

WATTLE RANGE COUNCIL

Minutes of the Ordinary Meeting of Wattle Range Council held in the Supper Room, Millicent War Memorial Civic & Arts Centre, Ridge Terrace, Millicent on 09 February 2021 at 5.00 pm.

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

2. **PRESENT**

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

Mr BJ Gower (Chief Executive Officer)
 Mr PA Duka (Director Corporate Services)
 Mr PA Halton (Director Engineering Services)
 Ms EF Clay (Director Development Services)
 Mr RMB Babolka (Manager Economic Development)
 Ms CP Allen (Executive Assistant)

3. **APOLOGIES**

Cr D Agnew

Mayor Noll congratulated Garth and Shirley Huppertz for their 60 years of marriage.

4. **DISCLOSURE OF INTERESTS**

NIL

[Cr Price attended the meeting at 5.01 pm]

5. **CONFIRMATION OF THE MINUTES**

5.1 Ordinary Meeting of Council – 19 January 2021 (Folio 9256 – Folio 9267)

Cr Dunnicliff moved that the Minutes of the Ordinary Meeting dated 19 January 2021 be taken as presented and confirmed.

Cr Paltridge seconded

CARRIED

5.2 Confidential Meeting of Council – 19 January 2021 (CM 898 – CM 900) – Released Immediately

Cr Muhovics moved that the Minutes of the Confidential Meeting dated 19 January 2021 be taken as presented and confirmed.

Cr Cox seconded

CARRIED

6. MATTERS ARISING FROM THE MINUTES

NIL

7. ADJOURNMENTS

- 7.1 Adjournment – Motion on Notice – Millicent Saleyards – Cr Moira Neagle (from 19 January 2021 – Item 17.1)

Debate continued from the point that this item was adjourned at the 19 January 2021 Ordinary Meeting of Council as per motion below.

Cr Neagle moved that Council:

1. Continue the operations of the Millicent Saleyards until 30th June 2025.
2. Develop a Management Plan for the Millicent Saleyard's facility.
3. Consider an annual allocation of funds in its forward budgets that continues to maintain the Millicent Saleyards to an acceptable operational standard.
4. Undertake a Strategic Review of the Millicent Saleyard's operations to be completed by January 2025.

Cr Muhovics seconded

VARIATION TO ORIGINAL MOTION

Cr Neagle with the consent of Cr Muhovics (Seconder) sought and was granted leave of the meeting to vary her original motion as follows:

Cr Neagle moved that Council:

1. Continue the operations of the Millicent Saleyards, depending on throughput being maintained above an average of 8,500 head per annum.
2. Develop a management plan for the Millicent Saleyards facility.
3. Provide an annual allocation of funds in its forward budgets that continues to maintain the Millicent Saleyards to an acceptable operational standard.

Cr Muhovics 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 Millicent Saleyards.

Cr Price moved that the meeting be suspended until 5.35 pm

Cr Paltridge seconded

CARRIED

The meeting adjourned at 5.05 pm.
The meeting reconvened at 5.35 pm.

Cr Price moved that:

1. Pursuant to Sections 90(2) and 90(3)(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 7.1 excepting the following persons:

- Mr BJ Gower – Chief Executive Officer
- Mr PA Duka – Director Corporate Services
- Mr PA Halton – Director Engineering Services
- Ms EF Clay – Director Development Services
- Mr RM Babolka – Manager Economic Development
- Ms CP Allen – Minute Taker

to enable the Council to consider Item 7.1 in confidence on the basis that 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 7.1:

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 commercial information in regard to saleyards.

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 commercial information in regard to saleyards.

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

Thank you

Cr Burrow moved that Council having considered Item 7.1 in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999* invite the public to return to the Chamber and resume the meeting.

Cr Neagle seconded

CARRIED

Normal Meeting Procedures resumed at 5.50 pm

Short Term Suspension of Proceedings

Cr Price moved that the meeting be suspended until 6.30 pm.

Cr Paltridge seconded

The Mayor exercised his casting vote.

THE MOTION WAS LOST

AMENDMENT

Cr Drew moved that Council:

1. Continue the operations of the Millicent Saleyards, depending on throughput being maintained above 8,500 head per annum.
2. Develop a management plan for the Millicent Saleyards facility.
3. Provide an annual allocation of funds in its forward budgets that continues to maintain the Millicent Saleyards to an acceptable operational standard, providing there are no major financial requirements by a regulatory authority.
4. Negotiate with Agents for industry comparable access fees to the Millicent Saleyards facility.

Cr Cox seconded

THE AMENDMENT WAS PUT AND BECAME THE MOTION

Cr Neagle requested the motion be put.

THE MOTION WAS IMMEDIATELY PUT

DIVISION

Cr Paltridge called for a division:

The Mayor declared the vote set aside.

Members voting in the affirmative:

Councillors Cox, Drew, Dunnicliff, McGrath, Muhovics, Neagle, Price and Slarks

Members voting in the negative:

Councillors Burrow and Paltridge

THE MAYOR DECLARED THE MOTION CARRIED

8. MAYORAL COMMUNICATIONS

8.1 Mayoral Communications

Cr Muhovics moved that Mayoral Communications be received and noted.

