



**DISTRICT COUNCIL OF GRANT**

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

**TARPEENA FOOTBALL CLUB, EDWARD STREET, TARPEENA**

**ON MONDAY 17 SEPTEMBER 2018 AT 5.35PM**

**ATTENDANCE**

**Elected Members**

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

**Council Officers**

DJ Singe, Chief Executive Officer  
JF Fetherstonhaugh, Deputy Chief Executive Officer  
LJ McEvoy, Director, Environmental Services  
AA Schutz, Works Manager  
TF Glynn, Planning Officer  
DM Hutchesson, Executive Support Governance  
JA O'Hehir, Executive Support Officer

**Other Attendees**

Mr Dominic Testoni, Executive Officer of the Limestone Coast Local Government Association  
Ms Sandra Morello – The Border Watch

**LEAVE OF ABSENCE**

- Cr BJ Collins - Leave of absence granted for period from 20 August 2018 until 25 September 2018 inclusive.
- Cr GW Saunders – Leave of absence granted for period from 3 September 2018 until 18 September 2018 inclusive

**18136 - CONFIRMATION OF MINUTES**

1. Moved Cr Bain that the minutes of the Ordinary Meeting of Council held Monday 3 September 2018 be taken as read and confirmed as a true and correct record of the proceedings of that meeting.  
Seconded Cr Hill

CARRIED

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### 18137 – PRESENTATIONS / DEPUTATIONS

1. Limestone Coast Leadership Program - [10.14.2/12] Item 7.1

Mr Dominic Testoni, Executive Officer of the Limestone Coast Local Government Association, provided Council with information regarding the Limestone Coast Leadership Program. The Limestone Coast Leadership Program will be further discussed in Item 13.2.5.

5.41pm Cr GR Slarks entered the meeting.

Moved Cr Reis that Council thank Mr Dominic Testoni, Executive Officer of the Limestone Coast Local Government Association, for providing information regarding the Limestone Coast Leadership Program.

Seconded Cr Kuhl

CARRIED

### 18138 – REPORTS FROM REPRESENTATIVES ON OTHER ORGANISATIONS AND COMMITTEES

Cr Slarks	<ul style="list-style-type: none"><li>• Caretaker Policy information session</li></ul>
Cr Little	<ul style="list-style-type: none"><li>• Caretaker Policy information session</li><li>• Candidate Information session</li><li>• Workshop – Economic Development &amp; Communications Framework</li><li>• Out of the Shadows - Lifeline Community Breakfast</li></ul>
Cr Reis	<ul style="list-style-type: none"><li>• Group Training Employment AGM &amp; meeting</li><li>• Caretaker Policy information session</li><li>• Workshop – Economic Development &amp; Communications Framework</li><li>• Meeting with CEO</li></ul>
Cr Clayfield	<ul style="list-style-type: none"><li>• Caretaker Policy information session</li><li>• Candidate Information session</li><li>• Meeting with CEO</li><li>• Workshop – Economic Development &amp; Communications Framework</li><li>• Professional Fishermen's Meeting</li></ul>
Cr Hill	<ul style="list-style-type: none"><li>• Caretaker Policy information session</li><li>• Candidate Information session</li><li>• Workshop – Economic Development &amp; Communications Framework</li></ul>
Cr Kuhl	<ul style="list-style-type: none"><li>• Caretaker Policy information session</li><li>• Candidate Information session</li><li>• Meeting with CEO</li><li>• Workshop – Economic Development &amp; Communications Framework</li></ul>

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Cr Bain	<ul style="list-style-type: none"><li>• Candidate Information session</li></ul>
Mayor Sage	<ul style="list-style-type: none"><li>• Mount Gambier Health Advisory Committee</li><li>• Glenelg River Shacks meeting</li><li>• Meetings with Rex Airlines – Sydney</li><li>• LGA Roads &amp; Works Conference – Tanunda</li><li>• Out of the Shadows - Lifeline Community Breakfast</li><li>• Photograph with CEO and Tony Pasin following Rex announcement</li><li>• Meeting with Alex Reid, CEO TAFE SA – Adelaide</li><li>• SAROC – Port Lincoln</li><li>• LGA Board – Port Lincoln</li><li>• Regional Budget Address – Minister for Primary Industries &amp; Regional Development</li><li>• 150 Year celebration – Port MacDonnell Uniting Church service and lunch</li><li>• Workshop – Economic Development &amp; Communications Framework</li><li>• South East Choral Society Showcase 2018</li><li>• Community Foodbank meeting</li><li>• Meeting with Ray &amp; Ashley Scott and Business Manager Saleyards</li><li>• Meeting with Dom Testoni, LCLGA</li><li>• Soccer grand finals</li><li>• Kidney Health awareness fundraiser and walk</li></ul>

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

Seconded Cr Kuhl

CARRIED

**DISCLOSURE OF INTERESTS**

The following Disclosure of Interests forms were received:

- Mayor Richard Sage declared a perceived conflict of interest in relation to Item 13.2.4 – Financial Assistance – Bayside Festival 2019.
- Cr GM Clayfield declared a perceived conflict of interest in relation to Item 13.2.4 – Financial Assistance – Bayside Festival 2019.
- Cr AH Hill declared a perceived conflict of interest in relation to Item 13.2.4 – Financial Assistance – Bayside Festival 2019.

