
City of Onkaparinga
Minutes of the Council meeting
held on 5 July 2016

Venue: Council Chamber, Civic Centre
Ramsay Place, Noarlunga Centre

Meeting commenced: 7pm

Present: Mayor L F Rosenberg
Cr M Bray
Cr S Brown
Cr D Chapman
Cr J Deakin
Cr J Gunn
Cr G Hennessy
Cr R Holtham
Cr W Jamieson
Cr G Kilby
Cr H Merritt
Cr B Nankivell
Cr L Nicholls
Cr D Parslow
Cr P Schulze
Cr N Swann
Cr M Themeliotis
Cr H Wainwright

Apologies: Cr H Greaves
Cr W Olsen
Cr Olbrich

Leave of absence: Nil

Absent: Nil

Pledge:

We recognise this City's considerable natural and cultural heritage, including thousands of years of traditional ownership by Kaurana, and the more recent contribution from people either born here or who have migrated here. As we meet together, we build on this heritage by respecting and listening to each other, thinking clearly, being receptive to new ideas, speaking honestly, and deciding wisely for the current and future well-being of those we serve.

1. Opening of meeting

Mayor Rosenberg officially declared the meeting open at 7pm.

2. Confirmation of minutes

Cr Themeliotis MOVED that the minutes of the proceedings of the Council meeting held on 14 June 2016 and the Special Council meeting held on 28 June 2016 be received and confirmed as an accurate record of those proceedings.

Seconded by Cr Gunn.

CARRIED

3. Adjourned business

Nil.

4. Leave of absence

Nil.

5. Mayor's Communication

5.1 Mayor's Report 5 July 2016

New Super School

We have been informed that the Department of Education is doing a feasibility study on growth areas north and south of Adelaide to determine future education needs. This will involve council. We will need to turn our minds to the areas we believe such a super school (birth to 12) would be best placed. It appears that Aldinga is the southern focus. The last public school opened in our region was at Seaford in the early 90s.

This compliments very well Council's expenditure of \$5.6 million in and around the Aldinga District Centre.

Federal Election

I wrote to each Federal candidate, and included our "Partnering for Innovation and Investment" document, offering to meet with them.

I am pleased to inform you that many candidates took up that offer and allowed good two way dialogue in relation to local government issues and also their policy positions.

External Audit Management Letter

Please find at attachment 1 the External Audit Interim Management letter dated 28 June 2016 from BDO Audit (SA) Pty Ltd.

Resilient South

Several Councillors supported a recent information day at Flinders University for our Resilient South project. Minister Hunter was present to launch our Southern Region Local Government Implementation Plan 2015-19. (www.resilientsouth.com)

Also, there was a presentation on a recently completed heat mapping project, supported by Minister Hunter's department.

Dr Paul Barber from ArborCarbon conducted the study measuring heat of our region comparing various housing styles/density/green spaces/water bodies/new and older development types.

Mayor's Prayer Breakfast

I wish to invite all to consider attending my 2016 Mayor's Prayer Breakfast at Serafino Winery on Friday, 9 September 2016 with guest speaker, Australian tennis legend, Margaret Court.

Elected member representation

Cr Parslow, Refugee Week 20 June 2016

Mayor's calendar

My activities from 6 June 2016 to 26 June 2016 are reflected in attachment 2.

Thank you



Lorraine Rosenberg

Mayor

MOVED Cr Kilby.

That Council note the 5 July 2016 Mayor's report.

Seconded by Cr Nankivell.

CARRIED

6. Presentation

Nil.

7. Deputation

Nil.

8. Presentation by Committee Chairpersons and reports to Council by Council Committees.

8.1 Audit, Risk, Value and Efficiency Committee meeting minutes

MOVED Cr Deakin.

That Council note the public minutes of the Audit, Risk, Value and Efficiency Committee meeting held on 27 June 2016 as attached to the agenda report.

Seconded by Cr Gunn.

CARRIED

8.2 Strategic Directions Committee meeting minutes

MOVED Cr Parslow.

That Council note the minutes of the Strategic Directions Committee meeting held on 28 June 2016 as attached to the agenda report.

Seconded by Cr Wainwright.

CARRIED

9. Reports of officers

9.1 2016-17 Adoption of Annual Business Plan, Budget, Valuations and Declaration of rates

MOVED Cr Deakin.

That Council, in exercise of the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 (the Act) and in respect of the financial year ending 30 June 2017:

1. Adopt the Annual Business Plan

- Having considered submissions made during the public consultation period and having regard to all relevant information in the possession of the Council, the Annual Business Plan 2016–17 as laid before the Council at this meeting be adopted with the appendices for budget statements, rating and rate rebate policies to be updated to reflect the adopted budget and rates declared for 2016–17 and*
- The Chief Executive Officer be authorised to make any necessary changes to the text of the Annual Business Plan prior to formal publication.*

Seconded by Cr Hennessy.

CARRIED

Cr Chapman left his seat in the Chamber at 7.16pm.

MOVED Cr Deakin.

That Council, in exercise of the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 (the Act) and in respect of the financial year ending 30 June 2017:

2. Adopt the budget

The budget for 2016–17, as detailed in appendices 1 to 7 to the Annual Business Plan and as laid before Council at this meeting, comprising:

- the budgeted funding statement*
- the budgeted statement of comprehensive income*
- the budgeted cash flow statement*
- the budgeted balance sheet*
- the budgeted statement of changes in equity*
- other statements and information as required by Regulation 7 of the Local Government (Financial Management) Regulations 2011*

be adopted, involving:

(1) Total estimated expenditure of \$185.8 million

(2) Total estimated income from sources other than rates of \$58.6 million

(3) Total amount required to be raised from rates of \$127.2 million

to be amended to reflect announced changes to EPA Solid Waste Levy charges for 2016-17 as follows:

(1) Increase in total estimated expenditure of \$0.4 million

(2) Increase in total amount required to be raised from general rates of \$0.4 million resulting in a balanced funding statement with a 3 per cent general rate increase.

