

Coorong District Council
Minutes of the Ordinary Meeting held on 17 September 2019



Minutes of the Ordinary Meeting of the Coorong District Council held at the Coorong Civic Centre Chambers, Tailem Bend on Tuesday 17 September 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), G Maxwell (Acting Director Community & Corporate), 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.

277/19 CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF THE COORONG DISTRICT COUNCIL HELD ON 20 AUGUST 2019

Moved Cr. Qualmann, Sec. Cr. Jaensch that the minutes (including the confidential minutes) of the Ordinary Meeting of the Coorong District Council held on 20 August 2019 be adopted as a true and correct record.

CARRIED UNANIMOUSLY

278/19 CONFIRMATION OF MINUTES OF THE SPECIAL MEETING OF THE COORONG DISTRICT COUNCIL HELD ON 10 SEPTEMBER 2019

Moved Cr. Rowntree, Sec. Cr. Taylor that the minutes (including the confidential minutes) of the Special Meeting of the Coorong District Council held on 10 September 2019 be adopted as a true and correct record.

CARRIED UNANIMOUSLY

BUSINESS ARISING / ACTION LIST

The Mayor informed members that rate capping applications need to be lodged by residents for the 2019-20 financial year by 27 September 2019.

Cr. Qualmann requested an update for minute 150/16 (Motion without notice). The Acting Chief Executive Officer informed members that the Property Officer is preparing a report for further consideration by Council.

Cr. Taylor referred to minute 135/19 (Cr. GA Taylor – development at The Bend Motorsport Park) and asked when Peregrine Corporation would present on the subject. Acting Chief Executive Officer advised that an invitation was initially declined by Peregrine Corporation and is still being followed up.

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Cr. Arthur raised minute 245/19 (Coorong Infrastructure & Assets Committee – minutes of meeting held 1 August 2019) and asked when a complete design of the two Murray-Darling Basin Economic Development Program projects would be provided to Council. Acting Chief Executive Officer advised that the information previously provided to the Committee is what is currently available. Cr. Arthur requested an estimated timeframe for actual costings of both projects to be presented to Council. Acting Chief Executive Officer advised that the project costings will match the grant funding received.

Cr. Arthur requested an update on minute 134/19 (Motion without notice). Acting Chief Executive Officer took the question on notice.

Cr. Arthur raised minute 148/19 (Tailem Bend railway station – expressions of interest to occupy vacated room) and asked what sort of remediation works would be required for the building. Acting Chief Executive Officer took the question on notice.

Cr. Arthur requested an update for part 5 of minute 058/19 (Narrung Reserve & Coonalpyn Caravan Park payment & booking system). Acting Chief Executive Officer took the question on notice.

Cr. Arthur raised minute 286/18 (2018/19 unsealed road re-sheeting, rubble raising, rubble crushing and rubble carting tender process) and asked when full costings would be provided for completed road and re-sheet projects. Acting Chief Executive Officer confirmed that a high level summary could be provided, however a full summary is yet to be presented to Council.

QUESTIONS WITH NOTICE

Cr. HILL ASKS

Would it be possible to establish a location in the Coorong District Council area for Natural Earth Burials?

Background:

Members of the Meningie Progress Association have requested that this be investigated.

In natural burial, the body (or cremated remains) is prepared for burial or interment without chemical preservatives and an eco-friendly biodegradable coffin or casket is used. The body or remains are returned to the earth to decompose naturally and be recycled to new life. There are a number of these burial grounds in South Australia and it would be a good value add for the Coorong Council area.

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

The establishment of a location for natural earth burials would need to be carried out in consideration with Council's Community Cemeteries & Burial Policy and the legislative framework regarding burials.

A full review and report can be undertaken and reported back to Council at its direction.

Cr. LENG ASKS

For the purpose of transparency, efficiency and for the benefit of the gallery and the wider community, can Council please advise the purpose of the Minute Action List that is published in each month's Council agenda.

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

The Minute Action List provides a list of all Ordinary and Special meeting resolutions of Council, which require action before being marked as complete.

The list is constantly reviewed by relevant staff, and updated with commentary against each live action.

There is no statutory obligation or purpose associated with presentation of a minute action list in the Council agenda. The list is a discretionary measure which potentially services a number of purposes:

1. It is a record of 'live' Council decisions that are outstanding, or 'work in progress'.
2. It provides an opportunity for staff to update members on progress towards achieving the intent of the motions.
3. It is a reminder for members of the decisions outstanding and an opportunity to vary or revoke previous decisions based on changing priorities.
4. It can be an identifier of obstacles to achievement of the intent of a resolution.
5. It may act as an indicator of a shortfall of staff resourcing and/or expertise to progress the matters.
6. It may expose a misalignment of strategic objectives, resolution intent and budget availability.

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Cr. LENG ASKS

For the purpose of transparency and efficiencies, can the Council please advise:

- A. In 2017, Council staff conducted an investigation into the defective banner poles and inappropriate banners supplied in 2016. Please advise the outcome of these investigations conducted with the pole and banner manufacturers.
- B. Please advise of the outcome regarding the possible insurance claim enquiry.
- C. What is Council's current position in replacing all of the banners that have now been destroyed due to Council's WHS policy that resulted in their failure to remove the banners subject to monitoring approaching weather conditions?

Background:

In 2016, six new banner poles and twelve accompanying banners were acquired by Council for promotional purposes in Meningie for the town's 150th anniversary. This acquisition including agreement with the Meningie Progress Association (MPA) that Council would, for WHS purposes, be responsible for changing the banners and would only provide the initial set of banners, following which the MPA would take responsibly for the cost of any future banners.

Following the stormy weather and gale force winds through late 2016 and early 2017 many of the original twelve banners were destroyed due to Council failing to monitor weather conditions and remove the banners prior to their total destruction.

With the approach of the 2017 Christmas period and as the Council representative for the Meningie Progress Association, I made arrangements for the display of the last 3 remaining banners, also reporting construction flaws with the new banner poles. Follow-up enquiries were tasked to the former Senior Community Development Officer to investigate with the manufacturer of the poles and banners regarding warranty replacement. Prior to this officer's resignation in 2018 enquiries were being made with Council's insurance regarding the replacement of the banners.

Since that time nothing further has been heard or contact made with the MPA regarding the banners.

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

The banner poles were installed as part of the 2016/2017 Capital Works Project. The poles were installed following an extensive procurement process, with particular attention being given to the suitability of the installed poles. It is acknowledged that the banners installed at the time did not last; however this was owing to a manufacturing defect.