**REPORTS FROM OFFICERS AND COMMITTEES**

**18139 – CHIEF EXECUTIVE OFFICER**

1. Funding Application for Stage 2 – The Waterfront Project - [7.41.1/50] Item 13.1.1  
Given the upcoming Caretaker period, Council considered Councils approach to Stage 2 of The Waterfront project at the Port MacDonnell Foreshore.  
Moved Cr Clayfield that Council support a funding submission to an aligned funding program such as Open Spaces to undertake and complete Stage 2 of The Waterfront project.  
Seconded Cr Reis CARRIED
  
2. Internal Review of Council Decisions – [9.63.1/1] Item 13.1.2  
Council were provided with a report on applications received for an internal review of a Council decision.  
Moved Cr Clayfield that:
  1. The report be noted.
  2. The details in this report be included in Council's 2017-2018 Annual Report.Seconded Cr Reis CARRIED
  
3. Local Government Association Annual General Meeting Appointment of Delegates and LGA President – [10.85.1/33] Item 13.1.3  
Council considered a delegate for the 2018 Local Government Annual General Meeting and candidates for the Local Government Association President.  
Moved Cr Hill that:
  1. Appoint Mayor Richard Sage as Council's Delegate; and Cr Brian Collins as Council's Deputy Delegate for the 2018 LGA Annual General Meeting to be held on 26 October 2018.
  2. Select Mayor Erika Vickery on the Ballot Paper for the Election for Local Government Association President 2018-2020.Seconded Cr Bain CARRIED
  
4. Communication Framework 2018-2020 – [4.3.2/8] Item 13.1.4  
Council considered the Communications Framework 2018-2020.  
Moved Cr Clayfield that Council endorse the Communications Framework 2018-2020.  
Seconded Cr Little CARRIED
  
5. Mount Gambier & District Saleyards Advisory Committee – [16.14.1/3] Item 13.1.5  
Council considered the reconfiguring of the Mount Gambier and District Saleyards Advisory Committee.  
Moved Cr Hill that Council adopts the principle of a skills and knowledge framework for membership of the Mount Gambier and District Saleyards Strategy Committee, as a starting point for the new Council to refine.  
Seconded Cr Reis CARRIED

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6. Chief Executive Officer's General Update Report – [9.24.1/9] Item 13.1.6  
Council were provided with a general update of Council business and activities.

Moved Cr Slarks that the Chief Executive Officer's General Business Update be noted.

Seconded Cr Reis

CARRIED

### **18140 – DEPUTY CHIEF EXECUTIVE OFFICER**

1. Prudential Review – Mount Gambier Airport Upgrade - [7.41.1/46] Item 13.2.1  
Council were provided with information to meet the requirements of the *Local Government Act 1999* provisions for Prudential Review of major projects. The impact of that level of investment in a Council asset has the potential to impact Council's financial position and therefore should be the subject of a Prudential Review as required under the provisions of section 48 of the *Local Government Act 1999*.

Moved Cr Bain that receives and notes the Prudential Report for the Mount Gambier Airport Upgrade.

Seconded Cr Clayfield

CARRIED

2. Budget Review #1 – 2018-2019 – [7.11.1/1] Item 13.2.2  
Council considered the recommendations of the first Budget Review for 2018-2019.

Moved Cr Little that Council adopts the variations detailed in the August 2018 Budget Review with the exception of the reduction in Grants Commission funding.

Seconded Cr Kuhl

CARRIED

3. Building Better Regions Fund Funding Agreement – [7.41.1/46] Item 13.2.3  
Council considered signing of the Building Better Regions Fund Funding Agreement for the redevelopment of the Mount Gambier Airport.

Moved Cr Kuhl that pursuant to Section 38 of the *Local Government Act 1999*, Council approve the Mayor and Chief Executive Officer to execute under seal any documentation necessary to complete the Building Better Regions Fund Funding Agreement for the redevelopment of the Mount Gambier Airport.

Seconded Cr Bain

CARRIED

4. Financial Assistance – Bayside Festival 2019 – [7.31.3/1] Item 13.2.4  
Council considered an increase in funding to support the Bayside Festival and its new program and concept for the 2019 event.