3. Revision of budget

The budget will be reviewed four times during the financial year for the periods ended:

- 30 September 2016*
- 31 December 2016*
- 31 March 2017*
- 30 June 2017 (as part of our end of financial year processes).*

Seconded by Cr Merritt.

Cr Chapman resumed his seat in the Chamber at 7.17pm.

Cr Kilby left her seat in the Chamber at 7.19pm.

Cr Kilby resumed her seat in the Chamber at 7.23pm.

CARRIED

Cr Bray called a Division and the decision was set aside.

For:

<i>Cr Swann</i>	<i>Cr Kilby</i>	<i>Cr Schulze</i>	<i>Cr Holtham</i>	<i>Cr Parslow</i>
<i>Cr Wainwright</i>	<i>Cr Deakin</i>	<i>Cr Themeliotis</i>	<i>Cr Jamieson</i>	<i>Cr Merritt</i>
<i>Cr Chapman</i>	<i>Cr Gunn</i>	<i>Cr Hennessy</i>	<i>Cr Nicholls</i>	

Against:

<i>Cr Bray</i>	<i>Cr Nankivell</i>	<i>Cr Brown</i>		
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CARRIED

MOVED Cr Parslow.

That Council, in exercise of the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 (the Act) and in respect of the financial year ending 30 June 2017:

4. Adopt the Valuations

Pursuant to Section 167(2)(a) of the Act the most recent valuations of the Valuer-General available to Council of the capital value of land within Council's area totalling \$28,165,049,060 be adopted for rating purposes.

Seconded by Cr Hennessy.

CARRIED

MOVED Cr Hennessy.

That Council, in exercise of the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 (the Act) and in respect of the financial year ending 30 June 2017:

5. Declaration of general rates

In order to raise the amount in recommendation 2 above, Council determines that in exercise of the powers contained in Section 153(1)(b) of the Act, it is appropriate pursuant to Section 156(1)(a) of the Act to declare differential general rates in the area of Council according to land use in accordance with Regulation 14 of the Local Government (General) Regulations 2013 as follows:

- *Pursuant to Section 152 (1)(c) of the Act a general rate that consists of two components:*
 - i. Being based on the value of the land subject to the rate*
 - ii. A fixed charge to apply equally to each separate piece of rateable land in the area.*
- *Pursuant to Section 152(1)(c)(ii) of the Act Council imposes a fixed charge of \$405.*
- *Pursuant to Sections 152(1)(c)(i), 153(1)(b) and 156(1)(a) of the Act differential general rates be declared as follows:*
 - i. 0.319772 cents in the dollar on rateable land of category (a) (Residential) use*

- ii. *0.437230 cents in the dollar on rateable land of categories of (b), (c), (d), (Commercial - Shop, Office and Other) and (e) and (f) (Industrial - Light and Other) uses*
- iii. *0.335193 cents in the dollar on rateable land of category (g) (Primary Production) use*
- iv. *0.475761 cents in the dollar on rateable land of category (h) (Vacant Land) use and*
- v. *0.396908 cents in the dollar on rateable land of category (i) (Other) use.*

and for the Chief Executive Officer to be authorised to make the necessary changes to the budget to reflect the above general rate revenue.

- *Pursuant to Section 153(3) of the Act Council will not fix a maximum increase in the general rate to be charged on any rateable land that constitutes the principal place of residence of a principal ratepayer.*
- *Pursuant to Section 166(1)(i)(i) & (ii) of the Act and to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to a change to the structure of the Council's rates and/or rapid changes in valuations, Council will grant a rebate of general rates to the principal ratepayer of category 1 (Residential) land use, to provide that the maximum general rates payable for 2016–17 will be the amount payable for 2015–16 plus 10% of that amount (noting that the amount payable includes this capping rebate but excludes any other concession or relief) and where the increase in valuation is not as a result of:*
 - i. *recognising significant capital improvements on the property (regardless of when the development was undertaken) or*
 - ii. *a change to the land use of the property or*
 - iii. *a change in ownership of the rateable property since 1 July 2014*

The amount of the rebate being the difference between the amount of general rates in monetary terms imposed for the 2016–17 financial year and the amount of rates in monetary terms payable (after any rebate was applied) for the 2015–16 financial year plus 10% of those rates.

6. *Declaration of separate rates – Natural Resource Management levies*

In exercise of the powers contained in Section 95 of the Natural Resources Management Act 2004 and Section 154(1) of Act, in order to reimburse Council the amount contributed to the Natural Resources Management Boards, Council declares a separate rate upon the capital value of rateable land as follows:

- 1. *0.009735 cents in the dollar on all rateable land in Council's area in the region of the Adelaide and Mt Lofty Ranges Natural Resources Management Board*
- 2. *0.021274 cents in the dollar on all rateable land in Council's area in the region of the SA Murray Darling Basin Natural Resources Management Board.*

7. *Service charges*

- a. *That for the year ended 30 June 2017 pursuant to Section 155 of the Act Council imposes the method of recovery of community wastewater management costs for the disposal and treatment of residential waste and minor trade waste is by:*

- An annual service charge of \$632 per unit on each occupied allotment*
- An annual service charge of \$632 per unit on each vacant allotment*

Pursuant to Regulation 12 of the Local Government (General) Regulations 2013 a unit is as defined in Section 2 of the Community Wastewater Management Systems (CWMS) Property Units Code. In the case of higher use properties (such as schools, hospitals and other multiple tenancy properties, etc) a unit charge is calculated as determined under the CWMS Property Units Code.

