



MINUTES

of

COUNCIL MEETING

held 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 15 NOVEMBER 2021 AT 7PM

MINUTES

15 NOVEMBER 2021

The Presiding Member declared the meeting open at 7:00pm.

ACKNOWLEDGEMENT OF COUNTRY

Town of Walkerville would like to acknowledge the Kurna people as the traditional custodians of the land we are meeting on today, and respect their spiritual relationship with their country.

We recognise the many generations of stewardship the Kurna people have provided to this land, and respect that their cultural heritage and beliefs are as important today as they were for their ancestors.

ACKNOWLEDGEMENT OF FORMER ACTING MAYOR TONY READE

It is with great sadness that we acknowledge the passing of former Acting Walkerville Mayor Tony Reade, who passed away peacefully on 30 October.

Tony was first appointed to Council in 1997 and served until 2010. After running for Mayor in 2010 and being unsuccessful, he was reappointed to Council after a supplementary election in March 2011, where he served until 2014. During this time, he served as Acting Mayor for approximately eight months. Tony was a valued member of the community, dedicating more than 40 years of service in leadership roles.

I – along with my fellow Elected Members and Council staff – pay tribute to Tony's wife Yvette and their family.

1. ATTENDANCE RECORD

1.1 Present

Mayor Elizabeth Fricker
Cr Rob Ashby AM
Cr Norm Coleman OAM
Cr Stephen Furlan
Cr Jennifer Joshi
Cr James Nenke
Cr James Williams

Staff in Attendance

Chief Executive Officer, Kiki Cristol
Group Manager Assets & Infrastructure, Ben Clark
Group Manager Corporate Services & Strategic Projects, Scott Reardon
Group Manager Planning, Environment, Regulatory & Customer Services, Joshua Bowen
Manager Community Development & Engagement, Fiona Deckert
Communications & Marketing Manager, Sarah Spencer
Council Secretariat, Danielle Edwards

1.2 Apologies

Cr MaryLou Bishop

1.3 Not Present / Leave of Absence

1.3.1 **CNC127/21-22**

Moved: Cr Ashby
Seconded: Cr Joshi

That Council approve Cr Wilkin's request for Leave of Absence from 15 November 2021 to 19 November 2021, inclusive.

CARRIED

1.3.2 **CNC128/21-22**

Moved: Cr Nenke
Seconded: Cr Williams

That Council approve Cr Joshi's request for Leave of Absence from 22 January 2021 to 31 January 2022, inclusive.

CARRIED

2. CONFIRMATION OF MINUTES

2.1 Ordinary Council meeting held on the 18 October 2021

CNC129/21-22

Moved: Cr Furlan
Seconded: Cr Ashby

That the minutes of the Ordinary Council meeting held on the 18 October 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

- Cr Williams declared a perceived interest in agenda item 14.3.1 'Proposed Revocation of Community Land Classification – 39 Smith Street – Procedural Motion' as he owns a neighbouring property 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.
- Cr Furlan declared a perceived interest in agenda item 14.3.1 'Proposed Revocation of Community Land Classification – 39 Smith Street – Procedural Motion' as he has family members who have an interest in a neighbouring commercial property 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.
- Chief Executive Officer, Kiki Cristol, declared an interest in agenda item 14.3.5 'CEO Contract Commencement' and agenda item 16.3.8 'CEO Performance Review Committee Minutes 5 November 2021' pursuant to Section 120 of the *Local Government Act 1999*, as both agenda items relate to the new CEO 4 year employment agreement. Ms Cristol advised that she would remain in the room as she is not a decision maker or Member.

4. DEPUTATIONS / REPRESENTATIONS / PRESENTATIONS

Nil.

5. MAYORS DIARY

5.1 Mayors Diary

CNC130/21-22

Moved: Cr Williams
Seconded: Cr Joshi

That Council receives and notes the Mayoral Diary from 14 October 2021 to 10 November 2021, noting the amendment of Cr Ashby's absence from Walkerville Oval Redevelopment Meeting on 21 October 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

Nil.

