



# **MINUTES**

of

# **COUNCIL MEETING**

held in the

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

on

**21 OCTOBER 2019 AT 7:00PM**

**MINUTES**  
21 October 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  
Manager Marketing and Communications, S DeNicola  
Council Secretariat, V Davidson

1.2 Apologies

1.3 Not Present / Leave of Absence

**2. CONFIRMATION OF MINUTES**

**Moved:** Cr Bishop

**Seconded:** Cr Coleman

**CNC105/19-20**

That the minutes of the Council meeting held on the 16 September 2019 be confirmed as a true and accurate record of the proceedings with the following change:

- page 9 of the draft minutes are to be amended to read 'Edwin Terrace' rather than 'Edwin Street'.

**CARRIED**

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

- 3.1 Cr MaryLou Bishop declared a perceived conflict of interest in Item 14.1.1 as she lives on the corner of Briar Avenue and Willyama Avenue and advised that she will remain in the room and participate in the debate and vote.
- 3.2 Cr MaryLou Bishop declared a material conflict of interest in Item 14.1.1 (Note 12) as she lives on the corner of Briar Avenue and Willyama Avenue and advised that she will leave the room during the debate on this matter.
- 3.3 Cr Jennifer Joshi declared a perceived conflict of interest in Item 14.1.3 as she lives opposite the Buckingham Arms hotel site and advised that she will remain in the room and participate in the debate and vote.
- 3.4 Cr Conrad Wilkins declared a perceived conflict of interest in Item 14.1.3 as he is a personal friend of a director of the Matthew's Group and owns a property adjacent to the site at 11 Walkerville Terrace Gilberton. Cr Wilkins advised that he will remain in the room and participate in the debate and vote.
- 3.5 Cr Stephen Furlan declared a perceived conflict of interest in Item 14.1.1 as he has previously lived in Darling Street and continues to own this property. Cr Furlan advised that he will remain in the room and participate in the debate and vote.

*The Presiding Member sought leave of the meeting to bring forward Item 11 Deputations / Presentations / Representations.*

#### Motion

**Moved:** Cr Joshi

**Seconded:** Cr Williams

#### **CNC106/19-20**

That Item 11 Deputations / Presentations / Representations be brought forward to enable those members of the public who are presenting to Council to be heard in a timely manner.

**CARRIED**

### 4. MAYORS DIARY

- 4.1 Mayors Diary

**Moved:** Cr Bishop

**Seconded:** Cr Williams

#### **CNC107/19-20**

That Council receives and notes the Mayoral Diary from 12 September 2019 to 17 October 2019 subject to the item listing attendance at the Women of Walkerville Committee meeting be amended to list Cr Bishop as an apology.

**CARRIED**

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

Nil.

**6. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED SUBSIDIARY BOARD MEETINGS**

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

**CNC108/19-20**

That Council receives and notes the reports of Elected Members having attended subsidiary board meetings as listed below:

6.1 Eastern Health Authority Board of Management – Cr Jennifer Joshi

6.2 East Waste Board Meeting – Cr Rob Ashby.

**CARRIED**

**7. QUESTIONS FROM THE GALLERY**

Nil.

**8. QUESTIONS WITHOUT NOTICE**

Nil.

**9. QUESTIONS ON NOTICE**

9.1 Questions With Notice – Cr J Nenke

9.1.1 With regard to the 'About Town Advertising Rates' information sheet provided on Council's website I note that the top line in bold font states 'Advertise your local business to your local customers in About Town' and point 4 at the bottom, states 'About Town paid advertising is open to all businesses within the Council area of Walkerville'.

When initially developing the information sheet was the objective for advertising space to be targeted to local businesses only?

Administration Response

The objective was two-fold: (1) To provide local businesses with advertising opportunities for publication specifically developed for the Town of Walkerville (2) to generate advertising revenue that would be re-invested into the publication.

9.1.2 Does Administration have a relevant Policy or a set of guidelines that establishes the objectives and guiding principles of the About Town Newsletter?

Administration Response

No. There have only been 3 commercial businesses outside the local area who have advertised in About Town and these were assessed on a case by case basis by Administration. If the content meets advertising standards and are appropriate for the community, Administration will publish accordingly.

- 9.1.3 If Guidelines do not exist, then what is the process for making decisions over what can or cannot be advertised?

