

Clare & Gilbert Valleys Council

Minutes

Meeting of Council held Wednesday 17 May 2023 held at 4 Gleeson Street, Clare commencing at 7.00pm.

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 I Burfitt
Councillor L Bruhn
Councillor E Calvert
Councillor B Koch
Councillor J Naughton
Councillor O Perry

Staff in Attendance:

Chief Executive Officer, Dr H Macdonald
Director Corporate Services, Mrs L Kunoth
Director Works & Infrastructure, Ms A Neubauer
Director Development & Community, Mr A Christiansen
Finance Manager, Mr G Graham
Minute Takers S Zuromski, R Connelly

Apologies:

Councillor D Willson

Moved: Cr Calvert

Seconded: Cr Alder

That the apologies be noted.

CARRIED 123-23

1. Declaration of Interest General

Mayor Aughey OAM Item 12.1 Housing Report - declared a conflict of interest due to being part owner of a section of land discussed and will depart the chamber for the duration of the meeting.

2. Public Question Time

Nil

3. Petitions & Deputations

Deputation – Mr Simon Millcock, CEO, and Mayor Rodney Reid (Wakefield Regional Council), Chair - Legatus Group.

4. Confirmation of Minutes:

Moved: Cr Burfitt
Seconded: Cr Naughton

That the minutes of the Ordinary Council Meeting held on 19 April 2023 be confirmed, with the following changes:

- **Page 5 correction to Councillor Burfitt's name**

That the minutes of the Confidential Council Meeting held on 19 April 2023 be confirmed.

That the minutes of the Special Council Meeting held on 26 April 2023 be confirmed.

That the minutes of the Confidential Special Council Meeting held on 26 April 2023 be confirmed.

CARRIED 124-23

5. Matters Laid on the Table from Previous Meetings

Nil

6. Mayor & Chief Executive Officer Reports

Moved: Cr Bruhn
Seconded: Cr Alder

That the Mayoral Information Report be noted.

CARRIED 125-23

Moved: Cr Calvert
Seconded: Cr Alder

That the CEO's Information Report be noted, noting the verbal update provided by the CEO.

CARRIED 126-23

7. Performance Reports

7.1. Resolutions Register – Implementation Report

Moved: Cr Naughton
Seconded: Cr Bruhn

The Resolutions Register - Implementation Report be noted as at 17 May 2023 as presented and that the completed items be deleted from the next report.

CARRIED 127-23

7.2. Major Projects Report

Moved: Cr Alder
Seconded: Cr Bruhn

That the Major Projects report be noted.

CARRIED 128-23

7.3. Finance Information Report

Moved: Cr Alder
Seconded: Cr Bruhn

That in accordance with Reg 9 of the Local Government (Financial Management) Regulations 2011 having considered Budget Review 3, Council adopts Budget Review 3 dated April 2023 comprising the following statements:

**Budgeted/Forecasted
Statement of Comprehensive Income
Statement of Financial Position
Statement of Changes in Equity
Statement of Cash Flows
Uniform Presentation of Finances
Financial Indicators**

CARRIED 129-23

8.1 Section 41 Committee Minutes

Moved: Cr Bruhn
Seconded: Cr Alder

That the Auburn Recreation Ground, Riverton Recreation Ground, and Clare Town Hall minutes be received and noted.

CARRIED 130-23

9. Reports for Decision:

9.1. Draft Budget 2023-2024 and Draft Long Term Financial Plan 2023-2024 to 2032-2033

8.22pm Mayor Aughey, with the approval of the chamber, suspended the formal proceedings of the meeting to allow for informal discussion on the Draft Budget 2023-2024 and Draft Long Term Financial Plan 2023-2024 to 2032-2033.

9.10pm Formal proceedings resumed.

Moved: Cr Calvert
Seconded: Cr Naughton

That a workshop be held to further discuss the Draft Budget 2023-2024 and Draft Long Term Financial Plan 2023-2024 to 2032-2033.

CARRIED 131-23

9.2. Draft Annual Business Plan 2023-2024

Moved: Cr Bruhn
Seconded: Cr Naughton

That Council note the Draft Annual Business Plan 2023-2024.

CARRIED 132-23

9.3. Rate Modelling 2023-2024

Moved: Cr Burfitt
Seconded: Cr Bruhn

That Council note the Rate Modelling 2023-2024 report.

CARRIED 133-23

9.4. Auburn RSL – Revocation of Community Land – Post Consultation Report

Moved: Cr Burfitt
Seconded: Cr Alder

That Council accept the public consultation process undertaken for the revocation of community land status for Auburn RSL, 11 Main North Road, Lot 843 F168972, HD Upper Wakefield, Auburn and acknowledge that no representations in opposition were received from the consultation.

