

# WATTLE RANGE COUNCIL

Minutes of the Ordinary Meeting of Wattle Range Council held in the Millicent Council Chamber, George Street, Millicent on 17 January 2023 at 5.00 pm.

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

*Mayor Noll welcomed Janice Nitschke to the Meeting as Acting Director Development Services.*

## 2. PRESENT

His Worship the Mayor D Noll  
 Cr D Agnew  
 Cr C Brodie  
 Cr R Cassidy  
 Cr E Castine  
 Cr S Cox  
 Cr J Drew  
 Cr P Dunnicliff  
 Cr D Muhovics  
 Cr M Neagle  
 Cr D Price  
 Cr D Walshaw

Mr BJ Gower (Chief Executive Officer)  
 Mr PA Halton (Director Engineering Services)  
 Ms JK Nitschke (Acting Director Development Services)  
 Ms CP Allen (Executive Assistant)

## 3. APOLOGIES

Mr PA Duka (Director Corporate Services)  
 Ms EF Clay (Director Development Services)

## 4. DISCLOSURE OF INTERESTS

NIL

## 5. CONFIRMATION OF THE MINUTES

5.1 Ordinary Meeting of Council – 13 December 2022 (Folio 10392 – Folio 10406)

Cr Dunnicliff moved that the Minutes of the Ordinary Meeting dated 13 December 2022 be taken as presented and confirmed.

Cr Cassidy seconded

**CARRIED**

## 6. MATTERS ARISING FROM THE MINUTES

NIL

## 7. ADJOURNMENTS

NIL

## 8. MAYORAL COMMUNICATIONS

8.1 Mayoral Communications

Cr Drew moved that Mayoral Communications be received and noted.

Cr Muhovics seconded

**CARRIED**

**9. DEPUTATIONS**

**NIL**

**10. PETITIONS**

**NIL**

**11. REPORTS FROM COUNCIL MEMBERS**

Cr Cox advised that she had attended the Bedford Millicent Community Barbecue and the Beachport Fireworks.

**12. QUESTIONS WITH NOTICE**

**12.1 Motion on Notice - Cr Dale Price - Millicent Saleyards Throughput**

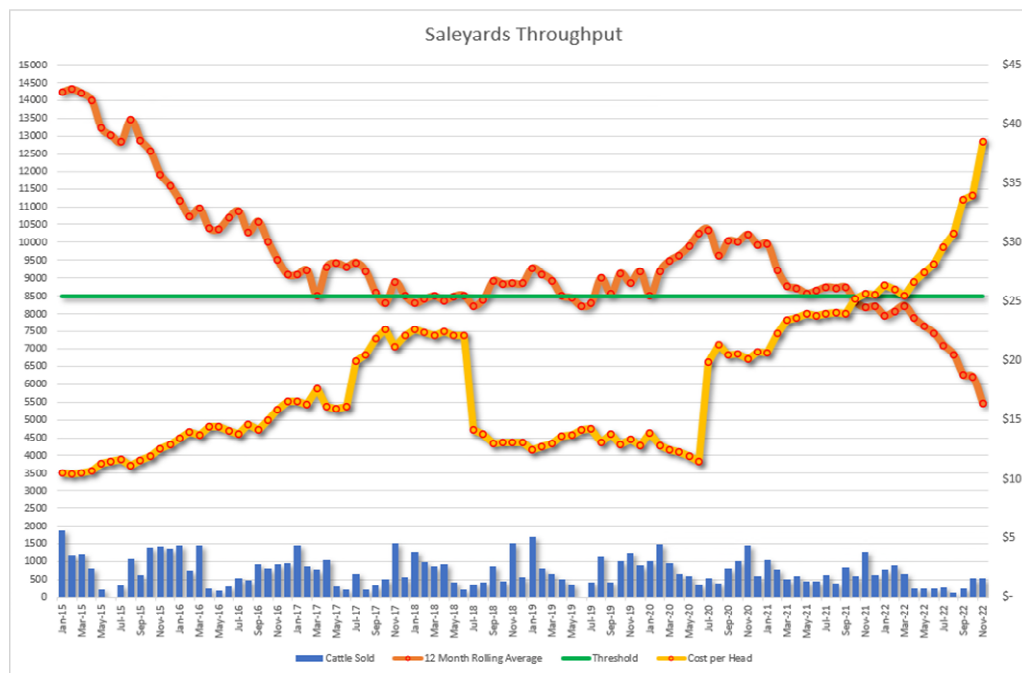
Cr Dale Price submitted the following Question(s) with Notice:

**Question**

What is the throughput figures for the Millicent Saleyards?

