



DISTRICT COUNCIL OF GRANT

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

ON MONDAY 4 MARCH 2019 AT 5.31PM

ATTENDANCE

Elected Members

Mayor Richard Sage
Cr KA Boston
Cr GM Clayfield
Cr MJ Dukalskis
Cr JL Elliott
Cr SE Little
Cr SB Mann
Cr JA Reis

Council Officers

DJ Singe, Chief Executive Officer
JF Fetherstonhaugh, Deputy Chief Executive Officer
LJ McEvoy, Director, Environmental Services
AA Schutz, Works Manager
ME Tucker, Manager Organisational Development
MP Ryan, Economic Development Advisor
KM Gilmore, Governance Officer
JA O'Hehir, Executive Assistant

Other Attendees

Sandra Morello – The Border Watch
Sarah Milne – Youth Opportunities

APOLOGIES FOR ABSENCE

Cr BJ Bain
Cr BR Kuhl

19026 - CONFIRMATION OF MINUTES

1. Moved Cr Little that the minutes of the Ordinary Meeting of Council held Monday 18 February 2019 be taken as read and confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Clayfield CARRIED

 2. Moved Cr Elliott that the minutes of the Special Meeting of Council held Friday 22 February 2019 be taken as read and confirmed as a true and correct record of the proceedings of that meeting with the inclusion of IJ Fristch and JK Miller to the list of Council Officers attending the meeting; and that the recording of that meeting be retained for a period of 12 months.
Seconded Cr Mann CARRIED
- 5.34pm Cr Boston joined the meeting.

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DISCLOSURE OF INTERESTS

Mayor Richard Sage declared a perceived conflict of interest in relation to Item 7.1 and Item 12.2.1 – Youth Opportunities as he is a member of the Youth Opportunities committee.

Cr Julie Reis declared a perceived conflict of interest in relation to Item 7.1 and Item 12.2.1 – Youth Opportunities as she is a member of the Youth Opportunities committee.

19027 - PRESENTATIONS / DEPUTATIONS

1. Presentation by Youth Opportunities – [17.85.1/7] Item 7.1

Ms Sarah Milne, Trainer from Youth Opportunities provided Council with an update regarding Youth Opportunities projects.

Moved Cr Reis that Council thank Ms Sarah Milne, Trainer from Youth Opportunities.

Seconded Cr Boston

CARRIED

6.00pm Sarah Milne (Youth Opportunities) vacated the meeting.

REPORTS FROM OFFICERS AND COMMITTEES

19028 – CHIEF EXECUTIVE OFFICER

1. Sections 862 & 684, Hundred of Caroline – Request for Licence – [16.16.2/4] Item 12.1.1

Council considered the immediate and future plans for land parcels at Eight Mile Creek, known as Sections 862 and 684, Hundred of Caroline.

Moved Cr Clayfield that:

1. Mr Paltridge be advised that:

- a. Due to advice received by the Department of Environment and Water, Council is not in a position to offer a lease or licence over Sections 684 or 862, Hundred of Caroline as the land is Crown Land under Councils Care and Control and is dedicated as Recreation Reserve; and
- b. Due to advice received by the Department of Environment and Water, it is now a requirement that Mr Paltridge vacate the land at Sections 684 or 862, Hundred of Caroline and remove all of his property as a matter of urgency; and

2. Seek to have the dedication of the land to “Council’s care and control” revoked – essentially, handing the parcels of land back to the Crown.

Seconded Cr Elliott

CARRIED

2. Mount Gambier and District Saleyards - [9.73.1/2] Item 12.1.2

Council was provided with a report on the Mount Gambier and District Saleyards.

Moved Cr Clayfield that Council would discuss the Mount Gambier and District Saleyards report in confidence.

Seconded Cr Dukalskis

CARRIED

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

Council considered various existing Council policies.

Moved Cr Little that Council:

1. Lift off the table the review of the Roadside Declared Plants Policy (WKSPOL 10) – minute reference 19013.3.2.
2. Adopt the amended Use of Fixed and Mobile Security Cameras Policy (ADMPOP 09)
3. Adopt the amended Records Management Procedure for Elected Members (ADMPPR 04).
4. Adopt the amended Procurement Policy (FINPOL 04).
5. Adopt the amended External Grant Funding Policy (FINPOL 16)
6. Adopt the amended Elected Members Allowances and Support Policy (GOVPOL 07).
7. Adopt the amended Internal Review of Council Decisions Policy (GOVPOL 12).
8. Adopt the reviewed Private Works Policy (WKSPOL 01).
9. Adopt the reviewed Roadside Declared Plants Policy (WKSPOL 10).

Seconded Cr Clayfield

CARRIED

19029 – DEPUTY CHIEF EXECUTIVE OFFICER

Mayor Richard Sage declared a perceived conflict of interest in relation to Item 12.2.1 – Youth Opportunities as he is a member of the Youth Opportunities committee. Mayor Sage advised that he would remain in the Chamber.

Cr Julie Reis declared a perceived conflict of interest in relation to Item 12.2.1 – Youth Opportunities as she is a member of the Youth Opportunities committee. Cr Reis advised that she would remain in the Chamber but would not vote.

1. Youth Opportunities - [7.31.3/1] Item 12.2.1

Council considered a funding request from Youth Opportunities.

