



MINUTES

of

COUNCIL MEETING

held via

electronic means through live streaming at
<https://www.youtube.com/channel/UCZxKI13S3M8n8zxK15LFT9w>

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

on

MONDAY 19 APRIL 2021 AT 7PM

MINUTES 19 April 2021

The Meeting was declared open at 7.00pm.

1. ATTENDANCE RECORD

1.1 Present

Mayor Elizabeth Fricker
Cr Rob Ashby AM
Cr MaryLou Bishop
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 & Regulatory Services, Andreea Caddy
Manager Community Development & Engagement, Fiona Deckert
Manager Property, Contracts & Strategic Projects, Scott Reardon
Acting Council Secretariat, Rae Pluck

1.2 Apologies

Nil.

1.3 Not Present / Leave of Absence

CNC330/20-21

Moved: Cr Wilkins

Seconded: Cr Joshi

1. That Council approve Cr Williams request for Leave of Absence from 21 April to 24 April 2021, inclusive.
2. That Council approve Cr Ashby's request for Leave of Absence from 9 May to 15 May 2021, inclusive.

CARRIED

2. CONFIRMATION OF MINUTES

2.1 Council meeting held on 15 March 2021

CNC331/20-21**Moved:** Cr Nenke**Seconded:** Cr Furlan

That the minutes of the Ordinary Council meeting held on the 15 March 2021 be confirmed as a true and accurate record of the proceedings.

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

Cr Wilkins declared a perceived interest in agenda item 14.1.1 'Preliminary Suburb Boundary & Renaming Proposal – Report' as he lives in the area of concern, has a financial interest in property in the area of concern and 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

CNC332/20-21**Moved:** Cr Coleman**Seconded:** Cr Williams

That Council receives and notes the Mayoral Diary from 12 March to 15 April 2021.

CARRIED**6. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED TRAINING, CONFERENCES OR SEMINARS**

Nil.

7. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED SUBSIDIARY BOARD MEETINGS

Nil.

8. QUESTIONS FROM THE GALLERY

8.1 Questions from Rhonda Avard

Preamble Q1

The recent report 'Temperature Check: Greening Australia's Warming Cities' by Dr Lucy Richardson from Monash Climate Change research communication hub, found green spaces in major cities had declined significantly. Further Dr Richardson said that 'increasing urban vegetation will become essential for Australia's largest cities to reduce serious heatwave impacts in the future.

'Greener Spaces Better Places' ranks Walkerville 14/23 for green cover compared to similar places across Australia with 22.6% green cover.

The Urban Forest Policy endorsed by Walkerville council has in section 6 Future Direction goals and objectives to achieve: 'A healthy and resilient urban forest that contributes to the health and wellbeing of the Town of Walkerville's community, economy, and environment.....'

Q1: What progress has been made achieving the goals and objectives in Urban Forest Policy 'Future Directions'?

Administration Response

Thank you for the question. I will answer this question under each of the five (5) major heading of the 'Future Directions' section of the Urban Forest Policy. Namely:

Grow

We undertook an audit of all of our trees in late 2017. The information gathered at that time gave us a good and accurate outline of where our tree stock / assets are. We intend to undertake a subsequent audit in late 2021. Since the Policy was adopted, we have been and continue to plant between 120 and 150 trees each financial year, which will deliver Council's target set of 1% canopy increase.

Protect

As we receive an increasing number of development applications, we aim to ensure that our tree stock is retained. Sadly, this is not always possible and in those instances every effort is made to either replant a tree in close proximity to where it was removed or at an alternative location. We maintain our tree stock (that is Council owned trees in public spaces) with regular and proactive pruning, which is undertaken by trained and experienced staff in order to ensure that trees are able to reach a life expectancy in excess of 20 years.

Engage

As part of the State Governments planning reform agenda, Council's submission outlined both positive and negative impacts that the Design Code will have on our urban forest. We work closely with community groups to provide areas that are available for community plantings.

Manage

We continually look for opportunities to include Water Sensitive Urban Design (WSUD) into our streetscapes and have factored this into our budgeting processes. This includes the installation of tree inlets as a part of the capital works program, rain gardens and other WSUD features that allow the passive watering of the urban forest.

Fund

We have developed and implemented a tree valuation methodology, which is under constant review in order to ensure the true value of removing a tree is understood and accounted for, beyond the simple cost to replace the tree.

Preamble Q2

Volunteers have contributed time and effort to the development of native gardens adjacent to The Watson on public land. I observed one volunteer unloading containers of water from her car to use for watering nearby plants.

