



MINUTES

of

COUNCIL MEETING

held in the

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

on

MONDAY 15 JULY 2019 AT 7:00PM

MINUTES
15 July 2019

The Meeting was declared open at 7.00pm.

1. ATTENDANCE RECORD

1.1 Present

Mayor Elizabeth Fricker
Cr Rob Ashby AM
Cr N Coleman OAM
Cr S Furlan
Cr J Joshi
Cr J Nenke
Cr C Wilkins
Cr J Williams

Staff in Attendance

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

1.2 Apologies

1.3 Not Present / Leave of Absence

Councillor MaryLou Bishop - Leave of absence from 13 July – 4 August 2019 approved at the ordinary meeting of 17 June 2019.

2. CONFIRMATION OF MINUTES

Moved: Cr Nenke

Seconded: Cr Furlan

CNC1/19-20

That the minutes of the Council meeting held on the 17 June 2019 be confirmed as a true and accurate record of the proceedings.

CARRIED

Moved: Cr Williams
Seconded: Cr Wilkins

CNC2/19-20

That the minutes of the special Council meeting held on the 27 June 2019 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

Deputy Mayor Cr James Williams declared a perceived conflict of interest in Item 19.1 'Masterplanning Strategic Sites' as he lives in a property adjacent to the site. Cr Williams advised that he will remain in the room and participate in the debate and vote.

4. MAYORS DIARY

4.1 Mayors Diary

Moved: Cr Joshi
Seconded: Cr Coleman

CNC3/19-20

That Council receives and notes the Mayoral Diary from 14 June 2019 to 11 July 2019.

CARRIED

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

Nil.

6. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED SUBSIDIARY BOARD MEETINGS

6.1 EHA Board of Management Board of Management – Cr J Joshi

7. QUESTIONS FROM THE GALLERY

Nil.

8. QUESTIONS WITHOUT NOTICE

Nil.

9. QUESTIONS ON NOTICE

Nil.

10. PETITIONS

Nil.

11. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

The Chief Executive Officer sought leave of the meeting to present the screening of an episode of the television programme *Outdoors Indoors* that featured the Town of Walkerville and Mayor Elizabeth Fricker.

12. MOTIONS WITHOUT NOTICE

Nil.

13. MOTIONS WITH NOTICE

Nil.

14. REPORTS REQUIRING DECISION OF COUNCIL

14.1 Strategy

14.1.1 Annual Business Plan & Budget and Rates Declaration 2019/20

Moved: Cr Furlan

Seconded: Cr Wilkins

CNC4/19-20

1. That Council receive and note all public consultation submissions received on the Annual Business Plan and Budget 2019/20;
2. That Council, having considered all submissions made (refer, Attachment C) to Council during the relevant consultation period, any new or revised information in the possession of Council that is relevant to the material contained in the draft annual business plan, and all other materials and information that Council thinks fit, adopts, pursuant to Section 123(6) of the *Local Government Act 1999* and Regulation 6 of the Local Government (Financial Management) Regulations 2011, the Draft Annual Business Plan, included as Attachment A, as its Annual Business Plan for the year ended 30 June 2020, subject to minor amendment to incorporate information not available at the time of production for public consultation.
3. That Council, pursuant to Section 123(7) of the *Local Government Act, 1999*, adopts the Annual Budget included within Attachment A, which Council has considered in conjunction with the Draft Annual Business Plan and determined it to be consistent with the Annual Business Plan and which includes all information required by Regulation 7 of the Local Government (Financial Management) Regulations 2011 including:
 - Budgeted Statement of Comprehensive Income;
 - Budgeted Statement of Financial Position;
 - Budgeted Statement of Changes in Equity;
 - Budgeted Statement of Cash Flows;
 - Budgeted Uniform Presentation of Finances; and

- Budgeted Key Performance Indicators.

and comprising:

- Total Budgeted Expenditure of \$10,147,975;
- Total Budgeted Revenue of \$10,164,723, which includes an amount to be raised from Property of \$8,669,567;
- Budgeted Operating surplus \$16,748;
- Total Budgeted Capital Expenditure of \$3,342,000. This includes an approved carry forward of \$675,000 for Open Space Renewal Projects (**CNC321/18-19**).

as its Annual Budget for the year ending 30 June 2020.