An extensive review on the banners poles and banners (including consultation with the banner pole suppliers) was undertaken in early 2019 and it has been determined that the poles are in a suitable working order and that the replacement banners need to be a high quality conducive to the environment they are located at.

The Community Development Officer has been in contact with members of the Meningie Progress Association to work on a solution.

An extract from latest correspondence with MPA is below:

I wanted to confirm the next steps required for the Banner pole project.

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1. *Give the banner poles with the vinyl option another try – We appreciated that they have created some angst and hope being able to forge through will provide a positive outcome, failing that the whole concept of the town entry banners will need to be re addressed.*
2. *Council to fund the production of 6 x double sided banners and will engage with the supplier to obtain a guarantee on the quality and lifespan.*
3. *Council to work with you on the development of artwork and desired images*
4. *Artwork approval*
5. *Production and then installation*

Council will proceed with the purchasing and installation of the banners following completion of the above mentioned process.

Cr. LENG ASKS

In regards to Meningie Dry Area signage:

- A. Please advise the whereabouts of the signage and maps that were being produced by the Rural City of Murray Bridge in 2017.
- B. Who vetted the wording and compliance of these signs against the review requirements (as I believe the maps may not have been produced not multilingual requirements)?
- C. Advise why these maps and signage have not been installed in the past 2 years?
- D. When is the signage to be erected?

Background:

As a result of the review of the Meningie Dry Area in 2017 a number of recommendations were made pertaining to the supply and layout of adequate signage, including maps of the new prescribed area.

In accordance with Minute Action list item 141/17, Council was advised in September 2017 that the Rural City of Murray Bridge was engaged in producing maps of the defined area as well as appropriate signage to be installed throughout the area as opposed to the inadequate signs formerly displayed.

As at August 2019, checks throughout the new Meningie Dry Area found that there was no indication of any of the new signage, including the required map/s having been installed.

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

The delivery of this project has been impacted by staff vacancies and resourcing constraints. Each time a lead staff member on the project moves on, so does the knowledge. Project momentum then stalls until a new project champion gets up to speed.

Council administration will conduct a full review of this project and provide an information report back to Council on the current status of this project in a future Council meeting agenda.

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Cr. LENG ASKS

Following discussions with the Department of Planning, Transport & Infrastructure it was finally agreed in July 2018 to make changes to a selection of speed limit signs in and around the Meningie township (Minute 136/18):

- A. Can Council advise the whereabouts of the new speed limit signs that were being manufactured for these roads?
- B. When will these signs be installed?
- C. When will the community be advised by Public Notice of these speed changes?

Background:

From 2014, I pursued the need to change and provide various Speed Limit Signs throughout Meningie. During Questions without Notice at the November 2017 ordinary meeting of Council, I continued my questioning, and the Director Infrastructure & Assets responded “..that a review will be undertaken by DPTI...”.

Following discussions with DPTI it was finally agreed in July 2018 to make changes to a selection of speed limit signs in and around the Meningie township (Minute 136/18). These changes included new signage for Dehy and Selby Roads previously unsigned which, by legislative standards, made them the open state limit of 100kph.

I was advised that these roads required to be officially gazetted and authority provided by DPTI before Council was able to manufacture and install these new speed limit signs.

In January 2019 I was again advised by the Director Infrastructure & Assets that DPTI had confirmed that the speed changes had been officially consented to and that Council could proceed with ordering and installing the signs.

An inspection of these roads in August 2019 confirmed that the new speed signs have still not been installed.

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

The speed limit change was formally approved by the Department of Planning, Transport & Infrastructure (DPTI) on 14 December 2018.

Due to staffing changes in both DPTI and Coorong District Council this project was delayed, however the project has now progressed to formal plans being received by Council.

The signs have been ordered and will be installed in accordance with the DPTI requirement for speed limit changes upon receipt of the signs.

Cr. LENG ASKS

On 2 July 2019 a constituent provided a letter of complaint to the Mayor and Director of Infrastructure and Assets regarding a Councillor providing apparent incorrect information on their Facebook pages regarding the use of Green Lid Waste Bins in the Coorong district and sought clarification.

- A. Can Council advise what action has been taken to address this issue?
- B. What action has the Mayor taken in compliance with policy and Code of Conduct?

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

- A. Council was made aware by a resident of the State Government's recent waste and recycling marketing campaign which has been advertised widely over a number of media platforms, and portrays information that is not in line with Council's own waste practices. Council has now responded to the resident's initial email (received 2 July 2019), advising of the circumstances specific to the Coorong District Council (sent 19 August 2019).

Organics disposal differs across Council sites throughout SA. Coorong District Council does not accept food scraps within its Green Organics bin due to EPA licencing associated with the end use of the processed material. The mulch produced from Council's green waste is used to cover landfill.

Council plans to issue a media release that communicates correct management of waste into the three bin categories for all residents. This action has not yet been completed, as relevant staff have been on leave, and information has been sought from Adelaide Hills Regional Waste Management Authority, which Council is still awaiting before finalising the media release.

- B. We can advise that correct information is currently available on Council's website under 'Waste Collection'.

Administration is aware that some incorrect information may have been circulated about Coorong District Council's green waste collection. However we are unaware of any formal complaint about departure from Policy or allegation of breach of the Code of Conduct by members or staff.

Cr. LENG ASKS

With regard to guide posts on Narrung Road, Meningie:

- A. Can Council administration advise the outcome of enquiries with the Department of Planning, Transport & Infrastructure regarding moving the guide post further away from the roadside shoulder towards the footpath?
- B. With the approach of the first harvest in October, can the Director advise the status of the proposed Road Traffic Assessment regarding movement of over-width vehicles along Narrung Road and reducing the 80kmph speed?

Background:

Following Council's installation of new roadside guide posts in close proximity of Narrung Road through the metro area of Meningie in April, a number of complaints by community members were noted. In response to these issues the Director Infrastructure & Assets and Manager Construction & Maintenance had an on-site inspection with concerned community members with several issues to be addressed.

The Director Infrastructure & Assets agreed that a full road traffic assessment was required to address the various problems. Particularly a blind corner between allotments 66 and 107 where over-width vehicles travelling along this area are unable to leave the road to avoid collision due to the rising and falling roadside verges.

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

- A. The project was constructed in accordance with relevant standards and guidelines and in consultation with the Department of Planning, Transport & Infrastructure (DPTI).

Council acknowledges the perceived issues and will continue to liaise with DPTI to ensure if the guide posts are removed, it will not compromise the safety of pedestrians or motorists.

