

# AGENDA

## Ordinary Council Meeting

Tuesday 16 September 2025

I hereby give notice that an Ordinary Meeting of Council will be held on:

**Time:** 6:00 pm  
**Date:** Tuesday 16 September 2025  
**Location:** City Hall, Watson Terrace  
Enter via Cave Garden/Thugi



Andrew Aitken  
**INTERIM CHIEF EXECUTIVE OFFICER**  
12 September 2025

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**1 ACKNOWLEDGEMENT OF COUNTRY**

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

**2 CONDUCT OF THE GALLERY**

**MEMBERS OF THE GALLERY ARE REMINDED THAT THEY MUST NOT BEHAVE IN A DISORDERLY MANNER OR CAUSE AN INTERRUPTION TO THE MEETING. WHILST AUDIO RECORDING OF COUNCIL AND COMMITTEE MEETINGS IS PERMITTED, PHOTOGRAPHING, FILMING AND TELEVISIONING ARE PROHIBITED UNLESS EXPRESS PRIOR PERMISSION IS GRANTED BY THE PRESIDING MEMBER. WE ASK THAT YOU PLEASE PLACE YOUR PHONES ON SILENT. SHOULD AN EMERGENCY OCCUR AT ANY STAGE, PLEASE FOLLOW THE DIRECTION OF COUNCIL STAFF TO VACATE THE BUILDING.**

**3 APOLOGIES**

Nil

**4 LEAVE OF ABSENCE**

Nil

**5 CONFIRMATION OF COUNCIL MINUTES**

**5.1 CONFIRMATION OF COUNCIL MINUTES**

**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 19 August 2025 be confirmed as an accurate record of the proceedings of the meeting.

**6 MAYORAL REPORT**

**6.1 MAYORAL REPORT - SEPTEMBER 2025**

- Meeting with Charlotte Edmunds, LCLGA
- Meeting with Charlotte Varcoe, The Border Watch
- Confidential Elected Member Briefing – CEO Selection Panel
- LCLGA Mayor's Catch-up (virtual)
- LCLGA Special Board Meeting (virtual)
- Fortnightly Meetings with Media and Communications Co-ordinator
- Internal Meeting – Draft Land Management – Tenancy and Occupation Policy
- The Advertiser Bush Summit (Wulanda Recreation and Convention Centre)
- LGA Board of Directors Special Meeting and Workshop (virtual)
- Weekly Meetings with CEO
- ABC Adelaide Live Interview - Troy Bell resignation and decision not to call a by-election
- Elected Member Briefing - Introductory Meeting with RDALC CEO - Lauren Oxlade
- Confidential Elected Member Briefing – Update – Lambert Living





- Elected Member Briefing – Grants and Sponsorship Program
- Meeting with Michel Arman BRM Advisory - LGA COP 31 Business Case (virtual)
- Radio interview with ABC Regional Drive's Narelle Graham - decision not to call a by-election
- LCLGA Mayor's Catch-up (virtual)
- Elected Member Briefing – Rating Review
- Elected Member Briefing – Advocacy Plan
- Lifeline SE Out of the Shadows Event - World Suicide Prevention Day (Railway Lands)
- Mayors Christmas Appeal Committee Meeting
- Tony Pasin MP - Big Aussie BBQ
- LCLHN – Tour of Cancer Facility at Mount Gambier Hospital
- RUOK? Day Event
- Meeting with Kelly-Anne Saffin – Cross Border Commissioner
- Adelaide 36er's Game (Wulanda Recreation and Convention Centre)
- LGR&DS Advisory Committee Meeting (virtual)
- Tenison Woods College – School Group chambers tours and Mayoral presentation (x4)
- LGA Preferential Voting Webinar

#### **RECOMMENDATION**

That the Mayoral Report be received.

### **7 REPORTS FROM COUNCILLORS**

#### **7.1 REPORTS FROM COUNCILLORS**

#### **RECOMMENDATION**

That the reports made by Councillors be received.

