# MINUTES

of

# COUNCIL MEETING

held

via electronic means through live streaming at
https://www.youtube.com/channel/UCZxKI13S3M8n8zxKl5LFT9w

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

on

# MONDAY 20 JULY AT 7:00PM

**MINUTES**
20 July 2020

*The Meeting was declared open at 7.00pm.*

## 1. ATTENDANCE RECORD

1.1 Present

Mayor Elizabeth Fricker by physical attendance
Cr Rob Ashby AM by physical attendance
Cr MaryLou Bishop by physical attendance
Cr N Coleman OAM by physical attendance
Cr S Furlan by physical attendance
Cr J Joshi by physical attendance
Cr J Nenke by physical attendance
Cr C Wilkins by physical attendance
Cr J Williams by physical attendance

Staff in Attendance

Chief Executive Officer, K Cristol
Group Manager Assets & Infrastructure, B Clark
Former Group Manager Assets & Infrastructure, J Bowen
Group Manager Corporate Services, M Sodomka
Group Manager Customer Experience, D Garvey
Group Manager Planning, Environment and Regulatory Services, A Caddy
Manager Community Development and Engagement, F Deckert
Business Analyst (Property and Contracts), S Reardon
Council Secretariat, V Davidson

1.2 Apologies

1.3 Not Present / Leave of Absence

Nil.

## 2. CONFIRMATION OF MINUTES

2.1 Ordinary Meeting of 15 June 2020

**Moved**: Cr Ashby
S**econded**: Cr Williams

**CNC1/20-21**

That the minutes of the Council meeting held on the 15 June 2020 be confirmed as a true and accurate record of the proceedings subject to:

- The minutes being amended at Item 13.4 Motion with Notice – Cr Ashby as follows:

As part of the planning process Administration prepare a business plan for the ongoing operation of the facility that includes the following:

- A budget including proposed leasing and income streams
- Operational costs to Council by way of, management, depreciation, maintenance and all expected contingencies
- Operating and management plan
- Identify and asses user groups including current and potential and their viability

Other, as identified by Elected Members, Audit and SPDC.

*"After discussion and recognising that the Walkerville Oval redevelopment was to be considered at an Informal Gathering scheduled for 16 June2020, Cr Ashby, on the advice of Administration, consented to deferring the motion on notice to the 17 August 2020 Council meeting."*

- The minutes being amended at Item 18 to reflect that the memorial service at Walkerville Oval will be held for David Mason.

**CARRIED**

2.2 Special Meeting of 29 June 2020

**Moved**: Cr Wilkins
**Seconded**: Cr Bishop

**CNC2/20-21**

The minutes of the Special Council meeting held on 29 June 2020 be confirmed as a true and accurate record of the proceedings.

**CARRIED**

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

3.1 Cr James Williams declared a perceived conflict of interest in item 14.1.3 Strategic Property Expression of Interest Evaluation Panel Terms of Reference and Evaluation Matrix as he lives next door to 39 Smith Street, Walkerville. Cr Williams advised that he would stay in the room, participate in the debate and vote on the matter.

3.2 Cr Stephen Furlan declared a perceived conflict of interest in 14.1.3 Strategic Property Expression of Interest Evaluation Panel Terms of Reference and Evaluation Matrix as he has family members with an interest in the nearby shopping centre. Cr Furlan advised that he would stay in the room, participate in the debate and vote on the matter.

## 4. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Nil.

## 5. MAYORS DIARY

5.1 Mayors Diary

**Moved**: Cr Bishop
**Seconded**: Cr Coleman

**CNC3/20-21**

That Council receives and notes the Mayoral Diary from 12 June 2020 to 16 July 2020.

**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 Eastern Health Authority Board of Management Report – Cr Jennifer Joshi

**Moved**: Cr Ashby
**Seconded**: Cr Williams

**CNC4/20-21**

That Council receives and notes the Eastern Health Authority Board of Management Report.

**CARRIED**

7.2 East Waste Board Report – Cr Rob Ashby

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

That Council receives and notes the East Waste Board Meeting Report.

