

# Clare & Gilbert Valleys Council

## Minutes

**Meeting of Council held Wednesday 21 February 2024 held at 4 Gleeson Street, Clare, commencing at 7.06pm.**

Mayor Allan Aughey OAM declared the meeting open and welcomed all in attendance.

### **Acknowledgement of Country**

Mayor Aughey OAM provided an Acknowledgement of Country through the following statement:

"I would like to begin by acknowledging the Ngadjuri people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today."

### **Opening Affirmation**

Mayor Aughey OAM read the Council affirmation as below:

"We will demonstrate wisdom, compassion and courage in our Council deliberations so that we may better lead and support the people and the places that comprise the Clare & Gilbert Valleys Council."

### **Present:**

Mayor Allan Aughey OAM  
Councillor A Alder  
Councillor M Bartholomaeus  
Councillor L Bruhn  
Councillor I Burfitt  
Councillor E Calvert  
Councillor B Koch  
Councillor J Naughton  
Councillor D Willson

### **Staff in Attendance:**

Chief Executive Officer, Dr H Macdonald  
Director Corporate Services, Mrs L Kunoth  
Director Works & Infrastructure, Ms A Neubauer  
Finance Manager, Mr G Graham  
Minute Taker, Ms R Connelly

### **Apologies:**

Councillor O Perry

Moved: Cr Naughton  
Seconded: Cr Alder

That the apologies be noted.

**CARRIED 35-24**

## **1. Declaration of Interest General**

Mayor Allan Aughey OAM declared a general conflict of interest in relation to item 9.1 – Phoenix Avenue, Clare land sale, due to being part owner of Section 101 and will depart the chamber for the duration of the item.

## **2. Public Question Time**

Moved: Cr Bartholomaeus  
Seconded: Cr Calvert

That the Council meeting be temporarily suspended for the conduct of Public Question Time. Conduct of Public Question Time chaired by the Mayor and at the conclusion of Public Question Time, resumption of Council meeting.

### **CARRIED 36-24**

7.09pm Formal meeting proceedings temporarily suspended and public question time commenced.

7.13pm Mayor Aughey declared a conflict of interest, vacated the chair and left the chamber.

7.14pm Deputy Mayor Bartholomaeus took the chair and presided over the meeting.

7.16pm Deputy Mayor Bartholomaeus vacated the chair, and returned to his seat.

7.17pm Mayor Aughey returned to the chamber, took his seat and presided over the meeting.

Moved: Cr Willson  
Seconded: Cr Calvert

That formal meeting proceedings be resumed.

### **CARRIED 37-24**

7.17pm Public question time concluded and formal meeting proceedings resumed.

## **3. Petitions & Deputations**

Auburn Community Development Committee – Auburn Library Building

## **4. Confirmation of Minutes**

Moved: Cr Bartholomaeus  
Seconded: Cr Bruhn

That the minutes of the Ordinary Council Meeting held on 31 January 2024 be confirmed, with the following amendments;

Page 2 - Correction to the spelling of Cr Bruhn's name.

### **CARRIED UNANIMOUSLY 38-24**

Moved: Cr Bruhn  
Seconded: Cr Naughton

That the confidential minutes of the Ordinary Council Meeting held on 31 January 2024 be confirmed.

**CARRIED UNANIMOUSLY 39-24**

**5. Matters Laid on the Table from Previous Meetings**

Nil

**6. Mayor & Chief Executive Officer Reports**

Moved: Cr Burfitt  
Seconded: Cr Calvert

That the Mayoral Information Report be noted.

**CARRIED 40-24**

Moved: Cr Bruhn  
Seconded: Cr Willson

That the CEO's Information Report be noted.

**CARRIED 41-24**

**7. Performance Reports**

**7.1. Resolutions Register – Implementation Report**

Moved: Cr Calvert  
Seconded: Cr Bruhn

The Resolutions Register - Implementation Report be noted as at 21 February 2024 as presented and that the completed items be deleted from the next report.