**Answer**

As at the 31st of December our Saleyard throughput numbers were 5,223 head for the 2022 calendar year.



**12.2 Motion on Notice – Mayor Des Noll – Capital Projects**

Mayor Des Noll submitted the following Question(s) with Notice:

**Question**

1. Can the CEO please advise if the Wattle Range Council can sustain the capacity to deliver the current capital projects identified in the 2022/23 Annual Business Plan valued at \$14,344.478?

**Answer**

The current Capital Project expenditure rate is unsustainable.

Over the last five years, Wattle Range Council has steadily increased its capital expenditure rate from \$5.5 Million in 2017/18 to \$14.3 Million in the current fiscal year. While it is difficult to quantify because of the complex and diverse mixture of projects we are tasked to complete each year, Wattle Range Council currently has the human resources to complete between \$7 and \$8 million of capital projects in any given year. The last few years have stretched our human resources beyond the organisation's capacity, and we have a considerable back log of work that has grown in line with Council's appetite to grow the capital works budget.

As per the advice provided in the lead up to the last two budget cycles, we need to significantly limit our capital project expenditure to enable the organisation to catch up, and we need to ensure that our capital expenditure is focussed on the Council's key infrastructure priorities as outlined in our Strategic and Asset Management Plans.

**Question**

2. What financial responsibility does the Council have to reduce the Capital Project Expenditure back to its original \$8.88 million?

**Answer**

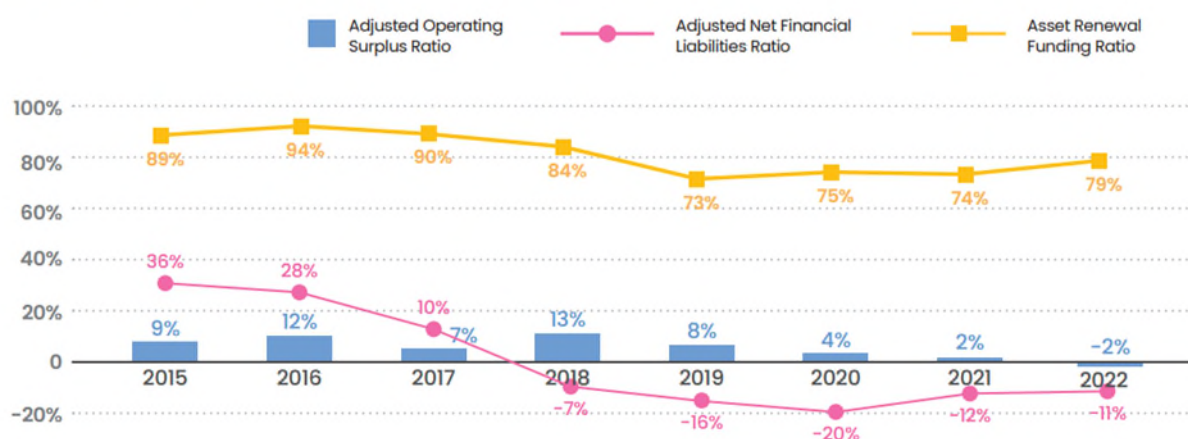
The Local Government Act prescribes several key principles and functions of a Council that include the requirement to:

- “seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers.”
- “ensure the sustainability of the Council's long term financial performance and position”

One of the key financial metrics that is used to assist Council in the governance of these principles is our Asset Renewal Funding Ratio which measures our ability to replace existing assets and infrastructure as they fall due. While we aspire to achieve a 100% Renewal Ratio, we have fallen short over the past few years because of an increased focus on new capital projects and our inability to complete each year's capital project list due to a lack of resources. This has led to lower Asset Renewal Funding Ratios and means that our existing assets are not being renewed in a timely manner. The current state of a number of Council's civic buildings is an excellent example of this.