- That Council has determined that in preparing its 2019/20 Annual Business Plan and Budget it has, amongst other things, considered and taken into account;

- The Capital Valuation of land within its area as provided by the Valuer-General of South Australia;
- The relationship of the amount of funds needed to meet the 2019/20 Annual Business Plan objectives and Council's ability to raise such funds;
- The relationship and impact of rates and rate differentials between residential and non-residential assessments;
- The equity of the rate structure and distribution of the rate burden;
- Rate concessions and rebates that will apply.

- Adoption of Valuation

That Council, pursuant to Section 167(2) (a) of the *Local Government Act, 1999* for the year ending 30 June 2020 adopts the valuations of capital value of all land within its area made by and provided to Council by the Valuer-General of South Australia on 30 June 2019, being the most recent valuations available to Council at this time, the total value being \$3,590,044,920.

- Declaration of Differential General Rates

That Council, pursuant to Sections 152(1)(a), 153(1)(b) and 156(1)(a) of the *Local Government Act, 1999*, for the year ended 30 June 2020 declares differential general rates on rateable land within its area, which rates vary by reference to the uses of land designated by Regulation 14(1) of the Local Government (General) Regulations, 2013. of:

- Residential: A rate of 0.0022738 in the dollar on the capital value of such rateable land;

- b) Commercial – Shop: A rate of 0.0037517 in the dollar on the capital value of such rateable land;
- c) Commercial – Office: A rate of 0.0037517 in the dollar on the capital value of such rateable land;
- d) Commercial – Other: A rate of 0.0037517 in the dollar on the capital value of such rateable land;
- e) Industry – Light: A rate of 0.0037517 in the dollar on the capital value of such rateable land;
- f) Industry – Other: A rate of 0.0037517 in the dollar on the capital value of such rateable land;
- g) Primary Production: A rate of 0.0037517 in the dollar on the capital value of such rateable land;
- h) Vacant Land: A rate of 0.0037517 in the dollar on the capital value of such rateable land;
- i) Other: A rate of 0.0037517 in the dollar on the capital value of such rateable land.

7. Minimum Rate

That Council, pursuant to Section 158 of the *Local Government Act, 1999*, for the year ending 30 June 2020 fixes a minimum amount of \$1,193.00 payable by way of general rates in respect of any one piece of rateable land within Council's area.

8. Declaration of a Separate Rate (Adelaide and Mount Lofty Ranges Natural Resources Management Board Levy)

That Council, pursuant to Section 95 of the *Natural Resources Management Act 2004*, and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council for amounts contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, declares for the year ending 30 June 2020 a separate rate of 0.000095 in the dollar on the capital valuation of all rateable land in the area of the Council and the Adelaide and Mount Lofty Ranges Natural Resources Management Board.

9. Maximum Increase

That Council, pursuant to Section 153 (3) of the *Local Government Act 1999*, for the year ending 30 June 2020 has considered whether to fix a maximum increase in the general rate to be charged on rateable land within its area that constitutes the principal place of residence of a principal ratepayer and has determined not to fix a maximum increase.

10. Payment by Instalments

That Council, pursuant to Section 181(2) of the *Local Government Act 1999*, for the year ending 30 June 2020 has determined that rates be payable in four equal or approximately equal instalments and will fall due and payable on:

- 1st payment - 11 September 2019
- 2nd payment – 11 December 2019
- 3rd payment - 11 March 2020
- 4th payment - 11 June 2020.

CARRIED

14.1.2 Urban Forest Strategy

Moved: Cr Williams
Seconded: Cr Ashby

CNC5/19-20

That Council adopts the Urban Forest Strategy appearing as Attachment A to this report.

CARRIED

14.2 Policy

14.2.1 Urban Forest Management Policy

Moved: Cr Williams
Seconded: Cr Wilkins

CNC6/19-20

1. That Council releases the revised Urban Forest Management Policy for public consultation.
2. That a final report be presented to Council (through the Strategic Planning and Development Policy Committee) prior to its final adoption.

