

**MINUTES OF TOWN OF GAWLER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GAWLER CIVIC CENTRE, INSTITUTE BUILDING 89-91
MURRAY ST, GAWLER SA 5118
ON TUESDAY, 26 NOVEMBER 2019 AT 7.00PM**

PRESENT: Mayor Karen Redman, Cr Cody Davies, Cr Diane Fraser, Cr Kelvin Goldstone, Cr David Hughes, Cr Paul Koch, Cr Brian Sambell, Cr Nathan Shanks, Cr Ian Tooley, Cr Jim Vallelonga, Cr Paul Little

STAFF IN ATTENDANCE: Mr Henry Inat, Mr Paul Horwood, Ms Erin Findlay, Mr Ryan Viney, Mr Sam Dilena, Mr David Barrett, 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
- 2.3 Motions to Grant Leave of Absence

LEAVE OF ABSENCE

RESOLUTION 2019:11:COU416

Moved: Cr D Fraser

Seconded: Cr P Little

That a leave of absence is granted for Cr Sambell from 9/12/2019 to 19/12/2019, inclusive.

CARRIED UNANIMOUSLY

- 2.4 Leave of Absence
- 2.5 Non-attendance

3 PUBLIC OPEN FORUM

Mr Tony Forgione spoke to Members regarding the Kudla Planning Code.

Mr David Knibbs from Coffee on Jacob spoke to Members regarding car parking time limits.

Mr Ashley Grace from A & R Grace Optometrists spoke to Members regarding car parking time limits.

Mr Mario Caruana from Gawler Sweets spoke to Members regarding car parking time limits.

4 DEPUTATIONS

Nil

5 DECLARATIONS OF INTEREST

Cr Jim Vallelonga declared a conflict of interest in Item 19.5

Mayor Redman declared a conflict in item 12.1

Cr Tooley declared a conflict of interest in item 12.1

6 ADJOURNED ITEMS

Nil

7 PETITIONS

7.1 CAR PARKING PETITION

RESOLUTION 2019:11:COU417

Moved: Cr D Hughes

Seconded: Cr D Fraser

That:

1. Council receive the Car Parking Petition.
2. The head petitioner be notified of the actions Council is undertaking in regard to timed car parking in the Gawler Town Centre.

CARRIED UNANIMOUSLY

8 CONFIRMATION OF MINUTES

RESOLUTION 2019:11:COU418

Moved: Cr D Hughes

Seconded: Cr B Sambell

That the minutes of the Ordinary Council meeting held on 22 October 2019 be confirmed as a true and correct record.

CARRIED

9 BUSINESS ARISING FROM MINUTES

Nil

10 BUSINESS ARISING

Nil

11 COUNCIL MEMBER REPORTS

Cr Davies gave a verbal report to Members regarding his representing Council at:

- Gawler Rotary Fair
- Gawler and Districts College Board Meeting

Cr Koch gave a verbal report to regarding his representing Council at:

- Gawler Rotary Fair
- Taylor and Forgie Charity Dinner
- Remembrance Day at Gawler and Districts College

Cr Hughes advised that the minutes of the Gawler Health Advisory Council meeting of 26 September are available. The AGM will be held this Thursday at 6:00pm and members of the public are invited to attend.

Mayor Redman gave a verbal report on the events she had attended over the last month including but not limited to:

- Remembrance Day at Pioneer Park
- Opening of the new auditorium at the Xavier College
- Gawler and District Mums Group - Brunch
- 125th anniversary of Women's Suffrage

MOTION

RESOLUTION 2019:11:COU419

Moved: Cr C Davies

Seconded: Cr K Goldstone

That the verbal reports be noted and the hardcopies attached to minutes.

CARRIED UNANIMOUSLY

12 OFFICER REPORTS

Mayor Redman declared a perceived conflict in relation of item 12.1 Code of Conduct Complaint Final Report and will deal with the matter by leaving the room.

At 7:30 pm, Mayor Karen Redman left the meeting.

Cr David Hughes took the chair.

Cr Tooley declared a conflict of interest in relation to item 12.1 Code of Conduct Complaint Final Report and will deal with the matter by leaving the room.

Cr Tooley sought and was granted leave of the meeting to speak to item 12.1 Code of Conduct Complaint Final Report

Cr Koch called a point of order objecting to the words being used by Cr Tooley. The Chair upheld the point of order.

Cr Tooley sought leave of the meeting to speak again, leave was not granted.

At 7:42 pm, Cr Ian Tooley left the meeting.

CODE OF CONDUCT FINAL REPORT

RESOLUTION 2019:11:COU420

Moved: Cr K Goldstone

Seconded: Cr D Fraser

1. That Council acknowledges the Ombudsman's report of Cr Tooley's misconduct, provided as required by section 18(5) of the Ombudsman Act.
2. That Council notes the contents of the report, and the Ombudsman's opinion that Cr Tooley has failed to comply with a finding of inappropriate behaviour for the purposes of clause 3.18 of Part 3 of the Code of Conduct and Section 63 of the Local Government Act. In this way, Cr Tooley acted in a manner that was contrary to law within the meaning of the Ombudsman Act.
3. That in accordance with the findings of the Ombudsman's report (18 November 2019) Cr Tooley be censured for his failure to comply with the Code of Conduct for Council Members.

