



**DISTRICT COUNCIL OF GRANT**

**MINUTES OF ORDINARY MEETING OF COUNCIL HELD AT THE  
COUNCIL CHAMBERS, 324 COMMERCIAL STREET WEST, MOUNT GAMBIER**

**ON MONDAY 4 FEBRUARY 2019 AT 5.34PM**

**ATTENDANCE**

**Elected Members**

Mayor Richard Sage  
Cr BJ Bain  
Cr KA Boston  
Cr GM Clayfield  
Cr JL Elliott  
Cr BR Kuhl  
Cr SE Little  
Cr SB Mann  
Cr JA Reis

**Council Officers**

DJ Singe, Chief Executive Officer  
LJ McEvoy, Director, Environmental Services  
AA Schutz, Works Manager  
IJ Fritsch, Airport Manager  
MP Ryan, Economic Development Advisor  
SJ McIntosh, Asset Management Coordinator  
TF Glynn (Planning Officer)  
KM Gilmore, Governance Officer  
JA O’Hehir, Executive Assistant

**Other Attendees**

Mr Peter Gandolfi Chairman of Regional Development Australia Limestone Coast Board  
Mr David Wheaton Chief Executive Officer of Regional Development Australia Limestone Coast  
Sandra Morello The Border Watch

**APOLOGIES FOR ABSENCE**

Cr MJ Dukalskis

**19009 – PRESENTATIONS/DEPUTATIONS**

1. Regional Development Australia Limestone Coast – [10.14.2/5] Item 7.1  
Mr Peter Gandolfi, Chairman, and Mr David Wheaton, Chief Executive Officer, from Regional Development Australia Limestone Coast (RDA LC), provided Council with an update regarding RDA LC.

Moved Cr Bain that Council thank Mr Peter Gandolfi, Chairman, and Mr David Wheaton, Chief Executive Officer, from Regional Development Australia Limestone Coast for providing Council with an update.

Seconded Cr Reis

CARRIED

6.06pm Mr Peter Gandolfi and Mr David Wheaton vacated the meeting.

**19010 - CONFIRMATION OF MINUTES**

1. Moved Cr Clayfield that the minutes of the Ordinary Meeting of Council held Monday 21 January 2019 be taken as read and confirmed as a true and correct record of the proceedings of that meeting.  
Seconded Cr Bain CARRIED

**19011 – BUSINESS ARISING FROM MINUTES**

1. Moved Cr Elliott that Council administration prepare a report to a future Council meeting regarding the definition of the role of an “ex-officio” member of a Council committee.  
Seconded Cr Clayfield CARRIED
2. Moved Cr Kuhl that:
  1. The report from Norman Waterhouse regarding remuneration of staff be brought to Council.
  2. The CCTV Policy to be brought back to Council for further discussion.  
Seconded Cr Clayfield CARRIED

**19012 CONFIRMATION OF MINUTES OF COMMITTEES (AND RECOMMENDATIONS)**

1. Mount Gambier Regional Airport Security Terms of Reference – [16.14.1/2] Item 10.1  
The Mount Gambier Regional Airport Security Committee met on Tuesday 22 January 2019.  
Moved Cr Kuhl that the matter lay on the table until the definition of “ex-officio” has been confirmed.  
Seconded Cr Reis CARRIED

**REPORTS FROM OFFICERS AND COMMITTEES**

**19013 – CHIEF EXECUTIVE OFFICER**

1. Local Government Association Circular 3.9 – 2019 LGA Ordinary General Meeting - [10.85.1/33] Item 12.1.1  
Council was provided with information regarding the 2019 Ordinary General Meeting of the Local Government Association which will be held in Adelaide on Friday 12 April 2019.
  1. Moved Cr Elliott that Council:
    1. Provide any proposed item of business to Council Administration by Monday 18 February 2019 to enable staff to prepare for formal consideration by SAROC, GAROC or the LGA Board of Directors; and
    2. Appoint Mayor Richard Sage as Council’s Delegate; and Cr Kuhl as Council’s Deputy Delegate for the 2019 LGA Ordinary General Meeting to be held on Friday 12 April 2019.  
Seconded Cr Little CARRIED

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2. Moved Cr Little that Council, through the Limestone Coast Local Government Association, forward the following item for consideration by SAROC as an item of business for inclusion on the agenda of the LGA General Meeting of 12 April 2019. The item to be considered is regarding clearing of roadside vegetation and declared plants particularly for fire prevention purposes.

Seconded Cr Bain

CARRIED

3. Moved Cr Clayfield that Council, through the Limestone Coast Local Government Association, forward the following item for consideration by SAROC as an item of business for inclusion on the agenda of the LGA General Meeting of 12 April 2019. The item to be considered is the need for TAFE SA regional budgets, regional boards and for regions to have increased responsibility.

Seconded Cr Boston

CARRIED

### 2. Building Fire Safety Committee - [16.16.2/3 & 3.14.1/6] Item 12.1.2

Council considered amending the current appointments to Council's Building Fire Safety Committee.

