



MINUTES

of

COUNCIL MEETING

held in the

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

on

MONDAY 16 DECEMBER AT 7:00PM

MINUTES
16 December 2019

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 Magro
Group Manager Assets & Infrastructure, J Bowen
Group Manager Corporate Services, K Bone
Group Manager Customer Experience, D Garvey
Group Manager Planning, Environment and Regulatory Services, A Caddy
Manager Community Development and Engagement, F Deckert
Council Secretariat, V Davidson

1.2 Apologies

1.3 Not Present / Leave of Absence

Moved: Cr Joshi
Seconded: Cr Coleman

CNC191/19-20

That Mayor Elizabeth Fricker be granted leave of absence from 3 January 2020 to 13 January 2020.

CARRIED

Cr Jennifer Joshi – Leave of absence was approved for the period 7 January 2020 to 17 January 2020 on 18 November 2019.

2. CONFIRMATION OF MINUTES

Moved: Cr Ashby
Seconded: Cr Nenke

CNC192/19-20

That the minutes of the Council meeting held on the 18 November 2019 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 19.2 Request for Expression of Interest (REOI) – Master Planning of Strategic Sites Update as the item includes the Smith Street / Fuller Street site to which he is a neighbour. Cr Williams advised that he will remain in the room, participate in the debate and vote on the matter.
- 3.2 The Chief Executive Officer declared a section 120 interest in Item 14.3.4 – CEO Performance Review Committee – Appointment of Members; Item 14.4.3 – ERA Water – Appointment of Board and Deputy Board Members and Item 16.3.3 - CEO Performance Review Committee Minutes.

The Chief Executive Officer remained in the room while the matters were considered by Council.

4. MAYORS DIARY

4.1 Mayors Diary

Moved: Cr Bishop
Seconded: Cr Coleman

CNC193/19-20

The Council receives and notes the Mayoral Diary from 14 November 2019 to 12 December 2019 with the amendment to show that Cr Bishop did not attend Mayor/ CEO briefing on 20 November 2019 and that Cr Nenke attended the Planning Briefing session on 2 December 2019.

CARRIED

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

Nil.

6. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED SUBSIDIARY BOARD MEETINGS

6.1 East Waste Board Report – Cr Rob Ashby

Moved: Cr Ashby

Seconded: Cr Wilkins

CNC194/19-20

That Council receive and notes the East Waste Board Report noting that the surplus figure in the report should read \$136, 000.

CARRIED

6.2 Eastern Health Authority Board Report – Cr Jennifer Joshi

Moved: Cr Furlan

Seconded: Cr Williams

CNC195/19-20

That Council receives and notes the verbal Eastern Health Authority Board Report including the following statics relating to EHA activities in the Town of WalkerVille

1. 1 food complaint for unsuitable/unsafe food was received and review (July – Oct)
2. 20 inspections of food premises has occurred (July – Oct)
3. 1 improvement notice for a food premises has been issued (July – Oct)
4. 3 public health complaints were received and review. (1 hazardous substance, 1 notifiable disease, 1 sanitation) - (July – Oct)
5. 3 routine inspections of swimming pools were conducted (Schools/Caravan Parks/Motels etc) (July – Oct)
6. 594 school vaccinations have been provided (School Program - calendar year to date)
7. 135 vaccinations provided to 81 Walkerville residents (Public Clinics - July – Oct).

CARRIED

7. QUESTIONS FROM THE GALLERY

Nil.

8. QUESTIONS WITHOUT NOTICE

Nil.

9. QUESTIONS ON NOTICE

Nil.

10. PETITIONS

Nil.

11. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Nil.

12. MOTIONS WITHOUT NOTICE

Nil.

13. MOTIONS WITH NOTICE

Nil.

14. REPORTS REQUIRING DECISION OF COUNCIL**14.1 Strategy**

Nil.

14.2 Policy**14.2.1 Review of the Public Question Time Policy**

Moved: Cr Bishop

Seconded: Cr Joshi

CNC196/19-20

1. That Council adopt the revised Public Question Time Policy appearing as Attachment A to this report.
2. That Council authorise Administration to make amendments of a formatting and or minor technical nature to the Public Question Time Policy.

CARRIED

14.2.2 Final Urban Forest Management Policy

Moved: Cr Williams
Seconded: Cr Wilkins

CNC197/19-20

1. That Council adopt the Urban Forest Management Policy appearing as Attachment A to this report.
2. That Council authorise Administration to make minor changes of a technical or formatting nature to the Urban Forest Management Policy.

CARRIED

14.2.3 Review of the Sponsorship Policy

Moved: Cr Williams
Seconded: Cr Bishop

CNC198/19-20

1. That Council adopts the Sponsorship Policy appearing as Attachment B to this report.
2. That Council authorise Administration to make amendments of a formatting and or minor nature to the Sponsorship Policy.

