



**DISTRICT COUNCIL OF GRANT**

**MINUTES OF ORDINARY MEETING OF COUNCIL HELD AT THE**

**PORT MACDONNELL COMMUNITY COMPLEX**

**5 CHARLES STREET, PORT MACDONNELL**

**ON MONDAY 19 MARCH 2018 AT 5.32 PM**

**ATTENDANCE**

**Elected Members**

Mayor Richard Sage  
Cr BJ Bain  
Cr GM Clayfield  
Cr BJ Collins  
Cr AH Hill  
Cr BR Kuhl  
Cr SE Little  
Cr JA Reis  
Cr GW Saunders  
Cr GR Slarks

**Council Officers**

TJ Smart, Chief Executive Officer  
JF Fetherstonhaugh, Deputy Chief Executive Officer  
LJ McEvoy, Director, Environmental Services  
AA Schutz, Works Manager  
JA O’Hehir, Executive Support Officer

**Other Attendees**

Sandra Morello – The Border Watch

**18037 - CONFIRMATION OF MINUTES**

1. Moved Cr Hill that the minutes of the Ordinary Meeting of Council held Monday 5 March 2018; and the minutes of the Special Meeting of Council held Tuesday 13 March 2018 be taken as read and confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Reis

CARRIED

**18038 - QUESTIONS ON NOTICE**

1. Review of Policy – GOVPOL03 - [9.63.1/1] Item 7.1  
Council considered Cr Clayfield’s request for “Questions Without Notice” to be moved later in the Agenda.

Moved Cr Clayfield that the Code of Practice for Meeting Procedures (GOVPOL03) be amended to have “Questions Without Notice” moved to later in the Agenda before “Confidential Items”.

Seconded Cr Reis

CARRIED

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2. Correspondence from the Port MacDonnell Professional Fishermen's Association – [2.85.1/28] Item 7.2

Council considered a letter from the Port MacDonnell Professional Fishermen's Association which was tabled by Cr Clayfield, regarding the condition of the breakwater.

- 5.38pm Cr GM Clayfield declared a perceived conflict of interest in relation to this item as she is in the paid position of Secretary to the Port MacDonnell Professional Fishermen's Association. Cr Clayfield vacated the Chamber for discussion and voting.

Moved Cr Hill that Council:

1. Write to the Department of Planning, Transport and Infrastructure outlining the issues currently affecting the Port MacDonnell Professional Fishermen's Association with a copy of the letter to be provided to the Member for Mount Gambier, Mr Troy Bell.
2. Write to the Minister for Transport and Infrastructure and the Minister for Employment expressing Councils support for the work that is required at the Port MacDonnell breakwater.
3. Invite the Minister for Transport and Infrastructure; and the Member for Mount Gambier, Mr Troy Bell, to inspect the Port MacDonnell boat ramp and harbour area.

Seconded Cr Reis

CARRIED

- 5.42pm Cr GM Clayfield re-joined the meeting.

3. Old Boatyard at Port MacDonnell – [16.64.1/7] Item 7.3

Council considered the future of the Old Boatyard at Port MacDonnell.

- 5.44pm Cr BJ Bain and LJ McEvoy joined the meeting.

Moved Cr Reis that Council arrange for a reassessment of groundwater by Environment Protection Authority approved contractors, at the Old Boatyard land at Port MacDonnell.

Seconded Cr Slarks

CARRIED

### **18039 – REPORTS FROM REPRESENTATIVES ON OTHER ORGANISATIONS AND COMMITTEES**

- |            |   |
|------------|---|
| Cr Collins | <ul style="list-style-type: none"><li>• Workshop – Budget</li><li>• Bayside Festival</li></ul>  |
| Cr Little  | <ul style="list-style-type: none"><li>• Workshop – Budget</li><li>• Bayside Festival</li><li>• Australian Citizenship Ceremony</li></ul>  |
| Cr Reis    | <ul style="list-style-type: none"><li>• Group Training Employment Meeting</li><li>• Flinders Medical Education Launch</li><li>• Group Training Employment Award Night</li><li>• Australian Citizenship Ceremony</li></ul> |

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- Cr Clayfield
- Professional Fishermen's meeting
  - Workshop – Budget
  - Clean up Australia Day
  - Bayside Festival
  - Australian Citizenship Ceremony
  - Opening of Coastal Art Exhibition
- Cr Hill
- Workshop – Budget
- Cr Kuhl
- Workshop – Budget
  - District Council of Grant Building Fire Safety Committee
  - Joint Councils Dinner
- Cr Saunders
- Workshop - Budget
- Mayor Sage
- Workshop - Budget Workshop
  - Adelaide 500
  - Joint Councils Dinner
  - Port MacDonnell & District Men's Shed
  - Australian Citizenship ceremony

Moved Cr Reis that the reports from the Representatives on other organisations and committees be noted.