**CARRIED 42-24**

**7.2. Major Projects Report**

Moved: Cr Bruhn  
Seconded: Cr Naughton

That the Major Projects report be noted.

**CARRIED 43-24**

**7.3. Finance Information Report – January 2024**

Moved: Cr Bruhn  
Seconded: Cr Alder

That the Finance Information Report January 2024 be received and noted.

**CARRIED UNANIMOUSLY 44-24**

## 8. Section 41 & Council Committee Minutes

### 8.1 Audit & Risk Committee – Meeting Report and Minutes 5 February 2024

Moved: Cr Bartholomaeus  
Seconded: Cr Alder

That the Audit & Risk Committee report be received.

#### **CARRIED 45-24**

Moved: Cr Naughton  
Seconded: Cr Calvert

That Council having considered the Audit & Risk Committee's recommendations from 5 February 2024 minutes, notes the minutes and acknowledges the following recommendations made by the Audit & Risk Committee:

That the Audit & Risk Committee recommends to Council:

1. That all Council policies be reviewed on a four year rotation, or sooner as required.
2. That the Draft Internal Financial Control Policy is adopted with the following changes:
  - Update "reviewed date" in footer
  - Four year review to be implemented
3. That the Draft Equity Reserve Policy is adopted with the following changes:
  - Page 19 – last paragraph amend to read ... in circumstances, it may be appropriate to...
  - Four year review to be implemented
4. That the Draft Budget Policy is adopted with the following changes:
  - Item 9 – The annual budget is prepared based on a review of a number of previous years actuals, adjusted for abnormals, expected changes in costs including reference to latest published Adelaide CPI and known budget year, specific revenue and expenditure items.
  - Item 10 – The annual budget is adopted in a format consistent with the model financial statements (Statement of Comprehensive Income, Statement of Financial Position, and Statement of Changes in Equity, Statement of Cash Flows, Uniform Presentation of Finances and Financial Indicators).
  - Add a new item - During the budget preparation process elected members will be provided with the budget in a format that details the functions and services performed by the Council.
  - Item 13 – In Addition, the Long Term Financial Plan is reviewed at the beginning of each calendar year.
5. That the Draft Risk Management Framework is adopted, with the exception of the risk tolerances and risk appetite which are to be considered by Council, including correction of typographical errors. That the updated Risk Register be noted.

6. That the 2023-2024 Long Term Financial Plan 2024-2025 to 2033-2034 be acknowledged as the commencement point for the preparation of the 2024-2025 budget with the following comments:
- Update commentary in report
  - Capitalised employee expenses to be added to capital expenditure
  - Clarification around asset renewal funding ratio
  - Discussion of the risk relating to the prepayment of Financial Assistance
  - Grants that were paid in advance in 2022/23 for the 2023/24 financial year.
  - That the capital expenditure to be updated once the infrastructure and asset management plans are finalised.

**CARRIED UNANIMOUSLY 46-24**

**8.2 Section 41 Committee Minutes**

Moved: Cr Alder  
Seconded: Cr Bruhn

That the Riverton Recreation Ground minutes be received and noted.

**CARRIED UNANIMOUSLY 47-24**

**9. Reports for Decision**

**9.1. Phoenix Avenue, Clare Land Sale**

8.19pm Mayor Allan Aughey OAM declared a general conflict of interest, vacated the chair and departed the chamber for the duration of the item.

8.20pm Deputy Mayor Bartholomaeus took the chair and presided over the meeting.

Moved: Cr Calvert  
Seconded: Cr Willson

That formal meeting proceedings be temporarily suspended to allow for informal discussion on Item 9.1 Phoenix Avenue, Clare land sale.

**CARRIED 48-24**

8.24pm formal meeting proceedings temporarily suspended.

Moved: Cr Calvert  
Seconded: Cr Willson

That formal meeting proceedings be resumed.