### **8 QUESTIONS WITH NOTICE**

Nil

### **9 QUESTIONS WITHOUT NOTICE**

### **10 PETITIONS**

Nil

### **11 DEPUTATIONS**

Nil

### **12 NOTICE OF MOTION TO REVOKE OR AMEND**

Nil



## 13 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

### RECOMMENDATION

That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

### ATTACHMENTS

1. Confidential Information Briefing Session - Elected Members - Record of Proceedings - 18/08/2025 - CEO Recruitment [**13.1.1** - 1 page]
2. Confidential Information Briefing Session - Elected Members - Record of Proceedings - 20/08/2025 - CEO Recruitment [**13.1.2** - 1 page]
3. Confidential Information Briefing Session - Elected Members - Record of Proceedings - 26/08/2025 - Lady Nelson EOI Submission - South East Art Society [**13.1.3** - 1 page]
4. Information Briefing Session - Elected Members - Record of Proceedings - 02/09/2025 - Introductory Meeting with RDALC CEO, Lauren Oxlade - Confidential Update Lambert Living - Grants and Sponsorship Discussion - Impromptu Update Trees on North Terrace [**13.1.4** - 3 pages]
5. Information Briefing Session - Elected Members - Record of Proceedings - 09/09/2025 - Rating Review - Advocacy Plan - Confidential Wulanda Update [**13.1.5** - 2 pages]



**INFORMATION / BRIEFING SESSION  
5.00PM, MONDAY, 18 AUGUST 2025**

Ref: AF22/549

**RECORD OF PROCEEDINGS  
5:00 PM, MONDAY, 18 AUGUST 2025  
Level 4 Committee Room, Civic Centre  
10 Watson Terrace, Mount Gambier**

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

The session described at Item 1 will not be open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

*The session described at Item 1. will not be open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:*

- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
- (g) *matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.*

**1. CEO RECRUITMENT**

**MEMBERS PRESENT:-**

Mayor Lynette Martin  
Cr Max Bruins  
Cr Frank Morello  
Cr Josh Lynagh  
Cr Paul Jenner

**MEMBERS APOLOGIES:-**

Nil

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

CEO Recruitment.

Discussion closed at 7:00 p.m.

**INFORMATION / BRIEFING SESSION  
5.00PM, WEDNESDAY, 20 AUGUST 2025**

Ref: AF22/549

**RECORD OF PROCEEDINGS  
5:00 PM, WEDNESDAY, 20 AUGUST 2025  
Level 4 Committee Room, Civic Centre  
10 Watson Terrace, Mount Gambier**

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

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- (g) *matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.*

**1. CEO RECRUITMENT**

**MEMBERS PRESENT:-**

Mayor Lynette Martin  
Cr Max Bruins  
Cr Frank Morello  
Cr Josh Lynagh  
Cr Paul Jenner

**MEMBERS APOLOGIES:-**

Nil

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

CEO Recruitment.

Discussion closed at 7:00 p.m.



**INFORMATION / BRIEFING SESSION  
5:00 PM TUESDAY 26 AUGUST 2025**

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RECORD OF PROCEEDINGS  
5:00 pm, Tuesday 26 August 2025  
Conference Room, Level 1, Civic Centre  
10 Watson Terrace, Mount Gambier

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

*The session described at Item 1. will not be open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:*

- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
- (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.*
  - (ii) *would, on balance, be contrary to the public interest.*

**1. LADY NELSON EOI SUBMISSION - SOUTH EAST ART SOCIETY**

**GUESTS:-**

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Diana Ashworth, South East Art Society  
Margaret Carter, South East Art Society

**MEMBERS PRESENT:-**

Cr Max Bruins  
Cr Frank Morello  
Cr Sonya Meziniec  
Cr Josh Lynagh  
Cr Jason Virgo  
Cr Paul Jenner (virtual)

**STAFF PRESENT:-**

Interim Chief Executive Officer  
General Manager Corporate and Regulatory Services  
Acting General Manager City Infrastructure  
Manager Economy Strategy and Engagement  
Manager Riddoch and Cultural Centre

**MEMBERS APOLOGIES:-**

Mayor Lynette Martin  
Cr Mark Lovett

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

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Presentation by South East Art Society regarding Lady Nelson EOI.

