



MINUTES
of
COUNCIL MEETING

held via

via electronic means through live streaming at
<https://www.youtube.com/channel/UCZxKI13S3M8n8zxKI5LFT9w>

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

on

MONDAY 21 SEPTEMBER 2020 AT 7PM

MINUTES
21 September 2020

The Meeting was declared open at 7.00pm.

Preliminaries

On behalf of Council, the Mayor provided condolences to the family of Mrs Rena Pascoe on the occasion of her passing on Sunday 20 September 2020.

Mayor Fricker congratulated Walkerville Primary School on their commendation from the Credit Union SA SALA Awards for their 'Walk the Terrace with Walkerville Primary School' art installation, which Council supported and promoted.

1. ATTENDANCE RECORD

1.1 Present

Mayor Elizabeth Fricker
Cr MaryLou Bishop
Cr Rob Ashby AM
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 Critsol
Group Manager Assets & Infrastructure, Ben Clark
Group Manager Customer Experience, Danielle Garvey
Group Manager Planning, Environment and Regulatory Services, Andreea Caddy
Group Manager Corporate Services, Monique Palmer
Manager Community Development and Engagement, Fiona Deckert
Communications Officer, Sarah Spencer
Business Analyst (Property & Contracts), Scott Reardon
Council Secretariat, Vanessa Davidson

1.2 Apologies

1.3 Not Present / Leave of Absence

Cr Rob Ashby requested leave of absence for the period 5 October to 25 October 2020.

2. CONFIRMATION OF MINUTES

Moved: Cr Coleman
Seconded: Cr Williams

CNC85/20-21

That the minutes of the Ordinary Council meeting held on 17 August 2020 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

- 3.1 Cr Conrad Wilkins declared a perceived conflict of interest in Item 16.3.6 Alienation of Community Land Consultation - Levi Caravan Park and Item 19.3 Levi Caravan Park Tender as his home is adjacent to Levi Caravan Park. Cr Wilkins stated that he would stay in the room, participate in the debate and vote on both matters.
- 3.2 The Chief Executive Officer, Ms Kiki Cristol, declared a s120 interest in Item 16.3.7 CEO Performance Review Committee Minutes August 2020 and Item 19.1 CEO 2019 / 2020 Performance Review Report as the items relate directly to the CEO's employment contract. The CEO advised that she will leave the room when agenda item 19.1 was discussed.

4. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Nil.

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

Nil.

6. MAYORS DIARY

- 5.1 Mayors Diary

Moved: Cr Wilkins
Seconded: Cr Nenke

The Council receives and notes the Mayoral Diary from 14 August 2020 to 17 August 2020 with the correction that Deputy Mayor Cr MaryLou Bishop did not attend the Citizenship Ceremony held on 17 September 2020.

CARRIED

7. REPORTS FROM ELECTED MEMBERS HAVING ATTENDED SUBSIDIARY BOARD MEETINGS

Nil.

8. QUESTIONS FROM THE GALLERY

Nil.

9. QUESTIONS WITHOUT NOTICE

9.1 Questions without Notice – Deputy Mayor Cr MaryLou Bishop Dragon Tree

Would Administration please provide an update as to the status of the health of the 80 year old Dragon Tree on Hawkers Reserve? It is noted that the partner tree has died. Is it possible to seek assistance from the Adelaide Botanic Gardens with regard to prolonging the life of the remaining tree?

Administration Response

Having noted a decline in the health of the trees in 2015 Administration has actively monitored the health of both the Dragon's Blood Trees with inspections of both trees, by qualified arborists, on the following dates:

- June 2015
- November 2015
- April 2018.

One of the Dragon's Blood trees died and was removed in August 2018.

The remaining tree was inspected in March 2019 and was described by the Arborist as:

- *the foliage being pale and lacking lustre,*
- *The root system appeared to have died and the tree was unable to access the required resources (soil moisture & nutrients) from the ground.*

The Arborist recommended at this time removing the remaining tree which was in decline, remediating the soil for 12 months and then possibly planting new Dragon's Blood trees. Administration will continue to monitor the health of the remaining tree.

