Coorong District Council
Minutes of the Ordinary Meeting held on 21 April 2020

Access meeting video link here.

Minutes of the Ordinary Meeting of the Coorong District Council held at the Coorong Civic Centre, Tailem Bend (and by electronic means via Zoom) on Tuesday 21 April 2020 commencing at 2:00pm.

PRESENT: Mayor Cr. PE Simmons (physical attendance), Deputy Mayor Cr. JJ Arthur (by an audio-visual link), Councillors SU Bland (by an audio-visual link), TF Hill (by an audio-visual link), NR Jaensch (by an audio-visual link), VA Leng (by an audio-visual link), LF Rowntree (by an audio-visual link) & GA Taylor (by an audio-visual link).

IN ATTENDANCE: B Mather (Chief Executive Officer, physical attendance), D Mosel (Director Infrastructure & Assets, by an audio-visual link), D Brokenshire (Director Community & Corporate, physical attendance), S Holme (Senior Finance Officer, physical attendance), B Jarvis (Organisational Development Coordinator, physical attendance), S Brennan (Information Technology Officer, physical attendance), P Bond (Drought Support Coordinator, by an audio-visual link) and A Crossman (minute taker, physical attendance).

APOLOGIES: Nil

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

CONDOLENCES
The Mayor acknowledged Mr Ray Bolt, a well-known Tailem Bend identity who sadly passed away recently. Cr. Jaensch expressed his condolences, and shared Ray’s passion of working on the railways and his commitment the Anglican church. Cr. Qualmann also paid his condolences, sharing Ray’s volunteering efforts through the Tailem Bend rail museum.

Cr. Bland acknowledged the passing of Mr Harvey Betts, owner of BettsCo and well-respected Meningie local, and commented that his loss will be felt by the entire Meningie community.

MOTION WITHOUT NOTICE
065/20 Moved Cr. Bland, Sec. Cr Rowntree that Council write to Mr Harvey Betts’ family and BettsCo to extend condolences for the passing of Mr Betts, who was killed in a tragic accident this week.

CARRIED UNANIMOUSLY

066/20 LATE ITEMS
Moved Cr. Leng, Sec. Cr. Arthur that Council accept the late items as tabled:
- Code of Practice – Proceedings of Council & Committee Meetings update; and
- Audit & Risk Committee – review of Terms of Reference & membership.

CARRIED UNANIMOUSLY

These minutes are subject to final ratification at the next council meeting.
Where an amendment results in the change of intent then a revised copy will be forwarded with the subsequent meetings minutes.
067/20 CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF THE COORONG DISTRICT COUNCIL HELD ON 17 MARCH 2020
Moved Cr. Rowntree, Sec. Cr. Qualmann that the minutes (including the confidential minutes) of the Ordinary Meeting of the Coorong District Council held on 17 March 2020 be adopted as a true and correct record, with alteration to page 13 as follows:

CR. LF ROWNTREE – REPAIRS TO COOANLPYN COMMUNITY HALL
Cr. Rowntree withdrew her motion with notice, stating that she was satisfied with current measures being taken to address outstanding hall maintenance items.

CR. LF ROWNTREE – COONALPYN COMMUNITY HALL UPGRADE
Cr. Rowntree withdrew her motion with notice, stating that she was satisfied with the inclusion of the Committee’s suggestions for the Coonalpyn Hall upgrade being incorporated in the Drought Communities Programme project application.

CARRIED UNANIMOUSLY

068/20 CONFIRMATION OF MINUTES OF THE SPECIAL MEETING OF THE COORONG DISTRICT COUNCIL HELD ON 7 APRIL 2020
Moved Cr. Hill, Sec. Cr. Qualmann that the minutes of the Special Meeting of the Coorong District Council held on 7 April 2020 be adopted as a true and correct record.

CARRIED UNANIMOUSLY

ADJOURNED BUSINESS
NIL

BUSINESS ARISING / ACTION LIST
Cr. Rowntree asked whether minute 164/16 (Road closure in relation to development application #571-105-15) is still outstanding, and whether members could be provided a copy of the road closure plan. Director Infrastructure & Assets advised that a deed needed to be developed to gain access to a rubble pit, which is still being worked through. A further report will be provided back to Council.