Q2: Is a tap located in the area to assist volunteers or workers to water the plants?Administration Response

The garden bed in question has a drip irrigation system installed. This is monitored regularly by the Beautification Team as part of our general maintenance regime. We avoid the installation of new taps in the township due to vandalism, which has been experienced in other public land areas where taps have been installed. It is not our intention to install any new taps, but rather work towards WSUD, tree inlets, rain gardens, drip irrigation and other passive watering methods. I also wish to take this opportunity to remind residents that any plantings on Council owned land requires the prior approval of Council.

9. QUESTIONS WITHOUT NOTICE**9.1 Cr Bishop - Overhanging of Council owned trees**

What are the rules for residents being able to cut back Council owned trees that overhang their private property? What is the process for residents where root systems from Council owned trees are causing damage to private property?

Administration Response

A property owner can trim tree branches overhanging their property in a straight line to the sky from the boundary fence line as long as they remove and dispose of the offcuts themselves. As a courtesy the property owner should notify the Council/neighbour.

In respect of root system damage, this would be a civil matter, between the private property owner and Council.

CEO Qualification

Information provided at the meeting in regard to damage caused by the root system of Council owned trees to private property was incorrect. Council is not held liable for any damage to property, which results from the planting of a tree or the existence of a tree growing, whether planted by Council or not. Specifically, section 245 of the *Local Government Act 1999* states:

245 - Liability for injury, damage or loss caused by certain trees

(1) A council is not liable for any damage to property which results from—

- (a) the planting of a tree in a road; or
- (b) the existence of a tree growing in a road (whether planted by the council or not).

(2) However, if—

- (a) the owner or occupier of property adjacent to the road has made a written request to the council to take reasonable action to avert a risk of damage to property of the owner or occupier from the tree; and
- (b) the council has failed to take reasonable action in response to the request,

the council may be liable for any damage to property that would have been averted if the council had taken reasonable action in response to the request.

10. QUESTIONS WITH 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 Preliminary Suburban Boundary Realignment and Renaming Proposal

Moved: Cr Bishop
Seconded: Cr Furlan

That Council receives and notes the information contained in the Preliminary Suburban Boundary Realignment and Renaming Proposal report and in accordance with resolution **CNC225/21-22** directs Administration to proceed to community consultation in order to obtain the community's feedback prior to Council determining whether to further pursue one of the following suburban boundary realignment and/or renaming proposals:

1. That the triangle section of the suburb of Vale Park as bounded by Lansdowne Tce, North East Rd, Ascot Avenue and the River Torrens be ceded from the suburb of Vale Park and annexed into the suburb of Walkerville;

OR

2. That the triangle section of the suburb of Vale Park as bounded by Lansdowne Tce, North East Rd, Ascot Avenue and the River Torrens be ceded from the suburb of Vale Park and annexed into the suburb of Walkerville, then the remaining section of the suburb of Vale Park as bounded by Ascot Avenue, North East Road, Fife Street and the River Torrens be renamed North Walkerville;

OR

3. That the entire suburb of Vale Park as bounded by Lansdowne Tce, North East Rd, Fife Street and the River Torrens be renamed North Walkerville;

OR

4. That no change to the current suburban boundaries and place names be pursued.

AMENDMENT

CNC333/20-21

Moved: Cr Williams
Seconded: Cr Ashby

That the item be deferred until indicative costings have been identified and further consultation with the Department of Education has been completed.

CARRIED

The Amendment having been put and **CARRIED** became the substantive **MOTION**, which on being put was **CARRIED**.

14.2 Policy

14.2.1 Draft Assessment Panel and Assessment Manager Reporting Policies

CNC334/20-21

Moved: Cr Joshi

Seconded: Cr Furlan

1. That Council release the Draft Assessment Panel Reporting Policy, appearing as Attachment A, for public consultation.
2. That Council release the Draft Assessment Manager Reporting Policy, appearing as Attachment B, for public consultation.

CARRIED

14.2.2 Review of Council's Development Enforcement and Compliance Policy

CNC335/20-21

Moved: Cr Ashby

Seconded: Cr Wilkins

That Council release the Draft Development Compliance and Enforcement Policy, appearing as Attachment C, for public consultation.

CARRIED

14.2.3 Mobile Food Vendor Policy Report

CNC336/20-21

Moved: Cr Williams

Seconded: Cr Ashby

1. That Council endorse 'in principle' the draft Mobile Food Vendor Policy report, appearing as Attachment A to this report and release the draft policy for public consultation.
2. That Council authorise Administration to make any changes to the draft Mobile Food Vendor Policy of a minor technical or formatting nature prior to releasing the policy for public consultation.
3. That the Policy be reviewed within the first 12 months of a new Council term.

