



MINUTES

of

COUNCIL MEETING

held in the

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

on

MONDAY 16 MARCH 2020 AT 7:00PM

MINUTES
16 March 2020

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 Cristol
Council Secretariat, V Davidson

1.2 Apologies

1.3 Not Present / Leave of Absence

2. CONFIRMATION OF MINUTES

Moved: Cr Williams

Seconded: Cr Coleman

CNC302/19-20

That the minuted of the Council meeting held on the 17 February 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 14.1.1 Strategic Property Review – 39 Smith Street Asset – deferred by Council resolution **CNC268/19-20** and Item 13.1 and 13.2 Motions on Notice as he lives adjacent to the property. Cr Williams advised that he will remain in the room, participate in the debate and vote on the matter.
- 3.2 Mayor Elizabeth Fricker declared a material conflict of interest in Item 14.3.1 2020 National General Assembly of Local Government as she will gain a financial benefit as airfare and accommodation costs associated with her attendance at the NGA will be paid for by Council. Mayor Fricker indicated that she would leave the room during the debate and voting on this matter.
- 3.3 Mayor Elizabeth Fricker declared a perceived conflict of interest in Item 14.3.3 Election of Greater Adelaide Regional Organisations of Councils (GAROC) Representative as she is standing for a position on the Committee of GAROC. Mayor Fricker indicated that she would remain in the room and vote on the matter if required.
- 3.4 Cr Stephen Furlan declared a perceived conflict of interest in Item 14.1.1 Strategic Property Review – 39 Smith Street Asset – deferred by Council resolution **CNC268/19-20** as his spouse has an interest in the Walkerville Shopping Centre. Cr Furlan advised that he will remain in the room, participate in the debate and vote on the matter.

4. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

4.1 Presentation on the Nottage Tce and Main North Rd Intersection Upgrade

The presentation was postponed to a date to be determined. The presenters advised that they were unable to attend due to restrictions placed on them by the Department of Planning, Transport and Infrastructure in order to prevent the spread of COVID-19.

5. MAYORS DIARY

5.1 Mayors Diary

Moved: Cr Bishop
Seconded: Cr Wilkins

CNC303/19-20

The Council receives and notes the Mayoral Diary from 13 February 2020 to 12 March 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 Report - Cr Jennifer Joshi

7.2 East Waste Board Report – Cr James Nenke

7.3 Adelaide Airport Consultative Committee- Cr MaryLou Bishop

Motion

Moved: Cr Joshi

Seconded: Cr Williams

CNC304/19-20

That Councillor Bishop's verbal report be received.

CARRIED

8. QUESTIONS FROM THE GALLERY

Nil.

9. QUESTIONS WITHOUT NOTICE

9.1 Impact of COVID - 19 on Operations - Cr Rob Ashby

How will the organisation minimise the risk of the coronavirus impacting business and what impact will this have on the delivery of the 2019/ 2020 budget?

Administration Response

The CEO emailed all staff and Elected members regarding protocols and precautionary measures that are to be followed, further events and programs have been cancelled, which will be reviewed again in 30 days. The LGA will be holding a briefing tomorrow (Tuesday 17 March) at 10am.

Administration is hoping that by Budget Workshop 2 we will have more information. Some suppliers have already informed us that they will not be attending at the Civic and Community Centre. We are reviewing the need to attend external meetings and all non-critical meetings will be rescheduled.

If COVID-19 escalates, it could have a direct impact on service delivery. The Civic and Community Centre may be closed as a result of health escalation warning s/ advice. The CEO will keep Elected Members informed by means of email.

9.2 Establishment of By - Law – Cr James Williams

Is it possible for Council to create a By – Law in order to postpone Council meetings?

Administration Response

The only mechanism available to Council is to formally resolve to cancel / postpone monthly meetings until further notice.

9.3 Ability for Staff to Work from Home – Cr James Nenke

Does Administration have the capacity to allow staff to work from home?

