



MINUTES

of

COUNCIL MEETING

held in the

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

On

MONDAY 20 MARCH 2017 AT 7.00PM

KIKI MAGRO
CHIEF EXECUTIVE OFFICER

Minutes
20 March 2017

The Mayor declared the meeting open at 7.00pm

Acknowledgement Mr Murray Paech - Town Clerk for the Town of Walkerville 1966-1988

Murray Paech died peacefully on Thursday 2 March 2017 aged 93 years.

Those Elected Members who served during this period found Murray to be the consummate public servant – dedicated to his service to the Town – calm, considered intelligent and amiable whilst always clear in his leadership and strategic in his thinking. That Walkerville still exists today is in no small part due to Murray's leadership. It was considered an honour to serve with him.

He presided over the annexation of Vale Park into Walkerville in 1970, the moving of the Library on Walkerville Terrace and the establishment of the SWAP Library network between the then St Peter's, Walkerville and Prospect Councils, a pre-school and the precursors to various community services widely used today.

He served under 4 mayors over his 22 years of service, retired in 1988 and continued to live in Walkerville for many years. At the time of his retirement in 1988, he was the longest serving Chief Executive Officer in Local Government in SA and we as the current Council send our condolences to his family.

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 D Whiting
Councillor J Williams

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, Mark Kwiatkowski
Property & Contracts Officer, A Down

1.2 Apologies

Nil

1.3 Not Present / Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

MOVED: Councillor Whiting
SECONDED: Councillor Graham-King

That the minutes of the Council meeting held on the 20 February 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

Nil

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

4.1 Mayors Report

MOVED: Councillor Busato
SECONDED: Councillor Fricker

That Council receives and notes the Mayoral Diary from 17 February to 16 March 2017.

CARRIED

5. QUESTIONS WITHOUT NOTICE

Nil

6. QUESTIONS FROM THE GALLERY

Nil

7. QUESTIONS ON NOTICE

7.1 ERA Water – Councillor Webster

Does the CEO have confidence that the following Performance Measures for ERA Water will be completed by the 30th June 2017 as detailed under their 2016/17 Annual Business Plan:

1. to complete the construction of the electrical mechanical electronic network
2. to complete the construction of the civil works and the landscaping program
3. to have the pricing policy approved by April 2016 to enable contract negotiations to commence with customers and ensure the forward financial position of era water remains viable
4. to have the sales agreements with Constituent Councils and DECS signed off
5. to have 50% of the sales agreements with Port Adelaide Enfield, Campbelltown and Prospect Councils signed off
6. to have the operating procedures for electronic management system approved by the Constituent Councils' technical

Mayoral Response

Before asking the Chief Executive Officer to respond, I think it should be understood that the

Chief Executive Officer will be responding as our endorsed ERA Water Board Member.

Administration Response – Chief Executive Officer

Speaking as a Board Member, I can advise that your questions / concerns have been forwarded to the Acting GM / PM.

Council will note that item 14.3.6 in tonight's agenda is the Superintendents Report, which provides a thorough update on the project and specifically in answer to the questions below

1. to complete the construction of the electrical mechanical electronic network.

Yes – this is a requirement of the Funding Agreement with the Commonwealth, which requires Milestone 5 to be completed by 30 April.

2. to complete the construction of the civil works and the landscaping program

Yes – although some landscaping will extend beyond June 2017 as it relates to the wetland – this is driven by the best time to undertaken plantings of selected flora species.

3. to have the pricing policy approved by April 2016 to enable contract negotiations to commence with customers and ensure the forward financial position of era water remains viable.

Pricing Policy was approved by the Board on 8 April 2016, and based on the assumptions outlined in the BRM Holdich Prudential Report, which Council considered in May 2015.

4. to have the sales agreements with Constituent Councils and DECS signed off.

This matter has been referred to the Acting GM / PM – however I draw Councils attention to the update provided under item 14.3.6 Superintendents Report under section 3: Customer Contracts.

5. to have 50% of the sales agreements with Port Adelaide Enfield, Campbelltown and Prospect Councils signed off

This matter has been referred to the Acting General Manager / Project Manager

6. to have the operating procedures for electronic management system approved by the Constituent Councils' technical staff.

This matter has been referred to the Acting General Manager / Project Manager

7.2 Liaison Group Meeting – Councillor Graham-King

"Following representation from several ratepayers including some concerned Walkerville Terrace business owners, I have undertaken on their behalf to seek information relating to a recent meeting held at the Coffee Institute with some elected members, Council administration staff and selected ratepayers including a well-known developer in attendance.

Will administration please provide council with a full report of the meeting that includes:

- Who initiated the meeting and the reason for its convening;
- A list of names of attendees;
- Minutes taken by Council staff of any discussions;
- Costs associated with the meeting borne by ratepayers, if any;

- Future action proposed by Council arising from the meeting."