CARRIED

14.2.4 Review of the Residential Parking Permit Policy

Moved: Cr Bishop
Seconded: Cr Joshi

CNC199/19-20

1. That Council endorse the proposed amendments to the Town of Walkerville Residential Parking Permit Policy set out in Attachment A, acknowledging that the amendments are of minor significance.
2. That Council authorise Administration to make amendments of a formatting and or minor technical nature to the Residential Parking Permit Policy.

CARRIED

14.2.5 Draft General On-Street Parking Policy Report

Moved: Cr Bishop
Seconded: Cr Williams

CNC200/19-20

1. That Council receives and notes the draft General On-Street Parking Policy, as set out in Attachment A.
2. That Council approve the release of the draft General On-Street Parking, appearing as Attachment A to this report, for public consultation for a period of 21 days after which time the revised Policy is to be presented to Council for consideration.

CARRIED

14.2.6 Draft Privately Funded Development Plan Amendment Policy

Moved: Cr Williams
Seconded: Cr Bishop

CNC201/19-20

1. That Council, having considered the Draft Privately Funded Development Plan Amendment Policy appearing as Attachment A to this report request that the draft Policy be amended as follows:
 - Clause 4.1.2, 4.1.3, 4.1.4, and 4.1.7 be amended to read 'must' rather than 'should'.
2. That Council authorises Administration to release it for public consultation.

CARRIED

14.3 Operational

14.3.1 St Andrew's School Licence Agreement – Walkerville and Levi Oval

Moved: Cr Ashby
Seconded: Cr Williams

CNC202/19-20

1. That Council enters into a new non-exclusive Licence Agreement with St Andrew's School Incorporated over:
 - a) a portion of land contained within Certificate of Title Volume 5255 Folio 827 (**Walkerville Oval**) and Certificate of Title Register Book Volume 5821 Folio 229 for a term of five (5) years, commencing 1 January 2020 expiring 31 December 2024;

- b) a portion of land contained within Certificate of Title Volume 5812 Folio 994 (**Levi Oval**) for a term of five (5) years, commencing 1 January 2020 expiring 31 December 2024;
2. That the commencing annual Licence Fee of \$12,500 (plus GST) (subject to annual CPI increases) be charged for both sites;
3. That the Mayor and Chief Executive Officer be authorised to execute any/ all relevant and ancillary documents that pertain to the proposed Licence Agreement between St Andrew's School Incorporated and Council including affixing of the common seal of Council.

CARRIED

14.3.2 Minister for Education Licence Agreement – Walkerville Oval

Moved: Cr Williams
Seconded: Cr Ashby

CNC203/19-20

1. That Council enters into a new non-exclusive Licence Agreement with the Minister for Education over portions of land contained within Certificates of Title Volume 5255 Folio 827 and Certificates of Title Volume 5821 Folio 229 for a Term of five (5) years commencing 1 January 2020 (expiring 31 December 2024) for the purpose of authorising the Walkerville Primary School's use of Walkerville Oval and adjacent Reserve;
2. That the commencing annual Licence Fee be \$7,500 (plus GST) (subject to annual CPI increases);
3. That the Mayor and Chief Executive Officer be authorised to execute any/all relevant and ancillary documents that pertain to the proposed Licence Agreement between the Minister for Education and Council including affixing of the common seal of Council.

CARRIED

14.3.3 Waste Advisory Group – Community Nomination

Moved: Cr Williams
Seconded: Cr Joshi

CNC204/19-20

That Council authorises WAG to continue to operate with two (2) community members and requests Administration to conduct a further expression of interest in 2020 for a third community member.

CARRIED

14.3.4 CEO Performance Review Committee – Appointment of Members

Moved:Cr Bishop
Seconded: Cr Coleman

CNC205/19-20

That Councillor Joshi & Councillor Williams be appointed to the Chief Executive Officers Performance Review Committee for the remainder term of Council.

CARRIED

14.3.5 Hamilton Reserve Upgrade

Moved:Cr Wilkins
Seconded: Cr Bishop

CNC206/19-20

1. That Council endorse the second design iteration of Hamilton Reserve as found in Attachment A, which was endorsed by SPDPC at the meeting of 20 November 2019 subject to the following amendments:
 - That the blue colour used within the design be changed to a different colour.
 - Remove the cover page from the plan (p163)
 - The paths be differentiated to indicate surface type.
2. That Council direct Administration to proceed to public consultation on the Hamilton Reserve design found in Attachment A (as amended), with particular emphasis on consultation with Vale Park resident.

CARRIED14.4 Subsidiaries

14.4.1 Eastern Health Authority Budget Review One

This Item has been deferred to the Ordinary meeting of 20 January 2020.

