

COUNCIL MINUTES

for the meeting held
on Monday, 10 May 2021

in the Council Chambers
72 Woodville Rd, Woodville SA 5011

PRESENT :**Elected Member:**

Mayor - Angela Evans, Councillor - Kenzie van den Nieuwelaar , Councillor - Paul Sykes, Councillor - Kelly Thomas , Councillor - Alice Campbell, Councillor - George Turelli, Councillor - Helen Hibeljic, Councillor - Matt Mitchell, Councillor - Edgar Agius, Councillor - Thomas Scheffler, Councillor - Paul Alexandrides, Councillor - Stuart Ghent, Councillor - Tolley Wasylenko, Councillor - Oanh Nguyen

DATE :

Monday, 10 May 2021 | Time 07:00 PM

VENUE :

Council Chambers

In Attendance

Chief Executive Officer - Paul Sutton	Manager People and Culture - Jacki Done
General Manager City Services - Bruce Williams	Acting Manager Field Services - Aly McGregor
General Manager Corporate Services - Donna Dunbar	Acting Corporate Program Manager – Allister Smith
General Manager Asset Management Services - Adrian Ralph	Transport Engineer – Chris Bentick
Manager Governance and Operational Support – Kerrie Jackson	People and Culture Business Partner – Candie Trimboli
Manager Open Space Recreation and Property - Sam Higgins	Coordinator Open Space and Property Projects – Richard Hughes
Manager Engineering Strategy and Assets - Sam Adams	Team Leader Governance and BusinessSupport - Mary Del Giglio

1. COUNCIL OPENING

The meeting commenced at 7 PM.

1.1 OPENING PRAYER

Almighty Father from Whom all goodness flows, grant unto us qualities of wisdom justice and tolerance, that we the civic leaders of this community may govern in harmony and concord.

This we ask in Thy name.

We also remember and give thanks for those, our sons and daughters, who gave their lives for Australia.

Lest we forget.

We acknowledge that the land we meet on today is the traditional land of the Kurna People. We respect their spiritual relationship with this land. We also acknowledge the Kurna people as traditional custodians of the Kurna land. We will endeavour, as Council, to act in a way that respects Kurna heritage and cultural beliefs of the Kurna people.

1.2 APOLOGIES AND LEAVE OF ABSENCE

APOLOGIES

Councillor - Charlotte Watson
Councillor - Sarah McGrath
Councillor - Gerard Ferrao

LEAVE OF ABSENCE

Nil

Leave of the meeting was sought to allow Councillor - Matt Mitchell the opportunity to provide a statement to Members. Leave was granted.

Moved Councillor - Matt Mitchell **Seconded** Councillor - Paul Alexandrides

Motion

1. That Council notes the passing of Margaret Mitchell and offer its condolences to the family.
2. That Council Members, staff and members of the gallery stand for a minute's silence in respect of her passing.
3. That Councillor Mitchell's notes are included in the Minutes.

Carried Unanimously

I bring to Council's attention the recent passing of my grandmother, Margaret Mitchell, who among her many contributions to the community served for 11 years as an elected member of the City of Henley and Grange.

Margaret was born in Blackburn, Lancashire in 1934. An orphan by 3 or 4, her early memories were of the evacuation from London, a simple label with her name pinned to her clothes, and of awakening during the bombings to find the house next door destroyed.

I share these early experiences as they played a formative role in Margaret's resilience, stoicism, and fierce independence, all trademarks throughout her life. They were also a reminder that life is short, which undoubtedly contributed to Margaret's determination, her drive to "get on with it" and make things happen, and an impatience that spurred action.

By 20 Margaret departed for New Zealand and then Australia on a grand adventure, living and working odd jobs, before travelling to Adelaide on a freight train. In Adelaide she married and gave birth to a son, Rob, my late father. Her marriage was sadly not to last, but Margaret, determined as always to make the best of her situation and live life on her own terms, set about securing a role as a secretary and renting a place in Grange for her and Rob, no easy feat as a single mother in the 60s.