**CARRIED 49-24**

8.54pm Formal meeting proceedings resumed.

8.55pm Deputy Mayor Bartholomaeus vacated the chair and returned to his seat.

8.55pm Mayor Aughey OAM returned to the chamber, took the chair and presided over the meeting.

## **9.2. Risk Management Review 2024**

Moved: Cr Calvert  
Seconded: Cr Naughton

That this matter be deferred for further discussion at an informal briefing session.

**CARRIED UNANIMOUSLY 50-24**

## **9.3. Reviewed Long Term Financial Plan 2024-2025 to 2033-2034**

Moved: Cr Alder  
Seconded: Cr Bruhn

That Council receives and acknowledges the Reviewed Long Term Financial Plan 2024-2025 to 2033-2034 as the commencement point for the preparation of the 2024-2025 budget process.

LOST

Moved: Cr Bartholomaeus  
Seconded: Cr Bruhn

That the reviewed Long Term Financial Plan be used as a starting point for the 24/25 budget period with assumed Adelaide CPI of 3.9% for 24/25, 2.7% for 25/26 and 2.6% thereafter.

**CARRIED 51-24**

## **9.4. Rate Review 2025 Consultancy**

Moved: Cr Alder  
Seconded: Cr Bruhn

That Corinne Garrett - UHY Haines Norton Chartered Accountants be approved by Council to undertake a Rate Review July 2025 for Council with the tendered amount to be provided in the 2024-2025 budget considerations.

**CARRIED UNANIMOUSLY 52-24**

Moved: Cr Koch  
Seconded: Cr Calvert

That a briefing session be held with Councillors to determine the scope and desired process of the rate review.

**CARRIED UNANIMOUSLY 53-24**

## **9.5. YMCA 2023-2024 Report**

Moved: Cr Bruhn  
Seconded: Cr Alder

That Council notes the December 2023 YMCA Report for the Valleys Lifestyle Centre and Riverton Pool.

**CARRIED 54-24**

## **9.6. Road Upgrade Request**

Moved: Cr Bartholomaeus  
Seconded: Cr Naughton

That Council approve the request for a small road upgrade for 20 meters west after the sealed section of Penna Lane, Penwortham, at the applicant's cost.

**CARRIED UNANIMOUSLY 55-24**

## **9.7. Road Purchase Request – Rural Unmade Road Reserves**

Moved: Cr Bartholomaeus  
Seconded: Cr Alder

That Council approves the registrant:

- David Sandow - Unmade sections of Taylors Road, Sandows Road and Kenworthy Road, Watervale
- to proceed with the road purchase process in accordance with the recommended procedure once payment is received from the purchaser for each stage.

**CARRIED 56-24**

Moved: Cr Burfitt  
Seconded: Cr Naughton

That Council approves the registrant:

- Australia Yinmore Wines Pty Ltd - Unmade section of Dunns Range Road, Hill River adj Lot 53

to proceed with the road purchase process in accordance with the recommended procedure once payment is received from the purchaser for each stage.

LOST on the casting vote of the Mayor

## **9.8. Council Policies**

Moved: Cr Alder  
Seconded: Cr Calvert

That, as recommended by the Audit & Risk Committee, all Council policies be reviewed on a four year rotation, or sooner as required.

**CARRIED UNANIMOUSLY 57-24**

Moved: Cr Bartholomaeus  
Seconded: Cr Bruhn

That Council, taking into consideration the Audit & Risk Committee recommendation, adopts the Draft Internal Financial Control, Draft Equity Reserve Policy and Draft Budget Policy.

**CARRIED 58-24**

Moved: Cr Naughton  
Seconded: Cr Willson

That the meeting continue beyond 10.00pm

**CARRIED 59-24**

Moved: Cr Burfitt  
Seconded: Cr Calvert

That Council adopt the reviewed Draft Prudential Management Policy with the following changes;

Page 3 of the policy – remove “the Chief Executive Officer has delegated authority to waive the requirement for a business case”.