- b. *That for the year ended 30 June 2017 and pursuant to Section 155 of the Act and in compliance with our obligations under the Water Industry Act 2012 and the 2013-2017 Price Determination for Minor and Intermediate Retailers (1 July 2013 as varied on 23 July 2015), Council impose an annual service charge to recover the costs incurred by Council for the disposal and treatment of major trade waste. This service charge to be calculated on either a per kilolitre basis or an annual amount (as negotiated with the customer). The service charge will be inclusive of:*

- the cost of service provision (based on the nature and the level of usage of the service), return on assets plus other regulatory requirements.*

8. *Payment*

That pursuant to the provisions of Section 181 of the Act Council resolves that the above mentioned rates including charges, which have been imposed for the financial year ending 30 June 2017 will fall due in four equal or approximately equal instalments on the following days:

- 1 September 2016*
- 1 December 2016*
- 1 March 2017*
- 1 June 2017*

9. *That pursuant to section 44 of the Act Council delegate authority to the Chief Executive Officer to alter any due date where it is necessary to ensure compliance with Section 181(7) of the Act.*

Seconded by Cr Chapman.

CARRIED

Cr Bray called a Division and the decision was set aside.

For:

<i>Cr Swann</i>	<i>Cr Kilby</i>	<i>Cr Schulze</i>	<i>Cr Holtham</i>	<i>Cr Parslow</i>
<i>Cr Wainwright</i>	<i>Cr Deakin</i>	<i>Cr Themeliotis</i>	<i>Cr Jamieson</i>	<i>Cr Merritt</i>
<i>Cr Chapman</i>	<i>Cr Brown</i>	<i>Cr Gunn</i>	<i>Cr Hennessy</i>	<i>Cr Nicholls</i>

Against:

<i>Cr Bray</i>	<i>Cr Nankivell</i>			
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CARRIED

9.2 Funding for long standing events

Cr Parslow declared a perceived conflict of interest as an affiliate member of the RSL Morphett Vale and District Sub Branch. Cr Parslow stated he would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

Cr Brown left her seat in the Chamber at 7.41pm.

MOVED Cr Merritt.

That Council approves that Tier 3 Sponsorship Community and Christmas Events are eligible for long standing event funding from 2017-18 and include sunset clause for review at the end of the fifth year of funding.

Seconded by Cr Chapman.

CARRIED

Cr Parslow voted for the motion.

The majority of members entitled to vote at the meeting voted for the motion.

9.3 Foreshore Access Plan Stage 6 draft concept design and community engagement report

Cr Brown resumed her seat in the Chamber at 7.45pm.

At 7.45pm Mayor Rosenberg sought and was granted leave of the meeting to suspend proceedings in order to facilitate informal discussions in this matter.

Mayor Rosenberg reconvened the meeting in the Chamber at 8.04pm with all members present that were present before the adjournment.

MOVED Cr Chapman.

- 1. Notes the draft concept design for Foreshore Access Plan Stage 6 (attachment 1 to the agenda report) as distributed in the community consultation process.*
- 2. Notes the outcomes of the community engagement process (attachment 3 to the agenda report) including the recommended design amendments.*
- 3. Approves a site visit as soon as possible by elected members, state representatives and selected community representatives to investigate options before proceeding to detailed design and construction.*

Seconded by Cr Wainwright.

CARRIED

9.4 European Wasp Nest Destruction Service Review

Cr Jamieson left his seat in the Chamber at 8.18pm.

Cr Jamieson resumed his seat in the Chamber at 8.20pm.

MOVED Cr Hennessy.

- 1. That the European Wasp Nest Destruction Service is ceased on private land.*
- 2. That a report be tabled by the end of June 2017 that reviews the effect of the cessation of this service including the number of calls and the cost to council related to this service*

Seconded by Cr Kilby.

CARRIED

9.5 April 2016 China Business Mission outcomes and opportunities

Cr Themeliotis declared a perceived conflict of interest as she attended the China Business Mission. Cr Themeliotis stated she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

Cr Parslow declared a perceived conflict of interest as a member of Port Adelaide Football Club. Cr Parslow stated he would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

Mayor Rosenberg declared a perceived conflict of interest as a member of Port Adelaide Football Club. Mayor Rosenberg stated she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

Cr Jamieson declared a perceived conflict of interest as a member of Port Adelaide Football Club. Cr Jamieson stated he would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

Mark Dowd, Chief Executive Officer, declared a perceived conflict of interest as a member of Port Adelaide Football Club.

MOVED Cr Nankivell.

That Council note the April 2016 China Business Mission outcomes and opportunities agenda report.

Seconded by Cr Hennessy.

CARRIED

Crs Themeliotis and Parslow voted for the motion.

The majority of members entitled to vote at the meeting voted for the motion.

9.6 Annual Delegations Review 2016

Cr Kilby declared a perceived conflict of interest as a member of the Dog and Cat Management Board. Cr Kilby stated she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

MOVED Cr Deakin.

