

**MINUTES OF TOWN OF GAWLER  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, GAWLER CIVIC CENTRE, 89-91 MURRAY ST,  
GAWLER SA 5118  
ON TUESDAY, 25 FEBRUARY 2020 AT 7:01PM**

**PRESENT:** Mayor Karen Redman, Cr Cody Davies, Cr Diane Fraser, Cr Kelvin Goldstone, Cr David Hughes, Cr Paul Koch, Cr Paul Little, Cr Brian Sambell, Cr Jim Vallelonga.

**STAFF IN ATTENDANCE:** Mr Henry Inat, Mr Ryan Viney, Mr Sam Dilena, Ms Erin Findlay, Mr Paul Horwood, Ms Kate Symes.

## **1 STATEMENT OF ACKNOWLEDGEMENT**

*We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.*

## **2 ATTENDANCE RECORD**

- 2.1 Roll Call
- 2.2 Apologies
  - Cr Nathan Shanks
  - Cr Ian Tooley
- 2.3 Motions to Grant Leave of Absence

### **LEAVE OF ABSENCE**

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#### **RESOLUTION 2020:02:COU045**

Moved: Cr D Fraser

Seconded: Cr D Hughes

That a leave of absence is granted for Cr Sambell from 16/3/2020 to 27/3/2020, inclusive.

**CARRIED UNANIMOUSLY**

- 2.4 Leave of Absence
  - Nil
- 2.5 Non-attendance

## **3 PUBLIC OPEN FORUM**

Mr Mark Brookings addressed Council regarding his development applications and additional costs incurred

Mr John Costa from the Gawler Landowners Group addressed Council regarding Rural Areas.

The Mayor thanked the speakers

**4 DEPUTATIONS**

Nil

**5 DECLARATIONS OF INTEREST**

Cr Hughes declared an interest in Item 12.3

Cr Goldstone declared an interest in item 12.3

Mayor Redman declared a conflict in item 12.10, 12.11 and 15.1

**6 ADJOURNED ITEMS**

Nil

**7 PETITIONS**

Nil

**8 CONFIRMATION OF MINUTES**

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**RESOLUTION 2020:02:COU046**

Moved: Cr C Davies

Seconded: Cr P Koch

That the minutes of the Ordinary Council meeting held on 28 January 2020 be confirmed as a true and correct record.

**CARRIED UNANIMOUSLY**

**9 BUSINESS ARISING FROM MINUTES**

Nil

**10 BUSINESS ARISING**

Nil

**11 COUNCIL MEMBER REPORTS**

Cr Davies provided a verbal update on events attended throughout the month including represented Mayor at the open day at Xavier Collegue and attended the opening of the Fringe and Nunga Fringe.

The Mayor provided a verbal update on events attended throughout the month including the Fringe opening, Film festival and Junior Softball Championships. The Mayor highlighted the Brown street road resurfacing project and the reuse of soft plastics.

They Mayor will provide a written update at the next meeting

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**MOTION**

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**RESOLUTION 2020:02:COU047**

Moved: Cr P Little

Seconded: Cr B Sambell

That Council note the verbal reports.

**CARRIED UNANIMOUSLY****12 OFFICER REPORTS**

Ms Lisa Jeffery and Mr David Waltham from of the Department of Planning, Transport and Infrastructure Project team were in attendance and answer questions from Council Members.

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**12.1 GAWLER RAIL ELECTRIFICATION PROJECT UPDATE**

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**RESOLUTION 2020:02:COU048**

Moved: Cr P Little

Seconded: Cr J Vallelonga

That Council notes:-

1. The Gawler Rail Electrification Project Update Report.
2. The 'King Street Bridge Community Engagement Summary Report' provided by Department of Planning, Transport and Infrastructure on the feedback received regarding the proposed removal of the King Street Bridge and replacement with a pedestrian bridge.
3. The Department of Planning, Transport and Infrastructure will proceed to remove the King Street Bridge as part of the Gawler Rail Electrification Project and consequently will be responsible to replace the road bridge with a pedestrian bridge and implement any associated local area traffic management that may be deemed to be required this includes a post implementation review within six months from the installation of the pedestrian bridge.
4. That the Department of Planning, Transport and Infrastructure is to hold a future Council Member Workshop, followed by community engagement, with respect to the design and aesthetics of the proposed pedestrian bridge and its integration on site as well as other relevant impacts identified as part of the Rail Electrification Project overall detailed design.
5. That information on the Rail Electrification Project will be presented to Council following further design being undertaken.

