

**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, 15 DECEMBER 2020 AT 7.00PM**

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

STAFF IN ATTENDANCE: Mr Henry Inat, Mr David Barrett, Mr Sam Dilena, Ms Erin Findlay, Mr Paul Horwood, Mr Ryan Viney, Mr Bryce Norton, Ms Jessica Lewig, Mr Robert Adam, Mr Chris Parish, 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 Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.

2 ATTENDANCE RECORD

- 2.1 Roll Call
- 2.2 Apologies
Nil
- 2.3 Motions to Grant Leave of Absence
Nil
- 2.4 Leave of Absence
Nil
- 2.5 Non-attendance
Nil

3 PUBLIC OPEN FORUM

Mr Stan Wilson from the Gawler Petanque Club spoke to Members regarding grant funding and thanked the Administration (particularly Mr Bryce Norton) for their work.

Judy Gillett-Ferguson from the Gawler Community Gallery spoke to Members regarding the lift for the community gallery and expressed appreciation to Council in the support given.

Jodie Malkin spoke to Members regarding the Genetically Modified crops ban seeking Council to continue to oppose the State Government position.

4 DEPUTATIONS

Nil

5 DECLARATIONS OF INTEREST

Cr Koch declared a perceived interest in item 11.4 as he is the Good Sports Ambassador for the Gawler BMX Club and will deal with the matter by remaining in the meeting.

Cr Fraser declared a perceived interest in item 11.4 and will deal with the matter by leaving the room.

Cr Tooley declared an interest in item 11.7 as Member of the club and will deal with the matter by remaining in the room

Cr Goldstone declared an interest in item 11.7 as a Member of the CAP and will remain in the meeting.

Cr Vallelonga declared an interest in item 6.1 and will deal with the matter by leaving the meeting.

MOTION

RESOLUTION 2020:12:COU558

Moved: Cr P Koch

Seconded: Deputy B Sambell

That item 6.1 and 6.2 be moved to item 18 and that items 11.2, 11.4 and 11.6 be brought forward

CARRIED UNANIMOUSLY

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

Cr Tooley asked a question regarding the adjourned item and wording included in the motion and the question was taken on notice relative to item in the Council Meeting held on 23 November 2020.

RESOLUTION 2020:12:COU559

Moved: Cr D Hughes

Seconded: Cr D Fraser

That the minutes of the Special Council meeting held on 23 November 2020 be confirmed as a true and correct record.

CARRIED

RESOLUTION 2020:12:COU560

Moved: Cr D Hughes

Seconded: Cr K Goldstone

That the minutes of the Ordinary Council meeting held on 24 November 2020 be confirmed as a true and correct record.

CARRIED

RESOLUTION 2020:12:COU561

Moved: Cr D Hughes

Seconded: Cr P Koch

That the minutes of the Special Council meeting held on 30 November 2020 be confirmed as a true and correct record.

CARRIED

8 BUSINESS ARISING FROM MINUTES**9.1 QUESTION**

Cr Ian Tooley asked a questions regarding item 7.2 from 23 November 2020.

9.2 QUESTION

Cr Ian Tooley asked a question regarding the cost of the café construction asked at the previous meeting. The question was taken on notice

9 COUNCIL MEMBER REPORTS

Mayor Redman provided Member's an update on events attended during the past month including but not limited to the 5th December 2020 the headstone project and Apex Christmas Market, Volunteer thank you morning tea and Gawler says no to domestic violence.

Cr Tooley provided an update on community contact through out the month Walker Place toilets, CEO Contract, GM Zone and Civic Centre Café.

Cr Davies provided an update to Members on want from community member wanting to run a Gawler Chess group.

10 OFFICER REPORTS

11.2 2020/21 COMMUNITY GRANTS

RESOLUTION 2020:12:COU562

Moved: Deputy B Sambell

Seconded: Cr D Hughes

That Council:

1. Adopts the following successful 2020/21 Community Grants applicants totalling \$8,337:

	Applicant	Project	Amount
1	Trinity Old Scholars Hockey Club	Portable Pitch Divider	\$212
2	Gawler Girl Guides	Mobile Computer Trolley	\$400
3	Lions Club of Gawler	Defibrillator	\$1,000
4	Hope Chapel	Community Food Truck Launch - Evanston	\$1,000
5	Rotary Club of Gawler	Gawler Hospital TV Replacement	\$1,000
6	Wheels in Motion Gawler	Safety While Learning to Drive	\$600
7	Melissa Currinckx	Gawler and Barossa Kids Club (Autism Support Group)	\$1,000
8	Gawler Town Band	Gawler Town Band Performance Marquee	\$1,000
9	Gawler Art Society	Art For All	\$500
10	Gawler Floral Art Group Inc.	Gawler Floral Art Group	\$630
11	Meryl McDougall	Mega-Waves Art Exhibition (Community Mental Health Event)	\$995
	TOTAL		\$8,337

2. Notes that the unallocated Community Grants funds of \$6,663 is considered to be applied towards the Stimulus Program – Hardship Fund category giving this program a total budget of \$21,663, as presented to Council via a separate report in this Agenda.

CARRIED UNANIMOUSLY

Cr Koch declared a perceived conflict of interest in item 11.4 and will deal with the matter by remaining in the meeting.

Cr Fraser declared a perceived conflict of interest in item 11.4 and will deal with the matter by leaving the room

At 7:36 pm, Cr Diane Fraser left the meeting.

