

# Clare & Gilbert Valleys Council

## Minutes

**Meeting of Council held Monday 18 March 2019 in the Council Chambers,  
4 Gleeson Street, Clare commencing at 7.00pm.**

Mayor Wayne Thomas declared the meeting open, read the Council Prayer and welcomed all in attendance.

### **Acknowledgement of Country**

Mayor Wayne Thomas provided an Acknowledgement of Country through the following statement:

“We acknowledge and respect the traditional custodians whose ancestral lands we are meeting upon here today”.

### **Present:**

Mayor Wayne Thomas  
Councillor A Alder  
Councillor M Bartholomaeus  
Councillor L Bruhn  
Councillor I Burfitt  
Councillor E Calvert  
Councillor N Golding  
Councillor C Hunter  
Councillor B Koch

### **Staff in Attendance:**

Chief Executive Officer, Dr H Macdonald  
Manager Corporate Services, Mrs L Kunoth  
Manager Works & Infrastructure, Mr C Miller  
Manager Development & Community, Mr A Christiansen  
Financial Consultant, Ms M Bennetts  
Finance Manager, Ms T Nicolussi  
Minute Secretary, Mrs S Zuromski

### **Apologies:**

Councillor L Drummond

Moved: Cr Alder  
Seconded: Cr Bruhn

**That the apologies be accepted.**

**CARRIED 42 - 19**

## **1. Declaration of Conflict of Interest:**

Cr I Burfitt	Item 9.3 – Revocation of Community Land – Unmade Road which bisects Sec274, HD Clare, Boconnoc Park - declared a material conflict of interest due to being an adjoining land owner and will depart the meeting for the duration of this item.
Cr N Golding	Item 12.1 – The Domain Sale – declared a perceived conflict of interest due to his employer “Professionals Clare Real Estate” having tendered for the agency of The Domain building, but was not personally involved in the tender and will depart his seat in the chamber for the duration of this item.

## **2. Public Question Time:**

Nil

## **3. Petitions & Deputations:**

Nil

## **4. Confirmation of Minutes:**

Moved: Cr Alder  
Seconded: Cr Bruhn

**That the Minutes of the Ordinary Council Meeting held on 18 February 2019 be confirmed.**

**CARRIED 43 - 19**

Moved: Cr Bruhn  
Seconded: Cr Alder

**That the Minutes of the Special Council Meeting held on 5 March 2019 be confirmed.**

**CARRIED UNANIMOUSLY 44 - 19**

## **5. Matters Laid on the Table from previous meetings:**

**Clare Town Hall**

116/17

That the matter lay on the table pending the asset management plans for Council's buildings and infrastructure.

## **6. Mayor & Chief Executive Officer Report:**

## **7. Performance Reports:**

### **7.1. Resolutions Register – Implementation Report**

Moved: Cr Bartholomaeus  
Seconded: Cr Alder

**That the Resolutions Register – Implementation Report be noted as at 18 March as presented and that the completed items be deleted from the next report.**

**CARRIED 45 - 19**

## **7.2. Major Projects Report**

Moved: Cr Calvert  
Seconded: Cr Bruhn

**That the report for information be noted.**

**CARRIED 46 - 19**

## **7.3. Finance Information Report**

Moved: Cr Bruhn  
Seconded: Cr Hunter

**That the Finance Information Report to 28 February 2019 be received and noted.**

**CARRIED 47 - 19**

## **8. Section 41 & Council Committee Minutes:**

### **8.1 Riverton Recreation Ground Committee**

Moved: Cr Alder  
Seconded: Cr Bruhn

**That the Riverton Recreation Ground Committee minutes be adopted.**

**CARRIED 48 - 19**

## **9. Reports for Decision:**

### **9.1. Saddleworth District Community Association – Lease of 14 Belvidere Road, Saddleworth**

Moved: Cr Calvert  
Seconded: Cr Alder

**That Council:**

- 1. Undertake Public Consultation in accordance with the Local Government Act for the lease of Community Land 14 Belvidere Road, Saddleworth.**
- 2. Subject to satisfactory consultation approved the Saddleworth District Community Association to lease Community Land 14 Belvidere Road, Saddleworth for a period of 42 years.**