Over the years Margaret worked secretarial and executive assistant roles, notably at Commercial Motor Vehicles (now CMV) and at Immanuel College, starting out in the days of pools of typists and working through to the world of computers and internet. However, her thirst for adventure never wavered, and she travelled widely and frequently. She was equally excited to host UK family here in Australia and show off our beaches, including the Henley and Grange she had chosen to settle in. She very proudly became a citizen during the centenary of Federation.

It was this love of her new home and a deep sense of the importance of community that led to Margaret's keen involvement in a number of endeavours and organisations throughout her life, through which she met many dear friends and became a familiar face in her community. While only touching the surface of this work, Margaret doorknocked for charities, cared for and supported older neighbours, volunteered with the RDNS, contributed to the Penguins Club and women's leadership group VIEW, and was a charter member of the Henley and Grange Historical Society.

A highlight for Margaret was being a foundation and ongoing active member of the Immanuel Lutheran Church in Novar Gardens, helping make this chapel available to the public. Another was her decades of contributions to the Grange Institute and its Library, joining with others to protect the Institute and serving as its Secretary. Margaret treasured this library and its historic building and spent many a weekend volunteering there right up until she passed.

But perhaps her proudest service to the community was her 11 years as a Councillor for the City of Henley and Grange, during which time she also served as Deputy Mayor. For Margaret, this period brought together so much of what she valued, and what made her

who she was: her love for Henley and Grange, a deep sense of duty, belief in the importance of community, a burning desire to help others, and an interest in politics perhaps spurred by seeing Churchill speak in her youth but beyond that a greater interest in the world and its affairs in general. By all accounts she took to the role with determination, perseverance, and formidability, leaving a lasting impression and building many more lasting friendships.

This extensive contribution to the community saw Margaret recognised in the National Day for Older Australians Recognition Awards 2007 for her significant achievement to the community of the Federal Electorate of Hindmarsh.

While reviewing her things, I came across an excellent report Margaret prepared for Council on her attendance at a seminar on women's leadership in 1984. In it she recalls being struck by a question: "What is the most important barrier between myself and the success I would like for our city?". Her response demonstrated her urgent commitment to leave this world in a better place, noting she sought greater levels of "shared enthusiasm for a positive and progressive development plan that will take the City into the year 2000".

As I reflected on how to summarise such a wide-ranging and impactful life, I was struck by a plaque recognising her time in Council that had for years sat proudly on her wall. It's motto, *Major Providentia Fato*, means *Providence is greater than fate*. Or as I interpret it in simple modern terms, we make our own luck by doing good work.

Margaret put this motto into practice. A life lived with purpose, lived in the service of the community, for the betterment of others, a life making and leaving a better world, of small gestures that have big impacts, of turning up, doing your bit, and asking others "is there anything I can do for you?".

Thank you Margaret for your enthusiasm for community, for building up institutions, and for leaving such a positive and wide-reaching impact.

2. CONFIRMATION OF MINUTES

2.1 COUNCIL

Brief

Confirmation of the minutes of the previous meeting held on Tuesday, 27 April 2021.

Moved Councillor - George Turelli **Seconded** Councillor - Oanh Nguyen

Motion

That the minutes of the previous meeting held on Tuesday, 27 April 2021 be taken as read and confirmed.

Carried Unanimously

2.2 REPORTS OF COMMITTEES - PART I

2.2.1 CORPORATE SERVICES COMMITTEE

Brief

The Corporate Services Committee was held on Monday, 3 May 2021.

Moved Councillor - Alice Campbell **Seconded** Councillor - Helen Hibeljic

That having considered the recommendations of the Committee which has read and considered the reports in the agenda related to all items with the exception of Item 4.23:

3.08 DEPUTATION - PROPOSED BUDGET BID ID PBB-00001308 HALF COURT, CORCORAN RESERVE - MRS BRENDA ALLERTON

Motion

1. That the deputation be received and noted.
2. That Mrs Allerton be thanked for her deputation and any notes that comply with Council's Code of Practice for Meeting Procedures and the laws of defamation, be included in the Minutes.