#### **Disclosure of Interests**

- Mayor Richard Sage declared a perceived conflict of interest in relation to Item 12.2.1 – Financial Assistance – Bayside Festival 2019 as he is a financial signatory for the Bayside Festival Committee, however has not attended a meeting for some considerable time. Mayor Sage advised that he would remain in the Chamber and not vote on the matter.

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- Cr GM Clayfield declared a perceived conflict of interest in relation to Item 12.2.1 – Financial Assistance – Bayside Festival 2019 as she is the Chairperson of the Port MacDonnell Community Group that is overseeing the Bayside Festival 2019. Cr Clayfield advised that when the Agenda item is called by the Mayor she will leave the Chamber and not participate in any debate discussion or decision.
- Cr AH Hill declared a perceived conflict of interest in relation to Item 12.2.1 – Financial Assistance – Bayside Festival 2019 as his daughter is undertaking PR responsibilities for the 2019 Bayside Festival on a professional basis. Cr Hill advised that when the Agenda item is called by the Mayor he will leave the Chamber and not participate in any debate discussion or decision.

6.23pm Cr GM Clayfield and Cr AH Hill vacated the meeting.

1. Moved Cr Bain that Council lift the item from the table.  
Seconded Cr Reis CARRIED
2. Moved Cr Bain that Council:
  1. Provide sponsorship to the Bayside Festival for the 2018-2019 Financial Year and reject the Bayside Festival Committee's application under the Community Grant Scheme 2018-2019 Round 1.
  2. Provide an additional \$1,500 in sponsorship from the Donations and Sponsorship grant category taking Councils sponsorship of the Bayside Festival to \$5,000 for the 2018-2019 Financial YearSeconded Cr Reis CARRIED

6.25pm Cr GM Clayfield and Cr AH Hill returned to the meeting.

5. Limestone Coast Leadership Program – [7.31.3/1] item 13.2.5  
Council considered a sponsorship proposal from the Limestone Coast Local Government Association (LCLGA), regarding the Limestone Coast Leadership Program. The LCLGA are seeking \$6,500 per year for a period of three years: 2018-2019, 2019-2020 and 2020-2021.  
Moved Cr Reis that
  1. Council sponsor the program at the cost of \$6,500 per year for a period of three years: 2018-19, 2019-20, 2020-21.
  2. This sponsorship be provided under the provision that each year a District Council of Grant staff member, community member or an Elected Member has the opportunity to participate in the program by applying for the program by a selection process and selection criteria.Seconded Cr Hill CARRIED
6. Deputy Chief Executive Officer's Monthly Update – [9.24.1/9] Item 13.2.6  
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 Hill that the Deputy Chief Executive Officer's Monthly Update report be noted.  
Seconded Cr Clayfield CARRIED

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### **18141 – WORKS**

1. Speed Limit – Whitehead Road, Berkefeld Road, Johnson Road and Kilsby Road, OB Flat - [20.85.1/3] Item 13.3.1

Council were provided with a petition signed by District Council of Grant residents requesting the reduction of speed limits from 100km/h to 80km/h on a section of Whitehead Road, OB Flat and a section of Berkefeld Road, OB Flat.

Moved Cr Reis that:

1. The report be received.
2. The Works Manager contact DPTI supporting the reduction of speed limits and request further investigation of the reduction of speed limits on Whitehead Road, Berkefeld Road, Johnson Road and Kilsby Road, OB Flat.

Seconded Cr Clayfield

CARRIED

2. Hay Baling Options on Councils Road Reserves – [7.41.5/3] Item 13.3.2

Council were provided with an update regarding the baling of hay on Council's Road reserves.

Moved Cr Slarks that Council do not proceed with baling of hay on the road reserves.

Seconded Cr Hill

CARRIED

3. Works Managers Monthly Update – [9.24.1/9] Item 13.3.3

Council were provided with a monthly update on projects, issues, information and events within the Works Manager's area of responsibility. The Works Manager advised Council that the "Actual Changeover" for Mazda CX5, registration S805-BNC was \$11,842.72.

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

Seconded Cr Reis

CARRIED

### **18142 – DIRECTOR OF ENVIRONMENTAL SERVICES**

1. Request for rescission of Land Management Agreement (LMA) – Martin Aarts & Xue Bai - [A2741 / 382/D024/93] Item 13.4.1

Council considered a request from Martin Aarts & Xue Bai that the Land Management Agreement (LMA) applicable to Ms Bai's property at Lot 10 in DP39974, 205 Megaw Road, Compton, be rescinded.