- 3. Authorise the Mayor and Chief Executive Officer to sign and seal the lease documentation.**

**CARRIED UNANIMOUSLY 49 - 19**

**9.2. Revocation of Community Land Lot 212 Oxford Terrace, Riverton**

Moved: Cr Bruhn  
Seconded: Cr Alder

**That Council accept the public consultation process undertaken for the revocation of the community land status for Lot 212 Oxford Terrace, Riverton, and acknowledge that no representations in opposition were received from this consultation.**

**CARRIED 50 - 19**

Moved: Cr Alder  
Seconded: Cr Calvert

**That Council proceeds with the application to the Minister to seek approval for the revocation of the community land status for Lot 212 Oxford Terrace, Riverton.**

**CARRIED UNANIMOUSLY 51 - 19**

**9.3. Revocation of Community Land – Unmade Road which bisects Sec274, HD Clare, Boconnoc Park**

7.18PM Cr Burfitt declared a material conflict of interest and departed his seat in the chamber

Moved: Cr Bruhn  
Seconded: Cr Alder

**That Council accept the public consultation process undertaken for the revocation of the community land status for the unmade road bisecting Sec 274, HD Clare, Boconnoc Park, and acknowledge that no representations in opposition were received from this consultation.**

**CARRIED 51 - 19**

Moved: Cr Calvert  
Seconded: Cr Alder

**That Council proceeds with the application to the Minister to seek approval for the revocation of the community land status for the unmade road bisecting Sec 274, HD Clare Boconnoc Park.**

**CARRIED UNANIMOUSLY 52 - 19**

7.19pm Cr Burfitt resumed his seat in the chamber.

**9.4. Clare Golf Club**

Moved: Cr Bartholomaeus  
Seconded: Cr Alder

**That Council authorise the Mayor and Chief Executive Officer to sign and affix the common seal on the relevant documents to execute all conveyancing instruments associated with the land acquisition, division and easement creation between the Clare Golf Club Inc and the Clare & Gilbert Valleys Council.**

**CARRIED UNANIMOUSLY 53 - 19**

#### **9.5. Legatus Group – Exemption from having an Audit Committee**

Moved: Cr Calvert  
Seconded: Cr Golding

**That Council, being satisfied that Legatus has adequate controls and oversight in its structure, supports the Board of Management of Legatus to seek an exemption from the Minister for Local Government to establish an Audit Committee, pursuant to Regulation 18 of the Local Government (Financial Management) Regulations 2011 on condition that the:**

- 1. Financial accounting tasks of Legatus remain removed from the organisation directly;**
- 2. External Auditor undertakes the necessary annual audit and reports to each Councils their findings including an opinion on the adequacy of internal controls; and**
- 3. Legatus Chief Executive Officer provides an annual report on internal controls that are maintained and in place during the year to Legatus Board.**

**CARRIED UNANIMOUSLY 54 - 19**

#### **9.6. South Australian Recreation Trails Inc – Lavender Federation Trail – Council Representative**

**Cr Bartholomaeus nominated Cr Hunter  
Cr Hunter nominated Cr Bartholomaeus**

**8.05pm Mayor Thomas sought leave of the meeting for a short term suspension for the conduct of a secret ballot.**

**8.10pm Mayor Thomas determined that the formal meeting proceedings recommence.**

Moved: Cr Bartholomaeus  
Seconded: Cr Alder

**That Council nominate Cr Hunter to be Council's representative on the South Australian Recreation Trails Inc.**

**CARRIED UNANIMOUSLY 55 – 19**

#### **9.7. Clare Sports Club Inc – Financial Report**

Moved: Cr Burfitt  
Seconded: Cr Bruhn

**That the Clare Sports Club Financial Statements as provided be received.**

**CARRIED 56 - 19**

## 9.8. Council Policies

Moved: Cr Calvert  
Seconded: Cr Alder

**That Council adopt the Enforcement Policy and delete the Order Making Policy.**

**CARRIED 57 - 19**

## 9.9. Essington Avenue Parking Report

Moved: Cr Burfitt  
Seconded: Cr Golding

**That Council implement the following traffic control measures as recommended in the report from Mace Engineering Services Pty Ltd.**