4.20 QUARTERLY BUDGET REVIEW - MARCH 2021**Motion**

1. That the report be received and noted.
2. That the 2020/21 Budget be amended to recognise the additional income received to date, together with the associated expenditure as detailed in Appendix A to this report.
3. That the revised Annual Financial Statements as detailed in Appendix B which have been recast to include the impact of the March Budget Reviews are adopted.

4.21 END OF QUARTER REPORT - MARCH 2021**Motion**

That the report be received and noted.

4.22 ANNUAL REVIEW OF FINANCIAL POLICIES**Motion**

That the Committee recommends to Council

1. That Council adopt this annual review of its financial policies, such review not precluding any subsequent review, alteration or additional policy which Council may wish to make from time to time, including the next annual review scheduled for May 2022.
2. That the specific policies as amended through track changes and detailed in Appendix A to the report be endorsed and adopted and incorporated into Council's Policy Register.

Council adopts the recommendations of the Committee as printed in the Minutes of this Committee.

Carried Unanimously

Moved Councillor - Paul Alexandrides **Seconded** Councillor - Edgar Agius

4.23 POLICIES FOR REVIEW - MINOR CHANGES ONLY

Motion

1. That the revised Elected Member Use of Council Hardware & Software Policy in Appendix A be adopted.
2. That Council endorse the installation of the dedicated Community Flag Pole to be located at the front of the Civic Centre at a cost of \$3,000 to \$5,000 before the end of June 2021.
3. That the updated Flag Pole Policy as contained in the minutes of the Council meeting be adopted.

Carried

Division called by Councillor - Paul Alexandrides

Voters	Not Vote	For	Against
Councillor - Alice Campbell		X	
Councillor - Edgar Agius		X	
Councillor - George Turelli		X	
Councillor - Helen Hibeljic		X	
Councillor - Kelly Thomas			X
Councillor - Kenzie van den Nieuwelaar		X	
Councillor - Matt Mitchell		X	
Councillor - Oanh Nguyen		X	
Councillor - Paul Sykes		X	
Councillor - Paul Alexandrides		X	
Councillor - Stuart Ghent		X	
Councillor - Thomas Scheffler		X	
Councillor - Tolley Wasylenko		X	
Mayor - Angela Evans	X		

The motion to Item 4.23 was Carried



Flag Pole Usage Policy

Reference Number:	2.28
Type:	Administrative Policy
Category:	Corporate Governance
Relevant Community Plan Outcome:	<ul style="list-style-type: none"> Provide accessible social infrastructure and services that engage our diverse community. <u>In our City no one gets left behind; everyone has access to quality resources, services, programs, information and social infrastructure to fully participate in their community</u> <u>Charles Sturt is made up of strong and vibrant communities; we celebrate our identity, heritage and cultural diversity. People feel a sense of belonging, inclusion and social connectedness</u>
Responsible Officer(s):	Manager Governance & Operational Support
First Issued/Approved:	June 2014
Minutes Reference:	CoS 6/05/2019, Item 3.24 <u>CoS 3/05/2021, Item 4.23</u>
Last Reviewed:	May 2019 <u>May 2021</u>
Next Review Due:	May 2021 <u>May 2023</u>
Applicable Legislation:	Flags Act 1953 (Commonwealth) State Proclamation 1904 Australian Flags booklet, Commonwealth of Australia 2006
Related Policies:	
Related Procedures:	Guidelines for Use of Flag Poles

1. Purpose

This policy has been created, as flags, by their very nature, are the symbol of a nation, state or organisation and it is important for the Council to be aware of, and comply with the appropriate principles and flag flying hierarchy in a diligent and proactive manner.

2. Scope

This policy establishes guidelines for the flying of flagpoles under the care and control of the City of Charles Sturt.

3. Policy Statement

Council will comply with the guidelines of the flag protocol as set by the Australian Federal Government in all instances where it has control over the display or management of flags. This may include the lowering of specific flags to half-mast or the flying of specific flags.

3.1 Permanently Flown Flags

Council recognises the significance of flying certain flags and will permanently fly the following flags at the designated flag pole sites.

Civic Centre – 72 Woodville Road, Woodville.

This site consists of four [Civic Centre Corporate](#) (4) flag poles which will fly the:

- Australian National Flag;
- State Flag of South Australia;
- Aboriginal Flag; and
- City of Charles Sturt Corporate Flag.