Administration Response

While the Administration does have a Work from Home Policy the CEO has determined not to enact this provision in response to COVID-19 as it cannot be implemented across the whole organisation, making it iniquitous.

9.4 Payment of Rates – Cr James Williams

What measures does the Administration have in place if the COVID-19 prevents ratepayers from paying their rates?

Administration Response

This is highly unlikely. However, the situation will be monitored should it become an issue and affect our revenue.

10. QUESTIONS ON NOTICE

10.1 Walkerville Oval – Cr MaryLou Bishop

After the winter of 2014 the Walkerville Oval was in appalling condition. After much consultation and advice from grass management companies the Council at the time resolved to expend in approximately \$300,000 to upgrade the drainage and reticulation systems, we did not replace the grass as that project would have cost over \$650,000.

We were told at the time that with imminent supply of ERA Water problems regarding the grass, drainage and reticulation would be solved. ERA Water has been on the oval for 6 months have seen an improvement?

Administration Response

The overall condition of the oval has steadily improved since significant works were undertaken renewing the underperforming drainage and irrigation system. The combination of major works has allowed Administration to improve its oval management including more frequent verti-draining, top dressing and the appropriate application of fertilizers.

The addition of ERA Water in recent times has allowed Administration to 'shandy' the water quality mix to reduce the high salinity content found in the existing bore. Administration works with relevant stakeholders in managing the oval but it's important to note that the oval experiences constant use all year round and has limited 'rest' periods for additional maintenance outside of scheduled maintenance breaks.

11. PETITIONS

Nil.

12. MOTIONS WITHOUT NOTICE

12.1 Motion in relation to Item 14.1.1 – Cr Conrad Wilkins

Motion

Moved: Cr Joshi

Seconded: Cr Bishop

CNC305/19-20

That Item 14.1.1 Strategic Property Review – 39 Smith Street Asset – deferred by Council resolution **CNC268/19-20** be brought forward.

CARRIED

14.1 Strategy

14.1.1 Strategic Property Review – 39 Smith Street Asset – deferred by Council resolution **CNC268/19-20**

Moved: Cr Wilkins

Seconded: Cr Bishop

CNC306/19-20

1. That Council instructs Administration to undertake an Open Expression of Interest (EOI) Tender process in line with Council's Procurement Policy, to seek out parties who may have an interest in entering into a long –term lease over the whole or part of Certificates of Title 5651/ 912 (Fuller Street 1), 5274/ 937 (Fuller Street 2), 5796/ 887 (Fuller Street Works Depot), 5728/637 (Smith Street 1) and 5838/ 95 (Smith Street 2) for the purpose of investing in and redeveloping the site / building for the benefits of the community.
2. That Council establish an Evaluation Panel, made of three (3) Independent Audit Committee Members, subject to their acceptance, with the appropriate Administrative support, to oversee the Tender Evaluation process listed in point 1 above and provide recommendations to Council at the conclusion of the process.
3. That an Elected Member Informal Gathering be held in order to provide guidance to Administration in the development of the Evaluation Panel Terms of reference and Evaluation Matrix , prior to Council's consideration and

endorsement of same

4. Council officially advises the current Lessee of Certificates of Title 5728/637 (Smith Street 1) and 5838/95 (Smith Street 2) that the end of the lease term (viz 31 December 2020) Council does not propose to offer a renewal or extension of the existing lease, which does not preclude the existing Lessee from participating in the EOI Tender.
5. That Council instructs Administration to prepare a letter to the Town of Walkerville residents outlining the process and timing that will be undertaken with respect to the EOI tender and the reasons behind its decision.

CARRIED

Division

Cr Nenke called for a **division**.

The Mayor declared that the vote be set aside.

Members voting in the affirmative: Cr Bishop, Cr Wilkins, Cr Joshi, Cr Williams, Cr Coleman

Members voting in the negative: Cr Nenke, Cr Ashby, Cr Furlan

The Mayor declared the motion **CARRIED**.

