

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 14 September 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 Agnew
 Cr D Burrow
 Cr S Cox
 Cr J Drew
 Cr P Dunnicliff
 Cr K McGrath
 Cr D Muhovics
 Cr M Neagle
 Cr D Price
 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)
 Ms CP Allen (Executive Assistant)

3. APOLOGIES

NIL

4. DISCLOSURE OF INTERESTS

Cr Muhovics disclosed that he had a Perceived Conflict of Interest in regard to Item 15.2.5.

5. CONFIRMATION OF THE MINUTES

5.1 Ordinary Meeting of Council – 10 August 2021 (Folio 9715 – Folio 9739)

Cr Dunnicliff moved that the Minutes of the Ordinary Meeting dated 10 August 2021 be taken as presented and confirmed.

Cr Muhovics seconded

CARRIED

5.2 Confidential Meeting of Council – 10 August 2021 (CM 938 – CM 939) – Released Immediately

Cr Drew moved that the Minutes of the Confidential Meeting dated 10 August 2021 be taken as presented and confirmed.

Cr Cox seconded

CARRIED

5.3 Special Meeting of Council – 31 August 2021 (Folio 9740 – Folio 9743)

Cr Agnew moved that the Minutes of the Special Meeting dated 31 August 2021 be taken as presented and confirmed.

Cr Dunnicliff seconded

CARRIED

5.4 Confidential Special Meeting of Council – 31 August 2021 (CM 940 – CM 942) – Not Fully Released

Cr Muhovics moved that the Minutes of the Confidential Special Meeting dated 31 August 2021 be taken as presented and confirmed.

Cr Cox 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 Bernard Kierns – Road Closure – Lock Street

[Mr Bernard Kierns attended the meeting at 5.07 pm]

Mr Bernard Kierns made a presentation to Council regarding proposed road closure, Lock Street.

[Mr Bernard Kierns left the meeting at 5.13 pm]

9.2 Lynette D'Onghia – Road Closure – Lock Street

[Ms Lynette D'Onghia attended the meeting at 5.13 pm]

Ms Lynette D'Onghia made a presentation to Council regarding proposed road closure, Lock Street.

[Ms Lynette D'Onghia left the meeting at 5.21 pm]

9.3 Tony Wright – Limestone Coast Local Government Association

[Mr Tony Wright attended the meeting at 5.21 pm]

Mr Tony Wright made a presentation to Council regarding the Limestone Coast Local Government Association entitled Value Proposition.

[Mr Tony Wright left the meeting at 5.47 pm]

10. PETITIONS

NIL

11. REPORTS FROM COUNCIL MEMBERS

Cr McGrath advised that he, Peter Halton and Ben Gower attended the Lake George Meeting on 17 August 2021.

Cr Muhovics advised that he attended the Limestone Coast Landscape Board Meeting with Mayor Noll and Ben Gower held on 19 August 2021. He also attended the Building Fire Safety Committee Meeting on 24 August 2021.

Cr Dunnicliff advised that he met with the Lake George Committee and went for a tour of the Lake with Piers Brissenden from the Crown Lands Program.

12. QUESTIONS WITH NOTICE

12.1 Questions with Notice – Cr Dean Burrow

Walking & Cycling Track on Disused Rail Corridor

Question

- 1) Has there ever been a professional analysis completed on the number of pedestrians and cyclist likely to use the track once completed?

Answer

- 1) *No. This is an almost impossible task to undertake given the location and length of the trail has only recently been confirmed, and that there are so many variables that can influence visitation rates, with National and State border closures due to COVID being the most obvious variable at this point in time. Unlike traffic counts on existing road networks, there is no way to measure potential pedestrian or cycling traffic along a trail that has not yet been constructed. The feasibility studies for a Limestone Coast regional trail network that were conducted in 2015 and adopted by Council are attached this report, and they discuss the economic, social and health benefits of trails in a more generic sense. They formed the basis from which Council developed its own Coonawarra Rail Trail Concept Plan in 2018, which was also incorporated into Council's Strategic Plan. Refer section 3.3 Tourism and Recreational Trails.*

Question

- 2) Should a reliable figure be obtained, I would like to know how much per trip it would cost (similar to what was done with the Nangwarry Pool use)?