Mayoral Response

Councillor Graham-King this question is not a Council Administration issue, it is my activity and I will respond to the question and repeat to you what I have already explained to you on the day of the Liaison Group Meeting, mainly for the information of other elected Members.

This event was part of the second round of Mayor's Liaison group meetings, and by way of some background, we initiated the first of these meetings and received only 2 acceptances and as such it was cancelled.

The next try, we received 7 acceptances (2 Landlords and 5 Traders) and held a Luncheon at the Town Hall with a guest speaker involved. Results of which were discussed at our Strategic Planning day.

For this second Round, the 2 Elected Members allocated to this Activation of Walkerville Terrace, namely, Councillor Shetliffe and Councillor Williams and I met over coffee to determine what our next approach should be, and it was our belief we should restrict the next meeting to Commercial Property Owners only as collectively they play an integral role in the vitalisation of the Terrace, and have a guest speaker and hold the event on Walkerville Terrace not the Town Hall.

The guest speaker we chose was a property developer that had just become a commercial property owner on the Terrace.

This approach gave us the best result in attendances of any of the liaison group meetings, having 20 people attend.

The Chief Executive Officer, attended for two reasons, the first being that we had to have an officer of the Council in attendance in regard to the one night liquor licence that we sought and second, I thought it would be beneficial for the Chief Executive Officer and the Deputy Mayor to listen to the talk by the guest speaker and the questions and answers that took place, but not participate in the meeting.

In regard to the notes taken at the meeting to which I scribed on work sheets, these will be heard by the full Council at the next Elected Member Workshop, along with the 3 other Liaison group reports to determine if Council requires funds to address any meaningful subject/event/action in our next budget.

In regards to costs, the costs, like the first luncheon meeting will be deducted from the Mayors very small sum held by Administration to cover activities that the Mayor thinks are for the betterment of the Community. The costs were on par with that of the first luncheon.

This event also helped promote and support 3 local traders on the Terrace, namely, Fassina, the Coffee Institute and GitInJarli.

The feedback we have had from this event has been extremely positive and we now need to build upon it.

7. PETITIONS

Nil

9. PRESENTATIONS

Craig Rowe from CL Rowe & Associates was in attendance to speak to item 12.2.1 Elector Representation Review

Graham Bean from New Focus was in attendance to speak to item 14.3.1 Community Satisfaction Survey

10. MOTIONS WITHOUT NOTICE

Nil

11. MOTIONS WITH NOTICE

11.1 ERA Water Expenditure – Councillor Webster

MOVED: Councillor Webster

SECONDED: Councillor Graham-King

That the CEO provides Council with total costs for services provided on behalf of ERA Water from the 1st May 2015 to 28th February 2017 covering:

- executive functions of our CEO on behalf of ERA Water
- office space provision for the acting General Manager
- secretariat functions
- tendering functions and
- accounting functions

and that the CEO confirms we have been reimbursed for the above costs.

Motion Lost

At 7.38 pm a division was requested by Councillor Webster

This set aside the Mayor's declaration that the Motion was lost the Mayor then took the division being:

Those for the motion: Councillors Webster & Graham-King

Those against the motion: Councillors Shetliffe, Whiting, Fricker, Busato, Williams & Bishop

As a result of the Division the Mayor declared the **Motion** was **Lost**

12. REPORTS REQUIRING DECISION OF COUNCIL

12.1 Strategy

Nil

12.2 Policy

12.2.1 Policy Review Internal Review of Council Decisions

MOVED: Councillor Whiting

SECONDED: Councillor Webster

CNC330/16-17

That Council adopts the revised Internal Review of Council Decisions Policy marked as Attachment A.

CARRIED

12.2.2 (Draft) Damage to Council Infrastructure Policy

MOVED: Councillor Webster
SECONDED: Councillor Shetliffe

CNC331/16-17

That Council release the (DRAFT) Damage to Council Infrastructure Policy for public consultation with the inclusion on page 1 of 6 of the Draft Policy next to statement signs include signs/furniture and page 3 of 6 definition to include property owner or their agent and a final report be presented to Council for its consideration, prior to final adoption.

CARRIED

12.3 Operational

12.3.1 Elector Representation Review

MOVED: Councillor Busato
SECONDED: Councillor Shetliffe

CNC332/16-17

1. That Council formally note and receive the four submissions which were received during the first public consultation stage of the elector representation review.
2. That Council agree 'in principle' to the following.
 - 2.1 The principal member of Council continue to be a mayor elected by the community.
 - 2.2 The Council area not be divided into wards (i.e. the existing "no wards" structure be retained).
 - 2.3 The future elected body of Council comprise the mayor and eight (8) area councillors.
 - 2.4 The current name of the Council be retained.
3. Based on recommendation 2, a draft Representation Review Report be prepared for the consideration by Council, pursuant to the provisions of Section 12(8a) of the Local Government Act 1999.