CARRIED

14.3 Operational

14.3.1 Annual Review of Delegations

Moved: Cr Coleman
Seconded: Cr Joshi

CNC7/19-20

That Council having conducted a review of the powers and functions previously delegated to the Chief Executive Officer and others in accordance with section 44(6) of the *Local Government Act 1999*, the Council:

1. Revocations

- 1.1 Hereby revokes all previous delegations made to persons occupying the position of Chief Executive Officer under the following Acts:

- i. Notice from the Minister of Transport under the Road Traffic Act 1961 entitled ' Instrument of General Approval and Delegation to Council ' dated 22 August 2013
- ii. Burial and Cremation Act 2013
- iii. Community Titles Act 1996
- iv. Development Act 1993
- v. Dog and Cat Management Act 1995
- vi. Electricity Act 1996

- vii. Electronic Conveyancing National Law (South Australia) Act 2013
- viii. Environmental Protection Act 1993
- ix. Expiation of Offences Act 1996
- x. Fire and Emergency Services Act 2005
- xi. Fences Act 1975
- xii. Fines Enforcement and Debt Recovery Act 2017
- xiii. Food Act 2001
- xiv. Freedom of Information Act 1991
- xv. Gas Act 1997
- xvi. Heavy Vehicle National Law (South Australia) Act 2013
- xvii. Land and Business (Sale and Conveyancing) Act 1994
- xviii. Liquor Licensing Act 1997
- xix. Local Government Act 1999
- xx. Local Nuisance and Litter Control Act 2016
- xxi. Natural Resources Management Act 2004
- xxii. Real Property Act 1886
- xxiii. Road Traffic Act 1961
- xxiv. Roads (Opening and Closing) Act 1991
- xxv. Safe Drinking Water Act 2011
- xxvi. South Australian Public Health Act 2013
- xxvii. Strata Titles Act 1988
- xxviii. Supported Residential Facilities Act 1992
- xxix. Unclaimed Goods Act 1987
- xxx. Water Industry Act 2012
- xxxi. Work Health and Safety Act 2012.

- 1.2 The Council hereby revokes its delegations to the Council Assessment Panel of those powers, functions and duties delegated by the Council to the Council Assessment Panel under the Development Act 1993 and the Planning, Infrastructure and Development Act 2016.

2 Adoption of Delegations

- 2a. In exercise of the power contained in section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed instruments of Delegation, listed as attachment A – AB (inclusive), being attached to this report titled 'Annual Review of Delegations' subject to the conditions, limitations and provisos contained in the proposed instruments of Delegation are hereby delegated this 15th day of July 2019 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.

- i. Local Government Act 1999 (listed as Attachment A to this report)
- ii. Environmental Protection Act 1993 (listed as Attachment B to this report)
- iii. Expiation of Offences Act 1996 (listed as Attachment C to this report)
- iv. South Australian Public Health Act 2013 (listed as Attachment D to this report)
- v. Fines Enforcement and Debt Recovery Act 2017 (listed as Attachment E to this report)

- vi. Roads (Opening and Closing) Act 1991 (listed as Attachment F to this report)
 - vii. Burial and Cremation Act 2013 (listed as Attachment G to this report)
 - viii. Community Titles Act 1996 (listed as Attachment H to this report)
 - ix. Dog and Cat Management Act 1995 (listed as Attachment I to this report)
 - x. Electricity Act 1996 (listed as Attachment J to this report)
 - xi. Fences Act 1975 (listed as Attachment K to this report)
 - xii. Fire and Emergency Services Act 2005 (listed as Attachment L to this report)
 - xiii. Gas Act 1997 (listed as Attachment M to this report)
 - xiv. Liquor Licensing Act 1997 (listed as Attachment N to this report)
 - xv. Road Traffic Act 1961 (listed as Attachment O to this report)
 - xvi. Water Industry Act 2012 (listed as Attachment P to this report)
 - xvii. Freedom of Information Act 1991 (listed as Attachment Q to this report)
 - xviii. Land and Business (Sale and Conveyancing) Act 1994 (listed as Attachment R to this report)
 - xix. Local Nuisance and Litter Control Act 2016 (listed as Attachment S to this report)
 - xx. Natural Resources Management Act 2004 (listed as Attachment T to this report)
 - xxi. Planning, Development and Infrastructure Act 2016 (listed as Attachment U to this report)
 - xxii. Real Property Act 1886 (listed as Attachment V to this report)
 - xxiii. Electronic Conveyancing National Law (South Australia) Act 2013 (listed as Attachment W to this report)
 - xxiv. Strata Titles Act 1988 (listed as Attachment X to this report)
 - xxv. Unclaimed Goods Act 1987 (listed as Attachment Y to this report)
 - xxvi. Work Health and Safety Act 2012 (listed as Attachment Z to this report).
- 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.
- 2c. In exercise of the power contained in section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed instruments of Delegation, listed as attachment A – Z (inclusive), being attached to this report titled 'Annual Review of Delegations', subject to the conditions, limitations and provisos contained in the proposed instruments of Delegation, the Council hereby delegates on this 15th day of July 2019 to the person occupying the office of Chief Executive Officer (and any person appointed to act in the position) the power to commence a prosecution for a breach of a relevant Statute, where the Statute empowers the Council to commence prosecution of the breach and such power may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person acting in the position) as the Chief Executive Officer sees fit.