**CARRIED**

## 8. QUESTIONS FROM THE GALLERY

Nil.

## 9. QUESTIONS WITHOUT NOTICE

Question without Notice - Cr James Nenke

**I was wondering if Administration could provide some advice as to what does a strategic management plan constitute? Why does a community wellbeing strategy and a public art strategy constitute a strategic management plan when the asset management document in the agenda does not constitute a strategic management plan?**

**Section 122(1)(a) of the *Local Government Act 1999* clearly states that an Infrastructure Management Plan must be adopted by Council. The Act also states that these plans will form part of the Council's strategic management plans. I am wondering how these plans do form strategic management plans. Do strategic management plans need to be adopted and do they need go through community engagement?**

Response from Administration

The Asset Management Plan is a strategic management plan of Council. The process for adopting that particular plan is different to other strategic documents. The Public Art Strategy is a stand-alone document similar to other strategic documents such as the Community Strategic Plan and the 2020-2024 Living Walkerville: wellbeing for every age and stage strategy which will be considered by Council tonight. The Asset Management Plan goes through an adoption process of Council as part of the Annual Business Plan and Budget process.

Every year that Council considers the Annual Business Plan and Budget it also considers the 10 year asset management plan. It is a strategic plan, it is adopted by Council and it does go out for public consultation as part of our annual business plan and budget process.

*For a full and complete response to Cr Nenke's question please check our YouTube channel.*

## 10. QUESTIONS ON NOTICE

Nil.

## 11. PETITIONS

Nil.

## 12. MOTIONS WITHOUT NOTICE

Nil.

## 13. MOTIONS WITH NOTICE

Nil.

## 14. REPORTS REQUIRING DECISION OF COUNCIL

14.1 Strategy

14.1.1 2020-2024 Living Walkerville: wellbeing for every age and stage

**Moved**: Cr Furlan
**Seconded**: Cr Joshi

**CNC5/20-21**

That Council adopts the draft *2020-2024 Living Walkerville: wellbeing for every age and stage,* appearing as (Attachment A)

**CARRIED**

14.1.2 Draft Public Art Strategy

**Moved**: Cr Williams
**Seconded**: Cr Bishop

**CNC6/20-21**

That Council adopt the Public Art Strategy, appearing as Attachment A to this report and consider a budget allocation for public art in the 2021/2022 annual business plan and budget or earlier through a budget review should the opportunity arise.

**CARRIED**

14.1.3 Strategic Property Expression of Interest Evaluation Panel Terms of Reference and Evaluation Matrix

**Moved**: Cr Wilkins
**Seconded**: Cr Joshi

**CNC7/20-21**

That Council endorses the draft proposed Evaluation Matrix appearing as Attachment A to this report and the Expressions of Interest Evaluation Panel Terms of Reference, appearing as Attachment B to this report subject to the following amendments:

- Clause 2.2 add the words 'includes an evaluation' and include the evaluation matrix as an outcome.
- Add clause 6.1.1.5 insert the words' present to Council a completed evaluation matrix'.

**CARRIED**

14.2 Policy

14.2.1 Social Media Policy

**Moved**: Cr Bishop
**Seconded**: Cr Joshi

**CNC8/20-21**

1. That Council adopt the revised Social Media Policy, appearing as Attachment A to this report.

2. That Council authorise Administration to make changes to the Social Media Policy of a minor technical or formatting nature.

**CARRIED**

14.2.2 Council Assessment Panel Terms of Reference

**Moved**: Cr Furlan
**Seconded**: Cr Ashby

**CNC9/20-21**

1. That Council endorse the revised Council Assessment Panel Terms of Reference as found in Attachment A subject to:

   - Clause 5.4 being amended as follows:

   The Council will appoint o*ne of the four Independent Members to the position of Presiding Member of the CAP* for such term and on such conditions as determined by the Council.

2. That Council authorise Administration to make changes of a formatting or minor technical nature to Council Assessment Panel Terms of Reference.