Council needs to rationalise its current list of assets and capital projects to balance its financial and organisational capacity with community needs. The current appetite for new Capital Projects is stretching the organisation beyond its limits. This has the potential to create a similar outcome to the State Government's regional road and drainage network which has accumulated a 20 year back log of work that is now beyond its reach. The only options are to increase our operational budget through the employment of additional resources or limit our capital expenditure to the renewal of essential assets and infrastructure until we can clear the backlog of work. Our Asset Management Plans and Long-Term Financial Plan are the key to long-term sustainability.

## Key Financial Indicators



### 13. QUESTIONS WITHOUT NOTICE

#### 13.1 Millicent Saleyards

Cr Price moved that Council suspend work on the Millicent Saleyards for two months until the Section 41 Committee reviews the current state of affairs in regard to cost and stock numbers for consideration at the 14 March 2023 Council Meeting.

Cr Castine seconded

[Cr Walshaw left the meeting at 6.01 pm]  
[Cr Walshaw resumed the meeting at 6.02 pm]

Cr Neagle moved that the motion be laid on the table.

Cr Cox seconded

**LOST**

Cr Neagle called for a division:

The Mayor declared the result of the vote set aside.

#### **Members voting in the affirmative:**

Councillors Neagle; Muhovics; Cox; Cassidy; Agnew.

**Members voting in the negative:**

Councillors Walshaw; Price; Dunnicliff; Drew; Castine; Brodie.

**The Mayor declared the motion LOST**

Cr Dunnicliff moved that the motion be put

Cr Walshaw seconded

**CARRIED**

**THE MOTION WAS PUT AND WAS CARRIED**

**DIVISION**

Cr Neagle called for a division:

The Mayor declared the result of the vote set aside.

**Members voting in the affirmative:**

Councillors Walshaw; Price; Muhovics; Dunnicliff; Drew; Castine; Cassidy; Brodie; Agnew.

**Members voting in the negative:**

Councillors Neagle; Cr Cox.

**The Mayor declared the motion CARRIED**

Various questions were asked but there was no resolution that entry be made into the Minutes.

**14. REPORTS FROM COUNCIL COMMITTEES**

**NIL**

**15. REPORTS FROM COUNCIL OFFICERS**

15.1 Chief Executive Officer

15.1.1 Monthly Project Status Report

Cr Cassidy moved that Council receive and note the report.

Cr Cox seconded

**CARRIED**

15.2 Director Corporate Services

15.2.1 Monthly Financial Performance Report

Cr Walshaw moved that Council receive and note the 2022/23 December Financial Performance Report

[Cr Walshaw left the meeting at 6.26 pm]

[Cr Walshaw resumed the meeting at 6.27 pm]

Cr Brodie seconded

**CARRIED**

15.2.2 Wattle Range Youth Development Foundation

Cr Muhovics moved that Council provide financial assistance of \$200 to:

1. Olive Thorne, Jackson Bowden and Poppy Venn to assist with costs to attend the 2023 Australian Junior Country Basketball Cup in Albury from 17-21 January 2023; and
2. Ashlee Dean to assist with costs to attend the Southern Cross Challenge in Melbourne from 20 – 23 January 2023.

Cr Cox seconded

**CARRIED**

15.2.3 2022/23 Community Grants Program – Round 2

Cr Brodie moved that Council:

1. Having assessed applications in accordance with the Community Financial Assistance Grants Program Guidelines, award grants to the value of \$4,000 to the following 2 Community groups:

Millicent North Kindergarten	\$2,000.00
Beachport Surf Life Saving Club	\$2,000.00

Cr Cassidy seconded

**CARRIED**

Cr Brodie moved that Council:

2. Having assessed applications in accordance with the Community Sport and Recreation Grants Program Guidelines, award grants to the value of \$9,459.50 to the following 6 Sport and Recreation groups:

Rivoli Bay Sailing Club	\$1,487.50
Penola Tennis Club	\$1,192.00
Millicent United Soccer Club Inc.	\$2,000.00
Tantanoola Football Club	\$990.00
Rendelsham Cricket Club	\$1,790.00
Millicent & Districts Pony Club	\$2,000.00

Cr Agnew seconded

**CARRIED**

15.2.4 Public Access to Council and Committee and Associated Documents - Code of Practice 6

Cr Dunicliff moved that Council:

1. Receive and note the report.

[Cr Cox left the meeting at 6.35 pm]  
[Cr Cox resumed the meeting at 6.36]

Cr Cassidy seconded

**CARRIED**

Cr Price moved that Council:

2. Approve the release of the Public Access to Council and Committee Meetings and Associated Documents Code of Practice for public consultation.

