

# WATTLE RANGE COUNCIL

Confidential Minutes of the Ordinary Meeting of Wattle Range Council held in the Council Chambers, Civic Centre, George Street, Millicent on Tuesday 9 April 2019 at 5.00 pm.

## 1. OPENING OF THE MEETING / CIVIC PRAYER / ACKNOWLEDGEMENT OF COUNTRY

### 2. PRESENT

His Worship the Mayor D Noll  
 Cr D Agnew  
 Cr G Brown  
 Cr D Burrow  
 Cr S Cox  
 Cr J Drew [attended the meeting at 5.03 pm]  
 Cr P Dunnicliff  
 Cr K McGrath [attended the meeting at 5.28 pm]  
 Cr M Neagle  
 Cr R Paltridge  
 Cr G Slarks

Messrs BJ Gower (Chief Executive Officer)  
 PA Duka (Director Corporate Services)  
 PE Halton (Director Engineering Services)  
 SW Chapple (Director Development Services)  
 Ms CP Allen (Executive Assistant)

### 3. APOLOGIES

Cr D Price

## 19. ITEMS FOR CONSIDERATION IN CONFIDENCE

### 19.1 2019 Annual Review of Confidential Orders

Cr Neagle moved:

1. Pursuant to Sections 90(2) and 90(3)(a),(b),(d),(e) and (k) of the *Local Government Act 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 19.1 – 2019 Annual Review of Confidential Orders, excepting the following persons:

- Mr BJ Gower - Chief Executive Officer
- Mr PA Duka – Director Corporate Services
- Mr PE Halton – Director Engineering Services
- Mr SW Chapple – Director Development Services
- Ms CP Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 19.1– Annual Review of Confidential Orders in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.1 – 2019 Annual Review of Confidential Orders:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- information the disclosure of which—

- (i) 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
- (ii) would, on balance, be contrary to the public interest;
- 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;
- matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;
- tenders for the supply of goods, the provision of services or the carrying out of works;

Specifically, the present matters relate to:

- Information relating to actual litigation involving the Council, being litigation and compensation relating to the Penola bypass; and
  - Council's internal controls; and
  - Personal attributes, nominations and details regarding nominees for Australia Day Awards, and
  - Potential sale values on Council land; and
  - The extension of the cleaning services contract with Keeping Kleen Pty Ltd trading as Mod Cleaning; and
  - A tender for dredging services associated with the Beachport Boat Ramp; and
  - A tender for green waste mulching; and
  - A remission of rates request; and
  - A tender for the purchase of a Prime Mover Truck; and
  - A tender for the purchase of new wheel (4WD 12T) Loader; and
  - A tender to undertake drainage upgrade works in Arthur Street, Penola; and
  - A tender for banking services; and
  - The Millicent Community Club; and
  - A tender for the operation of Council's five waste facilities and associated transport of waste; and
  - Information pertaining to unpaid rates, and
  - A tender for a records storage facility.
2. 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 matter confidential.

Cr Agnew seconded

**CARRIED**

Cr Burrow moved:

1. Pursuant to section 91(9)(a), having reviewed the confidentiality order made on 8 May 2012 and 10 April 2018 under section 90(2) and (3)(b) of the *Local Government Act 1999*, pursuant to Section 91(7) of that Act, the Council orders **that the following document(s) (or part) shall be kept confidential** being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:

- **The reports and documents of Item 11.1.3 Penola Bypass Road - Road Openings - Compensation of 8 May 2012 Ordinary Council meeting**

on the grounds that the document(s) (or part) relates to information about the payment of compensation that could prejudice the commercial position of council by impacting on Council's negotiating position and is, on balance contrary to the public interest because it is in the public interest to retain Council's negotiations in confidence.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Neagle seconded

**CARRIED**

Cr Cox moved:

1. Pursuant to section 91(9)(a), having reviewed the confidentiality order made on 29 May 2012 and 10 April 2018 under section 90(2) and (3)(b) of the *Local Government Act 1999*, pursuant to Section 91(7) of that Act, the Council orders **that the following document(s) (or part) shall be kept confidential** being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:

- **The reports and documents of Item 4.3.1.1 Penola Bypass Road - Road Openings - Compensation of 29 May 2012 Ordinary Council meeting**

on the grounds that the document(s) (or part) relates to information about the payment of compensation that could prejudice the commercial position of council by impacting on Council's negotiating position and is, on balance contrary to the public interest because it is in the public interest to retain Council's negotiations in confidence.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Dunncliff seconded

**CARRIED**

Cr Cox moved:

1. Pursuant to section 91(9)(a), having reviewed the confidentiality order made on 12 December 2017 under section 90(2) and (3)(a) of the *Local Government Act 1999*, pursuant to Section 91(7) of that Act, the Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a) of the Act:

- **The attachment of Item 17.2 2018 Aust Day Awards Nominations of 12 December 2017 Ordinary Council Meeting**

on the grounds that the document(s) (or part) is:

- (i) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Specifically, the present matter relates to information pertaining to the personal affairs of persons nominated for Australia Day Awards.

The disclosure of this information would be unreasonable because the information is sensitive to the people nominated and is not a matter of public knowledge.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Neagle seconded

**CARRIED**

Cr Brown moved:

1. Pursuant to section 91(9)(a), having reviewed the confidentiality order made on 13 February 2018 and 10 April 2018 under section 90(2) and (3)(d) of the *Local Government Act 1999*, pursuant to Section 91(7) of that Act, the Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:

- **The Report of Item No. 17.1 Council Land Options – Mount Gambier Road Millicent of 13 February 2018 Ordinary Council Meeting**

on the grounds that the document(s) (or part) relates to 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.

Specifically, the present matter relates to potential sale values on Council land.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Dunnicliff seconded

**CARRIED**

Cr Drew moved:

1. Pursuant to section 91(9)(a), having reviewed the confidentiality order made on 13 March 2018 under section 90(2) and (3)(a) of the *Local Government Act 1999*, pursuant to Section 91(7) of that Act, the Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a) of the Act:

- **The Report and Attachments of Item No 17.3 Remission of Rates Request of 14 August 2018 Ordinary Council Meeting**

On the grounds that the document(s) (or part) relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Specifically, the present matter relates to a remission of rates request.

This order shall operate until **14 August 2020** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Brown seconded

**CARRIED**

Cr Neagle moved:

1. Pursuant to section 91(9)(a), having reviewed the confidentiality order made on 11 December 2018 under section 90(2) and (3)(b)&(d) of the *Local Government Act 1999*, pursuant to Section 91(7) of that Act, the Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b)&(d) of the Act:

- **The Minutes of Item 17.2 Motion on Notice – Millicent Community Club of 11 December 2018 Ordinary Council Meeting**

On the grounds that the document(s) (or part) is:

information the disclosure of which:

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

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.

Specifically, the present matter relates to the Millicent Community Club.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Slarks seconded

**CARRIED**

Cr Brown moved:

1. Pursuant to section 91(9)(a), having reviewed the confidentiality order made on 15 January 2019 under section 90(2) and (3)(a) of the *Local Government Act 1999*, pursuant to Section 91(7) of that Act, the Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a) of the Act:
  - **The Attachments of Item 19.1 Review of Eligible Section 184 – Sale of Properties for Unpaid Rates of 15 January 2019 Ordinary Council Meeting**

On the grounds that the document contains:

Information the disclosure of which would involve the unreasonable disclosure or information concerning the personal affairs of any person (living or dead). Specifically, the present matter relates to information pertaining to unpaid rates.

The disclosure of this information would be unreasonable because the information is sensitive / confidential and is not a matter of public knowledge.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief

Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Slarks seconded

**CARRIED**

Cr Burrow moved:

1. Pursuant to section 91(9)(a), having reviewed the confidentiality order made on 12 February 2019 under section 90(2) and (3)(b) of the *Local Government Act 1999*, pursuant to Section 91(7) of that Act, the Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:

- **The Minutes, Report & Attachments of Item 19.1 Millicent Community Club of 12 February 2019 Ordinary Council Meeting**

On the grounds that the document(s) (or part) is:

information the disclosure of which:

- (i) 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
- (ii) would, on balance be contrary to the public interest.

