



MINUTES

of

COUNCIL MEETING

held via

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

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

on

MONDAY 15 FEBRUARY 2021 AT 7PM

MINUTES
15 February 2021

The Meeting was declared open at 7.00pm.

1. ATTENDANCE RECORD

1.1 Present

Mayor Elizabeth Fricker
Cr MaryLou Bishop
Cr Rob Ashby AM
Cr Norm Coleman OAM
Cr Stephen Furlan
Cr Jennifer Joshi
Cr James Nenke
Cr Conrad Wilkins
Cr James Williams

Staff in Attendance

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 and Regulatory Services, Andreea Caddy
Manager Community Development and Engagement, Fiona Deckert
Business Analyst (Property and Contracts), Scott Reardon
Communications Officer, Sarah Spencer
Acting Council Secretariat, Rae Pluck

1.2 Apologies

Nil.

1.3 Not Present / Leave of Absence

CNC276/20-21

Moved: Cr Wilkins

Seconded: Cr Joshi

That Council approve Cr Ashby's request for Leave of Absence from 5 March to 11 March 2021, inclusive.

CARRIED

2. CONFIRMATION OF MINUTES

2.1 Council meeting held on 18 January 2021

CNC277/20-21

Moved: Cr Furlan

Seconded: Cr Ashby

That the minutes of the Ordinary Council meeting held on the 18 January 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

- Cr Williams declared a perceived interest in agenda item 16.3.4 as he lives near the site and owns a business in the vicinity of the site. He advised that he would remain in the Chamber during the discussion of the item, participate in the debate and vote on the agenda item.
- Cr Furlan declared a perceived interest in agenda item 16.3.4 as his family has an interest in property near the site. He advised that he would remain in the Chamber during the discussion of the item, participate in the debate and vote on the agenda item.

4. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Nil.

5. MAYORS DIARY

5.1 Mayors Diary

CNC278/20-21

Moved: Cr Wilkins

Seconded: Cr Bishop

The Council receives and notes the Mayoral Diary from 15 January 2021 to 11 February 2021.

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 ERA Water Board Meeting – Cr Bishop

8. QUESTIONS FROM THE GALLERY

Nil.

9. QUESTIONS WITHOUT NOTICE

9.1 Cr Williams sought clarification on the planting of tree species and management of Linear Park. He was advised by Administration that a list of appropriate tree species, in line with Councils Urban Forest Strategy and Tree Management Plan was in the process of being compiled and once complete will be uploaded to Councils website.

10. QUESTIONS WITH NOTICE

Nil.

11. PETITIONS

Nil.

12. MOTIONS WITHOUT NOTICE

CNC279/20-21

Moved: Cr Nenke

Seconded: Cr Ashby

As per resolution 16.1 (CNC 268/20-21) of the January minutes, having had the opportunity to review the feedback received from the community regarding the revocation of 39 Smith Street, that a workshop be held within 30 days where Elected Members can discuss the general feedback received and the implications of proceeding with the revocation application to the Minister.

LOST

Cr Ashby called for a Division.

Elected Members voting in favour of the motion: Cr Williams, Cr Ashby, Cr Nenke.

Elected Members voting against the motion: Cr Joshi, Cr Wilkins, Cr Furlan, Cr Coleman and Cr Bishop.

13. MOTIONS WITH NOTICE

Nil.

14. REPORTS REQUIRING DECISION OF COUNCIL

14.1 Strategy

Nil.

14.2 Policy

14.2.1 Use of Council Parks, Gardens, Reserves and Open Space Policy Review

CNC280/20-21

Moved: Cr Bishop

Seconded: Cr Wilkins

1. That Council receives and notes the Use of Parks, Gardens, Reserves and Open Space Policy Review report.
2. That Council release the Use of Parks, Gardens, Reserves and Open Space Policy, appearing as Attachment A to this report, for public consultation.
3. That Council authorise Administration to make any changes to the Use of Parks, Gardens, Reserves and Open Space Policy of a minor technical or formatting nature prior to releasing the policy for public consultation.

CARRIED

14.2.2 Order Making Policy Review

CNC281/20-21

Moved: Cr Wilkins

Seconded: Cr Ashby

1. That Council receives and notes the Order Making Policy Review report.
2. That on the basis that this policy has received no substantive changes, Council endorse and adopt the Order Making Policy, appearing as Attachment A to this report.

CARRIED

14.2.3 Public Land Encroachment Policy Review

CNC282/20-21

Moved: Cr Williams

Seconded: Cr Furlan

1. That Council receives and notes the Public Land Encroachment Policy Review report.
2. That on the basis that this policy has received no substantive changes, Council endorse and adopt the Public Land Encroachment Policy, appearing as Attachment A to this report.

