



MINUTES

of

COUNCIL MEETING

to be held in the

**WALKERVILLE CIVIC CENTRE
COUNCIL CHAMBERS
66 WALKERVILLE TERRACE GILBERTON**

on

MONDAY 16 JANUARY 2017 AT 7.00PM

KIKI MAGRO
CHIEF EXECUTIVE OFFICER

MINUTES
16 January 2017

The Mayor declared the meeting open at 7.00pm

1. ATTENDANCE RECORD

1.1 Present

Mayor R Grigg
Councillor M Bishop
Councillor G Busato
Councillor E Fricker
Councillor M Graham-King
Councillor D Shetliffe
Councillor G Webster
Councillor J Williams
Councillor D Whiting

Chief Executive Officer, K Magro
General Manager, H Barclay
Protocol, Compliance & Governance Officer, D Bria
Manager Assets & Infrastructure, J Bowen
Manager Community Development & Engagement, F Deckert
Manager Customer Experience, L Allery
Manager Finance, G Lewis
Manager Marketing & Communications, S DeNicola
Manager Planning & Environment, M Kwiatkowski

1.2 Apologies

Nil

1.3 Not Present / Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

MOVED: Councillor Shetliffe

SECONDED: Councillor Bishop

CNC262/16-17

That the minutes of the Council meeting held on the 19 December 2016 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

Councillor Bishop declared a perceived interest in item 16.1.2 Land Management Agreement 15 Briar Avenue Medindie as her sister owns the adjoining property and will remain in the room

whilst the matter is being considered.

Councillor Whiting declared a perceived interest in item 16.1.1 LGA Public Lighting Business Case as he is a member of the Electricity Advisory Panel and will leave the meeting whilst the matter is being considered.

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

4.1 Mayors Report

MOVED: Councillor Busato
SECONDED: Councillor Bishop

CNC263/16-17

That the Mayors report be received and noted.

CARRIED

5. QUESTIONS WITHOUT NOTICE

5.1 Mary Harris Reserve – Councillor Webster

Can the seats on Mary Harris Reserve facing forward be moved to face the other way?

Administration Response – General Manager

Administration have received feedback from the public advising that they may not be in a suitable position. The chairs will be relocated as per the consultant's advice and a bench seat will be installed where the sun lounges are currently positioned. The relocation of the lounge chairs will be undertaken within the next few weeks. Further consideration for extra seating will also be considered.

5.2 Mary P Harris Reserve Bike Racks - Councillor Williams

Can bike racks be installed on Mary P Harris Reserve?

Administration Response – General Manager

Administration have discussed this matter with the design consultants and consideration will be given to the installation of bike racks.

5.3 Mary P Harris Reserve Lighting – Councillor Shetliffe.

Has lighting been installed at the site?

Administration response – General Manager

Under tree lighting has been installed.

5.4 Council Reports - Councillor Graham King

Can the Chief Executive Officer please advise why items 16.1.1 & 16.1.3 are being considered

in confidence?

Administration Response – Chief Executive Officer

In relation to item 16.1.3 the financials are commercial in confidence as unit costs have been provided and the contractor has requested that when Council's consider the financials they consider them in confidence as it will impact their ability to tender for future works.

In relation to item 16.1.2 the Land Management Agreement is presented as a confidential item due to information pertaining to the Council's authority, as it relates to the Land Management Agreement.

