

WATTLE RANGE COUNCIL

Minutes of the Ordinary Meeting of Wattle Range Council held in the Council Chamber, Civic Centre, Corner George Street & Ridge Terrace on Tuesday, 9 August 2022 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 C Brodie
 Cr D Burrow
 Cr J Drew
 Cr P Dunicliff
 Cr K McGrath
 Cr D Muhovics
 Cr D Price

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

Cr M Neagle

Mayor Noll asked those in attendance to be upstanding for a minute's silence for Herb Henderson, Elected Member of the District Council of Millicent from 1979 to 1982, and Premiership Player for Footscray.

4. DISCLOSURE OF INTERESTS

Mayor Noll disclosed that he had a Perceived Conflict of Interest in regard to Item 15.4.2.

5. CONFIRMATION OF THE MINUTES

5.1 Ordinary Meeting of Council – 12 July 2022 (Folio 10257 – Folio 10326)

Cr Price moved that the Minutes of the Ordinary Meeting dated 12 July 2022 be taken as presented and confirmed.

Cr Muhovics seconded

CARRIED

5.2 Confidential Meeting of Council – 12 July 2022 (CM 989 – CM 990)

Cr Cox moved that the Minutes of the Confidential Meeting dated 12 July 2022 be taken as presented and confirmed.

Cr Dunicliff seconded

CARRIED

6. MATTERS ARISING FROM THE MINUTES

NIL

7. ADJOURNMENTS

NIL

8. MAYORAL COMMUNICATIONS

8.1 Mayoral Communications

Cr Burrow moved that Mayoral Communications be received and noted.

Cr Brodie seconded

CARRIED**9. DEPUTATIONS**

NIL

10. PETITIONS

NIL

11. REPORTS FROM COUNCIL MEMBERS

Cr McGrath advised that on 4 August 2022 he attended a HAC Meeting to organise the Open Day but was advised that the Open Day has been postponed due to the increase in patients and lack of staff availability.

Cr Muhovics – read out a segment from the Southern Eastern Times of 17 July 1997 entitled New Office Site: “*Due to a lack of space in the former Millicent District Council Offices, Wattle Range Council’s engineering services will be temporarily sited at 7 Davenport Street, Millicent. CEO, Frank Brennan reported that due to the transfer of staff and equipment the former Millicent Offices were now overcrowded. Architects are now looking at a floor plan and renovations to the present offices to accommodate the new Council’s needs and when completed this will be presented to Council.*”

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

NIL

15. REPORTS FROM COUNCIL OFFICERS

15.1 Chief Executive Officer

15.1.1 Monthly Project Status Report

Cr McGrath moved that Council receive and note the report.

Cr Agnew seconded

CARRIED

15.2 Director Corporate Services

15.2.1 Monthly Financial Performance Report

Cr Muhovics moved that Council receive and note the 2022/23 July Financial Performance Report.

Cr McGrath seconded

CARRIED

15.2.2 Beachport New Year's Eve Dry Area 2022

Cr Dunicliff moved that Council receive and note the report.

Cr Brodie seconded

CARRIED

Cr Cox moved that Council:

1. That Council apply to the Office of Consumer and Business Services and Liquor and Gambling Commissioner pursuant to the *Liquor Licensing Act 1997* for the establishment and operation of the following long term dry areas in the Beachport township:

- 1a Centennial Park (Beachport Area 1):

- between the hours of 12.01 a.m. and 7.00 a.m. each day during the period Monday 26 December 2022 (Boxing Day) to Saturday 31 December 2022; and then
- 7.01 a.m. on Saturday 31 December 2022 to 12.00 p.m. on Monday 2 January 2023; and

- 1b Beachport Township (Beachport Area 2):

- between the hours of 12.00 p.m. on Monday 26 December 2022 (Boxing Day) to 12.00 p.m. on Monday 2 January 2023.

Cr Agnew seconded

CARRIED

Cr Drew moved that Council:

2. That Council pursuant to Section 131 (1ab) of the *Liquor Licensing Act 1997* declare the following a Short-term dry area in the Beachport township:

- 2a Beachport Foreshore (Beachport Area 3):

- between the hours of 12.00 p.m. on Saturday 31 December 2022 to 12.00 p.m. on Sunday 1 January 2023.

Cr Dunicliff seconded

Cr Cox called for a division:

The Mayor declared the vote set aside.