However we can advise that the installed guide posts are a steel flex post which is designed specifically to rebound after impact with a vehicle.

- B. DPTI has confirmed that they are able to assist Council in undertaking a safety review (speed limits & geometry) of Narrung Road, from Meningie to Narrung. It is anticipated that this review will be undertaken in October and November 2019.

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Cr. LENG ASKS

For transparency and accountability for our community, can Council please provide a detailed list of the services and their budget amounts that were cut to achieve the reported saving for this year's budget, e.g. Community Grants, \$40,000?

RESPONSE FROM ACTING CHIEF EXECUTIVE OFFICER

A summary of the budget adjustments appeared in a report to the Special Council meeting held on 1 August 2019. That report included operational as well as capital budget changes (please refer to [‘Adoption of 2019-20 budget’](#) report).

The table on the following page shows operations expense reductions made to the draft 2019-20 consultation budget document at a lower level in the accounting record hierarchy.

Operational Expenses Reduction			
	Community & Tourism	Arts & Culture	- 63,072
	Community & Tourism	Community & Corporate (includes Staffing)	- 104,374
	Community & Tourism	Community Development	- 62,150
	Community & Tourism	Community Events/Support	- 14,000
	Community & Tourism	Community Grants	- 42,000
	Community & Tourism	Libraries (includes staffing)	- 17,949
	Community & Tourism	Youth Assistance	- 5,000
	Community & Tourism	NRM Payment	- 4,029
	FM & HR	Finance	- 1,350
	FM & HR	Human Resources	- 20,800
	FM & HR	WHS Contractual services	- 8,500
	Goverance	CEO Office & Strategy	- 2,000
	Goverance	Mayor Civic Functions	- 4,500
	Goverance	Public Relations	- 10,000
	Goverance	Strategic Planning	- 10,000
	I&A	Airfields	- 1,000
	I&A	Asset & Infrastructure Admin	- 10,000
	I&A	Cemeteries Expenditure	- 2,000
	I&A	CMWS Expenditure	- 52,900
	I&A	Council Buildings Expenditure (inc Public Toilets)	- 21,500
	I&A	Council Vehicles Expenditure	- 12,000
	I&A	Depot/Overheads Expenditure	- 20,431
	I&A	Footpath Expenditure	- 12,000
	I&A	Parks & Gardens Expenditure	- 16,900
	I&A	Plant & Machinery	- 20,000
	I&A	Sanitary and Garbage Expenditure (Includes Waste Levy)	6,650
	I&A	Sealed Roads Expenditure	- 42,500
	I&A	Sport & Recreation Expenditure	- 25,000
	I&A	Stormwater Expenditure	- 2,500
	I&A	Transfer to Capital due to New Projects	- 160,643
	I&A	Unsealed Roads Expenditure	- 141,500
	I&A	Vandalism Expenditure	- 1,750
	I&A	Water Scheme Expenditure	- 1,000
	IT& Records	IT Maintenance	- 20,000
	IT& Records	Records	- 7,000
	P&D	Planning & Development	- 12,500

QUESTIONS WITHOUT NOTICE

Cr. Taylor asked when Council's strategic planning process would commence. Acting Chief Executive Officer provided a response.

Cr. Taylor asked when the rating policy review as resolved by Council would commence. Acting Director Community & Corporate provided a response.

Cr. Arthur asked what is meant by 'district wide master plan' as referred to in minute 075/19 (Strategic Planning & Development Policy Committee – minutes of meeting held 12 March 2019). Acting Director Community & Corporate provided a response.

Cr. Qualmann queried the absence of the Coorong Infrastructure & Assets Committee's most recent meeting minutes from the Council agenda. Executive Assistant provided a response.

Cr. Bland commented that community engagement on the Strategic Management Plan process should be put to Council for a briefing session to be discussed further.

PETITIONS

NIL

DEPUTATIONS

NIL

PUBLIC QUESTION TIME

Name: Brendon Corby

Brendon noted the recent upheaval impacting on Council which has included external pressures, staff vacancies and division amongst Council, and asked what changes Council Members intend to make to modify their behavior and become more a unified team for the benefit of the district.

The Mayor advised that firstly Council needs to appoint a new Chief Executive Officer as a means to move forward, and that another possible option could be mediation. Cr. Hill concurred with the Mayor, and noted that she would like personal grievances to left out of discussions.

Cr. Taylor raised the Local Government Reforms review process currently being developed by State Government and asked Brendon whether he believed this would assist the current climate. Brendon advised that he believes that change should come from the Council itself in a unified approach.

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Name: Brendon Corby

Brendon referred to the recent cultural organisational review undertaken by Council, and commented that it was felt that the review and asked whether there will be a transparent review undertaken in the future.

The Mayor advised that there was no intent for the review to be a fishing exercise, and that the report from the review may not have answered all questions, and have brought to light other issues that are being followed up. The Mayor advised that any plans for a further review would be considered and carried out by the CEO.

Name: Rosa Hillam

Rosa referred to the Melaleuca site in Meningie, noting that there are volunteers ready to be part of the management of this site, and asked what Council's intention is for the site moving forward.

The Mayor advised that discussions so far have only been around making the building safe. Cr. Bland noted that the State Minister for Education & Children's Service has removed the encumbrance requiring that the site be for disability use. Cr. Bland provided background of the previous occupier's departure, and subsequent efforts made by volunteers to clean up the site (amounting to approximately 100 hours).

Cr. Hill asked what concerns Rosa has regarding the site. Rosa responded that she had heard that some assets may be removed from the site, and also heard that Tailem Bend Community Centre may run the site. The Mayor re-affirmed that discussions regarding the future of the site have not progressed.

Name: Rosa Hillam

Rosa referred to the cost figures provided in answer to Cr. Leng's question on notice regarding the expenditure reductions for Council's 2019-20 budget, and asked how those figures affect the full budget.

Cr. Taylor advised that Council received draft figures that only showed added expenditure. The Mayor added that the reductions that had been made were reductions to the draft 2019-20 budget, not reductions to the 2018-19 budget which are two different things.

Name: Stephen Paech

Stephen referred to credit card statements that have been published on the website and asked when the missing remaining statements would be made available.

The Mayor advised that it is understood that these statements are with Council's lawyer and will be uploaded in due course.

MAYOR'S REPORT

Cr. Bland requested that the Mayor provide further detail within his monthly written report.

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The Mayor elaborated verbally on several meetings within his report, including a meeting with Senator Alex Antic, attendance at The Bend OTR SuperSprint event, a meeting with Department of Planning, Transport & Infrastructure staff regarding railway land, the MRLGA Regional Transport & Assets Committee meeting (noting that Council has been offered a further \$80,000 to complete Kulde Road shoulder works, and \$100,000 to carry out work on Seven Mile Road).

