



## **AGENDA**

**FOR COUNCIL MEETING TO BE HELD ON**

**22 FEBRUARY 2016 AT 7:00 PM**

**IN THE COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY**

### **MEMBERS**

Mayor G Aldridge  
Cr D Balaza (Deputy Mayor)  
Cr S Bedford  
Cr D Bryant  
Cr C Buchanan  
Cr G Caruso  
Cr L Caruso  
Cr R Cook  
Cr E Gill  
Cr D Pilkington  
Cr D Proleta  
Cr S Reardon  
Cr G Reynolds  
Cr B Vermeer  
Cr S White  
Cr J Woodman  
Cr R Zahra

### **REQUIRED STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
General Manager, Community Development, Ms J Trotter  
General Manager City Infrastructure, Mr M van der Pennen  
Manager Governance, Ms T Norman  
Manager Communications and Customer Relations, Mr M Bennington  
Team Leader Corporate Communications, Mr C Treloar  
Governance Coordinator, Ms J Rowett  
Governance Support Officer, Ms K Boyd

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## **PRAYER**

*Lord, we ask for your blessing on this Council meeting,  
That you direct our deliberations for the benefit of Salisbury  
And the true welfare of the people of this City.*

## **KAURNA ACKNOWLEDGEMENT**

*The City of Salisbury acknowledges that we are meeting on the traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.*

## **APOLOGIES**

## **LEAVE OF ABSENCE**

## **PUBLIC QUESTION TIME**

## **DEPUTATIONS**

No Deputations have been received.

## **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Council Meeting held on 25 January 2016.

Presentation of the Minutes of the Confidential Council Meeting held on 25 January 2016.

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## QUESTIONS ON NOTICE

### **QON1      Status of Mobile Phone Tower Installation at Para Hills Bowling Club**

Cr D Bryant has asked the following question:

*What is happening at the Para Hills Bowling club in terms of the installation of the approved mobile phone tower? Reports from residents and club patrons have informed me they struck water when drilling. Is the site being abandoned and if so are there any alternate locations for the mobile phone tower?*

The following response has been provided by the Manager Property and Buildings:

*After consultation with council staff and Committee representatives from the Para Hills Bowling Club, it was confirmed that Vodafone commenced construction of the mobile phone tower in December 2015. Despite pre drill testing at the predesign stage, Vodafone encountered a problem when the monopole footing hole was bored. Unfortunately the water table was reached before being able to reach the required depth which had been determined. As a consequence of this, further drilling was placed on hold whilst the engineers reviewed the situation. The engineers have since been engaged to redesign the requirements for the pole, but unfortunately delays have been experienced due to the Christmas break and availability of people during this time.*

*Council has been advised that the redesign is currently in progress and once it has been finalised, Vodafone will re-commence construction of the tower. It should be noted that carpark works and footings to the shelter were completed in December 2015. Vodafone's representative has been communicating regularly with representatives from the Para Hills Bowling Club and both parties have come to an agreement to store the monopole within the Club's yard.*

## QUESTIONS WITHOUT NOTICE

### **NOTICES OF MOTION**

No Notices Of Motion have been received.

## PETITIONS

### **PET1 Notice of Petition: Rejection of Proposed Development at 12-14 Ada Street, Salisbury**

#### **Petition Details**

|                          |  |
|--------------------------|--|
| Petition Register Number | 99   |
| Date Received            | 28 January 2016  |
| First Signatory's Name   | DJ McCredie  |
| Number of Signatories    | 11   |
| Nature of Petition       | Requesting Council reject the proposed development at 12-14 Ada Street, Salisbury. |

#### **Action**

|                             |  |
|-----------------------------|--|
| General Manager Responsible | Terry Sutcliffe  |
| Response                    | Staff are in the process of investigating the complaint. |
| Report to Council Expected  | 28 March 2016  |

## **RECOMMENDATION**

1. The notice of petition requesting Council reject the proposed development at 12-14 Ada Street, Salisbury be received.
2. Council note that staff propose to report back to Council addressing the petition in March 2016.

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## COMMITTEE REPORTS

### 1 Policy and Planning Committee Meeting

#### *Chairman - Cr L Caruso*

Consideration of the minutes of the Policy and Planning Committee Meeting - 15 February 2016 and adoption of recommendations in relation to item numbers:

#### *Administration*

##### **1.0.1 Future Reports for the Policy and Planning Committee**

It is recommended to Council that:

1. The information be received.

#### *Community Development*

##### **1.1.1 Autism Friendly Play Space**

It is recommended to Council that:

1. The report is received and noted.
2. Funding for the planning and design of one autism sensitive play space be considered in 2016/17 Bid 20018 Playground Renewal Program with a view towards construction in 2017/18.
3. A further report is prepared for November 2016 with preferred design and location, costs of construction and potential partner funding sources.
4. The report to include a longer term plan for increasing the number of autism sensitive play spaces across the city.

##### **1.1.2 Increase Capacity on Early Intervention Programs**

It is recommended to Council that:

1. The Community Learning and Outreach Team liaise with Community Centres and kindergartens to identify interest in hosting the ABC 30&3 program, in addition to the existing scheduled 12 sessions per year.
2. Where a Community Centre indicates an interest in hosting the ABC 30&3 program, the sessions be modified in format and/or timeframe to suit the needs and availability of participants at the Community Centres.
3. Further grant funding be sought to increase capacity to provide literacy skills development programs for families.

### **1.1.3 Cr Brian Goodall Recognition**

1. The renaming of Royal Avenue Reserve to Brian Goodall Reserve and the renaming of the David Street bridge to the Goodall Bridge be endorsed and staff be authorised to undertake all works required for the renaming of these locations.
2. The installation of a seat and granite plinth within the Royal Avenue Reserve in recognition of Cr Goodall be endorsed.
3. A New Initiative Bid for \$34,000 be included in the 16/17 budget to fund the expenses relating to the recognition of the late Cr Brian Goodall.

### **1.1.4 Minutes of the Youth Council Sub Committee meeting held on Tuesday 9 February 2016**

#### **1.1.4-YC1 Youth Council Positions 2016**

It is recommended to Council that:

1. Bianca Bilsborow be appointed to the position of Chairperson of the Youth Council for 2016.
2. Michael Santos be appointed to the position of Deputy Chairperson of the Youth Council for 2016.

#### **1.1.4-YC2 Youth Action Plan**

It is recommended to Council that:

1. The report be received and noted.
2. The review and development of the Youth Action Plan be endorsed as the Youth Council Project Team for 2016.
3. The methodology for development of the Youth Action Plan, as outlined in paragraphs 3.2 to 3.6 of Item YC2, Youth Council Sub Committee, 09/02/2016, be endorsed.
4. Membership of the Youth Action Plan Project Team comprise all Youth Council members.
5. Bianca Bilsborow be appointed as the Youth Action Plan Project Team Leader.
6. Working groups be established to evaluate each of the five key directions within the Youth Action Plan, with a youth member to be appointed to lead each working group.

#### **1.1.4-YC3 Life Skills Project Team Update**

It is recommended to Council that:

1. The information be received and noted.

#### **1.1.4-YC4 Twelve25 Salisbury Youth Enterprise Centre February Update**

It is recommended to Council that:

1. The information be received and noted.

### ***Economic Development***

#### **1.2.1 Strategic and International Partnerships Sub Committee - Financial Considerations and Potential Budget Strategies to Support Initiatives**

It is recommended to Council that:

1. A New Initiative Bid for \$30,000 be included for consideration in the 2016/17 budget to deliver on the terms of reference of the Strategic and International Partnerships Sub Committee.
2. It be noted that a complementary New Initiative Bid for \$36,000 is being submitted within the 2016/17 budget to contribute to the cost of participation in trade and investment delegations as well as build capability in small business to capture trade and investment opportunities (as per the China Action Plan).

### ***Urban Development***

#### **1.3.1 Salisbury City Centre - Urban Design Framework**

It is recommended to Council that:

1. The Salisbury City Centre Urban Design Framework forming an attachment to the Policy and Planning Committee Agenda report of 15 February 2016 be endorsed for public consultation, to be undertaken concurrent with public consultation on the Salisbury City Centre Development Plan Amendment.

#### **1.3.2 Salisbury City Centre Development Plan Amendment for Consultation**

It is recommended to Council that:

1. The draft Salisbury City Centre Development Plan Amendment forming Attachment 3 to the Policy and Planning Committee report be endorsed for consultation.
2. The CEO be authorised to sign the Public Consultation certificate in accordance with Section 25(10) of the Development Act 1993.
3. The General Manager City Development be delegated to make minor editorial amendments to the Development Plan Amendment that do not change the policy intent of the Development Plan Amendment prior to the commencement of consultation.
4. The Planning and Policy Committee be appointed to hear representations in relation to the Salisbury City Centre Development Plan Amendment at the Public Hearing, in accordance with Section 25(11)(c) of the Development Act 1993.

### **1.3.3 Waterloo Corner Road Burton Residential Development Plan Amendment (DPA).**

It is recommended to Council that:

1. The revised Waterloo Corner Road, Burton Residential Development Plan Amendment Statement of Intent forming an attachment to the Policy and Planning Committee agenda report be endorsed.
2. The endorsed Statement of Intent be forwarded to the Minister for Planning requesting agreement to proceed to a Development Plan Amendment in accordance with Section 25 of the Development Act 1993, subject to a signed agreement negotiated by the General Manager City Development for a privately funded Development Plan Amendment between Council and the Developer consistent with Council's endorsed Privately Funded DPA Policy.
3. Council authorise the General Manager City Development to amend the Statement of Intent in a manner which does not significantly alter the intent or proposed outcomes of the DPA, if deemed necessary to obtain the Minister for Planning's approval to begin the Development Plan Amendment process.