In addition, the following flags have been approved by Council to fly during their nominated promotional week [and will be flown from a dedicated Community flag pole located at the front of the Civic Centre.](#)

- **Legacy:** To promote Legacy Badge Week and supported families of Australian service personnel. (Widows, children and disabled dependants).
- **Rainbow:** To promote International Day in support of the principles of diversity, social inclusion and equality.
- **Eureka:** To promote this commemorative event to commemorate to 'Eureka Rebellion' it's historical significance and a key event in the development of democracy in Australia.

3.2 Variations requests from the State

Variations to the flags being raised on any particular day are advised to the nominated Council representative by the Protocol's Office which is part of the Premier's Office for the State.

3.3 Variations by request from organisations ~~at~~ [for the dedicated Community Civic Centre Flag Pole site.](#)

Requests will be considered by Council from non-political and non-commercial community organisations and in recognition of special events. If approval is granted the flags must be provided by the approved organisation.

3.4 Variations by requests from organisations at the Grand Flag site.

Due to the size and related safety protocols required for the Grand Flag pole requests will be limited to the Premier's Office for the State and will be raised in accordance with the safety protocols.

3.5 Flying Flags at Half-Mast

Council will fly its flag at half-mast according to the following principles as set out in the Australian Federal Government's flag protocol at the Civic Centre Flag Pole site.

Flying of the [Australian](#) flag at half-mast at the Grand Flag pole will be dependent on the safety protocols being observed.

There may be times when Council will receive direction from the Australian Federal Government for all flags to be flown at half-mast and Council will comply with these directions.

4. Definitions

Key Term – Acronym	Definition
Safety Protocols	If the wind is above 10 knots it is not safe to lower the flag at the Grand Flag Pole.

3. REPORTS

Nil

4. DEPUTATIONS

Nil

5. PETITIONS**5.10 PETITION - OPPOSITION TO RECREATIONAL WALKING/RIDING ROUTE - WESTMORELAND ROAD, GRANGE****Brief**

A petition has been received from Mr Peter Tsoukalas opposing the recreational, walking, riding and family route down Westmoreland Road, Grange.

Moved Councillor - Thomas Scheffler **Seconded** Councillor - Stuart Ghent

Motion

1. That the petition be received and noted.
2. That Council note that staff are currently consulting on options to provide a dedicated walking and cycling connection between the western end of Meakin Terrace and the Grange Lakes Corridor path.
3. That Council notify the head petitioner of Council's decision.

Carried Unanimously

6. BUSINESS

6.40 PRESENTATION - WEST BEACH SURF LIFE SAVING CLUB REDEVELOPMENT UPDATE

Brief

This report presents an update on the proposed West Beach Surf Life Saving Club Redevelopment concept plan. Representatives from the West Beach Surf Life Saving Club Redevelopment Project Team will present the updated concept design to Council and outline the proposed future stages of the project.

Moved Councillor - Paul Sykes **Seconded** Councillor - Kenzie van denNieuwelaar

Motion

1. That the report be received and noted.
2. That Council provides in-principle support regarding the proposed West Beach Surf Life Saving Club concept design presented by the West Beach Surf Life Saving Club Project Team and delegate staff to continue to work with the Project Team through the development approval process.
3. That the representatives from the West Beach Surf Life Saving Club Redevelopment Project Team be thanked for their presentation.

Carried Unanimously

6.41 PRESENTATION - CITY OF CHARLES STURT CORPORATE SERVICES TRAINEES

Brief

To present Council with our two current trainees from the newly developed trainee program as endorsed in the Annual Business Plan 2020/21.

Moved Councillor - Kelly Thomas **Seconded** Councillor - Paul Alexandrides

Motion

1. That the report be received and noted.
2. That the City of Charles Sturt trainees be thanked for their presentation.

Carried Unanimously

6.42 KILKENNY MIXED USE (RESIDENTIAL AND COMMERCIAL) DEVELOPMENT PLAN AMENDMENT

Brief

Council considered and endorsed the Kilkenny Mixed Use (Residential and Commercial) Development Plan Amendment (DPA) at its meeting on 27 April 2021, through the endorsement of the City Services Committee minutes from its meeting on 19 April 2021, Item 4.06. In accordance with Council's resolution, this report includes further community submissions recently provided to Council, to be included as an Appendix to the Development Plan Amendment for the Ministers consideration.