The Mayor also commented on his attendance at the Tailem Bend Combined Sports Hub meeting, and his meeting with Mr B Pennington regarding Council finances.

COUNCIL MEMBERS' REPORTS

The Mayor and Cr. Arthur elaborated on presentations made at the 2019 LGA Works & Roads Conference held in Renmark on 15-16 August 2019.

The Mayor referred to Cr. Hill's Long Nosed Fur Seal Working Group written report and asked Cr. Hill whether the Invasive Species Bill has been put before parliament. Cr. Hill commented that she believes that the report has been tabled.

Cr. Qualmann elaborated on a donation of \$5,000 made to Pangarinda Botanic Gardens on 31 August 2019, and commented that the event was well received.

Cr. Arthur asked why Councillors Jaensch and Leng had not provided a written report to Council in four months. Cr. Jaensch responded that his report will be provided next month.

NOTICES OF MOTION

279/19 CR. VA LENG – SALT CREEK REGULATOR CARPARK

Moved Cr. Leng, Sec. Cr. Jaensch that Council open discussions with Natural Resources South East and the Department of Planning, Transport & Infrastructure to promote and develop the Salt Creek Regulator carpark and access with suitable signage off of the Princes Highway, information boards, picnic shelter/s, toilets, rainwater facilities off of these structures, and waste collection that might be offered in conjunction with Council.

AMENDMENT

Moved Cr. Taylor, Sec. Cr. Qualmann that Council open discussions with Natural Resources South East and the Department of Planning, Transport & Infrastructure to promote and develop the Salt Creek Regulator carpark.

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

Voting against the amendment was Councillor Arthur

The Mayor declared the amendment CARRIED

The amendment became the motion and was PUT

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

MOTIONS WITHOUT NOTICE

The Mayor and Cr. Jaensch both declared a perceived conflict of interest (property owners in the Urban Employment Zone) in relation to Cr. Taylor's motion without notice and left the meeting at 7:13pm. Deputy Mayor Cr. Arthur assumed the position of Chair.

- 280/19** Moved Cr. Taylor, Sec. Cr. Rowntree that Council utilise Mr D Altmann (Development Answers) to facilitate a workshop with property owners of blocks of land, which include homes within the Urban Employment Zone about what they can and cannot do regarding development on their land.

CARRIED UNANIMOUSLY

The Mayor and Cr. Jaensch returned to the meeting at 7:21pm. The Mayor resumed the position of Chair.

- 281/19** Moved Cr. Taylor, Sec. Cr. Bland that Council follow up in greater detail Mr Brendon Corby's comments in relation to the cultural review.

CARRIED UNANIMOUSLY

- 282/19** Moved Cr. Bland, Sec. Cr. Hill that Council seek mediation for Council Members to work in a more effective and safe manner for the benefit of the Coorong District Council.

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

OFFICE OF THE CHIEF EXECUTIVE OFFICER'S REPORT

283/19 DELEGATIONS REGISTER – ANNUAL REVIEW

Moved Cr. Arthur, Sec. Cr. Rowntree that having conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 Hereby revokes immediately except where otherwise specified 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 Dog & Cat Management Act 1995
- 1.1.4 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
- 1.1.5 Expiation of Offences Act 1996
- 1.1.6 Fences Act 1975
- 1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- 1.1.8 Food Act 2001
- 1.1.9 Freedom of Information Act 1991
- 1.1.10 Deliberately left blank
- 1.1.11 Land & Business (Sale and Conveyancing) Act 1994
- 1.1.12 Liquor Licensing Act 1997
- 1.1.13 Local Government Act 1999
- 1.1.14 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- 1.1.15 Roads (Opening & Closing) Act 1991
- 1.1.16 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- 1.1.17 South Australian Public Health Act 2011 the South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater)

- Regulations 2013 and South Australian Public Health (General) Regulations 2013
- 1.1.18 Supported Residential Facilities Act 1992
 - 1.1.19 Unclaimed Goods Act 1987
 - 1.1.20 Work Health and Safety Act 2012
 - 1.1.21 Safe Drinking Water Act 2011
 - 1.1.22 Water Industry Act 2012 and Water Industry Regulations 2012
 - 1.1.23 Real Property Act 1886
 - 1.1.24 Strata Titles Act 1988
 - 1.1.25 Heavy Vehicle National Law (South Australia) Act 2013
 - 1.1.26 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
 - 1.1.27 Electronic Conveyancing National Law (South Australia) Act 2013
 - 1.1.28 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
 - 1.1.29 Planning, Development and Infrastructure Act 2016.
 - 1.1.30 Electricity Act 1996
 - 1.1.31 Gas Act 1997
 - 1.1.32 State Records Act 1997
- 1.2 Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.
- 2. Delegations made under Local Government Act 1999**
- 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 Appendices 1 - 31 (each of which is individually identified as indicated below) are hereby delegated this 17th day of September 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 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014 (Appendix 1)
 - 2.1.2 Community Titles Act 1996 (Appendix 2)

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- 2.1.3 Deliberately left blank
- 2.1.4 Dog and Cat Management Act 1995 (Appendix 4)
- 2.1.5 Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010 (Appendix 5)
- 2.1.6 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 6)
- 2.1.7 Expiation of Offences Act 1996 (Appendix 7)
- 2.1.8 Fences Act 1975 (Appendix 8)
- 2.1.9 Fines Enforcement and Debt Recovery Act 2017 (Appendix 9)
- 2.1.10 Fire and Emergency Services Act 2005 and Fire and Emergency Services Act Regulations 2005 (Appendix 10)
- 2.1.11 Deliberately left blank
- 2.1.12 Freedom of Information Act 1991 and Freedom of Information (Fees and Charges) Regulations 2003 (Appendix 12)
- 2.1.13 Gas Act 1997 (Appendix 13)
- 2.1.14 Deliberately left blank
- 2.1.15 Land & Business (Sale & Conveyancing) Act 1994 (Appendix 15)
- 2.1.16 Liquor Licensing Act 1997 (Appendix 16)
- 2.1.17 Local Government Act 1999 (Appendix 17)
- 2.1.18 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017 (Appendix 18)
- 2.1.19 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provision Levies) Regulations 2004 (Appendix 19)
- 2.1.20 Planning, Development and Infrastructure Act 2016 (Appendix 20)
- 2.1.21 Real Property Act 1886 and Electronic Conveyancing National Law (South Australia) Act 2013 (Appendix 21)
- 2.1.22 Roads (Opening and Closing) Act 1991 (Appendix 22)
- 2.1.23 Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 23)