13. MOTIONS WITH NOTICE

13.1 Motion with Notice – Cr James Nenke (this motion was deferred from the meeting of 17 February 2020)

Moved: Cr Nenke

Seconded: Cr Ashby

CNC307/19-20

Administration to engage a Research Marketing Company to conduct a statistically relevant survey of only Walkerville residents. The selected company to assist in developing a fair and balanced survey that will capture the resident's views regarding the following:

- Do they, have they, or would they use the facilities available under the current YMCA management?
- Their perception of the importance and satisfaction of the services provided at the site currently occupied by the YMCA.
- Level of support for the site to continue to provide similar services.
- What type of future use the community would support with options provided that are approved under the current zoning of the land. {options presented}?

- Does the community want best financial return on Council land to reduce their rates or willing to share the cost for regional services?
- Are they willing to support a regional facility that is not just for Walkerville residents?

Administration to fund this survey by using \$10,000 by deferring an operational projects to 2020/21.

LOST

Division

Cr Williams called for a **division**.

The Mayor declared that the vote be set aside.

Members voting in the affirmative: Cr Nenke, Cr Ashby

Members voting in the negative: Cr Bishop, Cr Wilkins, Cr Joshi, Cr Williams, Cr Coleman, Cr Furlan

The Mayor declared the motion **LOST**.

13.2.1 Lease of 39 Smith Street, Walkerville – Cr Rob Ashby

That Council instructs Administration to prepare for its consideration, a new lease, licence and/or occupancy rights to be offered to the current tenant at 39 Smith Street, Walkerville, whilst the open expression of interest process is undertaken, which is to include the following conditions:

- 1yr + 1yr + 1yr term offered at the sole discretion of the Council - the tenant will have no right of renewal;
- the rent for the new lease, licence and / or occupancy rights will be based on the cost of building repairs, maintenance and associated works - to an agreed level of safety/compliance as expected for a 1 (+1+1) year lease - as identified from the current G-Force Building & Consultancy report, commercial rates and will be indexed annually;
- Council can cancel the lease, licence and / or occupancy rights by giving 12 months' notice in writing

This motion was not put as the Mayor considered it to be in conflict with Council resolution (CNC306/19-20) and as such is ultra vires.

13.2.2 EOI tender / procurement of 39 Smith St, Walkerville – Cr Rob Ashby

1. That Council instructs Administration to undertake an open expression of interest process, in line with Council's Procurement Policy, to seek out parties who may have an interest in entering into a long-term lease over the whole or part of Certificates of Title 5651/912 (Fuller Street 1),

5274/937 (Fuller Street 2), 5796/887 (Fuller Street Works Depot), 5728/637 (Smith Street 1) and 5838/95 (Smith Street 2) for the purpose of potentially investing in and redeveloping the site/building for the benefit of the community.

2. For the purpose of developing the EOI specification, Council instructs Administration to further investigate the condition of the building and prepare a complete list of works and costs for repairs for Council consideration as part of the draft 2020/21 annual business plan and budget process and long term financial plan.

This motion was not put as the Mayor considered Council resolution (CNC306/19-20) was similar in intent.

14. REPORTS REQUIRING DECISION OF COUNCIL

14.2 Policy

14.2.1 Review of the Code of Practice – Access to Meetings and Documents

Moved: Cr Bishop
Seconded: Cr Williams

CNC308/19-20

That Council resolve that the revised Code of Practice – Access to Meetings and Documents, appearing as Attachment B to this report, be released for public consultation for a period of 21 days in accordance Council's Community Engagement and Consultation Policy.

CARRIED

14.2.2 Veteran's Honour Board – revocation of motion **CNC164/19-20**

Moved: Cr Bishop
Seconded: Cr Williams

CNC309/19-20

That Council:

- a) revoke motion **CNC164/19-20**, which states:

That the Administration develop guidelines relating to the placement of names on honour boards and present the guidelines to a future meeting of Council.

