Minutes of the Council Meeting

Held on Monday 1 August 2016

in the

Community Chambers “Wal Yuntu Warrin”

Commencing at 5.00pm
# ALEXANDRINA COUNCIL

## MINUTES OF THE COUNCIL MEETING

**HELD ON MONDAY 1 AUGUST 2016 AT 5:00PM**

**IN THE COUNCIL COMMUNITY CHAMBERS “WAL YUNTU WARRIN”**

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PRESENT

Mayor Keith Parkes, Councillors Ben Brazzalotto, Jim Davis, Barry Featherston, Grant Gartrell, Karen Lume, Katherine Stanley-Murray, James Stewart, Frank Tuckwell, Madeleine Walker and Anne Woolford.

APOLOGIES

Councillor Michael Scott

IN ATTENDANCE

Peter Dinning (Chief Executive), Victoria MacKirdy (General Manager Organisation & Culture), Simon Grenfell (General Manager Engineering & Environment), Neville Styan (General Manager Infrastructure & Assets), Alan Harvey (Manager Engineering Services), Sally Roberts (Manager Planning & Development), Anne Liddell (Manager Governance and Strategy), Sarah Kay (Manager Human Resources) and Christine Hamlyn (Governance Administration Officer/Minute Taker).

GALLERY

5 members of staff and a representative from the Victor Harbor Times.

LOCAL GOVERNMENT PRAYER

The Mayor recited the Local Government Prayer

Almighty God, we humbly beseech thee to grant thy blessing upon the works of this Council, guide us in our deliberations for the advancement and the true welfare of the people of the district.

NGARRINDJERI ACKNOWLEDGEMENT

The Alexandrina Council and its communities acknowledge the Ngarrindjeri people as the traditional custodians of the lands and waters of our Council district.
CONFLICT OF INTEREST

Elected Members were reminded of the requirements for disclosure by Members of any conflict of interest in items listed for consideration on the Agenda.

1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council held on Monday 18 July 2016.

Moved Cr Gartrell seconded Cr Tuckwell:

That the Minutes of the Alexandrina Council Meeting held on Monday 18 July 2016 as circulated to members be received as a true and accurate record.

CARRIED UNANIMOUSLY

2. ADJOURNED DEBATE

Nil

3. QUESTIONS WITHOUT NOTICE

4. QUESTIONS WITH NOTICE

4.1 Cr Walker - Questions With Notice - Full Time Staff Enquiries

File Ref: 9.24.003

Question:

Does Alexandrina have a policy for full time staff working in outside employment with other organisations?

Response:

No, we do not have a policy.

Question:

Could I ask that we investigate how many full time staff have jobs in other paid employment?

Response:

We do not currently collect this information.

5. NOTICES OF MOTION

Nil
6. **PETITIONS**

Nil

7. **DEPUTATIONS REPRESENTATIONS**

Nil

8. **INFRASTRUCTURE & ASSETS - REPORTS FOR COUNCIL DECISION**

8.1 Development Assessment Panel 2015/16

ACM16260 Moved Cr Stewart seconded Cr Lume:


CARRIED UNANIMOUSLY

9. **ENGINEERING & ENVIRONMENT - REPORTS FOR COUNCIL DECISION**

Alan Harvey (Manager Engineering Services) provided Council with a verbal report on storm damage which has occurred within our Council area and the current road closures in place around the district (due to flooding).

9.1 Increase in the State Government Solid Waste Levy

ACM16261 Moved Cr Davis seconded Cr Walker:

That this item be deferred until the next Council Meeting to be held on 15 August 2016.

CARRIED

10. **ORGANISATION & CULTURE - REPORTS FOR COUNCIL DECISION**

10.1 Local Government Finance Authority Annual General Meeting - Appointment of Delegate and Proxy Delegate

ACM16262 Moved Cr Woolford seconded Cr Walker:

1. That Council appoint Mayor Keith Parkes as delegate to the Local Government Finance Authority Annual General Meeting.

2. That Council appoint Deputy Mayor Katherine Stanley-Murray as proxy delegate to the Local Government Finance Authority Annual General Meeting.

CARRIED UNANIMOUSLY
10.2  Great Australian Bight and Kangaroo Island Council

Moved Cr Stanley-Murray seconded Cr Woolford:

That Council endorse the stance presented by Kangaroo Island Council that it does not support drilling for oil in the Great Australian Bight.