Revocation

That, having conducted its annual review of the Council's Delegations Register in accordance with section 44(6) of the Local Government Act 1999, the Council:

1. Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts, namely:

- Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014*
- Community Titles Act 1996*
- Crown Land Management Act 2009*
- Development Act 1993 and Development Regulations 2008*
- Dog & Cat Management Act 1995*
- Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010*
- Environment Resources and Development Court Act 1993*
- Expiation of Offences Act 1996*
- Fences Act 1975*
- Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005*
- Food Act 2001*
- Freedom of Information Act 1991 and Freedom Of Information (Fees And Charges) Regulations 2003*
- Gaming Machines Act 1992*
- Graffiti Control Act 2001*
- Harbors and Navigation Act 1993*
- Heavy Vehicles National law (South Australia) Act 2013*
- Housing Improvement Act 1940*
- Land & Business (Sale and Conveyancing) Act 1994*
- Liquor Licensing Act 1997*
- Local Government Act 1934*
- Local Government Act 1999*
- Native Vegetation Act 1991*
- Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*

- *Private Parking Areas Act 1986*
 - *Real Property Act 1886*
 - *Residential Parks Act 2007*
 - *Roads (Opening & Closing) Act 1991*
 - *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999*
 - *Safe Drinking Water Act 2011*
 - *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*
 - *State Records Act 1997*
 - *Strata Titles Act 1998*
 - *Supported Residential Facilities Act 1992*
 - *Unclaimed Goods Act 1987*
 - *Water Industry Act 2012 and Water Industry Regulations 2012*
2. *Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.*

Delegation

3. *Delegations made under Local Government Act 1999*

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 each Instrument of Delegation contained within attachments 1-4 (each of which is individually identified as indicated below) are hereby delegated this day 5 July 2016 to the person occupying the office of Chief Executive Officer ('the Delegate') and to any person acting in that office, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each Instrument of Delegation, namely:

- *Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 (Appendix 4 in attachment 1)*
- *Community Titles Act 1996 (Appendix 5 in attachment 1)*
- *Crown Land Management Act 2009 (Appendix 6 in attachment 1)*
- *Development Act 1993 and Development Regulations 2008 (Appendix 7 in attachment 1)*
- *Dog & Cat Management Act 1995 (Appendix 8 in attachment 1)*
- *Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 9 in attachment 1)*
- *Environment Resources and Development Court Act 1993 (Appendix 10 in attachment 1)*
- *Expiation of Offences Act 1996 (Appendix 11 in attachment 1)*

- *Fences Act 1975 (Appendix 1 in attachment 2)*
- *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 2 and 3 in attachment 2)*
- *Freedom of Information Act 1991 and Freedom Of Information (Fees And Charges) Regulations 2003 (Appendix 4 in attachment 2)*
- *Food Act 2001 (Appendix 5 in attachment 2)*
- *Gaming Machines Act 1992 (Appendix 6 in attachment 2)*
- *Graffiti Control Act 2001 (Appendix 7 in attachment 2)*
- *Harbors and Navigation Act 1993 (Appendix 8 in attachment 2)*
- *Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 9 in attachment 2)*
- *Housing Improvement Act 1940 (Appendix 10 in attachment 2)*
- *Land & Business (Sale & Conveyancing) Act 1994 (Appendix 1 in attachment 3)*
- *Liquor Licensing Act 1997 (Appendix 2 in attachment 3)*
- *Local Government Act 1999 (Appendix 3 in attachment 3)*
- *Native Vegetation Act 1991 (Appendix 4 in attachment 3)*
- *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 5 in attachment 3)*
- *Private Parking Areas Act 1986 (Appendix 6 in attachment 3)*
- *Real Property Act 1886 (Appendix 1 in attachment 4)*
- *Residential Parks Act 2007 (Appendix 2 in attachment 4)*
- *Roads (Opening and Closing) Act 1991 (Appendix 3 in attachment 4)*
- *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 4 in attachment 4)*
- *Safe Drinking Water Act 2011 (Appendix 5 in attachment 4)*
- *South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013 (Appendix 6 in attachment 4)*
- *State Records Act 1991 (Appendix 7 in attachment 4)*
- *Strata Titles Act 1988 (Appendix 8 in attachment 4)*
- *Supported Residential Facilities Act 1992 (Appendix 9 in attachment 4)*
- *Unclaimed Goods Act 1987 (Appendix 10 in attachment 4)*
- *Water Industry Act 2012 and Water Industry Regulations 2012 (Appendix 11 in attachment 4)*
- *Work Health and Safety Act 2012 (Appendix 12 in attachment 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 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each Instrument of Delegation.

Delegation to Fire Prevention Officer(s) under Fire and Emergency Services Act 2005

In exercise of the power contained in section 44 of the Local Government Act 1999 the powers and functions under the Fire and Emergency Services Act 2005 and specified in the Instrument of Delegation contained within attachment 2 - Delegations Register Part 2 Acts F – H and marked as Appendix 3 is hereby delegated this day 5 July 2016 to persons occupying the office of Fire Prevention Officer, subject to the conditions and limitations indicated herein or in Schedule B 'Conditions' contained in the Instrument of Delegation.

4. *Delegations under the Development Act 1993*

In exercise of the powers contained in Section 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 Instrument of Delegation (annexed to the Report dated 5 July 2016 and entitled Delegations Register Part 1 Acts A- E and marked as Appendix 7 in attachment 1) are hereby delegated this day 5 July 2016 to the person occupying the office of Chief Executive Officer ('the Delegate') and to any person acting in that office, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the Development Act 1993.

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 Instrument of Delegation under the Development Act 1993.

In exercise of the powers contained in section 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 Instrument of Delegation (annexed to the Report dated 5 July 2016 and entitled Delegations Register Part 1 Acts A - E) and which are specified below 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 Instrument of Delegation under the Development Act 1993.