**CARRIED**

Mr Adam Faulkner, Chief Executive Officer of the Northern Adelaide Waste Management Authority (NAWMA) addressed Council regarding NAWMA's revised 2019/20 financial forecasts.

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**12.2 2019/20 2ND QUARTER BUDGET REVIEW**

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**RESOLUTION 2020:02:COU049**

Moved: Cr D Hughes

Seconded: Cr D Fraser

That Council adopts the 2019/20 2nd Quarter Budget Review (as at 31 December 2019), which estimates a revised 2019/20 operating surplus of \$94,000.

**CARRIED UNANIMOUSLY**

Cr Goldstone declared a perceived conflict of interest in item 12.3 as he is a resident of Hillier Park residential Village and will deal with the matter by remaining in the room.

Cr Hughes declared a perceived conflict of interest in item 12.3 as an employee of Department of Environment and Water attached to Adelaide and Mount Lofty Ranges NRM. And will deal with the matter by remaining in the room.

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**12.3 HILLIER FIRE UPDATE**

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**RESOLUTION 2020:02:COU050**

Moved: Cr D Hughes

Seconded: Cr P Koch

That Council:

1. Notes the Hillier Fire Update report.
2. Engages a water engineer to determine if trees need to be removed or moved in the Gawler River bushfire site.
3. Does not undertake any site clearing of trees until a plan for the entire site including woody weed control is approved by the Infrastructure and Environment Services Committee or Council.

**CARRIED UNANIMOUSLY**

## **12.4 COUNCIL BOUNDARY CHANGE PROPOSAL - BOUNDARIES COMMISSION RESPONSE**

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### **RESOLUTION 2020:02:COU051**

Moved: Cr C Davies

Seconded: Cr D Hughes

That Council:-

1. Notes that in accordance with Council Resolution 2019:11:COU421 the Stage 1 Boundary Change Proposal was submitted to the Boundaries Commission on 4 December 2019.
2. Notes the correspondence received from the Boundaries Commission as provided in Attachment 1 which supports Council's proposal to proceed with further investigations regarding possible boundary reform.
3. Notes the correspondence received from neighbouring Councils as provided in Attachments 2 and 3.
4. Notes the decision from The Barossa Council, made 18 February 2020, identifying that it has chosen not to proceed with a Stage 2 General Proposal at this time despite being advised by the Commission that it could proceed with this proposal.
5. Confirms its intention to strategically progress with its proposed Boundary Reforms in demonstration of its commitment to delivering services to its communities of interest.
6. Requests Council Staff to write to the Commission seeking clarification on the Commission's statement that Council may wish to consider the option of referring an Administrative proposal to the Commission where proposed boundary changes are minor administrative matters, this clarification to specifically address:
  - a. Whether the areas identified by Council as potentially Administrative in nature (being Reid, Uleybury and the smaller section of Kalbeeba) would indeed be Administrative in the opinion of the Commission;
  - b. The appropriate level of consultation considered acceptable for an Administrative Proposal in comparison to a General Proposal.
  - c. The expected timeframe for determinations on Administrative Proposals in comparison with General Proposals.
7. Authorises the Mayor and Chief Executive Officer to continue discussions with Light Regional Council, The Barossa Council and City of Playford regarding Council's intention to pursue boundary reform.
8. Notes that, due to the need to seek clarification from the Boundaries Commission, community consultation regarding the further development of Council's boundary reform proposal(s) is now expected to occur in the second half of 2020 and that this provides time from other key Council consultations (e.g. Annual Budget, Community Plan, Heritage DPA and Essex Park Masterplan) that are planned to occur during the last quarter of the 2019/20 financial year.
9. Requests Council Staff to provide an update report to Council incorporates the following:
  - a. Clarification received from the Commission regarding what is/is not Administrative in nature.
  - b. An updated communications and consultation plan that further details the activities and associated costs required to develop Council's Stage 2 General Proposal, and any Administrative Proposals that may be undertaken.
10. Authorises the Mayor to respond to the correspondence received from Light Regional Council:
  - a. Confirming that Council lodged its Stage 1 Proposal to the Boundaries Commission on 4 December 2019;
  - b. Confirming that Council has received advice from the Boundaries Commission that it may progress to a Stage 2 General Proposal;
  - c. Informing that Council is progressing with its Boundary Reform considerations;
  - d. Advising that Town of Gawler rejects Light Regional Council's Alternative Proposal;

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- e. Noting that the boundary change process will be a long term process; and
  - f. Advising that Council is supportive of progressing a regional vision project in partnership with Light Regional Council, The Barossa Council, Adelaide Plains Council, Regional Development Australia Barossa Gawler Light Adelaide Plains and other regional partners and that since this regional vision project is not contingent on any boundary changes it can be progressed regardless of Boundary Reform considerations.