- 1. Curve warning signs and advisory speed signs be installed on Essington Avenue on both approaches to the sharp curve located at the intersection with Hanlins Road.**
- 2. Installation of a give way sign at the intersection of Hanlins Road and Essington Avenue and pavement bars to delineate and control vehicle movements at the intersection.**

**CARRIED UNANIMOUSLY 58 - 19**

## 9.10. Removal of Land Management Agreement 50

Moved: Cr Burfitt  
Seconded: Cr Alder

- 1. That in respect of Land Management Agreement 50 (433/213/01) Council agree to extinguish the Land Management Agreement in its entirety between the Clare & Gilbert Valleys Council and Peter and Roslyn Clark; and**
- 2. That Peter and Roslyn Clark be advised that all costs associated with the extinguishment of such an agreement are to be borne by the landowner.**

**CARRIED 59 - 19**

## 9.11. Heritage Restoration Fund

Moved: Cr Burfitt  
Seconded: Cr Calvert

**That Council provides Heritage Restoration funding to the following six applicants:**

<b>Applicant</b>	<b>Project</b>	<b>Funded amount</b>
Clare Uniting Church	To reinstate all mortar joints and repoint to match existing joints.	\$2,000
Darfio Pty Ltd	ANZ Clare - Replacing the roof, gutters, downpipes, repainting and water damage repair.	\$5,000

Employment Directions	Repair of the external windows of old ETSA building.	\$5,000
Auburn Uniting Church	New perspex on windows, mortar flashing repairs, moisture barrier upgrades, painting.	\$5,000
Bungaree Station	Swaggies Hut- Replace old shingle roof with stringy bark roof, repoint building, make building water tight, with the view to using it for tourist accommodation.	\$5,000
Mount Horrocks Historical Society	John Horrocks Cottage - Slate paving at the rear including water proof membrane. Concreting on northern side with water proof membrane.	\$3,000

**CARRIED UNANIMOUSLY 60 - 19**

### **9.12. Infrastructure Asset Management Plan – Adopt for Public Consultation**

Moved: Cr Batholomaeus  
Seconded: Cr

That the Draft Asset Management Plan (Transport) be adopted for public consultation with the following changes:

- That the references to sealing higher use unsealed roads on pages 32 and 33 of the AMP refer to a priority basis determined by Council, taking into account the guiding principles and definitions of regional freight routes contained in the Legatus 2030 Regional Transport Plan.
- That the town unsealed on page 33 be changed to 9km.
- That the current condition profile charts be changed to show percentages.
- That the Mill Place to Lennon Street Footpath on Main North Road, Clare renewal be deferred beyond the life of this asset plan.
- That Stage 2 of the Clare Mainstreet Renewal Plan be included in budget New/Upgrades Expenditure for 2020/2021.
- That Elected Members be included along with Administration as being responsible for prioritising development of the unsealed road upgrade plan, and the footpath renewal plan.
- That the footbridge renewal behind Seed Restaurant be deferred until after 2021/2022.
- That MR45 major reseal from Sydney Street to William Street be removed from the plan to eliminate a double up in the plans.
- That MR45 Mahood Street to Quinns Road minor reseal be removed to eliminate a double up in the plans.
- That we include Copper Ore Road shoulder widening from Wockie Creek Road to Merilden Road in 2019/2020.
- That after completion of rehabilitation works on Quarry Road in 2019, we defer resealing of Quarry Road until at least 2020/2021
- That we defer resheeting Mt Rufus Road from Polish Hill Road to Sevenhill-Mintaro Road (scheduled in 2021/22) until 2028/29, to give the 2018 resheeting an expected life of 10 years.

**The motion LAPSED for want of a seconder.**

Moved: Cr Calvert  
Seconded: Cr Alder

**That any decision on the Asset Management Plans be deferred until at least one further workshop be held.**

**CARRIED UNANIMOUSLY 61 - 19**

### **9.13. Economic Development Plan Report**

Moved: Cr Bartholomaeus  
Seconded: Cr Calvert

**That Council approves the Chief Executive Officer to sign a contract with the Federal Government for the BBRF grant for the “Clare Valley New Tourism Experiences Opportunity Roadmap”.**