<i>Development Act 1993 and Regulations 2008</i>		
<i>Sections</i>		
<i>33, 33(1)(c), 33(1)(d), 33(3), 35(2), 37A(5), 37A(6), 38(10)(a) and (b), 38(11), 39(2), 39(4)(a),</i>	<i>39(5), 39(6), 39(7), 39(7)(d), 39(8), 40(3), 42(1) and (3), 42(4), 42(6), 42(8)(b) 50, 50(1), 50(2)(d), 50(3),</i>	<i>50(3a), 50(7), 50(11), 50A(5), 50A(5)(c), 50A(5)(d), 52A(2)(a), 52A(2)(c), 52A(5) Regulations 16(1) and 30(4)</i>

5. *Delegations under the Food Act 2001*

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 Instrument of Delegation (annexed to the Report dated 5 July 2016 and entitled Delegations Register Part 2 Acts F – H and marked as Appendix 5 in attachment 2) are hereby delegated this day 5 July 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), ('the Delegate') and to any person acting in that office, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the Food Act 2001.

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 Instrument of Delegation under the Food Act 2001.

6. *Delegations under Supported Residential Facilities Act 1992*

In exercise of the power contained in section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the Report dated 5 July 2016 and entitled Delegations Register Part 4 Acts R – Z and marked as Appendix 6 in attachment 4) are hereby delegated this day 5 July 2016 to the person occupying the office of Chief Executive Officer, and to any person acting in that office, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the Supported Residential Facilities Act 1992.

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 Instrument of Delegation under the Supported Residential Facilities Act 1992.

7. *Authorisations and sub-delegation under the Road Traffic Act 1961*

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') (see attachment 5) 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:

Darren Blasdale, Bill Cirocco, Chris Haskas, Garry Herdegen, Simon Pettman, Kirk Richardson.

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:

Bill Cirocco, Chris Haskas, Garry Herdegen, Simon Pettman, Kirk Richardson.

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 Instrument of Sub-delegation (annexed to the Report dated 5 July 2016 and entitled Delegations Register Part 1 Acts A - E and marked as Appendix 1) is hereby sub-delegated this day 5 July 2016 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Instrument; and*
- (ii) any conditions contained in this Resolution or in the Instrument of Sub-delegation; and*
- (iii) the creation of a separate instrument in writing reflecting such Sub-delegation under the Instrument and this Resolution.*

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:

Bill Cirocco, Chris Haskas, Garry Herdegen, Simon Pettman, Kirk Richardson.

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

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 Instrument of Delegation (annexed to the Report dated 5 July 2016 and entitled Delegations Register Part 4 Acts R - Z and marked as Appendix 3 in attachment 4) are hereby delegated this day 5 July 2016 to the person occupying the office of Chief Executive Officer, and to any person acting in that office, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the Instrument of Delegation under the Safe Drinking Water Act 2011.

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 Instrument of Delegation under the Safe Drinking Water Act 2011.

9. Policy – Operational Delegations (Appendix 3 in attachment 1)

9.1 By-Laws

The Chief Executive Officer is delegated the power to grant permission under Council by-laws to any person who seeks consent/permission to undertake an activity that is otherwise prohibited by a provisions of a Council by-law.

This power may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit.

9.2 General Prosecutions/ Representations

In exercise of the powers contained in Section 44(1) of the Local Government Act 1999 the Council delegates this day 5 July 2016 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) the power under relevant Acts to:

- a) commence a prosecution for a breach of the relevant Statute, where the Statute empowers the Council to commence prosecution for a breach and*

- b) represent the Council or arrange representation for the Council in all proceedings before a Court, other than a Court of Summary Jurisdiction or a Local Court or a superior court, to which the Council is a party, subject to the condition that the Chief Executive Officer is not delegated the power to commence proceedings before the Court, other than a Court of Summary Jurisdiction or a Local Court, on behalf of the Council.*

Such powers may be further delegated by the Chief Executive Officer to an officer or officers of the Council (including any person appointed to act in any such position) as the Chief Executive Officer sees fit.

Seconded by Cr Gunn.

CARRIED

Cr Kilby voted for the motion.

The majority of members entitled to vote at the meeting voted for the motion.

9.7 Code of Conduct for Council Members - Ombudsman's report and recommendations (GC2015-11)

Cr Brown declared an actual conflict of interest as a person the subject of the report and left the meeting at 8.42pm.

Cr Merritt declared a perceived conflict of interest as former secretary of the Reynell Business and Tourism Association and as the original complainant, and left the meeting at 8.42pm.

Cr Hennessy declared a perceived conflict of interest as former chairman of the Reynell Business and Tourism Association and as a person named in the Ombudsman's report and left the meeting at 8.43pm.

Mayor Rosenberg declared a perceived conflict of interest stating that as the principal member of Council she is obliged to lodge the code of conduct included in this item to the Ombudsman and as such is listed in the report. Mayor Rosenberg stated she would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

Cr Gunn declared a perceived conflict of interest as the support person for Cr Brown. Cr Gunn stated he would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

Additional documents from Crs Brown and Merritt were tabled at the meeting and are attached to these minutes.

MOVED Cr Wainwright.

- 1. Council notes that as per Section 63(1) of The Local Government Act 1999 the Code of Conduct for Council Members, Part 3 Misconduct:*
 - a. A report from the Ombudsman that finds a Council Member has breached Part 3 – Misconduct of the Code of Conduct for Council Members must be provided to a public meeting of Council, as attached to the agenda report.*
 - b. Council is required to pass resolutions that give effect to any recommendations received from the Ombudsman in relation to a breach.*