Administration Response

If the content meets advertising standards and are appropriate for the community, Administration will publish.

- 9.1.4 What is the cost of printing and distribution of the newsletter per edition? And what is the cost of running this newsletter annually?

Administration Response

About Town is produced by a company called The Set UP. Each issue costs around \$9,700 for layout design, printing, stitching and folding, printing of envelopes (which are not generic and have Council messages on them), packing and lodging with Australia Post. The cost may vary due to the issue – ie insertion of a flyer, additional pages etc.

Costs for the last 12 months from the Sept Up (four issues)

- Summer 2018/19 \$9,790
- Autumn 2019 \$9,790
- Winter 2019 \$9,710
- Spring \$9,240

Administration is charged separately for postage by Australia Post

TOTAL COST for a 12 month period is \$46,464.70

- 9.1.5 When did Council start allowing third party advertising to offset the cost for publication and distribution of the Newsletter.

Administration Response

Advertising was introduced in December 2017. It was introduced when the Messenger stopped producing a newspaper for the City North region.

## 10. PETITIONS

Nil.

## 11. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

- 11.1 Presentation - Local Government Association of South Australia – Mr Matt Pinnegar
- 11.2 Deputation – Medindie Transport and Parking Plan – Ms Judy Koh
- 11.3 Deputation – Medindie Transport and Parking Plan – Ms Julia Knight

## 12. MOTIONS WITHOUT NOTICE

Cr James Nenke

**Moved:** Cr Nenke

**Seconded:** Cr Coleman

### **CNC111/19-20**

That Administration develop some guidelines for the assessment of advertising for the About Town newsletter and further develop some objectives for Council to consider and approve.

**CARRIED**

Motion

**Moved:** Cr Wilkins

**Seconded:** Cr Coleman

### **CNC109/19-20**

That Standing Orders be suspended for a period of ten minutes in order for the Elected Members to query the objective of the Cr Nenke's motion.

**CARRIED**

**Moved:** Cr Furlan

**Seconded:** Cr Bishop

### **CNC110/19-20**

That Standing Orders be resumed.

**CARRIED**

## 13. MOTIONS WITH NOTICE

### 13.1 Motions with Notice – Cr James Nenke

**Moved:** Cr Nenke

**Seconded:** Cr Wilkins

**CNC112/19-20**

Answers are prepared by Administration for the Agenda item 'Questions on Notice' and provided on the agenda prior to the relevant meeting provided the questions are provided to Administration at least ten clear days prior to the meeting.

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

## 14.1.1 Medindie Traffic &amp; Parking Plan Community Consultation Outcome

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

That Council:

1. Reviews the summary of the public consultation outcome, entitled *Summary Report* and appearing as Attachment A to this report.
2. Notes the public consultation feedback and while cognisant of a minority disapproval for Items 3, 6, 7; it endorses the Consultant's shortlisted Items 1-10 and instructs Administration to proceed to costing and a further report to be presented to Council to determine implementation.
3. Instructs Administration to undertake further community consultation, traffic studies and increase the remit of Item 11 to the entire length of Briar Avenue; with a view to alleviate the traffic issues presented.

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Amendment to Motion**Moved:** Cr Furlan**Seconded:** Cr Ashby**CNC112/19-20**

That the following be included at point 2 of the Motion:

'That Item 3, be expanded to include Avenel Gardens Road / Elm Street yellow line marking and parking review.'

**CARRIED**Motion as Amended**Moved:** Cr Furlan**Seconded:** Cr Ashby**CNC113/19-20**

That Council:

1. Reviews the summary of the public consultation outcome, entitled *Summary Report* and appearing as Attachment A to this report.
2. Notes the public consultation feedback and while cognisant of a minority disapproval for Items 3, 6, 7; it endorses the Consultant's shortlisted Items 1-10 and instructs Administration to proceed to costing and a further report to be presented to Council to determine implementation. That Item 3, be expanded to include Avenel Gardens Road / Elm Street yellow line marking and parking review.
1. Instructs Administration to undertake further community consultation, traffic studies and increase the remit of Item 11 to the entire length of Briar Avenue; with a view to alleviate the traffic issues presented.