14.4.2 ERA Water Budget Review

Moved:Cr Williams
Seconded: Cr Furlan

CNC207/19-20

1. That the item be deferred pending referral to Council's Audit Committee.
2. That Administration writes to ERA Water advising of Council's decision.

CARRIED

14.4.3 ERA Water – Appointment of Board and Deputy Board Members

Moved:Cr Bishop**Seconded:** Cr Williams**CNC208/19-20**

1. That Council appoints Kiki Magro as the Board Member, pursuant to Clause 3.4 of the ERA Water Regional Subsidiary Charter 2015, for a one (1) year period, effective from 1 January 2020 and expiring on 1 January 2021;
2. That Council appoints Cr Bishop as the Deputy Board Member, pursuant to Clause 3.5 of the ERA Water Regional Subsidiary Charter 2015, for a two (2) year period, effective from 2 January 2020 and expiring on 1 January 2022.

*The time being 8.31pm Cr Furlan left the chamber.**The time being 8.34pm Cr Furlan returned to the chamber.***CARRIED****15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION****Moved:** Cr Bishop**Seconded:** Cr Furlan**CNC209/19-20**

That items 16.3.1, 16.3.3, 16.3.5, 16.3.6, 16.3.9, 16.4.1, 16.4.2, 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 Furlan

CNC210/19-20

That Council receives and notes the Monthly Financial Report as at 30 November 2019.

CARRIED

16.3.2 Works Report for November 2019

Moved: Cr Ashby
Seconded: Cr Bishop

CNC21119-20

That Council receives and notes the Works Report for November 2019.

CARRIED

16.3.3 CEO Performance Review Committee Minutes

Moved: Cr Bishop
Seconded: Cr Furlan

CNC212/19-20

That Council receives and notes the CEO Performance Review Committee minutes for the meeting convened on 28 November 2019.

CARRIED

16.3.4 Lessee Financial Statements

Moved: Cr Bishop
Seconded: Cr Furlan

CNC213/19-20

1. That Council receives and notes the Lessee Financial Statements report.
2. That the Administration write to the lessee's expressing Council's appreciation of their efforts.

CARRIED

16.3.5 AWL / RSPCA Cat Management Plan

Moved: Cr Bishop
Seconded: Cr Furlan

CNC214/19-20

That Council receive and note the Animal Welfare League (AWL) and RSPCA South Australia 'Cat Management Plan for South Australia'.

CARRIED

16.3.6 Resilient East Update

Moved: Cr Bishop
Seconded: Cr Furlan

CNC215/19-20

That Council receives and notes the reports, appearing as Attachment A and B, prepared by Resilient East as they relate to water sensitive urban design in the Resilient East region.

CARRIED

16.3.7 Miniature Christmas Pageant Annual Report 2019

Moved: Cr Williams
Seconded: Cr Bishop

CNC216/19-20

1. That Council receives and notes the Miniature Christmas Pageant Annual Report for 2019.
2. That Administration writes to Mr Peter Golding to thank him for his efforts in running the Miniature Christmas Pageant in 2019.

CARRIED

16.3.8 Community Garden Feasibility Study Progress Report

Moved: Cr Joshi
Seconded: Cr Williams

CNC217/19-20

That Council receives and notes the Community Garden Feasibility Study progress report.

CARRIED

16.3.9 Strategic Planning and Development Policy Committee

Moved: Cr Bishop
Seconded: Cr Furlan

CNC218/19-20

That Council receives and notes the Strategic Planning and Development Policy Committee minutes for the meeting convened on 20 November 2019

CARRIED16.4 Subsidiaries

16.4.1 Eastern Health Authority Board of Management Minutes

Moved: Cr Bishop
Seconded: Cr Furlan

CNC219/19-20

That Council receive and note the revised minutes of the Eastern Health Authority Board of Management meeting held on 20 November 2019 appearing as Attachment A to this report.

CARRIED

16.4.2 East Waste Board Minutes

Moved: Cr Bishop
Seconded: Cr Furlan

CNC220/19-20

That Council receives and notes the East Waste Board minutes of the ordinary meeting convened on 30 November 2019.

CARRIED16.5 Outstanding Council resolutions

Moved: Cr Bishop
Seconded: Cr Furlan

CNC221/19-20

That Council receive and note the list of Council resolutions currently being processed as at 12 December 2019.