**CARRIED UNANIMOUSLY 62 - 19**

Moved: Cr Calvert  
Seconded: Cr Hunter

**That Council notes the update to the Economic Development Plan.**

**CARRIED 63 - 19**

### **9.14. Arts and Cultural Development Options Report**

Moved: Cr Burfitt  
Seconded: Cr Koch

**That Council notes the information within the following reports:**

- **Arts and Cultural Development Options Discussion Paper**
- **Clare Art Gallery Business Case Project – Research Report**
- **Clare Art Gallery Proposal – Alternative Cultural Development Options Report**

**That prior to considering this matter further, Administration arrange workshops to fully apprise the Council on various options with regard to arts and cultural tourism.**

**CARRIED 64- 19**

### **9.15. Milne Street Ford, Rhynie – National Disaster Resilience Program**

Moved: Cr Burfitt  
Seconded: Cr Koch

**That Council further considers this application and the level of support following a presentation by the CEO of the suggested stormwater implementation plan.**

**CARRIED 65 - 19**

### **9.16. Review Waste Management Services**

Moved Cr Calvert  
Seconded Cr Alder



**That Council, subject to EPA approval, considers a capital and operating budget allocation in the 2019/20 budget for the provision of a satellite waste transfer station facility at Riverton. With an allowance of \$40,000 for set up costs and \$60,000 for ongoing operating costs.**

**CARRIED 66 - 19**

Moved Cr Calvert  
Seconded Cr Alder

That Council considers a capital and operating allocation in the 2019/20 budget for the introduction of a kerbside green waste collection in township areas and the waste charge on rates will increase to cover the cost of the additional service.

Cr Bartholomaeus Moved an amendment  
Seconded: Cr Koch

**That Council considers a capital and operating allocation in the 2019/20 budget for the introduction of a kerbside green waste collection in township areas and the waste charge on rates will increase to cover the implementation and the operating cost of the additional service**

**The amendment was PUT and CARRIED.  
The amendment now becomes the MOTION.**

**CARRIED 67 - 19**

**9.17. Rates in Arrears**

Moved Cr Bruhn  
Seconded Cr Alder

**That Council note the Rates in Arrears Report to 28 February 2019.**

**CARRIED 68 - 19**

**10. Officers' Reports for information:**

- 10.1. Corporate Services Information Report**
- 10.2. Library Service & Art House**
- 10.3. Communications Report**
- 10.4. Works & Infrastructure Information Report**

Moved: Cr Bartholomaeus  
Seconded: Cr Hunter

**That the report be noted and that all future reports include a table showing traffic counter results including:**

- **Where the counters were located,**
- **What dates they were put down and then removed, and therefore the number of days in place,**
- **Vehicle counts split into cars and heavy transport.**

**CARRIED 69 - 19**

- 10.5. Development & Community Information Report
- 10.6. Peak Body Minutes

## **11. Matters Raised by Council Members:**

### **11.1. Questions with Notice**

Nil

### **11.2. Motions on Notice**

Nil

### **11.3. Questions without Notice**

Nil

### **11.4. Motions without Notice**

Moved: Cr Bartholomaeus  
Seconded: Cr Alder

**That Council Administration prepare a report to be presented at a workshop in relation to transport infrastructure upgrades that are consistent with the Legatus 2030 Regional Transport Plan.**

**CARRIED UNANIMOUSLY 70 - 19**

## **12. Business in Confidence:**

9.46pm Cr Calvert and Cr Hunter departed their seats in the chamber.

9.48pm Cr Calvert resumed her seat in the chamber

## **12.1. The Domain Sale**

9.50pm Cr Golding declared a perceived conflict of interest and departed his seat in the chamber

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, Manager Corporate Services, Leanne Kunoth, Manager Development & Community, Andrew Christiansen, Finance Consultant, Michele Bennetts, Minute Taker, Sara Zuromski and Mr Garry Velt, CEO Barossa Enterprises, be excluded from attendance at the meeting for Agenda item "The Domain Sale".**

**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 71 - 19**

9.52 pm Cr Hunter resumed her seat in the chamber

Moved: Cr Bartholomaeus  
Seconded: Cr Bruhn

**That having considered Agenda Item 12.1 The Domain Sale in confidence under Section 90(2) and 90 (3) (b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of that Act orders that the reports, minutes and discussions relevant to this Agenda Item be retained in confidence until settlement has been finalized.**

**CARRIED 72 - 19**

**Meeting conducted in confidence from 9.50 pm to 10.49 pm.**

10.50pm Cr Golding resumed his seat in the chamber.