CARRIED

14.2.4 Use of Council Parks, Gardens, Reserves and Open Space Policy Review – Consultation Feedback

CNC337/20-21

Moved: Cr Williams

Seconded: Cr Joshi

1. That Council receives and notes the Use of Parks, Gardens, Reserves and Open Space Policy – Consultation Feedback report and adopts the revised Use of Parks, Gardens, Reserves and Open Space Policy, appearing as Attachment A, for operational commencement.
2. That Council authorise Administration to make any changes to the Use of Parks, Gardens, Reserve and Open Spaces Policy of a minor technical or formatting nature.

CARRIED

14.2.5 Draft Notification Policy - Accredited Professionals Report - Consultation Feedback

CNC338/20-21

Moved: Cr Furlan

Seconded: Cr Wilkins

1. That Council receive and note the Draft Policy of Notification - Accredited Professionals – Consultation Feedback Report and adopt the Notification Policy – Accredited Professionals found in Attachment A.
2. That Council authorise Administration to make any changes to the Notification Policy - Accredited Professionals of a minor technical or formatting nature.

CARRIED

14.3 Operational

14.3.1 KEEP CLEAR Pavement Marking and Medindie Transport and Parking Plan Implementation Update

CNC339/20-21

Moved: Cr Bishop

Seconded: Cr Williams

1. That Council requests that Administration formally approach the Department of Infrastructure and Transport in order to seek approval and installation of the KEEP CLEAR Pavement Markings at Dutton Tce / Northcote Tce (northbound and southbound) and Robe Tce Access / Robe Tce (R1)(eastbound).
2. That Council requests that Administration undertake further investigations for the KEEP CLEAR Pavement Markings at the Gilbert St / Walkerville Tce (eastbound) intersection and at Dutton Tce / Main North Road (westbound).
3. That Council receives and notes the update 12 months on from the implementation of the Medindie Transport and Parking Plan.

CARRIED

14.3.2 PDI Act - Delegations Update April 2021

CNC340/20-21**Moved:** Cr Bishop**Seconded:** Cr Wilkins

1. That Council hereby revokes all previous delegations made to the person occupying the position of Chief Executive Officer under Instrument A, Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*.
2. In exercise of the power contained in section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report dated 19 April 2021 and entitled Delegations Update April 2021 and marked Appendix A) are hereby delegated this 19th day of April 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
4. That the amended CAP - Terms of Reference contained in Attachment C be endorsed.

CARRIED

14.3.3 Reappointment of Independent Audit Committee Member

CNC341/20-21**Moved:** Cr Furlan**Seconded:** Cr Wilkins

1. That Council resolves to reappoint Mr David Hitchcock, as the Independent Member to the Audit Committee for a further eighteen (18) month term commencing on 1 July 2021 and expiring 31 December 2022.
2. That Council resolves to change the Audit Committee Terms of Reference in order to allow for future appointments of Independent Members to be in line with Council general elections, which occur four (4) yearly, noting that the next general election will be held in November 2022.

CARRIED

14.3.4 Community Fund Application – John Rolls

CNC342/20-21**Moved:** Cr Joshi**Seconded:** Cr Bishop

1. That Council allocates the following funds to the Community Fund applicant from the 2020/2021 Community Fund budget:
 - a. John Rolls – (\$210)
2. That Administration write to the applicant for the Community Fund grant and advises them of the Council's resolution and in so doing highlights that all plant purchases are to approved and be from an approved supplier as determined by the Group Manager Asset & Infrastructure and planted under the supervision of the Group Manager Asset & Infrastructure (or as delegated).
3. That the successful applicant is invited to attend the Ordinary Meeting of Council to be held on 17 May 2021, to formally receive the funds from Her Worship Mayor Fricker at the beginning of the Council Meeting (dependent on COVID restrictions).

CARRIED

14.3.5 Community Fund Application – Ella Copeland

CNC343/20-21**Moved:** Cr Williams**Seconded:** Cr Wilkins

1. That Council allocates the following funds to the Community Fund applicant from the 2020/2021 Community Fund budget:
 - a. Ella Copeland – (\$150)
2. That Administration writes to the applicant for the Community Fund and advises them of the Council resolution.
3. That the successful applicant is invited to attend the Ordinary Meeting of Council to be held on 17 May 2021, to formally receive the funds from Her Worship Mayor Fricker at the beginning of the Council Meeting (dependent on COVID restrictions).