Discussion closed at 6.25 p.m.

**INFORMATION / BRIEFING SESSION  
5:00 PM TUESDAY 2 SEPTEMBER 2025**

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RECORD OF PROCEEDINGS  
5:00 pm, Tuesday 2 September 2025  
Conference Room, Level 1, Civic Centre  
10 Watson Terrace, Mount Gambier

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

*The session described at Item 1 was open to the public.*

**1. INTRODUCTORY MEETING WITH RDALC CEO, LAUREN OXLADE**

**GUESTS:-**

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Lauren Oxlade, CEO, Regional Development Australia Limestone Coast

**MEMBERS PRESENT:-**

Mayor Lynette Martin  
Cr Frank Morello  
Cr Sonya Meziniec  
Cr Max Bruins  
Cr Jason Virgo  
Cr Josh Lynagh  
Cr Paul Jenner  
Cr Mark Lovett

**STAFF PRESENT:-**

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Interim Chief Executive Officer  
General Manager Corporate and Regulatory Services  
General Manager City Infrastructure  
General Manager People Place and Liveability  
Manager Strategy, Economy and Engagement

**MEMBERS APOLOGIES:-**

Nil

**LEAVE OF ABSENCE:-**

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Nil

**DISCUSSION:**

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Update on RDA including:

- Small Business Support Program
- Grant Funding Streams
- Emerging Leaders Program
- Advocacy and Regional Growth Strategy

*The session described at Item 2 was not open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:*

*(h) legal advice*

**2. CONFIDENTIAL - UPDATE - LAMBERT LIVING**

**MEMBERS PRESENT:-**

Mayor Lynette Martin  
Cr Frank Morello  
Cr Sonya Meziniec  
Cr Max Bruins  
Cr Jason Virgo

**STAFF PRESENT:-**

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Interim Chief Executive Officer  
General Manager Corporate and Regulatory Services  
General Manager City Infrastructure  
General Manager People Place and Liveability  
Manger Development Services

Cr Josh Lynagh  
Cr Paul Jenner  
Cr Mark Lovett

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

Nil

Nil

DISCUSSION:

Confidential update on Lambert Living.

*The session described at Item 3 was open to the public.*

### **3. GRANTS AND SPONSORSHIPS DISCUSSION**

MEMBERS PRESENT:-

STAFF PRESENT:-

Mayor Lynette Martin  
Cr Frank Morello  
Cr Sonya Meziniec  
Cr Max Bruins  
Cr Jason Virgo  
Cr Josh Lynagh  
Cr Paul Jenner  
Cr Mark Lovett

Interim Chief Executive Officer  
General Manager Corporate and Regulatory Services  
General Manager City Infrastructure  
General Manager People Place and Liveability  
Manager Economy Strategy and Engagement

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

Nil

Nil

DISCUSSION:

Administration and application of the Grants and Sponsorship Program.

*The session described at Item 4 was open to the public.*

### **4. IMPROMPTU UPDATE - TREES ON NORTH TERRACE**

MEMBERS PRESENT:-

STAFF PRESENT:-

Mayor Lynette Martin  
Cr Frank Morello  
Cr Sonya Meziniec  
Cr Max Bruins  
Cr Jason Virgo  
Cr Josh Lynagh  
Cr Paul Jenner

Interim Chief Executive Officer  
General Manager Corporate and Regulatory Services  
General Manager City Infrastructure  
General Manager People Place and Liveability

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

Cr Mark Lovett

Nil

DISCUSSION:

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Verbal update on trees on North Terrace.