3. Delegations made under the *Development Act 1993*

- 3a. In exercise of the power contained in section 20 and section 34(23) of the *Development Act 1993*, the powers and functions under the *Development Act 1993* as specified in the proposed Instrument of Delegation listed as Attachment AA to this report titled 'Annual Review of Delegations', subject to the conditions, limitations and provisos contained in the proposed instruments of Delegation are hereby delegated this 15th day of July 2019 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.
- 3b. 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 20(3) of the *Development Act 1993* (and in accordance with the intent of section 44 and section 101 of the *Local Government Act 1999*) by the person occupying the office of Chief Executive Officer 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.

4. Delegations made under the *Supported Residential Facilities Act 1992*

- 4a. In exercise of the power contained in Section 9 of the *Supported Residential Facilities Act 1992*, the powers contained in *Supported Residential Facilities Act 1992* and the *Supported Residential Facilities Regulations 2009* contained in the proposed Instrument of Delegation Attachment AB to this report titled 'Annual Review of Delegations', subject to the conditions, limitations and provisos contained in the proposed instruments of Delegation are hereby delegated this 15th day of July 2019 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.
- 5b. Such powers and functions may be further delegated in accordance with the intent of section 44 and section 101 of the *Local Government Act 1999* by the person occupying the office of Chief Executive Officer 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.

5. Delegations made under the *Food Act 2001*

- 5a. In exercise of the powers contained in section 91 of the *Food Act 2001*, powers and functions under the *Food Act 2001* as specified in the proposed Instrument of Delegation listed as Attachment AC to this report titled 'Annual Review of Delegations', subject to the conditions, limitations and provisos contained in the proposed instruments of Delegation are hereby delegated this 15th day of July 2019 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.
- 5b. Such powers and functions may be further delegated in accordance with the intent of section 44 and section 101 of the *Local Government Act 1999* by the person occupying the office of Chief Executive Officer 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.

6. Delegations made under the *Heavy Vehicle National Law (South Australia) Act 2013*

In exercise of the powers contained in section 44 of the *Local Government Act 1999* and section 22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (as relevant) as specified in the proposed Instrument of Delegation listed as Attachment AD to this report titled 'Annual Review of Delegations', subject to the conditions, limitations and provisos contained in the proposed instruments of Delegation are hereby delegated this 15th day of July 2019 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 and such powers may be further delegated by the Chief Executive Officer to an officer or officers of the Council as the Chief Executive Officer sees fit.

7. Delegations made under the *Safe Water Drinking Act 2011 (of enforcement agency)*

7a. In exercise of the power contained in section 43 of the *Safe Drinking Water Act 2011* the powers and functions of the Council as a relevant authority under the *Safe Drinking Water Act 2011* contained in the proposed Instrument of Delegation listed as Attachment AE to this report titled Annual Review Delegations are hereby delegated this 15th day of July 2019 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.

7b. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Safe Drinking Water Act 2011*.

8. Authorisations and Sub-delegation under the *Road Traffic Act 1961*

8.1 In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the *Road Traffic Act 1961* and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Sub-delegation (annexed to the Report dated 15th day of July 2019 titled Annual Review of Delegations and marked Attachment AF is hereby sub-delegated this 15th day of July 2019 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Instrument; and
- (ii) any conditions contained in this Resolution or in the Instrument of Sub-delegation; and

- (iii) the creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution.