**CARRIED**

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## **12.5 GAWLER BUSINESS DEVELOPMENT GROUP QUARTERLY REPORT**

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### **RESOLUTION 2020:02:COU052**

Moved: Cr P Koch

Seconded: Cr K Goldstone

That Council notes the Gawler Business Development Group's Quarterly Report for October to December 2019.

**CARRIED UNANIMOUSLY**

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## **12.6 PLANNING AND DESIGN CODE - PHASE 3 PUBLIC CONSULTATION - COUNCIL SUBMISSION**

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### **RESOLUTION 2020:02:COU053**

Moved: Cr P Little

Seconded: Cr D Hughes

That Council: -

1. Notes the Planning and Design Code – Phase 3 Public Consultation – Council submission report.
2. Notes the analysis document of the Planning and Design Code pertinent to the Town of Gawler.
3. Adopts the submission prepared concerning phase 3 urban areas of the Planning and Design Code including further commentary related to minimum allotment frontages.
4. Authorises the Mayor and CEO to finalise Council's submission and send to the Department of Planning Transport and Infrastructure and the State Planning Commission.
5. Notes that Minister Knoll has approved a bill to remove the deadline of 1 July 2020 for full implementation of the Planning and Design Code and is proposing to replace it with a date to be Gazetted by proclamation.
6. Notes it is now anticipated that the Planning and Design Code, and the full Planning, Development and Infrastructure Act 2016, will be proclaimed to commence in regional South Australia in July 2020, and across metropolitan Adelaide in September 2020. This is a three-month postponement from the original dates scheduled by the Department of Planning Transport and Infrastructure.
7. Notes that this extension in time is not anticipated to result in a further period of consultation on the Planning and Design Code.
8. Notes that the Mayor has written to the State Planning Commission requesting extra time to complete public consultation for the impending Local Heritage Transition Development Plan Amendment, should the postponement of the Planning and Design Code occur.
9. Notes the letter prepared by Council's Assessment Panel providing feedback concerning the draft Planning and Design Code.

**CARRIED**

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**12.7 TOWN OF GAWLER COMMUNITY PLAN 2030+**

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**RESOLUTION 2020:02:COU054**

Moved: Cr D Fraser

Seconded: Cr K Goldstone

That Council: -

1. Notes the Review of Community Plan 2017-2027 report.
2. Adopts the Community Engagement Plan presented.

**CARRIED**

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**12.8 GRIEVANCE PROCEDURE**

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**RESOLUTION 2020:02:COU055**

Moved: Cr K Goldstone

Seconded: Cr D Fraser

That Council :-

1. Notes the legal advice at per attachment 4.
2. Does not proceed with a standalone Grievance Procedure.
3. Adopts the Complaints Handling Procedure under Council Member Code of Conduct (as per attachment 1).

**CARRIED**

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**12.9 HERITAGE AREA STATEMENTS REVIEW AND SUBMISSION**

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**RESOLUTION 2020:02:COU056**

Moved: Cr P Koch

Seconded: Cr D Hughes

That Council: -

1. Endorses the Historic Area Statements prepared by staff and reviewed by Flightpath Architects for submission to the State Planning Commission.
2. Authorises the Mayor to write to the State Planning Commission advising that:
  - a. Council has grave concerns regarding the Historic Area Statements released as part of Phase 3 of the draft Planning and Design Code on the basis that they are insufficiently robust to adequately protect the heritage and historic character of the town of Gawler; and
  - b. Council requests the State Planning Commission to accept the suggested changes to the Historic Area Statements in order that they have added clarity and strength which will preserve and protect Gawler's unique heritage and historic character.

**CARRIED**

Mayor Redman declared an actual conflict in item 12.10 as she is referenced in the report and will deal with the matter by leaving the room

At 8:06 pm, Mayor Karen Redman left the meeting.

At 8:06 pm, Cr Davies took the chair

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**12.10 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - GENERAL ASSEMBLY**

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**RESOLUTION 2020:02:COU057**

Moved: Cr D Hughes

Seconded: Cr B Sambell

That Council:

1. Notes the call for Motion by the National General Assembly.
2. Member's forward any proposed Notices of Motion for consideration by Council for submission to the Australian Local Government Association's 2020 National General Assembly to the Chief Executive Officer, no later than 9 March 2020, for inclusion in a report to the 24 March 2020 Council meeting.
3. Notes the attendance of the Mayor and the Chief Executive Officer to the National General Assembly 2020 from 14 to 17 June 2020.
4. Notes that the Mayor and CEO will, while attending the Assembly, will hold meetings with relevant Federal Government Agencies and Ministers advocating on initiatives and funding opportunities, particularly recreation and sporting outcomes for the community.
5. Notes that a report will be presented to Council providing an overview following the Assembly and the advocacy efforts undertaken.

