

WATTLE RANGE COUNCIL

Minutes of the Ordinary Meeting of Wattle Range Council held in the Council Chambers, Civic Centre, George Street, Millicent on Tuesday, 12 November 2019 at 5.00 pm.

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

Mayor Noll welcomed Cr Dennis Muhovics to his first Council meeting after having made his Undertaking as a Member of Council at 4.35 pm today.

2. **PRESENT**

His Worship the Mayor D Noll
 Cr D Agnew
 Cr D Burrow
 Cr S Cox
 Cr J Drew [arrived at 5.01 pm]
 Cr P Dunnicliff
 Cr K McGrath
 Cr D Muhovics
 Cr M Neagle
 Cr R Paltridge
 Cr D Price
 Cr G Slarks

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

3. **APOLOGIES**

NIL

[Cr Drew attended the meeting at 5.01 pm]

Mayor Noll made the following statement:

May I convey that as a Council we acknowledge and think about the bushfires raging within NSW and QLD. Our thoughts are with those who are suffering and the volunteer firefighters who are giving their all for those communities affected.

4. **DISCLOSURE OF INTERESTS**

NIL

5. **CONFIRMATION OF THE MINUTES**

5.1 Ordinary Meeting of Council – 8 October 2019 (Folio 8674 – Folio 8681)

Cr Dunnicliff moved that the minutes be taken as presented and confirmed.

Cr Price seconded

CARRIED

5.2 Confidential Meeting of Council – 8 October 2019 (CM 832 – CM 833)

Cr Cox moved that the minutes be taken as presented and confirmed.

Cr Price seconded

CARRIED

5.3 Special Meeting of Council – 16 October 2019 (Folio 8682 – Folio 8683)

Cr Agnew moved that the minutes be taken as presented and confirmed.

Cr McGrath seconded

CARRIED

5.4 Audit & Risk Committee Meeting – 17 October 2019 (Folio 8684 – Folio 8687)

Cr Drew moved that the minutes be taken as presented and confirmed.

Cr Burrow seconded

CARRIED

6. MATTERS ARISING FROM THE MINUTES

NIL

7. ADJOURNMENTS

NIL

8. MAYORAL COMMUNICATIONS

8.1 Mayoral Communications

Cr Neagle moved that Mayoral Communications be received and noted.

Cr Agnew seconded

CARRIED

9. DEPUTATIONS

9.1 Mr John Chay – Millicent Saleyards Working Group – Millicent Saleyards

[Mr John Chay attended the meeting at 5.07 pm]

Mr John Chay made a presentation to Council regarding the Millicent Saleyards.

[Mr John Chay left the meeting at 5.24 pm]

10. PETITIONS

10.1 Petition – Save our Saleyards

Cr Neagle moved that the Petition be received and noted.

Cr Paltridge seconded

CARRIED

11. REPORTS FROM COUNCIL MEMBERS

Cr Drew advised that he represented the Mayor at the closing event of Seniors Month with Mr Bob Grieve receiving Senior of the Year.

Cr McGrath advised that he attended the HAC Meeting on 10 November 2019. He also thanked all for their attendance at the Open Day.

12. QUESTIONS WITH NOTICE

12.1 Cr Dale Price asked the following questions:

With leave of the meeting the Mayor allowed further discussion in the Chamber on these questions.

Question

1. *Does the mowing / slashing data across the Council area show an equitable distribution of this service? If this is not the case, what steps are in place to rectify the situation?*

Answer

1. Council provides mowing and slashing in accordance with a works program. The development of the program is based on both historical services and on needs being customer service requests to expand the service. Council does not provide the same distribution of services to all towns and it is the Director's opinion that this should not occur as each town is different and as such has different needs. Council however could consider some changes to our program for example at this stage we mow all nature strips in some towns due to historical reasons and in other towns only to entrances and parklands. Council would however need to decide if it intends to reduce services to current areas or wants to increase services.

This is a complex service and in the Officer's opinion, if the Council has an appetite to change the service provision, that a detailed report be presented for consideration so the Council has all the information to make an informed decision. This will take some time to prepare, however we have extensive information in the GPS information on what is mowed.

Question

2. *How many ratepayers have been served with infringement notices for untidy properties? Have these notices had the desired affect – the removal on unsightly collections of junk and / or the improvement of dilapidated buildings?*

Answer

2. Council staff have issued two infringement notices \$315 each, served two written clean-up orders and formally cautioned a further three property owners regarding the state of their premises in the last twelve months.