Discussion closed at 7.00 p.m.



**INFORMATION / BRIEFING SESSION  
5:00 PM TUESDAY 9 SEPTEMBER 2025**

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RECORD OF PROCEEDINGS  
5:00 pm, Tuesday 9 September 2025  
Conference Room, Level 1, Civic Centre  
10 Watson Terrace, Mount Gambier

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

*The sessions described at Items 1 and 2 were open to the public.*

**1. RATING REVIEW**

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin Cr Jason Virgo Cr Sonya Meziniec Cr Paul Jenner Cr Josh Lynagh Cr Mark Lovett	Interim Chief Executive Officer General Manager People Place and Liveability General Manager City Infrastructure General Manager Corporate and Regulatory Services Manager Financial Services Manager Economy Strategy and Engagement
MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Max Bruins Cr Frank Morello	Nil

**DISCUSSION:**

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Presentation of options for changes to Councils Rating Structure.

**2. ADVOCACY PLAN**

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin Cr Sonya Meziniec Cr Jason Virgo Cr Paul Jenner Cr Josh Lynagh Cr Mark Lovett	Interim Chief Executive Officer General Manager People Place and Liveability General Manager City Infrastructure General Manager Corporate and Regulatory Services Manager Economy Strategy and Engagement
MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Max Bruins Cr Frank Morello	Nil

**DISCUSSION:**

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Presentation of Draft Advocacy Plan.

*The session described at Item 3 was not open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:*

- (b) information the disclosure of which:*

  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
  - (ii) would, on balance, be contrary to the public interest;*

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
  - (ii) would, on balance, be contrary to the public interest;*
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
- (h) legal advice*

### **3. CONFIDENTIAL - WULANDA UPDATE**

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**MEMBERS PRESENT:-**

Mayor Lynette Martin  
Cr Jason Virgo  
Cr Paul Jenner  
Cr Josh Lynagh  
Cr Mark Lovett

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**STAFF PRESENT:-**

Interim Chief Executive Officer  
General Manager People Place and Liveability  
General Manager City Infrastructure  
General Manager Corporate and Regulatory Services  
Manager Economy Strategy and Engagement

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**MEMBERS APOLOGIES:-**

Cr Max Bruins  
Cr Frank Morello  
Cr Sonya Meziniec

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**LEAVE OF ABSENCE:-**

Nil

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**DISCUSSION:**

Confidential Update on Wulanda.

Discussion closed at 7.05 p.m.

**14 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

**15 AUDIT AND RISK COMMITTEE**

Nil

**16 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE**

Nil

**17 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE**

Nil

**18 BUILDING FIRE SAFETY COMMITTEE**

Nil

**19 COUNCIL REPORTS**

**19.1 2025/2026 GRANTS AND SPONSORSHIP PROGRAM - ROUND ONE**

Author: Biddie Shearing, Manager Economy, Strategy and Engagement

Authoriser: Chris White, General Manager People Place and Liveability

**RECOMMENDATION**

1. That Council report titled '2025/2026 Grants and Sponsorship Program - Round One' as presented on Tuesday 16 September 2025 be noted.
2. That Council acknowledges the endorsed process undertaken by the assessment panel, including the evaluation criteria and methodology and endorses \$135,650 cash plus \$37,546.80 in kind be distributed for round one of the 2025/2026 Grants and Sponsorship Program.
3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will be subject to:
  - (a) all necessary land holder and development approvals being obtained; and
  - (b) all works being completed in accordance with all relevant legislative and compliance standards.

**PURPOSE**

The Grants and Sponsorships program assists eligible groups with funds and in-kind support to host community events, upgrade infrastructure or facilitate art projects to meet community needs and improve quality of life in accordance with the Strategic Plan.