- b) receive and note the Veteran's Honour Board report and resolve that future requests from the members of the community seeking to have the names of persons added to Veteran Honour Boards be directed to the Australian War Memorial website.

- c) That the existing WWII Honour Board be closed.

CARRIED

14.3 Operational

14.3.1 2020 National General Assembly of Local Government

The time being 7.56pm Mayor Elizabeth Fricker having declared a material conflict of interest in Item 14.3.1 - 2020 National General Assembly of Local Government, left the Chamber.

The time being 7.57pm Deputy Mayor Cr MaryLou Bishop assumed the Chair.

Moved: Cr Williams

Seconded: Cr Joshi

CNC310/19-20

That Council:

- a) approves the attendance of Mayor Fricker at the 2020 National General Assembly of Local Government on 14 -17 June 2020 to be held at the National Convention Centre in Canberra;

and

- b) that expenses are to be reimbursed in accordance with Council's Elected Members Allowances and Benefits Policy.

CARRIED

The time being 7.57pm Mayor Fricker resumed the Chair.

14.3.2 Funding Support for City of Unley Litigation

Moved: Cr Bishop

Seconded: Cr Joshi

CNC311/19-20

That Council, having considered the request for funding assistance from the LGA and the City of Unley in relation to the matter of *The Corporation of the City of Unley v Crichton & Ors* (No 2), agrees to provide the City of Unley a \$393 voluntary contribution, to assist in the appeal of the decision of the Environment, Resources and Development Court (ERD Court) action to the Supreme Court.

CARRIED

14.3.3 Election of Greater Adelaide Regional Organisations of Councils (GAROC) Representative

Moved: Cr Williams

Seconded: Cr Bishop

CNC312/19-20

1. That Council instructs the Presiding Member to mark the "Ballot Paper" with an "X" next to the name of Mayor Elizabeth Fricker that it wishes to elect, for the casual vacancy on GAROC:
2. That the Mayor submit the completed "Ballot Paper" in line with the requirements set out clause 4.4.5 of the GAROC Terms of Reference and in so doing ensure that the "Ballot Paper" is received by the "Returning Officer" no later than 5pm on Thursday 16 April 2020.

CARRIED

14.3.4 Unnamed Reserve – Corner Church Terrace and Warwick Street

Moved: Cr Joshi

Seconded: Cr Ashby

CNC313/19-20

That Council adopts the naming of the portion of land contained within Certificate of Title 5821/229 (that being the land adjacent to the corner Church Terrace and Warwick Street) as Soldier's Memorial Reserve.

CARRIED UNANIMOUSLY

14.3.5 2020-21 Fees and Charges Schedule

Moved: Cr Furlan

Seconded: Cr Joshi

CNC314/19-20

That Council adopt the 2020-21 Fees and Charges Schedule, effective as of 1 July 2020, as set out in Attachment A to this report.

CARRIED

14.3.7 Tender External Auditor

Moved: Cr Wilkins

Seconded: Cr Furlan

CNC316/19-20

That Council requests that the Audit Committee undertake the tender / procurement process for the engagement of Council's External Auditor and in so doing:

- Establishes a tender evaluation matrix;

- Establishes draft scope of works prior to the tender process proceeding to market;
- Participates in the selection process;
- Makes a recommendation to Council for the appointment of an External Auditor.

CARRIED

14.3.6 Waste Advisory Group – Community Nomination

Moved: Cr Joshi

Seconded: Cr Williams

CNC315/19-20

That Council appoints Ms Kim Fong Ross to the Waste Advisory Group as a community representative.

CARRIED

14.4 Subsidiaries

14.4.1 East Waste Draft Budget and Annual Business Plan 2020/ 21

Moved: Cr Ashby

Seconded: Cr Nenke

CNC317/19-20

1. That Council endorses the 2020/ 21 East Waste Draft Budget and Annual Business Plan and requests that Administration write to East Waste advising of Council's decision.
2. That Council requests that the Waste Advisory Group consider Walkerville's hard waste costs of disposing mattresses and provide options and / or recommendations for Council's consideration.