LOST

10.3  Cemeteries and Memorials Policy

ACM16263 Moved Cr Tuckwell seconded Cr Gartrell:

That Council approves the revised Cemeteries and Memorials Policy.

CARRIED UNANIMOUSLY

10.4  Community Donations Program - July 2016 Report

ACM16264 Moved Cr Brazzalotto seconded Cr Stewart:

That Council approve a community donation to KBY03 Repeater Association of Port Elliot of $3,000 for upgrading their KBY03 UCF CB Radio Repeater.

CARRIED

ACM16265 Moved Cr Brazzalotto seconded Cr Woolford:

That Council note the Community Donations Report for July.

CARRIED UNANIMOUSLY

10.5  2016 By-Law Review - Making of By-Laws

ACM16266 Moved Cr Brazzalotto seconded Cr Stewart:

1. That Council, in the exercise of the powers contained in section 246 of the Local Government Act 1999, having satisfied the consultation requirements of the Act, and having had regard to and note:

   a) the letter of approval from the Minister of Transport in respect of By-law Numbers 2, 5 and 6 (Attachment A)

   b) the comments from the Dog and Cat Management Board in relation to By-Law Number 5 (Attachment B)

   c) the National Competition Policy Report (Attachment C)
d) the Certificates of Validity provided by the Council’s legal practitioner (Attachment D)

e) the submissions received from the public (Attachment E)

CARRIED UNANIMOUSLY

ACM16267 Moved Cr Stanley-Murray seconded Cr Walker:

2. That the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as attached:

- Permits and Penalties By-law No. 1 of 2016
- Local Government Land By-law No. 2 of 2016
- Roads By-law No. 3 of 2016
- Moveable Signs By-law No. 4 of 2016
- Dogs By-law No. 5 of 2016
- Foreshore By-Law No. 6 of 2016.

An absolute majority of 10 Elected Members (out of 11) were in attendance. The 10 Elected Members present voted in the affirmative.

CARRIED UNANIMOUSLY

10.6 2016 Adelaide Boat Show

ACM16268 Moved Cr Brazzalotto seconded Cr Davis:

That the report be received.

CARRIED UNANIMOUSLY

10.7 Resolution Registers - Council Meetings 4 July 2016 And 18 July 2016

ACM16269 Moved Cr Walker seconded Cr Stewart:

That the report be received.

CARRIED UNANIMOUSLY
10.8 Elected Member Attendance at Norman Waterhouse Local Government Conference 2016

ACM16270 Moved Cr Stewart seconded Cr Featherston:

That approval be given for Cr Madeleine Walker to attend the Norman Waterhouse Local Government Conference at a cost to Council of $420.

CARRIED UNANIMOUSLY

11. OFFICE OF THE CHIEF EXECUTIVE - REPORTS FOR COUNCIL DECISION

Nil

12. MAYOR'S REPORT

Nil

13. ELECTED MEMBERS' REPORTS (INCLUDING VERBAL UPDATES)

Cr Featherston

Advising he will be an apology for the Council Briefing being held on 8 August 2016 and the Council Meeting being held on 15 August 2016.

14. REPORTS FROM SECTION 41 & OTHER COMMITTEES OF COUNCIL

14.1 Fleurieu Region Community Services Advisory Committee - Minutes 14 June 2016

ACM16271 Moved Cr Walker seconded Cr Brazzalotto:

That the minutes be received.

CARRIED UNANIMOUSLY

14.2 Southern Communities Transport Advisory Committee - Minutes 15 June 2016

ACM16272 Moved Cr Davis seconded Cr Gartrell:

That the minutes be received.

CARRIED UNANIMOUSLY
14.3 Strathalbyn Woodshed Committee - Minutes 16 June 2016

ACM16273 Moved Cr Woolford seconded Cr Brazzalotto:

That the minutes be received.

CARRIED UNANIMOUSLY

14.4 Strategic Planning and Development Policy Committee Minutes 18 July 2016

ACM16274 Moved Cr Brazzalotto seconded Cr Stewart:

1. That the draft minutes of the Strategic Planning and Development Policy Committee meeting held on Monday 18 July 2016 be received.

2. That Council endorse the following recommendations from the Strategic Planning and Development Policy Committee:

   Goolwa Wharf and Surrounds Policy Area - request for amendment

   1. That Council receives and endorses the documentation requesting an amendment to the Goolwa Wharf and Surrounds Policy Area of the Alexandrina Council Development Plan to rectify inconsistent policy relating to tourist accommodation and other economic development opportunities.