Round one of the program consists of the following streams:

- Community Event Grant
- Corporate Sponsorship
- Community Strengthening Grant



- Creative Arts Fund
- Sport and Recreation Capital Works

## BACKGROUND / OPTIONS

The Grants and Sponsorships Program for 2025/2026 has a budget of **\$456,800** Cash and **\$143,384** in-kind.

In the financial year of 2024/2025 Council, through a number of resolutions has pre-allocated the following amounts:

Funding Event/Project being delivered in 2025/2026	Total Cash pre-allocated	Total in-kind pre-allocated
Australian Sprint Car Championship 2026	\$35,000	
Uni SA – Tertiary (5 year commitment to 2026/2027)	\$3,000	
Science Engineering Challenge	\$2,000	
Australian Garden History Society Annual Convention	\$2,000	
Show n Shine	\$500	\$278
Horse Trials	\$5,000	
Two Lines Fertility Women's Health Clinic	\$5,120	
Mount Gambier RSL – Remembrance Day	\$1,265	
Mount Gambier Eisteddfod	\$5,000	
Fringe Berrin	\$51,500	\$7,000
Generations in Jazz	\$35,000	\$15,000
Brass Band Festival	\$15,000	
Pioneers Basketball	\$50,000	\$63,000
Adelaide Guitar Festival	\$25,000	\$7,052
Mount Gambier Tennis	\$10,000	
Apollo Soccer Club	\$25,000	
South East Art Society	\$1,000	
Substance Misuse Limestone Coast	\$20,000	
Quick Response (YTD)	\$500	\$3,186
<b>TOTAL PRE-ALLOCATION</b>	<b>\$291,885</b>	<b>\$95,516</b>
<b>REMAINING BUDGET for 2025/2026 PROGRAM*</b>	<b>\$164,915*</b>	<b>\$47,868*</b>

\*A number of events were allocated funds in the 2024/2025 Grants and Sponsorships program with the event itself being delivered late in the financial year, therefore their acquittal process straddles the financial years. This amounts to \$14,594 as per below and will be presented at Budget Review 1.

- Tower Trail Run - \$3,750
- Fringe Berrin - \$2,500
- Beer & BBQ Festival - \$7,500
- Gravity Enduro - \$844

Round one of the 2025/2026 City of Mount Gambier Grants and Sponsorship program opened on Friday 4 July 2025 and with the following applications received by the closed date of Friday 25 July 2025.





Funding Stream	Applications received	Total Cash Requested	Total In-Kind Requested
Community Strengthening	6	\$50,100	\$2,000
Corporate Sponsorship	2	\$46,219.25	\$9,633.50
Community Events	16	\$118,491	\$26,776.30
Sport & Recreation Capital Works	6	\$184,257.61	
Creative Arts Fund	0		
<b>TOTAL ROUND ONE</b>	<b>30</b>	<b>\$399,067.86</b>	<b>\$38,409.98</b>

Council received 30 applications for support during this round of the Program and, as noted above, the total cash support requested significantly exceeded available funds. Given that the Program has been oversubscribed in this round, and noting the pre-allocated funding commitments, it has not been possible to support all applications to the full extent requested. The assessment process has resulted in merit-based recommendations that fall within the available budget – and Council Officers will work with any unsuccessful applicants to strengthen their opportunities of securing support through future rounds of the Program.

The Grants and Sponsorship Assessment Panel met on 31 July and 7 August 2025 to assess the applications. The assessment panel consisted of:

- Councillor Josh Lynagh
- Councillor Frank Morello
- General Manager People, Place and Liveability
- Manager Economy, Strategy and Engagement,
- Acting Manager Library and Community Development,
- Manager Operations Infrastructure

Applications were assessed using a structured evaluation matrix, which generated a ranking based on how well each application met the predetermined criteria. Key factors considered included economic impact of a project, as well as its long-term sustainability to ensure lasting benefits for the community.

An Elected Members Workshop was held on Tuesday 2 September 2025.