Administration has previously made contact with the Botanic Gardens and the Waite Institute to discuss the declining condition of the remaining Dragon's Blood tree. It was first thought that there was a potential 'rot' disease causing the decline. Further investigation and discussion concluded that the tree was free of the 'rot' disease.

Soil samples were taken in April 2020 and sent to Microbiology Laboratories Australia who undertook soil testing and determined the following:

- that the soil condition was fair
- no current presence or recent gas leak
- soil anaerobe levels were high around the tree indicating soil was recently water logged or compacted.

The initial cause of decline remains unclear but a suspected gas leak in 2015 is thought to be a contributing factor to the decline in both of the trees.

10. QUESTIONS ON NOTICE

Nil.

11. PETITIONS

Nil.

12. MOTIONS WITHOUT NOTICE12.1 Motion without Notice – Cr James Williams – Co-housing

Moved: Cr Williams

Seconded: Cr Furlan

CNC86/20-21

That Administration write to and lobby the Department of Infrastructure and Transport and State Government in support of the inclusion of co-housing as part of its planning framework agenda.

CARRIED

13. MOTIONS WITH NOTICE

Nil.

14. REPORTS REQUIRING DECISION OF COUNCIL14.1 Strategy

14.1.1 Draft 2020-2024 Disability Access and Inclusion Plan

Moved: Cr Bishop

Seconded: Cr Joshi

CNC87/20-21

That the draft 2020-2024 Disability Access and Inclusion Plan (DAIP) appearing as Attachment A to this report, be released for public consultation for a period of 21 days in line with legislative requirements under the *Disability Inclusion Act 2018* and Council's Community Engagement & Consultation Policy, with a final report to be presented to Council at its 19 October 2020 meeting for consideration prior to adoption, noting that the DAIP must be submitted to the Department of Human Services by 31 October 2020.

CARRIED

14.2 Policy

14.2.1 Review of the Audit Committee's Terms of Reference

Moved: Cr Wilkins

Seconded: Cr Williams

CNC88/20-21

That Council:

1. Adopt the revised Audit Committee Terms of Reference, which appear as Attachment A to this report.
2. Authorise Administration to make changes of a minor technical or formatting nature to the Audit Committee Terms of Reference.

CARRIED

14.2.2 Review of the Request for Service and General Complaint Handling Policy

Moved: Cr Williams

Seconded: Cr Wilkins

CNC89/20-21

1. That Council receives and notes the revised Request for Service and General Complaint Handling Policy appearing as Attachment A to this report.
2. That Council approve the release of the revised Request for Service and General Complaint Handling 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

14.2.3 Review of the Procurement Policy

Moved: Cr Furlan

Seconded: Cr Wilkins

CNC90/20-21

1. That Council adopts the revised Procurement Policy appearing as Attachment A to this report.
2. That Administration be authorised to make changes to the Procurement Policy of a minor technical or formatting nature.

CARRIED

14.3 Operational

14.3.1 Election of LGA President

Moved: Cr Bishop

Seconded: Cr Coleman

CNC91/20-21

That Council having considered the nominations received for the LGA President instructs the Presiding Member to mark the ballot paper with a "X" next to the name of candidate Mayor Jan Claire Wisdom to be the LGA President 2020-2022.

CARRIED

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

Moved: Cr Bishop

Seconded: Cr Ashby

1. That Council instructs the Presiding Member to mark the "Ballot Paper" with an "X" next to the name of Mayor Elizabeth Fricker and Mayor David O'Loughlin for election to the East Regional Grouping of Members of GAROC.
2. That the Presiding Member submit the completed "Ballot Paper" in line with the requirements set out in 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 Monday 19 October 2020.

The time being 7.37pm Cr Furlan left the chamber.

The time being 7.40pm Cr Furlan returned to the chamber.

Amendment

Moved: Cr Nenke

Seconded: Cr Wilkins

CNC92/20-21

1. That Council instructs the Presiding Member to mark the "Ballot Paper" with an "X" next to the name of Mayor Elizabeth Fricker and Deputy Mayor Anna Leombruno for election to the East Regional Grouping of Members of GAROC.
2. That the Presiding Member submit the completed "Ballot Paper" in line with the requirements set out in 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 Monday 19 October 2020.