Cr. Leng raised completed minute 279/19 (Cr. VA Leng - Salt Creek regulator carpark) and commented that park rangers are working on developing signage for the car park.

QUESTIONS WITH NOTICE
NIL
QUESTIONS WITHOUT NOTICE
Cr. Rowntree asked whether any progress had been made on the Tailem Bend toilets upgrade, and commented that some residents had expressed concern with regard to having unisex stalls (instead of gender specific options). Director Infrastructure & Assets provided a response.

Cr. Qualmann asked whether a report is provided to Council from its septic pump out contractor in relation to services undertaken. Director Infrastructure & Assets provided a response.

Cr. Jaensch raised correspondence from Cr. Rowntree in relation to the Coorong Finance Committee meeting agenda dated 16 April 2020, and asked whether wording within the agenda reports would be changed to reflect Cr. Rowntree’s views. Chief Executive Officer provided a response.

Cr. Arthur asked when Council Members would receive draft budgetary figures for the 2020-21 financial year for review, before Council commences community engagement. Chief Executive Officer provided a response.

Cr. Arthur raised the transfer of Tailem info Station to the care and control of Council, and requested details of the winding-up of the previous organisation and transfer of assets and funds. Director Community & Corporate provided a response.

Cr. Bland requested an update of appointment to the current vacant grader position. Chief Executive Officer provided a response.

PETITIONS
NIL

DEPUTATIONS
NIL

PUBLIC QUESTION TIME
NIL

MAYOR’S REPORT
The Mayor’s report was tabled with no further comment.

COUNCIL MEMBERS’ REPORTS
Council Members’ reports were tabled with no further comment.

NOTICES OF MOTION
NIL
MOTIONS WITHOUT NOTICE

069/20 Moved Cr. Qualmann, Sec. Cr. Rowntree that as per the Tailem Bend Road Sealing Programme (through Drought Communities Programme funding), the priority of road sealing works be in order of Myrtle Place, Pontt Street, and finally Wattle Street.

CARRIED UNANIMOUSLY

OFFICE OF THE CHIEF EXECUTIVE OFFICER’S REPORT

NIL

COUNCIL POLICIES

070/20 COUNCIL MEMBERS ALLOWANCE, BENEFITS AND SUPPORT POLICY REVIEW
Moved Cr. Rowntree, Sec. Cr. Qualmann that the Council Members Allowance, Benefits and Support Policy be adopted as amended, with the inclusion of a definition for ‘dependent care’, and examples of non-approved expenses.

CARRIED UNANIMOUSLY

071/20 DEBT RECOVERY & FINANCIAL HARDSHIP POLICY REVIEW
Moved Cr. Rowntree, Sec. Cr. Hill that the Council adopt the Debt Recovery & Financial Hardship Policy as tabled.

CARRIED UNANIMOUSLY

072/20 COMMUNITY ENGAGEMENT POLICY UPDATE
Moved Cr. Rowntree, Sec. Cr. Jaensch that pursuant to Section 50(5)(a) of the Local Government Act 1999, as inserted under the Public Access and Public Consultation Notice (No 2) 2020, Council alters its Community Engagement Policy by including in the Policy the provisions set out in Attachment 1 to the Council report titled Community Engagement Policy Update.

CARRIED UNANIMOUSLY

073/20 CODE OF PRACTICE – PROCEEDINGS OF COUNCIL & COMMITTEE MEETINGS UPDATE

CARRIED UNANIMOUSLY
SECTION 41 COMMITTEES AND SECTION 43 SUBSIDIARIES

074/20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – SECTION 41

Moved Cr Rowntree, Sec. Cr. Arthur that members will be appointed the CEO Performance Review Committee by election, with the following stipulations:
1. The Mayor shall be included in the vote;
2. The method of election will be by a secret ballot;
3. Preferential method of voting;
4. The Director Community and Corporate be appointed Returning Officer for the election;
5. If at any stage during the process there is an equal number of votes the Returning Officer will decide the issue by the drawing of lots. The name of the candidate drawn will be the one excluded from the ballot;
6. On completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the position of Committee Member; and
7. On the declaration of the Returning Officer the candidate is appointed to the position of Committee Member of the CEO Performance Review Committee for the term of office determined by resolution.