**CARRIED**

*The time being 8.40pm Cr Bishop, having declared a material conflict of interest in Note 12 of Item 14.1.1, left the chamber.*

**Moved:** Cr Wilkins  
**Seconded:** Cr Ashby

**CNC114/19-20**

That Council notes and considers the significant community opposition to Item 12 (closure of Willyama Avenue) and instructs Administration to remove Item 12 from the shortlist of recommendations, prior to costing and implementation.

**CARRIED**

*The time being 8.47pm Cr Bishop returned to the chamber.*

14.1.2 Open Space Strategy Hamilton Reserve – Design Options & Costings

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

**CNC115/19-20**

1. That Council receives and notes the current designs proposed for Hamilton Reserve found in Attachments B (Jensen Plus) and Attachment C (prepared by Administration).
2. That Council requests Administration prepare a report to present to the Strategic Planning & Development Policy Committee to review the design and associated itemised costings.

**CARRIED**

14.1.3 Developer Funded DPA Statement of Intent



*The time being 9.07pm Kieran Barnes of Ekistics, acting for the Matthew's Group, was invited by the Presiding Member to address the meeting.*

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

**CNC116/19-20**

That Council:

1. Receive and note the revised Statement of Intent relating to a forthcoming Development Plan Amendment for 1 Walkerville Terrace, Gilberton.
2. Authorise the Chief Executive Officer to sign the Statement of Intent appearing as Attachment A and forward to the Minister for his consideration in accordance with section 25 of the *Development Act 1993*.

**CARRIED**

14.2 Policy

14.2.1 Review of Public Question Time Policy

**Moved:** Cr Williams  
**Seconded:** Cr Furlan

**CNC117/19-20**

1. That Council receive and note the revised Public Questions Time Policy.
2. That Council approve release of the revised Public Question Time Policy, appearing as Attachment B 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**

## 14.2.2 Heritage Plaques Fund Policy

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

**CNC118/19-20**

That Council:

1. adopt the draft Heritage Plaques Fund Policy appearing at Attachment A to the report,
2. authorise Administration to make minor amendments of a formatting or technical nature to the Heritage Plaques Fund Policy.

**CARRIED**

## 14.2.3 Interpretative Signage Policy

**Moved:** Cr Furlan  
**Seconded:** Cr Williams

**CNC119/19-20**

That Council:

1. adopt the draft Interpretative Signage Policy appearing at Attachment A to the report,
2. authorise Administration to make minor amendments of a formatting or technical nature to the Interpretative Signage Policy.

**CARRIED**

## 14.2.4 Draft Cemetery and Memorials Policy – Consultation Feedback

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

**CNC120/19-20**

That Council:

1. having reviewed the final draft Cemetery and Memorials Policy, appearing as Attachment A to this report, and noting that no feedback was received from the recent public consultation, adopts the draft Cemetery and Memorials Policy.
2. authorise Administration to make minor amendments of a formatting or technical nature to the draft Cemetery and Memorials Policy.

**CARRIED**

### 14.3 Operational

#### 14.3.1 Draft Audited Financial Statements 2018-19

**Moved:** Cr Wilkins  
**Seconded:** Cr Ashby

#### **CNC121/19-20**

1. That the Draft Audited Financial Statements for the financial year ended 30 June 2019 presented in Attachment A to this report be adopted by Council.
2. That the Adjusted Income Statement for the financial year ended 30 June 2019 presented in Attachment B to this report be adopted by Council for inclusion in the Annual Report.

**CARRIED**

#### 14.3.2 Budget Review 1 2019/20

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

#### **CNC122/19-20**

That Council adopts Budget Review one (1) for the 2019/20 financial year and the variances contained within it, as its amended and current budget for the period ending 30 June 2020.

**CARRIED**

## 14.3.3 Draft 2018/19 Annual Report

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

**CNC123/19-20**

1. That Council adopt the Draft 2018/19 Annual Report as presented as Attachment A and that upon adopting the Draft Audited Financial Statements for the financial year ending 30 June 2019, that these Statements be included in the 2018/19 Annual Report.
2. That Council authorise Administration to make minor amendments of a formatting or technical nature to the Draft 2018/19 Annual Report as required.