The following assessment was made for each funding stream within Round One for the 2025/2026 Grants and Sponsorship program.

### Community Event Grant

Funds provided to major/significant events held within the region to attract substantial economic benefit and visitation to Mount Gambier.

COMMUNITY EVENTS						
Applicant	Project/Event	Requested		Allocated		Outcome
		Cash	In-kind	Cash	In-kind	
South Gambier Football Club	Mount Gambier Rodeo	\$6,650	\$2,164	\$6,650	\$2,164	Successful
Holdfast Limestone Coast Inc	Seaweed – A celebration	\$4,130	\$1,624			Unsuccessful



Lakes Rotary Club of Mount Gambier	Blue Lake Fun Run	\$7,000	\$6,200	\$3,000	\$6,200	Partially Successful
Mount Gambier Harness Racing Inc	Mount Gambier Pacing Gold Cup	\$2,000		\$1,000		Partially Successful
Australian International Pedal Prix Inc	Pedal Prix	\$15,000	\$749.80	\$7,500	\$749.80	Partially Successful
Blue Lake BMX Club	State BMX Series	\$2,500	\$529	\$1000	\$529	Partially Successful
Mount Gambier Ministers Association	Blue Lake Carols	\$10,000	\$633	\$5,000	\$633	Partially Successful
Mount Gambier Show Society	Mount Gambier Spring Show	\$7,500	\$722.80	\$3,000	\$722.80	Partially Successful
South East Automobile Club	Legends of the Lake Hill Climb	\$7,500	\$7,993		\$7,993	Partially Successful
OZFish Unlimited	Fish Wise Festival	\$4,210	\$239	\$2,000	\$1000	Partially Successful
Basketball Mount Gambier Inc	Junior Basketball Tournament	\$11,000		\$2,000		Partially Successful
Mount Gambier Disc Golf	2025 Eruption	\$13,000	\$1,580	\$5,000	\$1,580	Partially Successful
Rotary Club of Mount Gambier West	Party in the Park	\$6,300	\$891.70	\$6,300	\$891.70	Successful
Southern Saints Netball Club	The Border Challenge	\$15,000		\$5,000		Partially Successful
The Nurtured Village Hampers Limestone Coast	Flourish	\$2,001		\$1,000		Partially Successful
Mount Gambier Community RSL Club	ANZAC Day Memorial Services and Parade	\$4,700	\$3,450	\$4,700	\$3,450	Successful
<b>TOTAL Allocation Recommended</b>		<b>\$118,491</b>	<b>\$26,776.30</b>	<b>\$53,150</b>	<b>\$25,913.30</b>	



### Corporate Sponsorship

Funds for large scale signature events or programs that have the potential to be regionally, nationally or internationally significant which provide substantial visitation, media coverage, profiling opportunities and positive economic impact for Mount Gambier.

CORPORATE SPONSORSHIP						
Applicant	Project/ Event	Requested		Allocated		Outcome
		Cash	In-kind	Cash	In-kind	
Limestone Coast Festivals & Events Inc	Fantasy Medieval Fair	\$20,000	\$5,609	\$10,000	\$5,609	Partially Successful
Mount Gambier Community Events Management Inc	New Year's Eve	\$26,219.25	\$4,024.50	\$20,000	\$4,024.50	Partially Successful
<b>TOTAL Allocation Recommended</b>		<b>\$46,219.25</b>	<b>\$9,633.50</b>	<b>\$30,000</b>	<b>\$9,633.50</b>	

### Community Strengthening Grant

Funds for community projects that support community quality of life, increase the usage of community facilities and/or encourage people to participate in community services and activities.