**CARRIED**

At 8:08 pm, Mayor Karen Redman returned to the meeting.

Mayor Redman declared preceived conflict of interest in item 12.11 as an LGA Board Member and will deal with the matter by remaining in the room

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**12.11 REVOCATION OF CONFIDENTIAL ORDERS**

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**RESOLUTION 2020:02:COU058**

Moved: Cr B Sambell

Seconded: Cr K Goldstone

That Council notes the revocation of the confidential orders under delegation, by the Chief Executive Officer, relating to:

1. Resolution 2020:01:COU0038 for Item 19.1- Walker Place Redevelopment Project - Construction Purchase Recommendation and Project Update of the Council meeting 28 January 2020. The Minutes of this item were released on 5 February 2020, the written report and attachments remain in confidence.
2. Motion 2017:11:453 for Item15.2 - Public Lighting Dispute Update of the Council meeting 28 November 2017. The Minutes, report and attachments were released on 19 February 2020.
3. Resolution 2019:12:COU463 for Item 6.20 - Public Lighting Update of the Council meeting 17 December 2019. The Minutes, report and attachments were released on 19 February 2020.

**CARRIED UNANIMOUSLY**



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**13 RECOMMENDATIONS FROM COMMITTEES**

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**13.1 RECOMMENDATIONS FROM GAWLER YOUTH ADVISORY COMMITTEE MEETING HELD ON 3 FEBRUARY 2020****FOR NOTING**

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**RESOLUTION 2020:02:COU059**

Moved: Cr C Davies

Seconded: Cr B Sambell

That Council notes the adopted Motions from the Gawler Youth Advisory Committee made under Delegated Authority at the meeting held on 3 February 2020, being:

That the Gawler Youth Advisory Committee note the verbal update from the Youth Development Officer.

**CARRIED UNANIMOUSLY****13.1.1 Item 6.2 – Gawler Youth Sports Person Sponsorship Program**

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**RESOLUTION 2020:02:COU060**

Moved: Cr P Koch

Seconded: Cr D Hughes

That Council adopts the recommendation from the Gawler Youth Advisory Committee made at item 6 of the meeting of that Committee meeting held on 3 February 2020, being:

That the Gawler Youth Advisory Committee recommends to Council that Tom Galgey receive \$100 from the Gawler Sports Person Sponsorship Program for his State representation in Softball.

**CARRIED UNANIMOUSLY**

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**13.2 RECOMMENDATIONS FROM AUDIT COMMITTEE MEETING HELD ON 4 FEBRUARY 2020****13.2 Motions Made Under Delegated Authority for Noting****RESOLUTION 2020:02:COU061**

Moved: Cr D Fraser

Seconded: Cr J Vallelonga

That Council notes the adopted Motions from the Audit Committee made under Delegated Authority at the meeting held on 4 February 2020, being:

Item 6.3 - 2019/20 Audit Committee Workplan Progress Report IC20/35

That the Audit Committee note the 2019/20 Audit Committee Workplan Progress Report.

**CARRIED UNANIMOUSLY**

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**13.2.2 Item 6.1 - Appointment of Chair and Deputy Chair**

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**RESOLUTION 2020:02:COU062**

Moved: Cr D Fraser

Seconded: Cr J Vallelonga

That Council adopts the recommendation from the Audit Committee made at item 6.1 of the meeting of that Committee meeting held on 4 February 2020, being:

That the Audit Committee recommends to Council that Mr Peter Brass be appointed as Chairperson and Mr Peter Fairlie-Jones as Deputy Chairperson to the Audit Committee for a term expiring on 31 December 2020

**CARRIED UNANIMOUSLY**

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**13.2.3 Item 6.2 - Policy Review**

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**RESOLUTION 2020:02:COU063**

Moved: Cr J Vallelonga

Seconded: Cr C Davies

That Council adopts the recommendation from the Audit Committee made at item 6.2 of the meeting of that Committee meeting held on 4 February 2020, being:

That the Audit Committee recommends to Council that the following Debtor Management Policy be adopted.