Those property owners with unserviceable wrecks on their private properties are provided with contact details for local scrap merchants to encourage their removal.

Under the *Local Nuisance and Litter Control Act*, Authorised Officers have the power to issue a nuisance or litter abatement notice to cease an activity that is causing a nuisance and requiring them to clean up their properties. If they fail to comply within a reasonable time frame, they can be issued with a \$210 expiation

notice. If they continue to fail to complete the works Council can undertake the works and place the cost of that clean-up against the property.

Council receives around 20 complaints each year in regard to vehicles abandoned on the roadside or Council land. We impound on average 6 vehicles per year under the *Local Government Act 1999*, at an approximate cost of \$1000 per vehicle including towing, advertising and sale cost. These vehicles are usually wrecks and have been abandoned in public. Council generally only recovers approximately \$100 in scrap value per vehicle.

Question

- 3 *Can Council co-ordinate the collection of abandoned or vehicles no longer in use as a service to ratepayers?*

Answer

3. Council could do this however, I would ask the question as to why we would want to provide this service. At this stage, there is a number of scrap metal recycling providers in the district that will collect a vehicle for salvage. If Council gets an enquiry about the disposal of a vehicle, we would direct them to one of these scrap metal recycling contractors.

Cr Price moved that the Questions with Notice be received and noted.

Cr Agnew seconded

CARRIED

13. QUESTIONS WITHOUT NOTICE

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

14. REPORTS FROM COUNCIL COMMITTEES

14.1 Greenrise Lake Advisory Committee - Minutes of Meeting held on 21 October 2019

Cr Paltridge moved that the Minutes of the Greenrise Lake Advisory Committee Meeting dated 21 October 2019 be received and noted.

Cr McGrath seconded

CARRIED

14.2 Lake McIntyre Management Committee - Minutes of Meeting held on 9 October 2019

Cr Neagle moved that the Minutes of the Lake McIntyre Management Committee dated 9 October 2019 be received and noted.

Cr Drew seconded

CARRIED

15. REPORTS FROM COUNCIL OFFICERS

15.1 Chief Executive Officer

15.1.1 Delegations Review

Cr Price moved that having conducted a review of the Council's Delegations Register in accordance with Section 44(6a) of the *Local*

Government Act 1999, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 1.1.1 *Community Titles Act 1996*
- 1.1.2 *Development Act 1993 and Development Regulations 2008*
- 1.1.3 *Liquor Licensing Act 1997*
- 1.1.4 *Local Government Act 1999*
- 1.1.5 *Planning, Development and Infrastructure Act 2016*
- 1.1.6 *State Records Act 1997*

1.2 Hereby revokes its previous delegations to its Council Assessment Panel under the *Development Act 1993* and *Development Regulations 2008*.

Cr Agnew seconded

CARRIED

2. Delegations made under *Local Government Act 1999*

Cr Paltridge moved that having conducted a review of the Council's Delegations Register in accordance with Section 44(6a) of the *Local Government Act 1999*, the Council:

2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachments 1-7 (each of which is individually identified as indicated below) are hereby delegated this 12th day of November 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 2.1.1 *Community Titles Act 1996* (Attachment 1)
- 2.1.2 *Liquor Licensing Act 1997* (Attachment 2)
- 2.1.3 *Local Government Act 1999* (Attachment 3)
- 2.1.4 *State Records Act 1997* (Attachment 4).
- 2.1.5 *Planning, Development and Infrastructure Act 2016* (Attachment 5-7)

2.2 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 such proposed Instrument of Delegation.

Cr Neagle seconded

CARRIED

3. Delegations made under *Development Act 1993*

Cr Dunnicliff moved that having conducted a review of the Council's Delegations Register in accordance with Section 44(6a) of the *Local*

Government Act 1999, the Council:

- 3.1 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 proposed Instrument of Delegation (annexed to the Report dated 12 November 2019 and entitled Delegations Review and marked Attachment 8) (distributed under separate cover) are hereby delegated this 12th day of November 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.
- 3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.
- 3.3 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 proposed Instrument of Delegation (annexed to the Report dated 12 November 2019 and entitled Delegations Review and marked Attachment 8) and which are specified below are hereby delegated to the Council Assessment Panel (CAP), subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the *Development Act 1993*.