8.2 In accordance with Clause E.2 of the Instrument contained in the proposed Instrument of Sub-delegation (annexed to the Report dated 15 July 2019 titled Annual Review of Delegations and marked Attachment AF, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management Plans:

- Joshua Bowen
- Grant Reimann
- Michael Blythe
- Greg Stevens
- David Williams
- David Muller
- John Kontos
- Richard Matera

CARRIED

14.3.2 Third Party Community Groups

Moved: Cr Williams

Seconded: Cr Wilkins

CNC8/19-20

1. That Council approves the waiving of user fees and / or charges for venue hire for the following local community organisations:
 - Friends of the Walkerville Library
 - Men's Probus Club of Walkerville
 - Walkerville Miniature Christmas Pageant.
2. That Council authorises Administration to enter into Memorandum of Understanding's (MOU's) with each group that exercise the right to take up the waiver for a period up to but not exceeding 30 June 2020.

CARRIED

14.3.3 Murray Darling Association Support

Moved: Cr Ashby

Seconded: Cr Coleman

CNC9/19-20

1. That Council receives and notes the Report entitled Murray Darling Association Support.
2. That the Chief Executive Officer be authorised to write to the local State and Federal Members of Parliament encouraging them to support

recurrent funding of the Murray Darling Association to enable provision of effective consultation and engagement with Councils.

CARRIED

14.3.4 Waste Advisory Group

Moved: Cr Coleman
Seconded: Cr Nenke

CNC10/19-20

1. That Council establish a Waste Advisory Group to come into effect from 1 September 2019 and continue until 1 November 2022.
2. That Council adopt the Waste Advisory Group Terms of Reference appearing at Attachment A to this report.
3. That Council appoints the following three Elected Members to the Waste Advisory Group:
 - Cr James Williams.....
 - Cr Jennifer Joshi.....
 - Cr Stephen Furlan
4. That Council request that Administration undertake an 'expression of interest' (EOI) process from members of the community, who have an interest in participating on the Waste Advisory Group and report back to Council with the outcome of said EOI at the August 2019 Council meeting.
5. That Council appoint Deputy Mayor Councillor James Williams as Presiding Member to the Waste Advisory Group.

CARRIED

14.3.5 Walkerville Bowling & Community Club – Revised Third Green Proposal

Moved: Cr Williams
Seconded: Cr Coleman

CNC11/19-20

That Council does not proceed with the proposed development of the disused bowling green as proposed by the Walkerville Bowling & Community Club on the basis that the project is no longer a co-funded/joint project with the Club.

CARRIED

14.3.6 Strategic Planning and Development Policy Committee Minutes

Moved: Cr Williams

Seconded: Cr Wilkins

CNC12/19-20

1. That the minutes of the Strategic Planning and Development Policy Committee meeting held on 6 June 2019 be confirmed as a true and accurate record of the proceedings.
2. That Council receives and notes the Strategic Planning and Development Policy Committee minutes for the meeting convened on 4 July 2019.

CARRIED

14.4 Subsidiaries

14.4.1 Eastern Health Authority – Appointment of Member

Moved: Cr Williams

Seconded: Cr Joshi

CNC13/19-20

That the Group Manager Planning, Environment & Regulatory Services, Ms Andreea Caddy, be appointed to represent the Corporation of the Town of Walkerville as a Board member to the Eastern Health Authority Board of Management for the term of the current elected Council.

CARRIED

15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

Moved: Cr Williams

Seconded: Cr Furlan

CNC14/19-20

That items 16.3.4, 16.3.5, 16.4.2, 16.4.3, 16.4.4, 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 –June 2019

Moved: Cr Furlan
Seconded: Cr Ashby

CNC15/19-20

That Council receives and notes the Monthly Financial Report as at 30 June 2019.

CARRIED

16.3.2 Works Report June 2019

Moved: Cr Wilkins
Seconded: Cr Williams

CNC16/19-20

That Council receives and notes the Works Report for June 2019.

CARRIED

16.3.3 2018/19 CAPEX Projects Status Report as at 30 June 2019

Moved: Cr Wilkins
Seconded: Cr Williams

CNC17/19-20

That Council receive and note the 2018/19 CAPEX Projects Status Report as at 30 June 2019.

CARRIED

16.3.4 Customer Experience Quarterly Service Report

Moved: Cr Williams
Seconded: Cr Furlan

CNC14/19-20

That Council receive and note the Customer Experience Quarterly Report for the period April to June 2019.

CARRIED

16.3.5 Eastern Adelaide Zone Emergency Management

Moved: Cr Williams
Seconded: Cr Furlan

CNC14/19-20

That Council receives and notes the Eastern Adelaide Zone Key Hazards & Risks Summary Emergency Management Plan.