Answer

- 2) *This cannot be determined, just like the underlying cost per swim at the new swimming pool at the Mt Gambier Hub can't be determined until some time after it has been built and would require a survey of utilisation against the cost for provision of the infrastructure which would consider maintenance and annual depreciation of the asset.*

Question

- 3) Is there a comparable rail trail (about the same length) that has no real destination?

Answer

- 3) *All of the regional trail plans that have been put forward over the past six years identify Naracoorte as the final destination for the Coonawarra Rail Trail. This section of the regional trails network has been referred to as the Caves to Cabernet trail in a joint submission to the South Australian Tourism Commission and the Minister for Environment whilst seeking their in kind and financial support for this project. Naracoorte Lucindale Council are still trying to secure funding for their section of the trail; the entire route that connects the two towns has been mapped out through a series of rail corridors, road reserves and forestry tracks; and they have commenced developing the Northern section from the township of Naracoorte to the Naracoorte Caves.*

It should be noted that it does have a number of destinations. The trail will connect the townships of Penola and Coonawarra along with Father Wood's Park and offer the opportunity for connections to various cellar doors along the trail.

Question

- 4) Has the State Government completed a study on how many people are likely to travel on the rail trail between Naracoorte and Penola?

Answer

- 4) *Refer to answer 1.*

Penola Town Entrance Landscaping

Question

- 1) The design developed by the Landscape Architect is innovative, attractive and workable but as a Council, can we be confident that we have the resources to cover the maintenance costs?

Answer

- 1) *As per the development of any new asset the outcome of the project will require some level of increased maintenance to the assets being provided. With the provision of the Penola Bypass, Council already took on the additional open space maintenance of the areas proposed to be landscaped with Council's Parks Team mowing and weed spraying the roadside reserves.*

The provision of the landscaping treatments will see an increase in maintenance, the area to the north will require maintenance of the irrigation system and an increase weed management in garden beds. For the southern end Council will have to undertake additional weed management of the indigenous landscape areas until established along with maintenance of lighting infrastructure.

The Team Leader Parks and Gardens anticipates that the areas will require an estimated half a day a month of additional maintenance with one staff member which will result in some reprioritising of work for the team.

13. QUESTIONS WITHOUT NOTICE

Cr Price moved that Council write to DIT requesting written confirmation of their plans to update Kangaroo Flat Road, Mile Hill Road, Overland Track, Mount McIntyre Road.

This motion was refused as it did not take into account the Guiding Principles and Mayor Noll asked that Cr Price deal with it by way of a Notice of Motion.

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 23 August 2021

Cr Burrow moved that the Minutes of the Greenrise Lake Advisory Committee Meeting dated 23 August 2021 be received and noted.

Cr Neagle 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 Neagle seconded

CARRIED

Cr Agnew moved that Council write to Unity Housing congratulating them on their \$45M completed development program and seek matching financial support for the \$20,000 which Council is contributing to Lions Playground in Millicent.

Cr Neagle seconded

Cr Agnew withdrew her motion with the approval of the Seconder.

15.2 Director Corporate Services

15.2.1 Revoked Policy 3.2 – Fees – Development Applications

Cr Cox moved that Council revoke the operation of the Fees - Development Applications Policy.

Cr Dunnicliff seconded

CARRIED

15.2.2 Proposed Road Closure & Sale, Lock Street, Millicent

A Late Item (letter and amended road closure proposal) from Frank Brennan Consulting Services on behalf of Teagle Contracting Pty Ltd was tabled and will be dealt with under Correspondence.

Cr Neagle moved that Council advise Teagle Contracting Pty Ltd that it does not support the formal closure and sale of portion of the unmade Lock Street, Millicent – road reserve.

Cr Muhovics seconded

CARRIED

ADJOURNMENT OF MEETING

Cr Dunnicliff moved that the meeting be adjourned for dinner until 7.05 pm

Cr Neagle seconded

CARRIED

The meeting adjourned at 6.31 pm.