### **1.3.4 Elder Smith Road Duplication Request - Minister for Transport and Infrastructure Response**

It is recommended to Council that:

1. The information be received, and Council write to the Premier expressing its disappointment with the Minister's response and implore him and his State Government to elevate the priority and accelerate the timing of the extension of Elder Smith Road to Port Wakefield Road, and its duplication.
2. Council reaffirm to the State Government its preparedness to work with the State Government, Federal Government, business and community stakeholders to improve transport links via Elder Smith Road and Kings Road.



## 2 Works and Services Committee Meeting

### *Chairman - Cr J Woodman*

Consideration of the minutes of the Works and Services Committee Meeting - 15 February 2016 and adoption of recommendations in relation to item numbers:

### *Administration*

#### **2.0.1 Future Reports for the Works and Services Committee**

It is recommended to Council that:

1. The information be received.

### *Community Centres and Youth*

#### **2.1.1 Investigation of Costs Associated with Waterslide/Diving Platform Installation at Salisbury Recreation Precinct**

It is recommended to Council that:

1. The information be received.
2. A report be brought back to Council exploring the provision of a spray pad/play structure at the Salisbury Recreational Precinct for consideration in the 2017/2018 budget.
3. No further action be taken on the diving board or water slide.

### *Landscaping*

#### **2.4.1 Tree Management Framework**

It is recommended to Council that:

1. The information be received.
2. The Tree Management Policy as set out in Attachment 1 to this report (Item No 2.4.1 Works and Services Committee, 15/2/2016), be endorsed.
3. The revised and updated Tree Removal Procedure, as set out in Attachment 2 to this report (Item No 2.4.1 Works and Services Committee, 15/2/2016, be endorsed; with option 1, the Development Assessment Unit, as the preferred mechanism for processing requests to review tree removal decisions related to Regulated/Significant trees where removal is supported (Clause 2.7 of Tree Removal Procedure).
4. The previous Tree Maintenance Policy be discontinued.

## ***Property***

### **2.5.1 Road Closure Portion of Ryans Road Plantation, Parafield Gardens**

It is recommended to Council that:

1. This report be received and noted.
2. Staff be authorised to implement the required provisions of the *Roads (Opening and Closing) Act 1991* to commence a road process for closure of a portion of Ryans Road Plantation, Parafield Gardens as marked "A" on the attached Preliminary Plan (Attachment 1, Item No. 2.5.1, Works and Services Committee, 18/1/2016).
3. Staff undertake public consultation by placing notices in the Leader and News Review Messenger Newspapers and a further notice in the State Government Gazette in accordance with the provisions of the *Roads (Opening and Closing) Act 1991* as well as sending notices to affected residents within the area.
4. Pursuant to Section 193 (4) of the *Local Government Act 1999*, the portion of Ryans Road Plantation marked "A" on the attached Preliminary Plan including consideration of maintaining appropriate road reserve on Ryans Road in the future (Attachment 1, Item No.2.5.1, Works and Services Committee, 18/1/2016) be excluded from Classification as Community Land.
5. A further report will be presented to Council following the public consultation period for consideration of any objections or applications received.

### **2.5.2 Minutes of the Strategic Property Development Sub Committee meeting held on Monday 8 February 2016**

#### **2.5.2-SPDSC1 Tranche 1 Program Update Report**

It is recommended to Council that:

1. The report be received and the update on the status of the Tranche 1 program be noted.
2. Funding for of an extension of term of the Project Delivery Coordinator role from the Strategic Development Projects budget be considered through a second quarter 2015/16 Budget Review.

## ***Public Works***

### **2.6.1 Capital Works Progress Report - January 2016**

It is recommended to Council that:

1. The construction of new footpaths along sections of Short Street, Ingle Farm, Hasse Court, Parafield Gardens and Ceafield Road, Para Hills West, be included within the 2015/16 Council Footpath Program.

2. Harry Bowey and Carisbrooke Reserve be included within the 2015/16 Carpark Renewal Program.

#### **2.6.2 Design and Installation of Outdoor Creche perimeter protection at Bagster Road Community Centre and Pooraka Farm Community Centre**

It is recommended to Council that:

1. The information be received.
2. It be noted that installation of a suitable temporary barrier system at Bagster Road and Pooraka Farm Community centres will be completed until the final solution is approved and budgeted through Council.
3. A further risk assessment and traffic analysis be undertaken at each of Councils Community Centres to determine the level of risk for a similar incident, and to recommend an appropriate action to address this.

#### ***Other Business***

##### **W&S OB1 - Elder Smith Road, George Street, Ryans Road**

It is recommended to Council that:

1. The Footpath Request Evaluation Team undertake an assessment of Elder Smith Road, George Street and Ryans Road between Salisbury Highway and Port Wakefield Road.

#### ***Confidential Items***

***Refer to CONFIDENTIAL ITEMS section of Council Agenda***

##### **2.9.1 Minutes of the Confidential Strategic Property Development Sub Committee meeting held on Monday 8 February 2016**

### **3 Resources and Governance Committee Meeting**

#### ***Chairman - Cr B Vermeer***

Consideration of the minutes of the Resources and Governance Committee Meeting - 15 February 2016 and adoption of recommendations in relation to item numbers:

#### ***Administration***

##### **3.0.1 Future Reports for the Resources and Governance Committee**

It is recommended to Council that:

1. The information be received.

#### ***Health, Animal Management and By-laws***

##### **3.3.1 Dog Registration Fees 2016 - 2017**

It is recommended to Council that:

1. The information be received.
2. Council endorse a maximum dog registration fee of \$65 for 2016-2017, with the eligible rebates as per the Dog Registration Fee Schedule Proforma.
3. Approval of the Minister for Sustainability, Environment and Conservation be sought for the endorsed maximum dog registration fee of \$65 for 2016-2017, with the eligible rebates as per the Dog Registration Fee Schedule Proforma.
4. Appropriate literature explaining the application of dog registration fees to facilities and services within the City of Salisbury to be included with the 2016/2017 dog registration notices.

#### ***External Relations***

##### **3.4.1 Nominations Sought for the Dog and Cat Management Board**

It is recommended to Council that:

1. Cr B Vermeer be nominated as a Local Government Member on the Dog and Cat Management Board.

##### **3.4.2 Nominations Sought for the Libraries Board of SA**

It is recommended to Council that:

1. Cr L Caruso be nominated as a Local Government Member on the Libraries Board of South Australia.

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## ***Corporate Governance***

### **3.6.1 Provisions for Remote Access to Committee Meetings by Elected Members**

It is recommended to Council that:

1. The information be received.
2. As part of the next review of the City of Salisbury Code of Practice for Meeting Procedures, the Code of Practice be amended to incorporate provisions for remote access to Committee and Sub-Committee meetings via remote access and be presented to Council for endorsement.

### **3.6.2 Local Government Association Ordinary General Meeting 15/04/2016 - Call for Notices of Motion**

It is recommended to Council that:

1. The information be received.

### **3.6.3 Initiation of Representation Review**

It is recommended to Council that:

1. The information be received.
2. The Representation Review Process be commenced in accordance with section 12 of the *Local Government Act 1999*.
3. The “Representation review: Key Milestones” document (Item No. 3.6.3, Resources and Governance Committee, 15/02/2016, Attachment 2) be endorsed, noting the document is subject to change at any given time.
4. The Chief Executive Officer be delegated the power to appoint a qualified Independent Person to prepare the Representation Options Paper, following the conduct of a procurement process in accordance with Council’s Procurement Policy.

## **4 Audit Committee Meeting**

### ***Chairman - Mr P Brass***

Consideration of the minutes of the Audit Committee Meeting - 9 February 2016 and adoption of recommendations in relation to item numbers:

### ***Administration***

#### **4.0.1 Appointment of Deputy Chairman - Audit Committee**

It is recommended to Council that:

1. Mr C Johnson be appointed as Deputy Chairman of the Audit Committee for a term concluding 1 September 2017, consistent with the appointment term of the Chairman of the Audit Committee.

#### **4.0.2 Future Reports for the Audit Committee of Council**

It is recommended to Council that:

1. The information be received.

#### **4.0.3 Review of the Audit Committee Terms of Reference and Internal Audit Charter**

It is recommended to Council that:

1. The information be received.
2. The Audit Committee Terms of Reference, as set out in the attachment to this report (Item No. 4.0.3, Audit Committee, 09/02/2015) be considered and endorsed.
3. The Internal Audit Charter, as set out in the attachment to this report (Item No. 4.0.3, Audit Committee, 09/02/2015) be considered and adopted.

### ***Reports***

#### **4.2.1 Audit Committee Self-Assessment Questionnaire and Process**

It is recommended to Council that:

1. The information be received.
2. The self-assessment questionnaire, as set out in the attachment to this report (Item No. 4.2.1, Audit Committee, 09/02/2016) be issued to members of the Audit Committee for completion after the February meeting of the Audit Committee of Council, with results to be collated and presented at the Audit Committee of Council meeting in April 2016.

#### **4.2.2 Internal Audit Plan**

It is recommended to Council that:

1. The information be received.
2. The Internal Audit Plan 2016-18, as set out in the attachments to this report (Item No. 4.2.2, Audit Committee, 09/02/2015) be endorsed, subject to the deferral of the Payroll audit and bringing forward of the Event Management audit during 2016.

#### **4.2.3 Internal Audit Update**

It is recommended to Council that:

1. The information be received.

#### **4.2.4 University of Adelaide Research Project: Should South Australian Local Governments be audited by Private Sector Auditors or the State Auditor General?**

It is recommended to Council that:

1. The information be received.

#### ***Confidential Items***

***Refer to CONFIDENTIAL ITEMS section of Council Agenda***

#### **4.4.1 10887 External Audit Services Contract - 2016/17 to 2020/21**

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**5 Development Assessment Panel Meeting**

A meeting of the Development Assessment Panel took place on 27 January 2016 . The minutes have been distributed to all members for information.



