



DISTRICT COUNCIL OF GRANT

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

ON MONDAY 6 MAY 2019 AT 5.30PM

ATTENDANCE

Elected Members

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

Council Officers

JF Fetherstonhaugh, Acting Chief Executive Officer
LJ McEvoy, Director, Environmental Services
AA Schutz, Works Manager
ME Tucker, Manager Organisational Development
PB Mitchell, Business Manager Saleyards
AM Price, Team Leader, Environmental Health & Compliance
SJ McIntosh, Asset Management Coordinator
KM Gilmore, Governance Officer
JA O'Hehir, Executive Assistant

Other Attendees

Sandra Morello – The Border Watch
Mr Trevor Twilley – President, South East Animal Welfare League
Ms Annie O'Connor – Secretary, South East Animal Welfare League

19059 - CONFIRMATION OF MINUTES

1. Moved Cr Clayfield that the minutes of the:
 - Ordinary Meeting of Council held Monday 15 April 2019; and
 - Special Meeting of Council held Tuesday 16 April 2019be taken as read and confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Kuhl CARRIED

19060 - PRESENTATIONS / DEPUTATIONS

1. South East Animal Welfare League - [1.85.1/4]
Mr Trevor Twilley, President, and Ms Annie O'Connor, Secretary, of the South East Animal Welfare League presented to Council requesting support for the South East Animal Welfare League.
- 5.41pm Cr Bain joined the meeting.
- Moved Cr Reis that Council thank Mr Trevor Twilley, President, and Ms Annie O'Connor, Secretary, of the South East Animal Welfare League.
Seconded Cr Elliott CARRIED

REPORTS FROM OFFICERS AND COMMITTEES

19061 – CHIEF EXECUTIVE OFFICER

1. Revocation of Community Land Classification – Pelican Point Road - [14.71.2/15] Item 12.1.1

Council considered to revoke Community Land Classification of nine parcels of land at Pelican Point.

Moved Cr Bain that pursuant to Section 194(3)(b) of the Local Government Act 1999, and having undertaken the required public consultation and Ministerial approval, Council hereby revokes the classification as Community Land of the following parcels:

- Lot 51 Pelican Point Road, Pelican Point (A7098)
- Lot 55 Pelican Point Road, Pelican Point (A7099)
- Lot 63 Pelican Point Road, Pelican Point (A7100)
- Lot 66 Pelican Point Road, Pelican Point (A7101)
- Lot 67 Pelican Point Road, Pelican Point (A7101)
- Lot 70 Pelican Point Road, Pelican Point (A7102)
- Lot 76 Pelican Point Road, Pelican Point (A7103)
- Lot 90 Pelican Point Road, Pelican Point (A7104)
- Lot 92 Pelican Point Road, Pelican Point (A7105)

Seconded Cr Little

CARRIED

2. Saleyards – Upgrade of Mobile Phone Coverage at Saleyards – [19.59.1/1] item 12.1.2

Council considered a variation in the 2018-2019 budget for the mobile phone service upgrade at the Mount Gambier and District Saleyards.

Moved Cr Little that:

1. Receive the Mount Gambier and District Saleyards Mobile Phone Coverage upgrade report.
2. Approve the variation of the 2018-2019 budget required of \$6,000 in capital expenditure for the mobile phone service upgrade subject to a site survey to confirm total coverage of the Saleyards. This will be incorporated into the fourth quarter budget review as at 30 June 2019.
3. Investigate number of calls that can be handled; and the upload and download capacity.
4. Continue advocating for black spot funding with a report to be provided to Council by mid-June 2019.

Seconded Cr Reis

CARRIED

3. South East Animal Welfare League – [1.85.1/4] Item 12.1.3

Council considered the current Tri-Partied Funding Arrangement for the South East Animal Welfare League which expires on 30 June 2019, and considered possible future funding options for the South East Animal Welfare League.

District Council of Grant – Minutes of Meeting held 6 May 2019

Moved Cr Reis that:

1. Council receive and note the Report, and the attachments.
2. Council acknowledge and thank the South East Animal Welfare League for its presentation/deputation at the Council Meeting.
3. The matter lay on the table until a balance sheet is received from South East Animal Welfare League and a meeting held with the City of Mount Gambier with a view to entering into a tri-partied agreement.
4. A report to be prepared for the Council meeting of Monday 20 May 2019.
Seconded Cr Mann CARRIED

4. Australian Local Government Association - National General Assembly – [10.85.1/1] Item 12.1.4
Council considered the attendance of Mayor Sage and an Elected Member to the 2019 National General Assembly of Local Government at the National Convention Centre in Canberra on 16 to 19 June 2019.

Moved Cr Little that Mayor Richard Sage and Cr Barry Kuhl attend the 2019 National General Assembly of Local Government at the National Convention Centre in Canberra on 16 to 19 June 2019.

Seconded Cr Boston CARRIED

5. Review of Policies – [9.63.1/1] Item 12.1.5
Council reviewed various Council policies.

Moved Cr Clayfield that Council adopt the:

1. Amended Disposal of Land and Other Assets Policy (FINPOL 03)
2. Draft Mount Gambier & District Saleyards Policy – Selling Agents Licences
3. Amended Elected Member – Recognition of Service Policy (GOVPOL 09)
4. Amended Register of Interests Policy (GOVPOL 10)
5. Reviewed Leases and Licenses Policy (GOVPOL 18)
6. Amended Private/Direct Sale Livestock Policy (SALPOL 03)
7. Reviewed Selection of Road Names Policy (WKSPOL 04)

Seconded Cr Boston CARRIED

6. Council Chamber Podium – [12.16.1/10] Item 12.1.6
Council considered the reduction of height of the podium in the Council Chamber.