CARRIED

17 CORRESPONDENCE

Moved: Cr Joshi

Seconded: Cr Furlan

CNC222/19-20

That the correspondence as listed below be received and noted:

17.1 Correspondence to Mayor Fricker from Mayor Karen Redman, Chairperson of GAROC.

17.2 Correspondence to Mayor Fricker from Michael Lennon, Chair State Planning Commission.

17.3 Correspondence to Mayor Fricker from Hon John Dawkins MLC.

CARRIED

18 URGENT OTHER BUSINESS

Nil

19 CONFIDENTIAL ITEMS

19.1 East Waste – Appointment of Independent Chairman

Moved: Cr Furlan

Seconded: Cr Joshi

CNC223/19-20

Recommendation (Public)

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 the Chief Executive Officer Kiki Magro, Group Manager Assets & Infrastructure Joshua Bowen, Group Manager Corporate Services Katy Bone, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Customer Experience Danielle Garvey, Manager Community Engagement & Development Fiona Deckert and Council Secretariat Vanessa Davidson be excluded from attendance at the meeting for Agenda Item 'East Waste – Appointment of Independent Chairman'.

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 the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), given that Council will be considering a recommendation from East Waste to appoint an 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 Council will be considering a recommendation from East Waste to appoint an Independent Chairman

and that all Member Councils have yet to finalise their deliberations with respect to this matter.

The time being 8.54pm the meeting was closed to the public.

Moved: Cr Ashby

Seconded: Cr Furlan

CNC224/19-20

Recommendation (Confidential)

1. That Council endorse East Waste Boards recommendation to appoint Mr Fraser Bell to the role of East Waste Independent Chairperson for a period of two years commencing in 2020 in line with East Waste's Charter.
2. That Council defer the decision of an actual commencement date to East Waste Board.

CARRIED

Moved: Cr Bishop

Seconded: Cr Wilkins

CNC225/19-20

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item **East Waste – Appointment of Independent Chairman** 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 minutes relevant to this Agenda Item be retained in confidence for a period of 6 months, or until the matter has been considered and finalised by all Member Councils and a public announcement has been made, 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 8.56pm the meeting was reopened to the public.

Moved: Cr Williams
Seconded: Cr Bishop

CNC226/19-20

That Item 19.3 Application for Assignment of Pre-Kindy Lease be brought forward.

CARRIED

19.3 Application for Assignment of Pre-Kindy Lease

Moved: Cr Ashby
Seconded: Cr Bishop

CNC227/19-20

Recommendation (Public)

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 Magro, Group Manager Asset & Infrastructure Joshua Bowen, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Katy Bone, Group Manager Customer Experience Danielle Garvey, Manager Community Development & Engagement Fiona Deckert and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item Application for Assignment of Pre-Kindy Lease.

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 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 8.57pm the meeting was closed to the public.

Moved: Cr Williams
Seconded: Cr Bishop

CNC228/19-20

Recommendation (Confidential)

1. That Council endorses the application made by Angie and Corey Burford which seeks to Assign the Lease over the Walkerville Pre-Kindy, that being the portion of the land contained within Certificate of Title Volume 5255 Folio 827;
2. That all costs and legal fees associated with the preparation of the Deed of Assignment be borne by the Lessee / Assignee; and

3. That the Mayor and Chief Executive Officer be authorised to execute any/all relevant and ancillary documents that pertain to the proposed Lease Assignment between Walkerville Pre-Kindergarten Pty Ltd and Council including affixing of the common seal of Council.

CARRIED

Moved: Cr Ashby
Seconded: Cr Bishop

CNC229/19-20

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 19.3 Application for Assignment of Pre-Kindy Lease 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 6 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.

The time being 9.00pm the meeting was reopened to the public.

- 19.2 Request for Expression of Interest (REOI) – Master Planning of Strategic Sites Update

Moved: Cr Williams
Seconded: Cr Bishop

CNC230/19-20

Recommendation (Public)

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 Magro, Group Manager Asset & Infrastructure Joshua Bowen, Group Manager Corporate Services Katy Bone, and Council Secretariat, Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 19.2 Draft REOI – Master Planning of Strategic Sites Update.

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 is information the disclosure of which could reasonably be expected to confer a

commercial advantage on a person with whom the Council is: proposing to conduct business; or would prejudice the commercial position of the Council.

CARRIED

The time being 9.00pm the meeting was closed to the public

Moved: Cr Wilkins
Seconded: Cr Furlan

CNC231/19-20

That Standing Orders be suspended for a period of thirty minutes to enable a full and frank discussion of the contents of the report.

CARRIED

The time being 9.30pm Standing Orders were resumed.

Moved: Cr Wilkins
Seconded: Cr Bishop

CNC232/19-20

Recommendation (Public)

That Council receives and notes the report.

CARRIED

Moved: Cr Wilkins
Seconded: Cr Joshi

CNC233/19-20

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item ***Request for Expression of Interest (REOI) – Master Planning of Strategic Sites Update*** 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 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 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 9.31pm the meeting was reopened to the public.

20. CLOSURE

The meeting was declared closed at 9.32pm