## **6 Budget and Finance Committee Meeting**

### ***Chairman - Cr D Pilkington***

Consideration of the minutes of the Budget and Finance Committee Meeting - 15 February 2016 and adoption of recommendations in relation to item numbers:

### ***Administration***

#### **6.0.1 Future Reports for the Budget and Finance Committee**

It is recommended to Council that:

1. The information be received.

#### **6.0.2 Minutes of the Program Review Sub Committee meeting held on Monday 8 February 2016**

##### **6.0.2-PRSC1 Appointment of Deputy Chairman - Program Review Sub Committee**

It is recommended to Council that:

1. Cr E Gill be appointed as Deputy Chairman of the Program Review Sub Committee for a term of 1 year, commencing 01/03/2016.

##### **6.0.2-PRSC2 Program Review Update - Waste Transfer Station**

It is recommended to Council that:

1. The information be received.

##### **6.0.2-PRSC3 Program Review Brief - Public and Environmental Health Services**

It is recommended to Council that:

1. Information be received.
2. The Public and Environmental Health Services Program Review Project Brief and Background Paper as set out in Attachment 1 and 2 to this report be endorsed.

### ***Finance***

#### **6.1.1 Council Finance Report - January 2016**

It is recommended to Council that:

1. The information be received.

## **Budget Review**

### **6.5.1 Second Budget Review 2015/2016**

It is recommended to Council that:

1. The budget variances identified in this review and contained in the Budget Variation Summary (Appendix 1) be endorsed and net operating \$122,200, net capital \$135,500 be debited to the Sundry Project Fund. This will bring the balance to **\$257,700**.

2. Funds be allocated for the following non-discretionary net bids:

#### **OPERATING**

- Community Information Booklet \$ 17,300
- Shandong Delegation and Visit to Linyi City \$ 10,000

#### **CAPITAL**

- Underdown Park Upgrade \$ 450,000
- Wilkinson Road P/Hills Bus Pads and Minor Works \$ 10,000
- Salisbury Bowling Club Land Acquisition \$ 710,000
- Replacement of Basketball backboards at Parafield Gardens \$ 24,000

**TOTAL \$1,221,300**

NB: This will bring the balance of the Sundry Projects Fund to (\$963,600).

3. The following transfers be approved:
  - a. Transfer \$15,000 from the Innovation to Business Program to the Economic Regional Collaboration to match contribution of City of Playford for the employment of a Northern Adelaide Manufacturing Development Officer.
  - b. Transfer \$100,000 from Bicycle Networks Improvement Program to the Minor Traffic Improvements Program, to deliver two new pedestrian crossings at Warner Rd/ Hollywood Blvd & Metro St/ Hollywood Blvd, as per Council Resolution 0847/2016.
  - c. Transfer \$30,000 savings on the OCI / LSI program through insourcing to fund an additional trainee, as per Council Resolution 0514/2015.
  - d. Transfer \$15,000 from Building Control to Planning to align Encumbrance Fees budget with actuals.
  - e. Transfer \$37,400 from Community Health & Wellbeing to Fleet for the provision of three new buses for Home Assist transport service.
  - f. Transfer of \$22,600 from Wages & Salaries to Fleet budgets due to the allocation of vehicles as part of Managers salary packaging.
  - g. Transfer of \$22,600 from Fleet to Wages & Salaries budgets due to the cessation of vehicles as part of Managers salary packaging.
  - h. Transfer of \$57,500 from Parks and Landscape City Growth to various Parks and Landscape Contractual Services to allow for parks growth in the 2015/16 financial year.

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- i. Transfer of \$53,500 from Civil and Waste City Growth to various Civil and Waste Contractual Services to allow for civil growth in the 2015/16 financial year.
  4. Decrease investments in 2015/16 by a net \$1,563,600.

## **7 Sport, Recreation and Grants Committee Meeting**

### ***Chairman - Cr D Proleta***

Consideration of the minutes of the Sport, Recreation and Grants Committee Meeting - 8 February 2016 and adoption of recommendations in relation to item numbers:

### ***Administration***

#### **7.0.1 Future Reports for the Sport, Recreation and Grants Committee**

It is recommended to Council that:

1. The information be received.

### ***Sport and Recreation***

#### **7.1.1 Sports Development Framework Evaluation**

It is recommended to Council that:

1. The report be received.
2. The ongoing funding of \$30,000 per annum for the Sports Development Program be considered as a New Initiative Bid within the 2016/17 budget process.
3. Subject to consideration of a further report to Council by December 2016, the Sports Development Program be expanded, based on identification of sporting programs that will deliver greatest return to Council for any investment made.

### ***Community Grants***

#### **7.2.1 Youth Sponsorship - January Applications**

It is recommended to Council that:

1. The information be received.

#### **7.2.2 Community Grants Program Applications for February 2016**

It is recommended to Council that:

1. The information be received and noted.

#### **7.2.3 03/2016: Saint Mary Choir - Community Grants Program Application**

It is recommended to Council that:

1. The information be received and noted.

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#### **7.2.4 Youth Sponsorship Application Assessment**

It is recommended to Council that:

1. The application for Youth Sponsorship to support participation at the Mediterranean International Cup competition to be held in Spain in March 2016 be received and supported, with Youth Sponsorship to the value of \$800 to be awarded.

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**GENERAL BUSINESS**

|     |  |    |
|-----|--|----|
| GB1 | Code of Conduct Complaint 03/2015 - Response from Ombudsman following consideration of Part 3 elements of the complaint..... | 61 |
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**OTHER BUSINESS**

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| OB2 | Mayor's Diary .....                  | 67 |

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## CONFIDENTIAL ITEMS

### C1            **Appeal against ERD Court Decision - Old Spot Farmers Market**

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1.    *Pursuant to Section 90(2) and (3)(h) and (i) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
  - *it relates to legal advice; and*
  - *information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.*
2.    *In weighing up the factors related to disclosure,*
  - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
  - *non-disclosure will protect legal advice provided to Council under privilege and consideration of Council's approach to an appeal to the Supreme Court iof an ERD Court decision*

*On that basis the public's interest is best served by not disclosing the **Appeal against ERD Court Decision - Old Spot Farmers Market** item and discussion at this point in time.*

3.    *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

Confidential Item C1

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**C2 Code of Conduct Complaint 03/2015**

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
  - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
  - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
  - *non-disclosure will enable Council to make a decision in relation to the course of action to be taken in response to the complaint, without prejudicing the consideration of the complaint.*

*On that basis the public's interest is best served by not disclosing the **Code of Conduct Complaint 03/2015** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*



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**C3 Code of Conduct Complaint 01/2016**

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
  - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
  - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
  - *non-disclosure will enable Council to make a decision in relation to the course of action to be taken in response to the complaint, without prejudicing the consideration of the complaint.*

*On that basis the public's interest is best served by not disclosing the **Code of Conduct Complaint 01/2016** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

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### 2.9.1 Minutes of the Confidential Strategic Property Development Sub Committee meeting held on Monday 8 February 2016

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the *Local Government Act 1999*, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:
  - it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - information the disclosure of which would, on balance, be contrary to the public interest.
2. In weighing up the factors related to disclosure,
  - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations
  - non-disclosure will enable consideration of commercial information without compromising the position of Council or third parties

On that basis the public's interest is best served by not disclosing the **Minutes of the Confidential Strategic Property Development Sub Committee meeting held on Monday 8 February 2016** item and discussion at this point in time.
3. Pursuant to Section 90(2) of the *Local Government Act 1999* it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.

#### 4.4.1 10887 External Audit Services Contract - 2016/17 to 2020/21

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on that grounds that:

1. *Pursuant to Section 90(2) and (3)(d)(i) and (d)(ii) and (k) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
  - *it relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
  - *commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest; and*
  - *tenders for the supply of goods, the provision of services or the carrying out of works.*
2. *In weighing up the factors related to disclosure,*
  - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
  - *Non-disclosure of this matter will protect third party commercial information and enable an informed decision in the award of the External Audit Services contract.*

*On that basis the public's interest is best served by not disclosing the **10887 External Audit Services Contract - 2016/17 to 2020/21** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

**CLOSE**



John Harry  
**CHIEF EXECUTIVE OFFICER**





**MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, 12 JAMES STREET, SALISBURY ON**

**25 JANUARY 2016**

**MEMBERS PRESENT**

Mayor G Aldridge  
Cr D Balaza (Deputy Mayor)  
Cr S Bedford  
Cr D Bryant  
Cr G Caruso  
Cr L Caruso  
Cr R Cook  
Cr E Gill  
Cr D Pilkington  
Cr D Proleta  
Cr S Reardon  
Cr G Reynolds  
Cr B Vermeer  
Cr S White  
Cr R Zahra

**STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
Acting General Manager City Development, Mr G Ratsch  
Acting General Manager, Community Development, Ms P Webb  
Acting General Manager City Infrastructure, Mr M Purdie  
Manager Governance, Ms T Norman  
Manager Communications and Customer Relations, Mr M Bennington  
Governance Coordinator, Ms J Rowett  
Governance Support Officer, Ms K Boyd

The meeting commenced at 7:00 pm.

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## **OPENING PRAYER AND WELCOME**

The Mayor welcomed the members, staff and the gallery to the meeting.

The Chief Executive Officer read the Opening Prayer.

The Mayor read the Kaurna Acknowledgement.

## **APOLOGIES**

Apologies were received from Cr C Buchanan and Cr J Woodman.