The meeting reconvened at 7.05 pm.

The Mayor asked leave of the meeting to discuss Item 16.6 Late Correspondence out of sequence.

- 16.6 Late Correspondence – Frank Brennan Consulting Services – Closure & Purchase of Road Reserve – Lock Street, Millicent dated 14 September 2021

Cr Dunnicliff moved that correspondence from Frank Brennan Consulting Services regarding closure and purchase of road reserve – Lock Street, Millicent be received and noted.

Cr Cox seconded

CARRIED

Cr Drew moved that Council does not proceed with the closure of Lock Street, Millicent.

Cr Neagle seconded

CARRIED

- 15.2.3 Section 989, Fifth Street, Millicent, Hundred of Mount Muirhead

Cr Cox moved that Council agree to progress the purchase of Section 989, Hundred of Mount Muirhead from the Crown for an agreed purchase price of \$71,500 (including GST).

Cr Price seconded

CARRIED

- 15.2.4 2021/22 Community Grants Program – Round 1

Cr Cox moved that Council:

1. Having assessed applications in accordance with the Community Financial Assistance Grants Program Guidelines, award grants to the value of \$1,729 to the following 1 Community group:

Applicant	Amount
Anglican Community Care Inc.	\$1,729

Cr Neagle seconded

CARRIED

Cr Price moved that Council:

2. Having assessed applications in accordance with the Community Sport and Recreation Grants Program Guidelines, award grants to the value of \$9,500 to the following 5 Sport and Recreation groups:

Applicant	Amount
Glencoe Football Club	\$2,000
Millicent United Soccer Club Inc.	\$2,000
Beachport Pony Club Inc.	\$1,500
SA Field and Game Association – SE Branch	\$2,000
Hatherleigh Sport and Recreation Centre Inc.	\$2,000

Cr McGrath seconded

AMENDMENT

Cr Neagle moved that Council having assessed applications in accordance with the Community Sport and Recreation Grants Program Guidelines, award grants to the value of \$7,500 to the following 4 Sport and Recreation groups:

Applicant	Amount
Millicent United Soccer Club Inc.	\$2,000
Beachport Pony Club Inc.	\$1,500
SA Field and Game Association – SE Branch	\$2,000
Hatherleigh Sport and Recreation Centre Inc.	\$2,000

Cr Agnew 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 Sport and Recreation Grants.

Cr Drew moved that the meeting be suspended until 7.36 pm

Cr Price seconded

CARRIED

The meeting adjourned at 7.22 pm.

The meeting reconvened at 7.37 pm.

THE AMENDMENT WAS PUT AND WAS LOST

THE MOTION WAS PUT AND WAS CARRIED

15.2.5 Community Infrastructure Grants

Cr Dennis Muhovics advised that he had a Perceived Conflict of Interest in regard to the Mount Burr Football Club's Community Infrastructure Grant application. The nature of the Conflict is his Employee has quoted to undertake works if successful. Cr Muhovics dealt with the Conflict by leaving the Chamber.

[Cr Muhovics declared a Conflict of Interest and left the Chamber at 7.39 pm]

Cr Dunnicliff moved that Council:

1. Having assessed applications in accordance with the Community Infrastructure Grant guidelines award grants to the value of \$110,000 to the following:

Applicant	Amount
Millicent & District International Basketball Association Inc.	\$40,000.00
Mount Burr United Football Club Inc.	\$50,000.00
Lions Club of Millicent	\$20,000.00

THE MOTION LAPSED FOR WANT OF A SECONDER

Cr Drew moved that Council:

2. Having assessed applications in accordance with the Community Infrastructure Grant guidelines award grants to the value of \$123,143 to the following:

Applicant	Amount
Millicent & District International Basketball Association Inc.	\$40,000.00
Mount Burr United Football Club Inc.	\$50,000.00
Lions Club of Millicent	\$20,000.00
Millicent Bowling Club	\$13,143.00

Cr Slarks seconded

CARRIED

[Cr Muhovics resumed the Chamber at 7.56 pm]