**CARRIED**

14.2.3 Development Act Delegations Policy – Revision

**Moved**: Cr Wilkins
**Seconded**: Cr Bishop

**CNC10/20-21**

1. That Council endorse the revised Development Act Delegations Policy as found in Attachment A.

2. That Council authorise Administration to make changes of a formatting or minor technical nature to the Development Act Delegations Policy.

**CARRIED**

14.2.4 Wesleyan Cemetery Advisory Committee Terms of Reference

**Moved**: Cr Williams
**Seconded**: Cr Joshi

**CNC11/20-21**

1. That Council endorse the general amendments made to the Wesleyan Cemetery Advisory Committee Terms of Reference, appearing as attachment A to this report.

2. That Council endorse the amendments made to section 4 of the Wesleyan Cemetery Advisory Committee's existing Terms of Reference, those amendments being:

   4.1 The Committee be comprised of maximum of seven (7) persons comprised by:

   4.1.1 Two (2) Elected Members of Council; and

   4.1.2 Five (5) Independent Members appointed through a public expression of interest process.

   4.2 The membership of the Committee shall be reviewed within 12 months following the ordinary general Council elections.

   4.3 The prescribed number of Committee Members is five (5) including a Chair, and must include at least one (1) Elected Member.

**CARRIED**

14.3 Operational

14.3.1 Local Government Reform Bill 2020 - Submission

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC12/20-21**

That Council having considered the proposed amendments to the *Local Government Act 1999,* authorises Administration to submit, on Council's behalf, feedback to the SA Local Government Authority as set out in Attachment A to this report by 9 August 2020 with the following amendments:

- Section 58 to be amended to include that the Mayor and the CEO should work collaboratively.
- Section 58 to be amended to include the Mayor should work collaboratively with the community.
- Section 123 clarification sought as to how carry forwards will be accommodated.

**CARRIED**

14.3.2 Wesleyan Cemetery Advisory Committee Appointment of Chair and Deputy Chair

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

**CNC13/20-21**

1. That Council receives and notes the Wesleyan Cemetery Advisory Committee (Committee) Appointment of Chair and Deputy Chair report.

2. That Council, while acknowledging the impacts that COVID-19 has had on prior scheduled Wesleyan Cemetery Advisory Committee meetings and in turn the Committee's capacity and ability to advise Council accordingly, endorses the extension to the cessation of the Term of Appointment from 14 October 2020 to 30 June 2021.

**CARRIED**

14.3.3 Wesleyan Cemetery Community Survey Feedback

**Moved**: Cr Ashby
**Seconded**: Cr Williams

**CNC14/20-21**

1. That the Council receives and notes the Wesleyan Cemetery Community Survey Feedback report;

2. That based on the Community Survey Feedback, Council directs Administration to consult with Adelaide Cemeteries Authority in order to obtain a full and complete understanding of the scope of legislative requirements and timelines associated with reopening the Wesleyan Cemetery to burials, in order to further assist Council in their deliberations should a future determination be made to reopen the site;

3. That a further report be returned to Council at a later date once all relevant information has been received and collated.

**CARRIED**

14.3.4 Council Assessment Panel Procedures

**Moved**: Cr Furlan
**Seconded**: Cr Joshi

**CNC15/20-21**

That Council endorse the Council Assessment Panel Operating Procedures as found in Attachment A and acknowledge the retention of the existing meeting schedule.

**CARRIED**

14.3.5 Local Government Finance Authority Annual General Meeting

**Moved**: Cr Bishop
**Seconded**: Cr Williams

**CNC16/20-21**

That Council appoints Mayor Fricker as its voting delegate to the Annual General Meeting of the Local Government Finance Authority of South Australia to be held on Thursday 29 October 2020.

**CARRIED**

14.4 Subsidiaries

14.4.1 Highbury Landfill Authority (HLA) Board Representation – Town of Walkerville

**Moved**: Cr Bishop
**Seconded**: Cr Joshi

**CNC17/20-21**

That Council appoints the Group Manager Assets & Infrastructure, Ben Clark as its Board representative to the Highbury Landfill Authority effective from Tuesday 21 July 2020 and concluding on Friday 21 July 2023.