## **LEAVE OF ABSENCE**

Nil

## **PUBLIC QUESTION TIME**

The Mayor advised there were no questions received for Public Question Time.

## **DEPUTATIONS**

No Deputations have been received.

## **PRESENTATION OF MINUTES**

Moved Cr D Balaza

Seconded Cr R Zahra

The Minutes of the Council Meeting held on 14 December 2015, be taken and read as confirmed.

**CARRIED  
0835/2016**

Moved Cr B Vermeer

Seconded Cr S Reardon

The Minutes of the Confidential Council Meeting held on 14 December 2015, be taken and read as confirmed.

**CARRIED  
0836/2016**

## **QUESTIONS ON NOTICE**

No Questions on Notice were received.

## QUESTIONS WITHOUT NOTICE

### QWON1 Northern Economic Plan

Cr B Vermeer asked a question in relation to the Northern Economic plan and whether it would be sighted before its release.

The question was answered by the Mayor.

### QWON2 Northern Economic Plan

Cr E Gill asked a question in relation to the Northern Economic plan and whether the Mayor would be attending the delivery of the Plan.

The question was answered by the Mayor.

### QWON3 Roadworks

Cr D Balaza asked a question in relation to whether any complaints have been received regarding areas that have not been rectified appropriately by service providers undertaking maintenance work.

The question was answered by the Acting General Manager City Infrastructure.

## NOTICES OF MOTION

No Notices Of Motion were received.

## PETITIONS

No Petitions were received.

## COMMITTEE REPORTS

### 1 Policy and Planning Committee Meeting

Minutes of the Policy and Planning Committee Meeting held on 18 January 2016 were considered by Council.

#### *Administration*

#### 1.0.1 Future Reports for the Policy and Planning Committee

Moved Cr L Caruso

Seconded Cr B Vermeer

1. The information be received.

**CARRIED**  
**0837/2016**

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***Community Development***

**1.1.1 World Health Organisation Age Friendly Cities Network**

Moved Cr S White

Seconded Cr S Reardon

1. Information be received
2. Council will make a commitment to World Health Organisation's (WHO) Global Network of Age-friendly Cities and Communities values and principals.
3. The City of Salisbury applies to join the World Health Organisation (WHO) Global Network of Age-friendly Cities and Communities.

**CARRIED  
0838/2016**



## ***Economic Development***

### **1.2.1 Shandong Delegation and Visit to Linyi City**

*Cr D Balaza sought leave of the meeting to speak for a second time and leave was granted.*

*Cr B Vermeer sought leave of the meeting to speak for a second time and leave was granted.*

Moved Cr L Caruso

Seconded Cr E Gill

1. That Council endorses the participation of the Mayor, Chair of the Strategic and International Partnerships Sub Committee and the Chief Executive Officer to participate in the State Government Delegation to Shandong in April 2016.
2. Discussions occur with Linyi City to organise a specific program for the City of Salisbury immediately prior to, or following the departure of, the State Government delegation.
3. Participating Elected Members self-fund the airfare and accommodation costs for the trip to Shandong/Linyi City in April 2016.
4. Council endorse a non-discretionary second quarter budget review bid of \$9,000 for the purpose of delegate participation in the State Government Delegation to Shandong and the associated visit to Linyi City, including all staff travel costs and other meal/incidental costs for Elected Member delegates, noting that until such time as details of the Delegation requirements are finalised, actual costs will not be known and additional funding may be required at a later date.
5. Provision for funding support to further develop our economic relationship with Linyi City within the Council's Economic Development Program be considered as part of the Council's 2016/17 budget deliberation.

Cr B Vermeer moved an AMENDMENT that

1. That Council endorses the participation of the Mayor, Chair of the Strategic and International Partnerships Sub Committee and the Chief Executive Officer to participate in the State Government Delegation to Shandong in April 2016.
2. Discussions occur with Linyi City to organise a specific program for the City of Salisbury immediately prior to, or following the departure of, the State Government delegation.

3. Costs associated with participation on the Shandong delegation and visit to Linyi city for the Chief Executive Officer and Mayor be covered by Council.
4. Costs associated with air fare and accommodation for other participating Elected Members on the Shandong delegation and visit to Linyi city be paid by attending Elected Members.
5. Council endorse a non-discretionary second quarter budget review bid of \$12,000 for the purpose of delegate participation in the State Government Delegation to Shandong and the associated visit to Linyi City, including all CEO and Mayor travel costs and other meal/incidental costs for attending Elected Member delegates, noting that until such time as details of the Delegation requirements are finalised, actual costs will not be known and additional funding may be required at a later date.
6. Provision for funding support to further develop our economic relationship with Linyi City within the Council's Economic Development Program be considered as part of the Council's 2016/17 budget deliberation.

Seconded Cr G Caruso

Moved Cr B Vermeer

Seconded Cr G Caruso

With leave of the meeting and consent of the seconder Cr B Vermeer VARIED the AMENDMENT as follows

1. That Council endorses the participation of the Mayor and the Chief Executive Officer to participate in the State Government Delegation to Shandong in April 2016.
2. Discussions occur with Linyi City to organise a specific program for the City of Salisbury immediately prior to, or following the departure of, the State Government delegation.
3. Costs associated with participation on the Shandong delegation and visit to Linyi city for the Chief Executive Officer and Mayor be covered by Council.
4. Council endorse a non-discretionary second quarter budget review bid of \$10,000 for the purpose of delegate participation in the State Government Delegation to Shandong and the associated visit to Linyi City, noting that until such time as details of the Delegation requirements are finalised, actual costs will not be known and additional funding may be required at a later date.

5. Provision for funding support to further develop our economic relationship with Linyi City within the Council's Economic Development Program be considered as part of the Council's 2016/17 budget deliberation.

The **AMENDMENT** as **VARIED** was **CARRIED**

**CARRIED**  
**0839/2016**

Cr R Zahra moved a **FURTHER AMENDMENT** that

1. That Council endorses the participation of the Mayor, Chairman of the Strategic and International Partnerships Sub Committee and the Chief Executive Officer to participate in the State Government Delegation to Shandong in April 2016.
2. Discussions occur with Linyi City to organise a specific program for the City of Salisbury immediately prior to, or following the departure of, the State Government delegation.
3. Costs associated with participation on the Shandong delegation and visit to Linyi city for all delegates be covered by Council.
4. Council endorse a non-discretionary second quarter budget review bid of \$15,000 for the purpose of delegate participation in the State Government Delegation to Shandong and the associated visit to Linyi City, noting that until such time as details of the Delegation requirements are finalised, actual costs will not be known and additional funding may be required at a later date.
5. Provision for funding support to further develop our economic relationship with Linyi City within the Council's Economic Development Program be considered as part of the Council's 2016/17 budget deliberation.

Seconded Cr S White

The **FURTHER AMENDMENT** was **LOST**

The **AMENDMENT** as **VARIED** on being **PUT** was **CARRIED**

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***Urban Development***

**1.3.1 Residential Zone Policy Area 18 - Proposed Development Plan Amendment**

Moved Cr S Reardon

Seconded Cr R Cook

1. That the information be received, and the proposal for a Development Plan Amendment for Residential Policy Area 18 not be pursued further in light of the Minister's advice on the proposed DPA.

**CARRIED  
0840/2016**

***Corporate Plans***

**1.7.1 City Plan 2030**

Moved Cr B Vermeer

Seconded Cr G Reynolds

1. The Draft City Plan 2030 provided as Attachment 1 to the Policy and Planning Committee agenda report of 18 January 2016 be endorsed to commence community and stakeholder consultation for a period of four weeks.
2. That the General Manager City Development be authorised to make minor edits to the draft City Plan 2030 prior to public consultation to correct but not change the intent of the content of the plan.
3. The name of key direction 2 (The Green City) be changed to The Sustainable City.

**CARRIED  
0841/2016**

**2 Works and Services Committee Meeting**

Minutes of the Works and Services Committee Meeting held on 18 January 2016 were considered by Council.

***Administration***

**2.0.1 Future Reports for the Works and Services Committee**

Moved Cr S White

Seconded Cr L Caruso

1. The information be received.

**CARRIED**  
**0842/2016**

**2.0.2 Minutes of the Strategic Property Development Sub Committee meeting held on Monday 11 January 2016**

Moved Cr B Vermeer  
Seconded Cr G Reynolds

The information contained in the Minutes of the Strategic Property Development Sub Committee of the meeting held on 11 January 2016 be received and noted.

**CARRIED**  
**0843/2016**

***Community Centres and Youth***

**2.1.1 Backboard Replacement at Parafield Gardens Recreation Centre**

Moved Cr R Zahra  
Seconded Cr S Reardon

1. The information be received.
2. That roof retracting backboards are installed as soon as possible at both ends of the Court in the Multi-Purpose room at Parafield Gardens Recreation Centre
3. That \$24,000 to fund the backboard replacement be included as a non-discretionary budget review item in the 2<sup>nd</sup> quarter budget review.

**CARRIED**  
**0844/2016**

## ***Landscaping***

### **2.4.1 Installation of Distance Measurement Markers**

Moved Cr D Pilkington

Seconded Cr S Bedford

1. Council approve the Standard Signage Style Guide modification to include distances as per the graphic attached.
2. Information Signage – Directional & Interpretive Signage/Green Trails – Style Guide will be updated to include distances for future directional signage.
3. Distance signs include the distances between different nodes.

**CARRIED  
0845/2016**

## ***Property***

### **2.5.1 Salisbury United Soccer Club Loan**

Moved Cr L Caruso

Seconded Cr S White

1. The information in this report be received and noted.
2. Staff be authorised to waive the balance of the loan which has an amount outstanding of \$6,816.62 and the rental amount of \$5,382.00.