CARRIED

14.3 Operational

14.3.1 Treasury Report

CNC283/20-21**Moved:** Cr Furlan**Seconded:** Cr Wilkins

1. That Council receives and notes the Treasury Report.
2. That Council resolves to advise the Local Government Finance Authority in writing, to convert a \$3.5m portion of existing cash advance facility debenture CAD75 (issued by the Council under section 135 of the *Local Government Act 1999*) to a fixed rate cash advanced facility of 1.70% rate for a period of 5 years, with a commencement date of 16 February 2021.
3. That Council acknowledges that the total debt ceiling approved during the 2020/21 Annual Business Plan will remain unchanged.

CARRIED

14.3.2 Budget Review Two (2) – 2020/2021

Moved: Cr Nenke**Seconded:** Cr Ashby

That Council adopts Budget Review two (2) for the 2020/21 financial year and the variances contained within it, as its amended budget, including the removal of funds to the Heritage Street signage and Heritage Trail Marker signs (\$74,916) for the period ending 30 June 2021.

The Motion was withdrawn**CNC284/20-21****Moved:** Cr Wilkins**Seconded:** Cr Williams

That agenda item 14.3.2 Budget Review 2 – 2020/2021 be held over to the March 2021 Council meeting.

CARRIED

14.3.3 Draft Policy of Notification – Accredited Professionals

CNC285/20-21**Moved:** Cr Furlan**Seconded:** Cr Wilkins

1. That Council receive and note this report and the Draft Policy of Notification - Accredited Professionals found in Attachment A.
2. That Council endorse the Draft Notification Policy - Accredited Professionals found in Attachment A to be released for public consultation in accordance with Council's Community Engagement and Consultation Policy.

CARRIED

14.3.4 Walkerville Street Wander Consultation Feedback & Next Steps

CNC286/20-21

Moved: Cr Williams

Seconded: Cr Joshi

1. That Council receives and notes the Walkerville Street Wander Consultation Feedback & Next Steps report;
2. That Council, noting the feedback and verbal advice outlined in this report, direct Administration to commence preliminary planning for a street party event to take place in the first quarter of 2022, so as to understand the full scope of costs and restrictions associated with running said event;
3. That following the completion of recommendation 2, a subsequent report be submitted to Council for their consideration; and
4. In the interim, Council supports Administration approaching local food businesses for expressions of interest in being part of the 2021 Food Fringe Festival and approves funding of registration and promotion for interested businesses up to \$3,000 in total from the community fund budget.

CARRIED

14.3.5 Clean Birth Kits Assembly Evening

CNC287/20-21

Moved: Cr Joshi

Seconded: Cr Bishop

That Council waive the security and hire fees for the Walkerville Rotary Club to hold a Clean Birth Kits Assembly Evening on Wednesday 3 March 2021 in the Town Hall.

CARRIED

14.4 Subsidiaries

Nil.

15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

CNC288/20-21

Moved: Cr Nenke

Seconded: Cr Joshi

That items 16.2.1, 16.3.3, 16.3.4, 16.3.8, 16.3.9 and 16.3.10 be moved as per their recommendations.

CARRIED

16 REPORTS PRESENTED FOR INFORMATION

16.1 Strategy

16.1.1 Local Heritage Development Plan Amendment – Progress Update

CNC289/20-21

Moved: Cr Williams

Seconded: Cr Joshi

That Council receives and notes the report entitled Local Heritage Development Plan Amendment (DPA) progress update.

CARRIED

16.2 Policy

16.2.1 Council Assessment Panel – Review of Assessment Manager’s Decision and Meeting Procedures

CNC290/20-21

Moved: Cr Nenke

Seconded: Cr Joshi

That Council receive and note this report titled ‘Council Assessment Panel – Review of Assessment Manager’s Decision and Procedures’ and the associated policy and procedures found in Attachments A and B, respectively.

CARRIED

16.3 Operational

16.3.1 Monthly Financial Report

CNC291/20-21

Moved: Cr Furlan

Seconded: Cr Wilkins

That Council receives and notes the Monthly Financial Report as at 31 January 2021.

CARRIED

16.3.2 Works Report for January 2021

CNC292/20-21

Moved: Cr Ashby

Seconded: Cr Williams

That Council receives and notes the Works Report for January 2021.

CARRIED

16.3.3 2021/2022 Budget Timetable

CNC293/20-21**Moved:** Cr Nenke**Seconded:** Cr Joshi

That Council receives and notes the proposed Annual Business Plan & Budget Process Timetable for the 2021 / 2022 financial year.

CARRIED

16.3.4 Establishment of the Strategic Property (Smith & Fuller) EOI Evaluation Panel

CNC294/20-21**Moved:** Cr Nenke**Seconded:** Cr Joshi

That Council receive and note the Establishment of the Strategic Property (Smith & Fuller) EOI Evaluation Panel report.

CARRIED

16.3.5 Willow Bend Toilet Upgrade

CNC295/20-21**Moved:** Cr Ashby**Seconded:** Cr Wilkins

That agenda item 16.3.5 Willow Bend Toilet Upgrade be held over to the March 2021 Council meeting.