Moved Councillor - Paul Alexandrides **Seconded** Councillor - Alice Campbell

Motion

That all submissions and/or deputations submitted to Council up to and including 10 May 2021, on the endorsed Kilkenny Mixed Use (Residential and Commercial) DPA, be included as an Appendix to the Development Plan Amendment for the Minister's consideration.

Carried Unanimously

6.43 NEW LANEWAY NAMES FOR BOWDEN - THIRD STREET - 252/0628/21

Brief

This report seeks support for new road names in accordance with the Road Naming and Premises Numbering Policy for the City of Charles Sturt.

Moved Councillor - Paul Alexandrides **Seconded** Councillor - Alice Campbell

Motion

That Council endorses the new road names for roads located in between Second Street and Third Street Bowden, proposed to be created under land division application 252/0628/21 (Appendix A), as follows;

- Laneway A - Karra Tapa Lane
- Laneway B - Tapestry Lane OR Unison Lane

Carried Unanimously

6.44 TELECOMMUNICATION PHONE TOWERS

Brief

To provide an update to the Council of the proposed report on the objection to the construction of Telecommunication Towers in Community sensitive locations.

Moved Councillor - Kenzie van den Nieuwelaar **Seconded** Councillor - Paul Alexandrides

Motion

That Council notes that a report on the objectives to the construction of Telecommunication Towers in Community sensitive locations will be presented to Council after a Council Member workshop has been undertaken in relation to Telecommunication Towers.

Carried Unanimously

6.45 FINAL REPRESENTATION REVIEW REPORT

Brief

To provide the Council with the Final Representation Review Report for referral to the Electoral Commission of South Australia (ECSA) seeking their certificate of compliance.

Moved Councillor - Tolley Wasylenko **Seconded** Councillor - Paul Alexandrides

Motion

1. That the Council notes and receives the outcomes of the second round of Community Consultation on the Representation Review Report.
2. That the Council proposes to continue with its current composition and structure, being:
 - the Principal Member of Council continue to be a Mayor, elected by the Council areas as a whole; and
 - maintain an eight ward structure, subject to the required boundary re-alignment to bring Semaphore Park Ward back within quota tolerances; and
 - the elected body of the Council to continue to comprise of a total of 16 Ward Councillors, with two elected to each Ward.
3. That the Council refers the Final Representation Review Report to the Electoral Commission of South Australia (ECSA) for review and determination that the requirement of the Local Government Act 199 have been satisfied in accordance with section 12(12) of the Act.

Carried Unanimously

6.46 CODE OF CONDUCT REPORT - COUNCILLOR STUART GHENT**Brief**

In accordance with the Council Member Code of Conduct Policy, a report is to be presented to Council on all Code of Conduct complaints. This report relates to a complaint received from Seacon Australia in relation to a potential breach of the Council Member Code of Conduct by Councillor Stuart Ghent.

Actual Declaration of Interest

Councillor - Stuart Ghent declared an actual conflict of interest pursuant to section 75A of the Local Government Act for Item 6.46. The nature of Councillor - Stuart Ghent's actual conflict is due to allegedly representing the City of Charles Sturt Council due to printing my Council business card for residents to contact me on a hand delivered one page flyer to pontoon owners in Martin Court, West Lakes. Councillor - Stuart Ghent dealt with the conflict of interest in the following transparent and accountable way and left the meeting.

Councillor - Stuart Ghent left the meeting at 08:04 PM

Actual Declaration of Interest

Councillor - Tom Scheffler declared an actual conflict of interest pursuant to section 75A of the Local Government Act for Item 6.46. The nature of Councillor - Tom Scheffler's actual conflict is that he has distributed material (Neighbourhood Watch newsletters) that relate to this complaint. Notwithstanding he was unaware that the material contained misleading information and the fact that he was an innocent agent a fair minded person may be of the belief that he could be biased in his decision making relative to this matter. Councillor - Tom Scheffler dealt with the conflict of interest in the following transparent and accountable way and left the meeting.