Paragraphs (ID Number of Item Delegated):

133371, 133770, 133425, 133750, 133751, 133752, 133753, 133754, 133426, 133427, 133428, 133434, 133435, 133436, 133437, 133438, 133757, 133439, 133445, 133455, 133459, 133460, 133461, 133465, 133466, 133467, 133468, 133471, 133474, 133476, 133477, 133478, 133479, 133480, 133483, 133484, 133486, 133490, 133491, 133492, 133493, 133500, 133501, 133502, 133508, 133509, 133520, 133521, 133522, 133523, 133524, 133525, 133526, 133771, 133529, 133530, 133531, 133532, 133533, 133534, 133535, 133536, 133555, 133599, 133600, 133619, 133620, 133623, 133624, 133625, 133627, 133628, 133632, 133641, 133642, 133643, 133655, 133756, 133668, 133669, 133671, 133672, 133673, 133678, 133679, 133680, 133681, 133684, 133687.

Cr Paltridge seconded

CARRIED

4. **Delegations of powers of the Council as a Council, Designated Authority and Designated Entity under the *Planning, Development and Infrastructure Act 2016***

Cr Neagle moved that having conducted a review of the Council's

Delegations Register in accordance with Section 44(6a) of the *Local Government Act 1999*, the Council:

4.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning Development and Infrastructure Act 2016* contained in the proposed Instrument of Delegation (annexed to the Report dated 12 November 2019 and entitled Delegations Review and marked Attachments 5-6) are hereby delegated this 12th day of November 2019 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

4.2 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 the proposed Instrument of Delegation.

Cr Cox seconded

CARRIED

5. Delegation of powers of the Council as a Relevant Authority under the *Planning, Development and Infrastructure Act 2016*

Cr Agnew moved that having conducted a review of the Council's Delegations Register in accordance with Section 44(6a) of the *Local Government Act 1999*, the Council:

5.1 In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning Development and Infrastructure Act 2016* contained in the proposed Instrument of Delegation (annexed to the Report dated 12 November 2019 and entitled Delegations Review and marked Attachment 7) are hereby delegated this 12th day of November 2019 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

Cr Cox seconded

CARRIED

15.1.2 Monthly Project Status Report

Cr Burrow moved that Council receive and note the report.

Cr Price seconded

CARRIED

15.2 Director Corporate Services

15.2.1 Monthly Financial Performance Report

Cr Price moved that Council receive and note the 2019/20 October Financial Performance Report.

Cr Muhovics seconded **CARRIED**

15.2.2 Wattle Range Youth Development Foundation

Cr Dunicliff moved that Council provide financial assistance of:

1. \$400 to Emma Lang to assist with costs to attend the SingaCup in Singapore from 3 – 10 November 2019; and
2. \$400 to Clare Davey to assist with costs to participate in the CFANA Australian National Women's squad to tour Valencia, Spain from 23 November – 8 December 2019.

Cr Cox seconded **CARRIED**

15.2.3 Quarterly Budget Review 1 Report – 2019/20

Cr Neagle moved that Council:

1. Receive and note the updated Budget Review 1.
2. Adopt the 2019/20 Budget Review 1 as presented.

Cr Price seconded **CARRIED**

15.2.4 Annual Financial Statements

Cr Agnew moved that Council pursuant to Sections 127 (1) and (2) of the *Local Government Act 1999* and Part 4 of the *Local Government (Financial Management) Regulations 2011*, adopt the Annual Financial Statements 2018/19 as presented.

Cr Paltridge seconded **CARRIED**

15.2.5 Code of Practice – Discretionary Procedures

Cr Neagle moved that Council:

1. Pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*, adopts the amended Code of Practice – Discretionary Procedures (Procedures at Meetings).
2. Endorse the operation of the Deputations Council Procedure, and revoke the operation of the Deputations to Council Policy.
3. Endorse the operation of the Petitions to Council Procedure.

Cr McGrath seconded **CARRIED**

15.2.6 Code of Practice – Public Access to Council & Committee Meetings

Cr Neagle moved that Council endorse a period of 21 days Community Consultation for Code of Practice – Public Access to Council and Committee Meetings and Associated Documents.

Cr Agnew seconded

CARRIED

15.2.7 Long Term Financial Plan 2020 - 2029

Cr Neagle moved that Council adopts the Long Term Financial Plan 2020 – 2029 as presented.

Cr Cox seconded

CARRIED

15.2.8 Treasury Management Policy

Cr Drew moved that Council:

1. Adopt the reviewed Treasury Management Policy as presented.
2. Receive and note the updated Statement of Investment and Borrowings balances.