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- 2.1.24 Safe Drinking Water Act 2011 (Appendix 24)
 - 2.1.25 South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013 (Appendix 25)
 - 2.1.26 State Records Act 1997 (Appendix 26)
 - 2.1.27 Strata Titles Act 1988 (Appendix 27)
 - 2.1.28 Deliberately left blank
 - 2.1.29 Unclaimed Goods Act 1987 (Appendix 29)
 - 2.1.30 Water Industry Act 2012 and Water Industry Regulations 2012 (Appendix 30)
 - 2.1.31 Work Health and Safety Act 2012 (Appendix 31)
- 2.2 Such powers and functions may be further delegated by 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.
- 3. Delegations made under Development Act 1993**
- 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 17 September 2019 and marked Appendix 3) are hereby delegated this 17th day of September 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 17 September 2019 and marked Appendix 3) and which are specified below are hereby delegated to the Council's Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
- 4. Delegations made under Food Act 2001**
- 4.1 In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation

(annexed to the report dated 17 September 2019 and marked Appendix 11) are hereby delegated this 17th day of September 2019 to the person occupying the office of Chief Executive Officer ('the head of the enforcement agency' for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

- 4.2 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 Food Act 2001.

5. Delegations under Supported Residential Facilities Act 1992

- 5.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the report dated 17 September 2019 and marked Appendix 28) are hereby delegated this 17th day of September 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 Supported Residential Facilities Act 1992.

- 5.2 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 Supported Residential Facilities Act 1992.

6. Authorisations and Subdelegation under the Road Traffic Act 1961

- 6.1 In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

David Mosel, Director Infrastructure & Assets
James Clarke, Manager Construction & Maintenance

- 6.2 In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

David Mosel, Director Infrastructure & Assets
James Clarke, Manager Construction & Maintenance

- 6.3 In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Subdelegation (annexed to the report dated 17 September 2019 and marked Appendix 23) is hereby sub-delegated this 17th day of September 2019 to the person occupying the office of Chief Executive Officer of the Council subject to:

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- (i) the conditions contained in the Instrument; and
- (ii) any conditions contained in this Resolution or in the Instrument of Subdelegation; and
- (iii) the creation of a separate instrument in writing reflecting such subdelegation under the Instrument and this Resolution.

6.4 In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management plans:

David Mosel, Director Infrastructure & Assets
James Clarke, Manager Construction & Maintenance

7. Delegations under Safe Drinking Water Act 2011 (of enforcement agency)

7.1 In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in the proposed Instrument of Delegation (annexed to the report dated 17 September 2019 and marked Appendix 24) are hereby delegated this 17th day of September 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 Safe Drinking Water Act 2011.

7.2 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 Safe Drinking Water Act 2011.

8. Delegations under Fire and Emergency Services Act 2005 to a Fire Prevention Officer

8.1 In exercise of the power contained in Section 93 of the Fire and Emergency Services Act 2005 the powers and functions under the Fire and Emergency Services Act 2005 contained in the proposed Instrument of Delegation (annexed to the report dated 17 September 2019 and marked Appendix 10) are hereby delegated this 17th day of September 2019 to the person appointed Fire Prevention Officer of the Council under the Fire and Emergency Services Act 2005 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Fire and Emergency Services Act 2005.

8.2 Such powers and functions may be further delegated by the Fire Prevention Officer as the Fire Prevention 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 Fire and Emergency Services Act 2005.

9. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013

9.1 In exercise of the powers contained in Section 44 of the Local Government Act 1999 and Section 22B of the Heavy Vehicle National Law (South Australia) Act 2013 (as relevant) the powers and functions under the Heavy Vehicle National Law (South Australia) Act

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2013 contained in the proposed Instrument of Delegation (annexed to the report dated 17 September 2019 and marked Appendix 14) are hereby delegated this 17th day of September 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 Heavy Vehicle National Law (South Australia) Act 2013.

- 9.2 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 Heavy Vehicle National Law (South Australia) Act 2013.

CARRIED UNANIMOUSLY

284/19 2019 LOCAL GOVERNMENT ASSOCIATION CONFERENCE AND ANNUAL GENERAL MEETING

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

1. Endorse the attendance of Mayor Simmons, and Councillors Rowntree, Bland, and Jaensch at the 2019 Local Government Association Conference and Annual General Meeting on 30 – 31 October 2019;
2. Agree to fund all costs associated with attendance at the meeting.

AMENDMENT

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

1. Endorse the attendance of Mayor Simmons, and two Councillors, being Cr. Rowntree and Cr. Hill, at the 2019 Local Government Association Conference and Annual General Meeting on 30 – 31 October 2019;
2. Agree to fund all costs associated with attendance at the meeting;
3. Require a written report to be supplied by Council Members attending the 2019 LGA conference and annual general meeting.

Voting for the amendment were Councillors Arthur,
Hill, Rowntree, Simmons and Taylor

Voting against the amendment were Councillors Bland,
Jaensch, Leng and Qualmann

The Mayor declared the amendment CARRIED

The amendment became the motion and was PUT

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

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

The Mayor declared the motion CARRIED

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CODE OF PRACTICE – PROCEEDINGS OF COUNCIL AND COMMITTEE MEETINGS

Moved Cr. Bland, Sec. Cr. that the revised Code of Practice – Proceedings of Council and Committee Meetings be adopted.

285/19 FORMAL MOTION

Moved Cr. Rowntree, Sec. Cr. Qualmann that the item ‘Code of Practice – Proceedings of Council and Committee meetings’ be adjourned to the next ordinary Council meeting for consideration.

CARRIED UNANIMOUSLY

SECTION 41 COMMITTEES AND SECTION 43 SUBSIDIARIES

286/19 COONALPYN SOLDIERS MEMORIAL SWIMMING POOL & CARAVAN PARK COMMITTEE – MINUTES OF ANNUAL GENERAL MEETING HELD 11 SEPTEMBER 2018

Moved Cr. Rowntree, Sec. Cr. Taylor that Council receive the minutes of the Coonalpyn Soldiers Memorial Swimming Pool & Caravan Park Committee annual general meeting held on 11 September 2018.

CARRIED UNANIMOUSLY

287/19 COONALPYN SOLDIERS MEMORIAL SWIMMING POOL & CARAVAN PARK COMMITTEE – MINUTES OF MEETING HELD 15 APRIL 2019

Moved Cr. Rowntree, Sec. Cr. Taylor that Council receive the minutes of the Coonalpyn Soldiers Memorial Swimming Pool & Caravan Park Committee meeting held on 15 April 2019.