**CARRIED**

## 15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC18/20-21**

That items 16.3.2, 16.3.3, 16.3.4, 16.3.6, 16.3.8, 16.3.9, 16.3.10, 16.4.1, 16.4.2, 16.4.3, 16.4.4, be moved as per their recommendations.

**CARRIED**

## 16 REPORTS PRESENTED FOR INFORMATION

16.1 Strategy

16.1.1 Update on Council's Asset Management Summary Plan

**Moved**: Cr Joshi
**Seconded**: Cr Coleman

**CNC19/20-21**

That Council receives and notes the report and Attachment A.

**CARRIED**

16.1.2 Walkerville Oval Precinct Masterplan / Redevelopment

**Moved**: Cr Wilkins
**Seconded**: Cr Williams

**CNC20/20-21**

That Council receives and notes the Walkerville Oval Precinct Masterplan / Redevelopment report and attachments.

**CARRIED**

16.2 Policy

Nil

16.3 Operational

16.3.1 Monthly Financial Report

**Moved**: Cr Wilkins
**Seconded**: Cr Furlan

**CNC21/20-21**

That Council receives and notes the Monthly Financial Report as at 30 June 2020.

**CARRIED**

16.3.2 Works Report for June 2020

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC22/20-21**

That Council receives and notes the Works Report for June 2020.

**CARRIED**

16.3.3 2019/2020 CAPEX Projects Status Report, end of June 2020

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC23/20-21**

That Council receives and notes the 2019/20 CAPEX Projects Status Report, as at the end of June 2020.

**CARRIED**

16.3.4 Summary of Council COVID-19 Community Support and Financial Response Package

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC24/20-21**

The Council receives and notes the report titled "Summary of Council COVID-19 Community Support and Financial Response Package".

**CARRIED**

16.3.5 Summary of the 'What we have heard report' – Draft Phase Three Planning and Design Code'

**Moved**: Cr Bishop
**Seconded**: Cr Joshi

**CNC25/20-21**

That Council receives and notes the 'What we have heard report' – Draft Phase Three Planning and Design Code'.

**CARRIED**

16.3.6 Community Services Quarterly Report

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC26/20-21**

That Council receives and notes the Community Services Quarterly Report for the period April to June 2020.

**CARRIED**

16.3.7 YouTube Live Streaming Activity Report

**Moved**: Cr Williams
**Seconded**: Cr Wilkins

**CNC27/20-21**

That Council receives and notes the YouTube Live Streaming Activity Report.

**CARRIED**

16.3.8 Chief Executive Officer's Key Performance Indicators 2020/ 2021

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC28/20-21**

That Council receive and note the Chief Executive Officer's Key Performance Indicators for 2020/ 2021.

**CARRIED**

16.3.9 CEO Performance Review Committee Minutes

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC29/20-21**

That Council receives and notes the CEO Performance Review Committee minutes for the meeting held on 22 June 2020.

**CARRIED**

16.3.10 Wesleyan Cemetery Advisory Committee Meeting Minutes 9 July 2020

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC30/20-21**

That Council receives and notes the Wesleyan Cemetery Advisory Committee Meeting Minutes 9 July 2020 report.

**CARRIED**

16.4 Subsidiaries

16.4.1 ERA Water Operations Progress Report

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC31/20-21**

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

**CARRIED**

16.4.2 ERA Water Board Minutes

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC32/20-21**

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 8 July 2020.

**CARRIED**

16.4.3 East Waste Management Authority Board Minutes

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC33/20-21**

That Council receives and notes the East Waste Management Authority Board minutes of the meeting convened on 25 June 2020.

**CARRIED**

16.4.4 Highbury Landfill Authority Minutes

**Moved**: Cr Bishop
**Seconded**: Cr Wilkins

**CNC34/20-21**

That Council receives and notes the minutes of the Highbury Landfill Authority Board Meeting held on 25 June 2020.

**CARRIED**

16.5 Outstanding Council resolutions

**Moved**: Cr Williams
**Seconded**: Cr Bishop

**CNC35/20-21**

That Council receives and notes the list of Council resolutions currently being processed as at 16 July 2020.