CARRIED

12.3.2 Local Government Association of South Australia – Public Awareness Campaign

MOVED: Councillor Shetliffe
SECONDED: Councillor Whiting

CNC333/16-17

That Council:

1. Notes the unanimous decision from South Australian Councils at the 2016 LGA Ordinary General Meeting to reject rate capping;
2. Continues to oppose rate capping in any form;
3. Agrees to support and participate in the LGA's public awareness campaign including placing material in quarterly rates notices;
4. Notes the LGA will continue to work with all Members of Parliament and political parties to ensure rate capping is not imposed on South Australian communities.

CARRIED

12.3.3 Local Government Association of South Australia – Council's Proxy Delegate

MOVED: Councillor Shetliffe
SECONDED: Councillor Graham-King

That Council's Deputy Mayor be nominated as Council's proxy voting delegate at the Local Government Association's Ordinary and Annual General Meetings.

CARRIED

13. IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

MOVED: Councillor Shetliffe
SECONDED: Councillor Fricker

CNC334/16-17

That items 14.1.1, 14.3.3, 14.3.4, 14.3.5 & 14.3.9 be moved as per their recommendations.

CARRIED

14. REPORTS PRESENTED FOR INFORMATION

14.1 Strategy

14.1.1 Tree Management Strategy Update - March 2017

MOVED: Councillor Shetliffe
SECONDED: Councillor Fricker

CNC335/16-17

That the Council receives and notes the report titled '*Tree Management Strategy Update – March 2017*'.

CARRIED

14.2 Policy

14.2.1 Statutes Amendment (Planning, Development and Infrastructure) Act 2017 update

MOVED: Councillor Graham-King
SECONDED: Councillor Williams

CNC336/16-17

That the Council receive and note the update in relation to the Statutes Amendment (Planning, Development and Infrastructure) Act 2017.

CARRIED

14.3 Operational

14.3.1 Community Satisfaction Survey

MOVED: Councillor Shetliffe

SECONDED: Councillor Whiting

CNC337/16-17

That Council receive and note the 'Community Satisfaction Survey' results, prepared by new**focus** and appearing as Attachment A.

CARRIED

14.3.2 2016 2017 CAPEX Projects Status Report March 2017

At 8.50pm Councillor Whiting left the Chamber

At 8.55pm Councillor Whiting re entered the Chamber

MOVED: Councillor Graham-King

SECONDED: Councillor Bishop

CNC338/16-17

1. That the 2016/17 CAPEX Projects Program Status Report, March 2017, be received and noted.
2. That Council defer CAPEX Program No.9 (2016/17) – Linear Park Lighting Up-Grade to 2017/18, given accessibility issues to path and lighting infrastructure, associated with the O'Bahn City Access Project.
3. That funds specifically set aside for Levi Park Cabin Up-Grades, be reallocated to Levi Park Public Convenience Up-Grades (facility adjacent to Levi Oval), to facilitate a greater level of service for users of Levi Oval.

CARRIED

14.3.3 Monthly Financials

MOVED: Councillor Shetliffe

SECONDED: Councillor Fricker

CNC339/16-17

That Council receives and notes the Monthly Financial Report as at 28 February 2017.

CARRIED

14.3.4 Works Report for February 2017

MOVED: Councillor Shetliffe

SECONDED: Councillor Fricker

CNC340/16-17

That Council receives and notes the Works Report for February 2017.

CARRIED

14.3.5 Customer Experience Service Report

MOVED: Councillor Shetliffe

SECONDED: Councillor Fricker

CNC341/16-17

That Council receives and notes the Customer Experience Service Report for February 2017.

CARRIED

14.3.6 ERA Water Superintendents Report

MOVED: Councillor Webster

SECONDED: Councillor Williams

CNC342/16-17

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

CARRIED

14.3.7 ERA Water Board Minutes

MOVED: Councillor Webster

SECONDED: Councillor Shetliffe

CNC343/16-17

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 17 February 2017.

CARRIED

14.3.8 East Waste Board Minutes

MOVED: Councillor Bishop

SECONDED: Councillor Busato

CNC344/16-17

That Council receives and notes the East Waste Board Minutes for the meeting convened on 23 February 2017.

CARRIED

14.3.9 East Waste Management Authority Tonnage Rates

MOVED: Councillor Shetliffe

SECONDED: Councillor Fricker

CNC345/16-17

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 January 2017 be received and noted.

CARRIED

14.3.10 Correspondence

CNC346/16-17

MOVED: Councillor Williams

SECONDED: Councillor Graham-King

That Correspondence marked as attachment A - D be noted.

