

Coorong District Council
Minutes of the Ordinary Meeting held on 16 July 2019



Minutes of the Ordinary Meeting of the Coorong District Council held at the Coorong Civic Centre Chambers, Tailem Bend on Tuesday 16 July 2019 commencing at 6:00pm.

PRESENT: Mayor Cr. PE Simmons, Deputy Mayor Cr. JJ Arthur, Councillors SU Bland, TF Hill, NR Jaensch, VA Leng, BD Qualmann, LF Rowntree & GA Taylor.

IN ATTENDANCE: D Mosel (Acting Chief Executive Officer), J Thompson (Finance Manager), B Jarvis (Organisational Development Coordinator) and A Crossman (minute taker).

APOLOGIES: Nil

WELCOME

The Mayor welcomed all present, read the civic prayer and acknowledged the traditional owners of the land on which we meet.

The Mayor acknowledged the passing of two previous Councillors; Mr Don Bennier and Mr Bob Tanner. Cr. Qualmann, Cr. Jaensch and Cr. Bland reflected on their relationship with Bob Tanner, and highlighted his commitment and passion to his community of Meningie.

182/19 CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF THE COORONG DISTRICT COUNCIL HELD ON 25 JUNE 2019

Moved Cr. Rowntree, Sec. Cr. Jaensch that the minutes (including the confidential minutes) of the Ordinary Meeting of the Coorong District Council held on 25 June 2019 be adopted as a true and correct record, with an amendment under Public Question Time:

- *Name: Sandra Douglas*
Sandra Douglas asked whether Cr. Leng had been provided legal assistance by Council. The Mayor stated he was unable to answer the question as it was a confidential matter.

CARRIED UNANIMOUSLY

BUSINESS ARISING / ACTION LIST

Cr. Jaensch referred to minute 090/19 (Cr. NR Jaensch – support of farming communities), and noted that he had received a copy of Council’s letter to State Government, which captured well Council’s request for action regarding animal rights groups’ activities.

Cr. Jaensch asked the Mayor whether he had arranged a meeting with the Tailem Bend Rowing Club yet. The Mayor advised that a meeting had not yet been set.

Cr. Leng requested an update of minute 038/19 (Cr. NR Jaensch – advocacy of environmental and water management issues). Acting Chief Executive Officer advised that the meetings had not yet been organised, but environmental issues would be added to the agenda when Members of Parliament are contacted.

Cr. Bland requested that minutes actioned to Nat Traeger as the responsible officer be updated to new action officers. Acting Chief Executive Officer confirmed this would be attended to.

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Cr. Arthur referred to minute 123/19 (Motion without notice) and asked whether any investigation had been undertaken on black spot funding spots within the district. Acting Chief Executive Officer advised that the matter is being investigated and would be followed up.

Cr. Arthur requested an update of minute 058/19 (Narrung Reserve & Coonalpyn Caravan Park payment & booking system). Acting Chief Executive Officer advised that the minute had been allocated to an officer, but given Council has not adopted the 2019/20 budget, the work has been put on hold.

Cr. Rowntree asked whether any progress been made on minute 098/19 (Motion without notice). Acting Chief Executive Officer confirmed that the water filtration system has worked to some extent at the Tintinara Cemetery, and that Council is still communicating with key families of headstones identified for cleaning before moving ahead.

Cr. Bland requested that minute 061/19 (Meningie Area School Request for additional library funding) now be marked as complete as Council support is no longer required, and advised that the Meningie Area School have internally resourced to provide weekend coverage at the community library.

QUESTIONS WITH NOTICE

Cr. ARTHUR ASKS

I request a copy of the tender documents for the purchase made recently for three light fleet vehicles, including the quotations (proposal details) submitted to LGA Procurement, and the details of their evaluation and recommendation to Council (by LGA Procurement) on the preferred tenderer.

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

A request has been made to LGA Procurement to provide Council with appropriate documentation as per Cr. Arthur's question.

Owing to the confidential nature of the information to be supplied (commercial in confidence), a confidential information report will be included in the August 2019 ordinary Council meeting agenda, which will provide the information in full to Council.

QUESTIONS WITHOUT NOTICE

Cr. Qualmann asked for information regarding the process for the Tailem Bend Australia Day event. Executive Assistant provided a response.