CARRIED UNANIMOUSLY

The Mayor called for nominations of members to the Chief Executive Officer Performance Review Committee.

Cr. Qualmann nominated Cr. Taylor (Mallee Ward position).
Cr. Jaensch nominated himself (Mallee Ward position).

Cr. Leng nominated Cr. Hill (Lakes Ward position). No other nominations were received, therefore Cr. Hill was elected to the Lakes Ward position.

Cr. Qualmann nominated Cr. Arthur (Parks Ward position).
Cr. Taylor nominated Cr. Rowntree (Parks Ward position). Cr. Rowntree declined the nomination. Cr. Arthur was therefore elected to the Parks Ward position.

Council Members were invited submit their vote for the Mallee Ward position by secret ballot.

The Mayor suspended standing orders at 3:53pm to enable the Returning Officer (Director Community & Corporate) to count the vote.
The Mayor resumed meeting procedures at 4:15pm.

The Returning Officer declared Cr. Taylor elected to the Mallee Ward position.
075/20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – SECTION 41

Moved Cr. Hill, Sec. Cr. Leng that:

1. A Section 41 Committee be formally established and known as the Chief Executive Officer Performance Review Committee;
2. Membership of the Committee will consist of one (1) Council member from each Ward and the Mayor;
3. Council resolves the Mayor be appointed as the Presiding Member;
4. The following Council Members form Council’s CEO Performance Review Committee;
   - Mayor Paul Simmons
   - Cr. Taylor, Mallee Ward
   - Cr. Hill, Lakes Ward
   - Cr. Arthur, Parks Ward
5. A representative from Hender Consulting be appointed as the Independent Member;
6. Council resolves the Committee will meet at least once per year;
7. Council resolves the Committee will determine dates and times of meetings;
8. Meetings are to be held at the Council’s principal office, Coorong Civic Centre, 95-101 Railway Terrace, Tailem Bend;
9. The Mayor will inform the Council at the next practical Ordinary meeting of the matters considered by the Committee through the provision of a written report;
10. The Chief Executive Officer Performance Review Committee abide by the Terms of Reference as attached; and
11. The Chief Executive Officer Performance Review Committee has no direct decision making power and will provide recommendations to the Council on matters for consideration.

CARRIED UNANIMOUSLY

076/20 TAILEM BEND TOWN HALL COMMITTEE – MINUTES OF MEETING HELD 12 FEBRUARY 2020

Cr. Arthur left the meeting at 4:18pm.
Cr. Arthur returned to the meeting at 4:18pm.

Moved Cr. Rowntree, Sec. Cr. Taylor that Council receive the minutes of the Tailem Bend Town Hall Committee meeting held on 12 February 2020.

CARRIED UNANIMOUSLY
**077/20 AUDIT & RISK COMMITTEE – REVIEW OF TERMS OF REFERENCE & MEMBERSHIP**

Moved Cr. Bland, Sec. Cr. Taylor that:

1. The Section 41 Committee be formally established and known as the Audit and Risk Committee;
2. Membership of the Committee will consist of a minimum of three (3) Members of Council and one (1) Independent Member;
3. The following Council Members are Council’s representatives on the Committee: 
   - Cr. Hill
   - Cr. Bland
   - Cr. Taylor
   - Cr. Rowntree
4. Calls for an Independent Member commence with recommendations for appointment to be presented to Council for determination;
5. Council resolves the Presiding Member shall be the Independent Member;
6. An interim Independent Presiding Member be sought immediately to enable all financial and risk auditing requirements to continue;
7. Delegation be granted to the Chief Executive Officer to appoint an interim Independent Member with relevant qualifications as the Presiding Member of the Audit and Risk Committee;
8. Council resolves the Committee will determine dates and times of meetings a minimum of four times per annum;
9. Meetings are to be held at Council’s Principal Office, the Coorong Civic Centre, 95 – 101 Railway Terrace, Tailem Bend;
10. The Director Community & Corporate will inform the Council at the next practical Ordinary meeting of the matters considered by the Committee through the provision of a written report for business arising e.g. recommendations, or the provision of Minutes of the Committee;
11. The Audit Committee abide by the Terms of Reference as attached;
12. The Audit Committee has limited delegation to review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Council on a regular basis in accordance with Section 126(4) of the Local Government Act 1999;
13. The Independent Member of this Committee is required to provide a Register of Interest;
14. The Independent Member be paid a meeting sitting allowance of $575 and travel reimbursement of $200 per meeting; and
15. The meeting sitting allowance for the independent member of the Audit Committee be adjusted annually in line with the periodic adjustment to the Council Member’s allowance.