Cr Nenke with the consent of Cr Wilkins, sought and was granted leave to vary the Motion as follows:

That (as varied)

1. Council instructs the Presiding Member to mark the "Ballot Paper" with an "X" next to the name of Mayor Elizabeth Fricker for election to the East Regional Grouping of Members of GAROC.

2. The Presiding Member submit the completed “Ballot Paper” in line with the requirements set out in 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 Monday 19 October 2020.

CARRIED

Motion

Moved: Cr Nenke
Seconded: Cr Wilkins

CNC93/20-21

1. That Council instructs the Presiding Member to mark the “Ballot Paper” with an “X” next to the name of Deputy Mayor Anna Leombruno for election to the East Regional Grouping of Members of GAROC.
2. The Presiding Member submit the completed “Ballot Paper” in line with the requirements set out in 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 Monday 19 October 2020.

LOST

Motion

Moved: Cr Bishop
Seconded: Cr Ashby

CNC94/20-21

1. That Council instructs the Presiding Member to mark the “Ballot Paper” with an “X” next to the name of Mayor David O’Loughlin for or election to the East Regional Grouping of Members of GAROC.
2. The Presiding Member submit the completed “Ballot Paper” in line with the requirements set out in 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 Monday 19 October 2020.

CARRIED

14.3.3 Election for Positions of Representative Members of the LGFA Board of Trustees

Moved: Cr Wilkins
Seconded: Cr Bishop

CNC95/20-21

That Council having considered the nine nominations received for the Local Government Finance Authority (LGFA) representative members of the Board of Trustees, instructs the Presiding Member to complete the Ballot Paper on

Council's behalf, in favour of Annette Martin and Michael Sedgman to be the LGFA Representative of the Board of Trustees.

CARRIED

14.3.4 Resilient East – 2019/2020 Annual Report

Moved: Cr Wilkins

Seconded: Cr Joshi

CNC96/20-21

That Council receives the Resilient East – 2019/2020 Annual Report, appearing as Attachment A to this report noting that to meet tree canopy targets Council needs to consider methods of extra tree planting including:

- on private land
- current road space and any newly created protrusions
- and consider medium strips and the tree planting within them where roads that allow this due to their width are re-surfaced or re-constructed.

CARRIED

14.3.5 Small Business Friendly Council Initiative

Moved: Cr Williams

Seconded: Cr Joshi

CNC97/20-21

1. That Council reviews the Small Business Friendly Council (SBFC) Initiative Charter, appearing as Attachment A to this report.
2. That Council resolves to join the Small Business Friendly Council Initiative and commits to the Charter as part of its support towards small business in the Town of Walkerville.

CARRIED

14.3.6 Appointment of Independent Members to Audit Committee

Moved: Cr Williams

Seconded: Cr Joshi

CNC98/20-21

1. That Council requests Administration conduct an expression of interest process, for the nomination of suitable persons to the Audit Committee for a maximum of three (3) year term anticipating commencement December 2020 and expiring December 2023.
2. That Council appoints Cr Furlan and Cr Wilkins along with Group Manager Corporate Services, Monique Palmer on the Independent Audit Committee Members interview panel; and

3. That at the conclusion of the interview process, Administration present a report to Council with recommendations for appointment.

CARRIED

14.3.7 Radio Frequency Identification (RFID) on Mobile Garbage Bins

Moved: Cr Ashby
Seconded: Cr Williams

CNC99/20-21

That Council supports, in principle, radio frequency identification (RFID) tags being installed on all new and replacement bins and requests that Administration present a feasibility study to a future meeting of Council prior to the next budget cycle.

CARRIED

14.3.8 Hard Waste Collection - Mattresses

Moved: Cr Bishop
Seconded: Cr Nenke

CNC101/20-21

That Council implement a \$25 per mattress fee as a part of the 'at call hard waste service'.