Based on recent undertakings by Council and/or perceived lack of transparency from the perspective of the community, Cr. Jaensch asked on behalf of ratepayers for retrospective costings (i.e. lost time, long-term absenteeism and legal expenses). The Mayor took the question on notice.

Cr. Taylor noted that The Bend are putting in diversions as part of the upcoming Supercars event which will require traffic down Peregrine Way, and asked whether Council will be putting measures in place to address traffic impacts. Acting Chief Executive Officer provided a response.

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PETITIONS

NIL

DEPUTATIONS

NIL

PUBLIC QUESTION TIME

Name: Rosa Hillam

Rosa raised an event that will occur on 4 August 2019, which is National Aboriginal & Torres Strait Islander Children's Day, and asked whether Council could become involved with the event.

The Mayor invited Ms Hillam to engage with him regarding the event following the meeting.

Name: Rosa Hillam

Rosa referred to election campaigning which was carried during 2018, and reiterated that she would like to see responses in regards to Cr. Jaensch's questions without notice raised earlier in the meeting.

Name: Sandra Douglas

Sandra noted that she had been asked to read a letter on behalf of Mr Bruce Pennington.

The Mayor responded that the correspondence would be circulated to all Councillors following the Council meeting.

Sandra also referred to questions Mr Pennington had asked of Council directly which are still awaiting response. The Mayor noted this, and advised that as the questions were finance related, other financial matters are currently taking precedence, including adopting the 2019/20 Annual Business Plan and budget.

Name: Stephen Paech

Stephen noted that Council had not yet adopted a budget for 2019/20, and asked whether some Council works were not being carried out owing to this situation.

Acting Chief Executive Officer advised that works which need to be done are being carried out by contractors already engaged, or being carried internally. The Mayor added that Council is close to approving a 2019/20 budget.

The Mayor requested and was granted leave of the meeting to bring forward agenda item 14 (Confidential Items) listed for consideration.

CONFIDENTIAL ITEMS

183/19 INTO CONFIDENCE – RECEIPT OF LEGAL ADVICE IN RESPECT OF COMPLAINTS – 6:39PM

Moved Cr. Rowntree, Sec. Cr. Leng:

That in accordance with sections 90(2) and 90(3)(a) and (h) of the Local Government Act 1999, the Council orders that the public and staff (with the exception of Acting Chief Executive Officer and Organisational Development Coordinator) be excluded from attendance at that part of this meeting relating to item 14.1, 'Receipt of Legal Advice in respect of Complaints', with the exception of Norman Waterhouse Lawyers representatives, Sathish Dasan and Virginia Liu, to enable the Council to consider the item in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting the aforementioned persons in order to receive, discuss or consider in confidence the following information or matter relating to Item 14.1:

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Specifically, item 14.1 relates to information pertaining to the personal affairs of a person

The disclosure of this information would be unreasonable because it is sensitive to that person and is not a matter of public knowledge.

And

- (h) legal advice.

Specifically, legal advice provided by Norman Waterhouse Lawyers.

Accordingly, on this basis, the Council considers 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.

CARRIED UNANIMOUSLY

The public left the meeting at 6:39pm.

185/19 OUT OF CONFIDENCE – 8:40PM

Moved Cr. Rowntree, Sec. Cr. Jaensch that under section 90(3)(a) of the Local Government Act 1999, the Council pursuant to section 91(7)(b) of that Act order that the discussion, report and minute be held in confidence until the next annual review of confidential orders.

CARRIED UNANIMOUSLY

Meeting adjourned for a short break at 8:42pm.

The public were admitted back to the chamber and the meeting resumed at 8:50pm.

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MAYOR'S REPORT

The Mayor's report was tabled with no further comment.

COUNCIL MEMBERS' REPORTS

Cr. Hill elaborated on her attendance at the National Carp Control Plan (NCCP) workshop in Canberra, noting that it was made it clear at the workshop that no burden should be put onto ratepayers as a result of the rollout of the NCCP.

Cr. Leng asked whether Murray Darling Association representatives attended, and what their position was at the workshop. Cr. Hill noted that the Murray Darling Association Chief Executive Officer was in attendance.

Cr. Hill added that she would like to see a meeting hosted in this district for the benefit of the local community. The Mayor confirmed that Cr. Hill's request would be followed up.