CARRIED UNANIMOUSLY 134-23

Moved: Cr Burfitt
Seconded: Cr Bruhn

That Council proceeds with the application to the Minister to seek approval for the revocation of community land status for Auburn RSL, 11 Main North Road, Lot 843 F168972, HD Upper Wakefield, Auburn.

CARRIED UNANIMOUSLY 135-23

9.5. Auburn Library – commencement of community land revocation

Moved: Cr Alder
Seconded: Cr Calvert

That Council approves the undertaking of the community land revocation process of the Auburn Library Building at 5-7 St Vincent Street, Auburn.

CARRIED UNANIMOUSLY 136-23

9.6. Road Infrastructure Upgrade Policy

Moved: Cr Alder
Seconded: Cr Burfitt

That Council does not adopt the Draft Road Infrastructure Upgrade Policy until an assessment matrix has been provided to enhance the policy.

CARRIED 137-23

9.7. Watervale Code Amendment

Moved: Cr Alder
Seconded: Cr Bartholomaeus

That Council provides support for the 'Proposal to Initiate the Watervale Code Amendment' and has no further comments at this time.

CARRIED UNANIMOUSLY 138-23

9.8. Renewal of Community Land Management Plans

Moved: Cr Naughton
Seconded: Cr Alder

That Council approves the following Community Land Management Plans:

- **Quarry Reserve**
- **Riverton Cemetery**
- **Sanders Apex Park**

(noting the correction to the Riverton Cemetery Plan).

CARRIED 139-23

9.9. Clare Valley Hutt Project Inc – Reporting for Clare Valley Wine Food & Tourism Centre

Moved: Cr Bruhn
Seconded: Cr Alder

That Council notes the Key Performance Indicator report from the Clare Valley Wine, Food and Tourism Centre dated 4 April 2023, noting Malcolm Bartholomaeus was the first president, not Mark Stewart.

CARRIED 140-23

9.10. YMCA 2022-2023 Quarterly Report

Moved: Cr Alder
Seconded: Cr Burfitt

That Council notes the March 2023 Quarterly report.

CARRIED UNANIMOUSLY 141-23

9.11. Council Delegations Review

Moved: Cr Calvert
Seconded: Cr Alder

That the Council resolves to grant the delegation of powers and functions of the Council as provided for in (Attachment A) instrument of delegation.

CARRIED UNANIMOUSLY 142-23

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 & Community Information Report**
- 10.6. Peak Body Report**

11. Matters Raised by Council Members

11.1. Questions on Notice

Received from Cr Burfitt

Question:

Leave outstanding

1. What is the total annual and long service leave outstanding amounts (both \$ and hours) as at 31 December 2022 and what positions have leave outstanding in excess of the annual leave entitlement and/or long service leave beyond the 7-year accrual?

Answer:

Annual Leave	7,012hours	\$323,146
Long Service	11,060hours	\$517,233

There are 11 Employees that have greater than 20 days at 03/01/23

There are 12 Employees with greater than 7 years' service LSL (>345.8hours) at 03/01/23

2. What are the requirements pursuant to any of the Employment agreements in regard to taking of this leave?

Answer:

This is the excerpt out of both Enterprise Agreements

Leave balances are to be maintained at no greater than 20 days (152 hours for full time employees). Excess accruals are to be reduced within six (6) months of the accrual limit being reached at a mutually agreed time and during non-seasonal periods.

If leave is not taken to reduce the leave balance to 20 days within six (6) months of the accrual limit being reached, the Director of Works & Infrastructure will, in consultation with the employee, set the dates when the leave is to be taken.

Variations to the above arrangement will be considered only in special circumstances upon application.

Question:

Clare Caravan Lease

1. What written commitments for delivery of the water park at the park have been received by Council and when was that written information received?

Answer:

February 13, 2023 the Chief Investment Officer (CIO)for Discovery emailed the CEO saying: "Plan is to commence build this year, targeting Christmas 2023. Our board will be signing off on the capex program at the end of March so I can confirm definite timelines after that. But Christmas 23 remains the target (which I think is consistent with all the messaging / media responses we've given)." 5 May 2023 the CIO confirmed that the Discovery Board had approved the above commitment.

2. When was the annual maintenance inspection of the park undertaken and when will such report be presented to the elected Council?