**CARRIED**

## 14.3.4 Delegations under the Planning, Development and Infrastructure Act 2016

**Moved:** Cr Furlan  
**Seconded:** Cr Coleman

**CNC124/19-20**

That Council:

1. Having conducted a review of the powers and functions previously delegated to the Chief Executive Officer and others in accordance with Section 44(6) of the *Local Government Act 1999*, the Council hereby revokes all previous delegations made to persons occupying the position of Chief Executive Officer under the Planning, Development and Infrastructure Act 2016.
- 2(a) 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* contained in the proposed Instrument of Delegation (annexed to the Report dated 21 October 2019 and entitled Delegations under the *Planning, Development and Infrastructure Act 2016* and marked Attachment A) are hereby delegated this 21<sup>st</sup> day of October 2019 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.
- 2(b) 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.
- 3(a) In exercise of the power contained in Section 100 of the *Planning Development and Infrastructure Act 2016* the powers and functions under the *Planning Development and Infrastructure Act 2016* contained in the

proposed Instrument of Delegation (annexed to the Report dated 21 October 2019 and entitled Delegations under the *Planning, Development and Infrastructure At 2016* and marked Attachment B are hereby delegated this 21<sup>st</sup> of October 2019 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(b) Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation

**CARRIED**

#### 14.3.5 Time and Place of Ordinary Council Meeting

**Moved:** Cr Williams

**Seconded:** Cr Wilkins

**CNC125/19-20**

That Council continues to convene its Ordinary Meetings on the third Monday of the Month with the meeting commencing at 7pm.

**CARRIED**

#### 14.3.6 Community Fund Applications

**Moved:** Cr Coleman

**Seconded:** Cr Ashby

**CNC126/19-20**

1. That Council allocates the following funds to the Community Fund applicant from the 2019/20 Community Fund budget:
  - a. Walkerville Uniting Church – \$1000
2. That Administration writes to the applicant for the Community Fund grant 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 18 November 2019 to formally receive the funds from Her Worship Mayor Fricker prior to the Council Meeting.

**CARRIED**

## 14.4 Subsidiaries

### 14.4.1 ERA Water – Review of Charter

**Moved:** Cr Ashby

**Seconded:** Cr Coleman

#### **CNC127/19-20**

That Council, having considered ERA Water's request for input to the ERA Water Charter review, seeks to have the following suggested changes included as part of the review and recognises that the Charter may only be amended by the unanimous approval of all of the Constituent Councils.

<b>Current Charter Clause</b>	<b>Suggested Charter Clause</b>	<b>Rationale for suggested change</b>
<p><b>CI 3.4.1</b> Membership of the Board is currently limited to four (4) members, with each Constituent Council appointing for a maximum period of two (2) years one (1) person, plus an Independent Chairperson.</p>	<p>Seek to increase the membership of the Board by three (3). In other words: each Constituent Council appoints two (2) people with the continuation of an Independent Chairperson. Also seek to ensure that appointment to the Board is skill based.</p>	<p>This will allow for greater scrutiny and a skill based Board will assist the Authority to be better prepared as a supplier of recycled water.</p>
<p><b>CI 3.4.3</b> The CEO's of the Member Councils are responsible for seeking applications for the position of Chairperson and assess such applications through such process as they consider appropriate and make recommendations to the Member Councils, including a fee to be paid to the Chairperson.</p>	<p>This clause should be amended such that the Member Council CEO's are removed from the process; the GM ERA Water assumes responsibility for seeking applications for the position of Chairperson; the Board assumes responsibility for assessing such applications received and the GM ERA Water assumes responsibility to make recommendations to the Member Councils, including the fee to be paid, for approval of the Majority of the Member Councils.</p>	<p>The original clause was written as a point in time, recognising that the Subsidiary had yet to be established.  The Subsidiary has been in place since July 2015 and has appointed a GM, who should now assume this responsibility.</p>
<p><b>CI 3.7.3</b> The CEO's of the Member Councils are required to review the annual fee to be paid to the Chairperson and make recommendations to the Member Councils of the outcome of the review</p>	<p>It is proposed that this be deleted in line with the proposed changes identified above at cl 3.4.3.</p>	<p>The review of the Chairperson's annual fee, should be undertaken by the GM ERA Water as listed in comments made above at cl 3.4.3.</p>
<p><b>CI 3.11.6</b> This clause determines how the first ordinary meeting of the Board following the establishment of the Subsidiary will be determined</p>	<p>It is proposed that this clause be deleted.</p>	<p>This clause is now redundant. The Subsidiary came into existence in July 2015, with the first ordinary meeting being held in August 2015. Removing this</p>

