



# **MINUTES**

of

## **COUNCIL MEETING**

held in

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

on

**MONDAY 15 JUNE 2015 AT 7.00PM**

KIKI MAGRO  
CHIEF EXECUTIVE OFFICER

**MINUTES**  
05 June 2015

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 D Whiting  
Councillor J Williams

Chief Executive Officer, K Magro  
Acting General Manager, H Barclay  
Protocol & Compliance Officer, D Bria  
Financial Controller, M Montu Abraham  
Manager Community Service, F Deckert  
Manager Planning & Infrastructure, B Willmott  
Marketing & Communications Manager, S DeNicola  
Team Leader Assets & Infrastructure, J Bowen  
Property & Contracts Officer, G Krishnan

1.2 Apologies

Nil

1.3 Not Present / Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

**MOVED: Councillor Webster**  
**SECONDED: Councillor Busato**

**CNC364/14-15**

That the minutes of the Special Council meeting on 1 June 2015 be confirmed as a true and accurate record of the proceedings.

**CARRIED**

3. DECLARATIONS OF INTEREST

Councillor Shetliffe informed members he has an interest in matters pertaining to 13 Fife Street Vale Park, as he is a member of the Council's Development Assessment Panel. Councillor Shetliffe did not remain in the Chamber during discussions of matters pertaining to 13 Fife Street Vale Park.

Councillor Graham-King informed members that she has an interest in matters pertaining to 13 Fife Street, as she is a member of Council's Development Assessment Panel. Councillor Graham-King did not remain in the Chamber during discussions pertaining to 13 Fife Street Vale Park.

Councillor Graham-King also informed members she had an interest in item 16.1.1 Walkerville Bowling & Community Club Status Update No.2 (2015) as her Company is a sponsor of the club. Councillor Graham-King remained in the Chamber and participated in the deliberations regarding item 16.1.1.

Councillor Williams informed members he has an interest in matters pertaining to 13 Fife St Vale Park as he is a member of Council's Development Assessment Panel. Councillor Williams did not remain in the Chamber during discussions pertaining to 13 Fife Street Vale Park.

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

##### 4.1 Mayors Report

**MOVED: Councillor Fricker**  
**SECONDED: Councillor Webster**

##### **CNC365/14-15**

That the Mayoral Diary from 19 May 2015 to 15 June 2015 be received and noted.

**CARRIED**

##### 4.2 The Future of Local Government Conference Municipal Association of Victoria

**MOVED: Councillor Shetliffe**  
**SECONDED: Councillor Fricker**

##### **CNC366/14-15**

That the Mayor's report on The Future of Local Government National Summit, held on Thursday 28 May and Friday 29 May 2015 be received and noted.

**CARRIED**

#### 5. QUESTIONS WITHOUT NOTICE

##### 5.1 45 Park Tce Footpath Replacement – Councillor Busato

Why was the developer allowed to replace the damaged footpath with an asphalt path at 45 Park Tce?

Administration Response – Acting General Manager

The developer is reinstating the footpath with asphalt at this time to make it safe for pedestrians. Once the development has been finalised the developer will be required to reinstate the footpath as per its original condition.

#### 6. QUESTIONS FROM THE GALLERY

## 6.1 Intersection of Hawkers Road & Dutton Tce Pedestrian Safety - Dr Pooja Newman

What is the Council planning to do to improve pedestrian safety at the roundabout crossing at the intersection of Hawkers Road and Dutton Terrace?

Administration Response – CEO

At this stage, Council has not identified any works for the roundabout; however, Council has identified works along Hawkers Road, which includes pedestrian refuges. An extensive consultation process will be undertaken regarding the proposed works. The General Manager and I met with the Wilderness School Principal who was provided with an outline of the proposed works and the consultation process. The Principal was encouraged to notify parents on the proposed works and provide feedback as part of the consultation process.