Cr Burrow seconded

CARRIED

9. DEPUTATIONS

9.1 Disability Access & Inclusion Plan 2019-2023 – Working Group

[Ms Mary Irwin-Davies attended the meeting at 6.34 pm]

Ms Mary Irwin-Davies made a presentation to Council regarding the actions and improvements being carried out by the Disability Access and Inclusion Plan Working Group.

[Ms Mary Irwin-Davies left the meeting at 6.46 pm]

10. PETITIONS

NIL

11. REPORTS FROM COUNCIL MEMBERS

Cr Drew attended (along with Mayor Noll) the grand opening of the new climbing wall at Noorla Yo-long.

[Cr McGrath left the meeting at 6.48 pm]

Cr Muhovics attended the Australia Day celebrations at Millicent and was honoured to present the 2021 Young Citizen of the Year Award to Frazer Johnston.

[Cr McGrath resumed the meeting at 6.49 pm]

Cr Paltridge attended the Australia Day celebrations at Penola where he presented Sue Zwar with the 2021 Citizen of the Year. He noted that John Zwar (Sue's husband) was a previous Citizen of the Year recipient as well as their daughter Caroline who was a previous Young Citizen of the Year recipient.

12. QUESTIONS WITH NOTICE

NIL

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 1 February 2021

Cr Paltridge moved that the Minutes of the Greenrise Lake Advisory Committee Meeting dated 1 February 2021 be noted despite not having a quorum.

Cr Burrow seconded

CARRIED

15. REPORTS FROM COUNCIL OFFICERS

15.1 Chief Executive Officer

15.1.1 Monthly Project Status Report

Cr Muhovics 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 Dunnicliff moved that Council receive and note the 2020/21 January Financial Performance Report.

Cr Drew seconded

CARRIED

15.2.2 2020/21 Fees & Charges Schedule Update

Cr Cox moved that Council adopt the 2020/21 amended fees and charges schedule with the inclusion of the Council building and room facilities hire.

Cr Neagle seconded

CARRIED

15.2.3 Greenrise Lake Advisory Committee Vacancy

Cr Burrow moved that Council pursuant to Section 41 (3) of the *Local Government Act 1999*, Council appoints Ray Haines (Penola Community Representative) as a member of the Greenrise Lake Advisory Committee, for a period coinciding with the four-year term of Council, expiring on 11 November 2022.

Cr Paltridge seconded

CARRIED

15.3 Director Development Services

NIL

15.4 Director Engineering Services

15.4.1 Penola Entrance Signage and Landscaping Project Status Update

Cr Paltridge moved that Council receive and note the report.

Cr Burrow seconded

CARRIED

Cr Burrow moved that Council write to its Local Member of Parliament and Minister for Transport seeking a contribution to the provision of mains power to these entrance markers.

Cr Paltridge seconded

Cr Dunnicliff requested the motion be put.

The Mayor exercised his casting vote.

THE MOTION WAS IMMEDIATELY PUT AND LOST

16. CORRESPONDENCE

16.1 LGA Ordinary General Meeting – 30 April 2021 – Proposed Items of Business

Cr Dunnicliff moved that the correspondence from the Local Government Association of SA regarding the Ordinary General Meeting to be held on 30 April 2021 be received and noted.

Cr Neagle seconded

CARRIED

16.2 Millicent Saleyards – B & K Staude

Cr Cox moved that the correspondence from B & K Staude dated 2 February 2021 be received and noted.

Cr Burrow seconded

CARRIED

16.3 Email from Samela Harris – 2021 Australia Day Ambassador

Cr Burrow moved that the correspondence from Samela Harris Dated 31 January 2021 be received and noted.

Cr Paltridge seconded

CARRIED

16.4 Millicent Saleyards – Millicent & Surrounds Health Support Group

Cr Cox moved that the correspondence from MASHSG dated 3 February 2021 be received and noted.

Cr McGrath seconded

CARRIED

16.5 Millicent Saleyards – P & J Gregurke

Cr Cox moved that the correspondence from P & J Gregurke dated 2 February 2021 be received and noted.

Cr Muhovics seconded

CARRIED

17. MOTIONS ON NOTICE

NIL

18. URGENT MOTIONS WITHOUT NOTICE

NIL

19. ITEMS FOR CONSIDERATION IN CONFIDENCE

19.1 Confidential – Burchard Quarry

Cr Slarks 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 Duka – Director Corporate Services
- Mr PA Halton – Director Engineering Services

- Ms EF Clay – Director Development Services
- Ms CP Allen – Minute Taker

to enable the Council to consider Item 19.1 in confidence on the basis that 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:

- 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
- Would on balance, be contrary to the public interest.

Commercial information of a confidential nature (not being a trade secret) the disclosure of which:

- Could reasonably be expected to prejudice the commercial position of the person who supplied the information or to confer a commercial advantage on a third party; and
- Would on balance, be contrary to the public interest.

Specifically, the present matter relates to Burchard Quarry.

- 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 Burchard Quarry.

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

Thank you

Cr Dunicliff moved that

- 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 Minutes and Report of Item No. 19.1 of 9 February 2021**

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

Information the disclosure of which:

- Could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct

- business, or to prejudice the commercial position of the Council; and
- (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 Burchard Quarry.

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 7.30 pm.

Taken as presented and confirmed.

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MAYOR

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DATE