Cr Dunnicliff seconded

**CARRIED**

## **ADJOURNMENT OF MEETING**

**Cr Dunnicliff moved that the meeting be adjourned for dinner until 7.10 pm**

**Cr Walshaw seconded**

**CARRIED**

**The meeting adjourned at 6.35 pm.**

**The meeting reconvened at 7.10 pm.**

15.2.5 Council Member Training and Development

Cr Walshaw moved that Council:

1. Receive and note the report.

Cr Drew seconded

**CARRIED**

Cr Brodie moved that Council:

2. Adopt the Council Member Training and Development Policy as amended.
3. Adopt the Council Member Training and Development Plan.

Cr Cassidy seconded

**CARRIED**

15.3 Director Development Services

15.3.1 Youth Advisory Council

Cr Walshaw moved that Council:

1. Receive and note the report.

Cr Agnew seconded

**CARRIED**

Cr Price moved that the Youth Advisory Council take the form of a Mayoral and Youth Representative Discussion Group and that the Chief Executive Officer bring back a report with a draft Terms of Reference.

Cr Cox seconded

**CARRIED**

15.3.2 Southern Ocean Tourist Park - Termination of Management Agreement

Cr Muhovics moved that Council:

1. Receive and note the report.

Cr Cassidy seconded

**CARRIED**

Cr Walshaw moved that Council:

2. Authorise the Chief Executive Officer to commence an Expression of Interest for the submission of proposals for the future

management of the Southern Ocean Tourist Park.

Cr Price seconded **CARRIED**

#### 15.4 Director Engineering Services

##### 15.4.1 Poonada Road Tantanoola Request to Reduce Speed Limit

Cr Brodie moved that Council:

1. Receive and note the report.

Cr Cassidy seconded **CARRIED**

Cr Cox moved that Council:

2. Undertake public consultation in accordance with Council's Community Engagement Policy for a reduction in speed limit from 110km/h to 100km/h for the whole extent of Poonada Road.

Cr Cassidy seconded **CARRIED**

##### 15.4.2 Beachport Waste Services

Cr Brodie moved that Council receive and note the report.

Cr Price seconded **CARRIED**

## 16. CORRESPONDENCE

#### 16.1 Coonawarra Running Festival

Cr Agnew moved that the correspondence from the Coonawarra Running Committee dated 17 December 2022 regarding the Coonawarra Running Festival held on 5 November 2022 be received and noted.

Cr Brodie seconded **CARRIED**

#### 16.2 Bedford Changing Lives

Cr Cassidy moved that the correspondence from Myron Mann, Chief Executive Officer dated 21 December 2022 regarding the closing of the Millicent Laundry Facility be received and noted.

Cr Drew seconded **CARRIED**

#### 16.3 Letter from the Honourable David Speirs MP - Leader of the Liberal Party re Southend

Cr Castine moved that the correspondence from David Speirs MP dated 20 December 2022 regarding his meeting in Southend to discuss coastal erosion be received and noted.

Cr Cox seconded **CARRIED**

#### 16.4 Gay Pride Flag (Rainbow Flag) - Flown at Wattle Range Council Civic Centre



***The following letters were tabled at the meeting:******Personal Letter – Patrick Smith  
Limestone Coast Connect – Patrick Smith, Chair***

Cr Castine moved that the correspondence from the Secretary of the Millicent Baptist Church dated 14 December 2022 regarding the flying of the Gay Pride Flag (Rainbow Flag) be received and noted.

Cr Drew seconded **CARRIED**

## 16.5 Thank You - Sam Haase

Cr Dunnicliff moved that the correspondence from Sam Haase dated 19 December 2022 thanking Council for support through the Wattle Range Youth Development Foundation be received and noted.

Cr Muhovics seconded **CARRIED**

## 16.6 Australian Local Government Association - 2023 National General Assembly - Call for Motions

Cr Agnew moved that the correspondence from the Australian Local Government Association dated 19 December 2022 regarding the 2023 National General Assembly Call for Motions be received and noted.

Cr Castine seconded **CARRIED**

Cr Drew moved that Mayor Noll and Deputy Mayor Dunnicliff attend the ALGA Meeting in June 2023.