11.4 COUNCIL STIMULUS PROGRAMS

RESOLUTION 2020:12:COU563

Moved: Cr D Hughes

Seconded: Cr P Little

That Council:-

1. Approves funding to the following lease holders through the Stimulus Program – Community Facility Upgrades for the projects outlined within this report, and authorise the CEO to issue an individual Funding Agreement to each lease holder:
 - a. Gawler Dog Training Club - \$10,000
 - b. Gawler River Pony Club - \$10,000
 - c. Gawler Scouts Group - \$10,000
 - d. Para Districts Invitational Homing Pigeon Club - \$10,000
 - e. Willos Men's Shed - \$10,000
2. Approves in principle funding to the following lease holders through the Stimulus Program – Community Facility Upgrades for the projects outlined within this report, and authorise the CEO to issue an individual Funding Agreement to each lease holder, noting Council staff will assist in finalisation of the project scope prior to issuing the Funding Agreement:
 - a. Evanston Gardens Progress Association - \$10,000
 - b. Gawler Community House - \$10,000
3. Agrees to accept a late application for funding through the Stimulus Program – Community Facility Upgrades from Gawler Meals on Wheels, with this application presented to Council for consideration at its January 2021 meeting.
4. Notes that community leased facilities have been prioritised over eligible Council managed facilities within the Stimulus Program – Community Facility Upgrades. Council staff will finalise project scopes for eligible Council managed facilities in early 2021.
5. Notes the amended division of the \$240,000 Council & Community Facility Upgrades program budget as outlined within the report:
 - a. \$80,000 – Stimulus Program – Community Facility Upgrades – to be delivered by lease holders.
 - b. \$160,000 – Council managed community facilities – to be delivered by Council.
6. Approves funding to the following lease holders through the Stimulus Program – Sporting Organisations (Lease Holders) for the projects outlined within this report, and authorise the CEO to issue an individual Funding Agreement to each lease holder:
 - a. Gawler & District Netball Association - \$10,000
 - b. Gawler BMX Club - \$11,500
 - c. Gawler Bowling Club - \$10,000
 - d. Gawler Central Sporting Club - \$40,000
 - e. Gawler Petanque Club - \$10,000
 - f. South Gawler Football Club - \$40,000
 - g. Willaston Football Club - \$28,500
7. Approves in principle funding to the following lease holder through the Stimulus Program – Sporting Organisations (Lease Holders) for the project outlined within this report, and

authorise the CEO to issue an individual Funding Agreement to the lease holder, noting Council staff will assist in finalisation of the project scope prior to issuing the Funding Agreement:

- a. Gawler & District Tennis Association - \$10,000
8. Approves in principle funding to the following lease holder through the Stimulus Program – Sporting Organisations (Lease Holders) for the project outlined within this report, and authorise the CEO to issue an individual Funding Agreement to the lease holder, noting Council staff will assist in finalisation of the project scope prior to issuing the Funding Agreement:
- a. Karbeethan Sporting Association - \$40,000
 - i. Council notes that delivery of the fencing components of this project within the Funding Agreement will be as outlined within this report as it relates to external funding opportunities for the implementation of Karbeethan Reserve Master Plan Stage 1B and Stage 2 (part).
 - ii. Council authorises the CEO to negotiate alternative projects to be included within the Funding Agreement, in line with the Stimulus Program – Sporting Organisations (Lease Holders) Funding Guidelines, if required due to Council being successful in attracting external funding for the implementation of Karbeethan Reserve Stage 1B and Stage 2 (part) so making the fencing projects within the original Karbeethan Sporting Association application redundant.
9. Approves funding to the following organisations through the Stimulus Program – Community Events & Activation for the events and initiatives outlined within this report, and authorise the CEO to issue an individual Funding Agreement to each organisation:
- a. Feros Care Gawler - \$10,000
 - b. Gawler Agricultural, Horticultural & Floricultural Society - \$10,000
 - c. Gawler Apex Club - \$10,000
 - d. Rotary Club of Gawler Light - \$10,000
 - e. Zonta Club of Gawler - \$10,000
10. Approves the establishment of Round 2 of the Stimulus Program – Community Events & Activation, with the following parameters:
- a. Round 2 will utilise the remaining program budget of \$25,000 and be launched in February 2021.
 - b. Applicants can apply for a maximum of \$2,500.
 - c. Events and activation initiatives are to be delivered prior to 31 December 2021.
 - d. Applications will be assessed by the existing Assessment Panel and presented to Council for consideration.
11. Approves the Funding Guidelines for the Stimulus Program – Hardship Fund as outlined within this report.
12. Approves the use of the unallocated funds (\$6,663) from the 2020/21 Community Grants program within the Stimulus Program – Hardship Fund, giving the program a total budget of \$21,663.
13. Notes all applications for the Stimulus Program – Hardship Fund will be presented to Council for consideration at its March 2021 meeting.

CARRIED UNANIMOUSLY

At 7:41 pm, Cr Diane Fraser returned to the meeting.

Ms Caren Brougham and Ms Louise Drummond from the Gawler Business Development Group addressed Members regarding item 11.6 Gawler Business Development Group Annual Report.