CARRIED

14.3.9 Green Waste Diversion Initiatives

Moved: Cr Williams
Seconded: Cr Joshi

CNC102/20-21

1. That Council receives and notes the report titled "Subsidised Green Organic Bin Scheme" found in Attachment B.
2. That Council requests that Administration undertake an investigation to determine how many rateable properties do not have a green organics bin and report back to the Waste Advisory Group at the December 2020 WAG meeting, recognising that the 'investigation' will be carried out by Administration and include a survey and / or drive-by analysis.
3. That Council requests that Administration present a report to the December Waste Advisory Group meeting with a draft framework exploring the frequency of the waste collection schedule.

CARRIED

14.3.10 Local Heritage Development Plan Amendment – Progress Update

Moved: Cr Bishop
Seconded: Cr Furlan

CNC103/20-21

1. That Council receives and notes the report entitled Local Heritage Development Plan Amendment (DPA) progress update.
2. That Council having considered the budget impacts associated with progressing the Local Heritage DPA, in response to the State Planning Commission's Heritage Sub-Committee requests, agrees to allocate further funds in the order of \$16,000 as part of Budget Review 1.

CARRIED

14.3.11 Walkerville Art Show Sponsorship Agreement - Extension for the Rotary Club of Walkerville

Moved: Cr Williams
Seconded: Cr Bishop

CNC104/20-21

That Council supports an extension of the current Walkerville Art Show Sponsorship Agreement with the Rotary Club of Walkerville (appearing as Attachment A to this report) for the event being held from Saturday 3rd to Monday 5th and then Thursday 8th to Saturday 10th October 2020.

CARRIED

14.4 Subsidiaries

Nil.

15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

Moved: Cr Furlan
Seconded: Cr Bishop

CNC105/20-21

That items 16.3.2, 16.3.3, 16.3.5, 16.3.6, 16.3.7, 16.3.8, 16.3.9 and 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 Furlan
Seconded: Cr Bishop

CNC106/20-21

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

CARRIED

16.3.2 Works Report for August 2020

Moved: Cr Furlan
Seconded: Cr Bishop

CNC107/20-21

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

CARRIED

16.3.3 Asset and Capital Works Reporting

Moved: Cr Furlan
Seconded: Cr Bishop

CNC108/20-21

That Council receives and notes the changes to the Asset and Capital Works reporting commencing from November 2020.

CARRIED

16.3.4 Benchmarking & Performance Reporting – March 2020 (resubmitted)

Moved: Cr Ashby
Seconded: Cr Williams

CNC109/20-21

1. That Council receive and note the 'Benchmarking & Performance Reporting' March 2020 report, prepared by UHY Haines Norton, noting that the information was presented to Council at its 20 April 2020 ordinary meeting.

2. That Administration present a concise report on areas requiring improvement and a framework for future benchmarking exercises to the ordinary Council meeting of November 2020.

CARRIED

16.3.5 Status of Confidential Orders 2019/ 2020

Moved: Cr Furlan
Seconded: Cr Bishop

CNC110/20-21

That Council receives and notes the Status of Confidential Orders 2019 / 2020 report.

CARRIED

16.3.6 Alienation of Community Land Consultation - Levi Caravan Park

Moved: Cr Furlan
Seconded: Cr Bishop

CNC111/20-21

That Council receives and notes the Alienation of Community Land Consultation - Levi Caravan Park report, noting that the local community has not expressed overall opposition to a long-term lease in excess of five (5) years being offered over the site.

CARRIED

16.3.7 CEO Performance Review Committee Minutes 19 and 31 August 2020

Moved: Cr Furlan
Seconded: Cr Bishop

CNC112/20-21

That Council receives and notes the minutes of the meeting of the CEO Performance Review Committee convened on 19 and 31 August 2020.

CARRIED

16.3.8 Women of Walkerville Committee Minutes 8 September 2020

Moved: Cr Furlan
Seconded: Cr Bishop

CNC113/20-21

That Council receives and notes the minutes of the Women of Walkerville Committee meeting held on 8 September 2020.

CARRIED

16.3.9 Waste Advisory Group Meeting Minutes 3 September 2020

Moved: Cr Furlan
Seconded: Cr Bishop

CNC114/20-21

That Council receives and notes the minutes of the Waste Advisory Group Meeting convened on 3 September 2020.