**CARRIED  
0846/2016**

## ***Public Works***

### **2.6.1 Capital Works Progress Report - December 2015**

*Cr G Caruso declared a conflict of interest due to employment and left the meeting at 8:14 pm.*

*Cr E Gill left the meeting at 08:26 pm.*

*Cr S Bedford left the meeting at 08:30 pm.*

*Cr S Bedford returned to the meeting at 08:33 pm.*

*Cr G Reynolds sought leave of the meeting to speak for a second time and leave was granted.*

Moved Cr D Pilkington

Seconded Cr S White

1. Remove roof audit from 2015/16 Property & Buildings Planning Program with this to occur as part of routine maintenance.
2. Remove the installation of new Wetlands Signage at the Paddocks Reserve from the 2015/16 Information Signage Program.

3. As part of the 2015/16 Bridge Asset Renewal Program replace Noack Reserve with renewal of the Dry Creek Linear Park footbridge, adjacent Victoria Court.
4. Include the construction of new kerb ramps in sections of Spearman Avenue, Salisbury East, and Seabright Avenue, Parafield Gardens, within the 2015/16 Kerb Ramp Construction/Upgrade Program
5. As part of the 2015/16 Council Funded Footpath Program, construct new footpath links Cornwall Drive, Gulfview Heights, and adjacent Riverdale Primary School, Salisbury Downs.
6. Submission of a New Initiative Bid for funding in 2016/17 of outdoor crèche perimeter protection at Pooraka Farm Community Centre.
7. An allocation of \$20,000 for Bus Rerouting Works along Wilkinson Road, Para Hills, being approved as a non-discretionary budget bid at the Second Quarter Budget Review. Of this, \$10,000 is to be an Income Budget.
8. The construction of a section of bicycle network along Diment Road be reconsidered for 2016/17 with 2015/16 \$50,000 budget and \$50,000 unsuccessful income budget be reduced to \$0 as part of the Second Quarter Budget Review, Program 14804 Bicycle Network Improvements.
9. Within PR14804 Bicycle Network Improvements Program, defer construction of a new bicycle lane, Spains Road, Salisbury Downs. Transfer this project budget to PR13600 Minor Traffic Improvement Program. Within PR13600 Minor Traffic Improvement Program include the construction of new pedestrian links Warner Road/Hollywood Boulevard and Metro Street/Hollywood Boulevard, Salisbury Downs.
10. An allocation of \$450,000 non-discretionary budget bid to PR22517 Underdown Park Upgrade, being approved as part of Second Quarter Budget Review for site power supply upgrade.
11. A further report be presented to Council in relation to the design and installation of outdoor crèche perimeter protection at Bagster Road Community Centre.

With leave of the meeting and consent of the seconder Cr D Pilkington VARIED the MOTION as follows:

Moved Cr D Pilkington

Seconded Cr S White

1. Remove roof audit from 2015/16 Property & Buildings Planning Program with this to occur as part of routine maintenance.
2. Remove the installation of new Wetlands Signage at the Paddocks Reserve from the 2015/16 Information Signage Program.
3. As part of the 2015/16 Bridge Asset Renewal Program replace Noack Reserve with renewal of the Dry Creek Linear Park footbridge, adjacent Victoria Court.
4. Include the construction of new kerb ramps in sections of Spearman Avenue, Salisbury East, and Seabright Avenue, Parafield Gardens, within the 2015/16 Kerb Ramp Construction/Upgrade Program
5. As part of the 2015/16 Council Funded Footpath Program, construct new footpath links Cornwall Drive, Gulfview Heights, and adjacent Riverdale Primary School, Salisbury Downs.
6. Submission of a New Initiative Bid for funding in 2016/17 of outdoor crèche perimeter protection at Pooraka Farm Community Centre.
7. An allocation of \$20,000 for Bus Rerouting Works along Wilkinson Road, Para Hills, being approved as a non-discretionary budget bid at the Second Quarter Budget Review. Of this, \$10,000 is to be an Income Budget.
8. The construction of a section of bicycle network along Diment Road be reconsidered for 2016/17 with 2015/16 \$50,000 budget and \$50,000 unsuccessful income budget be reduced to \$0 as part of the Second Quarter Budget Review, Program 14804 Bicycle Network Improvements.
9. Within PR14804 Bicycle Network Improvements Program, defer construction of a new bicycle lane, Spains Road, Salisbury Downs. Transfer this project budget to PR13600 Minor Traffic Improvement Program. Within PR13600 Minor Traffic Improvement Program include the construction of new pedestrian links Warner Road/Hollywood Boulevard and Metro Street/Hollywood Boulevard, Salisbury Downs.



10. An allocation of \$450,000 non-discretionary budget bid to PR22517 Underdown Park Upgrade, being approved as part of Second Quarter Budget Review for site power supply upgrade.
11. A further report be presented to Council in relation to the design and installation of outdoor crèche perimeter protection at Bagster Road Community Centre and Pooraka Farm Community Centre.

**CARRIED**  
**0847/2016**

*Cr G Caruso returned to the meeting at 08:40 pm.*  
*Cr E Gill returned to the meeting at 08:40 pm.*

### ***Confidential Items***

***Refer to CONFIDENTIAL ITEMS section of Council Minutes***

#### **2.9.1 Minutes of the Confidential Strategic Property Development Sub Committee meeting held on Monday 11 January 2016**

#### **2.9.2 Salisbury Bowling Club - 5 - 15 Orange Avenue Salisbury**

### **3 Resources and Governance Committee Meeting**

Minutes of the Resources and Governance Committee Meeting held on 18 January 2016 were considered by Council.

### ***Administration***

#### **3.0.1 Future Reports for the Resources and Governance Committee**

Moved Cr L Caruso  
Seconded Cr D Bryant

1. The information be received.

**CARRIED**  
**0848/2016**

### ***Health, Animal Management and By-laws***

#### **3.3.1 Wood Burning Heaters**

Moved Cr D Bryant  
Seconded Cr G Caruso

1. The information be received.

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**CARRIED**  
**0849/2016**

**3.3.2 Local Nuisance and Litter Control Bill - Status Report**

*Cr G Reynolds left the meeting at 08:41 pm.*

*Cr G Reynolds returned to the meeting at 08:43 pm.*

Moved Cr S Bedford

Seconded Cr S Reardon

1. That the report be received, and a copy of the report be provided to the Local Government Association reflecting Council's commentary on the Local Nuisance and Litter Control Bill 2015.

**CARRIED**  
**0850/2016**

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## **Corporate Governance**

### **3.6.1 Annual Review of Delegations**

*Cr R Cook left the meeting at 08:46 pm.*

Moved Cr D Pilkington

Seconded Cr G Caruso

1. The information be received.
2. That, having conducted its annual review of its Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

#### **Revocations**

- a. Hereby revokes its previous delegations to the Chief Executive Officer, effective from 18<sup>th</sup> day of February 2016, of those powers and functions under the following:
  - i. Community Titles Act 1996
  - ii. Development Act 1993 and Development Regulations 1993/2008
  - iii. Dog and Cat Management Act 1995
  - iv. Environment Protection Act 1993 and Environment Protection (Waste management) Policy 1994 OR Environment Protection (Waste to Resources) Policy 2010
  - v. Expiation of Offences Act 1996
  - vi. Fences Act 1975
  - vii. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
  - viii. Food Act 2001
  - ix. Freedom of Information Act 1991
  - x. Housing Improvement Act 1940
  - xi. Land and Business (Sale and Conveyancing) Act 1994
  - xii. Liquor Licensing Act 1997
  - xiii. Local Government Act 1934
  - xiv. Local Government Act 1999
  - xv. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005

- xvi. Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 2010 and Public and Environmental Health (Legionella) Regulations 2008
- xvii. Roads (Opening and Closing) Act 1991
- xviii. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
- xix. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
- xx. Supported Residential Facilities Act 1992
- xxi. Unclaimed Goods Act 1987
- xxii. Work Health and Safety Act 2012
- xxiii. Safe Drinking Water Act 2011
- xxiv. Water Industry Act 2012 and Water Industry Regulations 2012
- xxv. Real Property Act 1886
- xxvi. Strata Titles Act 1988
- xxvii. Heavy Vehicle National Law (South Australia) Act 2013
- xxviii. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- b. Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.

**Delegations made under Local Government Act 1999**

- 3. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the Delegations Register are hereby delegated from the 19th day of February 2016 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified within the Delegations Register:
  - i. Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
  - ii. Community Titles Act 1996
  - iii. Dog & Cat Management Act 1995
  - iv. Environment Protection Act 1993
  - v. Expiation of Offences Act 1996

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- vi. Fences Act 1975
  - vii. Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
  - viii. Freedom of Information Act 1991
  - ix. Heavy Vehicle National Law (South Australia) Act 2013
  - x. Housing Improvement Act 1940
  - xi. Land & Business (Sale & Conveyancing) Act 1994
  - xii. Liquor Licensing Act 1997
  - xiii. Local Government Act 1934
  - xiv. Local Government Act 1999
  - xv. Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions – Levies) Regulations 2005
  - xvi. Real Property Act 1886
  - xvii. Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
  - xviii. Roads (Opening and Closing) Act 1991
  - xix. Safe Drinking Water Act 2011
  - xx. South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013
  - xxi. Strata Titles Act 1988
  - xxii. Unclaimed Goods Act 1987
  - xxiii. Water Industry Act 2012 and Water Industry Regulations 2012
  - xxiv. Work Health and Safety Act 2012
4. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 and the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

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### **Delegations made under Development Act 1993**

5. In exercise of the powers contained in Sections 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the Delegations Register (Delegations Register, pages 32 – 141) are hereby delegated this 19th day of February 2016 to the person occupying the office of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.
6. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
7. In exercise of the powers contained in Sections 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the Delegations Register (Delegations Register, pages 1 - 3) are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

