

**MINUTES OF TOWN OF GAWLER
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GAWLER CIVIC CENTRE, 89-91 MURRAY ST,
GAWLER SA 5118
ON TUESDAY, 3 NOVEMBER 2020 AT 7:00PM**

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 Nathan Shanks, Cr Ian Tooley, Cr Jim Vallelonga

STAFF IN ATTENDANCE: Mr Henry Inat, Mr David Barrett, Mr Sam Dilena, Ms Erin Findlay, Mr Ryan Viney, Ms Chris Haynes

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
- 2.3 Motions to Grant Leave of Absence
- 2.4 Leave of Absence
- 2.5 Non-Attendance

3 PUBLIC OPEN FORUM

Mr Wayne Clarke spoke to Members regarding Boundary Reform.

Mr Alan Moulds spoke to Members regarding Boundary Reform.

Ms Helen Hennessy spoke to Members regarding Boundary Reform.

Mr John Spencer spoke to Members regarding Walker Place toilet facilities.

Mr Robert De Jonge, Strata Manager for property in Gawler, spoke to Members on Boundary Reform, bins and hard waste, traffic management.

4 DECLARATIONS OF INTEREST

Cr Goldstone declared he no longer has an interest in adjourned item 5.6 (previously item 18.1 of Council meeting held on 27 October 2020)

Cr Tooley declared an actual interest in item 5.5

MOTION

RESOLUTION 2020:11:COU447

Moved: Cr P Koch

Seconded: Cr B Sambell

That the adjourned items be dealt with after items 6.1 and 6.2 .

CARRIED

Ms Linlay Bertram and Mr Jason Dunstone from Square Holes spoke to Members regarding survey results of Item 6.1

6.1 BOUNDARY REFORM - PUBLIC CONSULTATION RESPONSES

RESOLUTION 2020:11:COU448

Moved: Cr N Shanks

Seconded: Cr C Davies

That Council:-

1. Notes that in alignment with the Guidelines for Boundary Change Council is required, as part of Stage 2 in the process, to:
 - 1.1 Undertake Public Consultation with its Community to ascertain if it should submit a General Proposal to the South Australian Local Government Boundaries Commission for consideration for investigation.
 - 1.2 Provide the results of any Public Consultation as part of any such General Proposal.
2. Notes that in alignment with Guidelines for Boundary Reform, as recently amended, it is the role of the Commission to undertake the consultation with the 'Communities of Interest' in neighbouring Councils affected by the Proposal, not the role of the initiating Council.
3. Receives results of the Boundary Reform Consultation Survey, the 22 written submissions and findings of the Public Consultation on Boundary Reform, noting that there were 62 attendances recorded across the two public forums, with some Council Members choosing to attend both sessions.
4. Notes that the number of survey responses received was 158 completed surveys and 44 partial completed surveys. Of these responses 89 identified as being from the Town of Gawler LGA, 68 identified as being from Light Regional Council, 36 identified as being from The Barossa Council, 7 identified as being from the City of Playford and 2 identified as from another council LGA as past Gawler residents.
5. Notes that the majority of respondents to the survey (68%) from the Town of Gawler Local Government Area are supportive of the Proposal for Boundary Change in its current form and 67% support proceeding to finalise and submit a General Proposal to the independent Commission to investigate the suggested changes to the boundaries.
6. Notes that the majority of respondents to the survey from neighbouring Local Government Areas do not support Council's Proposal – and despite respondents from neighbouring Councils making up 56% of total respondents the overall aggregated survey result shows almost as many respondents supporting the proposal as those opposing it (42% vs 45%) with the remaining 9% indicating they are neutral on the subject.
7. Seek that the Council Staff provide a draft General Proposal for Boundary Change, updated to reflect/include the outcomes of the recent public consultation, to Council at a future meeting for its consideration for lodgement with the Commission seeking boundary change.
8. Notes that the submission of a General Proposal to the Commission does not establish an obligation for Council to proceed with an investigation without further consideration and deliberation on the costs and process, nor is the Commission obligated to investigate any such

proposal it receives. Council's further consideration relative to progressing with Boundary Reform is intended to form part of its 2021/2022 budget preparations.