6. QUESTIONS FROM THE GALLERY

Nil

7. QUESTIONS ON NOTICE

Nil

8. PETITIONS

Nil

9. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Nil

10. MOTIONS WITHOUT NOTICE

Nil

11. MOTIONS WITH NOTICE

Nil

12. REPORTS REQUIRING DECISION OF COUNCIL

12.1 Strategy

12.1.1 ERA Water Bores

MOVED: Councillor Webster

SECONDED: Councillor Bishop

CNC264/16-17

1. That Council agrees to transfer the following nine (9) bores that were created as part of the Eastern Region Alliance feasibility study for the Waterproofing the East Project to ERA Water to be held by ERA Water on behalf of its member Councils;

Locality	Permit No.	Well Unit Number	Coordinates Easting/northing (MGA 54)	Year Drilled
Athelstone	206142	6628-26205	290072/6139856	2011
Athelstone	230003	6628-27277	290140/6139893	2014
Felixstow	203121	6628-26032	284979/6137143	2011
Drage	206141	6628-26199	284370/6136873	2011
Max Amber	236260	6628-27698	289173/6139208	2014
Marden	231646	6628-27437	283608/6136624	2014
Langman	203120	6628-26031	286783/6130694	2011
Scales	203118	6628-26033	282668/6136037	2011
Tusmore	226933	6628-27182	285120/6131969	2014

2. That ERA Water accepts any and all liabilities associated with any one or all bores, which may be deemed redundant and therefore requiring backfill;
3. That ERA Water accepts any and all liabilities associated with any one or all bores, which may be deemed useful and require further fit out work;
4. That ERA Water is not to sell any bores or interests therein without the prior approval of its member Councils.

CARRIED

12.2 Policy

Nil

12.3 Operational

12.3.1 Community Fund Round 2 2016 / 2017

MOVED: Councillor Fricker
SECONDED: Councillor Graham-King

CNC265/16-17

1. That Council allocates the following funds to the Community Fund applicants from the 2016/17 Community Fund Round 2 budget:
 - a. Walkerville Cricket Club - \$2000.00
 - b. (i) Jordan Schulz (Gymnastics) – \$150.00
(ii) Jordan Schulz (Cheer & Dance) – \$150.00
 - c. (i) Yolanda Qian (Australian figure skating) – \$150.00
(ii) Yolanda Qian (International skating competition) – \$150.00
2. That Administration writes to all applicants of Round 2 of the Community Fund and advises them of the Council resolution.
3. That the successful applicants are invited to attend the ordinary February meeting of Council to be held on 20 February 2017 to formally receive the funds from His Worship Mayor Grigg in a presentation held at the beginning of the Council Meeting.

CARRIED

12.3.2 Fenced Dog Park Scales Reserve Report

MOVED: Councillor Fricker

SECONDED: Councillor Busato

CNC266/16-17

1. That Council receive and notes the report entitled *Enclosed Dog Park Assessment, prepared by 'Balancing Act', December 2016*, and does not proceed with an enclosed dog park in the Council area.
2. That an assessment of Dog "Off-Leash Areas" (and the cost of conducting the audit and consultation) be referred as a project to the 2017/18 budget process for consideration.

CARRIED

12.3.3 Instrument of Delegation Under the Local Nuisance and Litter Control Act 2016

MOVED: Councillor Webster

SECONDED: Councillor Graham-King

CNC267/16-17

That Council, in accordance with the power contained in Section 44 of the *Local Government Act 1999* provides the powers and functions under the *Local Nuisance and Litter Control Act 2016* as specified in the proposed Instruments of Delegation (contained in Attachment A) and are hereby delegated this 16 Day of January 2017 to the person occupying the office of Chief Executive Officer, subject to any conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

and

Such powers and functions maybe further delegated by the Chief Executive Officer in accordance with Section 44 and 101 of *the Local Government Act 1999* and as the Chief Executive Officer sees fit.

CARRIED

13. IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

MOVED: Councillor Whiting

SECONDED: Councillor Webster

CNC268/16-17

That items 14.1.1, 14.2.1, 14.2.2, 14.3.4, 14.3.6, 14.3.8 & 14.3.9 be moved as per their recommendations.

CARRIED

14. REPORTS PRESENTED FOR INFORMATION

14.1 Strategy

14.1.1 ERA Activities Report July to Dec 2016

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC269/16-17

That Council receive and note the activities report for Eastern Region Alliance (ERA) from July to December 2016, appearing as Attachment A.