Furthermore, reducing the speed to 40km is currently being considered for Walkerville Tce, this does not mean further consideration will not be given to reducing speed limits within the Council area. A review will be undertaken 6 months after implementation of speed reduction on Walkerville Tce. Following this review Council may further consider alternate areas that may require speed reductions within the area.

## 6.2 DPTI proposed impacts O'Bahn City Access Project – Carolyn Wigg President Walkerville Residents Association

Will the Council seek further advice on any impact the proposed widening at the intersection of Park Terrace and Bunday's Road is likely to have during construction on

- a) Traffic movement, delays and queue lengths and
- b) Road alignments and existing vegetation in the TOW? and

Also whether there will be any consequential delays to motorists travelling into or from the City once the project is completed.

Administration Response - Acting General Manager

A report has been included in tonight's agenda in regard to this matter. Administration have had an initial meeting DPTI and have made it clear that Council is seeking information regarding traffic impacts for Walkerville. The Acting General Manager advised that the question will be taken on notice and further information will be forwarded to the Walkerville Residents Association.

Councillor Shetliffe, Graham-King & Williams left the meeting

## 6.3 Development 13 Fife Street Vale Park – Ms S Colgate

When a building is going to be a habitable dwelling, why it is not classified so that privacy and other issues as related to domestic dwellings are complied with? In a dwelling a single storey building must be 3m off the rear fence and a 2 storey 8m off the rear fence. The massive 2 storey granny flat is 1m off the rear fence why has this been allowed?

Administration Response – Chief Executive Officer

Report item 14.1.1 listed in tonight's agenda makes reference to these issues and provides background to the development. The CEO gave an undertaking to email the report to Ms Colgate.

## 6.4 Development 13 Fife Street Vale Park Ms S Colgate

Due to the many building and procedural irregularities related to 'the granny flat' related to classification, size, positioning on block, POS to name a few, the time for a judicial review related to this matter is long overdue and necessary. What is the correct procedure for beginning a judicial review for the building under construction at 13 Fife Street Vale Park?

Administration Response - Chief Executive Officer

The matter will be considered on 18 June 2015 by Council's Development Assessment Panel. Representors will be provided with the opportunity to speak to their submissions in relation to the development. Members of the public wishing to discuss judicial review have been advised to liaise with the ERD Court who will provide further and better particulars on the process involved.

## 7. QUESTIONS ON NOTICE

### 7.1 Development at 13 Fife Street, Vale Park – Councillor Busato

At the Ordinary Meeting held on the 20<sup>th</sup> of January 2015 Administration provided an update on the development at 13 Fife Street, Vale Park. At that time some demolition was agreed. Has this demolition occurred? Is the building works complete? Have any further approvals been granted or is pending to change the use of the structure from the approved hobbies and store space?

Councillor Busato informed members that item 14.1.1 included in the agenda addresses the questions raised.

## 8. PETITIONS

Nil

## 9. DEPUTATIONS / REPRESENTATIONS

Councillor's Shetliffe, Graham-King & Williams left the chamber during the Deputation on 13 Fife Street, Vale Park.

### 9.1 Deputation

Ms Jacky Jones provided a deputation to Council on the development at 13 Fife Street Vale Park. (this item was also listed at item 14.1.1)

Councillors Shetliffe, Graham-King & Williams re entered the Chamber.

## 10. MOTIONS WITHOUT NOTICE

Nil

## 11. MOTIONS WITH NOTICE

Nil

**MOVED: Councillor Webster**

**SECONDED: Councillor Whiting**

**CNC367/14-15**



That agenda item 14.1.1 Development at 13 Fife Street Vale Park be the first item of consideration.

**CARRIED**

Councillors Graham-King, Shetliffe & Williams left the Chamber while item 14.1.1 was being considered.