11.6 GAWLER BUSINESS DEVELOPMENT GROUP ANNUAL REPORT & FUNDING EXTENSION

RESOLUTION 2020:12:COU564

Moved: Cr I Tooley

Seconded: Cr P Koch

That Council:

1. Notes the Gawler Business Development Group's Annual Report for the 2019/2020 Financial Year.
2. Grants the Gawler Business Development Group the Extended Term as provided for within clause 5.2 of the Funding Agreement between Council and the Gawler Business Development Group dated 3 June 2019.
3. Notes that the Extended Term provides the Gawler Business Development Group with funding under the Agreement through to 30 June 2022.

CARRIED UNANIMOUSLY

At 7.50pm, Cr Little left the meeting

At 7.51pm, Cr Little returned to the meeting.

11.1 DRAFT TOWN OF GAWLER COMMUNITY PLAN 2030+

RESOLUTION 2020:12:COU565

Moved: Deputy B Sambell

Seconded: Cr D Hughes

That Council:-

1. Notes the Draft Town of Gawler Community Plan 2030+ update report.
2. Notes the outcomes and summary of the second phase of public consultation for the project.
3. Notes the updates made to the document post the second phase of public consultation.
4. Adopts the Town of Gawler Community Plan 2030+, as attached.

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, P Little and B Sambell

Against: Crs N Shanks, I Tooley and J Vallelonga

CARRIED 7/3

The Mayor declared the vote **CARRIED**.

11.3 FUNDING OPPORTUNITIES

RESOLUTION 2020:12:COU566

Moved: Cr D Hughes

Seconded: Cr D Fraser

That Council:

1. Authorises the Chief Executive Officer to lodge the following funding applications:
 - a. State Government's Office for Recreation, Sport and Racing Infrastructure Projects grant programs:
 - i. \$900,000 as a contribution to the delivery of Stage 1B and elements of Stage 2 of the Karbeethan Reserve Master Plan that has a total estimated project cost of \$1,800,000 with Council's contribution of \$900,000 being funded from Council's Property Equity Reserve Fund, with the entire project to be included as a budget bid within Council's Draft 2021/22 Annual Budget.
 - ii. \$1,500,000 as a contribution to the construction of ten new netball courts within the Netball Association Precinct of the Draft Essex Park & Gawler Showgrounds Regional Sporting Precinct Master Plan that have a total estimated project cost of \$3,200,000, noting that the balance \$1,700,000 is to be funded via a direct contribution from Council of \$850,000 and a partner contribution of \$850,000 from Netball SA or other source, with the entire project to be included as a budget bid within Council's Draft 2021/22 Annual Budget.
 - b. State Government's Local Government Infrastructure Partnership Program:
 - i. \$900,000 as a contribution to the delivery of Stage 1B and elements of Stage 2 of the Karbeethan Reserve Master Plan that has a total estimated project cost of \$1,800,000 with Council's contribution of \$900,000 being funded from the Council's Property Equity Reserve Fund, with the entire project to be included as a budget bid within Council's Draft 2021/22 Annual Budget.
 - c. Federal Government Local Roads and Community Infrastructure Program Extension
 - i. \$100,000 as a contribution to the construction of public toilets at Martins Place as previously resolved by Council.
 - ii. \$569,970 for a lift to be installed at the Gawler Visitor Information Centre providing Disability Discrimination Act compliant access to the upper level of the Centre and providing the opportunity for the Centre to be refurbished as a community art gallery.
 - iii. \$95,000 for additional scope at the Hemaforde Grove Playspace Renewal Project (aligned to community consultation outcomes but excluding a half-court basketball facility) and delivery of a half-court basketball facility at reserve bordered by Brigado, Britton and Myall Streets, Gawler West (Gawler West Playground).
 - iv. \$122,224 for Council's Road Reseal program, enabling future renewal works to be brought forward.
2. Notes that Council is applying for funding for the delivery of Stage 1 B and elements of Stage 2 of the Karbeethan Master Plan from two different funding programs as they are both competitive grant programs and if Council is successful with both applications then Council will seek to negotiate the best possible community outcome from each funding body regarding the delivery of the projects.
3. Notes that the accounting treatment (capital or operating expenditure) of Council's contributions to both the Karbeethan Stage 1B and elements of Stage 2 Project and the Netball Association Precinct Project are currently undetermined and need further investigation and clarification from Council's auditors and that Council will receive the clarification regarding this treatment during the 2021/22 Annual Budget Process.

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4. Request Council Staff to further develop the following opportunities for lodgement with the State Government Open Space and Places for People Program, noting that a further report on the final costs of these project will be presented to the January 2021 Ordinary Council Meeting:
- a. A contribution to the delivery of community open space infrastructure proposed within the Draft Essex Park & Gawler Showgrounds Regional Sporting Precinct Master Plan, including a community court and improved pedestrian connections to the Gawler Oval railway station, with Council's contribution to be considered as a budget bid within Council's Draft 2021/22 Annual Budget.
 - b. A contribution to the delivery of a proposed Lyndoch Road beautification, greening and pedestrian connection project with Council's contribution to be considered as a budget bid within Council's Draft 2021/22 Annual Budget.
 - c. A contribution to the delivery of a new playground located in the reserve bordered by Brigalo, Britton and Myall Streets, Gawler West (Gawler West Playground) with Council's contribution to be considered as a budget bid within Council's Draft 2021/22 Annual Budget.