		clause will modernise the Charter.
<b>CI 3.10.11</b> Currently any Member Council, the Chairperson or three (3) Board Members may require a special meeting of the Board.	It is proposed that any one Board Member have the right to <i>request</i> a special meeting of the Chairman.	This will allow Board Members the right and opportunity to request a special meeting, without having to get the support of two other Board Members. This change affords Board Members the same equal right as that of the Chairperson.
<b>CI 3.11.16</b> A quorum of the Board is currently three (3) Board Members in office.	Should changes suggested for cl 3.4.1 be successful, the quorum of the Board should increase from three to four Board Members in office.	A quorum of four (4) equates to half of the Board Members in office plus one – this is in line with the process used by Councils.
<b>CI 5.1.1</b> ERAW must produce a draft budget before 31 March each year for approval by the Member Councils	It is proposed that the 31 March deadline be pushed out to 30 April of each year.	The Board has been consistently late in getting its draft budget prepared and forwarded to its Member Councils for approval. A revised deadline of 30 April of each year is considered fair and reasonable and should allow the Board adequate time to complete.
<b>CI 5.1.2</b> ERAW must adopt by 30 June in each year, a budget that has been unanimously approved by the Member Council	This provision requires the Member Councils to ensure that they have considered the draft budget well before 30 June in each year and have unanimously approved the budget. It is therefore proposed that this clause be amended such that the Subsidiary obtains the consent of a Majority of the Member Councils (not the unanimous approval).  Further, it is also suggested that a statement is included that compels the Member Councils to fulfil their obligation within the timeframe and not hold up the process.	ERA Water has no control over its Member Councils. There has been instances where a Member Council has not considered the budget within the designated time frame set in the Charter and / or has not approved the budget. This has a direct impact on the Subsidiaries ability to perform its obligations and activities. ERA Water must be able to perform work, incur debt and meet obligations according to its own terms without reference back to its Member Councils.  The changes proposed are in line with East Waste Charter.
<b>CI 5.1.6</b> The Subsidiary must review its budget at least three (3) times in the relevant financial year AND must seek the unanimous approval of the Member Councils to amend its annual Budget.	It is proposed that changes are made to this sub-clause in line with comments made at cl 5.1.2 (above), cl 6.1.1, 6.1.2 and 6.1.3 (below) – that is, reference to unanimous approval by the Member Councils is removed.	An adopted Budget binds the Subsidiary and becomes the authority for it to perform work, incur debt and meet obligations according to its own terms without reference back to the Member Councils.
<b>CI 5.5.1</b>	It is proposed that this clause be changed so that Member	The LTFP is a document of ERA Water. The Member Councils

<p>ERAW's LTFP must be unanimously approved by the Member Councils and cover a term of at least three (3) years.</p>	<p>Councils simply receive and note the LTFP of ERA Water.</p> <p>It is also proposed that the LTFP cover a term of ten (10) years in line with Council LTFP's.</p>	<p>are required to review and adopt the draft budget prepared by ERA Water, which yearly informs the development of the LTFP. ERA Water, should be able to create, review and amend its own document as often as it requires, without the unanimous approval of the Member Councils. The current requirement has placed an unnecessary burden on the Authority.</p> <p>Increasing the term of the LTFP to ten (10) years will bring the Subsidiary in line with its Member Council requirements and give them a longer term view of projected financial activity of the Subsidiary.</p>
<p><b>CI 6.1.1 &amp; 6.1.2</b> Requires that the Annual Business Plan is unanimously approved and adopted by the Member Councils</p>	<p>Refer to comments in relation to CI 5.1.2 above.</p> <p>It is proposed that this clause be amended such that ERA Water is required to consult and collaborate in a meaningful way with its Member Councils in developing a draft Annual Business Plan BUT not require the unanimous approval of the Member Councils BUT rather obtain the consent of a Majority of the Member Councils.</p>	<p>This proposed change provides the Member Councils the opportunity to participate in the development of the Annual Business Plan, however, the Subsidiary only requires consent of a Majority not the unanimous consent.</p> <p>Further, the Subsidiary should be able to incur spending before adoption of its Budget for the year, but the spending must be provided for in the appropriate Budget for the year.</p>
<p><b>CI 6.1.3</b> Requires that ERA Water must receive the unanimous approval of the Member Councils to amend its Annual Business Plan at any time.</p>	<p>It is proposed that this sub-clause be deleted.</p>	<p>An adopted Annual Business Plan binds the Subsidiary and is the basis upon which the Budget is prepared.</p> <p>An adopted Budget equally binds the Subsidiary and becomes the authority for it to perform work, incur debt and meet obligations according to its own terms without reference back to the Member Councils.</p> <p>The change proposed is in line with the East Waste Charter.</p>
<p><b>CI 6.4.1</b> Membership to the Audit Committee must be</p>	<p>It is proposed that ERA Water should be solely responsible for the establishment (and</p>	<p>This proposed change will remove the added bureaucracy imposed on ERA Water and</p>