NOTICES OF MOTION

NIL

MOTIONS WITHOUT NOTICE

186/19 Moved Cr. Bland, Sec. Cr. Jaensch that a short survey be undertaken across all staff in regard to the Elected Members and Staff Christmas Event:

- That it be inclusive of, but not exclusive to, format and interest;
- That a report be presented to Council by October 2019.

CARRIED UNANIMOUSLY

187/19 Moved Cr. Leng, Sec. Cr. Qualmann that Council hold payment of its membership of the Murray Darling Association for 2019/20, pending the Finance Committee reviewing expenditure by Coorong District Council in its membership and participation of the Murray Darling Association.

CARRIED UNANIMOUSLY

FORMAL MOTION

188/19 Moved Cr. Arthur, Sec. Cr. Taylor that Cr. Leng's motion without notice lie on the table.

Voting for the motion were Councillors Arthur, Hill, Simmons and Taylor

Voting against the motion were Councillors Bland,

Jaensch, Leng, Qualmann and Rowntree

The Mayor declared the motion LOST

189/19 Moved Cr. Bland, Sec. Cr. Jaensch that a formal report be provided to Council in relation to the cost impacts from the changes to the Murray Darling Association Region 6 cost structure before any funding is provided to Region 6.

CARRIED UNANIMOUSLY

OFFICE OF THE CHIEF EXECUTIVE OFFICER'S REPORT

190/19 COMPLETION OF ORDINARY RETURNS – COUNCIL MEMBERS AND STAFF

Moved Cr. Qualmann, Sec. Cr. Rowntree that:

1. Council Members, in accordance with section 66 of the Local Government Act 1999, complete the ordinary return form and return to the Chief Executive Officer by 29 August 2019;
2. Council determine in accordance with section 111 of the Local Government Act 1999 that section 111(b) apply to any officer of the Council who provides a report for consideration or, by delegation, is authorised to order any goods or services from any external provider or supplier to a value of \$5,000 and above.

CARRIED UNANIMOUSLY

191/19 COMMONWEALTH HOME SUPPORT PROGRAMME - DEED OF VARIATION IN RELATION TO AGREEMENT ID 4-7RLVNE8

Moved Cr. Bland, Sec. Cr. Rowntree that Council authorises the Mayor and Chief Executive Officer to execute and affix the Council seal to the Deed of Variation in relation to Agreement ID 4-7RLVNE8 (Commonwealth Home Support Programme).

Voting for the motion were Councillors Bland, Hill, Jaensch,
Leng, Qualmann, Rowntree, Simmons and Taylor

Voting against the motion was Councillor Arthur

The Mayor declared the motion CARRIED

FORMAL MOTION

Cr. Rowntree left the meeting at 9:31pm.

Cr. Rowntree returned to the meeting at 9:31pm.

192/19 Moved Cr. Arthur, Sec. Cr. Leng that the item 'Commonwealth Home Support Programme – Deed of Engagement with Tailem Bend Community Centre' lay on the table.

Voting for the motion were Councillors Arthur, Hill, Leng, Rowntree and Simmons

Voting against the motion were Councillors Bland, Jaensch, Qualmann and Taylor

The Mayor declared the motion CARRIED

The Mayor suspended standing orders at 9:32pm.

The Mayor resumed meeting procedures at 9:37pm.

MOTION WITHOUT NOTICE

193/19 Moved Cr. Hill, Sec. Cr. Bland that the ordinary meeting continue to consider the remaining items on the agenda.

CARRIED UNANIMOUSLY

194/19 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Moved Cr. Hill, Sec. Cr. Rowntree that pursuant to section 102(c) of the Local Government Act 1999, Council notes the appointment of Graeme Maxwell as Acting Chief Executive Officer for the period starting 2 August 2019 and ending 30 August 2019 (inclusive).

CARRIED UNANIMOUSLY

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SECTION 41 COMMITTEES AND SECTION 43 SUBSIDIARIES

195/19 PANGARINDA BOTANIC GARDEN COMMITTEE – MINUTES OF ANNUAL GENERAL MEETING HELD 28 MAY 2019

Moved Cr. Jaensch, Sec. Cr. Arthur that Council receive the minutes of the Pangarinda Botanic Garden Committee annual general meeting held on 28 May 2019.