CARRIED

11.5 BOUNDARY REFORM - STAGE 2 GENERAL PROPOSAL

RESOLUTION 2020:12:COU567

Moved: Cr D Hughes

Seconded: Cr P Little

That Council :-

- 1. Notes that the staged approach to Boundary Reform includes a number of hold points requiring Council decisions.
- 2. Approves the submission of the Stage 2 General Proposal as provided as Attachment 1 to the Boundaries Commission for consideration with the Areas to be included in the Town of Gawler being:
 - a. Area 1- Concordia Growth Area
 - b. Area 2 – Hewett
 - c. Area 3 – Portion of Kalbeeba (including portion of Springwood)
 - d. Area 4 – Portion of Gawler Belt
 - e. Area 5 – Evanston Park
 - f. Area 6 – Reid
 - g. Area 7 – Hillierand the Areas to be removed from the Town of Gawler being:
 - h. Area 8 – Portion of Bibaringa
 - i. Area 9 – Portion of Uleybury
- 3. Notes that a further report will be presented to Council when the Commission provides its assessment of Council's Stage 2 General Proposal and that this report will include the indicative costs of proceeding with the Stage 3 Investigation if the Commission determines that Council's Stage 2 Proposal for Boundary Change warrants investigation.
- 4. Notes that Council Staff have previously communicated an indicative \$250,000 for the Stage 3 Investigation however, this cost can only be determined by the Commission and will, if notified by the Boundaries Commission that Council's Stage 2 General Proposal warrants investigation, be further considered by Council as part of Council's 2021/22 Annual Budget deliberations.

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

The Mayor declared the vote **CARRIED**

At 8.32pm, Cr Koch left the meeting

At 8.33pm, Cr Koch returned to the meeting

At 8.41pm. Cr Vallelong left room

11.7 PUBLIC CONSULTATION UPDATE - LEASE AGREEMENT - GAWLER VETERAN, VINTAGE AND CLASSIC VEHICLE CLUB

RESOLUTION 2020:12:COU568

Moved: Cr D Hughes

Seconded: Cr P Little

That Council:-

1. Notes the outcome from the Public Consultation process relating to the proposed leasing of Community Land, being portion of Allotment 101 Little Paxton Street Willaston, to the Gawler Veteran Vintage and Classic Vehicle Club for the purpose of establishing a Community Centre (Clubroom) resulted in no submissions having been received
2. Acknowledges that the Club will be funding an intrusive site investigation which will include drilling and other site suitability parameters at the proposed club site.
3. Notes that pending the outcomes of the intrusive site testing and engineering outcomes a Development Application will need to be lodged by GVV & CVC and assessed by Council's Assessment Panel.
4. Notes that a further report in regard to the proposed establishment of the Community Club will be presented to Council upon the completion of the site drilling and testing and the Development Application assessment to then allow Council to further consider the matter and make a final determination.

CARRIED UNANIMOUSLY

At 8.41pm, Cr Vallelonga returned to the room.

At 8.41pm, Cr Shanks left the room

At 8.43pm Cr Shanks returned to the meeting

11.8 PLANNING AND DESIGN CODE - SECOND ROUND OF PUBLIC CONSULTATION - COUNCIL SUBMISSION

RESOLUTION 2020:12:COU569

Moved: Cr D Hughes

Seconded: Cr D Fraser

That Council:-

1. Notes the Planning and Design Code – Second Round of Public Consultation submission report.
2. Notes the analysis document of the draft Planning and Design Code pertinent to the Town of Gawler.
3. Authorises the Mayor and CEO to finalise Council's submission and send to the State Government's Planning Department and State Planning Commission.
4. Notes that timeframes associated with the release of the Planning and Design Code remain uncertain.

CARRIED

11.9 ADOPTION OF TOWN OF GAWLER ANNUAL REPORT 2019/2020

RESOLUTION 2020:12:COU570

Moved: Cr D Hughes

Seconded: Deputy B Sambell

That Council adopts the Town of Gawler Annual Report 2019/20, as presented, with the inclusion of:

1. 2019-20 Northern Adelaide Waste Management Authority Annual report (Attachment 2)
2. 2019-20 Gawler River Floodplain Management Authority Annual report (Attachment 3)
3. 2019-20 Annual Financial Statements (as adopted).

CARRIED

At 8.48pm, Cr Goldstone left the meeting

11.10 2020/21 FEDERAL AND STATE BUDGETS (IMPLICATIONS AND OPPORTUNITIES)

RESOLUTION 2020:12:COU571

Moved: Cr D Hughes

Seconded: Cr P Little

That the 2020/21 Federal and State Budgets (Implications and Opportunities) Report be received and noted.

CARRIED UNANIMOUSLY

At 8.49pm, Cr Goldstone returned to the meeting

11.11 MONTHLY FINANCE REPORT - NOVEMBER 2020

RESOLUTION 2020:12:COU572

Moved: Deputy B Sambell

Seconded: Cr K Goldstone

That the Monthly Finance Report as at 30 November 2020, detailing a favourable operating budget variance of \$554K as at that date, be noted.

CARRIED

At 8.53pm Cr Goldstone left the meeting.

At 8.56pm Cr Goldstone returned to the meeting.