<p>unanimously approved by the Member Councils.</p> <p>Membership to the Audit Committee is to be between three (3) and five (5) persons approved unanimously by the Member Councils.</p>	<p>membership) of its Audit Committee and therefore remove the requirement for the Board to seek the unanimous approval of the Member Councils.</p> <p>It is further proposed that the membership be set at five (5) persons approved by the ERA Water Board.</p>	<p>allow the Board to streamline the process and determine its own membership to the Audit Committee.</p> <p>It is considered that an Audit Committee of only three (3) is a risk. Given the nature of the Subsidiary, a five (5) member Committee is considered appropriate.</p>
<p><b>CI 7.5</b> Member Councils can act independently in relation to a matter within the jurisdiction of the Subsidiary. All Member Councils must first agree to what action is to be taken and Member Councils may jointly direct and control the Subsidiary.</p>	<p>This clause is confusing – it is not clear what the intent of this clause is. On the one hand it states that Member Councils can act independently in relation to a matter within the jurisdiction of the Subsidiary and on the other, it requires the unanimous approval of the Member Councils evidenced by a resolution of the Member Councils granting such approval.</p>	<p>If this clause is to be retained, it need to be written such that it is very clear on what its intended purpose is.</p>
<p><b>CI 7.7.1.1</b> Clause 7.7 sets out how disputes between Member Councils are to be managed. CI 7.7.1.1 specifically requires that Member Councils ‘will use their <i>best endeavours</i> to resolve the Dispute and to act at all times in good faith’</p>	<p>It is proposed that the process be spelt out in clearly defined steps so that there is no ambiguity or confusion as to what is required to resolve the dispute and who is responsible for taking charge to resolve the dispute.</p>	<p>The term ‘best endeavours’ is open to interpretation. There is no clearly defined process to resolve disputes. Interestingly, there is no role for the Subsidiary in seeking to resolve any disputes that may arise.</p> <p>This clause should set out a step by step process and clearly identify the roles and responsibilities of each of the Member Councils and the Subsidiary.</p>
<p>Create a new clause titled “Staff” to replace sub-clauses 2.1.6 and 2.1.7, which currently reference that the Subsidiary can employ staff</p>	<p>It is proposed that a stand-alone clause be created that solely addressing all employment relations.</p>	<p>This is proposed to modernise the Charter.</p>
<p>Create a new clause titled “General Manager / Chief Executive Officer”</p>	<p>It is proposed that a new provision be inserted into the Charter that sets out the requirement of the Subsidiary to have a GM / CEO; the functions of that role; that the Board shall appoint a GM / CEO on a fixed term contract not exceeding five</p>	<p>There is currently no provision listed in the Charter that deals specifically with the GM / CEO. This proposed clause, is in line with modern practices and clearly defines the role of the GM / CEO as well as ensure that the Board undertakes</p>

	<p>years in duration with the same person; that a GM / CEO Performance Review Committee is to be established; that the Board may revoke or vary an appointment of a GM / CEO, subject to any agreement made between the Board and the GM / CEO; arrangements that will exist in the absence of a GM / CEO; delegations awarded to the GM / CEO etc.</p>	<p>annual performance reviews of its most senior officer / employee.</p> <p>This is in line with current CEO engagement practices in local government and Subsidiaries.</p>
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**CARRIED**

#### 14.4.2 Appointment of ERA Water Audit Committee Members

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

##### **CNC128/19-20**

That Council approve the appointment of Ms Brigid O'Neill and Cr Grant Piggott to the ERA Water Audit Committee for a 2 year term.