CARRIED

Cr Vallelonga called division

The Chair set the vote aside

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

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

CARRIED 4/4

CARRIED ON THE CASTING VOTE OF THE CHAIR

At 7:57 pm, Mayor Karen Redman returned to the meeting.

At 7:58 pm, Cr Ian Tooley returned to the meeting.

12.2 BOUNDARY CHANGE PROPOSAL - FURTHER ANALYSIS AND STAGE 1 PROPOSAL

RESOLUTION 2019:11:COU421

Moved: Cr C Davies

Seconded: Cr D Fraser

That Council:-

1. Notes the Council Change Proposal – Further Analysis and Stage 1 Proposal Report.
2. Notes the correspondence received from the Boundaries Commission and neighbouring Councils as provided in Attachments 1 and 3.
3. Notes that the staged approach to Boundary Reform includes a number of hold points requiring Council decision.
4. Approves the submission of a Stage 1 Proposal as provided as Attachment 6 to the Boundaries Commission for feedback.
5. Notes that feedback received from the Boundaries Commission on the Stage 1 Proposal will be presented to Council for consideration prior to proceeding to the development of a Stage 2 Proposal.
6. Adopts, in principle, the proposed communication and consultation plan for Stages 1 and 2 of the Boundary Reform Process.
7. Notes that the potential costs for further progressing its boundary reform deliberations forming the Stage 2 process is estimated at \$10,000. This cost will be sought to be allocated as part of the 2nd Quarter Budget Review. Should Council decide to proceed with the Stage 3 Investigation of a General Proposal to be conducted by the Boundaries Commission, a budget allocation will be prepared as part of the 2020/21 Budget.

CARRIED

Cr Tooley called 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

Ms Caren Brougham, Executive Officer addressed the Council regarding the Gawler Business Development Group Quarterly Report and answered questions.

The Mayor thanked Ms Brougham for her presentation.

12.3 GAWLER BUSINESS DEVELOPMENT GROUP QUARTERLY REPORT

RESOLUTION 2019:11:COU422

Moved: Cr B Sambell

Seconded: Cr P Little

That Council:

1. Receives and notes the Gawler Business Development Group's Quarterly Report for July to September 2019.
2. Notes the proposed variation to the Funding Agreement between Council and the Gawler Business Development Group that:
 - a) removes Clause 10.3 being the requirement for the Group to provide 4 business case studies of a Member of the Group during the course of the financial year; and
 - b) is replaced under clause 10.2 regarding Quarterly Reports by the addition of a requirement to provide statistics detailing the specific areas of advice, engagement, assistance and support that GBDG provides to local businesses.

CARRIED UNANIMOUSLY

12.4 TOWN CENTRE CAR PARKING (FESTIVE SEASON) UPDATE

RESOLUTION 2019:11:COU423

Moved: Cr C Davies

Seconded: Cr I Tooley

That Council:-

1. Notes the Town Centre Car Parking (Festive Season) Update Report.
2. Formally present the petition received by Council pertaining to recent changes to timed parking with the Woolworth's private car park to Woolworths management, and continue discussions pertaining to the potential benefits of 4hr timed parking.
3. Works with the Gawler Business Development Group to promote existing all-day parking options in Murray Street South (Land adjacent SA Water Depot), Light Square, Union Street, Jacob Street, High Street, Finniss Street and Warren Street, which are currently underutilised.
4. Increases all existing 3hr timed parking in Council owned off-street car parks in Tod Street, High Street and at the Visitor Information Centre to 4 hrs in order to provide a balance to 1hr, 2hr, 3hr and all-day parking options already available within the Town Centre.
5. On a temporary basis, and for the month of December, facilitate all-day parking on Goose Island as a trial.
6. Continue investigations associated with the installation of new and additional signage within the town centre to promote existing parking options, particularly those on offer at the Multi-Level Car Park in Finniss Street.
7. Notes that the cost of these various initiatives are estimated at \$4,000 for approximately 24 days and will be funded from within existing and recurrent budget allocations and or via Council's Car Parking Equity Reserve Fund.
8. Review of the Gawler Town Centre 2017-2020 Car Parking Strategy and the Car Parking fund to be postponed until the 2020-2021 financial year, where an appropriate budget allocation will be sought.

CARRIED

12.5 HISTORIC AREA STATEMENTS - PLANNING AND DESIGN CODE

RESOLUTION 2019:11:COU424

Moved: Cr D Fraser

Seconded: Cr C Davies

That Council:

1. Endorses in principle the Historic Area Statements and authorises the submission of the Statements to the Department of Planning, Transport and Infrastructure on or before 29 November 2019.
2. Authorises the CEO to make any minor amendments to the Historic Area Statements if considered to be appropriate.
3. Requests an update report be presented to Council at its Ordinary Meeting in December 2019.