Moved Cr Clayfield that Council:

1. Provide \$3,300 in funding towards the Youth Opportunities program from the 2018-2019 Budget.
2. Assess and determine a preferred program for youth leadership in the region (for the 2019-2020 budget) from either Operation Flinders or Youth Opportunities, as part of the budget review process

Seconded Cr Dukalskis

CARRIED

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2. Independent Member of Council's Audit Committee – [9.14.1/8] Item 12.2.2
Council considered the appointment of an independent member to Council's Audit Committee.
 1. Moved Cr Little that Council appoints Mr Aaron Peek as the independent member of the District Council of Grant Audit Committee for the term of 12 months.
Seconded Cr Dukalskis CARRIED
 2. Moved Cr Little that Council approach local accounting businesses regarding their interest in providing an independent member to sit on the District Council of Grant Audit Committee.
Seconded Cr Reis CARRIED

19030 – CORRESPONDENCE

1. Letter from the Chair, State Planning Commission – [10.85.1/15] Item 13.1
Council was provided with a letter from the Chair of the State Planning Commission announcing that the State Planning Commission has released the first iteration of the Planning and Design Code, which covers Land Not Within a Council area.

Moved Cr Reis that Council note the correspondence from the State Planning Commission.
Seconded Cr Clayfield CARRIED

19031 – QUESTIONS WITHOUT NOTICE

1. Coastal Connections Program - [10.14.2/12]
Moved Cr Clayfield that Council write to the Limestone Coast Local Government Association requesting Coastal Connection Program be supported and reinstated.
Seconded Cr Reis CARRIED

6.43pm Sandra Morello (The Border Watch) vacated the meeting.

19032 – CONFIDENTIAL ITEMS

1. Donovans and Dry Creek Boat Ramp Upgrade Project - [7.41.1/54 & 7.41.1/55] Item 15.1.1
 1. Moved Cr Reis 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), AA Schutz (Works Manager), ME Tucker (Manager Organisational Development), KM Gilmore (Governance Officer) and JA O'Hehir (Executive Assistant) be excluded from attendance at the meeting for Agenda Item 15.1.1 – Donovans and Dry Creek Boat Ramp Upgrade Project.

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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 negotiations with affected parties has not been finalised.

Seconded Cr Elliott

CARRIED

2.

3. Moved Cr Clayfield that:

1. Having considered Agenda Item 15.1.1 - Donovans and Dry Creek Boat Ramp Upgrade Project in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that all documents and/or minutes relevant to Agenda Item – Donovans and Dry Creek Coat Ramp Upgrade Project be retained in confidence until the contract for the work to upgrade Donovans and Dry Creek Boat Ramp is awarded and fully executed 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 Elliott

CARRIED

2. Building Regulatory Matter - [A1858 & 12.44.4/2] Item 15.2.1

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, DJ Singe (Chief Executive Officer), JF Fetherstonhaugh (Deputy Chief Executive Officer), LJ McEvoy (Director of Environmental Services), AA Schutz (Works Manager), ME Tucker (Manager Organisational Development), KM Gilmore (Governance Officer) and JA O’Hehir (Executive Assistant), be

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excluded from attendance at the meeting for Agenda Item 15.2.1 - Building Regulatory Matter.

2. The Council is satisfied that, pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to litigation that the Council or Council Committee believes on reasonable grounds will take place involving the Council or an employee of the Council regarding this building regulatory matter.

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 this Agenda item relates to possible litigation against Council or an employee of the Council

Seconded Cr Boston

CARRIED

2.

3. Moved Cr Little that:

1. Having considered Agenda Item 15.2.1 – Building Regulatory Matter in confidence under section 90(2) and (3)(i) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that this item be retained in confidence until the matter is resolved or is made public in a court of law (pursuant to any orders of the court) 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 Elliott

CARRIED

3. Chief Executive Officer Performance Review – HR Consultant Selection - [12.70.1/2 & 110.62.275] Item 15.3.1

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), JF Fetherstonhaugh (Deputy Chief Executive Officer), LJ McEvoy (Director of Environmental Services), ME Tucker (Manager Organisational Development), KM Gilmore (Governance Officer) and JA O'Hehir (Executive Assistant), be excluded from attendance at the meeting for Agenda Item 15.3.1 – CEO Performance Review – HR Consultant Selection.

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 to undertake the provision of services relating to the Chief Executive Officer's Performance Review.

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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 tenderers are providing Commercial in Confidence quotations.

Seconded Cr Elliott

CARRIED

2.

4. Moved Cr Clayfield that:

1. Having considered Agenda Item 15.3.1 – CEO Performance Review – HR Consultant Selection 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 – CEO Performance Review – HR Consultant be retained in confidence until a consultant has been engaged and a contract signed for the provision of the services relating to the Chief Executive Officer's Performance Review and all tenderers have been notified of the outcome 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 Little

CARRIED

4. Mount Gambier and District Saleyards – [9.73.1/1]

1. Moved Cr Elliott 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), ME Tucker (Manager Organisational Development), KM Gilmore (Governance Officer) and JA O'Hehir (Executive Assistant), be excluded from attendance at the meeting for a discussion regarding the Mount Gambier and District Saleyards.
2. The Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of

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any person (living or dead), being any individuals potentially involved in a current police investigation regarding this matter.

- 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 of an ongoing police investigation.

Seconded Cr Clayfield CARRIED

- 2. Moved Cr Boston that Council note the verbal report from the Chief Executive Officer.

Seconded Cr Elliott CARRIED

- 3. Moved Cr Reis that the matter be released to the public immediately.

Seconded Cr Clayfield CARRIED

Meeting closed at 7.58pm

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MAYOR

/ /2019