11.12 GAWLER CIVIC CENTRE CAFE UPDATE

RESOLUTION 2020:12:COU573

Moved: Cr I Tooley

Seconded: Cr N Shanks

That Council:-

1. Notes Red Centre Enterprises' decision to withdraw from management of Niina Marni Kadlitiya Café within the Gawler Civic Centre.
2. Requests Council Staff to convene a Council Workshop in early 2021 to discuss opportunities for the future use of the Café seating area and kitchen.
3. Red Centre Enterprise are invited to participate in the workshop
4. Notes that discussions held at the workshop will inform a report that will be presented for Council's consideration at a future Council Meeting.

CARRIED UNANIMOUSLY

11.13 LEGAL ADVICE FOR COUNCIL MEMBERS POLICY

RESOLUTION 2020:12:COU574

Moved: Cr I Tooley

Seconded: Cr P Little

That Council:

1. Notes the Legal Advice for Council Members Policy report.
2. Seeks that the Administration obtain clarification as to the implications of Section 78A of the Local Government Act 1999 being removed as a consequence of the soon to be enacted Local Government Reform Bill, relative to any proposal for such a policy allowing individual Members from seeking legal advice being further developed.

CARRIED UNANIMOUSLY

At 9.11pm, 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 Mayor.

AT 9.19PM ALL MEMBERS RETURNED TO THE CHAMBER

11 RECOMMENDATIONS FROM COMMITTEES

Motions Made Under Delegated Authority for Noting

RESOLUTION 2020:12:COU575

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 8 December 2020, being:

Item 7.4 - Appointment of Deputy Chairperson IC20/1005

that the method of appointment of the Deputy Chairperson, shall be as follows:-

1. The Committee Members are nominated or self-nominate for the position.
2. A resolution is then moved to appoint the Deputy Chairperson.
3. If more than one Member of the Committee accepts nomination as Deputy Chairperson a secret ballot is held.
4. The Committee adopt a first past the post method of voting where there are 2 or more candidates, where a valid vote must have a candidate's name.
5. The Mayor and all Council Members present at the meeting are eligible to vote.
6. The Chief Executive Officer be appointed Returning Officer for the election.
7. 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.
8. That Cr Hughes is appointed as the Deputy Chairperson of the until 30 November 2021.

CARRIED UNANIMOUSLY

7.1 Draft Gawler Beautification Plan

RESOLUTION 2020:12:COU576

Moved: Cr I Tooley

Seconded: Deputy B Sambell

That Council adopts the recommendation from the Infrastructure & Environmental Services Committee made at item 7.1 of the meeting of that Committee meeting held on 8 December 2020, being:

That the Infrastructure & Environmental Services Committee recommends to Council:

1. Notes the Draft Gawler Beautification Plan report.
2. That the Draft Gawler Beautification Plan be put out for public consultation and feedback (as per Town of Gawler's usual consultation process).
3. Based on the community feedback, the Draft Gawler Beautification Plan is updated and comes back to a future workshop before returning to a future Infrastructure & Environmental Services Committee for consideration.

CARRIED UNANIMOUSLY

Item 7.2 - Jack Cooper Rise at Murray Hillier Court - Open Space Update

RESOLUTION 2020:12:COU577

Moved: Cr I Tooley

Seconded: Cr D Fraser

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 8 December 2020, being:

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

1. Notes the landscape design of the proposed reserve at Coopers Rise housing estate and landscape assessment process undertaken by Council administration.
2. Notes the previous development approval issued by the Council Assessment Panel for development application number 490/D051/15 to Adelaide Land Development Projects Pty Ltd for the Land Division (1 into 49 Allotments) at 2 Murray Hillier Court, Hillier.
3. Approves the detailed landscape design and associated community open space infrastructure for the proposed reserve at Coopers Rise housing estate submitted by the developer Adelaide Land Development Projects Pty Ltd as detailed in this report.
4. Notes the proposed ongoing maintenance costs associated with the proposed reserve at Cooper Rise housing estate is estimated to be \$58,206 per annum and is expected to be offset by General Rate revenue ultimately received from the creation of 91 new residential allotments in the housing estate.
5. Notes that ongoing maintenance costs associated with the proposed reserve at Coopers Rise has previously been forecasted and included in the Council Long Term Financial Plan as part of anticipated growth in open space area associated with new land developments over the next 10-year period.

CARRIED UNANIMOUSLY

Item 7.3 - Regional Public Health Plan Review

RESOLUTION 2020:12:COU578

Moved: Cr D Hughes

Seconded: Cr D Fraser

That Council adopts the recommendation from the Infrastructure & Environmental Services Committee made at item 7.3 of the meeting of that Committee meeting held on 8 December 2020, being:

that the Infrastructure & Environmental Services Committee recommends to Council that:-

1. The Regional Public Health Plan Section 52 Review report be noted.
2. Council affirms its desire to continue its public health planning within a regional framework.
3. Notes the participating, Regional Public Health and Well-being Plan Council's (The Barossa Council, Light Regional Council and Adelaide Plains Council) including the Town of Gawler
4. Once having been endorsed the Section 52 review will forward the report to SA Health.
5. Notes that any amendments can be forwarded to SA Health if considered necessary.

CARRIED

Item 11.1 - Motion - Genetically Modified Crops

RESOLUTION 2020:12:COU579

Moved: Cr D Fraser
Seconded: Cr D Hughes

That Council adopts the recommendation from the Infrastructure & Environmental Services Committee made at item 11.1 of the meeting of that Committee meeting held on 8 December 2020, being:

that the Infrastructure and Environmental Services Committee recommends to Council:

1. To endorse the Mayor and CEO contact the other Councils opposed to GM crops and work together to lobby the Government to reverse its decision to reject those Council's applications to remain GM free.