9. QUESTIONS WITHOUT NOTICE

9.1 Development Controls – Cr Ashby

Question: “Given the extent of redevelopment currently taking place within the township, particularly Walkerville, does Council have any options to control these developments in terms of requiring minimum block sizes, a building to block size ratio and a requirement for tree planting and open space.”

I site as very recent examples: corner St Andrews and Brunswick St (4 large multi story homes where previously only one existed), Church Tce (where two blocks have been recently cleared of all vegetation and buildings and foundation construction indicates there is absolute minimum provision for any open space).

All the talk of warming, greening and open space must carry some weight. Surely Council has some influence in retrieving this situation across the township before all the trees and backyards completely disappear.

Administration Response:

As Council is aware, controls around development are contained in the Planning Design Code. With respect to land size, the following rules apply:

- Minimum site area for a detached dwelling is 400 sqm; semi-detached dwelling is 375 sqm; group dwelling is 350 sqm; residential flat building is 350 sqm; and
- Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 10m; group dwelling is 20m; residential flat building is 20m”.

Should Council wish to change controls around land size, setbacks and building height, Council could consider initiating its own code amendment process.

Some Zones and Sub Zones (Zones primarily accommodating Residential development) do contain Designated Performance Features or Deemed to Satisfy values for site coverage, areas of soft landscaping and tree planting and retention. It's important to note that these values are not universally consistent and furthermore, almost all the code policies allow for high densities at the expense of site coverage, soft landscaping and tree planting/retention.

Despite the site coverage, soft landscaping and tree retention provisions, it is inevitable there will be a net loss of open space, trees and vegetation. Council along with many other local governments, raised these concerns repeatedly during the PDI Act and Code community engagement sessions, however the State Government (both Liberal and Labor) chose to disregard most of these concerns in their pursuit of continued urban growth and density and the associated economic growth.

10. QUESTIONS ON NOTICE

Nil.

11. PETITIONS

Nil.

12. MOTIONS WITHOUT NOTICE

Nil.

13. MOTIONS WITH NOTICE

Nil.

14. REPORTS REQUIRING DECISION OF COUNCIL

14.1 Strategy

Nil.

14.2 Policy

14.2.1 Draft Parking Policy Consultation Report

CNC131/21-22

Moved: Cr Williams

Seconded: Cr Ashby

1. That Council receives and notes the Draft Parking Policy consultation results (Attachment A) and analysis report by Action Market Research (Attachment B).
2. That Council instruct Administration to refine the Draft Parking Policy based on feedback received during consultation and present the revised policy at the 17 January 2022 Ordinary Meeting, with the view of releasing the document for further public engagement.

CARRIED

14.2.2 Development Assessment Refund and Waiver Policy

CNC132/21-22

Moved: Cr Williams

Seconded: Cr Joshi

1. That Council adopt the amended Development Assessment Refund and Waiver Policy, appearing as Attachment A, noting that the original Policy was recently circulated for public consultation during January and February of 2021 and no feedback was received.
2. That Council authorise Administration to make any amendments of a minor, technical or formatting nature, as required.

CARRIED

14.3 Operational

14.3.1 Proposed Revocation of Community Land Classification – 39 Smith Street – Procedural Motion

CNC133/21-22

Moved: Cr Ashby

Seconded: Cr Coleman

That Council, having resolved at its October 2021 ordinary meeting to abandon the Smith Street & Fuller Street Site Expression of Interest Tender process and in instead retain the Smith Street building and implement a five year repair and maintenance program, hereby resolves to put an end to the proposed Revocation of Community Land Classification of the Site and abandon the process.

CARRIED

14.3.2 Appointment of Deputy Mayor

CNC134/21-22

Moved: Cr Ashby

Seconded: Cr Coleman

That Council resolves to continue to have the position of Deputy Mayor carried out on a rotational basis and appoints Cr Furlan as Deputy Mayor from 9.01am Tuesday 16 November 2021 until the conclusion of the 2022 general Council Elections.