### **Delegations Made under Food Act 2001**

8. In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the Delegations Register (Delegations Register, pages 376 – 382) are hereby delegated from the 19th day of February 2016 to the person occupying the office of Chief Executive Officer ("the head of the enforcement agency" for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.
9. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

### **Delegations under Supported Residential Facilities Act 1992**

10. In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Facilities Act 1992 and Supported Residential Facilities Regulations 2009 contained in the Delegations Register (Delegations Register, pages 434 – 446) are hereby delegated this 19th day of February 2016 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
11. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

### **Authorisations and Sub-delegation under the Road Traffic Act 1961**

12. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for transport and Infrastructure (the ‘instrument’) the Council authorises the following persons pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such persons shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements.
  - i. Patrick Trimboli, Senior Traffic Engineer
  - ii. Dameon Roy, Manager Technical Services
  - iii. Tony Calandro, Senior Traffic Engineer
13. In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following persons are experienced traffic engineering practitioners for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:
  - i. Patrick Trimboli, Senior Traffic Engineer
  - ii. Dameon Roy, Manager Technical Services
  - iii. Tony Calandro, Senior Traffic Engineer

14. In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in the Delegations Register (Delegations Register, page 478) is hereby sub-delegated this 19th day of February 2016 to the person occupying the office of Chief Executive Officer of the Council subject to:
  - a. The conditions contained in the Instrument; and
  - b. Any conditions contained in this Resolution or in the Instrument of Sub-delegation; and
  - c. The creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution.
15. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following persons have an appropriate level of knowledge and expertise in the preparation of traffic management plans:
  - i. Patrick Trimboli, Senior Traffic Engineer
  - ii. Dameon Roy, Manager, Technical Services
  - iii. Tony Calandro, Senior Traffic Engineer

**Delegations under Safe Drinking Water Act 2011 (of enforcement agency)**

16. In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in the Delegations Register (Delegations Register, pages 394 – 399) are hereby delegated this 19th day of February 2016 to the person occupying the office of Chief Executive officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of delegation under the Safe Drinking Water Act 2011.
17. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of delegation under the Safe Drinking Water Act 2011.

**CARRIED  
0851/2016**



### 3.6.2 Review of Representation of the City of Salisbury by Elected Members Policy

Moved Cr B Vermeer  
Seconded Cr D Balaza

1. The Information be received.
2. The Representation of the City of Salisbury by Elected Members Policy as set out in Attachment 1 to this report (Resources and Governance 3.6.2, 16/11/2015), subject to the following amendment:
  3. *In the circumstances where **the event occurs outside of the City of Salisbury**, or there is limited time available to confirm an alternative attendee, every effort will be made to contact members in accordance with the order of precedence. Where it is not possible to confirm an attendee from the order of precedence, guidance will be sought from the Mayor or Deputy Mayor as to who should be asked to attend the event/function.*

be endorsed.

**CARRIED**  
**0852/2016**

## 5 Development Assessment Panel Meeting

A meeting of the Development Assessment Panel took place on 15 December 2015 . The minutes were distributed to all members for information.**6 Budget and Finance Committee Meeting**

Minutes of the Budget and Finance Committee Meeting held on 18 January 2016 were considered by Council.

### *Administration*

#### **6.0.1 Future Reports for the Budget and Finance Committee**

*Cr R Cook returned to the meeting at 08:49 pm.*

Moved Cr D Pilkington  
Seconded Cr G Caruso

1. The information be received.

**CARRIED**  
**0853/2016**

### *Business Units*

#### **6.7.1 Standard Customer Sales Contract - Salisbury Water Retail Service**

Moved Cr D Pilkington  
Seconded Cr S Bedford

1. The information be received.
2. The Standard Customer Sales Contract for Salisbury Water's Retail Service, as provided in Attachment A, be endorsed as Council's standard terms for its water retail service for existing and new **residential** customers and for new or renewing **non-residential** customers with a standard water retail service.
3. Pursuant to Section 36 of the Water Industry Act 2012, the proposed revised Standard Customer Sales Contract, as provided in Attachment A, be published in the next available edition of the Government Gazette.
4. The Water Supply Agreement Schedule, as provided in Attachment B, be adopted for non-residential customers with a non-standard service.
5. Delegate authority to the Chief Executive Officer to authorise future amendments to the Standard Customer Sales Contract to maintain Council's interests and reflect any future regulatory changes.

**CARRIED**  
**0854/2016**

*Confidential Items*

*Refer to CONFIDENTIAL ITEMS section of Council Minutes*

**6.9.1 Red Jam Pty Ltd - Legal Costs**

**7 Sport, Recreation and Grants Committee Meeting**

Minutes of the Sport, Recreation and Grants Committee Meeting held on 11 January 2016 were considered by Council.

*Administration*

**7.0.1 Future Reports for the Sport, Recreation and Grants Committee**

Moved Cr D Proleta  
Seconded Cr R Cook

1. The information be received.

**CARRIED**  
**0855/2016**

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*Sport and Recreation*

**7.1.1 Minor Capital Works Grants - January Allocations**

Moved Cr D Proleta

Seconded Cr B Vermeer

1. That using its delegated powers outlined in the adopted Terms of Reference the Sports, Recreation and Grants Committee assess and allocate funding for the January 2016 round of Minor Capital Works Grants Program as follows:
  - a. Salisbury North Football Club is allocated \$30,000 for construction of a safety net, replacement/repair of coaches/timekeepers boxes and installation of synthetic grass in front of coaches boxes.
  - b. Cross Keys BMX Club is allocated \$30,000 towards the installation of a new ramp and start gate on the condition that external funding is secured for the balance of works.
  - c. Para Districts Obedience Dog Club is allocated \$30,000 towards the concreting of area adjacent shed and lining of store area for the purpose of selling dog products.

**CARRIED  
0856/2016**

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***Community Grants***

**7.2.1 Youth Sponsorship - December Applications**

Moved Cr D Proleta  
Seconded Cr D Bryant

1. The information be received.

**CARRIED  
0857/2016**

**7.2.2 Community Grants Program Applications for January 2016**

Moved Cr D Proleta  
Seconded Cr D Pilkington

1. The information be received and noted.

**CARRIED  
0858/2016**

**7.2.3 43/2015: Chin Community of South Australia Inc. -  
Community Grants Program Application**

Moved Cr G Caruso  
Seconded Cr D Proleta

1. It be noted that, in accordance with delegated powers set out in the endorsed Terms of Reference, the Sport, Recreation and Grants Committee assessed and allocated funding for the January 2016 round of Community Grants as follows:
  - a. Grant No. 43/2015: Chin Community of South Australia Inc. be awarded the amount of **\$1,445.00** to assist with the hall hire expense for the Chin National Day Sport and Event Celebrations as outlined in the Community Grant Application and additional information.
  - b. That Chin Community of South Australia Inc. be awarded a further amount of **\$555.00** on receipt of appropriate documentation for the Sports Oval Hire for the Chin National Day Sport and Event Celebrations.

**CARRIED  
0859/2016**

#### **7.2.4 48/2015: The Friends of Dry Creek Trail Inc. Community Grants Program Application**

Moved Cr B Vermeer  
Seconded Cr D Proleta

1. It be noted that, in accordance with delegated powers set out in the endorsed Terms of Reference, the Sport, Recreation and Grants Committee assessed and allocated funding for the January 2016 round of Community Grants as follows:
  - a. Grant No. 48/2015: The Friends of Dry Creek Trail Inc. be awarded the amount of **\$1,866.00** to assist with the purchase of a one man earth auger and accessories for ongoing use as outlined in the Community Grant Application and additional information.

**CARRIED  
0860/2016**

### **8 CEO Review Committee Meeting**

Minutes of the CEO Review Committee Meeting held on 11 January 2016 were considered by Council.

#### ***Administration***

#### **8.0.1 Appointment of Deputy Chairman - CEO Review Committee**

Moved Cr B Vermeer  
Seconded Cr D Proleta

1. The Elected Member holding the office of Deputy Mayor be appointed as Deputy Chairman of the CEO Review Committee for the remainder of the term of the Council, commencing 01/03/2016, and the Terms of Reference for the CEO Review Committee be amended to reflect this.

**CARRIED  
0861/2016**

#### ***Reports***

#### **8.1.1 CEO Key Performance Indicators Status Update**

Moved Cr L Caruso  
Seconded Cr G Caruso

1. Information be received and progress towards achievement of the endorsed 2015/2016 Key Performance Indicators to be noted and endorsed.

**CARRIED  
0862/2016**

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**GENERAL BUSINESS**

**OTHER BUSINESS**

**OB1 Mayor's Diary**

Moved Cr B Vermeer

Seconded Cr D Bryant

1. That this information be noted.

**CARRIED  
0863/2016**

**OB2 Investigation of Reusable Cup Scheme**

*Cr D Pilkington left the meeting at 8:59pm.*

*Cr Balaza declared an interest due to be a member of the NAWMA Board.*

*Cr D Pilkington returned to the meeting at 09:02 pm.*

Moved Cr B Vermeer  
Seconded Cr D Bryant

1. Staff investigate the opportunity to introduce a “reusable cup scheme” within the City of Salisbury, whereby consumers are encouraged to supply a reusable cup at the time of purchasing hot beverages at participating businesses, and in return the participating businesses offer a discount on the hot beverage.
2. The investigation of the “reusable cup scheme” should consider identification of specific aims of the scheme, which may include reduction in the amount of waste produced from disposable cups and encouraging shoppers to make environmentally conscious decisions when buying products.
3. As part of the investigation of the “reusable cup scheme” staff engage with NAWMA and member Councils of NAWMA to determine interest in supporting the introduction and/or expansion of the scheme within the Northern Region.