CARRIED

14.2 Policy

14.2.1 Local Heritage and Character Reform - Local Government Association Position

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC270/16-17

That Council receive and note the Local Government Association's position on the State Government Local Heritage Discussion Paper as contained in Attachment A.

CARRIED

14.2.2 Local Government Association's submission on the Reforms of Liquor Licensing Laws

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC271/16-17

1. That Council note and receive the Local Government Association's submission on the Reforms of Liquor Licensing Laws as contained in Attachment A.
2. That further update reports be provided to Council throughout the legislative reform process.

CARRIED

14.2.3 South Australian Planning Portal and Planning, Development and Infrastructure Act 2016

MOVED: Councillor Shetliffe
SECONDED: Councillor Busato

CNC272/16-17

1. That Council receive and note the update on the South Australian Planning Portal and the Planning, Development and Infrastructure Act 2016.
2. That further updates be presented to Council on the South Australian Planning Portal and the Planning, Development and Infrastructure Act 2016, when updates from the State Government are received.

CARRIED

14.3 Operational

14.3.1 2016 2017 CAPEX Projects Status Report, January 2017

8.06pm Cr Whiting left the Chamber

At 8.12pm Cr Whiting re entered the Chamber

MOVED: Councillor Webster
SECONDED: Councillor Williams

CNC273/16-17

1. That the 2016/17 CAPEX Projects Program Status Report, January 2017, be received and noted and that a further report be presented to Council on the priority of expenditure given the storm damage to the Linear Park.
2. A letter be written to the State Government outlining the lack of support and action received from State Government Authorities (enclosing a copy of the submission presented to the LGA.).
3. A copy of the correspondence be provided to the State Members.
4. That the Mayor and CEO raise the matter with ERA with a view of providing a joint submission to Government for financial and non financial support to expedite the Linear Park clean up.

CARRIED

14.3.2 Monthly Financials

MOVED: Councillor Webster
SECONDED: Councillor Williams

CNC274/16-17

That Council receives and notes the Monthly Financial Report as at 31 December 2016.

CARRIED

14.3.3 Call for nominations for the Local Government Advisory Committee on the implementation of the new Planning System

MOVED: Councillor Whiting
SECONDED: Councillor Fricker

CNC275/16-17

1. That Council receive and note the Local Government Association Circular 51.5 on the Call for nominations for the Local Government Advisory Committee on the Implementation of the new Planning System as contained in Attachment A.
2. Council endorses the nomination of Councillor Webster to the Local Government Advisory Committee.

CARRIED

14.3.4 Research report on Local Government Auditing in South Australia

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC276/16-17

That Council receive and note the research report on Local Government Auditing in South Australia.

CARRIED

14.3.5 ERA Water Superintendents Construction Progress Report

MOVED: Councillor Bishop
SECONDED: Councillor Busato

CNC277/16-17

That the Superintendent's Construction Progress Report appearing as Attachment A is received and noted.

CARRIED

14.3.6 Customer Experience Services Report December 2016

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC278/16-17

That Council receives and notes the Customer Experience Service Report for December 2016.

CARRIED

14.3.7 Works Report December 2016

MOVED: Councillor Graham-King
SECONDED: Councillor Williams

CNC279/16-17

That Council receives and notes the Works Report for December 2016.

CARRIED

14.3.8 East Waste Minutes

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC280/16-17

That Council receives and notes the East Waste Board Minutes for the Special meeting convened on 8 December 2016.

CARRIED

14.3.9 East Waste Tonnage Rates

MOVED: Councillor Whiting
SECONDED: Councillor Webster

CNC281/16-17

That the report provided by the Eastern Waste Management Authority (trading as East Waste), showing the monthly tonnages collected for the period July 2016 – June 2017 and the monthly recycling statistics for November 2016 be received and noted.