CARRIED16.4 Subsidiaries

16.4.1 ERA Water Board Minutes 27 August 2020

Moved: Cr Furlan
Seconded: Cr Ashby

CNC115/20-21

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 27 August 2020.

CARRIED16.5 Outstanding Council resolutions

Moved: Cr Furlan
Seconded: Cr Bishop

CNC116/20-21

That Council receives and notes the list of Council resolutions currently being processed as at 17 September 2020.

CARRIED**17 CORRESPONDENCE**

Moved: Cr Furlan
Seconded: Cr Joshi

CNC117/20-21

That the correspondence as listed below be received and noted.

17.1 Correspondence to Mayor Fricker from Hon Vickie Chapman MP re LGGC

17.2 Correspondence to Mayor Fricker from Hon Vickie Chapman MP re Local Heritage

17.3 Correspondence to Mayor Fricker from Hon Vickie Chapman MP re National Redress Scheme

17.4 Correspondence to Mayor Fricker from Hon Vickie Chapman MP re ERA Submission

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

CARRIED

18 URGENT OTHER BUSINESS

Nil.

19 CONFIDENTIAL ITEMS

The time being 8.46pm Cr Ashby left the chamber

The time being 8.47pm Cr Furlan left the chamber.

19.1 CEO 2019 / 2020 Performance Review Report

Recommendation (Public)

Moved: Cr Bishop

Seconded: Cr Nenke

CNC118/20-21

Pursuant to s90(3)(a)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Council Secretariat, Vanessa Davidson be excluded from attendance at the meeting for Agenda Item 19.1 CEO 2019 / 2020 Performance Review Report.

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), being Kiki Cristol, Chief Executive Officer, Corporation of the Town of Walkerville.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter relates to details of the Chief Executive Officer's performance and remuneration.

CARRIED

The time being 8.47pm the meeting moved into confidence.

Mr Richard Altman (RA Consulting) entered the meeting at 8.48pm

The time being 8.50pm Cr Ashby and Cr Furlan returned to the chamber.

Recommendation (Confidential)**Moved:** Cr Ashby**Seconded:** Cr Coleman**CNC119/20-21**

1. That Council receives and notes the correspondence from Kiki Cristol, CEO of the Town of Walkerville appearing as Attachment A to this report.
2. That the CEO 2019 / 2020 Performance Review Report and recommendations contained in the report (Attachment B) be received and noted by the Council.
3. That Council endorse the recommendation from the CEO Performance Review Committee that the remuneration of the CEO be increased by 2.4 %, with the increase to be deferred from 1 July 2020 to 1 January 2021 in accordance with the request from the Chief Executive Officer as detailed at Attachment A to this report.

CARRIED**Moved:** Cr Ashby**Seconded:** Cr Coleman**CNC120/20-21****Recommendation (Public)**Pursuant to s.91(7)

1. That having considered Agenda Item 19.1 CEO 2019 / 2020 Performance Review Report 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, attachment and minutes relevant to this Agenda Item be retained in confidence until the Performance Review process has been completed and that the report marked as Attachment B be retained in confidence for a period of 3 years.
 2. 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
3. That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* Council and re-admit the public.

CARRIED

The time being 9.18pm the meeting moved out of confidence.

19.2 Walkerville Sports Club – Request for Rent Relief – COVID-19

Moved: Cr Coleman
Seconded: Cr Bishop

CNC121/20-21

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 Cristol, Group Manager Asset & Infrastructure Ben Clark, Group Manager Corporate Services Monique Palmer, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Business Analyst (Property & Contracts) Scott Reardon and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 19.2 Walkerville Sports Club – Request for Rent Relief – COVID-19.

The Council is satisfied that, pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item 19.4, is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council may propose to conduct business and would therefore prejudice the commercial position of the Council.

CARRIED

The time being 9.21pm the meeting moved into confidence

Recommendation (Confidential)

Moved: Cr Nenke
Seconded: Cr Coleman

CNC122/20-21

1. That Council offers further assistance to the Walkerville Sports Club by waiving 75% of all rent due for August 2020, 50% for September 2020 and 25% for October 2020.
2. That Council offers further assistance to the Walkerville Sports Club by deferring 75% of all loan repayments due for August 2020, 50% for September 2020 and 25% for October 2020.

