **CNC256/20-21**

#### Pursuant to s.91(7)

That having considered Agenda Item 19.1 ERA Water – appointment of Independent Chairperson 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 and Attachments (to be redacted where necessary) to the report relevant to this Agenda Item be retained in confidence until the matter has been considered by all three Constituent Councils and the applicant has been formally notified of the outcome, 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.

*The time being 9.14pm the meeting moved out of confidence.*

## **20. CLOSURE**

*The time being 9.15pm the Mayor declared the meeting closed.*