Members voting in the affirmative:

Councillors Brodie, Burrow, Drew, Dunnicliff, McGrath, Muhovics, Price

Members voting in the negative:

Councillors Agnew, Cox

The Mayor declared the motion CARRIED

15.2.3 Millicent Saleyards

Cr Brodie moved that Council:

1. Receive and note the report.

Cr Muhovics seconded

CARRIED

Cr Cox moved that Council:

2. Pursuant to Section 41 (6) of the *Local Government Act 1999*, appoint the Mayor to be an “ex officio” member of the Millicent Saleyards Advisory Committee for a period coinciding with the four-year term of Council, expiring on 11 November 2022.
3. Pursuant to Section 41(3) of the *Local Government Act 1999*, appoint Cr Dale Price and Cr Kevin McGrath to the Millicent Saleyards Advisory Committee for a period coinciding with the four-year term of Council, expiring on 11 November 2022.
4. Pursuant to Section 41(3) of the *Local Government Act 1999* appoint Scott Altschwager, John Chay, Anthony Driessen and Owen Merrett as stock agent members to the Millicent Saleyards Advisory Committee for a period coinciding with the four-year term of Council, expiring on 11 November 2022.
5. Pursuant to Section 41(3) of the *Local Government Act 1999* appoint Neville Copping as the stock contractor member to the Millicent Saleyards Advisory Committee for a period coinciding with the four-year term of Council, expiring on 11 November 2022.
6. Pursuant to Section 41(3) of the *Local Government Act 1999* appoints Lee Morgan as the Millicent & Business Chamber Association (MBCA) member to the Millicent Saleyards Advisory Committee for a period coinciding with the four-year term of Council, expiring on 11 November 2022.

Cr Dunnicliff seconded

CARRIED

15.2.4 Wattle Range Youth Development Foundation

Cr Cox moved that Council provide financial assistance to Jack Sharam to assist with costs to attend the 2022 School Sport Australia Hockey Championships in Hobart from 30 July 2022 – 6 August 2022.

Cr Brodie seconded

CARRIED

15.2.5 Procurement Policy

Cr Price moved that Council:

1. Receive and note the report.

Cr Agnew seconded

CARRIED

Cr Muhovics moved that Council:

2. Endorse the adoption of the revised Procurement Policy.

Cr Agnew seconded

CARRIED

15.3 Director Development Services

15.3.1 Draft Strategic Land Use Plan – Consultation Feedback

Cr Agnew moved that Council:

1. Receive and note the report.

Cr Price seconded

CARRIED

Cr Cox moved that Council:

2. Endorse the Wattle Range Council Strategic Land Use Plan as amended.

Cr Agnew seconded

CARRIED

15.4 Director Engineering Services

15.4.1 CWMS Asset Management Plan for Consultation

Cr McGrath moved that Council:

1. Receive and note the report.

Cr Price seconded

CARRIED

Cr Muhovics moved that Council:

2. Release the draft CWMS Asset Management Plan for public consultation for a period of 21 days.

Cr Brodie seconded

CARRIED

15.4.2 Wattle Range Council – Annual Plant Hire

Mayor Noll advised that he had a Perceived Conflict of Interest in regard to Nuske Contracting – as the Owner of the business is his brother-in-law.

Mayor Noll remained in the chamber throughout the discussions.

Cr Agnew moved that Council:

1. Receive and note the report.

Cr Burrow seconded

CARRIED

Cr Muhovics moved that Council:

2. Authorise the CEO to enter into the Panel Contract with all the complying contractors.

Cr McGrath seconded

CARRIED

Mayor Noll did not vote.

The majority of the members voted in the affirmative.

15.4.3 Contract Extension – Scrap Metal Collection

Cr McGrath moved that Council:

1. Receive and note the report.

Cr Agnew seconded

CARRIED

Cr Agnew moved that Council:

2. Council offers a 12-month extension to the current contract for Collection of Scrap Metal to the Sogho Group Pty Ltd.

Cr McGrath seconded

CARRIED

16. CORRESPONDENCE

16.1 Farm Firefighting Units - Hon Joe Szakacs MP

Cr Cox moved that the correspondence be received and noted.

Cr Drew seconded

CARRIED

16.2 Pridevember - Fly the Rainbow Flag in 2022 - Feast Festival's Rainbow Initiative

Cr Agnew moved that:

1. Be received and noted.

Cr Cox seconded

CARRIED

Cr Cox moved that:

2. That Council fly the rainbow flag for the **whole month of November** (1st – 30th Nov) to coincide with the Feast developed initiative “**Pridevember**” – a month-long celebration of inclusivity and diversity in South Australia

Cr Brodie seconded

CARRIED

16.3 Regional Development Australia - Wattle Range Council Population Highlights

Cr Agnew moved that correspondence from Regional Development Australia regarding Wattle Range Council Population highlights be received and noted.