CARRIED UNANIMOUSLY

COMMUNITY & CORPORATE REPORT

288/19 2019/20 CHRISTMAS/NEW YEAR OFFICE CLOSURE

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

1. Close its offices at Tailem Bend, Meningie and Tintinara for the period from 12:00 noon, 24 December 2019 until 1 January 2020 inclusive;
2. Arrange appropriate public notification and provision of an after hours telephone answering service to ensure residents and customers have an avenue for any emergent matters to be attended to.

CARRIED UNANIMOUSLY

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289/19 2019 COUNCIL MEMBERS & STAFF CHRISTMAS FUNCTION

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

1. Receive the findings of the 2019 Council Members & Staff Christmas Function survey;
2. Host a combined Council Members & Staff Christmas Function on Friday 6 December 2019 in Tailem Bend;
3. Close its offices at Tailem Bend, Meningie and Tintinara from 11:30am – 5:00pm, Friday 6 December 2019.

AMENDMENT

Moved Cr. Taylor, Sec. Cr. Qualmann that Council:

1. Receive the findings of the 2019 Council Members & Staff Christmas Function survey;
2. Host a combined Council Members & Staff Christmas Function with the inclusion of members and staff's families on Friday evening, 6 December 2019 in Tailem Bend.

Voting for the amendment were Councillors Leng,
Qualmann, Rowntree and Taylor

Voting against the amendment were Councillors Arthur,
Bland, Hill, Jaensch and Simmons

The Mayor declared the amendment LOST

The original motion was PUT

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

Voting against the motion were Councillors Qualmann and Taylor
The Mayor declared the motion CARRIED

The Mayor suspended standing orders at 8:16pm.

The Mayor resumed meeting procedures at 8:29pm.

290/19 RECREATIONAL VEHICLE (RV) DUMP POINT – REVIEW OF WATER SUPPLY AND HYGIENE FACILITIES

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

1. Approve in principle the improvement of recreational vehicle (RV) facilities at the Tailem Bend and Meningie RV dump points;
2. Determine the most appropriate method of remediation, including costings, and report findings back to Council for further approval.

AMENDMENT

Moved Cr. Arthur, Sec. Cr. Bland that Council seek a report regarding the upgrading of the RV dump points at Meningie and Tailem Bend, including:

- Recommendations of whether the dump points be upgraded in their existing locations or moved to a more suitable location;
- The full costings to be provided for both options for consideration by Council.

CARRIED UNANIMOUSLY

The amendment became the motion and was PUT

CARRIED UNANIMOUSLY

291/19 2018-19 FINANCIAL STATEMENTS – CERTIFICATION AUTHORITY

Moved Cr. Arthur, Sec. Cr. Qualmann that Council authorises the Mayor and Acting Chief Executive Officer to certify the 2018-19 annual financial statements.

CARRIED UNANIMOUSLY

INFRASTRUCTURE & ASSETS REPORT

292/19 APPOINTMENT OF COUNCIL ASSESSMENT PANEL MEMBERS UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

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

1. Pursuant to Section 83 of the Planning, Development and Infrastructure Act, re-appoints the current members to the Council Assessment Panel (being Bruce Ballantyne (Presiding Member), Cherry Getsom (Independent Member), Graham Gaston (Independent Member), Graham Gates (Independent Member) and Glynis Taylor (Council Member)), for a further term of 12 months with the new membership expiry date being 1 October 2020;
2. Pursuant to Section 83 of the Planning, Development and Infrastructure Act, re-appoints Cr Brenton Qualmann as Council Deputy Member of the Council Assessment Panel, for a further term of 12 months with the new membership expiry date being 1 October 2020.
3. Notes, that all Members will need to seek and obtain Level 2 accreditation under the SA Government Accreditation Scheme, by 1 April 2020, with the exception of the Council appointed Member.

AMENDMENT

Moved Cr. Jaensch, Sec. Cr. Bland that Council:

1. Pursuant to Section 83 of the Planning, Development and Infrastructure Act, re-appoints the current members to the Council Assessment Panel (being Bruce Ballantyne (Presiding Member), Cherry Getsom (Independent Member), Graham Gaston (Independent Member), Graham Gates (Independent Member) and Vern Leng (Council Member)), for a further term of 12 months with the new membership expiry date being 1 October 2020;
2. Pursuant to Section 83 of the Planning, Development and Infrastructure Act, re-appoints Cr Brenton Qualmann as Council Deputy Member of the Council Assessment Panel, for a further term of 12 months with the new membership expiry date being 1 October 2020.
3. Notes, that all Members will need to seek and obtain Level 2 accreditation under the SA Government Accreditation Scheme, by 1 April 2020, with the exception of the Council appointed Member.

Voting for the amendment were Councillors Bland,
Hill, Jaensch and Leng

Voting against the amendment were Councillors Arthur,
Qualmann, Rowntree, Simmons and Taylor
The Mayor declared the amendment LOST

The original motion was PUT

Voting for the motion were Councillors Arthur,
Qualmann, Rowntree, Simmons and Taylor

Voting against the motion were Councillors Bland,
Hill, Jaensch and Leng

The Mayor declared the motion CARRIED

Cr. Bland called for a DIVISION

The Mayor declared the vote set aside

Voting in the affirmative were Councillors Arthur,
Qualmann, Rowntree, Simmons and Taylor

Voting in the negative were Councillors Bland, Hill, Jaensch and Leng
The Mayor declared the motion CARRIED

293/19 ROAD NAMING REQUEST – THORNLEY BARN ROAD

Moved Cr. Jaensch, Sec. Cr. Rowntree:

1. That Council undertake community engagement on the potential re-naming of Thornley Barn Road in Narrung to Dorothy Vale Road;
2. That Council advertise the proposed re-naming of the road, commencing in October 2019, in the local press, allowing a period of four (4) weeks for written submissions in accordance with Council's Road Naming Policy;
3. That a report be presented to Council with a recommendation at the conclusion of the community engagement period.

CARRIED UNANIMOUSLY

QUESTIONS FROM THE INFORMATION DOCUMENT

Cr. Arthur requested clarification on patrol grader resourcing as outlined in the Infrastructure & Assets report. Acting Chief Executive Officer confirmed that grader resourcing has reduced by one, owing to staff movements.