1. Moved Cr Hill that:

1. The request by Mr Martin Aarts and Ms Xue Bai for the rescission of the Land Management Agreement on their property at Lot 10, 205 Megaw Road, Compton be denied.
2. Mr Aarts and Ms Bai be formally advised of Council's decision regardless of any additional information Mr Martin Aarts and Ms Xue Bai provide.

Seconded Cr Slarks

MOTION LOST

2. Moved Cr Reis that the item lay on the table and that the applicants are provided with the opportunity to present Council with more information.

Seconded Cr Bain

CARRIED

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2. Director of Environmental Services Monthly Update Report – [9.24.1/9] Item 13.4.2

Council were provided with monthly update on projects, issues, information and events within the Director of Environmental Services area of responsibility.

- 7.13pm Cr BJ Bain and Cr BR Kuhl declared a perceived conflict of interest as they are members of the Council Assessment Panel. They advised they would not vote and left the meeting.

Moved Cr Hill that:

1. The Director of Environmental Services Monthly Update Report for September 2018 be received and noted.
2. In relation to item 5 in this Report concerning the Planning Appeal to the Environment, Resources and Development (ERD) Court, where there is no compromise and the Appeal proceeds to a full Appeal Hearing, Council agrees to defend the planning decision of the Council Assessment Panel and proceed to engage Council's Lawyers and its Planning Consultant, together with any other assistance required in relation to the Appeals.
3. In relation to item 6 in this Report concerning the Planning Appeal to the Environment, Resources and Development (ERD) Court, where there is no compromise and the Appeal proceeds to a full Appeal Hearing, Council resolves not to defend the planning decision of the Council Assessment Panel.

Seconded Cr Slarks

CARRIED

- 7.14pm Cr Bain and Cr Kuhl returned to the meeting.

### **18143 – CORRESPONDENCE**

1. Garage Sale Trail - [5.85.1/19]

Council were provided with an email received by Mayor Sage regarding the Garage Sale Trail being held within the district on 20 and 21 October 2018.

Moved Cr Clayfield that Council receive and note the email.

Seconded Cr Reis

CARRIED

### **18144 – QUESTIONS WITHOUT NOTICE**

1. Vote of No Confidence – [9.33.3/11]

- 7.29pm Cr GM Clayfield vacated the meeting.

Moved Cr Little that there be a vote of no confidence in Mayor Richard Sage.

Seconded Cr Hill

CARRIED

- 7.30pm Cr GM Clayfield returned to the meeting.

- 7.30pm Sandra Morello (The Border Watch), Dominic Testoni (LCLGA) and AA Schutz (Works Manager) vacated the meeting.



**18145 – CONFIDENTIAL ITEMS**

1. Annual Report 2017-2018 – Mayoral Report - [18.68.1/1]

1. Moved Cr Kuhl that:

1. Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public except DJ Singe, Chief Executive Officer; JF Fetherstonhaugh, Deputy Chief Executive Officer; LJ McEvoy, Director Environmental Services, TF Glynn (Planning Officer), DM Hutchesson, Executive Support Governance; and JA O’Hehir, Executive Support Officer, be excluded from attendance at the meeting for Agenda Item regarding the Annual Report Mayoral Report.
2. The Council is satisfied that, pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice.
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 circumstances because confidential legal advice has been received by the Local Government Association regarding the preparation and adoption of Annual Reports during Caretaker Period.

Seconded Cr Bain

CARRIED

2. Moved Bain that Council note that a Mayoral Report will not be included in the District Council of Grant Annual Report 2017-2018 as the report will be adopted by Council during the Caretaker Period.

Seconded Cr Slarks

CARRIED

7.34pm Cr GM Clayfield vacated the meeting.

7.35pm Cr JA Reis vacated the meeting.

7.36pm Cr GM Clayfield returned to the meeting.

2. Sandyridge Holdings Asbestos Burial - [5.89.1/1]

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 DJ Singe, Chief Executive Officer; JF Fetherstonhaugh (Deputy Chief Executive Officer), LJ McEvoy (Director of Environmental Services), TF Glynn (Planning Officer); DM Hutchesson (Executive Support Governance); and JA O’Hehir (Executive Support Officer), be excluded from attendance at the meeting to discuss Sandyridge Landfill.
2. The Council is satisfied that, pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this item is legal advice, in that it has been provided by KelledyJones Lawyers on instructions from the Council.
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 circumstances because a Council decision has not yet been made in relation to the advice and its subject matter.

Seconded Cr Kuhl

CARRIED

7.38pm Cr Reis returned to the meeting.

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- 2. Moved Cr Bain that Council staff prepare a draft case to the South Australian Government based on the circumstances on Sandyridge arguing for a State levy to discourage the interstate transport of asbestos.  
Seconded Cr Hill MOTION LAPSED

Meeting closed at 7.50pm

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MAYOR

/ /2018