Cr Cox seconded

CARRIED

17. MOTIONS ON NOTICE

17.1 Motion on Notice - Cr Chris Brodie - Youth Leadership Sponsorship Program

Cr Brodie moved Council request a report in regard to adding Youth Leadership Sponsorship to the existing Grants and Sponsorship programs that Council offers to the value of \$10,000 annually.

Cr Burrow seconded

CARRIED

ADJOURNMENT OF MEETING

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

Cr Brodie seconded

CARRIED

The meeting adjourned at 6.31 pm.

The meeting reconvened at 7.10 pm.

18. URGENT MOTIONS WITHOUT NOTICE

NIL

[Cr Cox resumed the meeting at 7.11 pm]

19. ITEMS FOR CONSIDERATION IN CONFIDENCE

19.1 Purchase of Two Motor Graders

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 19.1, 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

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 provision of services and the carrying out of works.

Specifically, the present matter relates to a tender to purchase two motor graders.

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 Brodie seconded

CARRIED

Cr Dunicliff moved that Council

1. Receive and note the report.

Cr Agnew seconded

CARRIED

Cr Cox moved that Council

2. Delegate to the CEO the power to enter into a contract to purchase two Caterpillar 140m motor graders from Cavpower.

Cr Drew seconded

CARRIED

Cr Muhovics 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 19.1 of 9 August 2022**

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

Specifically, the present matter relates to a tender to purchase two motor graders.

This order shall operate until **9 August 2023** 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 Brodie seconded

CARRIED

19.2 Wheeled 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 19.2, 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 provision of services and the carrying out of works.

Specifically, the present matter relates to a tender to purchase a new Wheeled Loader.

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 Brodie seconded

CARRIED

Cr Agnew moved that Council:

1. Receive and note the report.

Cr Cox seconded

CARRIED

Cr Price moved that Council:

2. Delegation to the CEO the power to entering into a contract to purchase one new John Deere 544k-11 Front end loader from RDO Equipment including trade of the existing unit.

Cr Brodie seconded

CARRIED

Cr Muhovics 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 9 August 2022**

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

Specifically, the present matter relates to a tender to purchase a new Wheeled Loader.

This order shall operate until **9 August 2023** 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 Rymill Hall Shed Design and Construct Tender Evaluation

Cr Burrow 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 provision of services and the carrying out of works.

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 Burrow moved that Council:

1. Receive and note the report.

Cr Brodie seconded

CARRIED

Cr Muhovics moved that Council:

2. Enter into an Agreement for Services with Bissen Pty Ltd Trading as Blackbird Industries for the design and construction of the Rymill Hall storage shed at McCorquindale Park, Penola.

Cr Price seconded

CARRIED

Cr Agnew 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 9 August 2022**

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 Rymill Hall storage shed, McCorquindale Park, Penola.

This order shall operate until **9 August 2023** 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 Brodie seconded

CARRIED

19.4 Wendy's Walk Design and Construct Tender Evaluation

Cr Burrow 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 19.4, 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 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 the following information or matter relating to Item 19.4 tenders for the provision of services and the carrying out of works.

Specifically, the present matter relates to the design and construction of a replacement staircase at Wendy's Walk in Beachport.

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 Brodie seconded

CARRIED

Cr Cox moved that Council:

1. Receive and note the report.

Cr Agnew seconded

CARRIED

Cr Drew moved that Council:

2. Delegate the Chief Executive Officer to enter into a Contract with Hamlyn Wilson for the removal, design, replacement, supply of materials and construction of Wendy's Walk Staircase at Beachport based on a lump sum.
3. Refer to the budget \$7,000 for the construction of the boardwalk on McArthur Place and the viewing platform as part of the replacement of the Wendy's Walk staircase.

Cr Agnew seconded

CARRIED

Cr Cox 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 and Attachment of Item 19.4 of 9 August 2022**

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 design and construction of a replacement staircase at Wendy's Walk in Beachport.

This order shall operate until **9 August 2023** 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 Brodie seconded

CARRIED

19.5 Significant Enforcement Action Update

Cr Brodie moved that:

1. Pursuant to Sections 90(2) and 90(3)(a)(i) 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 19.5, 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 19.5 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 19.5 information relating to actual litigation or litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of the Council.

Specifically, the present matter relates to enforcement action taken.

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 Dunicliff seconded

CARRIED

Cr Cox moved that Council receive and note the report.

Cr Price 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)(a)(i) of the Act:

- **The Report of Item 19.5 of 9 August 2022**

On the grounds that the document(s) (or part) relates to information relating to actual litigation or litigation that the Council believes on reasonable grounds will take place involving the Council or an employee of the Council.

Specifically, the present matter relates to enforcement action taken.

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

Meeting closed at 8.09 pm.

Taken as presented and confirmed.

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MAYOR

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DATE