**CARRIED**

#### 14.4.3 Draft Regional Public Health Plan

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

##### **CNC129/19-20**

That the draft Regional Public Health and Wellbeing Plan 2020-2025 for the Eastern Health Authority's (EHA) Constituent Council, contained in Attachment B to this report, be endorsed for release for public consultation.

**CARRIED**

#### 14.4.4 ERA Water Strategic Options & Exploration of Third Party Involvement

**Moved:** Cr Wilkins  
**Seconded:** Cr Coleman

##### **CNC130/19-20**

That Council approve ERA Water's request to undertake preliminary discussions with State and Federal Government, local authorities and potential investors / purchasers in order to develop detailed options for Constituent Councils consideration on the strategic direction of ERA Water.

**CARRIED**

## 15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

### CNC131/19-20

That items 16.1.3, 16.2, 16.3.2, 16.3.3, 16.3.4, 16.3.5, 16.3.6, 16.4.1, 16.4.2, 16.4.3, 16.5.1 be moved as per their recommendations

**CARRIED**

## 16 REPORTS PRESENTED FOR INFORMATION

### 16.1 Strategy

#### 16.1.1 Review of the Strategic Plan 2016-2020 – next steps

**Moved:** Cr Williams  
**Seconded:** Cr Furlan

### CNC142/19-20

1. That Council receives and notes the Insights Paper, produced by Trish Hansen, Urban Mind and appearing as Attachment A to this report.
2. That Council provide feedback and direction to Administration by **5pm on Friday 16 November 2019**, via email, in order to further develop the 'new' Plan for Council's future consideration, with particular emphasis on the following:
  - does Council support building on the strength of the existing plan?
  - is Council generally happy with the vision and should it just be simplified?
  - revising the mission statement to be more specific;
  - should we retain the current structure of the Plan, namely: key focus areas, initiatives, desired outcomes?
  - should we retain or remove the targets from the Plan?
  - if we remove the targets from the Plan, would Council support a separate Action Plan that sits as an adjunct to the primary Plan?
  - does Council support retaining the essence of the current key focus areas (currently 5 KFA's) and incorporating into them:
    - economically resilient
    - environmentally sustainable
    - safe, healthy and well
    - quality urban realm
    - strong community participation and involvement.

**CARRIED**

- 16.1.2 The People and Neighbourhoods Discussion Paper and the Draft Phase Three Planning and Design Code – Public Consultation

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

**CNC133/19-20**

That Council receive and note the report on “The People and Neighbourhoods Discussion Paper and the Draft Phase 3 Planning and Design Code – Public Consultation”.

**CARRIED**

- 16.1.3 Community Land Register Consultation Update

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

**CNC132/19-20**

That Council receives and notes the Community Land Register Consultation Update report.

**CARRIED**

16.2 Policy

Nil.

16.3 Operational

- 16.3.1 Quarterly Financial Report, incorporating capex / opex

**Moved:** Cr Wilkins  
**Seconded:** Cr Ashby

**CNC143/19-20**

That Council receives and notes the Quarterly Financial Report, incorporating capex / opex as at 30 September 2019.

**CARRIED**

- 16.3.2 Works Report for September 2019

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

**CNC133/19-20**

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

**CARRIED**

## 16.3.3 CEO Performance Review Committee Minutes

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

**CNC134/19-20**

That Council receives and notes the CEO Performance Review Committee minutes for the meetings convened on 24 September 2019 and 10 October 2019.

**CARRIED**

## 16.3.4 Internal Controls – Financial Modelling

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

**CNC135/19-20**

That Council receives and notes the internal control review completed on the following financial modelling spreadsheets:

- Long Term Financial Plan
- Rating model
- Salaries and Wages budget calculation.

**CARRIED**

## 16.3.5 Weed Management Update

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

**CNC136/19-20**

That Council receive and note the Weed Management Update report.

**CARRIED**

## 16.3.6 Website Migration

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

**CNC137/19-20**

That Council receives and notes the Website migration report.

**CARRIED**

### 16.3.7 Customer Experience Quarterly Service Report

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

#### **CNC144/19-20**

That Council receive and note the Customer Experience Quarterly Report for the period July to September 2019.