COMMUNITY STRENGTHENING						
Applicant	Project/ Event	Requested		Allocated		Outcome
		Cash	In-kind	Cash	In-kind	
Mount Gambier City Band	Mount Gambier City Band Hall	\$8,000		\$5,000		Partially Successful
Mount Gambier Swimming Club	Next Stop Swimming Competition & South East Swimming Association Summer Competition	\$10,500	\$2000			Ineligible
Karenni Community of South Australia	Youth Camp	\$6,600		\$2,500		Partially Successful
The Nurtured Village	The Village Flow	\$5,000		\$5,000		Successful
Melissa Huynh	What's On Mount Gambier	\$10,000				Ineligible
Stand Like Stone	Stand Like Stone - Digital Transformation	\$10,000		\$10,000		Successful
<b>TOTAL Allocation Recommended</b>		<b>\$50,100</b>	<b>\$2000</b>	<b>\$22,500</b>		



### Sport and Recreation Capital Works

Funds to assist in the development of, and/or capital renewal, of sport and recreation infrastructure within the Mount Gambier area.

SPORT AND RECREATION CAPITAL WORKS				
Applicant	Project/ Event	Requested	Allocated	Outcome
		Cash	Cash	
Blue Lake BMX Club	Upgrade Lighting	\$50,000		Unsuccessful
Mount Gambier Harness Racing Club	Electrical Upgrade	\$10,577.61		Ineligible
Mount Gambier RSL and District Bowling Club	Replacement of Surface on A Green	\$50,000		Unsuccessful
South Gambier Football Club	Clubroom Airconditioning	\$8,000	\$5,000	Partially Successful
Mount Gambier Golf Club	Completion of First Tee Cart Path Refurbishment	\$15,680	\$10,000	Partially Successful
Italo Australia Club Inc	Pitch Irrigation Development	\$50,000	\$15,000	Partially Successful
<b>TOTAL Allocation Recommended</b>		<b>\$184,257.61</b>	<b>\$30,000</b>	

### IMPLICATIONS TO CONSIDER

<b>Legal</b>	<p>Successful applicants are required to obtain all necessary land use, landholder and development approvals and complete works in accordance with relevant legislative and compliance standards.</p> <p>Applicants must sign an Acceptance of Grant Conditions agreement, with terms set out by Council, prior to commencing project/event.</p>									
<b>Financial and Budget</b>	<p>Referring to the table earlier in this report and noting that Council has endorsed pre-allocations including multi-year Corporate/Community Partnership Agreements, national events and one-off opportunities that position Mount Gambier on a national stage. The table also includes pre-allocations endorsed for events being delivered in 2025/2026, however were part of Round Two of the 2024/2025 Grants and Sponsorship Program.</p> <p>From a total annual 2025/2026 budget of <b>\$456,800</b> cash and <b>\$143,384</b> in kind, <b>\$164,915</b> cash and <b>\$47,868</b> in-kind remains in the 2025/2026 annual budget for the program including Quick Response grants and Venue Sponsorship applications. - see table below.</p> <p>The assessment panel recommends an allocation of <b>\$135,650</b> cash plus <b>\$37,546.80</b> in-kind contributions for round one of the 2025/2026 Grants and Sponsorship program, which is within the annual budget.</p> <table><tr><th></th><th>Cash</th><th>In-Kind</th></tr><tr><td>Total budget 2025/2026</td><td>\$456,800</td><td>\$143,384</td></tr><tr><td>Pre-Allocations to date</td><td>\$291,885</td><td>\$95,516</td></tr></table>		Cash	In-Kind	Total budget 2025/2026	\$456,800	\$143,384	Pre-Allocations to date	\$291,885	\$95,516
	Cash	In-Kind								
Total budget 2025/2026	\$456,800	\$143,384								
Pre-Allocations to date	\$291,885	\$95,516								