CARRIED UNANIMOUSLY

**MOTION WITHOUT NOTICE**

078/20 Moved Cr. Jaensch, Sec. Cr. Hill that Council write a letter to former Independent Presiding Member, Mr Rex Mooney, thanking him for his tenure as Independent Chair of the Audit Committee.

CARRIED UNANIMOUSLY
COMMUNITY & CORPORATE REPORT

079/20 DELEGATIONS – ANNUAL REVIEW AND UPDATE
Moved Cr. Arthur, Sec. Cr. Bland 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 (with effect from 30 April 2018)
      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
1.2 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 - 28 (each of which is individually identified as indicated below) are hereby delegated this 21st day of April 2020 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
   2.1.2 Community Titles Act 1996
   2.1.3 Dog and Cat Management Act 1995
   2.1.4 Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010
   2.1.5 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
   2.1.6 Expiation of Offences Act 1996
   2.1.7 Fences Act 1975
   2.1.8 Fines Enforcement and Debt Recovery Act 2017
   2.1.9 Fire and Emergency Services Act 2005 and Fire and Emergency Services Act Regulations 2005
   2.1.11 Gas Act 1997
   2.1.12 Land & Business (Sale & Conveyancing) Act 1994
   2.1.13 Liquor Licensing Act 1997
   2.1.14 Local Government Act 1999
   2.1.15 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
   2.1.16 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provision Levies) Regulations 2005
   2.1.18 Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017
   2.1.19 Real Property Act 1886 and Electronic Conveyancing National Law (South Australia) Act 2013
   2.1.20 Roads (Opening and Closing) Act 1991

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2.1.22 Safe Drinking Water Act 2011

2.1.23 South Australian Public Health Act 2011, South Australian Public Health Act 2011 (COVID-19), South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013

2.1.24 State Records Act 1997

2.1.25 Strata Titles Act 1988

2.1.26 Unclaimed Goods Act 1987

2.1.27 Water Industry Act 2012 and Water Industry Regulations 2012

2.1.28 Work Health and Safety Act 2012

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 21 April 2020) are hereby delegated this 21st day of April 2020 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 21 April 2020) 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.

Development Act 1993:

Development Regulations 2008
36, 38(1)(a), 84(1)(b), 61(1), 16(2), 17(3), 17(4), 17, 20(4), 20(5), 30(4), 37AA, 34(1)(b), 34(1)(b)(iv), 36, 48(2), 51(4), 51(6), 52(1), 53(1), 53(2), 53(4), 58(1), 58(2), 59(1)

Schedule 8, Item 1(b) Clause 2 Schedule 8, Item 3 Clause 2 of Schedule 8, Item 5(1) of Clause 2 Schedule 8, Item 7 Clause 2 of Schedule 8, Item 10(b) Clause 2 of Schedule 8, item 15 Clause 2 of Schedule 8
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Schedule 9, Clause 1 of Part 1 to Schedule 9, Clause 2(1)(g) of Part 1 to Schedule 9, Clause 3 of Part 1 to Schedule 9, Clause 5 of Part 1 to Schedule 9, Clause 11 of Part 1 to Schedule 9 Clause 17 of Part 1 of Schedule 9, Part 1 of Clause 17 of Schedule 9, Clause 21 of Part 2 of Schedule 9

Conditions/Limitations

That the Council Assessment Panel (CAP) shall only exercise powers and functions in the following situations:

i. The assessment of development applications that are non-complying (other than non-complying applications that the Director Community & Corporate or the Coordinator – Development has determined to be able to be assessed by staff under delegated authority).

ii. The assessment of all application that are the subject of an unresolved Category 3 representation, or an unresolved Category 2 representation.