Councillor - Thomas Scheffler left the meeting at 08:05 PM

Moved Councillor - Tolley Wasylenko **Seconded** Councillor - Kelly Thomas

Motion

- 1. That Council notes that a complaint was received from Seacon Australia against Councillor Stuart Ghent in relation to a publication on West Lakes pontoons that he distributed to residents in Martin Court, West Lakes.**
- 2. That Council acknowledges that Mayor Evans conducted an initial assessment of the complaint and made the determination that a breach may have occurred and referred the complaint to an external agency to undertake the investigation.**
- 3. That Council acknowledges that Wallmans Lawyers were engaged to undertake the investigation of the complaint.**

4. That Council received the final investigation report from Wallmans Lawyers (refer Appendix B and C) and accepts the outcome of the investigation that the allegations against Councillor Ghent are partially substantiated, in accordance with the following:
 - there are reasonable grounds to conclude that Councillor Ghent has contravened provisions of Part 2 of the Code of Conduct. These findings are primarily due to the prominent inclusion of the Council logo and contact details on the flyer, which would reasonably cause the public to assume that the flyer has been published or endorsed by the Council, and
 - there is no evidence to substantiate the breach of Part 3 of the Code of Conduct alleged by Seacon.
5. That Council acknowledges that Seacon Australia and Councillor Ghent have been provided with a copy of the outcome of the investigation.
6. That Council acknowledges the response received from Councillor Ghent (refer Appendix D) accepting the outcomes of the investigation and has confirmed his commitment to ensure all future publications do not include the Council logo and includes a statement that "communications expressed are only my personal opinion".
7. That Council has considered the outcomes of the investigation report and the response received from Councillor Ghent and determined to:
 - Request a written public apology;
 - AND
 - Request the Council Member to attend training on the specific topic found to have been breached;

Carried Unanimously

Councillor - Thomas Scheffler entered the meeting at 08:18 PM

Councillor - Stuart Ghent entered the meeting at 08:18 PM

6.47 END OF QUARTER REPORT - JANUARY TO MARCH 2021**Brief**

To report on the activities of the City of Charles Sturt for the quarter January, February and March 2021 towards achieving the priorities and strategies set out in the Corporate Plan 2016-2020.

Moved Councillor - Oanh Nguyen **Seconded** Councillor - Paul Alexandrides

Motion

That the report (refer Appendix A) be received and noted.

Carried Unanimously

6.48 DISCRETIONARY WARD ALLOWANCE – CONSIDERATION OF APPLICATIONS**Brief**

Discretionary Ward Allowance grants are available to eligible, not for profit individuals, groups and organisations which are seeking funding support for programs, projects and activities that benefit the local community. This report is for Council to consider new applications that have been received and assessed.

Leave of the meeting was sought to allow the parts of Item 6.48 to be considered individually. Leave was granted.

Moved Councillor - Stuart Ghent **Seconded** Councillor - Paul Sykes

Motion

- 1. That the Discretionary Ward Allowance application for West Lakes Contract Bridge Club for \$2,397.85 (no GST) be approved from Semaphore Park Ward.**

Carried Unanimously

Moved Councillor - Kenzie van den Nieuwelaar **Seconded** Councillor - PaulSykes

Motion

- 2. That the Discretionary Ward Allowance application for West Torrens District Cricket Club for \$5,000.00 (ex GST) be approved from Henley Ward.**

Carried Unanimously

7. MOTIONS ON NOTICE

Nil

8. QUESTIONS ON NOTICE

Nil

9. MOTIONS WITHOUT NOTICE

[As previously identified and agreed by the Presiding Member]

Nil

10. QUESTIONS WITHOUT NOTICE

Nil

11. BUSINESS - PART 11 - CONFIDENTIAL ITEMS

Nil

12. REPORTS OF COMMITTEES - PART 11 - CONFIDENTIAL ITEMS

Nil

13. MEETING CLOSURE

The meeting concluded at 8.21 PM.