2. *Council notes that the Ombudsman's final report found, that within the meaning of Section 25(1)(a) of the Ombudsman Act 1972, that Cr Sandra Brown breached the following clauses of the Code of Conduct for Council Members:*
 - a. *Clause 3.5 of the Code of Conduct for Council Members by attempting to improperly direct a member of council staff to act in their capacity as a Local Government employee for an unauthorised purpose.*
 - b. *Clause 3.7.1 of the Code of Conduct for Council Members by seeking a benefit of the entrance into a cycling event for her family members.*
 - c. *Clause 3.15 of the Code of Conduct for Council Members by utilising council resources for a private purpose.*
3. *That Council notes the following Ombudsman's recommendations as set out in the final report as per Section 25(2) of the Ombudsman Act 1972:*
 - a. *In relation to the breach of Clause 3.5, the Ombudsman recommends that Cr Sandra Brown undertakes training in relation to her roles and responsibilities as an elected member.*
 - b. *In relation to the breach of clause 3.7.1, the Ombudsman recommends that Cr Sandra Brown undertakes training in relation to gifts and benefits and conflict of interest and be reprimanded by means of a public statement.*
 - c. *In relation to the breach of Clause 3.15, the Ombudsman recommends that Cr Sandra Brown undertakes training in relation to gifts and benefits and be reprimanded.*
4. *Council gives effect to the Ombudsman's recommendations by resolving that Cr Sandra Brown liaise with the Manager Governance as per the Ombudsman's recommendation under per Section 25(2) of the Ombudsman's Act 1972, that training be undertaken in relation to:*
 - *Roles and responsibility as an elected member*
 - *Gifts and benefits*
 - *Conflict of interest.*
5. *That Council gives effects to the Ombudsman's recommendations and reprimands Cr Sandra Brown for breaching the Code of Conduct for Council Members, Clauses:*
 - *3.7.1 - Council members must not seek gifts or benefits of any kind*
 - *3.15 – Council members must not use Council resources, including services of council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.*

Seconded by Cr Parslow.

At 9.05pm Mayor Rosenberg sought and was granted leave of the meeting for a 10 minute break.

Mayor Rosenberg reconvened the meeting in the Chamber at 9.16pm with all members present that were present before the adjournment with the exception of Cr Nankivell.

Cr Chapman MOVED an AMENDMENT.

1. *Council notes that as per Section 63(1) of The Local Government Act 1999 the Code of Conduct for Council Members, Part 3 Misconduct:*
 - a. *A report from the Ombudsman that finds a Council Member has breached Part 3 – Misconduct of the Code of Conduct for Council Members must be provided to a public meeting of Council, as attached to the agenda report.*
 - b. *Council is required to pass resolutions that give effect to any recommendations received from the Ombudsman in relation to a breach.*
2. *Council notes that the Ombudsman's final report found, that within the meaning of Section 25(1)(a) of the Ombudsman Act 1972, that Cr Sandra Brown breached the following clauses of the Code of Conduct for Council Members:*
 - a. *Clause 3.5 of the Code of Conduct for Council Members by attempting to improperly direct a member of council staff to act in their capacity as a Local Government employee for an unauthorised purpose.*
 - b. *Clause 3.7.1 of the Code of Conduct for Council Members by seeking a benefit of the entrance into a cycling event for her family members.*
 - c. *Clause 3.15 of the Code of Conduct for Council Members by utilising council resources for a private purpose.*
3. *That Council notes the following Ombudsman's recommendations as set out in the final report as per Section 25(2) of the Ombudsman Act 1972:*
 - a. *In relation to the breach of Clause 3.5, the Ombudsman recommends that Cr Sandra Brown undertakes training in relation to her roles and responsibilities as an elected member.*
 - b. *In relation to the breach of clause 3.7.1, the Ombudsman recommends that Cr Sandra Brown undertakes training in relation to gifts and benefits and conflict of interest and be reprimanded by means of a public statement.*
 - c. *In relation to the breach of Clause 3.15, the Ombudsman recommends that Cr Sandra Brown undertakes training in relation to gifts and benefits and be reprimanded.*
4. *Council gives effect to the Ombudsman's recommendations by resolving that Cr Sandra Brown liaise with the Manager Governance as per the Ombudsman's recommendation under per Section 25(2) of the Ombudsman's Act 1972, that training be undertaken in relation to:*
 - *Roles and responsibility as an elected member*
 - *Gifts and benefits*
 - *Conflict of interest.*
5. *That Crs Sandra Brown and Cr Heather Merritt undergo professional mediation to resolve their disputes in relation to this matter at Council's expense and that a report come back regarding the outcome of that mediation by the end of September 2016.*

Seconded by Cr Jamieson.

The AMENDMENT was PUT and CARRIED.

Cr Gunn voted for the amendment.

The majority of members entitled to vote at the meeting voted for the amendment.

The MOTION, thus AMENDED, was PUT and CARRIED.

Cr Parslow called a Division and the decision was set aside.

For:

<i>Cr Swann</i>	<i>Cr Schulze</i>	<i>Cr Holtham</i>	<i>Cr Wainwright</i>	<i>Cr Bray</i>
<i>Cr Deakin</i>	<i>Cr Themeliotis</i>	<i>Cr Jamieson</i>	<i>Cr Chapman</i>	<i>Cr Gunn</i>
<i>Cr Nicholls</i>				

Against:

<i>Cr Kilby</i>	<i>Cr Parslow</i>			
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CARRIED

Crs Merritt, Hennessy and Nankivell resumed their seats in the Chamber at 9.43pm.

10. Nominations to external bodies

Nil.

11. Questions on notice

Nil.

12. Motions

Nil.

13. Petitions

13.1 Petition Willunga Golf Course

MOVED Cr Chapman.

- 1. That the petition be received.*
- 2. That the petition be considered as part of Council's consideration of the Willunga Golf Course Service Review which is expected to be presented following the 1 August 2016 meeting of the Audit, Risk, Value and Efficiency Committee at which the committee will make its recommendations relating the findings of the Service Review and the future of the Willunga Golf Course.*
- 3. That the head petitioner be notified of Council's decision.*

Seconded by Cr Themeliotis.