   2. That Council forwards the request to the Minister for Planning seeking amendment to the Goolwa Wharf and Surrounds Policy Area of the Alexandrina Council Development Plan pursuant to Section 29 of the Development Act 1993.

Future Meetings

That future Strategic Planning Development Policy Committee meetings are to be noted on Council’s website and are to occur on a bi-monthly basis with the option to meet between scheduled meetings if the need arises and that the remaining dates for 2016 are:

- Monday 5 September at 3pm
- Monday 7 November at 3pm

CARRIED UNANIMOUSLY
CONFIDENTIAL REPORTS

15.1 Chief Executive Performance Review 2016 (Confidential)

The Mayor welcomed Mr Scott Way from BDO Industrial & Organisational Psychology to the meeting at 5.57pm.

ACM16275 Moved Cr Lume seconded Cr Stewart:

That pursuant to Sections 90 (2) and (3) (a) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive, General Managers, Executive Assistant, Manager Human Resources, Minute Taker and Mr Scott Way (BDO Industrial & Organisational Psychology) on the basis that the Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider information by way of a report and associated documents in relation to agenda item 15.1 Chief Executive Performance Review 2016 and the Council is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation contains/involve:

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)

Substantiation:
A number of matters are likely to be raised and discussed that relate to the personal affairs of the Chief Executive. These matters are deemed to not be in the public interest, once these matters and any resultant contractual obligations have been resolved by Council the report, minutes and any subsequent supporting documentation will be released as public documents.

CARRIED UNANIMOUSLY

The Mayor thanked Mr Scott Way from BDO Industrial & Organisational Psychology for his presentation to Council.

Suspension of Standing Orders

ACM16276 Moved Cr Brazzalotto seconded Cr Walker:

That Council suspend standing orders at 6.34pm for 20 minutes to enable an elected member only discussion to be held.

CARRIED

All staff were asked to leave the Chambers at 6.34pm.
At 7.10pm, staff were invited back into the Chambers.

ACM16277  Moved Cr Stewart seconded Cr Brazzalotto:

That Council resume standing orders at 7.10pm.

CARRIED

Moved Cr Featherston seconded Cr Lume:

That Council move out of confidence.

CARRIED

Cr Brazzalotto called for a DIVISION

The Mayor declared the vote be set aside.

Those voting in the affirmative:

Councillors Stewart, Tuckwell, Featherston, Davis and Lume

Those voting in the negative:

Councillors Stanley-Murray, Walker, Gartrell, Brazzalotto and Woolford.

TIED VOTE

The Mayor used his casting vote and voted against the motion.

The Mayor declared the Motion LOST

ACM16278  Moved Cr Davis seconded Cr Lume:


2. That the current expiry date of the Chief Executive's Employment Agreement be crystalized at 30 June 2018.

3. That Council does not endorse a salary increase for the Chief Executive effective from the first pay period on or after 30 June 2016.

TIED VOTE

The Mayor used his casting vote and voted in favour of the motion.

The Mayor declared the Motion CARRIED
Cr Brazzalotto called for a DIVISION

The Mayor declared the vote be set aside

Those voting in the affirmative:
Councillors Tuckwell, Walker, Featherston, Davis and Lume

Those voting in the negative:
Councillors Stanley-Murray, Stewart, Gartrell, Brazzalotto and Woolford.

TIED VOTE

The Mayor used his casting vote and voted in favour of the motion.

The Mayor declared the Motion CARRIED

ACM16279 Moved Cr Featherston seconded Cr Davis:

That the Performance Management Panel now work with the Chief Executive to set clear Performance Indicators for the short and medium term and that these be brought back to Council for endorsement.

CARRIED

ACM16281 Moved Cr Featherston seconded Cr Stewart:

That pursuant to Sections 91(7) and (9) of the Local Government Act 1999, the Council orders that the report, minutes, attachments and associated documents of the Council meeting held on 1 August 2016 in relation to confidential item number 15.1 titled 'Chief Executive Performance Review 2016' having been considered and dealt with by the Council on a confidential basis under Part 3 of the Act, are to be kept confidential and not available to the public until the release of the Council minutes.

CARRIED

16. CLOSURE

The Mayor declared the meeting closed at 7.47pm

MINUTES CONFIRMED…………………………………….. DATE……………………..

MAYOR K PARKES