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 21 April 2020) are hereby delegated this 21st day April 2020 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 21 April 2020) are hereby delegated this 21st day of April 2020 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

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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 21 April 2020) is hereby sub-delegated this 21st day of April 2020 to the person occupying the office of Chief Executive Officer of the Council subject to:
   (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 21 April 2020) are hereby delegated this 21st day of April 2020 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 21 April 2020) are hereby delegated this 21st day of April 2020 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 2013 contained in the proposed Instrument of Delegation (annexed to the report dated 21 April 2020) are hereby delegated this 21st day of April 2020 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
DELEGATIONS ARISING FROM THE PUBLIC ACCESS AND PUBLIC CONSULTATION NOTICE (NO 2) 2020

Moved Cr. Arthur, Sec. Cr. Jaensch that:

1. The Council in exercise of the power contained in Section 44 of the Local Government Act 1999 (the LG Act) hereby delegates this twenty first day of April 2020 to the person occupying the office of Chief Executive Officer of the Council the powers and functions under the LG Act, the operation of which has been varied under the Public Access and Public Consultation Notice (No 2) 2020, and set out below subject to the conditions and/or limitations, if any, specified herein:
   a. the power pursuant to Section 45(2) of the LG Act to, if the delegate is satisfied it is reasonably necessary as a result of the public health emergency, to:
      i. close the principal office of the Council; or
      ii. vary the transaction of business hours at the principal office of the Council;
   b. the power pursuant to Section 45(3) of the LG Act if the Council closes its principal office or varies the transaction of business hours in accordance with Section 45(2) of the LG Act, to, as soon as reasonably practicable, take reasonable steps to:
      i. make alternative arrangements to enable the local community to access the services of the Council which are ordinarily available at the principal office of the Council;
      ii. inform the Council’s local community (including by publishing the information on a website determined by the Chief Executive Officer) about the changes to the arrangements to access those services;
   c. the power pursuant to Section 45(4)(b) of the LG Act to satisfy any obligation under the LG Act to make a document available for inspection at the principal office of the Council by making the document available for inspection at an alternative place or by an alternative means as determined by the delegate;
   d. the power pursuant to Section 45(5) of the LG Act, if the Council or chief executive officer makes a document available for inspection in accordance with Section 45(4) of the LG Act, to, as soon as reasonably practicable, take reasonable steps to inform the Council’s local community (including by publishing the information on a website determined by the chief executive officer) about the changes to the arrangements for inspection of the document;
   e. the power pursuant to Section 45(10) of the LG Act if the Council makes copies of a document available in accordance with Sections 45(8) or (9) of the LG Act, to, as soon as reasonably practicable, take reasonable steps to inform the Council’s local community (including by publishing the information on a website determined by the chief executive officer) about the changes to the arrangements for provision of copies of the document.
   f. the power pursuant to Section 50(5a) of the LG Act to alter the Council’s Public Consultation Policy or substitute a new policy without undertaking public consultation, even if the Council’s existing Public Consultation Policy requires the Council to conduct public consultation;
   g. the power pursuant to Section 123(5) of the LG Act to ensure that copies of the draft annual business plan are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the LG Act) and on the website at least 21 days before the end of the period for providing written submissions;
   h. the power pursuant to Section 151(8) of the LG Act to ensure that copies of the report required under Section 151(5)(d) are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the LG Act) at least 21 days before the end of the period for public consultation;
i. the power pursuant to Section 156(14e) of the LG Act to ensure that copies of the report required under section 156(14a)(a) of the LG Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the LG Act) at least 21 days before the end of the period for public consultation.

2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the LG Act as the Chief Executive Officer sees fit.

3. These delegations:
   a. operate and have effect for the period the Public Access and Public Consultation Notice (No 2) 2020 has effect;
   b. do not have the effect of revoking or altering any previous delegations made by the Council to the person occupying the office of Chief Executive Officer of the Council;
   c. for the period the Public Access and Public Consultation Notice (No 2) 2020 has effect, take precedence in the event of any inconsistency between these delegations and any previous delegations made by the Council to the person occupying the office of Chief Executive Officer of the Council prior to the date of the making of these delegations.