CARRIED

12 EXTERNAL BODIES REPORTS**13.1 NORTHERN ADELAIDE WASTE MANAGEMENT AUTHORITY MEETING 26 NOVEMBER 2020**

RESOLUTION 2020:12:COU580

Moved: Cr P Koch
Seconded: Cr D Hughes

That Council notes the Minutes of the Northern Adelaide Waste Management Authority meeting held on 26 November 2020.

CARRIED UNANIMOUSLY

13.2 RECONCILIATION ACTION PLAN WORKING GROUP MEETING 4 DECEMBER 2020

RESOLUTION 2020:12:COU581

Moved: Cr D Fraser
Seconded: Cr P Little

That Council notes the Reconciliation Action Plan Working Group meeting notes of 4 December 2020.

CARRIED UNANIMOUSLY

13 QUESTIONS ON NOTICE

14.1 CR TOOLEY - MEETING PROCEDURES

Question**1. Points of Order**

- (a) Can points of order be used just because you don't like or disagree with what a member says in the chamber during debate? **No**
- (b) Given that the very nature of debate is to win the argument, to strongly prosecute your case, and to make statements and to present facts that others may strongly disagree with and oppose, can 'points of order' be used as a legitimate gag measure in order to block the member from speaking? **No. See the definition of 'point of order' at regulation 3 of the 'Meeting Regulations' – the definition is clear and narrow in its application.**
- (c) Can 'points of order' be used for alleged breaches of the Code or can 'points of order' only be used for clear breaches of meeting procedure? **A point of order may only be used for an alleged breach of the LG Act or the 'Meeting Regulations'.**
- (d)(i) When calling a 'point of order', is the member calling the point of order required to quote the relevant section of the meeting procedure that they believe has been contravened? **Regulation 28(2) requires the member who is raising the point of order to, briefly, state the nature of the alleged breach, not the actual section of the Act or the regulation/subregulation of the 'Meeting Regulations' – however, where it can be stated it assists and, otherwise, the presiding member will likely ensure that the correct section/regulation/subregulation which it is asserted has been breached, is identified.**
 - (ii) Can the member calling the point of order be assisted or coached in finding a 'relevant' part of the procedures that is alleged to have been breached? **See above.**
- (d) Does the member against whom the 'point of order' has been called have any right of rebuttal in order to clarify or to challenge the point of order called against them? **Only by moving a 'dissent motion' (as per regulation 28(5)) if they disagree with the ruling of the presiding member.**

2. The cost of providing vehicles to executive staff:-

- (a) Please define the term 'unrestricted use of a council provided motor vehicle'? **The Council will provide the Employee with a fully maintained vehicle for business and private use. The Employee will have unrestricted personal use of the vehicle, provided that the vehicle shall not be used for any commercial or income producing activity or pursuits. Fuel payments during the Term will be the responsibility of the Council.**

Employees allocated with a vehicle on a full private use or commuter use basis will be required to make a pre-tax fortnightly contribution. Some vehicles are provided for commute use only and not full private use. Average annual vehicle operating costs will be used for valuing vehicles included in staff employment packages.
 - (b) Does unrestricted use of a council provided motor vehicle mean that the vehicle can be used for any purposes other than official council related business? Are there any restrictions? **Yes, unrestricted personal use of the vehicle, provided that the vehicle is not used for any commercial or income producing activity or pursuits.**
 - (c) Does unrestricted use of a council provided motor vehicle mean that the vehicle can be legally used by the executives family members? **In instances where a vehicle is provided for full private use, private use of the vehicle is restricted to the employee and any nominated drive. Use of the vehicle by a nominated driver will be subject to completion of nomination form by the employee and evidence of current drivers licence. Only authorised persons (employee or nominee) may drive a Council vehicle.**
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- (d) Does council provide petrol cards for executives to use to cover the cost of running their council provided motor vehicle? [Yes as per policy 6.3 Use of Council Vehicles, fuel cards are issued for purchasing fuel and oil and must not be used to purchase any other item. The vehicle is fully serviced and maintained by the Council for 52 weeks of the year with the Council accepting all costs associated with running of the vehicle.](#)
- (e) Can the council provided petrol card be used to cover the cost of using the council provided motor vehicle for unrestricted private use? [Yes, as per policy 6.3. Refer above \(d\)](#)
- (f) Does council cover the full cost of all the charges made against the council provided petrol cards to executives for their unrestricted private use of council provided motor vehicles? [Yes, as per policy 6.3. Refer above \(d\)](#)
- (g) What has been the total cost to council for covering the charges made to the petrol cards provided to executives for running their council provided motor vehicles for each of the last 3 years? [\\$21,636](#)

3. Time off in lieu/additional leave in lieu

- (a) How many hours of 'time off in lieu' were accrued by the executive team over the 2019/2020 financial year and what was the dollar value of that total accrued time off in lieu? – [Nil. 'TOIL' is not applicable to the Executive Team. Executive Team are entitled to 10 days paid special leave per year to compensate for all out of hours duties. Such leave is not cumulative, any special leave not taken will lapse.](#)
- (b) How many days of additional leave in lieu were accrued and taken by executive staff in the past two financial years, and what was the cost to council for providing these days of additional leave to the executives? [See 5\(a\) above](#)