14.1.1 Development at 13 Fife Street Vale Park

**MOVED: Councillor Webster**

**SECONDED: Councillor Fricker**

**CNC368/14-15**

That the report be received and noted

and

That Council administration write to each adjoining neighbour apologising for the error with incorrectly processing the application as a Category 1 development when in fact it should initially have been dealt with as a Category 2.

**CARRIED**

**At 8.06pm Cr Whiting left the Chamber**

Councillors Graham-King, Shetliffe & Williams re entered the Chamber.

12. IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Busato**

**CNC369/14-15**

AT 8.10 Cr Whiting re entered the Chamber.

That items 13.1.3, 13.1.5, 13.1.8, 14.1.7, 14.1.9, 14.1.10 & 14.1.11 be moved as per their recommendations.

**CARRIED**

13. STAFF REPORTS REQUIRING DECISION OF COUNCIL

13.1 Operational

13.1.1 Walkerville Oval Irrigation Upgrade Project Revised Options

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Bishop**

**CNC370/14-15**

That Council:

1. Endorse Option 2 (revised) for Walkerville Oval as per Council Agenda Item No.13.1.1 15 June 2015, as recommended in the Turfwise Consulting report (Attachment C);
2. Subject to Council allocating funds in its 2015/2016 budget for Walkerville Oval upgrade; the proposed work above in 1 be completed in 2015/2016.

**CARRIED**

13.1.2 Draft Schedule of Fees & Charges 2015 -16

**MOVED: Councillor Busato**

**SECONDED: Councillor Bishop**

**CNC371/14-15**

That Council:

1. Adopts the Draft Schedule of Fees and Charges (in Attachment A) as the new fees and charges for the Financial Year 2015-16;
2. Receives and notes the "Eastern Region Alliance Council's Fees and Charges Review" reports released by BRM Holdich.

and

that administration provides a cost benefits analysis on the hire of the Civic Centre after 12 months.

### **Amendment**

**MOVED: Councillor Webster**

**SECONDED: Councillor Graham-King**

That the report lay on the table until a workshop has been convened.

**Amendment lost**

The Mayor put the original motion which upon being put was carried.

**MOVED: Councillor Busato**

**SECONDED: Councillor Bishop**

**CNC371/14-15**

That Council:

1. Adopts the Draft Schedule of Fees and Charges (in Attachment A) as the new fees and charges for the Financial Year 2015-16;
2. Receives and notes the "Eastern Region Alliance Council's Fees and Charges Review" reports released by BRM Holdich.

and

that administration provides a cost benefits analysis on the hire of the Civic Centre after 12 months.

**CARRIED**

13.1.3 Indexation for Financial Assistance Grants

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Busato**

**CNC372/14-15**

1. Supports the Australian Local Government Association (ALGA) and Local Government Managers Australia (LGMA) advocacy campaign aimed at the immediate restoration of indexation for Financial Assistance Grants in 2016-17, which Councils receive from the Australian Government;
2. Acknowledges the importance of the grants in assisting Councils to provide important community infrastructure and services.

**CARRIED**

13.1.4 Draft Audit Committee Work Program 2015-16

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Busato**

**CNC373/14-15**

1. That Council receives and notes the Audit Committee Meeting Minutes of 26 May 2015, regarding this matter, Audit Committee item 4.6;
2. That Council adopts the Draft Audit Committee Works Program for FY 2015-16.

**CARRIED**

13.1.5 EHA Budget Review 3 2014-15

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Busato**

**CNC374/14-15**

That Council:

1. That Council receives and notes the Audit Committee Meeting Minutes of 26 May 2015, regarding this matter, Audit Committee item 4.5;
2. Endorse the Eastern Health Authority (EHA) Budget Review 3 inclusive of variations therein, for FY 2014-15;
3. Notes that upon Constituent Councils approval, The Eastern Health Authority may officially resolve to amend the budget and the amended budget will be effective;
4. Directs Administration to write to the Eastern Health Authority (EHA), informing them of Council's endorsement of the Draft Budget Review 3 2014-15.