Cr. Rowntree referred to Cr. Hill's Long Nosed Fur Seal Working Group written report and requested clarification regarding Cr. Hill's comments about efforts to assist the fishing industry before it is too late. Cr. Hill advised that further efforts may be too late if fishers who currently hold licences choose not to renew them and cease operating. Cr. Jaensch commented that the State Government's position appears to be in support of the seals remaining, and Council should continue to put pressure on State Government for change. Cr. Bland added that the Ngarrindjeri do not consider the seals to be part of their cultural heritage.

Cr. Arthur referred to the Planning Region boundaries outlined within correspondence received from the Minister for Planning, and suggested that Council provide a submission on the Minister's proclamation. Acting Chief Executive Officer responded that as there are no material changes to current SA Planning Strategy boundaries, there is no need to provide comment at this stage.

Cr. Bland suggested that Council's planning consultant provide some further guidance to members on the new Planning Regions under the Planning, Development & Infrastructure Act 2016.

CONFIDENTIAL ITEMS

294/19 INTO CONFIDENCE – CONFIDENTIAL MINUTE ACTION LIST – 9:05PM

Moved Cr. Arthur, Sec. Cr. Taylor that in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excepting the Acting Chief Executive Officer, Acting Director Community & Corporate, Finance Manager, Organisational Development Coordinator and Executive Assistant), be excluded from attendance at the meeting to the extent that the Council considers it necessary to receive, discuss or consider in confidence the report – confidential minute action list.

That the Council is satisfied that pursuant to section 90(3)(a) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this item is;

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

And, would, on balance, be contrary to the public interest.

That under section 90(2) 3(a) of the Local Government Act 1999, the Council pursuant to section 91(7)(b) of that Act maintain this order until further order and will be reviewed at least annually in accordance with the Local Government Act 1999.

CARRIED UNANIMOUSLY

The public left the meeting at 9:05pm.

The public returned to the meeting at 9:12pm.

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295/19 INTO CONFIDENCE – ANNUAL CONFIDENTIAL MINUTE REVIEW – 9:12PM

Moved Cr. Bland, Sec. Cr. Hill that in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excepting the Acting Chief Executive Officer, Acting Director Community & Corporate, Organisational Development Coordinator and Executive Assistant), be excluded from attendance at the meeting to the extent that the Council considers it necessary to receive, discuss or consider in confidence the report – annual confidential minute review.

That the Council is satisfied that pursuant to section 90(3)(a)(b)(c)(d)(e)(f)(g)(h) and (k) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this item is;

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (b) 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;
- (c) information the disclosure of which would reveal a trade secret;
- (d) 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;
- (e) matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;
- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (h) legal advice; and
- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

Confidential orders are still current under sections 90(3)(a)(b)(c)(d)(e)(f)(g)(h) and (k) of the Local Government Act 1999, which form the basis of this review/discussion.

And, would, on balance, be contrary to the public interest.

CARRIED UNANIMOUSLY

The public left the meeting at 9:12pm.

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296/19 ANNUAL CONFIDENTIAL MINUTE REVIEW

Moved Cr. Arthur, Sec. Cr. Bland that having satisfied the terms of the confidential orders, the following resolutions be released from confidence:

108/16 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW – REVIEW OF KEY PERFORMANCE INDICATORS PRECEDING 2015/16 REVIEW

The Mayor suspended standing orders at 3:52pm.

The Mayor resumed meeting procedures at 4:26pm.

Moved Cr. Simcock, Sec. Cr. Middleton that Council note the verbal and written presentation by the Chief Executive Officer regarding the key performance indicators, which was undertaken to assist stakeholders with the impending performance review process.

CARRIED UNANIMOUSLY

148/16 FINALISATION OF CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Moved Cr. O'Hara, Sec. Cr. Leng that Council receive the findings of the performance review process as presented by Ms. Rebecca Hunt.

CARRIED UNANIMOUSLY

170/16 FINALISATION OF CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Moved Cr. Barrie, Sec. Cr. Middleton that Council:

- 1. Set the Chief Executive Officer's salary package at two hundred and ten thousand dollars (\$210,000.00) with statutory superannuation contributions (reflective of staggered increases) and vehicle included;*
- 2. Set the annualised salary increase at ten thousand dollars (\$10,000.00) for the duration of the contract term (with diminished percentage increases);*
- 3. Set the Chief Executive Officer's annual review as performance-based only against key performance indicators;*
- 4. Extend the Chief Executive Officer's contract to 2023 (seven years from now), with legal advice sought for all alterations and amendments, as deemed required.*

CARRIED UNANIMOUSLY

171/16 FINALISATION OF CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS

Moved Cr. Barrie, Sec. Cr. Bland that Council resolve to:

- 1. Set the Chief Executive Officer's key performance indicators in accordance with the table included in the body of the report;*
- 2. Require a quarterly report in relation to actions taken to achieve the key performance outcomes.*

CARRIED UNANIMOUSLY

243/16 CHIEF EXECUTIVE OFFICER QUARTERLY REPORT ON CONTRACTUAL KEY PERFORMANCE INDICATORS

Moved Cr. Middleton, Sec. Cr. Barrie that Council accept the Chief Executive Officer's quarterly report on the key performance indicators listed within the Chief Executive Officer's contract.

CARRIED UNANIMOUSLY

050/17 CHIEF EXECUTIVE OFFICER QUARTERLY REPORT ON CONTRACTUAL KEY PERFORMANCE INDICATORS

Moved Cr. Wright, Sec. Cr. Leng that Council accept the Chief Executive Officer's quarterly report on the key performance indicators listed within the Chief Executive Officer's contract.

CARRIED UNANIMOUSLY

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052/17 CHIEF EXECUTIVE OFFICER EXTERNAL PERFORMANCE REVIEW

Moved Cr. O'Hara, Sec Cr. Middleton that after consultation with the Chief Executive Officer Council has agreed that the next external review of the Chief Executive Officer's performance will be carried out as of 30 June 2018.

CARRIED UNANIMOUSLY

271/17 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS

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

- 1. Notes the Chief Executive Officer's report;*
- 2. Acknowledges its satisfaction with the performance outcomes achieved by the Chief Executive Officer in meeting his contractual Key Performance Indicators;*
- 3. Defines the Chief Executive Officer's Key Performance Indicators going forward as:
 - 1. Deliver Council's business plan*
 - 2. Deliver a reviewed and updated Strategic Management Plan*
 - 3. Progress discussion to maximise economic development outcomes with the Equis solar development and other large scale investments, both underway and developing.*
 - 4. Progress discussions to enable Crown Lands released for development opportunities by the private sector.*
 - 5. Progress discussion on the delivery of an agreement between the Ngarrindjeri and Council to promote mutual trust and engagement.*
 - 6. Progress the delivery of Development Plan Amendments for Settlements and Towns.*
 - 7. Deliver an updated Long Term Financial Plan that conveys Elected Members' expectations.*
 - 8. Demonstrate ongoing organisational review based on continuous improvement principles and lean business outcomes.**

CARRIED UNANIMOUSLY

171/18 FINALISATION OF CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Moved Cr. Wright, Sec. Cr. Barrie that Council endorse the findings, summary and conclusion as set out in the Final Summary Report on the Chief Executive Officer Performance Review 2018.