**CARRIED UNANIMOUSLY**

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**13.2.4 Item 6.4 - Treasury Management Review 2018/2019**

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**RESOLUTION 2020:02:COU064**

Moved: Cr J Vallelonga

Seconded: Cr P Little

That Council adopts the recommendation from the Audit Committee made at item 6.4 of the meeting of that Committee meeting held on 4 February 2020, being:

That the Audit Committee recommends to Council that:

1. The 2018/2019 Treasury Management Review be noted.
2. The Treasury Management Policy, as presented, be adopted.

**CARRIED UNANIMOUSLY**

**13.3 RECOMMENDATIONS FROM GAWLER HERITAGE COLLECTION COMMITTEE MEETING HELD ON 13 FEBRUARY 2020****13.3 Motions Made Under Delegated Authority for Noting****RESOLUTION 2020:02:COU065**

Moved: Cr D Hughes

Seconded: Cr D Fraser

That Council notes the adopted Motions from the Gawler Heritage Collection Committee made under Delegated Authority at the meeting held on 13 February 2020, being:

Item 6.2 - Cultural Heritage Centre Budget Update - February 2020 IC19/832

That the Gawler Heritage Collection Committee notes:

1. The Cultural Heritage Centre Budget Update – February 2020 report.
2. That Council Staff have accepted the quote of \$300 + GST to relocate the Boer War Honour Roll.

**CARRIED UNANIMOUSLY**

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**13.3.5 Item 6.1 - Gawler Heritage Collection Enquiries: November 2019 to January 2020**

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**RESOLUTION 2020:02:COU066**

Moved: Cr D Hughes

Seconded: Cr D Fraser

That Council adopts the recommendation from the Gawler Heritage Collection Committee made at item 6.1 of the meeting of that Committee meeting held on 13 February 2020, being:

That the Gawler Heritage Collection Committee recommends to Council that it notes the Gawler Heritage Collections Enquiries: November 2019 to January 2020 report.

**CARRIED UNANIMOUSLY**

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**13.3.6 Item 6.3 - Workplan Update**

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**RESOLUTION 2020:02:COU067**

Moved: Cr P Koch

Seconded: Cr K Goldstone

That Council adopts the recommendation from the Gawler Heritage Collection Committee made at item 6.3 of the meeting of that Committee meeting held on 13 February 2020, being:

That the Gawler Heritage Collection Committee recommends to Council that it:

1. Notes the Workplan 2019 completion/update;
2. Requests Council staff to coordinate a formal launch of the eHive platform and to encourage relevant school staff to attend this launch;
3. Adopts the Gawler Heritage Collection Committee Workplan for 2020, noting that it will:
  - a. Be refined over time to include priorities for the Gawler Heritage Collection, in conformance with the Collections Policy and associated budget allocations.
  - b. Inform budget bids as part of the Council's Annual Budget and Business Plan Process.

**CARRIED UNANIMOUSLY**

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**13.3.7 Item 6.4 - Walker Place Heritage Interpretation**

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**RESOLUTION 2020:02:COU068**

Moved: Cr D Fraser

Seconded: Cr D Hughes

That Council adopts the recommendation from the Gawler Heritage Collection Committee made at item 6.4 of the meeting of that Committee meeting held on 13 February 2020, being:

That the Gawler Heritage Collection Committee recommends to Council that it:

1. Approves the following four interpretation statements for inclusion within the Walker Place redevelopment:
  - a. A consignment of 30 tins, each containing 33 brown trout, arrived in Adelaide for liberation in the South Para River.
  - b. An offer was made by an English miner to reduce the Old Barrage using explosives, for a sum of £10.
  - c. One night the cannon was fired, and one brave lad said, "I'm off, and tell them if the Russians come I'm up the river looking for gold."
  - d. A great rush of water in winter makes the South Para very dangerous.
2. Encourage Council staff to investigate the replacement of the signage on the mural currently affixed to the toilet block on Julian Terrace and to incorporate interpretation of the mural within the interactive signage of the Walker Place project.

**CARRIED UNANIMOUSLY**

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**13.2 RECOMMENDATIONS FROM INFRASTRUCTURE & ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD ON 18 FEBRUARY 2020****13.2 Motions Made Under Delegated Authority for Noting****RESOLUTION 2020:02:COU069**

Moved: Cr D Hughes

Seconded: Cr P Little

That Council notes the adopted Motions from the Infrastructure & Environmental Services Committee made under Delegated Authority at the meeting held on 18 February 2020, being:

Item 7.1 - Policy Review IC19/815

That the Infrastructure & Environmental Services Committee adopts the Footpath and Cycleways Policy as amended and taking into consideration the discussion on safety for cyclists.