Cr Cox seconded

AMENDMENT

Cr Price moved that Council:

1. Adopt the reviewed Treasury Management Policy with an amendment to change the proportion of the debt portfolio from Minimum 30% to Maximum 70% to Minimum 20% and Maximum 80% variable with a fixed interest rate between Minimum 20% and Maximum 80%.
2. Receive and note the updated Statement of Investment and Borrowings balances.

Cr Agnew seconded

THE AMENDMENT WAS PUT AND BECAME THE MOTION

THE MOTION WAS PUT AND WAS CARRIED

ADJOURNMENT OF MEETING

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

Cr Drew seconded

CARRIED

The meeting adjourned at 6.36 pm.

The meeting reconvened at 7.11 pm.

[Cr Cox resumed the meeting at 7.12 pm]

15.2.9 Prudential Management Policy

Cr Neagle moved that Council endorse the reviewed Prudential Management Policy and it be released for public consultation for a period of 21 days.

Cr Price seconded

CARRIED

15.2.10 Asset Policy

Cr Drew moved that Council:

1. Adopts the Asset Policy as presented.
2. Revokes the operation of both the Asset Management and Asset Accounting Policies.

Cr Paltridge seconded

CARRIED

15.2.11 Audit & Risk Committee Performance 2018 - 2019

Cr Price moved that Council receive and note the 2018/19 Annual Performance Report of the Audit & Risk Committee.

Cr Cox seconded

CARRIED

15.2.12 Customer Experience Policy

Cr Dunnicliff moved that Council:

1. Adopt and endorse the operation of:
 - a. *Customer Experience Policy; and*
 - b. *Requests for Service Procedure*
 - c. *Complaints Handling Procedure*
 - d. *Internal Review of Decisions Procedure*
 - e. *Unreasonable Customer Conduct Procedure*

as presented.

2. Revoke the operation of the following documents:

- f. Compliments & Complaints Handling Policy
- g. Complaints Handling Procedure
- h. Internal Review of Council Decisions Policy
- i. Request for Service Policy

Cr Neagle seconded

CARRIED

15.3 Director Development Services

15.3.1 Proposed amendments to the Mobile Food Vendors Location Rules

Cr McGrath moved that Council:

1. Receive and note the report.

2. Amend the Mobile Food Vendors Locations rules to include the Beach Road location and remove the Pool of Siloam, currently approved site from the rules.

Cr Drew seconded

CARRIED

15.3.2 Plan of Management relating to Dogs and Cats

Cr Burrow moved that Council:

1. Receive and note the report.
2. Formally endorse the Plan of Management relating to Dogs and Cats 2019-2024.

Cr Agnew seconded

CARRIED

15.3.3 Millicent Saleyards Update

Cr Neagle moved that Council receive and note the report.

Cr Agnew seconded

CARRIED

Council asked that a note be made in the Minutes to congratulate the Millicent Saleyards Working Group for the work it has carried out to date and for its recommendations for the future.

15.4 Director Engineering Services

15.4.1 Asset Management Plans – Stormwater and Buildings & Structures

Cr Burrow moved that Council:

1. Receive and note the report.
2. Adopt both the Stormwater Asset Management Plan and Buildings & Structures Asset Management Plan.

Cr Cox seconded

CARRIED

15.4.2 Sealed Roads Maintenance – Linemarking Budget Review

Cr Price moved that Council:

1. Receive and note the report.
2. Approve a budget variation for an additional \$82,000.

Cr Muhovics seconded

CARRIED

16. CORRESPONDENCE

16.1 Great Australian Bight - Communication

Cr Agnew moved that the correspondence from Senator the Hon Matthew Canavan dated 22 October 2019 and the Hon Tim Whetstone MP dated 16 October 2019 be received and noted.