CARRIED

14.3.11 Outstanding Council Resolutions/Actions Report

MOVED: Councillor Shetliffe

SECONDED: Councillor Busato

CNC347/16-17

That Council receives and notes the list of Council resolutions currently being processed as at 20 March 2017.

CARRIED

15. URGENT OTHER BUSINESS

Nil

16. CONFIDENTIAL ITEM

16.1.1 Leases and Licences Status Report - March 2017

MOVED: Councillor Shetliffe

SECONDED: Councillor Busato

CNC348/16-17

Pursuant to s90(3)(d)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council that all members of the public except the Council's Chief Executive Officer, Kiki Magro, General Manager, Heather Barclay, Property and Contract Officer, Allison Down, Protocol, Compliance & Governance Officer, Deb Bria, Finance Manager, Gary Lewis & Manager Assets and the Infrastructure Joshua Bowen be excluded from attendance at the meeting for the report 16.1.1 Leases and Licences Status Report - March 2017

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information that is commercial information of a confidential nature the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or that would confer a commercial advantage on a third party and that would, on balance, be contrary to the public interest.

CARRIED

16.1.1 Leases and Licences Status Report - March 2017

Recommendation

MOVED: Councillor Shetliffe

SECONDED: Councillor Fricker

CNC349/16-17

That the Lease and Licence Up-Date Report, 20 March 2017, be received and noted.

CARRIED

Recommendation

CNC350/16-17

MOVED: Councillor Busato

SECONDED: Councillor Fricker

Pursuant to s.91(7)

That having considered the Agenda Item 16.1.1 Lease and Licence Up-Date Report, 20 March 2017 in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report entitled Lease and Licence Up-Date Report, 20 March 2017 relevant to this Agenda Item be retained in confidence (excepting that Council authorises the release of the resolution / minutes) until the matters are resolved 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

16.1.2 ERA Water – BRM Holdich Report to City of Burnside

MOVED: Councillor Busato

SECONDED: Councillor Fricker

CNC351/16-17

Pursuant to s90(3)(d)

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, General Manager Heather Barclay, Protocol Governance & Compliance Officer Deb Bria, Finance Manager Gary Lewis and the Manager Assets & Infrastructure, Joshua Bowen be excluded from attendance at the meeting for the report 16.1.2 ERA Water – BRM Holdich Report to City of Burnside.

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which 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*

In addition, Council has further considered that the information would on balance be contrary to the public interest because the disclosure of this information could reasonably be expected to prejudice the commercial position of the person who supplied the information. Disclosure of this financial information could reasonably be expected to provide the market competitors with sensitive financial and pricing policy information and would work to the detriment of the Council's subsidiary, ERA Water.

CARRIED

16.1.2 ERA Water – BRM Holdich Report to City of Burnside

Recommendation (Confidential)

MOVED: Councillor Webster

SECONDED: Councillor Fricker

CNC352/16-17

1. That the BRM Holdich report commissioned by the City of Burnside be received and noted; and
2. That Council provide the following comments / feedback to ERA Water Board:
 - Walkerville Council supports the existing terms of the Charter in which any operating surplus is distributed in proportion with the equitable interest in the subsidiary, rather than according to the underpinning financial contribution being made by each of the Constituent Councils (through commitment to water volumes);
 - That the ERA Water Board urgently addresses the recommendations as detailed in the BRM Holdich Report.

CARRIED

16.1.2 ERA Water – BRM Holdich Report to City of Burnside

Recommendation (Public)

MOVED: Councillor Fricker

SECONDED: Councillor Busato

CNC353/16-17

Pursuant to s.91(7)

That Council having considered Agenda Item 16.1.2 ERA Water – BRM Holdich Report to City of Burnside in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that report and attachments relevant to this Agenda Item be retained in confidence for a period of 12 months 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 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* Council and re-admit the public.

CARRIED

16.1.3 ERA Water Financial Report

MOVED: Councillor Graham-King

SECONDED: Councillor Fricker

CNC354/16-17

That pursuant to Section 90(2) of the Local Government Act 1999 Council order that the public be excluded, with the exception of the Chief Executive Officer, Kiki Magro, General Manager, Heather Barclay, Protocol Compliance and Governance Officer, Deb Bria, Manager Finance, Gary Lewis and the Manager Assets & Infrastructure, Joshua Bowen from being present at the meeting on the basis that the matter contained in this report 16.1.3 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

Recommendation (Confidential)

MOVED: Councillor Whiting

SECONDED: Councillor Busato

CNC355/16-17

That the ERA Water Financial Report as at 3 February 2017 be received and noted.

CARRIED

Recommendation

MOVED: Councillor Whiting

SECONDED: Councillor Fricker

CNC356/16-17

That the Council, having considered Agenda Item 16.1.3 ERA Water Financial Report 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

CLOSURE

The meeting closed at 10.08pm