Item 7.3 - Roads and Recycleables - Circular Economy Update IC19/752

That the Infrastructure & Environmental Services Committee notes the Roads and Recycleables - Circular Economy Update Report.

**CARRIED UNANIMOUSLY****Item 7.2 - Reinstatement Methodology for Bluestone Kerbing in Church Hill State Heritage Area Update**

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**RESOLUTION 2020:02:COU070**

Moved: Cr B Sambell

Seconded: Cr K Goldstone

That Council adopts the recommendation from the Infrastructure & Environmental Services Committee made at item 7.2 of the meeting of that Committee meeting held on 18 February 2020, being:

That the Infrastructure & Environmental Services Committee recommends to Council that it:

1. Notes the Reinstatement Methodology of Bluestone Kerbing in Church Hill State Heritage Area Update report.
2. Supports the proposed future pram ramp locations in the Church Hill State Heritage Area in the Residential Historic (Conservation) Zone noting these are supported by the State Heritage Unit of the State Government Department for Environment and Water.

**CARRIED UNANIMOUSLY**

**14 EXTERNAL BODIES REPORTS**

Nil

**15 QUESTIONS ON NOTICE**

Mr Inat left the room at 8:18pm

Mayor Redman advised that the responses to Questions on Notice from Cr Tooley would be separated into two parts. Mayor Redman provided answers to questions 3, 4, 5, 7, 8, 9 and 10.

**15.1 CR TOOLEY - CEO PERFORMANCE**

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**3.**

**What tender brief did Mayor Redman develop and use, and what process did she use when selecting her preferred consultant - Perks People Solutions?**

**Please provide a copy of the tender documents and selection process.**

**Answer**

Expression of interest process was undertaken. In line with current procurement policy.

**4.**

**How many consultants were invited to tender to review CEO Inat's performance and how many submitted applications?**

**Answer**

Several companies were asked to submit proposals.

2 companies were subsequently contacted to discuss further.

Perks was chosen on balance due to their strength in both private and public sector.

**5.**

**Have parameters been established for the scope and extent of the external performance review of the CEO and, if so:-**

**i. on what basis were they selected - please provide details?**

Based on both the proposal and after discussion with Cr Sambell as chair of PMP, CEO, myself as Mayor, and Perks this will be presented to and discussed at an upcoming PMP meeting.

**ii. are they inclusive of all stakeholders-please provide details?**

Stakeholder engagement is included in this process

**iii. do they cover all CEO Inat's KPA's-please provide details?**

The current KRAs and a review of these will be part of this process

**7.**

**On what basis did Mayor Redman choose Perks People Solutions as the preferred consultants to conduct the external review of CEO Inat?**

**Answer**

Perks People Solutions were the preferred choice. Their strong performance and reputation both in local government and in private is impressive. They are highly professional and will deliver a quality service.

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8.

**Have Perks People Solutions been involved in any previous work for council? If so please provide details?**

**Answer**

No

9.

**Have Perks People Solutions had any previous dealings with, or involvement with CEO Inat through either previous performance reviews or recruitment processes?**

**Answer**

No

10.

**As Perks People Solutions are an Executive Recruitment company, is CEO Inat currently on their books as a client or has he ever been? If so, does this not compromise the process and provide a conflict of interest?**

**Answer**

Improper. A view could reasonably be formed that it is an improper. It is personal in nature. The Council meeting and the questions on notice procedure is not the appropriate forum for such commentary or discussion.

In any event it is not a question that I as Mayor could possibly answer accurately in that it is information I am not aware of as the Mayor.

This is an improper question in that it is a personal matter about the CEO that I cannot answer and that would be inappropriate for me to ask the CEO this question. However the CEO has of his own volition provided the following answer – No, the CEO is not on their books as a client.

Mayor Redman declared a conflict of interest in regard to providing answers to questions 1, 2 and 6 and will deal with the matter by leaving the room.

At 8:20 pm, Mayor Karen Redman left the meeting.

At 8:20 pm, Cr Little took the Chair.

Cr Little addressed questions 1, 2 and 6.

## **15.1 CR TOOLEY - CEO PERFORMANCE**

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1.