CARRIED UNANIMOUSLY

173/18 FINALISATION OF CHIEF EXECUTIVE KEY PERFORMANCE INDICATORS

Moved Cr. Barrie, Sec. Cr. Bland that Council:

- 1. Notes the Chief Executive Officer's report;*
- 2. Acknowledges its satisfaction with the performance outcomes achieved by the Chief Executive Officer in meeting his contractual Key Performance Indicators;*
- 3. Defines the Chief Executive Officer's Key Performance Indicators going forward as required in Part 8 of the contractual Key Performance Indicators, as:
 - 1. Deliver Council's business plan.*
 - 2. Progress discussion to maximise economic development outcomes for the Coorong district.*
 - 3. Progress discussions to have Crown Lands released for development opportunities by the private sector.*
 - 4. Undertake review of Council's Service Range Policy, in association with asset management plans to determine the community's requirements in relation to core and optional services.*
 - 5. Develop a financial strategy that will assist Council to maintain a financially sustainable position over time.**

CARRIED UNANIMOUSLY

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201/18 CODE OF CONDUCT COMPLAINT

Moved Cr. Simcock, Sec. Cr. Leng that Council, having reviewed and assessed a Code of Conduct complaint made against Mayor Cr. Neville Jaensch by Ms G Taylor, dismiss the complaint and that no further action be taken, noting the actions already taken at the Mayor's initiative.

CARRIED UNANIMOUSLY

255/18 MOTION WITHOUT NOTICE

Moved Cr. Rowntree, Sec. Cr. Qualmann that minute 201/18 (as appearing on the confidential minute action list) be released from confidence.

CARRIED UNANIMOUSLY

097/19 THAT THE MOTION REMAINS IN CONFIDENCE

Moved Cr Rowntree, Sec. Cr Bland that:

Pursuant to Section 91(7)(b) of the Local Government Act 1999, the Council orders that the minutes of item no. 14 of 16 April 2019 be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(e) of the Act.

The document referred to by Norman Waterhouse Lawyers during item no. 14 of 16 April 2019 be retrieved by Norman Waterhouse Lawyers.

This order will be reviewed in 12 months. This order will also be reviewed at least annually in accordance with the Local Government Act 1999.

CARRIED UNANIMOUSLY

202/19 CONSIDERATION OF LEGAL ADVICE RECEIVED REGARDING RETROSPECTIVE REVIEW OF 2017-18 BUDGET

Moved Cr. Arthur, Sec. Cr. Rowntree that Council receive and note the report from Norman Waterhouse Lawyers regarding the advice of Council rate increases in the 2017-18 financial year.

CARRIED UNANIMOUSLY

219/19 SUSPENSION OF STANDING ORDERS – 8:25PM

Moved Cr. Rowntree, Sec. Cr. Hill that Council resolve to suspend standing orders at 8:25pm for a period of ten (10) minutes.

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

*Voting against the motion were Councillors Jaensch and Qualmann
The Mayor declared the motion CARRIED*

CARRIED UNANIMOUSLY

297/19 ANNUAL CONFIDENTIAL MINUTE REVIEW

Moved Cr. Arthur, Sec. Cr. Jaensch having reviewed the confidential orders in accordance with section 91(9) of the Local Government Act 1999, the following resolutions and associated reports and discussion be retained in confidence:

272/07, 021/08, 026/09, 235/12, 309/12, 312/12, 381/12, 434/12, 044/13, 047/13, 179/13, 256/13, 286/13, 437/13, 033/14, 084/14, 086/14, 307/14, 309/14, 180/15, 183/15, 295/15, 039/16, 082/16, 033/17, 084/17, 085/17, 154/17, 096/18, 086/19, 096/19, 160/19, 181/19, 184/19, 220/19, 263/19, 271/19 and 275/19.

CARRIED UNANIMOUSLY

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298/19 OUT OF CONFIDENCE – ANNUAL CONFIDENTIAL MINUTE REVIEW

Moved Cr. Bland, Sec. Cr. Hill that under section 90 (2) and (3) (a)(b)(c)(d)(e)(f)(g)(h) and (k) of the Local Government Act 1999, the Council pursuant to section 71 (7) (b) of the Act order that the discussion, report and resolution be released immediately from confidence.

CARRIED UNANIMOUSLY

The public returned to the meeting at 9:21pm.

299/19 INTO CONFIDENCE – CONSIDERATION OF SUBMISSIONS FROM SERVICE PROVIDERS FOR THE RECRUITMENT OF A CEO – 9:21PM

Moved Cr. Hill, Sec. Cr. Bland that in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excluding the Acting Director Community and Corporate, Finance Manager, Organisational Development Coordinator and Executive Assistant) be excluded from attendance at the meeting to the extent that Council considers it necessary to receive, discuss or consider in confidence the item – Consideration of Submissions from Service Providers for recruitment of a CEO.

That Council is satisfied that pursuant to section 90(3)(c) and (k) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this item are;

- (c) information the disclosure of which would reveal a trade secret; and
- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

And, would, on balance, be contrary to the public interest.

CARRIED UNANIMOUSLY

The public and the Acting Chief Executive Officer left the meeting at 9:22pm.

301/19 THAT THE MOTION REMAINS IN CONFIDENCE – CONSIDERATION OF SUBMISSIONS FROM SERVICE PROVIDERS FOR THE RECRUITMENT OF A CEO

Moved Cr. Hill, Sec. Cr. Bland that under section 90 (2) and 3 (c) and (k) of the Local Government Act 1999, the Council pursuant to section 71 (7) (b) of the Act order that the discussion, report and resolution be held in confidence until the awarding of the contract has been finalised.

CARRIED UNANIMOUSLY

The public returned to the meeting at 9:34pm.

CLOSURE

There being no further business, the Mayor declared the meeting closed at 9:35pm.

CERTIFIED CORRECT..... CHIEF EXECUTIVE OFFICER

CONFIRMED / / 2019..... MAYOR