15.3 Director Development Services

NIL

15.4 Director Engineering Services

15.4.1 Penola Landscaping Township Entrances

Cr Burrow moved that Council:

1. Receive and note the report.

Cr Neagle seconded

CARRIED

Cr Neagle moved that Council:

2. Provide approval to proceed with implementation of the landscape concept plan.

Cr Muhovics seconded

CARRIED

16. CORRESPONDENCE

16.1 2021/2022 Black Spot Program

Cr McGrath moved that the correspondence from Kerry McConnell dated 28 July 2021 regarding 2021/2022 Black Spot Program be received and noted.

Cr Price seconded

CARRIED

16.2 Wattle Range Climate Change Consultative Group

Cr Neagle moved that the minutes from the Wattle Range Climate Change Consultative Group dated 4 August 2021 be received and noted.

Cr Muhovics seconded

CARRIED

16.3 Limestone Coast Local Health Network Strategic Plan 2021 – 2025

Cr Neagle moved that the correspondence from Angela Miller dated 18 August 2021 regarding the LCLHN Strategic Plan 2021-25 be received and noted.

Cr Drew seconded

CARRIED

16.4 Business SA's Charter 22

Cr Price moved that the correspondence from Martin Haese and Nikki Govan dated 26 August 2021 regarding Charter 22 introducing 26 recommendations outlining key business priorities for the upcoming State Election be received and noted.

Cr McGrath seconded

CARRIED

16.5 State Library

Cr Cox moved that correspondence from Bruce Linn dated 2 September 2021 regarding Libraries Board Grant Funding Advice 2021/22 be received and noted.

Cr Neagle seconded

CARRIED

17. MOTIONS ON NOTICE

17.1 Motion on Notice – Withdrawal of Funding – Regional Development Association Limestone Coast – Mayor Des Noll

Regional Development Australia Limestone Coast - Snapshot of Support and Assistance to Wattle Range Council was tabled at the meeting.

Mayor Noll moved Council withdraw its funding of \$19,781.00 to the Regional Development Association Limestone Coast (RDALC) commencing 2022/23.

Cr Muhovics seconded

AMENDMENT

Cr Burrow moved Council consider withdrawing its funding of \$19,781.00 to the Regional Development Association Limestone Coast (RDALC) commencing 2022/23 following a presentation by the Chief Executive Officer of the RDALC to Council.

Cr McGrath seconded

Cr Burrow withdrew the Amendment with the approval of the Seconder

ADJOURNMENT

Cr Price moved an adjournment until Council has had a meeting with the Chief Executive Officer of the Regional Development Association Limestone Coast (RDALC).

Cr Dunnicliff seconded

CARRIED

17.2 Motion on Notice – Design of Office Complex in Vicinity of RSL – Cr Dean Burrow

Cr Burrow moved Council request from Architect, Mr Stephen Herbert provide an indicative cost to undertake a design for the proposed office complex in the vicinity of the RSL building, the drain and the abandoned swimming pool. Further, ascertain whether he would still like the opportunity to do so, and if he currently has the resources to do the work.

Cr Price seconded

LOST

17.3 Motion on Notice – Rail Transport – Cr Dean Burrow

Cr Burrow withdrew his Motion on Notice.**18. URGENT MOTIONS WITHOUT NOTICE****NIL****19. ITEMS FOR CONSIDERATION IN CONFIDENCE**

19.1 Confidential - Penola / Coonawarra Rail Trail - Tender Evaluation Report

A letter from Westley DiGiorgio Norcock re Proposed Coonawarra Rail Trail dated 14 September 2021 was tabled at the meeting.

Cr Price 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 19.1, 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 C Allen – Executive Assistant / Minute Taker
- Mr MK Sunkappa Reddappa – Project Manager

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 the construction of Penola-Coonawarra Rail Trail.

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 McGrath 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 a tender for the construction of Penola-Coonawarra Rail Trail.