4. Councillor allowances-

- (a) If council members were to receive the allowable allowances provided for them in the Act and the Regulations, and as approved annually by the Remuneration Tribunal, what would a member receive in a 12 month period for each the following additional responsibilities:-
- as Deputy Mayor? [As of 9 November 2020 - \\$22,625.00 \(1.25%\) per annum](#)
 - as Chair of Committees such as CCS, IES, CEO PMP, etc? [As of 9 November 2020 - \\$22,625.00 \(1.25%\) per annum](#)
 - as delegates to Boards? [Not relevant to the allowance, unable to be answered](#)
 - as appointees to External Bodies? [Again, not relevant to the allowance and unable to be answered](#)

14 QUESTIONS WITHOUT NOTICE

15.1 QUESTION WITHOUT NOTICE

Cr Ian Tooley asked the question regarding why the preamble is not included in the agenda. The question was answered.

15.2 QUESTION WITHOUT NOTICE

Cr Ian Tooley asked a question regarding what the Act and Regulations state around Council Member statements and the question was taken on Notice

15.3 QUESTION WITHOUT NOTICE

Cr Ian Tooley asked a question regarding the role of the Presiding Member relating to Council Member comments and the question was taken on notice.

15.4 QUESTION WITHOUT NOTICE

Cr Ian Tooley asked a question regarding Council Member allowances for Boards and External Bodies and the question was answered.

15 MOTIONS ON NOTICE**16.1 NOTICE OF MOTION - CR TOOLEY - OMBUDSMAN FINAL REPORT**

MOTION

Moved: Cr I Tooley
Seconded: Cr N Shanks

That Council tables for discussion and for inclusion into the minutes, the Ombudsman's final report into his investigation into allegations made against Cr Tooley.

FORMAL MOTION - THAT THE QUESTION BE PUT

RESOLUTION 2020:12:COU582

Moved: Cr D Hughes
Seconded: Cr P Koch

That the Question be put.

CARRIED

RESOLUTION 2020:12:COU583

Moved: Cr I Tooley
Seconded: Cr N Shanks

That Council tables for discussion and for inclusion into the minutes, the Ombudsman's final report into his investigation into allegations made against Cr Tooley.

CARRIED

16.2 NOTICE OF MOTION - CR DAVIES - BICYCLE MONTH, FEBRUARY 2021

RESOLUTION 2020:12:COU584

Moved: Cr C Davies

Seconded: Deputy B Sambell

That

1. That Council seeks the Gawler Youth Advisory Committee to run a Bicycle Month in April 2021.
2. Council will support the event by:
 - a. Allowing advertising on Town of Gawler website and digital marketing platforms. The Gawler Youth Advisory Committee to assist in the designing of advertising for active transport options through Town of Gawler website and digital marketing platforms.
 - b. Submit a budget bid of \$6,000.00 for 2021/2022 for the purchase and installation of parking specific for bicycles at sites across the Town of Gawler (examples being Civic Centre, Apex Park, Dead Man's Pass, Gawler Sport and Community Centre).

CARRIED UNANIMOUSLY

16.3 NOTICE OF MOTION - CR KOCH COMMENTS REGARDING CIVIC CENTRE CAFE

Moved: Cr P Koch

Seconded: Cr P Little

That Council:

1. Notes the comments made by Council Members at the Council Meeting of 27 October 2020, agenda item 11.8 Civic Centre Café Update, which were and are likely to remain in the public domain as a permanent record of what was said at that meeting
2. Notes the concerns raised about Council Member's comments by members of Council's Reconciliation Action Plan meeting of 4 December 2020.
3. Notes comments made on social media related to this matter.
4. Notes the reporting of some of Elected Members comments in The Bunyip on 4 November 2020, titled Continued Café Closure Questioned.
5. Understands that some Elected Member's comments have upset people associated with the Civic Centre Café and have done harm to the reputation of Council among some members of the community.
6. Affirms that it does not support the views expressed by some Elected Members and apologises for any distress caused by those comments and their subsequent media publication.

FORMAL MOTION - THAT THE QUESTION BE PUT

RESOLUTION 2020:12:COU585

Moved: Cr I Tooley

Seconded: Deputy B Sambell

That the Question be put.

LOST ON CASTING VOTE OF THE MAYOR

RESOLUTION 2020:12:COU586

Moved: Cr P Koch

Seconded: Cr P Little

That Council:

1. Notes the comments made by Council Members at the Council Meeting of 27 October 2020, agenda item 11.8 Civic Centre Café Update, which were and are likely to remain in the public domain as a permanent record of what was said at that meeting
2. Notes the concerns raised about Council Member's comments by members of Council's Reconciliation Action Plan meeting of 4 December 2020.
3. Notes comments made on social media related to this matter.
4. Notes the reporting of some of Elected Members comments in The Bunyip on 4 November 2020, titled Continued Café Closure Questioned.
5. Understands that some Elected Member's comments have upset people associated with the Civic Centre Café and have done harm to the reputation of Council among some members of the community.
6. Affirms that it does not support the views expressed by some Elected Members and apologises for any distress caused by those comments and their subsequent media publication.