CARRIED

12.6 PAXTON STREET LANDFILL ENVIRONMENTAL ASSESSMENT UPDATE

RESOLUTION 2019:11:COU425

Moved: Cr C Davies

Seconded: Cr J Vallelonga

That Council notes:

1. The Paxton Street Landfill Site Report, including the outcomes of the environmental investigations to date and consultation with adjoining property owners about the installation of a Land Fill Gas Cut-Off Trench as a precaution measure to mitigate any potential sideways movement of Land Fill Gas.
2. Notes that a report on the outcomes of the investigation will be presented to Council, including the proposed Management Plan, once completed.

CARRIED UNANIMOUSLY

MOTION

RESOLUTION 2019:11:COU426

Moved: Cr I Tooley

Seconded: Cr J Vallelonga

That item 19.3 Concordia Precinct Authority - Business Case lodged with Minister be brought forward.

CARRIED

19.3 CONCORDIA PRECINCT AUTHORITY - BUSINESS CASE LODGED WITH MINISTER**RESOLUTION 2019:11:COU427**

Moved: Cr J Vallelonga

Seconded: Cr K Goldstone

19.3 Concordia Precinct Authority - Business Case lodged with Minister

That:

1. Pursuant to Section 90(3) (j)(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 19.3, expecting the following persons:

- Chief Executive Officer
- Manager Development, Environment & Regulatory Services
- Manager Infrastructure & Engineering Services
- Manager Finance & Corporate Services
- Manager Business Enterprises & Communications
- Manager, Library and Community Services
- Senior Development & Strategic Policy Officer
- Strategic Planner
- Ms Helen Dyer from Concordia Land Management
- Ms Ann Hight from Concordia Land Management
- Minute Taker

to enable the Confidential Council Meeting to consider Item 19.3 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 19.3:

- (j)(i) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council)

Specifically, the matter relates to The documents provided by Minister Knoll for review are Commercial in Confidence.

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

9:15pm Members of the public left the meeting.

9.16pm Confidential session commenced.

RESOLUTION 2019:11:COU428

Moved: Cr P Little

Seconded: Cr D Fraser

Kept in Confidence

RESOLUTION 2019:11:COU429

Moved: Cr D Fraser

Seconded: Cr C Davies

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 19.3 Concordia Precinct Authority - Business Case lodged with Minister, having been considered by the Council in confidence under Section 90(3)(j)(i) be kept confidential and not available for public inspection until the Business Case documents have been released in part or in full by the Minister, on the basis that the information received, discussed and considered in relation to this agenda item is:

(j)(i) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council).

Specifically, the matter relates to the documents provided by Minister Knoll for review are Commercial in Confidence.

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

At 9.47pm confidential session concluded

MOTION**RESOLUTION 2019:11:COU430**

Moved: Cr C Davies

Seconded: Cr N Shanks

That Council extend the meeting to 11:00pm.

CARRIED

Cr Tooley called a Point of Order Seeking clarification as Cr Little did not vote on motion at hand. The Mayor ruled there was no point of order as the regulations state that a Member who is not in his or her seat is not permitted to vote and Cr Little was not in his seat at the time the vote was taken.

The Mayor, with approval of two-thirds of the members present suspended the meeting procedures pursuant to the Local Government (Procedures at Meetings) Regulations 2013, for a short refreshment break and will resume at the discretion of the Chairperson.

At 9.48 meeting procedures suspended.

At 9.55 meeting procedures resumed.

12.7 GENERAL PURPOSE FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2019

RESOLUTION 2019:11:COU431

Moved: Cr D Fraser

Seconded: Cr B Sambell

That the:-

1. Council notes that the General Purpose Financial Statement for the year ended 30 June 2019 have been reviewed by the Audit Committee, pursuant to Section 126(4)(a) of the Local Government Act 1999.
2. General Purpose Financial Statements for the year ended 30 June 2019 be adopted.
3. Certification of the General Purpose Financial Statements be signed by the Chief Executive Officer and the Mayor.
4. Auditor's Certification of Auditor's Independence be noted.
5. Certification of Auditor Independence be signed by the Audit Committee Presiding Member and Chief Executive Officer.
6. Independent Auditor's Audit Completion Report be received and noted.

CARRIED UNANIMOUSLY

12.8 2018-2019 FINANCIAL PERFORMANCE SUMMARY

RESOLUTION 2019:11:COU432

Moved: Cr B Sambell

Seconded: Cr J Vallelonga

That Council receive and note the 2018/2019 Financial Performance Summary report be received and noted.

CARRIED UNANIMOUSLY

12.9 ADOPTION OF TOWN OF GAWLER ANNUAL REPORT 2018/19

RESOLUTION 2019:11:COU433

Moved: Cr P Little

Seconded: Cr J Vallelonga

That Council adopts the Town of Gawler Annual Report 2018/19, as presented, with the inclusion of:

1. 2018-19 Northern Adelaide Waste Management Authority Annual report (as per attachment 2)
2. 2018-19 Gawler River Floodplain Management Authority Annual report (as per attachment 3)
3. 2018-2019 Annual Financial Statements (as adopted).