CARRIED

14.3.6 Proposal to disband Waste Advisory Group

CNC344/20-21**Moved:** Cr Williams

Seconded: Cr Nenke

That Council resolves to suspend the Waste Advisory Group until 1 November 2022.

CARRIED

14.4 Subsidiaries

Nil.

15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

CNC345/20-21

Moved: Cr Nenke

Seconded: Cr Bishop

That items 16.1.1, 16.3.1, 16.3.2, 16.3.3, 16.3.4, 16.3.5, 16.3.7, 16.4.1 and 16.5 be moved as per their recommendations.

CARRIED

16 REPORTS REQUIRING DISCUSSION AND / OR PRESENTED FOR INFORMATION

16.1 Strategy

16.1.1 ERA Chairman & CEO – December 2020 Progress Report

CNC346/20-21

Moved: Cr Nenke

Seconded: Cr Bishop

That Council receives and notes the ERA Chairman & CEO December 2020 Progress Report and in so doing acknowledges that the report was received by Administration on Monday 12 April 2021.

CARRIED

16.1.2 Local Heritage & Development Plan Amendment Update Report

CNC347/20-21

Moved: Cr Furlan

Seconded: Cr Williams

That Council receives and notes the Local Heritage Survey & Development Plan Amendment Update Report.

CARRIED

16.2 Policy

Nil.

16.3 Operational

16.3.1 Elected Members Allowances and Benefits Register- Ending 31 March 2021

CNC348/20-21

Moved: Cr Nenke

Seconded: Cr Bishop

That Council receives and notes the Elected Members Allowance and Benefits Register for the period ending 31 March 2021.

CARRIED

16.3.2 Community Services Quarterly Report – January to March 2021

CNC349/20-21

Moved: Cr Nenke

Seconded: Cr Bishop

That Council receives and notes the Community Services Quarterly Report for the period January to March 2021.

CARRIED

16.3.3 Works Report for March 2021

CNC350/20-21

Moved: Cr Nenke

Seconded: Cr Bishop

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

CARRIED

16.3.4 Quarterly Financial Report

CNC351/20-21

Moved: Cr Nenke

Seconded: Cr Bishop

1. That Council receives and notes the Quarterly Financial Report, which incorporates:

a. the CAPEX & OPEX as at 31 March 2021

b. the Year-to-Date Solar Panel Management System data and savings.

CARRIED

- 16.3.5 Walkerville Library 2019/2020 Australian Library and Information Association (ALIA) Standards Report

CNC352/20-21**Moved:** Cr Nenke**Seconded:** Cr Bishop

That Council receives and notes the Walkerville Library 2019/2020 Australian Library and Information Association (ALIA) Standards Report.

CARRIED

- 16.3.6 Council Assessment Panel – Decisions of CAP Update Report

CNC353/20-21**Moved:** Cr Bishop**Seconded:** Cr Furlan

That Council receive and note the Council Assessment Panel – Decisions of CAP Update report.

CARRIED

- 16.3.7 Walkerville Oval Redevelopment Committee Meeting Minutes 13 April 2021

CNC354/20-21**Moved:** Cr Nenke**Seconded:** Cr Bishop

That Council receives and notes the minutes of the Walkerville Oval Redevelopment Committee held on 13 April 2021.

CARRIED

16.4 Subsidiaries

- 16.4.1 ERA Water Board Minutes 29 March 2021

CNC355/20-21**Moved:** Cr Nenke**Seconded:** Cr Bishop

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 29 March 2021.

CARRIED

16.5 Outstanding Council resolutions

CNC356/20-21**Moved:** Cr Nenke**Seconded:** Cr Bishop

That Council receives and notes the list of Council resolutions currently being processed as at 15 April 2021.

CARRIED**17 CORRESPONDENCE****CNC357/20-21****Moved:** Cr Bishop**Seconded:** Cr Ashby

That the correspondence as listed below be received and noted.

- 17.1 Correspondence to Mayor Fricker from State Planning Commission
- 17.2 Correspondence to Mayor Fricker from the Hon Rob Lucas MLC
- 17.3 Correspondence to Mayor Fricker from the Hon Vickie Chapman MP
- 17.4 Correspondence to Mayor Fricker from the Hon Corey Wingard MP
- 17.5 Correspondence to Mayor Fricker from Local Government Association
- 17.6 Correspondence to Mayor Fricker from Mayor City of Onkaparinga

CARRIED**18 URGENT OTHER BUSINESS**

Nil.

19 CONFIDENTIAL ITEMS

Nil.

20 CLOSURE

The Presiding Member declared the meeting closed at 8.15pm.