Specifically, the present matter relates to the Millicent Community Club.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Brown seconded

**CARRIED**

Cr Burrow moved that having considered Agenda Item 19.1 2019 *Annual Review of Confidential Orders* in confidence under section 90(2) and (3)(a),(b),(d),(e) and (k) and of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the **Minutes and Report related to this item be released to the public.**

Cr Agnew seconded

**CARRIED**

## 19.2 Millicent Community Hub Carpark Stage 2

Cr Neagle moved that:

1. Pursuant to Sections 90(2) and 90 (3)(k) of the *Local Government Act, 1999* the Council orders that the public be excluded from attendance at the part of this meeting relating to Item 19.2, excepting the following persons:

- Mr BJ Gower – Chief Executive Officer
- Mr PA Duka – Director Corporate Services
- Mr PE Halton – Director Engineering Services
- Mr SW Chapple – Director Development Services
- Ms C Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 19.2 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.2 tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to a tender to construct parking areas at the Millicent Community Hub, Fifth Street, Millicent.

2. 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 matter confidential.

Cr Brown seconded

**CARRIED**

Cr Brown moved that Council:

1. Delegate to the Chief Executive Officer to enter into a single contract with Teagle Excavations for the sum of \$169,300 (ex GST).
2. Approve a budget variation of an additional \$5,700.
3. Authorise the Director of Engineering to demolish the toilet block on the site to a budget of \$10,000.

Cr Burrow seconded

**CARRIED**

Cr Neagle moved that:

1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(k) of the Act:

- **The Report of Item No. 19.2 of 9 April 2019**

On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to a tender to construct parking areas at the Millicent Community Hub, Fifth Street, Millicent

This order shall operate until **9 April 2020** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91 (9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.



Cr Agnew seconded

**CARRIED**

### 19.3 Davenport Street Pedestrian Management – Blackspot Program

Cr Brown moved that:

- 1 Pursuant to Sections 90(2) and 90 (3)(k) of the *Local Government Act, 1999* the Council orders that the public be excluded from attendance at the part of this meeting relating to Item 19.3, excepting the following persons:

- Mr BJ Gower – Chief Executive Officer
- Mr PA Duka – Director Corporate Services
- Mr PE Halton – Director Engineering Services
- Mr SW Chapple – Director Development Services
- Ms C Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 19.3 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 19.3 tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to a tender to construct pedestrian management works located at the intersection of Davenport Street, Glen Street and Stuckey Street, Millicent.

2. 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 matter confidential.

Cr Cox seconded

**CARRIED**

Cr Burrow moved that Council:

1. Delegate to the Chief Executive Officer to enter into a single contract with Teagle Excavations for the sum of \$159,070 (ex GST).
2. Approve a budget variation of an additional \$17,500.

Cr Neagle seconded

**CARRIED**

Cr Brown moved that:

1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(k) of the Act:

- **The Report of Item No. 19.3 of 9 April 2019**

On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to a tender to construct pedestrian management works located at the intersection of Davenport Street, Glen Street and Stuckey Street, Millicent.

This order shall operate until **9 April 2020** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91 (9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Agnew seconded

**CARRIED**

#### 19.4 Verbal Complaint Report

Cr Drew moved that:

[Mr Gower, Mr Chapple and Mr Halton left the meeting at 9.45 pm and did not return]

1. Pursuant to Sections 90(2) and 90(3)(b) of the *Local Government Act, 1999* the Council orders that the public be excluded from attendance at the part of this meeting relating to Item 19.4, excepting the following persons:

- Mr PA Duka – Director Corporate Services
- Ms C Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 19.4 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence information relating to Item 19.4 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Specifically, the present matter relates to a verbal complaint against an employee of Council and it would be unreasonable to receive, discuss or consider this matter in public.

2. 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 matter confidential.

Cr Cox seconded

**CARRIED**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Cr Burrow moved that:

1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders **that the following shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:
  - **Report and Attachment of Item 19.4 of 9 April 2019**
  - **Minutes of the Council meeting of 9 April 2019 relating to Item 19.4**

On the grounds that the document(s) (or part) is:

Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Specifically, the present matter relates to a verbal complaint against an employee of Council and it would be unreasonable to receive, discuss or consider this matter in public.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

Cr Agnew seconded

**CARRIED**

Taken as presented and confirmed.

.....  
**MAYOR**

.....  
**DATE**

[REDACTED]

[REDACTED]