Moved Cr Bain that the height of the podium in the Council Chamber not be altered.

Seconded Cr Little CARRIED

7. Code of Conduct Behavioural Breach – [9.33.3/23] Item 12.1.7
Council was provided with a report regarding a breach of the Behavioural Code of Conduct (as required by Clause 2.24 of the Elected Members Code of Conduct); advice of the recommendation from Local Government Governance Panel; and the opportunity for the Mayor to accept his conduct as a Breach of Conduct and provide an apology to the staff member.

District Council of Grant – Minutes of Meeting held 6 May 2019

Moved Cr Clayfield that:

1. It is recorded that Mayor Sage accepts that his conduct towards the staff member on 6 February 2019 was in breach of clauses 2.2, 2.3 and 2.11 of the Elected Members Code of Conduct;
2. It is recorded that Mayor Sage has provided a written apology to the staff member.
3. Council accepts the recommendation of the Local Government Governance Panel together with the Mayors response, and determines that no further action will be taken.

Seconded Cr Reis

CARRIED

19062 – CORRESPONDENCE

1. Correspondence from Ms Heather Heggie - [9.24.1/2] Item 13.1
Correspondence was provided to Council from Ms Heather Heggie regarding plastic rubbish.

Moved Cr Little that Council receive the correspondence from Ms Heather Heggie.

Seconded Cr Bain

CARRIED

2. Correspondence from The Border Watch – [10.3.2/7] Item 13.2
Council was provided with an email from Mr Dennis Jackson, General Manager of The Border Watch, to Mayor Sage regarding the Local Government Association considering changing the requirement to advertise in newspapers.

Moved Cr Elliott that Council note the correspondence from Mr Dennis Jackson, General Manager of The Border Watch, and advise The Border Watch that Council will continue to support them and advertise as appropriate.

Seconded Cr Clayfield

CARRIED

19063 – QUESTIONS WITHOUT NOTICE

1. Mount Gambier and District Saleyards Strategy Committee – [16.14.1/3]
Moved Cr Dukalskis that Acting Chief Executive Officer, Mayor Sage and Cr Kuhl meet to discuss the formation of the Mount Gambier and District Saleyards Strategy Committee with a report to be prepared for the Council meeting of Monday 20 May 2019.

Seconded Cr Reis

CARRIED

6.52pm Sandra Morello (The Border Watch) vacated the meeting.

19063 – CONFIDENTIAL ITEMS

1. Litter Abatement Notice – Megaw Road, Compton – Notice of Appeal - [15.3.2/6]
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 JF Fetherstonhaugh (Acting Chief Executive Officer), LJ McEvoy (Director of Environmental Services), ME Tucker (Manager Organisational Development), AM Price (Team Leader Environmental Health and Compliance), KM Gilmore (Governance Officer) and JA O’Hehir (Executive Support Officer), be excluded from attendance at the meeting for Agenda Item 15.1.1 - Legal Advice - Litter Abatement Notice – Megaw Road, Compton – Notice of Appeal.
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 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 Reis

CARRIED

2.

District Council of Grant – Minutes of Meeting held 6 May 2019

3.

3. Moved Cr Elliott that:

1. Having considered Agenda Item 15.1.1 - Legal Advice - Litter Abatement Notice – Megaw Road, Compton – Notice of Appeal 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 KelledyJones 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 Acting 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 Clayfield

CARRIED

2. Acting Chief Executive Officer - [110.62.199 & 12.70.1/3] 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 JF Fetherstonhaugh (Acting Chief Executive Officer), LJ McEvoy (Director of Environmental Services), ME Tucker (Manager Organisational Development), AM Price (Team Leader, Environmental Health and Compliance), KM Gilmore (Governance Officer) and JA O’Hehir (Executive Assistant) be excluded from attendance at the meeting for Agenda Item 15.2.1 – Acting Chief Executive Officer.
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 any person (living or dead), being Mrs Jane Fetherstonhaugh, Acting Chief Executive Officer.
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 employment conditions will be discussed.

Seconded Cr Boston

CARRIED

7.26pm All staff vacated the meeting.

2.

3.

4. Moved Cr Bain that:

1. Having considered Agenda Item 15.2.1 – Acting Chief Executive Officer in confidence under section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the the documents and minutes relevant to Agenda Item 15.2.1 – Acting Chief Executive Officer be retained in confidence for a period of 6 months, or until the negotiations have been formalised.
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

3. Cultural Review Actions – [12.37.1/3] Item 15.3.1

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 be excluded from attendance at the meeting for the discussion regarding internal operations.
2. The Council is satisfied that, pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to internal operations is related to matters affecting the security of employees of 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 the Cultural Review contains confidential staff discussions held with the consultant.

Seconded Cr Clayfield

CARRIED

District Council of Grant – Minutes of Meeting held 6 May 2019

2.

7.52pm JF Fetherstonhaugh (Acting Chief Executive Officer) and JA O’Hehir (Executive Assistant) re-joined the meeting.

- 3. Moved Cr Clayfield that having considered the Cultural Review in confidence under section 90(2) and (3)(e) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the minutes be retained in confidence for a period of six months.
Seconded Cr Boston CARRIED

Meeting closed at 8.00pm

.....
MAYOR

/ /2019