CARRIED

14.4.2 ERA Water Budget Review Two

Moved: Cr Furlan

Seconded: Cr Bishop

CNC318/19-20

1. That Council:
 - endorses the ERA Water Budget Review Two,
 - seeks clarification from the Board as to their strategy i.e. are they providing a service (environmental) or are they a commercial

- enterprise?
 - reiterate their request for an update on the status of the possibility for third party investment,
 - request from the Board what actions the Board is taking to increase revenue, including ensuring Constituent Councils take or be charged for their full water allocation?
- and
2. That Administration write to ERA Water advising of Council's decision.

CARRIED

15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

Moved: Cr Bishop
Seconded: Cr Williams

CNC319/19-20

That items 16.3.1, 16.3.3, 16.3.5, 16.4.1, 16.4.2, 16.4.3, 16.5 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

Moved: Cr Bishop
Seconded: Cr Williams

CNC320/19-20

That Council receives and notes the Monthly Financial Report as at 29 February 2020.

CARRIED

16.3.2 2019/ 2020 CAPEX Projects Status Report, end of February 2020

Moved: Cr Bishop

Seconded: Cr Furlan

CNC321/19-20

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

CARRIED

16.3.3 Works Report for February 2020

Moved: Cr Bishop

Seconded: Cr Williams

CNC322/19-20

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

CARRIED

16.3.4 GrantGuru Funding

Moved: Cr Williams

Seconded: Cr Coleman

CNC323/19-20

That Council receives and notes the report on the GrantGuru Funding report.

CARRIED

16.3.5 Audit Committee Meeting Minutes

Moved: Cr Bishop

Seconded: Cr Williams

CNC324/19-20

That Council receives and notes the Audit Committee minutes for the meeting convened on 10 March 2020.

CARRIED

16.3.6 ERA Chairman & CEO – January 2020 Progress Report

Moved: Cr Bishop

Seconded: Cr Joshi

CNC325/19-20

That Council receives and notes the ERA Chairman & CEO January 2020 Progress Report and in so doing acknowledges that the report was received by Council on Tuesday 10 March 2020.

CARRIED

16.4 Subsidiaries

16.4.1 ERA Water Board Minutes

Moved: Cr Bishop
Seconded: Cr Williams

CNC326/19-20

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 24 February 2020.

CARRIED

16.4.2 Highbury Landfill Authority Minutes

Moved: Cr Bishop
Seconded: Cr Williams

CNC327/19-20

That Council receive and notes the minutes of the Highbury Landfill Authority Board Meeting held on 6 February 2020.

CARRIED

16.4.3 East Waste Board Minutes

Moved: Cr Bishop
Seconded: Cr Williams

CNC328/19-20

That Council receives and notes the East Waste Board minutes of the ordinary meeting convened on 20 February 2020.

CARRIED

16.5 Outstanding Council resolutions

Moved: Cr Furlan
Seconded: Cr Joshi

CNC329/19-20

That Council receive and note the list of Council resolutions currently being processed as at 12 March 2020.

CARRIED**17 CORRESPONDENCE****Moved:** Cr Joshi**Seconded:** Cr Bishop**CNC330/19-20**

That the correspondence as listed below be received and noted:

17.1 Correspondence to Mayor Fricker from the City of Norwood Payneham & St Peters.

17.2 Correspondence to Mayor Fricker from the Hon Michelle Lensink MLC, Minister for Human Services

17.3 Correspondence from Michael Lennon, Chair State Planning Commission

CARRIED**18 URGENT OTHER BUSINESS**

Nil

19 CONFIDENTIAL ITEMS

Nil.

20. CLOSURE

The meeting was declared closed at 8.36pm