CARRIED

Cr Kilby left the meeting at 9.43pm.

14. Urgent business

14.1 Urgent business – Cr Deakin re SA Waste Levy

MOVED Cr Deakin.

That a note be included with the rates notice and in the Annual Business Plan that explains to ratepayers the current and future impacts the Waste Levy has and will have on their rates.

Seconded by Cr Swann.

CARRIED

Cr Brown resumed her seat in the Chamber at 9.47pm.

Cr Brown left the meeting at 9.47pm.

15. Confidential items

15.1 Tier 1 Event

MOVED Cr Hennessy.

1. That:

a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.

b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:

Section 90(3)(j) information the disclosure of which -

(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the Council); and

(ii) would, on balance, be contrary to the public interest;

c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

Seconded by Cr Themeliotis.

Cr Wainwright declared a material conflict of interest as a member of an association involved in delivering the event and left the meeting at 9.47pm.

CARRIED

MOVED Cr Jamieson.

4. That the matter of the Tier 1 Event having been considered in confidence under Sections 90(2) and 90(3)(j) of the Local Government Act 1999 that an order be made under the provisions of Sections 91(7) and (9) of the Local Government Act 1999 that the Tier 1 Event and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until 30 July 2016.

5. *That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
6. *That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Schulze.

CARRIED

15.2 Audit, Risk, Value and Efficiency Committee meeting confidential minutes

Cr Chapman left the meeting at 9.51pm.

MOVED Cr Nankivell.

1. *That:*
 - a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
 - b. *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to receive and discuss the report at the meeting on the following grounds:*

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and

Section 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:

 - (i) 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*
 - (ii) would, on balance, be contrary to the public interest;*
 - c. *accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Gunn.

CARRIED

MOVED Cr Nankivell.

3. *That the matter of the Audit, Risk, Value and Efficiency Committee confidential minutes having been considered by the Council in confidence under sections 90(2), 90(3)(a) and (d) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the Audit, Risk, Value and Efficiency Committee confidential minutes and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until the following three events have occurred:*

- a. Item 12.1 Community Bus Service Review – until Council’s consideration of the recommendation of the review; and*
 - b. Item 12.2 Rangers Hours of Operation Service Review –until Council’s consideration of the recommendation of the review; and*
 - c. Item 12.3 Willunga Golf Course Service Review – until the Willunga Golf Course Service Review is presented as a report to a meeting of Council.*
- 4. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- 5. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Jamieson.

CARRIED

15.3 Community Bus Service Review

MOVED Cr Hennessy.

- 1. That:*
 - a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
 - b. the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to consider the report at the meeting on the following grounds:*

Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Gunn.

Cr Schulze declared that as a volunteer in the Community Transport program he has a direct perceived conflict and also an indirect perceived conflict as a family member of a client. Cr Schulze stated he would receive no benefit or detriment, direct or indirect, personal or pecuniary from considering and voting on this matter and chose to remain in the meeting.

Cr Parslow was granted leave of the meeting for a one minute extension of time to debate.

CARRIED

Cr Schulze voted for the motion.

The majority of members entitled to vote at the meeting voted for the motion.

MOVED Cr Parslow.

3. *That the matter of Community Bus Service Review having been considered by the Council in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the Community Bus Service Review and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until 8 July 2016.*

Seconded by Cr Bray.

Cr Jamieson MOVED an AMENDMENT.

3. *That the matter of Community Bus Service Review having been considered by the Council in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the Community Bus Service Review and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until 16 July 2016.*

Seconded by Cr Swann.

The AMENDMENT was PUT and CARRIED.

Cr Schulze voted for the amendment.

The majority of members entitled to vote at the meeting voted for the amendment.

The MOTION, thus AMENDED, was PUT and CARRIED.

Cr Schulze voted for the amended motion.

The majority of members entitled to vote at the meeting voted for the amended motion.

15.4 Rangers Hours of Operation Service Review

MOVED Cr Wainwright.

1. *That:*

- a. *under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public, with the exception of staff on duty, be excluded from attendance at the meeting in order to consider this item in confidence.*
- b. *the Council is satisfied that it is necessary that the public, with the exception of staff on duty, be excluded to enable the Council to receive and discuss report at the meeting on the following grounds:*
Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- c. *accordingly, on this basis the principle that meetings of Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Merritt.

CARRIED

MOVED Cr Parslow.

3. *That the matter of Rangers Hours of Operation Service Review having been considered by the Council in confidence under sections 90(2) and 90(3(a) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the Rangers hours of operation Service Review and the minutes and the report of the Council relating to discussion of the subject matter be kept confidential until 16 July 2016.*

Seconded by Cr Bray.

CARRIED

Mayor Rosenberg reopened the meeting to the public at 10.14pm.

16. Closure

There being no further business Mayor Rosenberg officially declared the meeting closed at 10.15pm.

Certified CorrectChair

/ /2016

Attachment to item 9.7

Information provided by Cr Sandra Brown

9.7 Agenda Item City of Onkaparinga

Public Statement as per Ombudsman's report GC2015-11

I cannot begin to express the duress of this prolonged process based on misinformation.

The Reynell Business and Tourism Association Inc., Constitution states a core number of members must be present at a meeting to approve releasing any personal membership details. This would then be minuted for public records. This process has not happened and been a matter of discussion and concern amongst members. On finding out personal information had been given to the Ombudsman's office RBTA have since discussed and written to confirm the two said family members were volunteers at the time. I have volunteered for the RBTA and been their contact person for many years as such I have a rapport with many members and volunteers sharing a wealth of knowledge in what we have achieved for the community.