CARRIED

14.3.10 Correspondence

MOVED: Councillor Busato
SECONDED: Councillor Williams

CNC282/16-17

That Correspondence marked as attachment A & B be noted.

CARRIED

14.3.11 Outstanding Council Resolutions Actions

MOVED: Councillor Shetliffe
SECONDED: Councillor Webster

CNC283/16-17

That Council receives and notes the list of outstanding Council resolutions as at 16 January 2017.

CARRIED

15. URGENT OTHER BUSINESS

Nil

16. CONFIDENTIAL ITEM

16.1.1 LGA Public Lighting Business Case

Pursuant to s90(3)(d)

MOVED: Councillor Whiting

SECONDED: Councillor Busato

CNC284/16-17

That pursuant to Section 90(2) of the Local Government Act 1999 Council order that the public be excluded, with the exception of the Administration being the Chief Executive Officer, Kiki Magro, General Manager, Heather Barclay, Manager Assets and Infrastructure, Joshua Bowen Manager Finance, Gary Lewis and the Protocol, Compliance & Governance Officer, Deb Bria, from being present at the meeting on the basis that the matter contained in this report is information of the nature specified in subsections 90(3)(d) of the Act being:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which;
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and,
 - (ii) would, on balance, be contrary to the public interest;

The said information relates to the LGA's Business Case for Public Lighting

CARRIED

Recommendation (Confidential)

At 8.54pm Councillor Whiting left the Chamber whilst the matter was being discussed.

MOVED: Councillor Webster

SECONDED: Councillor Fricker

CNC285/16-17

1. That Council supports, "in principle", the LGA's proposed business case for provision of public lighting services subject to further analysis and validation of ownership transition costs and access costs, and the assumptions used in the business case;
2. That Administration advises the LGA that Council does not have a position on the delivery model for the provision of public lighting services until the matters in 1 above are determined;
3. That Council agrees to cease any current and future negotiations regarding LED street lighting or other arrangements with SAPN until the outcomes are determined from the LGA proposed business case for provision of public lighting services.

CARRIED

Recommendation (Public)

Pursuant to s91(7)

MOVED: Councillor Webster

SECONDED: Councillor Busato

CNC286/16-17

That the Council, having considered the said information or matter in confidence under Part 3 of Chapter 6 of the Local Government Act 1999, orders, pursuant to Section 91(7) of the Local Government Act 1999, that the report titled "LGA Public Lighting Business Case" and Minutes dated 16 January 2017, and any other documentation relative to the report be retained in confidence, until this matter has been finalised excepting that the Council authorises the release of relevant documentation to parties to enact the resolution and that this order be reviewed every 12 months by the Chief Executive Officer and

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

CARRIED

16.1.2 Land Management Agreement 15 Briar Avenue Medindie

At 8.57pm Councillor Whiting re entered the Chamber

Recommendation (Public)

MOVED: Councillor Fricker
SECONDED: Councillor Busato

CNC287/16-17

Pursuant to s90(3)(h)

That pursuant to Section 90(2) of the *Local Government Act 1999*, Council order that the public be excluded, with the exception of the Council's Chief Executive Officer, Kiki Magro, General Manager, Heather Barclay, Manager Finance, Gary Lewis, Protocol, Compliance & Governance Officer, Deb Bria & Manager Assets & Infrastructure, Joshua Bowen from being present at the meeting on the basis that the matter contained in this report is information of the nature specified in subsections 90(3)(h) of the Act being:

(h) legal advice;

The said information relates to an existing Land Management Agreement between the Town of Walkerville and the registered proprietors of 15 Briar Avenue, Medindie.

CARRIED

Recommendation (Confidential)

MOVED: Councillor Webster
SECONDED: Councillor Fricker

CNC288/16-17

1. That Council receives and notes the report on the Land Management Agreement for 15 Briar Avenue, Medindie, 16 January 2017.
2. That Council authorises the Administration to progress investigations with the State Heritage Branch to further determine the status of the Land Management Agreement (between the Town of Walkerville and the owners of 15 Briar Avenue) and Councils ability to require action by the owners of 15 Briar Avenue, as it relates to the management and maintenance of built form and landscape elements, pursuant to the Land Management Agreement and any associated Acts and Local Heritage listing.
3. Subject to item 2, Administration approach the owners in regard to upholding the Land Management Agreement and report back to Council accordingly.