**CARRIED**

## 17 CORRESPONDENCE

**Moved**: Cr Williams
**Seconded**: Cr Nenke

**CNC36/20-21**

That the correspondence as listed below be received and noted.

17.1 Letter to Mayor Fricker from Michael Lennon, Chair State Planning Commission

17.2 Letter to Mayor Fricker from Hon Stephan Knoll MP

17.3 Letter to Mayor Fricker from Hon David Speirs MP

17.4 Letter to Mayor Fricker from Michael Lennon, Chair State Planning Commission

17.5 Letter to Mayor Fricker from Hon David Speirs MP

**CARRIED**

## 18 URGENT OTHER BUSINESS

Nil

## 19 CONFIDENTIAL ITEMS

19.1 Levi Caravan Park – Ryad Hill Pty Ltd Subsequent Application for COVID-19 Rent Relief

**Recommendation (Public)**

**Moved**: Cr Coleman
**Seconded:** Cr Joshi

**CNC37/20-21**

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 Cristol, Group Manager Corporate Services Marc Sodomka, Business Analyst (Property & Contracts) Scott Reardon and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 19.1 Levi Caravan Park – Ryad Hill Pty Ltd Subsequent Application for COVID-19 Rent Relief.

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 19.1, 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.

**CARRIED**

*The time being 9.06pm the meeting moved into confidence.*

**Recommendation (Public)**

**Moved**: Cr Bishop
**Seconded**: Cr Joshi

**CNC39/20-21**

Pursuant to s.91(7)

That having considered Agenda Item 19.1 Levi Caravan Park – Ryad Hill Pty Ltd Subsequent Application for COVID-19 Rent Relief 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 and attachments relevant to this Agenda Item be retained in confidence for a period of 12 months or 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* and re-admit the public.

**CARRIED**

*The time being 9.23pm the meeting moved out of confidence.*

19.2 EHA Audit Committee- Appointment of Representatives

**Recommendation (Public)**

**Moved**: Cr Bishop
**Seconded**: Cr Joshi

**CNC40/20-21**

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 Cristol, Business Analyst (Property and Contracts), Scott Reardon and Council Secretariat Vanessa Davidson be excluded from attendance at the meeting for Agenda Item: 19.2 'EHA Audit Committee – Appointment of Representatives'.

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 19.2, is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the details of applicants for the positions of EHA Audit Committee Members.

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 matter relates to confidential details of various persons.

**CARRIED**

*The time being 9.26pm the meeting moved into confidence.*

**Recommendation (Public)**

**Moved**: Cr Bishop
**Seconded**: Cr Williams

**CNC42/20-21**

Pursuant to s.91(7)

That having considered Agenda Item 'EHA Audit Committee – Appointment of Representatives' in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and attachment relevant to this Agenda Item be retained in confidence for a period of 12 months and the minutes be retained in confidence 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 9.29pm the meeting moved out of confidence.*

19.3 ERA Water Independent Chairperson – Verbal Report

**Recommendation (Public)**

**Moved**: Cr Bishop
**Seconded**: Cr Ashby

**CNC43/20-21**

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 Council's Chief Executive Officer Kiki Cristol, Business Analyst (Property and Contracts), Scott Reardon and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item ERA Water Independent Chair.

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 pertaining to the personal and confidential details of applicants for the position of ERA Water Independent Chairman.

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 matter relates to confidential details of various persons.

**CARRIED**

*The time being 9.32pm the meeting moved into confidence.*

**Recommendation (Public)**

**Moved**: Cr Bishop
**Seconded**: Cr Joshi

**CNC44/20-21**

That Council receives the verbal report and reaffirms its previous decision in relation to this matter.

**CARRIED**

**Recommendation (Public)**

**Moved**: Cr Bishop
**Seconded**: Cr Williams

**CNC45/20-21**

That having considered Agenda Item ERA Water Independent Chairman in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the 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 9.51pm the meeting moved out of confidence.*

## 20. CLOSURE

*The meeting was declared closed at 9.52pm*