**CARRIED**

13.1.6 EHA Draft Annual Business Plan & Budget 2015-16

**MOVED: Councillor Busato**  
**SECONDED: Councillor Shetliffe**

**CNC375/14-15**

That Council:

1. That Council receives and notes the Audit Committee Meeting Minutes of 26 May 2015, regarding this matter, Audit Committee item 4.3;
2. Endorse the Eastern Health Authority (EHA) Draft Annual Business Plan & Budget 2015-16;
3. Notes that all Constituent Councils contribute to the operational costs of EHA and any changes to its operations will have a direct impact on Council's financial contribution;
4. Directs Administration to write to the Eastern Health Authority (EHA), informing them of Council's endorsement of the Draft Annual Business Plan & Budget 2015-16.

**CARRIED**

13.1.7 Highbury Landfill Authority - Draft Budget 2015-16

**MOVED: Councillor Busato**  
**SECONDED: Councillor Webster**

**CNC376/14-15**

That Council:

1. That Council receives and notes the Audit Committee Meeting Minutes of 26 May 2015, regarding this matter, Audit Committee item 4.4;
2. Endorse the Highbury Landfill Authority (HLA) Draft Budget 2015-16;
3. Notes that all Constituent Councils contribute to the post-closure management costs of HLA and any changes to its operations will have a direct impact on Council's financial contribution;
4. Directs Administration to write to the Highbury Landfill Authority (HLA), informing them of Council's endorsement of the Draft Budget 2015-16.

**CARRIED**

13.1.8 Proposal to Amend LGA Appointment Process to LGFA Board

**MOVED: Councillor Shetliffe**  
**SECONDED: Councillor Busato**

**CNC377/14-15**

That the Council :

1. Supports the LGA Board decision on 19 March 2015, to change the LGA representative appointment process to the LGFA Board;
2. Directs Administration to respond in writing informing the LGA of Council's decision.

**CARRIED**

### 13.2 Policy

Nil

### 13.3 Strategy

#### 13.3.1 Waterproofing the East - East Water Charter - Amendment

**MOVED: Councillor Whiting**

**SECONDED: Councillor Fricker**

#### **CNC378/14-15**

That Council endorse the revised changes sought by the City of Norwood Payneham & St Peters, to the East Water Charter (Attachment A), which was endorsed by Council on 1 June 2015.

**CARRIED**

### 14. STAFF REPORTS PRESENTED FOR INFORMATION

#### 14.1 Operational

14.1.1 Development at 13 Fife Street Vale Park – Item considered earlier in the agenda.

14.1.2 O-Bahn City Access Project

9.18pm Cr Whiting left the Chamber

9.22pm Cr Whiting re entered the Chamber

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Williams**

#### **CNC379/14-15**

That Council receives and notes the information report regarding the Department of Planning Transport & Infrastructure (DPTI), O'Bahn City Access Project, appearing as Attachment A.

and

That Administration continue to press DPTI in relation to the intersection and potential impact on Park Terrace and recognise the potential change in population in that area.

**CARRIED**

#### 14.1.3 Monthly Financials - May 2015

**MOVED: Councillor Fricker**

**SECONDED: Councillor Webster**

**CNC380/14-15**

That Council receives and notes the Monthly Financial Report for May 2015.

**CARRIED**

14.1.4 Risk Management – Internal Controls Audit Report 2014-15

**MOVED: Councillor Webster**

**SECONDED: Councillor Shetliffe**

**CNC381/14-15**

That Council receives and notes the Internal Controls Audit Report from internal auditors, Control Track Pty Ltd.

**CARRIED**

14.1.5 Capital Projects Update

**MOVED: Councillor Busato**

**SECONDED: Councillor Williams**

**CNC382/14-15**

That Council receives and notes the Capital Projects Update report.

**CARRIED**

14.1.6 Works Report May - June 2015

**MOVED: Councillor Whiting**

**SECONDED: Councillor Graham-King**

**CNC383/14-15**

That the Works Report for May and June 2015 is received and noted.