CARRIED UNANIMOUSLY

12.10 SOUTH GAWLER FOOTBALL CLUB - SECURITY IMPROVEMENTS

RESOLUTION 2019:11:COU434

Moved: Cr B Sambell

Seconded: Cr K Goldstone

That Council:-

1. Supports the installation of solar lighting in the South Gawler Football Club Car Park between the Clubrooms and Netball Courts.
2. Supports the relocation of the main access gates, from Longford Road to Dysart Road, including relocation of the boundary fence from adjacent the Clubrooms to the property boundary.
3. Notes the proposed allocation of \$30,000 (GST Exclusive) in the 1st Quarter Budget Review to undertake the works as listed above. The \$30,000 budget allocation includes \$27,100 in known costs (quoted works) and \$2,900 contingency.

CARRIED UNANIMOUSLY

MOTION

RESOLUTION 2019:11:COU435

Moved: Cr B Sambell

Seconded: Cr J Vallelonga

That item 13.2 - Item 6.6 - 2020/21 Budget / Business Plan Community Engagement be brought forward.

CARRIED UNANIMOUSLY

13.2 Item 6.6 - 2020/21 Budget / Business Plan Community Engagement

RESOLUTION 2019:11:COU436

Moved: Cr C Davies

Seconded: Cr B Sambell

That Council adopts the recommendation from the Audit Committee made at item 6.6 of the meeting of that Committee meeting held on 7 November 2019, being:

That the Audit Committee recommends to Council:

1. That the 2020/21 Budget / Business Plan Community Engagement report be noted
2. The adoption of the proposed Community Engagement and consultation approach relative to the 2020/21 Budget / Business Plan, incorporating:
 - a) Early Community Engagement from 29 November – 20 December 2019 inclusive, including interactive posters at key Council sites and an on-line survey; and
 - b) Community Consultation on the draft 2020/21 Budget / Business Plan, undertaken pursuant to Section 123(4) of the Local Government Act 1999, from 15 April – 8 May 2020, in accordance with Council's adopted 2020/21 Budget / Business Plan timetable.

CARRIED UNANIMOUSLY

MOTION

RESOLUTION 2019:11:COU437

Moved: Cr P Little

Seconded: Cr C Davies

That item 12.13 Appointments to Council Committees and External Bodies be brought forward.

CARRIED UNANIMOUSLY

12.13 APPOINTMENTS TO COUNCIL COMMITTEES AND EXTERNAL BODIES

RESOLUTION 2019:11:COU438

Moved: Cr C Davies

Seconded: Cr D Fraser

That the method of appointment of Council Committees, shall be as follows:-

1. Council Members are nominated or self-nominate for membership on the Committees.
2. A resolution is then moved to appoint all nominated persons to the Committees.
3. Council elect a Chairperson for each of the Committees, if required to do so by that Committee's Terms of Reference, from the Members appointed to the Committee. If more than one member of the Committee accepts nomination as Chairperson a secret ballot is held.
4. Council adopt a first past the post method of voting where there are 2 candidates, where a valid vote must have a candidate's name.
5. Adopt a preferential method of voting where there are 3 or more candidates, where a valid vote must list each candidate's name in preference order.
6. The Mayor and all Council Members present at the meeting are eligible to vote.
7. The Chief Executive Officer be appointed Returning Officer for the election.
8. If at any stage during the process there is an equal number of votes the Returning Officer will decide the issue by the drawing of lots. The name of the candidate/s withdrawn will be the one/s excluded from the ballot.

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9. Upon completion of counting the ballot, the Returning Officer will report to the Council the successful candidate. A Council resolution is needed to confirm the election of the Chairperson of the Committee.

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU439

Moved: Cr D Hughes

Seconded: Cr P Koch

1. Council Member Leadership Team

That:

- a. Council continue with the Council Member leadership team consisting of both Chairpersons of the Infrastructure and Environment Services Committee and Corporate and Community Service Committee for a 12 month period expiring 30 November 2020.
- b. The Chairpersons will commit to assisting and supporting the Mayor to facilitate the spirit of cooperation and inclusion between Council Members. In addition they will collaboratively support the Mayor at events when the Mayor is unable to attend, and be prepared to take on the role of acting Mayor when the Mayor is on leave of absence.

CARRIED

Cr Tooley called a division

The Mayor declared the vote set aside

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

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

5/5

CARRIED ON CASTING VOTE OF THE MAYOR

RESOLUTION 2019:11:COU440

Moved: Cr P Koch

Seconded: Cr P Little

2. Corporate and Community Services Committee

- 2.1 That in accordance with its Terms of Reference the following Council Members be appointed to the Corporate and Community Services Committee for a period to 30 November 2020:

- 1) Mayor Karen Redman
- 2) Cr Cody Davies
- 3) Cr Diane Fraser
- 4) Cr Kelvin Goldstone
- 5) Cr David Hughes
- 6) Cr Paul Koch
- 7) Cr Paul Little
- 8) Cr Ian Tooley

CARRIED

Cr Koch nominated Cr Davies, Cr Davies accepted the nomination for Chairperson of the Corporate and Community Services Committee.

Cr Tooley nominated Cr Little, Cr Little accepted the nomination for Chairperson of the Corporate and Community Services Committee.