**CARRIED**  
**0864/2016**

**BREAK**

In accordance with section 10 (2) of the Code of Practice for Meeting Procedures, the presiding member provided a break to all present. The meeting was suspended at 9:06 pm.  
The meeting reconvened at 9:16 pm.

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**OB3      ERD Court determination - Farm Direct Markets, Old Spot Hotel,  
Main North Road, Salisbury Heights**

*Mayor G Aldridge declared an interest due to her son's involvement in the market and asked Deputy Mayor to take the Chair. Mayor G Aldridge left the meeting at 09:17 pm.*

*Cr D Balaza assumed the Chair at 9:17 pm.*

*Cr Zahra declared an interest due to family members being involved in markets.*

*Cr S White declared an interest due to being a member of DAP and left the meeting at 09:18 pm.*

*Cr L Caruso declared an interest due to being a member of DAP and left the meeting at 09:18 pm.*

*Cr B Vermeer sought leave of the meeting to speak for a further five minutes and leave was granted.*

*Cr R Cook sought leave of the meeting to speak for a second time and leave was granted.*

*Cr G Reynolds left the meeting at 09:58 pm.*

*Cr G Reynolds returned to the meeting at 10:00 pm.*

Moved Cr B Vermeer

Seconded Cr D Bryant

Council write to the

- Minister for Planning, the Hon. John Rau, M.P.
- the Shadow Minister for Planning Mr Steven Griffiths, M.P.
- the Member for Little Para, Mr Lee Odenwalder
- the Shadow Parliamentary Secretary for Deregulation and Information Technology Use in Government, Mr Stephan Knoll MP

requesting a response by 9 February 2016 and asking that the issues raised in the ERD Court judgment relating to the designation of markets as 'shops' be addressed by an amendment to the Development Regulations and potentially by further amendments to the Planning, Development and Infrastructure Bill 2015, currently before Parliament, to facilitate the correct development assessment and continued operation of markets within local communities.

**CARRIED**



Moved Cr B Vermeer  
Seconded Cr D Bryant

With leave of the meeting and consent of the seconder Cr B Vermeer  
VARIED the MOTION as follows

1. Council write to the
  - Minister for Planning, the Hon. John Rau, M.P.
  - the Shadow Minister for Planning Mr Steven Griffiths, M.P.
  - the Member for Little Para, Mr Lee Odenwalder
  - the Shadow Parliamentary Secretary for Deregulation and Information Technology Use in Government, Mr Stephan Knoll MP

requesting a response be received prior to 9 February 2016 and asking that the issues raised in the ERD Court judgment relating to the designation of markets as 'shops' be addressed by an amendment to the Development Regulations and potentially by further amendments to the Planning, Development and Infrastructure Bill 2015, currently before Parliament, to facilitate the correct development assessment and continued operation of markets within local communities.

2. Council submit a Notice of Motion to the next ordinary meeting of the Local Government Association requesting that the LGA lobby the Minister for Planning to amend the Development Regulations to address the issues relating to the designation of markets as shops by the ERD Court if a positive response is not received to the correspondence sent by the City of Salisbury.

**CARRIED**  
**0865/2016**

*Mayor G Aldridge returned to the meeting at 10:02 pm and resumed the Chair.*  
*Cr S White returned to the meeting at 10:02 pm.*  
*Cr L Caruso returned to the meeting at 10:02 pm.*

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## CONFIDENTIAL ITEMS

### 2.9.1 Minutes of the Confidential Strategic Property Development Sub Committee meeting held on Monday 11 January 2016

Moved Cr G Caruso

Seconded Cr G Reynolds

1. *Pursuant to Section 90(2) and (3)(b)(i) and (b)(ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*

- *it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*

- *information the disclosure of which would, on balance, be contrary to the public interest.*

2. *In weighing up the factors related to disclosure,*

- *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*

- *Non-disclosure of the matter and discussion of this item in confidence would protect information relating to proposed commercial negotiations regarding Walpole Road Stage 3 and enable Council to consider information prior to determining the most appropriate course of action.*

*On that basis the public's interest is best served by not disclosing the **Minutes of the Confidential Strategic Property Development Sub Committee meeting held on Monday 11 January 2016** item and discussion at this point in time.*

3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

**CARRIED**  
**0866/2016**

The meeting moved into confidence at 10:02 pm.

*Cr S Bedford left the meeting at 10:02 pm and did not return.*

The meeting moved out of confidence at 10:03 pm.

## 2.9.2 Salisbury Bowling Club - 5 - 15 Orange Avenue Salisbury

Moved Cr G Caruso

Seconded Cr G Reynolds

1. *Pursuant to Section 90(2) and (3)(b)(i) and (ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
  - *it relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.*
2. *In weighing up the factors related to disclosure,*
  - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
  - *Non-disclosure of the matter and discussion of this item in confidence would protect information relating to proposed commercial negotiations regarding land associated with the Salisbury Bowling Club and enable Council to consider detailed options and information prior to determining the most appropriate course of action.*

*On that basis the public's interest is best served by not disclosing the **Salisbury Bowling Club - 5 - 15 Orange Avenue Salisbury** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

**CARRIED**  
**0867/2016**

The meeting moved into confidence at 10:03 pm.

*Cr S Reardon left the meeting at 10:03 pm and did not return.*

The meeting moved out of confidence at 10:21 pm.

Mayor G Aldridge declared an interest on the basis of receiving a campaign donation from Red Jam Pty Ltd and asked the Deputy Mayor to take the Chair. Mayor G Aldridge left the meeting at 10:21 pm and did not return. Cr D Balaza assumed the Chair.

#### 6.9.1 Red Jam Pty Ltd - Legal Costs

Moved Cr D Bryant

Seconded Cr G Reynolds

1. Pursuant to Section 90(2) and (3)(d)(i) and (d)(ii) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

- it relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

- commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest.

2. In weighing up the factors related to disclosure,

- disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations

- Non-disclosure of the matter and discussion of this item in confidence would protect commercial and contractual information contained within this report, the disclosure of which would adversely affect the business interests of Red Jam Pty Ltd.

On that basis the public's interest is best served by not disclosing the **Red Jam Pty Ltd - Legal Costs** item and discussion at this point in time.

3. Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.

**CARRIED  
0868/2016**

The meeting moved into confidence at 10:21 pm.

The meeting moved out of confidence and closed at 10:29 pm

CHAIRMAN.....

DATE.....

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|                        |   |
|------------------------|---|
| <b>ITEM</b>            | GB1   |
|                        | <b>COUNCIL</b>  |
| <b>DATE</b>            | 22 February 2016  |
| <b>HEADING</b>         | Code of Conduct Complaint 03/2015 - Response from Ombudsman following consideration of Part 3 elements of the complaint |
| <b>AUTHOR</b>          | John Harry, Chief Executive Officer, CEO and Governance   |
| <b>CITY PLAN LINKS</b> | 4.4 To ensure informed and transparent decision-making that is accountable and legally compliant                        |
| <b>SUMMARY</b>         | This report presents, for the information of Council, the findings of the Ombudsman following consider                  |

## RECOMMENDATION

1. The information be received.

## ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Ombudsman Response following consideration of Code of Conduct Complaint 03/2015

## 1. BACKGROUND

- 1.1 On 21 April 2015 a complaint was lodged alleging a breach of Part 3 of the Code of Conduct for Council Members by Cr C Buchanan, specifically sections:
  - 3.1 *Act honestly at all times in the performance and discharge of their official functions and duties;*
  - 3.4 *Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;*
  - 3.6 *Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.*
- 1.2 In accordance with the endorsed Code of Conduct for Council Members – Dealing with Complaints procedure, the complaint was forwarded directly to the Ombudsman, without reference to Council.
- 1.3 Following consideration of the matter by the Ombudsman, advice has now been received in relation to the Ombudsman’s findings.

## **2. REPORT**

2.1 Attachment 1 to this report sets out:

- actions taken by the Ombudsman to consider the complaint;
- a summary of the Ombudsman's assessment of the complaint; and
- the outcome of the Ombudsman's enquiries.

2.2 An administrative error resulted in a lengthy delay arising before the Ombudsman's consideration of the matter was finalised. The Ombudsman's findings are now provided for Council's information.

## **3. CONCLUSION / PROPOSAL**

3.1 In accordance with the endorsed Code of Conduct for Council Members – Dealing with Complaints procedure a complaint received alleging a breach of Part 3 of the Code of Conduct for Council Members was forwarded to the Ombudsman for consideration.

3.2 The Ombudsman has now finalised the matter and the findings are presented for the information of Council.

## **CO-ORDINATION**

Officer:

Date:



Enquiries: Ms Emily Strickland  
Telephone: (08) 8226 8699  
Ombudsman reference: 2015/07133  
Agency reference: 03/2015

Mr John Harry  
City of Salisbury  
PO Box 8  
SALISBURY SA 5108

Dear Mr Harry

**Complaint about the City of Salisbury (the council)**

I refer to my letter dated 8 December 2015 and to your letter received on 21 December 2015 in relation to the above matter.

You submit that my letter inaccurately refers to you as the 'complainant' and wrongly suggests that you had a predetermined position in relation to the matter. You have asked that I revise my letter accordingly. I understand that you also raised this issue with the Ombudsman on 16 December 2015.

I acknowledge that my letter dated 8 December 2015 was misleading. In particular, I note that

- the complaint made about Cr Buchanan was made to you by Cr Bryant and not by you and that, in accordance with council's procedure, you forwarded the complaint to this Office.
- that the phrase 'I understand that this may not be the outcome you wanted...' was not appropriate in the circumstances.

Our case management system identifies the person who approaches this Office with a complaint (for whatever reason) as 'the complainant' and, in turn, our template letters refer to that person as the 'complainant'. I acknowledge that in this matter the template should have been modified to more accurately reflect your role and involvement in the complaint.