CARRIED

CNC135/21-22

Moved: Cr Williams
Seconded: Cr Nenke

That Council endorse Cr Ashby AM continuing as the representative on the Walkerville Oval Redevelopment Committee, in lieu of the incoming Deputy Mayor Cr Furlan, until the conclusion of the 2022 general Council Elections.

CARRIED

14.3.3 Audited Financial Statements 2020-21

CNC136/21-22

Moved: Cr Furlan
Seconded: Cr Ashby

1. That the Audited Financial Statements for the financial year ending 30 June 2021, as presented in Attachment A of this report be adopted by Council for inclusion in the 2020-21 Annual Report.
2. That the Mayor and Chief Executive Officer, be authorised to sign the Certification of Financial Statements accompanying the Financial Statements for the financial year ending 30 June 2021 as presented in Attachment B of this report.
3. That the Adjusted Income Statement for the financial year ending 30 June 2021, as presented in Attachment C of this report be adopted by Council for inclusion in the 2020-21 Annual Report.

CARRIED

14.3.4 Citizenship Ceremony – Australia Day Proceedings

CNC137/21-22

Moved: Cr Williams
Seconded: Cr Joshi

That Council holds a Citizenship Ceremony on 26 January 2022 at Mary P Harris Reserve as per the *Australian Citizenship Ceremonies Code (Code)*, which stipulates that local Councils must hold a citizenship ceremony on Australia Day (January 26) if they have conferred citizenship on more than 20 conferees the previous year.

CARRIED

The Presiding Member put the motion, which resulted in a tie vote. As a result, the Presiding Member used her casting vote and the motion was subsequently carried.

14.3.5 CEO Contract Commencement

CNC138/21-22

Moved: Cr Ashby
Seconded: Cr Williams

That Council endorse the CEOs request to amend the commencement date of the CEOs new four year contract from 1 January 2022 to 5 January 2022, in line with the CEOs anniversary of employment date.

CARRIED

14.4 Subsidiaries

14.4.1 Eastern Health Authority Service Provision Opportunity

CNC139/21-22

Moved: Cr Nenke
Seconded: Cr Furlan

That Council endorse the request from Eastern Health Authority (EHA) to enter into contracts with the City of Unley and Adelaide Hills Council for the provision of immunisation services.

CARRIED

14.4.2 Environmental Health Services Options Report

CNC140/21-22

Moved: Cr Williams
Seconded: Cr Ashby

That Council;

1. defer item 14.4.2 pending Cr Nenke and Cr Coleman to raise and seek further information from EHA at Board meeting on Wednesday 17 November 2021 as it relates to;
 - confirmation of EHA fee structure for Council for 2021/22 and future years
 - confirmation of the EHA Board's decision to accept the revised fee structure (noting that Walkerville Council need to accept the new fee structure under the charter)
2. request Administration to present a comparative analysis of in-house services with the EHA provision of service.

CARRIED

15 IDENTIFICATION OF ITEMS FOR INDIVIDUAL CONSIDERATION

CNC141/21-22

Moved: Cr Williams
Seconded: Cr Furlan

That items 16.3.3, 16.3.5, 16.3.7, 16.3.8, 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

Nil.

16.2 Policy

Nil.

16.3 Operational

16.3.1 Monthly Works Report - October 2021

CNC142/21-22

Moved: Cr Furlan
Seconded: Cr Williams

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

CARRIED

16.3.2 Monthly Financial Report – October 2021

CNC143/21-22

Moved: Cr Furlan
Seconded: Cr Ashby

That Council receives and notes the Monthly Financial Report as at 31 October 2021.

CARRIED

16.3.3 Decisions of Council Assessment Panel 8 November 2021

CNC144/21-22

Moved: Cr Williams
Seconded: Cr Furlan

That Council receive and note the decisions made by the Council Assessment Panel on Monday, 8 November 2021.

CARRIED

16.3.4 Update on Development Application Statistics – November 2021

CNC145/21-22

Moved: Cr Ashby
Seconded: Cr Furlan

That Council receive and note the report titled “Update on Development Application Statistics – November 2021.”