Cr Agnew seconded **CARRIED**

## 16.7 Tony Pasin MP, Federal Member for Barker - Wattle Range Annual Report for 2021/22

Cr Agnew moved that the correspondence from Tony Pasin MP dated 22 December 2022 regarding Wattle Range Council's Annual Report for 2021/22 be received and noted.

Cr Cassidy seconded **CARRIED**

## 16.8 14th Asia Pacific Cities Summit (APCS) &amp; Mayors' Forum - 'Shaping Cities for our Future'

Cr Cox moved that the correspondence from Adrian Schrunner, Lord Mayor dated 9 December 2022 regarding an invitation to Mayor Des Noll to attend the 14th Asia Pacific Cities Summit (APCS) & Mayors Forum being held in Brisbane from 11 - 13 October 2023 be received and noted.

Cr Agnew seconded **CARRIED**

Cr Drew moved that the Mayor and CEO attend the 14<sup>th</sup> Asia Pacific Cities Summit in October 2023.

Cr Walshaw seconded **CARRIED**

## 16.9 National Pilot Project - Primary Prevention Program

Cr Castine moved that the correspondence from Tyson Brown dated 6 January 2023 regarding Planet Youth – evidence based primary prevention program in your Council area be received and noted.

Cr Walshaw seconded

**CARRIED**

## 17. MOTIONS ON NOTICE

## 17.1 Motion on Notice - Cr Moira Neagle - Former Railway Line between Cattle Bridge Road, Millicent and centre of Tantanoola

Cr Neagle moved Council negotiate with the State Government to take care and control of the former railway line between Cattle Bridge Road, Millicent to the centre of Tantanoola.

Cr Cox seconded

**Short Term Suspension of Proceedings**

The Mayor, with the approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for a period sufficient to facilitate informal discussion in relation to the former railway line.

Cr Cox moved that the meeting be suspended until 8.40 pm

Cr Castine seconded

**CARRIED**

The meeting adjourned at 8.30 pm.

The meeting reconvened at 8.37 pm.


With leave of the seconder, Cr Neagle amended her motion as below:

Cr Neagle moved Council negotiate with the State Government to take care and control of the former railway line between Cattle Bridge Road, Millicent to the centre of Tantanoola subject to a report being brought back to Council at the March 2023 Meeting.

Cr Cox seconded

**THE MOTION WAS PUT AND WAS CARRIED**

Motion Revoked at Council Meeting held on 14/03/23 Item 15.1.2 Folio 10495

 22/3/23

signed date

## 18. URGENT MOTIONS WITHOUT NOTICE

NIL

## 19. ITEMS FOR CONSIDERATION IN CONFIDENCE

## 19.1 Beachport Medical Centre

Cr Walshaw moved that:

1. Pursuant to Sections 90(2) and 90(3)(b)(d) 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 19.1, excepting the following persons:

- Mr BJ Gower – Chief Executive Officer
- Mr PA Halton – Director Engineering Services
- Mrs JK Nitschke – Acting Director Development Services
- Ms C Allen – Executive Assistant / Minute Taker

To enable the Council to consider Item 19.1 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:

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 negotiation of a new lease agreement for the Beachport Medical Centre.

The disclosure of this information could reasonably be expected to prejudice the commercial position of the person who supplied the information because the amount and conditions of the lease are being negotiated.

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**

***Mayor Noll stated:***

***To all members of the gallery, I advise that Council has resolved that this matter is to be considered in confidence pursuant to section 90 of the Local Government Act 1999 because the matter relates to the present matter relates to the negotiation of a new lease agreement for the Beachport Medical Centre.***

***Accordingly, I have to ask all members of the public and press to leave the Council Chambers.***

***Thank you***

[Cr Neagle left the meeting at 8.42 pm]  
[Cr Neagle resumed the meeting at 8.46 pm]

Cr Walshaw 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)(b)(d) of the Act:

- **The Report of Item 19.1 of 17 January 2023**
- **The Minutes of Item 19.1 of 17 January 2023**

On the grounds that the document(s) (or part) relates to information the disclosure of which 90(3)(b):

- (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:

On the grounds that the document(s) (or part) relates to information the disclosure of which 90(3)(d):

- (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 negotiation of a new lease agreement for the Beachport Medical Centre.

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 Cassidy seconded

**CARRIED**

Meeting closed at 8.59 pm.

Taken as presented and confirmed.

.....  
**MAYOR**

.....  
**DATE**