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

Thank you

[Cr Muhovics and Cr Neagle left the meeting at 8.53 pm]

Cr Cox moved that Council:

1. Receive and note the report.

Cr Agnew seconded

CARRIED

[Cr Muhovics resumed the meeting at 8.55 pm]

[Cr Neagle resumed the meeting at 8.56 pm]

Cr Dunnicliff moved that Council:

2. Enter into an agreement with Transformer Services Pty Ltd (trading as TFS Civil, ABN 66 153 373 178) for the construction of the Penola-Coonawarra Rail Trail.

Cr McGrath seconded

CARRIED

Cr Drew 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. 19.1 of 14 September 2021**

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 the construction of Penola-Coonawarra Rail Trail.

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

19.2 Confidential – Tip Truck Replacement Tender Report

Cr Muhovics 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 PA Halton – Director Engineering Services
- Ms EF Clay – 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 and the carrying out of works.

Specifically, the present matter relates to the purchase of a new tipper (dump) truck.

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 Price seconded

CARRIED

Cr Slarks moved that Council:

1. Receive and note the report.
2. Authorise the CEO to purchase the Hino FS2848 Pro Shift 16 AMT tipper truck from Barry Maney Group for a purchase price of \$230,861.00 plus GST.
3. Authorise the CEO to sell the Council Isuzu F Series tipper truck to Barry Maney Group for an income of \$45,636.00 plus GST.
4. Authorise the CEO as part of the purchase of the Hino FS2848 Pro Shift 16 AMT tipper truck from Barry Maney Trucks to include in the purchase contract the installation of the 5th Wheel Interchange System for a cost of \$33,600.00 plus GST.

Cr McGrath seconded

CARRIED

Cr Burrow 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 19.2 of 14 September 2021**

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 the purchase of a new tipper (dump) truck.

This order shall operate until **14 September 2022** 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 Cox seconded

CARRIED

19.3 Confidential – Heavy Vehicle Transport Trailer Procurement (Low Loader)

Cr Cox 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 PA Halton – Director Engineering Services
 - Ms EF Clay – 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 and the carrying out of works.

Specifically, the present matter relates to a tender for a Heavy Plant Transport Trailer (Low Loader Tri-axle Trailer).

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 Dunnicliff seconded

CARRIED

Cr Price moved that Council:

1. Receive and note the report.
2. Authorise the CEO to purchase a heavy plant transport trailer being a Goose Neck Tri-axle Low Loader from Midland Pty Ltd for the tendered price of \$204,127.00 plus GST.

Cr Slarks 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 19.3 of 14 September 2021**

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 Heavy Plant Transport Trailer (Low Loader Tri-axle Trailer).

This order shall operate until **14 September 2022** 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

19.4 Confidential – Freedom of Information (FOI)

Cr Muhovics moved that:

1. Pursuant to Sections 90(2) and 90(3)(h) of the *Local Government Act 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to the consideration of the written report with respect to Item 19.4 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 C Allen – Executive Assistant / Minute Taker

To enable the Council to consider the written report with respect to 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 legal advice. Specifically, the written report with respect to Item 19.4 contains legal advice from Norman Waterhouse Lawyers with respect to the *Local Government Act 1999* and the *Freedom of Information Act 1991*.

2. 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 that information confidential.

Cr Price seconded

CARRIED

Cr Drew moved for the purpose of section 120(1)(b) of the *Local Government Act 1999*, the Council determines that in the event that the CEO may have a conflict of interest in their capacity as Principal Officer under the *Freedom of Information Act 1991*, the Deputy CEO will take any steps, including communicating with the applicant and making any form of determination, with respect to an application under the *Freedom of Information Act 1991* on behalf of the Principal Officer.

Cr Neagle seconded

CARRIED

Cr Cox moved that:

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

- **The Report with respect to Item No 19.4 of 14 September 2021**

On the grounds that the document contains legal advice from Norman Waterhouse Lawyers with respect to the *Local Government Act 1999* and the *Freedom of Information Act 1991*.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the *Local Government Act 1999*.

Cr Burrow seconded

CARRIED

Meeting closed at 10.07 pm.

Taken as presented and confirmed.

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MAYOR

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DATE