CARRIED

16.3.6 Levi Oval Tennis Court Surrounds

CNC296/20-21**Moved:** Cr Ashby**Seconded:** Cr Wilkins

1. That Council receives and notes the Levi Park Oval Consultation Feedback.
2. That Council receives and notes the upgrade plans for the Levi Park tennis court surrounds, as shown in Attachment D, including the addition to the original plan of a BBQ under the picnic shelter.

CARRIED

16.3.7 Community Services Quarterly Report

CNC297/20-21**Moved:** Cr Furlan**Seconded:** Cr Joshi

That Council receives and notes the Community Services Quarterly Report for the period October to December 2020.

CARRIED

16.3.8 Australia Day Citizenship Ceremony 2021

CNC298/20-21**Moved:** Cr Nenke**Seconded:** Cr Joshi

That the 2021 Australia Day Citizenship Ceremony report be received and noted.

CARRIED

16.3.9 Audit Committee Minutes 28 January 2021

CNC299/20-21**Moved:** Cr Nenke**Seconded:** Cr Joshi

That Council receives and notes the minutes of the Audit Committee meeting convened on 28 January 2021.

CARRIED

16.3.10 Women of Walkerville Committee Minutes 21 January 2021

CNC300/20-21**Moved:** Cr Nenke**Seconded:** Cr Joshi

That Council receives and notes the minutes of the Women of Walkerville Committee meeting held on 21 January 2021.

CARRIED16.4 Subsidiaries

16.4.1 ERA Water Board Minutes 5 February 2021

CNC301/20-21**Moved:** Cr Bishop**Seconded:** Cr Furlan

That Council receives and notes the ERA Water Board Minutes for the meetings convened on 5 February 2021.

CARRIED

16.5 Outstanding Council resolutions

CNC302/20-21

Moved: Cr Ashby

Seconded: Cr Williams

That Council receives and notes the list of Council resolutions currently being processed as at 11 February 2021.

CARRIED

17 CORRESPONDENCE

CNC303/20-21

Moved: Cr Wilkins

Seconded: Cr Furlan

That the correspondence as listed below be received and noted.

17.1 Correspondence to Mayor Fricker from Senator the Hon Simon Birmingham

17.2 Cyber security reports from SA Auditor General's Department

CARRIED

18 URGENT OTHER BUSINESS

Nil.

19 CONFIDENTIAL ITEMS

19.1 Appointment of External Auditor 2021-2023

CNC304/20-21

Moved: Cr Wilkins

Seconded: Cr Ashby

Recommendation Public

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, 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, Business Analyst (Property & Contracts) Scott Reardon, Communications Officer Sarah Spencer and Acting Council Secretariat

be excluded from attendance at the meeting for Agenda Item 19.1 Appointment of External Auditor 2021-2023.

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 provision of external auditor services.

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 Council has not yet made a decision in relation to this matter, and the legal advice and is subject to professional privilege.

CARRIED

The time being 8.50pm the meeting moved into confidence.

CNC305/20-21

Moved: Cr Ashby

Seconded: Cr Joshi

Recommendation (Confidential)

1. That Council receive and note the Appointment of External Financial Auditor 2021-2023 report.
2. That Council appoint BDO as Council's External Auditor for the period of three (3) years, with discretionary option to renew for a further period of up to two (2) additional financial years.

CARRIED

CNC306/20-21

Moved: Cr Wilkins

Seconded: Cr Furlan

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 19.1 Appointment of External Auditor 2021-2023 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 the report, attachments and minutes relative to this Agenda Item be retained in confidence for a period of 12 months or until the matter has been finalised by Council and the tenderers have been duly notified of Councils decision 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.

CARRIED

The time being 9.04pm the meeting moved out of confidence.

19.2 Wesleyan Cemetery – Operational Status Update

CNC307/20-21

Moved: Cr Wilkins

Seconded: Cr Furlan

Recommendation (Public)

Pursuant to s90(3)(h)

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 Asset & Infrastructure Ben Clark, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Monique Palmer, Group Manager Customer Experience Danielle Garvey, Manager Community Development & Engagement Fiona Deckert, Business Analyst (Property & Contracts) Scott Reardon, Communications Officer Sarah Spencer and Acting Council Secretariat be excluded from attendance at the meeting for Agenda Item 19.2 Wesleyan Cemetery - Operational Status Update.

The Council is satisfied that, pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item contains legal advice provided by Council's Lawyers regarding the Operational Status of the Cemetery.

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 Council has not yet made a decision in relation to this matter, and the legal advice and is subject to professional privilege.

CARRIED

The time being 9.05pm the meeting moved into confidence.

CNC308/20-21

Moved: Cr Williams

Seconded: Cr Furlan

Recommendation (Public)

That Council receives and notes the Wesleyan Cemetery - Operational Status Update report.

CARRIED

CNC309/20-21

Moved: Cr Wilkins

Seconded: Cr Ashby

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 19.2 Wesleyan Cemetery - Operational Status Update in confidence under section 90(2) 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 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 the Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* and re-admit the public.

CARRIED

The time being 9.11pm the meeting moved out of confidence.

20. CLOSURE

The meeting was declared closed at 9.11pm.