LOST

Cr Hughes called a division

The Mayor declared the vote set aside

In Favour: Crs D Hughes, P Koch and P Little

Against: Crs C Davies, D Fraser, K Goldstone, B Sambell, N Shanks, I Tooley and J Vallelonga

LOST 3/7

The Mayor declared the vote **LOST**

MOTION

RESOLUTION 2020:12:COU587

Moved: Cr P Little

Seconded: Deputy B Sambell

That the meeting be extended to 11pm.

CARRIED**16 MOTIONS WITHOUT NOTICE**

MOTION

RESOLUTION 2020:12:COU588

Moved: Cr I Tooley

Seconded: Cr P Little

That Council endorse the following Motion on Notice for the LGA OGM to be held in April 2021

Declare a Climate Emergency

1. That the SA LGA recognizes the climate crisis and declares that there is a Climate Emergency;
2. That the SA LGA develops an LGA Climate Emergency Action Plan (CEAP) in partnership with its member councils (in relation to its operations and its leadership role);
3. That the SA LGA CEAP primarily focuses on mitigation through the reduction of GHG emissions but it also focuses on adaptation and climate safety for local communities;
4. The SA LGA develop a model CEAP in partnership with interested member councils for use by member councils throughout the state; and
5. Any work to be undertaken by the SA LGA should complement, add value to, and build upon what is already happening, and not duplicate the work of the Climate Emergency Australia (Local Government) Network.

CARRIED UNANIMOUSLY

MOTION

Moved: Cr N Shanks

Seconded: Cr P Little

That Council approach Red Centre Enterprises and offer open dialogue with any Council Members that may have caused any offence in regards to comments made during the meeting held on 27 October 2020.

Cr Koch called a point of order that the wording Cr Tooley were not relevant to the debate. The point of order was not upheld.

FORMAL MOTION - THAT THE QUESTION BE PUT

RESOLUTION 2020:12:COU589

Moved: Cr D Hughes

Seconded: Cr P Little

That the Question be put.

CARRIED

MOTION

RESOLUTION 2020:12:COU590

Moved: Cr N Shanks

Seconded: Cr P Little

That Council approach Red Centre Enterprises and offer open dialogue with any Council Members that may have caused any offence in regards to comments made during the meeting held on 27 October 2020.

CARRIED UNANIMOUSLY

MOTION

RESOLUTION 2020:12:COU591

Moved: Cr C Davies

Seconded: Cr N Shanks

That a report be brought back to Council on ways to improve our zoom and online set up and infrastructure as well as any associated costs.

CARRIED UNANIMOUSLY

17 CONFIDENTIAL REPORTS

18.1 CONFIDENTIAL ITEMS REVIEW

RESOLUTION 2020:12:COU592

Moved: Cr D Hughes

Seconded: Deputy B Sambell

18.1 Confidential Items Review

That:

1. Pursuant to Section 90(3) (a),(b)(i),(c),(d)(i),(d)(ii),(h),(i),(j)(i),(k) of the Local Government Act 1999 (the Act), the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 18.1, 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
- Minute Taker

to enable the Council to consider Item 18.1 in confidence on the basis the Council 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 18.1:

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)
- (b)(i) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council
- (c) information the disclosure of which would reveal a trade secret
- (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
- (d)(ii) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest
- (h) legal advice
- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council
- (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)
- (k) tenders for the supply of goods, the provision of services or the carrying out of works

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 10.43pm the confidential session commenced

RESOLUTION 2020:12:COU593

Moved: Cr D Hughes
Seconded: Cr D Fraser

That Council having reviewed the orders under Section 91(7) of the Local Government Act 1999 (the Act)

1. Considers that those orders shall continue in force and thus that the documents the subject of those orders shall be kept confidential as per attachment 1.
2. Revoke the confidential orders pertaining to the items as listed in Attachment 2 be released to the public.

CARRIED

At 10.48pm confidential session concluded.

6.1 KRIEG ROAD PROPERTY DIVESTMENT

RESOLUTION 2020:12:COU594

Moved: Deputy B Sambell

Seconded: Cr D Fraser

6.1 Krieg Road Property Divestment

That:

1. Pursuant to Section 90(3) (b)(i),(h) 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 6.1, excepting 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
- Minute Taker

to enable the Meeting to consider Item 6.1 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 6.1:

(b)(i) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council

(h) legal advice

Specifically, the matter relates to relates to divestment of Krieg Road property and subsequent legal advice

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 10.50pm Meeting moved into confidence.

RESOLUTION 2020:12:COU595

Kept confidential

RESOLUTION 2020:12:COU596

Moved: Cr D Fraser

Seconded: Deputy B Sambell

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 6.1Krieg Road Property Divestment, having been considered by the Council in confidence under Section 90(3)(b)(i),(h) be kept confidential and not available for public inspection until annual review, on the basis that the information received, discussed and considered in relation to this agenda item is:

information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND legal advice.

Specifically, the matter relates to relates to divestment of Krieg Road property and subsequent legal advice

2. Further that Council delegates the power to revoke, 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

Confidenital session concluded at 10.56pm

FORMAL MOTION - THAT THE MEETING BE ADJOURNED

RESOLUTION 2020:12:COU597

Moved: Cr I Tooley

Seconded: Cr P Little

That the Meeting be adjourned to the January Ordinary council meeting.

CARRIED UNANIMOUSLY

Meeting was adjourned at 10.57pm