CARRIED UNANIMOUSLY

196/19 PANGARINDA BOTANIC GARDEN COMMITTEE – MINUTES OF MEETING HELD 28 MAY 2019

Moved Cr. Arthur, Sec. Cr. Qualmann that Council receive the minutes of the Pangarinda Botanic Garden Committee general meeting held on 28 May 2019.

CARRIED UNANIMOUSLY

COMMUNITY & CORPORATE REPORT

NIL

INFRASTRUCTURE & ASSETS REPORT

197/19 SUPER STREET PARTY – REQUEST FOR COUNCIL ASSISTANCE

Cr. Taylor declared a perceived conflict of interest owing to her membership with the Tailem Bend RSL, and chose to remain in the meeting, participate in the discussion, but not vote on the item.

Moved Cr. Qualmann, Sec. Cr. Rowntree that Council support the Super Street Party to be held in Tailem Bend on 22 August 2019, which will include:

- waiving the Special Event Permit and Application fees;
- provision of portable toilets for Super Street Party event; and
- in-kind event promotion and management support.

CARRIED UNANIMOUSLY

MOTION WITHOUT NOTICE

198/19 Moved Cr. Bland, Sec. Cr. Leng that Council record Cr. Taylor's responses to questions raised in regards to the Super Street Party event, including confirming that the Tailem Bend RSL is providing public liability insurance for the Super Street Party, and that the Director Community & Corporate authorised the provision of the Council logo for advertising purposes.

CARRIED UNANIMOUSLY

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199/19 TEMPORARY ROAD CLOSURE – SUPER STREET PARTY, TAILEM BEND

Cr. Taylor declared a perceived conflict of interest owing to her membership with the Tailem Bend RSL, and chose to remain in the meeting, participate in the discussion, but not vote on the item.

Moved Cr. Arthur, Sec. Cr. Rowntree that Council:

1. Approve the temporary road closure for the Super Street Party as an event under section 33 of the Road Traffic Act 1961 on Thursday 22 August 2019;
2. Consent to the Commissioner of Police issuing a Road Closure Order pursuant to section 33 of the Road Traffic Act 1961 for the temporary closure of the following road from 2:00pm to 11:00pm;
 - Railway Terrace, from the Tailem Bend Hardware store (driveway) to South Terrace;
3. In accordance with section 33(3) of the Road Traffic Act 1961 at least two (2) clear days prior to the event, Council advertise a copy of this order in the local newspaper(s);
4. Advise the Department of Planning, Transport and Infrastructure accordingly;
5. Supply appropriate traffic control devices to give effect to the closure.

CARRIED UNANIMOUSLY

200/19 COMMONWEALTH HOME SUPPORT PROGRAMME - DEED OF ENGAGEMENT WITH TAILEM BEND COMMUNITY CENTRE

The Mayor suspended standing orders at 10:02pm to provide Councillors time to review a copy of the proposed Tailem Bend Community Centre Deed of Engagement with Council.

The Mayor resumed meeting procedures at 10:10pm.

Moved Cr. Leng, Sec. Cr. Rowntree that Council:

1. Remove the item from the table;
2. Authorises the Mayor and Chief Executive Officer to enter into a Deed of Engagement with Tailem Bend Community Centre for the purpose of delivering Commonwealth Home Support Program services under funding agreement ID 4-7RLVNE8;
3. Authorises the Mayor and Chief Executive Officer to execute and affix the Council seal to the Deed of Engagement with Tailem Bend Community Centre.
4. That the Tailem Bend Community Centre provide Council with data for service provision across the Coorong Council area by Ward, inclusive of the requirements of the Federal Government quality assurance program.

Voting for the motion were Councillors Bland, Hill, Jaensch,
Leng, Qualmann, Rowntree, Simmons and Taylor

Voting against the motion was Councillor Arthur

The Mayor declared the motion CARRIED

QUESTIONS FROM THE INFORMATION DOCUMENT

NIL

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CLOSURE

There being no further business, the Mayor declared the meeting closed at 10:13pm.

CERTIFIED CORRECT..... CHIEF EXECUTIVE OFFICER

CONFIRMED / /2019..... MAYOR