CARRIED

16.3.5 Audit Committee Minutes 3 November 2021

CNC146/21-22

Moved: Cr Williams
Seconded: Cr Furlan

That Council receives and notes the minutes of the Audit Committee meeting convened on 3 November 2021.

CARRIED

16.3.6 Walkerville Oval Redevelopment Committee Meeting Minutes October 2021.

CNC147/21-22

Moved: Cr Nenke
Seconded: Cr Williams

That Council receives and notes the minutes of the Walkerville Oval Redevelopment Committee from their meeting held 21 October 2021.

CARRIED

16.3.7 Women of Walkerville Committee Minutes 28 October 2021

CNC148/21-22

Moved: Cr Williams
Seconded: Cr Furlan

That Council receives and notes the minutes of the Women of Walkerville Committee meeting held on 28 October 2021.

CARRIED

16.3.8 CEO Performance Review Committee Minutes 5 November 2021

CNC149/21-22

Moved: Cr Williams
Seconded: Cr Furlan

That Council receives and notes the minutes of the meeting of the CEO Performance Review Committee convened on 5 November 2021.

CARRIED

16.3.9 Road Reserve Encroachment – 6 Victoria Terrace Walkerville

CNC150/21-22

Moved: Cr Williams
Seconded: Cr Ashby

That Council receive and note the Road Reserve Encroachment – 6 Victoria Terrace Walkerville report and directs Administration to further explore and provide a subsequent report based on one of the following options:

- A. Reclaim the Road Reserve;
- B. Issue a conditional land use permit to the incoming property owner;

CARRIED

16.4 Subsidiaries

16.4.1 ERA Water Board Minutes 4 November 2021

CNC151/21-22

Moved: Cr Williams
Seconded: Cr Furlan

That Council receives and notes the ERA Water Board Minutes for the meeting convened on 4 November 2021.

CARRIED

16.5 Outstanding Council Resolutions & Actions

CNC152/21-22

Moved: Cr Williams
Seconded: Cr Furlan

That Council receives and notes the list of Council resolutions currently being processed as at 11 November 2021.

CARRIED

17 **CORRESPONDENCE**

Nil.

18 **URGENT OTHER BUSINESS**

Nil.

19 CONFIDENTIAL ITEMS

19.1 Deed of Novation – Waste Contract

CNC153/21-22

Moved: Cr Furlan

Seconded: Cr Joshi

Pursuant to s90 (3) (k) (PUBLIC)

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 Planning, Environment, Regulatory & Customer Service Joshua Bowen, Group Manager Assets & Infrastructure Ben Clark, Manager Community Development & Engagement Fiona Deckert, Communications & Marketing Manager Sarah Spencer and Council Secretariat Danielle Edwards, be excluded from attendance at the meeting for Agenda Item 19.1 Deed of Novation – Waste Contract.

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 as it applies to Council's waste disposal contract.

The Council is satisfied that the need for the meeting to be conducted in a place open to the public has been outweighed in the circumstances because the information to be disclosed and discussed is commercial in confidence.

CARRIED

The time being 9:24pm the meeting moved into confidence.

CNC154/21-22

Moved: Cr Ashby

Seconded: Cr Furlan

Recommendation (Confidential)

1. That Council enters into the Deed of Novation as set out in **Attachment A** (subject to any minor amendments agreed by the Council's CEO to complete the document) with Pelican Asset Co Pty Ltd ACN 651 535 401 as trustee for the Pelican Asset Trust.
2. That the CEO is delegated authority to complete and execute the Deed of Novation on behalf of the Council.

CARRIED

CNC155/21-22

Moved: Cr Furlan

Seconded: Cr Williams

Pursuant to s.91(7) (PUBLIC)

That having considered Agenda Item 19.1 Deed of Novation – Waste Contract 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 and minutes relative to this Agenda Item be retained in confidence for a period of 12 months after the contract has been signed and 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 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.

CARRIED

The time being 9:33pm the meeting moved out of confidence.

20. CLOSURE

The Presiding Member declared the meeting closed at 9:33pm.