CARRIED

Recommendation (Public)**Moved:** Cr Williams**Seconded:** Cr Bishop**CNC123/20-21**Pursuant to s.91(7)

That having considered Agenda Item 19.2 Walkerville Sports Club – Request for Rent Relief – COVID-19 - 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, minutes and attachments relevant to this Agenda Item be retained in confidence for a period of 12 months or until the matter has been finalised, excepting that Council authorises the release of the minutes to substantive party / parties to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the review and power to revoke this Order

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* and re-admit the public.

CARRIED

The time being 9.38pm the meeting moved out of confidence.

19.3 Levi Caravan Park Tender

Recommendation (Public)**Moved:** Cr Furlan**Seconded:** Cr Bishop**CNC124/20-21**Pursuant to s90(3)(k)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public except, Chief Executive Officer Kiki Cristol, Group Manager Asset & Infrastructure Ben Clark, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Monique Palmer, Business Analyst (Property & Contracts) Scott Reardon and Council Secretariat Vanessa Davidson be excluded from attendance at the meeting for Agenda Item 19.3 Levi Caravan Park Tender.

The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services, and the carrying out of works to be carried out as part of the redevelopment of the Levi Caravan Park, and that Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be

disclosed and discussed has the potential to impact adversely on each of the tenderers as competitive commercial information will be disclosed.

CARRIED

The time being 9.40pm the meeting moved into confidence

Motion

Moved: Cr Bishop

Seconded: Cr Furlan

CNC125/20-21

That the standing orders be suspended for 15 minutes to allow for full and frank discussion of the tenders received.

CARRIED

Standing orders were suspended at 9.41pm

The Presiding Member declared that the Standing Orders be resumed at 9.58pm.

Recommendation (Confidential)

Moved: Cr Furlan

Seconded: Cr Ashby

CNC126/20-21

1. That Council receives and notes the content of the Levi Caravan Park Tender report;
2. That Council notes the content of the Alienation of Community Land Consultation - Levi Caravan Park report which appeared as Item 16.3.6;
3. That Council directs Administration to conduct final negotiations with the Across Australia Parks & Resorts Pty Ltd in order to:
 - a. finalise the associated mutually agreed terms and conditions of the new Lease;
 - b. negotiate the respective terms and purchase price for the disposal of the Council's cabin assets;
 - c. request consideration of the inclusion of a swimming pool
4. That following the conclusion of the successful negotiation, Council enter into a new Lease Agreement with Across Australia Parks & Resorts Pty Ltd (ABN 70 621 588 421) over the whole of the land contained within Certificate of Title Volume 5874 Folio 181 for a term of 42 years;

5. That the commencing annual rent of the Lease be \$495,000 (plus GST) (subject to annual CPI increase on the anniversary and a market review every five (5) years);
6. That the Lease Agreement be subject to:
 - a. Across Australia Parks & Resorts Pty Ltd undertaking a redevelopment of the Park cabins and facilities in accordance with their Expressions of Interest (WALK047105) and Select Tender (COR001.20/21) submissions;
 - b. Across Australia Parks & Resorts Pty Ltd investing capital expenditure to the amount \$2,890,000 over a period of three (3) years to complete the aforementioned redevelopment;
 - c. a mutually agreed redevelopment milestone timeline;
 - d. Council reserving the right to cease dealings with the preferred lessee and commence subsequent negotiations with another party should the final negotiation and redevelopment process becomes protracted and/or frustrated;
 - e. Across Australia Parks & Resorts Pty Ltd being responsible for any/all general repairs and maintenance within the Park;
 - f. Council retaining full repair and maintenance responsibility for Vale House and the Morten Bay Fig;
7. That the Mayor and Chief Executive Officer be authorised to execute any/all relevant and ancillary documents that pertain to the proposed Lease Agreement between the Across Australia Parks & Resorts Pty Ltd and Council including affixing of the common seal of Council;
8. That Council grants landowners consent for the preferred candidate to proceed with the proposed redevelopment of the land contained within Certificate of Title Volume 5874 Folio 181 (subject to the approval of an associated Development Application).