**CARRIED**

14.1.7 Community Services Report

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Busato**

**CNC384/14-15**

That the Community Services Report for June 2015 be received and noted.

**CARRIED**

14.1.8 2015 Volunteer awards

**MOVED: Councillor Webster**

**SECONDED: Councillor Fricker**

**CNC385/14-15**

9.43pm Cr Busato 9.43 left the Chamber

That Council receive and note the report on the 2015 Volunteer awards, which was presented by the Mayor of Walkerville on the 13 May 2015

and

Thank the staff for a very successful and enjoyable 2015 Volunteer awards.

9.45pm Cr Busato re-entered the Chamber

**CARRIED**

14.1.9 Audit Committee Meeting Minutes 26 June 2015

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Busato**

**CNC386/14-15**

That Council receive and note the minutes of the Audit Committee Meeting held 26 May 2015.

**CARRIED**

14.1.10 Eastern Waste Management Authority Tonnage Rates

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Busato**

**CNC387/14-15**

That the report provided by the Eastern Waste Management Authority (trading as East Waste), showing the monthly tonnages collected for the period July 2014 – June 2015 and the monthly recycling statistics for the period July 2014 to April 2015 be received and noted.

**CARRIED**

14.1.11 Correspondence

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Busato**

**CNC388/14-15**

That Correspondence marked as attachment A- F be noted.

**CARRIED**

14.1.12 Outstanding Resolutions

**MOVED: Councillor Shetliffe**

**SECONDED: Councillor Webster**

## **CNC389/14-15**

That the attached list of outstanding Council resolutions as at 15 June 2015 be received and noted.

**CARRIED**

### 14.2 Policy

Nil

### 14.3 Strategy

Nil

## 15. URGENT OTHER BUSINESS

## 16. CONFIDENTIAL ITEMS

### 16.1.1 Walkerville Bowling & Community Club Status Update No.2 (2015)

**MOVED: Councillor Whiting**

**SECONDED: Councillor Webster**

## **CNC390/14-15**

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, General Manager (Acting) Heather Barclay, Protocol & Compliance Officer, Deb Bria & Property & Contracts Officer, Ganesh Krishnan be excluded from attendance at the meeting for Agenda Item No.16.1.1 Walkerville Bowling & Community Club, Status Report No. 2 (2015).

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 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, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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.

**CARRIED**

**MOVED: Councillor Busato**  
**SECONDED: Councillor Whiting**

**CNC391/14-15**

That Council resolves - :

- 1) To receive and note the independent financial analysis report of the Walkerville Bowling & Community Club for the Town of Walkerville, by Moore Stephens (May 2015).
- 2) To provide a copy of the financial analysis report of the Walkerville Bowling & Community Club for the Town of Walkerville, by Moore Stephens (May 2015), to the Walkerville Bowling & Community Club for their reference, together with an outline of the proposed 'next steps' as defined herein (Agenda Item 16.1.1, of 15 June 2015 OCM).
- 3) To receive and endorse the Memorandum of Understanding (MoU) established to underpin the financial assistance provided by the Council to the Walkerville Bowling & Community Club, in-line with its resolutions on 18 May 2015, and;
- 4) Authorises the Chief Executive Officer to execute the MoU for and on behalf of Council.

**CARRIED**

**MOVED: Councillor Webster**  
**SECONDED: Councillor Whiting**

**CNC392/14-15**

That having considered Agenda Item 16.1.1, Walkerville Bowling & Community Club, Status Report No. 2 (2015) 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 Agenda Item 16.1.1, Walkerville Bowling & Community Club, Status Report No. 2 (2015) and any other documentation relative to the report including minutes in relation to this Agenda Item 16.1.1, 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 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**

17. CLOSURE

The meeting closed at 10.31pm

Presiding Member Signature:.....

Date:.....