Seconded Cr Clayfield

CARRIED

### **REPORTS FROM OFFICERS AND COMMITTEES**

#### **18040 – CHIEF EXECUTIVE OFFICER**

1. Local Government Association Circular 10.1 – New Local Government Association Constitution and Ancillary Documents - [10.85.1/33] Item 14.1.1  
Council noted the Local Government Association Circular 10.1 – New Local Government Association Constitution and Ancillary Documents.
  2. Review of Customer Service, Complaints and Request for Service Policy – [9.63.1/1] Item 14.1.2  
Council considered amendments to Council Policy AMDPOL 05 – Customer Service, Complaints and Request for Service Policy.  
  
Moved Cr Hill that Council adopt the amended Customer Service, Complaints and Request for Service Policy (ADMPOL 05), to take effect from 2 April 2018.  
Seconded Cr Clayfield
- CARRIED
3. Chief Executive Officer's General Update Report – [9.24.1/9] Item 14.1.3  
Council were provided with a general update of Council business and activities.
    1. Moved Cr Hill that the Pelican Point Seawall issue lay on the table until further contact or proposal from the landowners.  
Seconded Cr Bain
- CARRIED

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2. Moved Cr Reis that Council write to the State Government enquiring about Mount Gambier Airport Infrastructure Project and funding from the State, with a copy of the letter to be provided to the Member for Barker, Mr Tony Pasin MP, and Member for Mount Gambier, Mr Troy Bell.  
Seconded Cr Clayfield CARRIED
3. Moved Cr Slarks that the Chief Executive Officer's General Business Update be noted.  
Seconded Cr Collins CARRIED

### **18041 – DEPUTY CHIEF EXECUTIVE OFFICER**

1. Tourism Signage Policy, Strategy and Implementation Plan – [20.3.2/3] Item 14.2.1  
Council considered a new Tourism Signage Policy, Tourism Signage Strategy and Tourism Signage Implementation Plan.  
Moved Cr Collins that Council adopt the:
  1. Tourism Signage Policy
  2. Tourism Signage Strategy
  3. Tourism Implementation PlanSeconded Cr Little CARRIED
2. Monthly Financial Report – February 2018 – [7.11.1/2] Item 14.2.2  
Council were provided with an overview of Council's monthly financial position.  
Moved Cr Bain that the Financial Report for February 2018, be received.  
Seconded Cr Collins CARRIED
3. Deputy Chief Executive Officer Monthly Update – [9.24.1/9] Item 14.2.3  
Council were provided with a monthly update on projects, issues, information and events within the Deputy Chief Executive Officer's area of responsibility.  
Moved Cr Little that Deputy Chief Executive Officer's Monthly Update report be noted.  
Seconded Cr Saunders CARRIED

### **18042 – WORKS**

1. Coastal Protection Works – Port MacDonnell - [5.3.2/8] Item 14.3.1  
Council considered the allocation of funds to undertake coastal protection works at Port MacDonnell.  
Moved Cr Bain that:
  1. The report be received and noted;
  2. The quotation for \$88,648.26 (GST exclusive) from Gambier Earth Movers Pty Ltd to undertake construction of a rock wall at Port MacDonnell be accepted with works to be undertaken in conjunction with the redevelopment of the Waterfront;

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3. An amount of \$88,648.26 (GST exclusive) be included in the next Budget Review process.

Seconded Cr Clayfield

CARRIED

2. Proposed Road Enhancement Project – Cafpirco Road – [7.41.1/53] Item 14.3.2

Council considered an application to the Heavy Vehicle and Productivity Program Round 6 (Department of Infrastructure and Regional Development) to undertake a 3km road enhancement project at Cafpirco Road, between Burnda Road and Marte Siding Road.

Moved Cr Collins that Council:

1. Support a funding submission to the Heavy Vehicle and Productivity Program Round 6 for the Cafpirco Road Enhancement Project.
2. Confirm \$320,000 in the 2018-19 Annual Budget, subject to a successful funding application to the Heavy Vehicle and Productivity Program Round 6 with the Department of Infrastructure and Regional Development.

Seconded Cr Bain

CARRIED

3. Works Managers Monthly Update – [9.24.1/9] Item 14.3.3

Council were provided with a monthly update on projects, issues, information and events within the Works Manager's area of responsibility.

Moved Cr Hill that the Works Manager's monthly update be noted.

Seconded Cr Clayfield

CARRIED

## **18043 – DIRECTOR OF ENVIRONMENTAL SERVICES**

1. Director of Environmental Services Monthly Update Report – March 2018 - [9.24.1/9] Item 14.4.1

Council were provided with a monthly update on projects, issues, information and events within the Director of Environmental Services area of responsibility. The areas of responsibility include development (planning & building), environmental health, general inspectorate/community ranging, compliance/enforcement, and administration within the Council's Environmental Services Department.