As there were two nominees for Chair of the Corporate and Community Services Committee the Chief Executive Officer, as the Returning Officer undertook a ballot and declared Cr Davies be appointed as Chair of the Corporate and Community Services Committee for a period to 30 November 2020.

Mayor Redman congratulated Cr Davies on his appointment as Chairperson and thanked Cr Little for his nomination.

RESOLUTION 2019:11:COU441

Moved: Cr P Little

Seconded: Cr N Shanks

3. Infrastructure and Environmental Services Committee

3.1 That in accordance with its Terms of Reference the following Council Members be appointed to the Infrastructure and Environmental Services Committee for a period to 30 November 2020:

- 1) Mayor Karen Redman
- 2) Cr Cody Davies
- 3) Cr Diane Fraser
- 4) Cr Kelvin Goldstone
- 5) Cr David Hughes
- 6) Cr Paul Koch
- 7) Cr Paul Little
- 8) Cr Brian Sambell
- 9) Cr Nathan Shanks
- 10) Cr Ian Tooley
- 11) Cr Jim Vallelonga

CARRIED UNANIMOUSLY

Cr Tooley nominated Cr Little, Cr Little accepted the nomination for Chairperson of the Infrastructure and Environmental Services Committee.

RESOLUTION 2019:11:COU442

Moved: Cr D Hughes

Seconded: Cr J Vallelonga

That Cr Little be appointed as Chair of the Infrastructure and Environmental Services Committee for a period to 30 November 2020.

CARRIED UNANIMOUSLY

Mayor Redman congratulated Cr Little on his appointment as Chairperson

RESOLUTION 2019:11:COU443

Moved: Cr J Vallelonga

Seconded: Cr D Hughes

4. CEO Performance Management Panel

4.1 That in accordance with its Terms of Reference the following Council Members (minimum of five (5)) be appointed to the CEO Performance Management Panel for a period to 30 November 2020:

- 1) Mayor Karen Redman
- 2) Cr Cody Davies
- 3) Cr Paul Koch.
- 4) Cr Kelvin Goldstone
- 5) Cr Jim Vallelonga
- 6) Cr Ian Tooley
- 7) Cr David Hughes
- 8) Cr Brian Sambell

CARRIED UNANIMOUSLY

Cr Tooley nominated Cr Sambell, Cr Sambell accepted the nomination for Chairperson of the CEO Performance Management Panel.

Cr Koch self-nominated for Chairperson of the CEO Performance Management Panel.

As there were two nominees for Chair of the CEO Performance Management Panel the Chief Executive Officer, as the Returning Officer undertook a ballot and declared Cr Sambell be appointed as Chair of the CEO Performance Management Panel for a period to 30 November 2020.

Mayor Redman congratulated Cr Sambell on his appointment as Chairperson and thanked Cr Koch for his nomination.

RESOLUTION 2019:11:COU444

Moved: Cr K Goldstone

Seconded: Cr J Vallelonga

5. Audit Committee

That in accordance with its Terms of Reference the following (minimum of three (3)) Council Members be appointed to the Audit Committee for a period to 30 November 2020:

- 1) Mayor Karen Redman
- 2) Cr Diane Fraser
- 3) Cr Paul Little

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU445

Moved: Cr N Shanks

Seconded: Cr P Little

6. Gawler Heritage Collection Committee

That in accordance with its Terms of Reference the following (minimum of three (3)) Council Members be appointed to the Gawler Heritage Collection Committee for a period to 30 November 2020:

- 1) Mayor Karen Redman
- 2) Cr Diane Fraser
- 3) Cr Koch.

CARRIED UNANIMOUSLY

MOTION**RESOLUTION 2019:11:COU446**

Moved: Cr P Little

Seconded: Cr D Hughes

7. Gawler Youth Advisory Committee

That in accordance with its Terms of Reference the following (minimum of two (2)) Council Members be appointed to the Gawler Youth Advisory Committee for a period to 30 November 2020:

- 1) Cr Nathan Shanks
- 2) Cr Cody Davies

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU447

Moved: Cr P Little

Seconded: Cr B Sambell

8. Council Assessment Panel

That in accordance with its Terms of Reference the following (one (1)) Council Member and (a minimum of one (1)) Deputy Member be appointed to the Council Assessment Panel for a period to 30 November 2020:

- 1) Cr Kelvin Goldstone
- 2) Cr David Hughes (Deputy)
- 2) Cr Nathan Shanks (Deputy)

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU448

Moved: Cr I Tooley
Seconded: Cr C Davies

9. Local Government Association of South Australia

That Council appoint Mayor Karen Redman as Delegate and Cr Brian Sambell as proxy to the Local Government Association of South Australia for a 12 month term expiring 30 November 2020.

The Local Government Association of South Australia delegate will attend the LGA AGM and OGM as the Town of Gawler voting delegate and the proxy delegate attend LGA AGM and OGM.

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU449

Moved: Cr P Little
Seconded: Cr D Hughes

10. Local Government Finance Authority of South Australia

That Council appoint Mayor Karen Redman as Delegate and Cr Brian Sambell as proxy to the Local Government Finance Authority of South Australia for a 12 month term expiring 30 November 2020.