CARRIED UNANIMOUSLY

081/20 2020/21 DOG REGISTRATION FEES
Moved Cr. Taylor, Sec. Cr. Leng that Council adopts the Dog Registration Fees for the 2020/21 financial year and submits them to the Dog and Cat Management Board for endorsement by the Minister.

CARRIED UNANIMOUSLY

082/20 COUNCIL’S RESPONSE TO COVID-19 (RATES)

CARRIED UNANIMOUSLY

083/20 WAIVING OF FINES & INTEREST UNTIL 31 DECEMBER 2020
Moved Cr. Jaensch, Sec. Cr. Hill that due to COVID-19, Council agrees to temporarily suspend all debt recovery action and to waive the processing of monthly interest and quarterly fines for overdue rates for the period April 2020 to December 2020 inclusive.

CARRIED UNANIMOUSLY

084/20 UPDATE – SERVICE REVIEW
Moved Cr. Leng, Sec. Cr. Qualmann that Council receive and note the Service Review update report.

CARRIED UNANIMOUSLY
INFRASTRUCTURE & ASSETS REPORT

085/20 PROPERTY ACQUISITION OPPORTUNITY - TAILEM BEND ROTUNDA
Moved Cr. Hill, Sec. Cr. Leng that Council declines the offer from the Department of Planning, Transport and Infrastructure (DPTI) to purchase Allotment 72 Railway Terrace, Tailem Bend. Voting for the motion were Councillors Arthur, Bland, Hill and Leng Voting against the motion were Councillors Jaensch, Qualmann, Rowntree, Simmons and Taylor The Mayor declared the motion LOST

086/20 MOTION WITHOUT NOTICE
Moved Cr. Rowntree, Sec. Cr. Taylor that Council:
1. Agrees to the potential property acquisition opportunity at Allotment 72 Railway Terrace, Tailem Bend;
2. Resolves to purchase the land subject to satisfactory independent valuation and a report reviewing the contamination on the site up to the value of $19,500;
3. Authorises the Chief Executive Officer (CEO) to agree to purchase the land up to and including the independent valuation as negotiated by the CEO along with any terms and conditions the CEO may negotiate up to the value of $19,500;
4. Notes that the acquisition of the subject property will incur additional ancillary legal, valuation costs, soil testing and stamp duty over and above the specified purchase price;
5. Pursuant to section 38 of the Local Government Act 1999 Council authorises the Mayor and CEO to execute under the Common Seal of Council the documentation associated with the purchase of the property; and
6. Make available funds from the 2019/20 Third Quarter Budget review. Voting for the motion were Councillors Jaensch, Qualmann, Rowntree, Simmons and Taylor Voting against the motion were Councillors Arthur, Bland, Hill and Leng The Mayor declared the motion CARRIED

QUESTIONS FROM THE INFORMATION DOCUMENT
The Mayor invited the Drought Support Project Coordinator to elaborate on the Drought Communities Programme (DCP) Extension – projects update. Drought Support Coordinator advised that applications have been lodged for both Phase 1 and Phase 2 projects; awaiting advice of success from federal government for both rounds (Phase 1 expected to be announced imminently).

Drought Support Coordinator further expanded on projects listed, and advised that State Government did not award funds to Peake Netball Club or Tintinara Oval Recreation Association through the Office of Recreation, Sport & Racing’s Grassroots Program, therefore their projects are exclusively reliant on DCP funding. Cr. Rowntree asked whether State Government gave reasoning for not awarding funding to Coorong clubs. Drought Support Coordinator noted that numerous applications were submitted, which would have limited number of successful applicants.

Cr. Bland and Cr. Arthur complimented and thanked the Drought Support Coordinator and Council officers on their work so far for the DCP projects.
Cr. Bland left the meeting at 5:29pm.
Cr. Bland returned to the meeting at 5:30pm.

Cr. Arthur requested information on the expected local employment benefits through delivery of the DCP projects. Drought Support Coordinator advised that local contractors are being engaged to carry out project works where possible.