**Resolution 2019:12:COU426 directs that Cr Sambell and Mayor Redman are tasked with collaborating to manage a process to select a consultant to conduct an external review of CEO Inat's performance.**

**Why did Mayor Redman state in an email to Elected Members on 22 January that she collaborated with Cr Sambell in the process to select Perks People Solutions as the consultant to conduct the external review of CEO Inat's performance when Cr Sambell has, in two emails sent on 31 Jan and 1 Feb, denied being involved at any stage of the process, and stating emphatically that Mayor Redman conducted the selection process all on her own?**

**Answer**

Insulting, irrelevant and improper. A view could reasonably be formed that it is irrelevant ie not for a purpose connected with the object of the Council meeting. Questions (with and without notice) should be limited to purposes which will assist the meeting in arriving at a conclusion with regard to those things upon which they are then and there to determine, or which can lawfully be determined within the scope of the powers, functions and duties of the meeting. A question will be irrelevant if it is beyond the power of the Council to deal with the matter, or is unrelated to the functions, powers or duties of the Council.

A question is irrelevant if it is incapable of forming the subject of debate at a meeting of the Council, in the sense that the Council cannot make a decision in relation to the matter. In relation to this particular question it is unclear to me what decision the Council could be making in relation to this question that is directed to actions a Council Member may or may not have done. The Council has no power to require a Council Member to answer questions about their actions or otherwise direct a Council Member.

I form the view that the question is insulting and improper in that the question goes to the personal conduct of the Mayor. The Council meeting and the questions on notice procedure is not the appropriate forum for such commentary or discussion.

2.

**Why did Mayor Redman ignore resolution 2019:12:COU426 and select the CEO external review consultant on her own and not in collaboration with Cr Sambell as directed by that resolution 2019:12:COU426?**

**Answer**

Insulting, irrelevant and improper. A view could reasonably be formed that it is irrelevant ie not for a purpose connected with the object of the Council meeting. I repeat my comments set out above in relation to question 1.

I form the view that the question is insulting and improper in that the question goes to the personal conduct of the Mayor and includes negative imputations. The Council meeting and the questions on notice procedure is not the appropriate forum for such commentary or discussion.

6.

**If the community is to have any confidence in the integrity of the external review of the performance of their Council CEO, particularly given all the media attention to date, please explain:-**

- i. **why Cr Sambell was excluded from the consultant selection process?**
- ii. **why the tender selection process was rushed through and completed between mid December 2019 and early January 2020, the period when Council was effectively in recess, when the CEO was on leave, and when most businesses had closed for the holidays, and given that CEO Inat has more than 18 months remaining on his current extended contract?**
- iii. **why no members of the PMP committee, nor any elected members, were neither consulted nor involved in any part of the consultant selection process?**
- iv. **why the rush, why the secrecy and why resolution 2019:12:COU426 was ignored?**
- v.

**Answer**

Insulting, irrelevant and improper. A view could reasonably be formed that it is irrelevant ie not for a purpose connected with the object of the Council meeting. I repeat my comments set out above in relation to question 1.

I form the view that the question is insulting and improper in that the question goes to the personal conduct of the Mayor and includes negative imputations. The Council meeting and the questions on notice procedure is not the appropriate forum for such commentary or discussion.



At 8:24 pm, Mayor Karen Redman returned to the meeting.

At 8:24 pm, Mr Henry Inat returned to the meeting.

## **16 QUESTIONS WITHOUT NOTICE**

Nil

## **17 MOTIONS ON NOTICE**

### **MOTION**

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#### **RESOLUTION 2020:02:COU071**

Moved: Cr P Little

Seconded: Cr D Hughes

That item 17.1 be deferred to a future meeting.

**CARRIED UNANIMOUSLY**

At 8:26 pm, Cr Paul Little left the meeting.

At 8:28 pm, Cr Paul Little returned to the meeting.

## **17.2 CR DIANE FRASER - ROTARY CLUB OF GAWLER**

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#### **RESOLUTION 2020:02:COU072**

Moved: Cr D Fraser

Seconded: Cr J Vallelonga

That Council:

1. Recognises and appreciates work by Rotary Club of Gawler to raise monies and awareness for and about Bushfire Relief in S.A.
2. Purchases two Banners at a cost of approximately \$800.00 as sponsorship to advertise a bushfire fundraising Event which is in conjunction with Rotary Club of Gawler Caravan and Swap Meet on the 3<sup>rd</sup> May 2020.
3. Permits Banners to be erected at entrances to town on Adelaide Rd. and Lyndoch Rd.

**CARRIED UNANIMOUSLY**

## **17.3 CR PAUL KOCH - AUDIT COMMITTEE MEMBERSHIP**

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#### **RESOLUTION 2020:02:COU073**

Moved: Cr P Koch

Seconded: Cr B Sambell

That Cr Koch be appointed as a member of the Council's Audit Committee

**CARRIED UNANIMOUSLY**

## **18 MOTIONS WITHOUT NOTICE**

Nil

Mayor Redman called a short 10min break.