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU450

Moved: Cr J Vallelonga
Seconded: Cr P Koch

11. Greater Adelaide Region Organisation of Councils

That Council Notes the appointment of Mayor Karen Redman's to the Greater Adelaide Region Organisation of Councils expiring at the conclusion of the 2020 LGA Annual General Meeting.

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU451

Moved: Cr C Davies
Seconded: Cr N Shanks

12. Gawler River Floodplain Management Authority

12.1. The following Council Members be appointed as Board Members to the Gawler River Floodplain Management Authority for a 12 month term expiring 30 November 2020:

- a. Cr Pau Koch
- b. Cr Nathan Shanks (Proxy)

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU452

Moved: Cr K Goldstone
Seconded: Cr P Little

12.2 Council notes the CEO's nominees to the Gawler River Floodplain Management Authority are:

- a. Manager Infrastructure and Engineering Services
- b. Team Leader Asset Planning (Proxy)

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU453

Moved: Cr N Shanks
Seconded: Cr P Little

13. Northern Adelaide Waste Management Authority

13.1. That following Council Members be appointed as Board Members in accordance with the Northern Adelaide Waste Management Authority charter for a 2 year term charter expiring 30 November 2021:

- a. Cr Paul Koch
- b. Cr Paul Little
- c. Cr Diane Fraser (Proxy)

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU454

Moved: Cr B Sambell
Seconded: Cr D Hughes

13.2 Council Officers be appointed as Board Members in accordance with the Northern Adelaide Waste Management Authority charter for a 2 year term charter expiring 30 November 2021:

- a. Chief Executive Officer
- b. Team Leader Environment (Proxy)

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU455

Moved: Cr B Sambell

Seconded: Cr P Little

14. Gawler Health Advisory Committee

That Council appoints Cr David Hughes as Town of Gawler representative to the Gawler Health Advisory Committee for a 12 month term expiring 30 November 2020.

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU456

Moved: Cr J Vallelonga

Seconded: Cr K Goldstone

15. Reconciliation Action Plan Working Group

That Council appoints Cr Paul Little as Town of Gawler representative to the Reconciliation Action Plan Working Group for a 12 month term expiring 30 November 2020.

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU457

Moved: Cr B Sambell

Seconded: Cr D Hughes

16. Gawler & District College B-12 School Council Board

That Council appoints Cr Cody Davies as Town of Gawler representative and Cr Paul Koch as Proxy to the Gawler & District College B-12 School Council Board for a 12 month term expiring 30 November 2019.

CARRIED UNANIMOUSLY

RESOLUTION 2019:11:COU458

Moved: Cr P Koch

Seconded: Cr N Shanks

18. Elderly Centre Advisory Working Group

That Council:

- a. Adopts the Terms of Reference for the Elderly Centre Advisory Working Group, as per attachment 7.

CARRIED UNANIMOUSLY

15 QUESTIONS ON NOTICE

15.1 CR DAVIES - FINNISS STREET MULTI-LEVEL CAR PARK

Question on notice: What is the current regularity of cleaning services for the Council's Finnis Street car park? Is it up to the standards of our previous maintenance for the car park?

The Town Services Team inspect and clean (litter collection) the Finnis Street Multi-Level Car Park is three times a week (Monday/Wednesday/Friday). The team collect all litter at the site, remove any offensive graffiti and report any maintenance issues to the Property Team.

Each April and October, EnviroSweep complete a full clean of the car park including a sweep of the car park bays and pressure clean of the stairwells.

The abovementioned cleaning regime is suitable for the building, given the usage, size and configuration of the structure. The Town Services Team have installed air fresheners and use a specialist product to address the odour in the stairwells, which is caused through a combination of urine and dampness in the concrete. The stairwells have little airflow due to the design and fire compliance requirements at the site, which unfortunately prevent airflow to help disperse odours. Additional steam cleaning of the stairwells and sweeping of the carparks are arranged as required, particularly if there has been considerable vandalism or loitering within the car park.

15.2 CR TOOLEY - COMPLAINT HANDLING UNDER COUNCIL MEMBERS CODE OF CONDUCT PROCEDURE

- 1. With regard to the Code of Conduct and the handling of formal complaints under the ToG's Complaints Handling under Council Members Code of Conduct Procedure, and given that this procedure allows for in-house mediation, and also given that the LGA, ICAC and Ombudsman strongly advocate for managing complaints in-house, please explain why the ToG leadership has never once (in the past 5 years at least) even attempted in-house resolution when dealing with formal complaints, but has instead outsourced to expensive lawyers every time?**

Whenever a Code of Conduct complaint is received, mediation is always considered and offered where appropriate.

It is noted that in respect to a number of complaints that have occurred over recent years the option to have a mediation session has been considered.

- 2. Is there any evidence to show that outsourcing complaints to expensive lawyers for resolution has resulted in a better outcome than from in-house attempts at resolution, and that outsourcing complaints to lawyers has resulted in effective conflict or complaint resolution, in the effective restoration of relationships and in improved council culture?**

It would be preferable that we don't have any complaints. When Council has received complaints they are processed accordingly.