- Cr Burrow seconded **CARRIED**
- 16.2 Nangwarry Primary School & Preschool on School Site – Thank You
- Cr Neagle moved that the correspondence be received and noted.
- Cr Agnew seconded **CARRIED**
- 16.3 The Hon Stephan Knoll MP, Minister for Transport, Infrastructure and Local Government, Minister for Planning re Forestry Land
- Cr McGrath moved that the correspondence be received and noted.
- Cr Cox seconded **CARRIED**
- 16.4 Fiona Rasheed, Presiding Member, South East Natural Resources Management Board – Thank you
- Cr Agnew moved that the correspondence be received and noted.
- Cr Dunicliff seconded **CARRIED**
- 16.5 Limestone Coast Local Government Association – Key Outcomes – 11 October 2019
- Cr Muhovics moved that the correspondence be received and noted.
- Cr Cox seconded **CARRIED**
- 16.6 Limestone Coast Local Government Association – Annual Report 2018-19
- Cr Neagle moved that the correspondence be received and noted.
- Cr Burrow seconded **CARRIED**
- 16.7 Hon John Gardner MP, Minister for Education – Preschool Services at Nangwarry Primary School
- Cr Neagle moved that the correspondence be received and noted.
- Cr Price seconded **CARRIED**
- Cr Neagle moved that the Council write again to the Minister for Education expressing Council's extreme disappointment in his response and urge him to reconsider given that we understand that there are currently 6 enrolments for 2020.
- Cr Drew seconded **CARRIED**
- 16.8 Hon David Speirs, MP – Minister for Environment and Water – Lake George Management Committee
- Cr Dunicliff moved that the correspondence be received and noted.
- Cr McGrath seconded **CARRIED**

- 16.9 Hon Tim Whetstone MP – Minister for Primary Industries and Regional Development – 2019 South Australian Agricultural Town of the Year Award

Cr Cox moved that the correspondence be received and noted.

Cr Muhovics seconded

CARRIED

17. MOTIONS ON NOTICE

- 17.1 Motion on Notice – Cr Moira Neagle – Millicent Sale Yards

Cr Neagle moved that Council extend the time allocation for the Millicent Sale Yards operations to 30 June 2021 unless evidence to the contrary suggests it should remain open to facilitate the group formed to implement measures to stabilise and possibly improve cattle numbers.

Cr Cox seconded

Cr Burrow moved that the motion be put.

Cr Slarks seconded

LOST

DIVISION

Cr Burrow called for a division:

The Mayor declared the vote set aside.

Members voting in the affirmative:

Unanimous

The Mayor declared the motion CARRIED

[Cr McGrath left the meeting at 8.38 pm]

- 17.2 Motion on Notice – Cr John Drew – Capital Projects

Cr Drew moved that Council request the Chief Executive Officer to prepare a proposal for the December Council Meeting that will enable minimal carry over of capital projects by 30 June 2021.

[Cr McGrath resumed the meeting at 8.41 pm]

Cr Neagle seconded

CARRIED

- 17.3 Motion on Notice – Cr Peter Dunncliff – Wind Turbines that have been Decommissioned

Cr Dunncliff moved that Council request the Chief Executive Officer or the appropriate Director, to contact the owners of the wind turbines in the Wattle Range Council area, to establish their intentions for the fate of their wind turbines when they are at the end of commission.

Cr McGrath seconded

CARRIED

18. URGENT MOTIONS WITHOUT NOTICE

NIL

19. ITEMS FOR CONSIDERATION IN CONFIDENCE

19.1 Confidential – Enterprise Software System

Cr Price moved that Council:

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 19.1, excepting the following persons:

- Mr BJ Gower – Chief Executive Officer
- Mr PA Duka – Director Corporate Services
- Mr PA Halton – Director Engineering Services
- Mr SW Chapple – Director Development Services
- Mr RM Babolka – Manager Economic Development
- 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 tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to a tender for a new enterprise software management system.

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 Neagle seconded

CARRIED

Cr Drew moved that Council:

1. Receive and note the report.
2. Authorises the CEO to enter into a Software as a Service contract with Datacom for the provision of a Local Government enterprise software system with an initial implementation cost of up to \$300,000 and an annual subscription cost of up to \$100,000.

[Cr McGrath left the meeting at 9.00 pm]

[Cr McGrath resumed the meeting at 9.00 pm]

Cr McGrath seconded

CARRIED

Cr Price moved that Council:

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. 19.1 of 12 November 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 for a new enterprise software management system.

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 Agnew seconded

CARRIED

19.2 Confidential – Southend Caravan Park Update

Cr Muhovics moved that Council:

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 that 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
- Mr RM Babolka – Manager Economic Development
- Ms CP 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 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 consideration of options for the future of the Southend Caravan Park.

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 Neagle seconded

CARRIED

Cr Dunnicliff moved that Council:

1. Receive and note the report.
2. That the Chief Executive Officer be authorised to seek formal Expressions of Interest for the ongoing future management of Council's Caravan Parks.

Cr Price seconded

CARRIED

Cr Agnew moved that Council:

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 and Attachments of Item No. 19.2 of 12 November 2019**

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

- (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 consideration of options for the future of the Southend Caravan Park.

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

Meeting closed at 9.25 pm.

Taken as presented and confirmed.

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MAYOR

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DATE