I apologise for any confusion caused and will endeavour to ensure our correspondence more accurately reflects similar situations in the future. In addition, I have revised the content of my letter taking into account your submissions and accordingly set out my views in relation to the complaint below.

***Background to the complaint***

I refer to your report of a complaint made by Cr David Bryant about Cr Chad Buchanan in relation to the Burton Community Centre (BCC).

This complaint can be summarised as follows:

- that on 20 April 2015 at approximately 6pm Cr Buchanan spoke with Cr Bryant prior to the council's Policy and Planning Committee
- that during the conversation Cr Buchanan made remarks about Cr Bryant coming back to vote on his labour team

Level 9  
55 Currie Street  
Adelaide SA 5000

Telephone 08 822 68699  
Facsimile 08 8226 8602  
Toll free 1800 182 150

PO Box 3651 Rundle Mall SA 5000  
[www.ombudsman.sa.gov.au](http://www.ombudsman.sa.gov.au)  
[ombudsman@ombudsman.sa.gov.au](mailto:ombudsman@ombudsman.sa.gov.au)

- that during the conversation Cr Buchanan informed Cr Bryant of a position available at the BCC, and he offered the position to Cr Bryant if he would accept it for less than \$55 per hour (the current market rate for the position)

It is alleged that Cr Buchanan had no authority to offer the position and that he should not have offered the position to an elected member who was prohibited from accepting it.

### *My enquiries*

In my enquiries, my office:

- assessed the information provided by you
- obtained a response from Cr Buchanan
- considered clauses 3.1, 3.4 and 3.6 of the Elected Member Code of Conduct for Council Members (the Code)
- considered the ICAC Act and the Ombudsman Act
- prepared this letter to you.

### *My assessment of the complaint*

The first issue raised by the complaint is whether the conversation took place as alleged. Cr Buchanan remembers the conversation as a polite conversation prior to the meeting whereby Cr Buchanan:

- enquired with Cr Bryant whether he had found work yet
- informed Cr Bryant that the BCC was looking for volunteers and as part of Cr Bryant's work for the dole requirements by Centrelink he could always assist the BCC by doing data entry for MYOB
- informed Cr Bryant that by working for the BCC under the work for the dole program it would be better than paying a bookkeeper \$50 per hour.

The complaint made to you was not accompanied by any evidence of the conversation having taken place.

The second issue raised by the complaint is whether the parties were acting in the performance and discharge of their official functions and duties (clause 3.1 of the Code). I consider a personal conversation prior to a meeting not to be acting in the discharge of an elected member's duty.

The third issue raised by the complaint is whether Cr Buchanan was purporting to exercise a power, duty or function that he was not authorised to perform (clause 3.4 of the Code). Cr Buchanan writes in his letter to me dated 21 October 2015:

As you would expect of someone who has been elected for 12 years or more on Council, I am acutely aware that a Councillor cannot be employed as a staff member in the Council he or she is a member of. Cr Bryant should be aware of this fact also, as I am more than sure that these issues are covered in either the new mandatory training for elected members or at the LGA Elected Members events for new Councillors.

Cr Buchanan states that he was not making an offer of employment to Cr Bryant and that he had no power to follow through with any job offer in any event. I accept his evidence in this regard.

The fourth issue raised by the complaint is whether Cr Buchanan was attempting to influence the voting of Cr Bryant by allegedly offering him a paid position (clause 3.6). I do not see the relevance of clause 3.6 to these allegations as it is concerned with relationships with external parties and not other councillors.



I note that this is not the first report of a complaint made by you to this Office on behalf of Cr Bryant about Cr Buchanan. In the earlier complaint I determined to take no further action in relation to the complaint because the threat alleged to have been made by Cr Buchanan to Cr Bryant was not part of the official functions and duties of an elected member and therefore the Code did not apply. I noted the animosity between the two elected members and that determining the truth would be impossible.

I express the same concerns in relation to this complaint. The lack of evidence, the nature of the allegation, and the wording of the Code means that I am not satisfied that Cr Buchanan breached clauses 3.1, 3.4 and 3.6 of the Code.

#### *Outcome of my enquiries*

In light of my assessment above and on the basis of the evidence available, it appears that Cr Buchanan, an elected member of the council has not acted in a way that is unlawful, unreasonable or wrong within the meaning of the Ombudsman Act. Accordingly, I do not consider that further enquiries into the complaint by my Office are necessary or justifiable. I intend to close my file in relation to this matter.

The Ombudsman Act imposes certain obligations<sup>1</sup> on my office and others, including complainants and officers in a council, to keep information about my enquiries confidential. However, if I consider that disclosure of that information is in the public interest, then I may authorise or require its disclosure.

In my opinion, there is a public interest in disclosure of my decisions under the Ombudsman Act. Therefore, I authorise disclosure of this letter by the parties as they see fit.

Yours sincerely



Wayne Lines  
SA OMBUDSMAN

14 January 2016

Cc

<sup>1</sup> Ombudsman Act 1972, section 26.



**ITEM** OB2

**COUNCIL**

**DATE** 22 February 2016

**HEADING** Mayor's Diary

**RECOMMENDATION**

1. That this information be noted.

| <b>Date</b> | <b>Time</b> | <b>Function</b>   |
|-------------|-------------|---|
| 20/01/2016  | 06:00 PM    | Australia Day Awards  |
| 21/01/2016  | 04:00 PM    | Bolivar Rd Interchange objection  |
| 22/01/2016  | 02:00 PM    | Video Clip filming - Bike Track   |
| 23/01/2016  | 10:00 AM    | Wat Khmer Santipheap Association of SA Inc - 3 Year Anniversary of Traditional Classical and Folk Dancing Group |
| 23/01/2016  | 06:00 PM    | Vietnamese New Year & Vietnamese Farmers Association 30th Anniversary Celebration                               |
| 25/01/2016  | 04:00 PM    | Meeting between the Minister and Mayor Gillian Aldridge regarding Northern Economic Plan                        |
| 25/01/2016  | 07:00 PM    | Council Meeting   |
| 26/01/2016  | 09:00 AM    | City of Salisbury's Australia Day Celebrations – 26 January 2016  |
| 27/01/2016  | 06:00 PM    | Development Assessment Panel  |
| 28/01/2016  | 10:30 AM    | Launch of Northern Economic Plan  |
| 29/01/2016  | 10:00 AM    | LGA Board representation  |
| 30/01/2016  | 06:30 PM    | Vietnamese New Year Celebration 2016  |
| 2/02/2016   | 10:00 AM    | PBA Radio   |
| 2/02/2016   | 12 Noon     | Media/Communications Catch up   |
| 3/02/2016   | 09:00 AM    | Sarah (Messenger Newspaper)   |
| 3/02/2016   | 11:00 AM    | The Dementia and Driving Project Launch   |
| 3/02/2016   | 06:00 PM    | Meeting and dinner  |
| 3/02/2016   | 12 Noon     | Mayor/CEO/EA  |
| 5/02/2016   | 10:00 AM    | Meeting with Teresa Janowski  |
| 5/02/2016   | 06:00 PM    | Chinese New Year  |
| 6/02/2016   | 08:00 AM    | Residents birthday  |
| 7/02/2016   | 02:00 PM    | Salisbury Catholic Parish Carnival  |
| 8/02/2016   | 09:30 AM    | Opening service of College  |
| 8/02/2016   | 03:20 PM    | Correspondence and speeches.  |
| 8/02/2016   | 04:10 PM    | Meeting with staff dog attack   |
| 8/02/2016   | 04:30 PM    | Meeting Mayor/ Manager Business Systems and Solutions   |
| 8/02/2016   | 06:30 PM    | Sport, Recreation & Grants / Strategic Property Development / Program Review Committees                         |
| 9/02/2016   | 05:00 PM    | Youth Council   |
| 9/02/2016   | 06:00 PM    | Audit Committee Meeting   |
| 9/02/2016   | 12 Noon     | Media/Communications Catch up   |
| 10/02/2016  | 06:00 PM    | Resident reception  |
| 11/02/2016  | 09:00 AM    | Site visit to McIntyre Medical Centre   |
| 12/02/2016  | 09:00 AM    | Meeting with Messenger  |

**ITEM OB2**

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**Item OB2**

|            |          |   |
|------------|----------|---|
| 12/02/2016 | 01:00 PM | FW: Meet the Buyers   |
| 12/02/2016 | 05:30 PM | <b>**SPEECH**</b> Life Skills Resource launch   |
| 13/02/2016 | 12:30 PM | Opening of new Medical Practice   |
| 15/02/2016 | 05:00 PM | LGMA Management Challenge - Panel Discussion facilitated by John Harry                      |
| 15/02/2016 | 06:30 PM | Policy & Planning / Budget & Finance / Works & Services / Resources & Governance Committees |
| 16/02/2016 | 10:00 AM | PBA Radio   |
| 16/02/2016 | 01:30 PM | Meeting to discuss selection of judging panel for Watershed Art Prize                       |
| 16/02/2016 | 02:00 PM | Meeting with 'The Partnership'  |
| 16/02/2016 | 03:00 PM | Meeting with Resident re rates issue  |
| 16/02/2016 | 08:30 PM | Phone interview with Peter Goers Show   |
| 16/02/2016 | 12 Noon  | Media/Communications Catch up   |
| 17/02/2016 | 11:00 AM | Mayor/CEO/EA  |

**Events attended by Elected Members on behalf of the Mayor**

| <b>Date</b> | <b>Member</b> | <b>Function</b>   |
|-------------|---------------|---|
| 13/02/2016  | Cr D Bryant   | Opening Ceremony of the Vietnamese New Year - TET Festival 2016 |