The meeting was suspended at 8:34pm

Meeting resumes at 8:44pm

## **19 CONFIDENTIAL REPORTS**

### **19.1 PROPOSED LEASE - WORKSKIL AUSTRALIA LTD**

#### **Reason for Confidentiality**

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

#### **RESOLUTION 2020:02:COU074**

Moved: Cr C Davies

Seconded: Cr D Fraser

19.1 Proposed Lease - Workskil Australia Ltd

That:

1. Pursuant to Section 90(3) (d)(i) of the Local Government Act 1999 (the Act), an order is made that the public be excluded from attendance at this part of the meeting relating to Item 19.1, except the following persons:

- Chief Executive Officer
- Manager Development, Environment & Regulatory Services
- Manager Infrastructure & Engineering Services
- Manager Finance & Corporate Services
- Manager, Library and Community Services
- Minute Taker

in order to receive, discuss or consider agenda Item 19.1 in confidence as the following information or matter relates to:

- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party

Specifically, the matter is confidential because Commercially sensitive information

2. Accordingly, on this basis of this information, the principle that meetings should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**CARRIED UNANIMOUSLY**

8:45 pm there were no members of the public in the meeting / members of the public left the meeting

8:45 pm confidential session commenced

**RESOLUTION 2020:02:COU075**

Moved: Cr D Fraser

Seconded: Cr D Hughes

Kept in confidence

**CARRIED UNANIMOUSLY**

**RESOLUTION 2020:02:COU076**

Moved: Cr J Vallelonga

Seconded: Cr K Goldstone

1. Pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the:
  - The minutes
  - The written report
  - Attachments to the written report

associated with Item 19.1 Proposed Lease - Workskil Australia Ltd, having been considered by the Council in confidence under Section 90(3)(d)(i) be kept confidential and not available for public inspection until execution of lease by both parties, on the basis that the information received, discussed and considered in relation to this agenda item is:  
commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

Specifically, the matter relates to Commercially sensitive information

2. Further that Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.
3. All confidential orders will be reviewed at least annually in accordance with the *Local Government Act 1999*.

**CARRIED UNANIMOUSLY**

8.47pm confidential session concluded

## 19.2 KRIEG ROAD PROPERTY DIVESTMENT

### Reason for Confidentiality

In accordance with Sections 83(5) and 84(6) of the Local Government Act, 1999 – the Chief Executive Officer considers that this item may be considered in confidence by the Council on the grounds set out below (and therefore will remain confidential until the Council resolves how this item is to be classified).

A further written report will be considered by Members at the Meeting after the following recommendation is carried.

### RESOLUTION 2020:02:COU077

Moved: Cr D Fraser

Seconded: Cr J Vallelonga

#### 19.2 Krieg Road Property Divestment

That:

1. Pursuant to Section 90(3) (a),(d)(i) of the Local Government Act 1999 (the Act), the Meeting orders that the public be excluded from attendance at this part of the meeting relating to Item 19.2, expecting the following persons:

- Chief Executive Officer
- Manager Development, Environment & Regulatory Services
- Manager Infrastructure & Engineering Services
- Manager Finance & Corporate Services
- Manager, Library and Community Services
- Minute Taker

to enable the Confidential Council Meeting to consider Item 19.2 in confidence on the basis that Confidential Council Meeting considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.2:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party

Specifically, the matter relates to Krieg Road property divestment update

2. Accordingly, on this basis, the principle that meetings of the Confidential Council Meeting should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**CARRIED UNANIMOUSLY**

**RESOLUTION 2020:02:COU078**

Moved: Cr D Hughes

Seconded: Cr P Koch

Kept in confidence

**CARRIED****RESOLUTION 2020:02:COU079**

Moved: Cr D Fraser

Seconded: Cr P Koch

1. Pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the:

- The minutes
- The written report
- Attachments to the written report

associated with Item 19.2 Krieg Road Property Divestment, having been considered by the Council in confidence under Section 90(3)(a),(d)(i) be kept confidential and not available for public inspection until Settlement of property, on the basis that the information received, discussed and 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); AND commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

Specifically, the matter relates to Krieg Road property divestment update.

2. Further that Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.
3. All confidential orders will be reviewed at least annually in accordance with the *Local Government Act 1999*.

**CARRIED****20 CLOSE**

The Meeting closed at 9:05pm.

**21 NEXT ORDINARY MEETING**

Tuesday 24 March 2020 commencing at 7:00pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 March 2020.

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**CHAIRPERSON**