Reynell Business and Tourism volunteer co-ordinator, who is also Deputy Chair and Rod Brown my husband, has advised the Mayor and CEO that he authorised the selection of RBTA representatives to attend the TDU and his delegated position to authorise, contrary to Cr Merritt's claim. Committee members were aware of the decision and the process of finding someone at such short notice.

I was not asked to explain when this claim was lodged or given the opportunity to respond in the final process the "Mayor in consultation with the CEO will undertake an initial assessment of the matter based upon consideration of the available facts" Page 17, Part 3 Code of Conduct. The first I knew of this was when I received the letter from the Ombudsman's office.

I believe if this complaint had incorporated a process that included natural justice and investigation of the facts by asking me, it would have been seen as vexatious vindictive and/or misunderstood.

January 2015	Rod Brown had the delegated authority of RBTA to nominate persons to represent the RBTA at the Tour Down Under. After a few days of trying to find if council were sending invitations as in the past few years, had sent invitations. He later came to home stressed after trying to find RBTA representatives and as I was occupying our home office and phone he asked me to call council and the two names RBTA would like listed asap. This was about 3.30pm of the day before the event.
	I called the 0666 number explained what the call was for, then was transferred to a woman in events dept. whom said she had no authority to handle and transferred me to another staff person.
Feb 15	RBTA meeting – Rod Brown mentioned the 'names given' "were denied entry". Cr Merritt was accepted as the secretary to the association and thanked for offering.
Aug 15	Whilst on leave I received a letter from the Ombudsmans office
Sept	I attended the Ombudsmans office
Nov	I responded to a report from the Ombudsmans office
Early Dec	At a briefing on Code of Conduct facts, myths and opportunities by Michael Kelliedy to elected members. It was mentioned the code of conduct process allowed people of the opportunity to have a support person. As I had not been offered this I mentioned it to our governance director. It seemed the Code of Conduct was considered strictly confidential and no discussion was permitted. I later asked Cr Gunn if he would be my support person as I understood there was supposed to be a process that allowed this.
Dec	I attended the Mayors office in the presence of the CEO, Rod Brown and

	John Gunn. Rod Brown explained the facts, his position with RBTA and the selection of the two names selected by RBTA. He said he had sent a letter to the Ombudsman's office clarifying the matter. He asked why the names were not on the list when they arrived and were not permitted to access the marque. An undertaking to advise why the names were not listed was made.
Late Feb	I asked permission from the Ombudsman's office to speak with the Mayor, Cr Hennessy and get clarification from RBTA on names omitted in the list provided by Cr Merritt to the Ombudsman's office. This was agreed to. I detailed my concern to the Mayor and the process. Further that not being on an association executive I was not made aware of the name of their council contacts details and wondered why the Ombudsman's office thought all elected members must know it. I expressed my concern for RBTA a shared extended family. Cr Hennessy advised he had no input nor aware of any details.
11/3/16	I wrote and posted a letter to RBTA.
21/3/16	RBTA meeting. As the letter I sent was not in correspondence, I read out the letter, handed out copies, and advised the names not on a list provided to the Ombudsman's office and asked clarification of their status, declared a conflict and left the meeting whilst it was discussed
11/4/16	RBTA meeting. I declared the minutes could not be accepted as the minutes had omitted the letter tabled and the fact I then Cr Hennessy had left the meeting which essentially shows why and our transparency The minutes of 21/3/16 were deferred until the missing section included.
9/5/16	RBTA meeting. Omissions in the March and April minutes corrected.
22/6/16	Phoned Ombudsman advised I have just returned from leave and received a report from his office and clarified concerns. He advised the process and I advised I would appeal

- Had I wished for my daughter to attend the TDU I would have given her the allocation councillors could access, rather than give it to businesses who wanted dialogue with council and business associations.
- As the report does not give my view on events I have detailed the matter trying to be objective. I hope it gives you and understanding of the background and impacts to assist in decision making. I have always believed in the truth and transparency and shocked at getting caught up in this process.
- I do not believe I directed council staff (3.5) it is against my ethos and behaviour**
- I understood by helping RBTA and passing on the names, (recognising there is only room for one in the house office) was fair and reasonable. We have one phone, one chair. But I now recognise that if I refused and insisted RBTA's delegated selector do it himself and not be intimidated with his stress levels, this would not have eventuated. (3.5 3.7.1 3.15)**
- It has caused me stress beyond belief that a claim like this could get to this level and I hope to contribute into producing a code of conduct that is fair and reasonable, ensures natural justice and checks and balances along the lines of the staff code of conduct, to prevent you and our successors from such a stressful and protracted process.
- This has also caused significant mental and physical health issues to Rod Brown RBTA volunteer co-ordinator, Deputy Chair and my husband as he is centred on the claim and substantially misquoted. Volunteers are the unity in our community and it should be enjoyable to participate. I acted in good faith and in the community spirit.
- I apologise for phoning council to pass on a message for the Deputy Chair and volunteer co-ordinator Rod Brown of Reynell Business and Tourism Association, whom is also my husband. I have volunteered and helped RBTA/Old Reynella Horse Changing Station, administration for 16 years however in this situation I should have insisted that Rod Brown make the call himself.**

Attachment to item 9.7

Information provided by Cr Heather Merritt

Under the Code of conduct I had no choice but to report Sandra Brown's conduct to the council.

I have no personal grievance against Sandra Brown and did not use my position as secretary of the Reynell Business & Tourism Association (RBTA) to pursue any agenda against her. I took on the role because the RBTA did not have a secretary and the person filling the role did so with great reluctance. On taking on the role I was asked by Rod Brown to find out what happened to the tickets that were allocated to the RBTA.

Since making this complaint I have been subjected to verbal and Facebook abuse.