CARRIED16.4 Subsidiaries

16.4.1 ERA Water Operations Progress Report

Moved: Cr Ashby
Seconded: Cr Furlan

CNC18/19-20

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

CARRIED

16.4.2 ERA Water Board Minutes

Moved: Cr Williams
Seconded: Cr Furlan

CNC14/19-20

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 28 June 2019.

CARRIED

16.4.3 Eastern Health Authority Board of Management Minutes

Moved: Cr Williams
Seconded: Cr Furlan

CNC14/19-20

That Council receive and note the minutes of the Eastern Health Authority Board of Management meeting held on 26 June 2019 appearing as Attachment A to this report

CARRIED

16.4.4 East Waste Board Minutes

Moved: Cr Williams
Seconded: Cr Furlan

CNC14/19-20

That Council receives and notes the East Waste Board minutes of the ordinary meeting convened on 20 June 2019 and the minutes of the special East Waste Board meeting convened on 1 July 2019

CARRIED16.5 Outstanding Council Resolutions

16.5.1 Outstanding Council Resolutions

Moved: Cr Ashby
Seconded: Cr Joshi

CNC19/19-20

That Council receive and note the list of Council resolutions currently being processed as at 11 July 2019.

CARRIED**17 CORRESPONDENCE**

Moved: Cr Williams
Seconded: Cr Furlan

CNC20/19-20

That the correspondence, as listed below, with the exception of Item 17.7, be received and noted.

- 17.1 Correspondence to Mayor Fricker from Mayor Karen Redman Chairperson GAROC
- 17.2 Correspondence to Mayor Fricker from the Australia Day Council
- 17.3 Correspondence to Mayor Fricker from the Hon Steven Marshall MP Premier of South Australia
- 17.4 Correspondence to Mayor Fricker from Mayor Jan - Claire Wisdom, Mayor Adelaide Hills Council
- 17.5 Correspondence to Mayor Fricker from the Hon Corey Wingard MP
- 17.6 Correspondence to Mayor Fricker from Michael Lennon, Chair, State Planning Commission

17.7 Correspondence to Mayor Fricker from the Reverend Sam Goodes

17.8 Correspondence to Mayor Fricker from Bronwyn Jolly, Aide to the Governor of South Australia

17.9 Correspondence to Mayor Fricker from the Hon Justin Hanson

CARRIED

17.7 Correspondence to Mayor Fricker from the Reverend Sam Goodes

Mayor Fricker declared a perceived conflict of interest in Item 17.7 Correspondence to Mayor Fricker from the Reverend Sam Goodes as St Andrews is her family church. Myor Fricker advised that she will remain in the room and participate in the debate and vote if required.

Moved: Cr Williams

Seconded: Cr Joshi

CNC21/19-20

That the correspondence from the Reverend Sam Goodes be accepted.

CARRIED

18 URGENT OTHER BUSINESS

Nil

19 CONFIDENTIAL ITEMS

19.1 Masterplanning Strategic Sites

The time being 8.07pm Cr Ashby left the chamber.

Moved: Cr Joshi

Seconded: Cr Coleman

CNC22/19-20

Recommendation (Public)

Pursuant to s90(3)(b)

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 Magro, Group Manager Asset & Infrastructure Josh Bowen, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Katy Bone, Group Manager Customer Experience Danielle Garvey, Manager Marketing & Communications Sonia DeNicola, Manager Community Development & Engagement Fiona Deckert, Business Analyst (Property & Contracts) Scott Reardon and Council Secretariat Vanessa Davidson be excluded from attendance at the meeting for Agenda Item 'Masterplanning Strategic Sites'.

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.

In addition, Council has further considered that the information would on balance be contrary to the public interest because the disclosure of Council's commercial position may severely prejudice Council's ability to negotiate an outcome for the benefit of the Council and the community in this matter.

The time being 8.07pm the meeting moved into confidence.

The time being 8.09pm Cr Ashby returned to the chamber.

Recommendation (Confidential)

Moved: Cr Nenke

Seconded: Cr Coleman

CNC23/19-20

1. That Council receives and notes the Masterplanning Strategic Sites report prepared by the CEO in response to the confidential Council resolution **CNC309/18-19** (18 March 2019).
2. That Council authorise the CEO to commences a 'select expression of interest' (SEOI) process in line with Council's Procurement Policy and in so doing recognises that only the following organisations will be invited to participate in the process:
 - Resthaven Incorporated
 - Omega Communities
 - Latitude Air
 - Southern Cross Care (SA & NT) Inc.
 - Clayton Church Homes Inc.
3. That Council authorise the CEO to engage a property development expert (consultant) to assist in the drafting of the SEOI documentation.
4. That the CEO provide a further report to Council outlining the outcome of the SEOI process, including further recommendations for Councils consideration.