Moved Cr Clayfield that:

1. Council appoint the following members to the District Council of Grant Building Fire Safety Committee:-
  - a. Mr David Vandborg – Consulting Building Surveyor;
  - b. Mr Julian Aggiss, with Mr Colin Paton as first proxy, and Mr Joel Tarrgart, Mr Kevin Churchward and Mr Phil McDonough as subsequent proxies – CFS representative;
  - c. Mr Giacomo (Jack) Cortolezzis – Building Officer, District Council of Grant; and
  - d. Cr Julie Reis as Chairperson, with Cr Kuhl as proxy.
2. The appointment of the above Committee members replaces all other previous appointments made to the District Council of Grant Building Fire Safety Committee.

Seconded Cr Elliott

CARRIED

### 3. Review of Policies - [9.63.1/1] Item 12.1.3

Council considered the adoption of various Council policies.

Moved Cr Bain that Council:

1. Adopt the amended Records Management Policy (ADM POL 04).
2. Lay on the table for future consideration the amended Code of Practice for Meeting Procedures (GOV POL 03); and the amended Roadside Declared Plants Policy (WKSPOL 10).

Seconded Cr Little

CARRIED

6.45pm Sandra Morello (The Border Watch) vacated the meeting.

**19014 – CONFIDENTIAL ITEMS**

1. Legal Advice Concerning Sandyridge Holdings Pty Ltd - [5.89.1/1 and A2849]  
Item 15.1.1

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 David Singe, Chief Executive Officer, LJ McEvoy (Director of Environmental Services), AA Schutz (Works Manager), IJ Fritsch (Airport Manager), MP Ryan (Economic Development Advisor), SJ McIntosh (Asset Management Coordinator), KM Gilmore (Governance Officer) and JA O’Hehir (Executive Assistant), be excluded from attendance at the meeting for Agenda Item 15.1.1 (Legal Advice concerning 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 Agenda Item is legal advice, in that it has been provided by Kelledy Jones 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 Bain

CARRIED

2.

3. Moved Cr Little that:

1. Having considered Agenda Item 15.1.1 (Legal Advice concerning Sandyridge Landfill) in confidence under section 90(2) and (3)(h) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that legal advice from Kelledy Jones Lawyers all minutes be retained in confidence until the matter resolves and that this order be reviewed every 12 months.

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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 Reis

CARRIED

2. Mount Gambier Regional Airport Redevelopment - [7.81.4/64] Item 15.2.1

1. Moved Cr Clayfield 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), LJ McEvoy (Director of Environmental Services), IJ Fritsch (Airport Manager) AA Schutz (Works Manager), SJ McIntosh (Asset Management Coordinator), MP Ryan (Economic Development Advisor), TF Glynn (Planning Officer), KM Gilmore (Governance Officer) and JA O'Hehir (Executive Assistant), be excluded from attendance at the meeting for Agenda Item 15.2.1 – Mount Gambier Airport Redevelopment – Runway Extension and Apron Construction Tender.
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 Little

CARRIED

2.

3. Moved Cr Little that:

1. Having considered Agenda Item 15.2.1 – Mount Gambier Airport Redevelopment – Runway Extension and Apron Construction Tender 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 15.2.1 be retained in confidence until a tender is awarded and formally notified.

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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 Kuhl

CARRIED

3. Legal Advice Concerning Land Management Agreement - [3.3.1/5] Item 15.3.1

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 David Singe, Chief Executive Officer, LJ McEvoy (Director of Environmental Services), TF Glynn (Planning Officer), MP Ryan (Economic Development Advisor), KM Gilmore (Governance Officer) and JA O’Hehir (Executive Assistant), be excluded from attendance at the meeting for Agenda Item 15.3.1 (Legal Advice concerning Land Management Agreement – Aarts & Bai).
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, in that it has been provided by Norman Waterhouse 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 Reis

CARRIED

2.

3. Moved Cr Little that

1. Having considered Agenda Item 15.3.1 (Legal Advice concerning Land Management Agreement – Aarts & Bai)) in confidence under section 90(2) and (3)(h) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that legal advice from Norman Waterhouse Lawyers all minutes be retained in confidence until the matter resolves and that this order be reviewed every 12 months.
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

4. Port MacDonnell Foreshore Tourist Park - [16.51.1/26] Item 15.4.1

1. Moved Cr Clayfield 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), LJ McEvoy (Director of Environmental Services), MP Ryan (Economic Development Advisor), TF Glynn (Planning Officer), KM Gilmore (Governance Officer) and JA O'Hehir (Executive Assistant), be excluded from attendance at the meeting for Agenda Item – Port MacDonnell Foreshore Tourist Park.

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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 15.4.1 - Port MacDonnell Foreshore Tourist Park contains legal advice regarding the future leasing arrangements of the Port MacDonnell Foreshore Tourist Park.
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 the future leasing arrangements of the Port MacDonnell Foreshore Tourist Park have not yet been considered or finalised.

Seconded Cr Mann

CARRIED

2. Moved Cr Clayfield that Council will discuss further at an Informal Gathering on Monday 11 February 2019.

Seconded Cr Elliott

CARRIED

3. Moved Cr Little that:

1. Having considered Agenda Item 15.4.1 - Port MacDonnell Foreshore Tourist Park in confidence under section 90(2) and (3)(h) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the Council report and attachments (but not including any resolutions made) relevant to Agenda Item – Port MacDonnell Foreshore Tourist Park be retained in confidence until the matter has been finalised and that this order be reviewed every 12 months.

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 Reis

CARRIED

Meeting closed at 8.22pm

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MAYOR

/ /2019