9. Authorises the Mayor to respond to all the submissions received which would amongst other matters detail Council's deliberations as a consequence of Council's consideration of this report.

CARRIED

Cr Tooley called for a division:

The Mayor declared the vote set aside.

In Favour: Crs C Davies, D Fraser, K Goldstone, D Hughes, P Koch and P Little

Against: Crs B Sambell, N Shanks, I Tooley and J Vallelonga

CARRIED 6/4

The Mayor declared the motion CARRIED

6.2 GAWLER BUSINESS DEVELOPMENT GROUP - QUARTERLY REPORT

RESOLUTION 2020:11:COU449

Moved: Cr D Fraser

Seconded: Cr N Shanks

That Council notes:

1. The Gawler Business Development Group Quarterly Report for July to September 2020.
2. That the Gawler Business Development Group's Annual Report for the 2019/20 Financial Year is due to be provided to Council by 30 November 2020.
3. That, according to the funding agreement between Council and the Gawler Business Development Group, Council must provide the Group no less than six calendar months' notice if it does not intend to grant a one year extension to the current funding agreement and that a report regarding this extension and the Gawler Business Development Group's 2019/20 Annual Report will be provided for Council's consideration at the December 2020 Ordinary Council Meeting.

CARRIED UNANIMOUSLY

5 ADJOURNED ITEMS

5.1 NOTICE OF MOTION - CR TOOLEY - GAWLER RAILWAY UPLIFT REPORT

RESOLUTION 2020:11:COU450

Moved: Cr I Tooley

Seconded: Cr N Shanks

That the recent \$50,000 Gawler Railway Uplift Report be made immediately available to the community for marketed community feedback, and that this report, and the feedback, be used as the basis for a members open planning workshop where future planning options can be openly aired and considered.

CARRIED

Cr Tooley called for a division:

The Mayor declared the vote set aside.

In Favour: Crs C Davies, D Fraser, P Little, B Sambell, N Shanks, I Tooley and J Vallelonga

Against: Crs K Goldstone, D Hughes and P Koch

CARRIED 7/3

The Mayor declared the motion CARRIED

At 8:47 pm, Cr Paul Little left the meeting.

At 8:47 pm, Cr Jim Vallelonga left the meeting.

At 8:49 pm, Cr Paul Little returned to the meeting.

At 8:49 pm, Cr Jim Vallelonga returned to the meeting.

5.2 NOTICE OF MOTION - CR TOOLEY - GAWLER EAST LINK ROAD SPEED LIMIT

Moved: Cr I Tooley

Seconded: Cr D Fraser

Given that the Gawler East Link Road is a local road, and under the control of Gawler Council, that council act to change the speed limit from 50km to 60km for the majority of its length and investigate the possibility of 80kms.

AMENDMENT

MOTION

Moved: Cr K Goldstone

Given that the Gawler East Link Road is a local road, and under the control of Gawler Council, that council as a matter of urgency investigate increasing the speed limit from 50kmph to a more appropriate limit commensurate with the road design parameters.

Mayor declined the amendment as it was a substantial change to the motion.

5.2 NOTICE OF MOTION - CR TOOLEY - GAWLER EAST LINK ROAD SPEED LIMIT

RESOLUTION 2020:11:COU451

Moved: Cr I Tooley

Seconded: Cr D Fraser

Given that the Gawler East Link Road is a local road, and under the control of Gawler Council, that council act to change the speed limit from 50km to 60km for the majority of its length and investigate the possibility of 80kms.

CARRIED

Cr Vallelonga called for a division:

The Mayor / Chairperson declared the vote set aside.