CARRIED

Recommendation (Public)

Moved: Cr Joshi

Seconded: Cr Ashby

CNC24/19-20

Pursuant to s.91(7)

That having considered Agenda Item 'Masterplanning Strategic Sites' 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 relevant to this Agenda Item be retained in confidence for a period of 4 years or until the matter has been finalised, excepting that Council authorises the release of the minutes to substantive parties to enable enactment of the resolution. Further, 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 8.34pm the meeting moved out of confidence.

19.2 East Waste – Reappointment of Independent Chairman

Recommendation (Public)

Moved: Cr Williams

Seconded: Cr Joshi

CNC25/19-20

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 Magro, Group Manager Assets and Infrastructure Josh Bowen, Group Manager Corporate Services Katy Bone, Group Manager Customer Experience Danielle Garvey, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Manager Community Development & Engagement Fiona Deckert, Manager Communications & Marketing Sonia DeNicola and Council Secretariat Vanessa Davidson be excluded from attendance at the meeting for Agenda item 'East Waste – Reappointment of Independent Chairman'.

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 information pertaining to the reappointment of the independent Chairman of East Waste and pursuant to section 90(3)(h) legal advice provided to East Waste from Michael Kelledy, Kelledy & Jones.

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 details may prematurely be disclosed before the details have been discussed with East Waste.

CARRIED

The time being 8.34pm the meeting moved into confidence.

Recommendation (Confidential)**Moved:** Cr Wilkins**Seconded:** Cr Williams**CNC26/19-20**

That Council having considered the request received from the General Manager of East Waste, to reappoint Mr Brian Cunningham as the Independent Chairman for a further two years, has determined that the live conflict of interest remains, given that East Waste has recently signed a three year contract with NAWMA for the receipt and processing of East Waste's recyclables and that Mr Brian Cunningham is the Chairman of NAWMA. On this basis Council has resolved not to support the reappointment of Mr Brian Cunningham for a further two year term.

CARRIED**Recommendation (Public)****Moved:** Cr Joshi**Seconded:** Cr Nenke**CNC27/19-20**Pursuant to s.91(7)

That having considered Agenda Item East Waste – Reappointment of Independent Chairman in confidence under section 90(2) and (3)(a) and (3)(h) 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 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* Council and re-admit the public.

CARRIED

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

19.3 East Waste Board Meeting - Confidential Minutes

Recommendation (Public)**Moved:** Cr Ashby**Seconded:** Cr Williams**CNC28/19-20**

Pursuant to s90 (3) (k)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public except, the Group Manager Assets and Infrastructure, Joshua Bowen, Group Manager Corporate Services, Katy Bone, Group Manager Planning, Environment and Regulatory Services, Andreea Caddy, Group Manager Customer Experience, Danielle Garvey, Manager Communications and Marketing, Sonia De Nicola, Manager Community Development and Engagement, Fiona Deckert and Council Secretariat, Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 19.2 East Waste Board Meeting – Confidential Minutes.

The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the supply of goods, the provision of services or the carrying out of works in relation to the operations of East Waste on behalf of the Constituent Councils.

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 information to be disclosed and discussed has the potential to impact adversely on each of the tenderers as competitive commercial information will be disclosed.

The time being 8.48pm the meeting moved into confidence.

Recommendation (Public)

Moved: Cr Ashby

Seconded: Cr Williams

CNC29/19-20

That Council receives and notes the confidential minutes of the East Waste Board meeting held on 20 June 2019.

Recommendation (Public)

Moved: Cr Ashby

Seconded: Cr Joshi

CNC30/19-20Pursuant to s.91(7)

That having considered Agenda Item (19.2) East Waste Board Meeting - Confidential Minutes in confidence under section 90(2) and (3)(k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of the Act orders that Attachment A relative to this Agenda Item be retained in confidence until the contract has been signed and a public announcement has been made and that pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to review and 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 8.49pm the meeting moved out of confidence.

CARRIED

20. CLOSURE

The meeting was declared closed at 8.50pm