## 12.2. Clare Caravan Park

Moved: Cr Alder  
Seconded: Cr Bruhn

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, Manager Corporate Services, Leanne Kunoith, Manager Development & Community, Andrew Christiansen, , Finance Consultant, Michele Bennetts and Minute Taker, Sara Zuromski, be excluded from attendance at the meeting for Agenda item The Clare Caravan Park .

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 Discovery Parks; 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 Discovery Parks and is contrary to the public interest

### LOST

Moved: Cr Calvert  
Seconded: Cr

The CEO to engage in discussions with Discovery about the details of their proposed development of the Clare Caravan Park and interest in purchasing or leasing the whole or part of the land, and provide Council with a detail report on the risks and opportunities associated each option for its consideration.

### LAPSED for want of a seconder

Moved: Cr Koch  
Seconded: Cr Alder

The CEO to engage in discussions with Discovery about the details of their proposed development of the Clare Caravan Park and interest in leasing the whole or part of the land, and provide Council with a detail report on the risks and opportunities associated each option for its consideration.

Cr Burfitt MOVED an amendment  
Seconded: Cr Bartholomaeus

**That the CEO engage in discussions with Discovery about the details of their proposed development of the Clare Caravan Park and interest in leasing the existing part of the land that they currently occupy and provide Council with a detailed report on the risks and opportunities associated each option for its consideration.**

**The amendment was PUT and CARRIED.  
The amendment now becomes the MOTION.**

**CARRIED 73 - 19**

### **12.3. Collaboration and Resource Sharing**

Moved: Cr Alder  
Seconded: Cr Calvert

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, Manager Corporate Services, Leanne Kunoth, Finance Consultant, Michele Bennetts and Minute Taker, Sara Zuromski be excluded from attendance at the meeting for Agenda item "Employee Performance and Development Process".

That, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Employee Performance and Developments.

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 regarding the Employee Performance and Development Process.

#### **LOST**

Moved: Cr Burfitt  
Seconded: Cr Bruhn

**That Council notes the CEO's report on developing a project scope that outlines the opportunities to collaborate with other local authorities.**

**CARRIED 74 - 19**

## **12.4. Employee Performance and Development Process**

11.18 pm

Moved: Cr Alder  
Seconded: Cr Calvert

**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, Manager Corporate Services, Leanne Kunoth, and Minute Taker, Sara Zuromski be excluded from attendance at the meeting for Agenda item “Employee Performance and Development Process”.**

**That, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Employee Performance and Developments.**

**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 regarding the Employee Performance and Development Process.**

**Vote Tied - On the casting vote of Mayor Thomas CARRIED 74-19**

Moved: Cr Alder  
Seconded: Cr Calvert

**That Council notes the CEO’s report on the inclusion of KPIs that align to the business plan into the performance and development process.**

**CARRIED 75 - 19**

**Meeting conducted in confidence from 11.18 pm to 11.22 pm.**

## 12.5. CEO Performance Review Panel Minutes

Moved: Cr Alder  
Seconded: Cr Burfitt

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, Manager Corporate Services, Leanne Kunoth and Minute Taker, Sara Zuromski be excluded from attendance at the meeting for Agenda item "CEO Performance Review Panel Minutes".

That, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer for the report CEO Performance Review Panel Minutes.

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 regarding the CEO Performance Review Panel Minutes .

**CARRIED 75 - 19**

Moved: Cr Calvert  
Seconded: Cr Koch

**That:**

1. The Minutes of the Chief Executive Officer Performance Management Panel meetings held on:

4 March 2019  
4 March 2019 – Confidential

Be received by Council and the recommendations made at the Committee's meeting on 4 March 2019 be adopted.

2. The Chief Executive Officer - Key Performance Indicators - Progress Report as provided be noted.

**CARRIED 76 - 19**

Meeting conducted in confidence from 11.22 pm to 11.24 pm.

## 13. Meeting closed:

Meeting Closed at 11.25 pm

**Confirmed: .../.../....**

**MAYOR: .....**