CARRIED

Recommendation (Public)

Moved: Cr Bishop

Seconded: Cr Nenke

CNC127/20-21

Pursuant to s.91(7)

That having considered Agenda Item 19.3 Levi Caravan Park Tender in confidence under section 90(2) and (3)(k) of the *Local Government Act 1999*, the

Council, pursuant to section 91(7) of the Act orders that the report, attachments relative to this Agenda Item be retained in confidence for 36 months or until the redevelopment of the Caravan Park has been finalised and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to review and 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 10.06 pm the meeting moved out of confidence.

19.4 Donnelly (Watson Car Park) Discretionary Rebate Request

The time being 10.07pm Cr Wilkins left the meeting.

Recommendation (Public)

Moved: Cr Ashby

Seconded: Cr Joshi

CNC128/20-21

Pursuant to s90(3)(b)

Pursuant to Section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Chief Executive Officer Kiki Cristol, Group Manager Asset & Infrastructure Ben Clark, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Monique Palmer, Business Analyst (Property & Contracts) Scott Reardon and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 19.4 'Donnelly (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 10.07pm the meeting moved into confidence

Recommendation (Confidential)

Moved: Cr Furlan

Seconded: josh

CNC129/20-21

That Council accepts Ms Louise Donnelly's request for a discretionary rebate for the financial year ending 30 June 2021 for an amount of \$1,215.00.

CARRIED**Recommendation (Public)**

Moved: Cr Furlan
Seconded: Cr Joshi

CNC130/20-21

Pursuant to s.91(7)

That having considered Agenda Item 'Donnelly (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, minutes 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.

CARRIED

The time being 10.09 the meeting moved out of confidence.

The time being 10.09pm Cr Wilkins returned to the chamber.

19.5 Goode (Watson Car Park) Discretionary Rebate Request

Recommendation (Public)

Moved: Cr Bishop
Seconded: Cr Joshi

CNC131/20-21

Pursuant to s90(3)(b)

Pursuant to Section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Chief Executive Officer Kiki Cristol, Group Manager Asset & Infrastructure Ben Clark, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Monique Palmer, Business Analyst (Property & Contracts) Scott Reardon and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 19.5 '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 10.10pm the meeting moved into confidence

Recommendation (Confidential)

Moved: Cr Furlan
Seconded: Cr Bishop

CNC132/20-21

That Council accepts Mr John Goode's request for a discretionary rebate for the financial year ending 30 June 2021, for an amount of \$1,215.00.

CARRIED

Recommendation (Public)

Moved: Cr Bishop
Seconded: Cr Furlan

CNC133/20-21

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 10.10pm the meeting moved out of confidence.

19.6 Walkerville Developments Pty Ltd (Watson Car Parks) Discretionary Rebate Request

Recommendation (Public)

Moved: Cr Bishop
Seconded: Cr Furlan

CNC134/20-21

Pursuant to s90(3)(b)

Pursuant to Section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Chief Executive Officer Kiki Cristol, Group Manager Asset & Infrastructure Ben Clark, Group Manager Planning, Environment & Regulatory Services Andreea Caddy, Group Manager Corporate Services Monique Palmer, Business Analyst (Property & Contracts) Scott Reardon and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item 19.6 '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 10.12pm being the meeting moved into confidence

Recommendation (Confidential)

Moved: Cr Furlan

Seconded: Cr Coleman

CNC135/20-21

That Council accepts Walkerville Developments Pty Ltd request for a discretionary rebate for the financial year ending 30 June 2021, for an amount of \$12,150.00 over 11 car parks.

CARRIED

Recommendation (Public)

Moved: Cr Bishop

Seconded: Cr Ashby

CNC136/20-21

Pursuant to s.91(7)

That having considered Agenda Item 'Walkerville Developments Pty Ltd (Watson Car Parks) 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, minutes 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 10.12pm being the meeting moved out of confidence

20. CLOSURE

The meeting was declared closed at 10.13pm.

RELEASED