The current Procedure allows resolution as follows:

- seeking to resolve the matter internally;
- refer the complaint to a mediator or conciliator, the Local Government Governance Panel, an independent investigator or other option provided by Council. Council will from time to time determine which of these options are available; and
- dismiss the allegation on the basis that it is, trivial, vexatious or frivolous or not related to matters covered by the Code, or that a complaint dealing with the same matter has already been investigated.

The above options are in line with the LGA model policy.

The Town of Gawler has delivered workshops and training sessions on Behaviours and Bullying, Harassment and the Code of Conduct to assist Council Members in forming positive working relationships. We also have a behavioural Charter that has been circulated to all Members.

3. **With regard to the managing of ‘unruly’ or ‘disruptive’ or ‘disrespectful’ behaviour in the chamber by councillors, why does the ToG Administration and Leadership prefer to give the mayor/presiding member new and absolute powers to be able to summarily evict a councillor, rather than prefer to retain the existing powers enshrined in Local Government Meeting Procedure Regulation 29 which allows the mayor/presiding member to call for the eviction of an unruly or disruptive Councillor but requires that the remaining elected members then decide democratically if a contravention has in fact occurred, and if so, what action will then be taken?**

The Town of Gawler administration assists the Presiding Member and Chairs to apply the Local Government Meeting Procedures as prescribed. The Town of Gawler does not provide for any additional powers through Policy.

The need for the Mayor to have additional powers in the management of meetings has demonstrated itself over recent times. The proposal for such addition powers as presented by the State Government Local Government Reform proposals was presented to Council at its meeting in October and endorsed by Council. Consequently Council has determined that additional powers are warranted.

15.3 CR TOOLEY - MEETING PROCEDURES

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1. **Please advise re a Councillors rights and actions should the answer(s) that are officially provided to formal Questions on Notice, or formal Questions Without Notice, should be incorrect, inaccurate and/or misleading?**

I’m not asking about receiving answers that you just don’t like, I’m asking about answers that are factually wrong, misleading, inaccurate and/or misleading!

This is particularly concerning when those ‘answers’ are placed on the public record when included in meeting minutes!

Please advise re a Councillors rights and actions in the event that this were to happen....a very serious matter!

I note that this question has been asked previously to the CEO in December 2018 to which the CEO responded on 17 December 2018 stated to the effect:

“as per the Local Government (procedures at Meetings) Regulations 2013, Regulation 9 allows for a Member to ask a question, the question to be included in the agenda and the answer to be include in the minutes. Any question with or without Notice is answered or declined by the Principle Member. The Regulations do not include a provision for the answer to a question to be challenged. I have sought verbal legal advice in this regard.”

As the Local Government (procedures at Meetings) Regulations 2013 does not provide for a response to a Question on Notice to be challenged. One option would be for a Council Member to ask further clarifying questions.

2. **Please advise re a Councillors rights, and correct process, in order to change the wording to a motion on notice under this circumstance:-**

The councillor that submitted the motion on notice also moved the motion (which is seconded) and then introduces and speaks to the motion.

During debate there are either no amendments made or amendments that are made are unsuccessful.

However, during the debate the mover/author of the motion is convinced (by the debate) that the motion could be improved by removing or changing some of the wording.

What are the rights for the mover/author of the motion in this circumstance?

Can the mover/author volunteer to make such wording changes to their motion and if so how do they do that?

Meeting Regulations state:

13—Amendments to motions

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), [\(3\)](#), [\(4\)](#) and [\(5\)](#) may be varied at the discretion of the council pursuant to regulation 6.

14—Variations etc

The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

As an amendment can only be brought forward by a Member who has not spoken the mover cannot move an amendment. The Mover could vary the motion with the approval of the Chair and the seconder. A variation can only be minor in nature and cannot change the intent of the motion.

3. Please advise what rights Elected Members have, AND what course of action they should take, when a Resolution of theirs, either passed by majority or passed unanimously, is not actioned by council staff / administration as resolved?

The first step for a Council Member would be to seek a responses from the Mayor or CEO in regards to the action taken in response to the Resolution of Council. If a Council Member is unhappy with the response a Motion on Notice or a Question on Notice could be presented to Council to seek clarification.

15.4 CR TOOLEY - CIVIC CENTRE

- 1. In preparation for the Civic Centre completion and coming on line, several new positions were created and staff employed such as Civic Centre Operations Coordinator and Cultural Heritage Centre Coordinator, please confirm the FTE staff and the annual cost for these positions?**

In the years leading up to the opening of the Gawler Civic Centre, Council engaged external consultants to provide operational management advice for the facility. This advice included recommendations as to staffing structures for the appropriate management of the new services being offered by the Centre, namely;

- Civic Centre Operations (insourced),
- Cultural Heritage Centre (insourced),
- Social Enterprise Café (outsourced), and
- Business Innovation Hub (outsourced).

The advice provided was reported to Council and formed the basis for budget submissions pertaining to both the internal staffing requirements and external management models for the Centre.

The final internal staffing structure, external management models and Council Staff FTE allocations were adopted by Council via various reports and annual budget processes. The extensive research, advice and reporting process undertaken by Council and its consultants commenced in 2015 and concluded in 2018 when Council adopted the 2018/19 Annual Budget. It was this budget that included the final new FTE allocation for the Centre.