In reference to the Murray Coorong Trail report, Cr. Leng commented that the project appears to be expanding from its original objective. Chief Executive Officer advised that further work is required to fully explore and identify risks and opportunities in relation to the project.

Cr. Arthur asked whether Council’s full patrol grader complement at Meningie is currently filled. Director Infrastructure & Assets advised that staff movements have reduced the Meningie grader down to one officer.

Cr. Leng queried whether the Mobile Skate Ramp is being repaired while it is not in use by the public (owing to COVID-19 restrictions). Director Infrastructure & Assets confirmed that maintenance work is currently being undertaken.

Cr. Rowntree thanked officers for completing the Coonalpyn wayfinding signage project.

Cr. Bland lost visual at 5:39pm and continued to participate by audio (via Zoom).

CONFIDENTIAL ITEMS

087/20 INTO CONFIDENCE – CHIEF EXECUTIVE OFFICER'S KEY PERFORMANCE INDICATORS – 5:41PM
Moved Cr. Qualmann, Sec. Cr. Bland that in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excepting the the Chief Executive Officer, Director Community & Corporate 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 – Chief Executive Officer’s key performance indicators.

That 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. CARRIED UNANIMOUSLY

The public left the meeting at 5:41pm, and the audio-visual recording (via Zoom) was stopped.
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089/20 OUT OF CONFIDENCE – CHIEF EXECUTIVE OFFICER’S KEY PERFORMANCE INDICATORS
Moved Cr. Bland, Sec. Cr. Leng that under section 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to section 91(7)(b) of the Act order that the discussion, report and resolution be held in confidence until further order and will be reviewed at least annually in accordance with the Local Government Act 1999.

CARRIED UNANIMOUSLY

The public returned to the meeting at 5:53pm (audio-visual recording was not resumed as meeting moved back into confidence).

090/20 INTO CONFIDENCE – MOTION WITH NOTICE – CR. JJ ARTHUR – 5:54PM
Moved Cr. Rowntree, 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 the Chief Executive Officer, Director Community & Corporate 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 – Motion with notice – Cr. JJ Arthur.

That Council is satisfied that pursuant to section 90(3)(a) and (h) 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
(h) legal advice.

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

CARRIED UNANIMOUSLY

The public left the meeting at 5:54pm.

092/20 OUT OF CONFIDENCE – MOTION WITH NOTICE – CR. JJ ARTHUR
Moved Cr. Bland, Sec. Cr. Rowntree that under section 90(2) and 3(a) and (h) of the Local Government Act 1999, the Council pursuant to section 91(7)(b) of the Act order that the discussion, report and resolution be held in confidence until further order and will be reviewed at least annually in accordance with the Local Government Act 1999.

CARRIED UNANIMOUSLY

The public returned to the meeting at 6:18pm (audio-visual recording was not resumed as meeting moved back into confidence).
093/20 INTO CONFIDENCE – QUESTION WITH NOTICE – CR. ARTHUR – 6:18PM
Cr. Jaensch declared a perceived conflict of interest owing to being named in the item for consideration, and left the meeting at 6:17pm and did not return.

Moved Cr. Taylor, Sec. Cr. Bland that in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excepting the the Chief Executive Officer, Director Infrastructure & Assets, Director Community & Corporate 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 – Question with notice – Cr. Arthur.

That Council is satisfied that pursuant to section 90(3)(a) and (h) 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
(h) legal advice.

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

The public left the meeting at 6:18pm.

094/20 OUT OF CONFIDENCE – QUESTION WITH NOTICE – CR. ARTHUR
Moved Cr. Leng, Sec. Cr. Hill that under section 90(2) and 3(a) and (h) of the Local Government Act 1999, the Council pursuant to section 91(7)(b) of the Act order that the discussion and report be held in confidence until further order and will be reviewed at least annually in accordance with the Local Government Act 1999.

CARRIED UNANIMOUSLY

The public returned to the meeting at 6:19pm, and the audio-visual recording (via Zoom) was resumed.

CLOSURE
There being no further business, the Mayor declared the meeting closed at 6:23pm.

CERTIFIED CORRECT............................................ CHIEF EXECUTIVE OFFICER

CONFIRMED / / 2020................................. MAYOR