**CARRIED**

## 16.4 Subsidiaries

### 16.4.1 Eastern Health Authority Board of Management Minutes

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

#### **CNC138/19-20**

That Council receive and note the revised minutes of the Eastern Health Authority Board of Management meeting held on 18 September 2019 appearing as Attachment A to this report.

**CARRIED**

### 16.4.2 East Waste Board Minutes

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

#### **CNC139/19-20**

That Council receives and notes the East Waste Board minutes of the ordinary meeting convened on 26 September 2019.

**CARRIED**

### 16.4.3 Eastern Health Authority (EHA) Response

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

#### **CNC140/19-20**

That Council receives and notes the response received from the Eastern Health Authority in relation to Council's correspondence of 26 August 2019 (appearing as Attachment A to this report).

**CARRIED**

## 16.5 Outstanding Council resolutions

### 16.5.1 Outstanding Council Resolutions / Action Report

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

#### **CNC141/19-20**

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

**CARRIED**

## 17 CORRESPONDENCE

**Moved:** Cr Bishop  
**Seconded:** Cr Furlan

#### **CNC145/19-20**

That the correspondence as listed below be received and noted:

17.1 Correspondence to Mayor Fricker from Hon David Coleman MP p

17.2 Correspondence to Mayor Fricker from Mayor Karen Redman,  
 Chair of GAROC p

17.3 Correspondence to Mayor Fricker from Mayor Anne Monceaux

**CARRIED**

## 18 URGENT OTHER BUSINESS

Nil

## 19 CONFIDENTIAL ITEMS

### 19.1 Bancroft (Watson Car Park) Discretionary Rebate Request

**Moved:** Cr Bishop  
**Seconded:** Cr Nenke

#### **CNC146/19-20**

The time being 10.15

**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 Josh Bowen, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Katy Bone, Group Manager Customer Experience Danielle Garvey, Manager Marketing & Communications Sonia DeNicola, Manager Community Development & Engagement Fiona Deckert, Business Analyst (Property & Contracts) Scott Reardon and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 'Bancroft (Watson Car Park) Discretionary Rebate Request'.

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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

**CARRIED**

*The time being 10.15 pm the meeting moved into confidence.*

**Recommendation (Confidential)**

**Moved:** Cr Wilkins

**Seconded:** Cr Joshi

**CNC147/19-20**

That the Council accepts Philip Bancroft's request for a discretionary rebate for the financial year ending 30 June 2020 for an amount of \$1,193.00.

**CARRIED**

**Recommendation (Public)**

**Moved:** Cr Bishop

**Seconded:** Cr Furlan

**CNC148/19-20**

Pursuant to s.91(7)

That having considered Agenda Item 'Bancroft (Watson Car Park) Discretionary Rebate Request' 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 until the matter is resolved, excepting that the Council authorises the release of the Council resolution to those parties identified in the substantive resolution relating to this Agenda Item 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**



## 19.2 Goode (Watson Car Park) Discretionary Rebate Request

**Moved:** Cr Furlan**Seconded:** Cr Bishop**CNC149/19-20****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 Josh Bowen, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Katy Bone, Group Manager Customer Experience Danielle Garvey, Manager Marketing & Communications Sonia DeNicola, Manager Community Development & Engagement Fiona Deckert, Business Analyst (Property & Contracts) Scott Reardon and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 'Goode (Watson Car Park) Discretionary Rebate Request'.

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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

**CARRIED**

*The time being 10.16pm the meeting moved onto confidence.*

**Recommendation (Confidential)****Moved:** Cr Wilkins**Seconded:** Cr Joshi**CNC150/19-20**

That the Council accepts John Goode's request for a discretionary rebate for the financial year ending 30 June 2020 for an amount of \$1,193.00.

**CARRIED****Recommendation (Public)****Moved:** Cr Bishop**Seconded:** Cr Furlan**CNC151/19-20**Pursuant to s.91(7)

That having considered Agenda Item 'Goode (Watson Car Park) Discretionary Rebate Request' 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 until the matter is

resolved, excepting that the Council authorises the release of the Council resolution to those parties identified in the substantive resolution relating to this Agenda Item 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 10.17pm the meeting moved out of confidence.*

## **20. CLOSURE**

*The meeting was declared closed at 10.17pm.*