The Council Staff positions created as a consequence of this process were engaged in a staged manner during the 2016/17, 2017/18 and 2018/19 financial years. FTE allocations and approximate annual costs are provided in the below table:

Position	FTE	Annual Cost
Gawler Civic Centre Operations Coordinator	1.0	107,459
Cultural Heritage Centre Coordinator	0.8	86,453
Heritage Research and Collections Officer	0.4	34,936
Totals	2.2	228,848 (Base & on Cost)

- 2. The Town of Gawler Manager Business Enterprise and Communications has, as part of his role, specific responsibilities for and oversight of operations, management and marketing of the Civic Centre - what percentage of his role is allocated to / taken up with Civic Centre related matters and what would this equate to in terms annualized salary costs?**

An estimation of time that Council's Manager Business Enterprises and Communications spends on Gawler Civic Centre related matters is 35%. This equates to approximately \$59,665 per annum.

It is noted that the operating cost associated with the Civic Centre has been previously reported to Council and incorporated in approved budgets.

15.5 CR TOOLEY - GAWER CONNECT AND EQUALITY OF INFORMATION PROVISION TO COUNCIL MEMBERS

- 1. Originally called 'Gawler Connect', allied with, and integral to the ToG Civic Centre Development, was the purchase of the Tafe Complex and its subsequent fit out and repurposing as the new ToG Administration Centre.**

- a) What was the total cost of the new ToG Administration Centre Development, ie cost to purchase Tafe complex plus cost of fit-out and repurposing?**

The cost of the purchase and fit-out of the Gawler Administration Centre was \$2.650m.

- b) Are these ToG Administration Centre costs included in the quoted \$1.2 million budget blow-out for the ToG Civic Centre or are they separate and additional to? Please explain?**

The cost quoted above is not included in the costs associated with the Civic Centre redevelopment. To be clear, these were and have always been two separate projects.

- 2. Council has a policy titled 'Equality of Information Provision to Council Members Policy', please explain the intent and purpose of this policy?**

The intent of this Policy is to ensure that requests by a Council Member for information and or responses to questions that are considered of substance that would otherwise require staff time and resources to be applied, that the information and or answers are then provided to all Council Member to ensure that each Member has the same information to assist in informed discussion making.

- 3. The 'Equality of Information Provision to Council Members Policy' states the following in point 1.9:-'The CEO is responsible to ensure that where information is conveyed to one Council Member, a précis of the request and information provided, is to be communicated to all members by an immediate email within the next five working days.'**

- a) Does this apply to all requests submitted to the CEO and to all information conveyed to a Council Member? If not, then please explain how and why not?**

Refer response above. If correspondence is titled confidential or private then the CEO has discretion in determining if the information warrants to be kept confidential from all other Members.

- b) For example, if a Council Member submitted a request to attend the LGA AGM at a cost of \$190 to council, in approving that request, and in responding to that Council Member, would the CEO be required to comply with clause 1.9 and ensure that a précis of the request and information provided, is communicated to all members by an immediate email within the next five working days? If not, then please explain how and why not?**

The matter that relates to Cr Goldstone attending the LGA AGM. Cr Goldstone asked the question in a public meeting of Council 'How Council Members may be able to attend the LGA AGM or OGM?' Council Members were advised during this meeting, the provision of the Training and development Policy and the options for attendance:

- two day attendance (which would like require a resolution of Council as it often exceeded the \$500 delegation of the Mayor and CEO)
- 1 day attendance

-
- AGM attendance only.

Members were advised that if they wished to attend the event to follow up with either the Mayor or CEO. Cr Goldstone subsequently did this and the single day attendance was within the delegation of the CEO/Mayor.

Given that the request was made at the Council meeting there was not the need to circulate any further information to Members in this regard.

MOTION

RESOLUTION 2019:11:COU459

Moved: Cr P Little

Seconded: Cr D Hughes

That Council move 19.1 Recommendations from CEO Performance Management Panel Meeting held on 28 October 2019 be brought forward.

CARRIED

13 CONFIDENTIAL REPORTS

19.1 RECOMMENDATIONS FROM CEO PERFORMANCE MANAGEMENT PANEL MEETING HELD ON 28 OCTOBER 2019

OFFICER'S RECOMMENDATION

19.1 Chief Executive Officer Performance Management Review Update

Moved: Cr D Fraser

Seconded: Cr C Davies

That:

1. Pursuant to Section 90(3) (a) of the Local Government Act 1999 (the Act), the Confidential CEO Performance Management Panel Meeting orders that the public be excluded from attendance at that part of this meeting relating to Item 19.1, expecting the following persons:

- Chief Executive Officer
- Minute Taker

to enable the Confidential CEO Performance Management Panel Meeting to consider Item 19.1 in confidence on the basis the Confidential CEO Performance Management Panel 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 19.1:

Pursuant to Section 90(3):

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
2. Accordingly, on this basis, the principle that meetings of the Confidential CEO Performance Management Panel 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

At 10:47pm Members of the public left the meeting.

At 10:48pm the Confidential session commenced.

Meeting was adjourned at 11:06pm