Page 5 of the policy – point 8 - add “with a value of \$500,000 or more”.

Page 5 of the policy – point 8 - add “Council will be provided with regular reports during negotiation and delivery of the project/activity”.

**CARRIED UNANIMOUSLY 60-24**

Moved: Cr Burfitt  
Seconded: Cr Alder

That Council delete the Heritage Restoration Fund Policy.

**CARRIED 61-24**

**9.9. Chief Executive Officer Annual Leave**

Moved: Cr Alder  
Seconded: Cr Bruhn

1. That the annual leave by the Chief Executive Officer for the period 8 March 2024 to 15 March 2024 (inclusive) be approved.
2. That Leanne Kunoth be appointed as Acting Chief Executive Officer for the period 8 March 2024 to 15 March 2024 in accordance with Section 102 Local Government Act.

**CARRIED UNANIMOUSLY 62-24**



## 10. Officers' Reports for Information

- 10.1. Corporate Services Information Report
- 10.2. Library Services Information Report
- 10.3. Communications Information Report
- 10.4. Works & Infrastructure Information Report
- 10.5. Development Information Report
- 10.6. Community Information Report
- 10.7. Peak Body Report

## 11. Matters Raised by Council Members

### 11.1. Questions on Notice

#### Cr Alder

#### Question

1. In relation to the issue of salaries and wages, I wish to follow up the information provided to Council recently regarding employees, leave, superannuation: does council have the financial capacity to cover these long term liabilities? Providing details of these budgeting details would be appreciated.

#### Reply

Council has more cash than total liabilities so no unfunded liabilities. Liabilities are already recognised and are covered in Council's cash cover over total liabilities. This has been the case for years prior and is predicted in the long term financial plan to remain the case.

All employee costs and leave are budgeted for, the cash cover is a separate issue but cash exceeds total liabilities

#### Question

2. Please outline council's legal costs in the 2022-2023 and to date 2023-2024 financial years. I wish to know the dates, purpose of the legal consultation and whether the matter is closed or will be requiring further expense, and if possible, an estimate of what that might be

#### Reply

The legal costs for 2023-24 to date are as follows;

|                          |   |
|--------------------------|---|
| <b>Total legal costs</b> | <b>\$110,316</b>  |
| Native title             | \$ 991  |
| Dog Control              | \$1,677   |
| Town Planning            | \$17,366  |
| Compliance               | \$36,227 (litter, noise, animal, building)                        |
| Governance               | \$39,469 (Advice to Mayor, employee, lease, works, land register) |
| Rates & Debt             | \$14,586  |

There are ongoing costs in 2023-24 associated with the Industrial St matter and a court case to do with illegal dumping.

Total legal costs for 2022-23 are as follows;

|                          |   |
|--------------------------|---|
| <b>Total legal costs</b> | <b>\$133,280</b>  |
| Native Title             | \$1207  |
| Dog Control*             | \$13,542 (one ongoing court case costs)   |
| Rates & Debt             | \$16,434  |
| Town Planning            | \$41,056  |
| Governance               | \$61,041 (Advice to Mayor, employee, freedom of information, and By-Laws). Small amount for Industrial Street matter. |

**Question**

3. As per resolution 251, 16 August 2023: it seems the Local Roads and Community Infrastructure Program for 2023-24 has been approved, what is the plan for implementation of this program in relation to the repair work of the Riverton RSL building. Completion of this work will progress the RSL lease arrangement and I cannot find details of works on the capital project tracker.

**Reply**

The details for the LRCIP 4 works have not been added into the works tracker as the schedules and final details of these projects have not been finalised. They will be added in next month. The schedule for the Riverton RSL has progressed with quotes being sourced, as this project relates to a lease arrangement.

**11.2 Motions on Notice**

**11.3 Questions without Notice**

**11.4 Motions without Notice**

10.32pm Meeting Closed

Confirmed ...../...../.....

Mayor .....