CARRIED

Councillor Bishop voted for the motion.

Recommendation (Public)

Pursuant to s91(7)

MOVED: Councillor Fricker
SECONDED: Councillor Webster

CNC289/16-17

That the Council, having considered the said information or matter in confidence under Part 3 of Chapter 6 of the *Local Government Act 1999*, orders, pursuant to Section 91(7) of the *Local Government Act 1999*, that the report titled “Land Management Agreement, 15 Briar Avenue, Medindie” and Minutes dated 16 January 2017, and any other documentation relative to the report be retained in confidence until this matter has been finalised excepting that the Council authorises the release of relevant documentation to parties to enact the resolution and that this order be reviewed every 12 months by the Chief Executive Officer; and,

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

CARRIED

Recommendation (Public)

MOVED: Councillor Whiting

SECONDED: Councillor Fricker

CNC290/16-17

Pursuant to s90(3)(d)

That pursuant to Section 90(2) of the *Local Government Act 1999* Council order that the public be excluded, with the exception of the Chief Executive Officer, Kiki Magro, the General Manager Heather Barclay, Protocol Compliance and Governance, Officer Deb Bria, Manager Finance, Gary Lewis & Manager Assets & Infrastructure, Joshua Bowen from being present at the meeting on the basis that the matter contained in this report entitled ERA Water Financial Report is information of a confidential nature (not being a trade secret) as specified in subsections 90(3)(d) of the Act and the disclosure of which could reasonably be expected to:

- prejudice the commercial position of the person who supplied the information; or
- confer a commercial advantage on a third party

CARRIED

MOVED: Councillor Webster

SECONDED: Councillor Fricker

CNC291/16-17

That the ERA Water Financial Report as at 2 December 2016 be received and noted.

CARRIED

Pursuant to s91(7)

MOVED: Councillor Whiting

SECONDED: Councillor Fricker

CNC292/16-17

That the Council, having considered the said information or matter in confidence under Part 3 of Chapter 6 of the *Local Government Act 1999*, orders, pursuant to Section 91(7) of the *Local Government Act 1999*, that the ERA Water Financial Report and any other documentation relative to the report be retained in confidence excluding minutes for 12 months or until such time as the project is finalised.

and

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

CARRIED

Recommendation (Public)

MOVED: Councillor Whiting
SECONDED: Councillor Busato

CNC293/16-17

Pursuant to s90(3)(i)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, with the exception of the Council's Chief Executive Officer, Kiki Magro, General Manager, Heather Barclay, Protocol Compliance & Governance Officer, Deb Bria, Manager Finance, Gary Lewis & Manager Assets & Infrastructure, Joshua Bowen be excluded from attendance at the meeting for the verbal update titled Development Matters.

The Council is satisfied that, pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this item is information relating to litigation that the Council believes on reasonable grounds will take place.

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 compromise the Council's position.

CARRIED

Recommendation (Confidential)

MOVED: Councillor Busato
SECONDED: Councillor Fricker

CNC294/16-17

That the verbal update on action taken on 51 & 53 Ilford Street, Vale Park be received and noted.

CARRIED

Recommendation (Public)

MOVED: Councillor Whiting
SECONDED: Councillor Busato

CNC295/16-17

Pursuant to s91(7)

That having considered this matter in confidence under section 90(2) and (3)(i) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the minutes relevant to this item be retained in confidence until the matter has been finalised, 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* Council and re-admit the public.

CARRIED

CLOSURE

The meeting closed at 9.31pm

Presiding Member Signature:.....

Date:.....