In Favour: Crs C Davies, D Fraser, K Goldstone, D Hughes, P Little, B Sambell, N Shanks, I Tooley and J Vallelonga

Against: Cr P Koch

CARRIED 9/1

The Mayor declared the motion CARRIED

5.3 NOTICE OF MOTION - CR SHANKS - REGISTERS AND REPORTS

RESOLUTION 2020:11:COU452

Moved: Cr N Shanks

Seconded: Cr J Vallelonga

That the Council administration make available on the hub:

1. The register for questions taken on notice during Council and Committee meetings, outlining when questions are taken on notice, who asked the question and when an answer is expected to be provided.
2. The outstanding actions list from Council and Committees meetings on a quarterly basis.
3. An indicative report list for upcoming Council and Committee meetings for the quarter. This list is also to outline predicted dates that such report should be expected. (noting that agendas are officially finalised 5 business days prior to an ordinary meeting and the before mention indicative list will only be a guide that is considered fluid in nature).

CARRIED

Cr Fraser raised a point of order against Cr Tooley, Regulation Clause15 not speaking to subject matter.

Mayor Redman declined to uphold the point of order as Cr Tooley was speaking to the subject matter.

5.4 NOTICE OF MOTION - CR SHANKS - COUNCIL MEETING SCHEDULE

RESOLUTION 2020:11:COU453

Moved: Cr N Shanks

Seconded: Cr B Sambell

That

1. Administration prepare a report for the November/December Council meeting on the options of holding two Ordinary Council Meetings a month and investigate methods of streamlining meetings.
2. The report will investigate the availability for the meetings to be held on the 2nd week of the month and 4th Tuesday of each month.

CARRIED

Cr Tooley called a point of order against Cr Koch - guiding principles.

Mayor Redman delinced as the point of order was not relevant.

Cr Tooley sought and was granted leave to make a personal statement.

At 9:44 pm, Cr Kelvin Goldstone left the meeting.

At 9:45 pm, Cr Kelvin Goldstone returned to the meeting.

Cr Tooley declared an actual interest in item 5.5 and would deal with it by leaving the meeting.

At 9:48 pm, Cr Ian Tooley left the meeting.

5.5 NOTICE OF MOTION - CR VALLELONGA - PETITION

RESOLUTION 2020:11:COU454

Moved: Cr J Vallelonga

Seconded: Cr D Fraser

That the Council Administration:

1. Bring the petition regarding Cr Tooley to the November Council meeting for discussion and consideration by Members.
2. Prepare a report on the petition including recommending options for Members to consider.

LOST

Cr Vallelonga called for a division:

The Mayor / Chairperson declared the vote set aside.

In Favour: Crs P Little, B Sambell, N Shanks and J Vallelonga

Against: Crs C Davies, D Fraser, K Goldstone, D Hughes and P Koch

LOST 4/5

The Mayor declared the motion LOST

At 10:01 pm, Cr Ian Tooley returned to the meeting.

MOTION

RESOLUTION 2020:11:COU455

Moved: Cr D Fraser

Seconded: Cr P Little

That the ajdourned items 5.6 and 5.7 be moved to after item 9.1.

CARRIED

6 OFFICER REPORTS

At 10:04 pm, Cr Nathan Shanks left the meeting.

At 10:04 pm, Cr Nathan Shanks returned to the meeting.

6.3 SANTA'S WORKSHOP AT THE GAWLER CIVIC CENTRE

RESOLUTION 2020:11:COU456

Moved: Cr D Hughes

Seconded: Cr B Sambell

That Council:-

1. Notes the Santa's Workshop at the Gawler Civic Centre report.
2. Supports the use of funds allocated within the 2020/21 Adopted Budget for the 2020 Gawler Carols Event for the delivery of Santa's Workshop at the Gawler Civic Centre enabling it to be free for the community to attend, estimated to cost \$15,000.
3. Commits the balance of funds allocated within the 2020/21 Adopted budget for the 2020 Gawler Carols Event (being the adopted budget less the cost of Santa's Workshop), estimated at \$13,611 as a contribution to an alternate event to be delivered by the Apex Club of Gawler in the first half of 2021, if such an event is able to be delivered.
4. Notes that Council Staff will contact other community groups to explore increased participation in Santa's Workshop as outlined in this report.

CARRIED UNANIMOUSLY

MOTION

RESOLUTION 2020:11:COU457

Moved: Cr B Sambell

Seconded: Cr P Little

That the meeting be extended to 11.00pm.