Answer:

The Inspection was undertaken on 7th March 2023. Everything was found to be in order however it was noted that the fire extinguishers had not been in over 12 months, regulations state inspections are required every 6 months. The test and tagging of electrical equipment was out of date, or had no tags on at all. The inspection and maintenance book in the Fire Tank Pump House has been kept up to date. Discovery were notified of these matters and asked to address it. This was reported verbally to the Wednesday 15th March Council meeting. Council made no resolution regarding the inspections of the Clare Caravan Park, to report to council on this matter or to provide the inspection report.

Question:

Plant utilisation report

1. How many hours utilisation of each of Council's graders were recorded for the 12 months to 31 December 2022?

What is the current asset value of each of these graders?

Answer:

The current utilisation dates for the graders over the last 12 months is tabled below:

	P34 Purchased: 17/07/2012	P35 Purchased: 30/10/2014	P36 Purchased: 30/01/2017	P37 Purchased: 27/09/2019
Hours	1038	1174	986	1048
WDV 30/6/22	\$100,409	\$235,220	\$205,247	\$299,076
WDV 30/6/23	\$78,497	\$219,996	\$176,307	\$275,793

Question:

Finance Manager Position

1. I recently noticed that the salaries register has recorded that the FTE for the finance manager position appears to have increased from 1.0 FTE to 1.47 FTE. As this is noted as a senior position, when was this implemented and was this subject to a report to the Elected Council?

Answer:

Chief Executive Officer is responsible for engaging and budgeting for all employees. An allocation for the provision of a finance consultant was removed from the 2022-2023 budget and the .47 employee placed in Employee Costs budget (at no cost to Council).

11.2 Motions on Notice

Nil

11.3 Questions without Notice

Nil

11.4 Motions without Notice

Nil

12. Business in Confidence

12.1. Housing Report

9.42pm Mayor Aughey OAM declared a conflict of interest, vacated the chair and left the Chamber.

Deputy Mayor Bartholomaeus took the chair, and Presided over the meeting.

Moved: Cr Bruhn

Seconded: Cr Koch

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, Helen Macdonald, Director Corporate Services, Leanne Kunoith, Director Works & Infrastructure, Amy Neubauer, Director Development & Community, Andrew Christiansen, Finance Manager, Gary Graham, and Minute Takers, Sara Zuromski and Rebecca Connelly, be excluded from attendance at the meeting for Agenda item 12.1 Housing Report.

Council is satisfied that, pursuant to Section 90(3) (b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item could reasonably be expected to prejudice the commercial position of Council; and is contrary to the public interest.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances to prevent the disclosure of information that would prejudice the commercial position of Council; and is contrary to the public interest.

CARRIED 143-23

Moved: Cr Calvert

Seconded: Cr Koch

That formal proceedings of this meeting be suspended for informal discussion on the Housing Report.

CARRIED 144-23

9.42pm Formal proceedings suspended.

10.00pm With the agreement of the chamber, Deputy Mayor Bartholomaeus allowed for the meeting to continue past 10.00pm.

10.19pm With the approval of Deputy Mayor Bartholomaeus, formal proceedings of the meeting resumed.

Moved: Cr Alder
Seconded: Cr Naughton

That Council approves the undertaking of community land revocation process for Lot 102 Phoenix Avenue, Clare and that a report be presented at the next meeting of Council.

CARRIED UNANIMOUSLY 145-23

Moved: Cr Alder
Seconded: Cr Naughton

That Council develop an incentive scheme for each new allotment created with the following sliding scale:

**5-10 allotments/dwellings - \$2,500 each allotment
10-20 allotments/dwellings - \$3,500 each allotment**

CARRIED 146-23

Cr Burfitt called for a division

Deputy Mayor Bartholomaeus set aside the ruling that the motion was carried and called for a division.

Those in the affirmative for the motion

**Cr Koch
Cr Perry
Cr Alder
Cr Calvert
Cr Bruhn
Cr Naughton**

Those in the negative for the motion

Cr Burfitt

The vote being 6 in the affirmative and 1 in the negative, Deputy Mayor Bartholomaeus declared the motion carried.

CARRIED 147-23

Moved: Cr Alder
Seconded:

That Council provide a rate rebate for new rental properties onto the market of 50% for 2 years. The homes cannot be previously rented out over the last 5 years.

The motion LAPSED for want of a SECONDER.

Moved: Cr Alder
Seconded: Cr Naughton

That Council identify parcels of land suitable for development in townships other than Clare, and consider their future purchase for potential housing development.

LOST

Moved: Cr Burfitt
Seconded: Cr Calvert

That Council identify parcels of land suitable for development in all townships, and consider their potential for housing development.

CARRIED 148-23

Meeting held in confidence from 9.42pm to 10.49pm.

10.50 pm Meeting Closed

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

Mayor