Moved Cr Hill that:

1. The Director of Environmental Services Monthly Update Report for March 2018 be received and noted.
2. Council engage MasterPlan SA Pty Ltd to undertake the Development Plan Review as part of the transition process under the Planning, Development and Infrastructure Act 2016.
3. Council reallocate \$3,000 for the Development Plan Review from the \$35,000 allocated in the 2017-2018 Council Budget for the Rural Living and Township Zones and Boundaries Review and Master Plan.

Seconded Cr Kuhl

CARRIED

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### **18044 – CORRESPONDENCE**

1. Glenelg River Road - [14.55.1/4 & 20.85.1/3] Item 15.1  
Council were provided with correspondence from the Department of Planning, Transport and Infrastructure regarding Glenelg River Road.

Moved Cr Little that Council continue:

1. To pursue State Government regarding upgrade to the Glenelg River Road.
2. To pursue State Government regarding the reinstatement of higher speed limits, and a cooperative approach for assessment of speed limits in the future.

Seconded Cr Kuhl

CARRIED

### **18045 – QUESTIONS WITHOUT NOTICE**

1. Glenelg River Shacks – [2.14.1/7]  
Cr Hill moved that Council write to the incoming Minister for Environment and Conservation inviting him/her to visit the District Council of Grant to meet with the Glenelg River shack owners and to discuss the current situation regarding the future of Glenelg River Shacks.

Seconded Cr Reis

CARRIED

6.37pm Sandra Morello (The Border Watch) and the gallery vacated the meeting.

### **18046 – CONFIDENTIAL ITEMS**

1. The Waterfront – Stage 1 - Tenders - [7.81.4/60] Item 16.1.1
  1. Moved Cr Bain that
    1. Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except TJ Smart (Chief Executive Officer), JF Fetherstonhaugh (Deputy Chief Executive Officer), LJ McEvoy (Director of Environmental Services), AA Schutz (Works Manager), SJ McIntosh (Asset Management Coordinator), JK Miller (Community Development Officer), DM Hutchesson (Executive Support Governance) and JA O’Hehir (Executive Support Officer), be excluded from attendance at the meeting for Agenda Item 16.1.1 – The Waterfront - Stage 1 - Tenders.
    2. The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.
    3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The

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benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because such disclosure to the public may compromise tender negotiation processes and outcomes.

Seconded Cr Kuhl

CARRIED

2.

3. Moved Cr Collins that:

1. Having considered Agenda Item 16.1.1 – The Waterfront – Stage 1 Tenders in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the documents and minutes relevant to Agenda Item 16.1.1 be retained in confidence until a tender is awarded and formally notified.
2. Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein.

Seconded Cr Bain

CARRIED

2. Recruitment of Interim Chief Executive Officer – [12.70.1/2]

1. Moved Cr Little that Council:

1. Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public including all staff, be excluded from attendance at the meeting for the Recruitment of Interim Chief Executive Officer.
2. The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services.
3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the

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circumstances because such disclosure to the public may compromise the negotiation processes and outcomes.

Seconded Cr Kuhl

CARRIED

6.55pm TJ Smart (Chief Executive Officer), JF Fetherstonhaugh (Deputy Chief Executive Officer), LF McEvoy (Director Environmental Services), AA Schutz (Works Manager); and JA O’Hehir (Executive Support Officer) vacated the meeting.

2.

3. Moved Cr Bain that Council:

1. That having considered the Recruitment of Interim Chief Executive Officer in confidence under section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the documents and minutes relevant to Agenda Item 6.1.1 be retained in confidence until prospective Interim Chief Executive Officer has accepted the position.
2. Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein.

Seconded Cr Saunders

CARRIED

3. Recruitment of Chief Executive Officer – Human Resources Selection – Late Agenda Item [12.70.1/2]

1. Moved Cr Little that:

1. Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except JF Fetherstonhaugh (Deputy Chief Executive Officer), LF McEvoy (Director Environmental Services), SJ McIntosh (Asset Management Coordinator), DM Hutchesson (Executive Support Governance) and JA O’Hehir (Executive Support Officer), be excluded from attendance at the meeting for Late Agenda Item – CEO Recruitment – HR Consultant Selection.



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2. The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.
3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because such disclosure to the public may compromise tender negotiation processes and outcomes.

Seconded Cr Hill

CARRIED

2.

3. Moved Cr Clayfield that:

1. Having considered Late Agenda Item – CEO Recruitment – HR Consultant Selection in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the documents and minutes relevant to Agenda Item 16.1.1 be retained in confidence until a tender is awarded and formally notified.
2. Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein.

Seconded Cr Slarks

CARRIED

Meeting closed at 7.30pm

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MAYOR

/ /2018