CARRIED

6.4 RECOMMENDATION FROM INFRASTRUCTURE AND ENVIRONMENTAL SERVICES COMMITTEE 13 OCTOBER 2020

RESOLUTION 2020:11:COU458

Moved: Cr N Shanks

Seconded: Cr B Sambell

Gawler East Link Road Opening

1. That Council registers its disappointment with Department for Infrastructure and Transport on how the opening of the Gawler East Link Road was handled.
2. That the Mayor be authorised to write to Department for Infrastructure and Transport on Council's behalf to register our disappointment.

LOST ON THE CASTING VOTE OF THE MAYOR

Cr Tooley called for a division:

The Mayor declared the vote set aside.

In Favour: Crs P Little, B Sambell, N Shanks, I Tooley and J Vallelonga

Against: Crs C Davies, D Fraser, K Goldstone, D Hughes and P Koch

LOST ON THE CASTING VOTE OF THE MAYOR

The Mayor declared the motion LOST on the casting vote of the Mayor.

MOTION

RESOLUTION 2020:11:COU459

Moved: Cr P Little

Seconded: Cr D Hughes

That item 9.1 be brought forward for discussion.

CARRIED

At 10:21 pm, Cr Paul Koch left the meeting.

At 10:22 pm, Cr Paul Koch returned to the meeting.

7 CONFIDENTIAL REPORTS

9.1 ALLEGATIONS ARISING FROM ENTERPRISE BARGAINING NEGOTIATIONS - FINAL REPORT

RESOLUTION 2020:11:COU460

Moved: Cr P Little

Seconded: Cr D Hughes

9.1 Allegations Arising From Enterprise Bargaining Negotiations - Final Report

That:

1. Pursuant to Section 90(3) (a) 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 9.1, excepting the following persons:
 - Chief Executive Officer
 - Manager Development, Environment & Regulatory Services
 - Minute Taker
 - Ms Erin McCarthy Piper Alderman

to enable the Meeting to consider Item 9.1 in confidence on the basis that the 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 9.1:

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

Specifically, the matter relates to the personal affairs of the Chief Executive Officer

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

CARRIED

At 10.32pm confidential session commenced.

CEO, Mr Henry Inat made a statement.

At 10.35pm Mr Inat left the meeting.

FORMAL MOTION - THAT THE QUESTION BE PUT

RESOLUTION 2020:11:COU461

Moved: Cr P Little

Seconded: Cr D Hughes

That the Question be put.

CARRIED

RESOLUTION 2020:11:COU462

Moved: Cr P Little

Seconded: Cr B Sambell

That Council:-

1. Note the outcomes of the Piper Alderman investigation including recommendations, which have concluded that while some staff feel very aggrieved by the Enterprise Bargaining negotiation process, there are no allegations of bullying, harassment or inappropriate behaviour that would form the basis of an allegation against the CEO.
2. Recommends to the Executive that the feasibility of all recommendations outlined in the Piper Alderman Report be considered as part of Enterprise Bargaining negotiation processes moving forward, and where implemented and otherwise appropriate, those actions be communicated to staff.

CARRIED

RESOLUTION 2020:11:COU463

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 written report
- Attachments to the written report

associated with Item 9.1 Allegations Arising From Enterprise Bargaining Negotiations - Final Report, having been considered by the Council in confidence under Section 90(3)(a) be kept confidential and not available for public inspection until to be reviewed annually, 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).

Specifically, the matter relates to relates to the personal affairs of the Chief Executive Officer

2. All confidential orders will be reviewed at least annually in accordance with the Local Government Act 1999.

CARRIED

At 10.50pm confidential session concluded.

FORMAL MOTION - THAT THE MEETING BE ADJOURNED

RESOLUTION 2020:11:COU464

Moved: Cr C Davies

Seconded: Cr K Goldstone

That the Meeting be adjourned to the November Ordinary meeting of Council.

CARRIED

8 CLOSE

The Meeting closed at 10.51pm.

9 NEXT ORDINARY MEETING

Tuesday 24 November 2020 commencing at 7:00pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Town of Gawler held on 24 November 2020.

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CHAIRPERSON