	Recommended Round One allocation	\$135,650	\$37,546.80
	<b>Remaining 2025/2026</b>	<b>\$29,265</b>	<b>\$10,321.20</b>
	<p>In addition, it is noted that a total of \$14,594 for the events below was allocated in the 2024/2025 financial year, however the events and acquittal straddled the 2025/2026 financial year, therefore this amount will be referred to Budget Review 1 for Council consideration to accommodate this timing.</p> <ul style="list-style-type: none"> <li>• Tower Trail Run - \$3,750</li> <li>• Fringe Berrin - \$2,500</li> <li>• Beer &amp; BBQ Festival - \$7,500</li> <li>• Gravity Enduro - \$844</li> </ul>		
<b>Community Consultation and Engagement</b>	Discussions have been held between Council administration and where possible most applicants regarding funding support prior to submission of application to ensure accuracy (relating to in-kind amounts recommended) and transparency.		
<b>Other Resources</b>	No additional financial impact as the Council allocated Grants and Sponsorship Program is part of ongoing service delivery and within allocated budget annually.		

## RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
<b>Finance</b> – Council experiences financial loss as a result of inappropriate allocation of funds.	Minor (2)	Possible (3)	Moderate	Applicants must sign Acceptance of Grant Conditions Agreement, with terms set out by Council, prior to commencing project/event.
<b>Reputation</b> – Council experiences negative media coverage and loss of trust as a result of inadequate and/or perceived over-allocation of funds.	Moderate (3)	Possible (3)	Moderate	Applications assessed against predetermined criteria and considered as part of Grants and Sponsorship Program.
<b>Legal / Regulatory / Policy</b> - Failing to adhere to Council's Grants and Sponsorship Policy	Minor (2)	Possible (3)	Moderate	Adherence to Council policies. Applications assessed against predetermined criteria and considered as part of Grants and Sponsorship Program.



<b>Service Delivery -</b> Funded event/projects are not delivered in accordance with grant conditions.  Precedence now exists for allocating multi-year partnership agreements.	Minor (2)	Possible (3)	Moderate	Applicants must sign Acceptance of Grant Conditions Agreement, with terms set out by Council, prior to commencing project/event.
<b>People -</b> Negative impact to community engagement and satisfaction as a result of Grants and Sponsorship process and administrative requirements.	Minor (2)	Unlikely (2)	Low	Ongoing and regular contact between applicants and key council personnel. Feedback collated to review process and refine.
<b>Infrastructure -</b> Damage, misuse, or misalignment of funded infrastructure projects with community needs.	Moderate (3)	Unlikely (2)	Moderate	Applications reviewed for infrastructure impact. Community Land Use Permit requirements enforced. Regular monitoring and post-project reporting.
<b>Environmental –</b> Environmental damage to community land caused by inadequate land use planning and management.	Moderate (3)	Possible (3)	Moderate	Applications, including event location, considered as part of Grants and Sponsorship Program. Community Land Use Permit requirements. Ongoing and regular contact between applicants and key council personnel.

## APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 3: Infrastructure and Services

3.13 Improve the quality and safety of, and access to, our active open space facilities, including our sporting and recreation reserves.

Priority 4: Economic and Business Growth



- 4.10 Enhance Mount Gambier's appeal as a year-round destination through marketing, events and infrastructure.

Priority 5: A Vibrant Community

- 5.3 Encourage innovation by actively supporting the test and trial of new ideas that enhance the vibrancy and appeal of our CBD.
- 5.7 Support and foster a program of festivals, events and arts initiatives that celebrate and promote diversity, accessibility and inclusivity, ensuring that everyone can fully participate in the cultural and social life of the city.
- 5.8 Cultivate community led festivals, events and collaboration.
- 5.10 Drive social change and strengthen communities through locally-led arts, cultural and recreational activities.
- 5.13 Foster creative expression and enhance public spaces by supporting artists to produce public art that engages the community and travellers in meaningful artistic experiences.

Priority 6: Excellence in Leadership and Governance

- 6.2 Ensure compliance with legislative obligations and apply best-practice governance to strengthen risk management, accountability and transparency, fostering trust within the community.

This report contributes to delivery of the following key strategic project(s):

N/A

**RELEVANT COUNCIL POLICY**

[Grants and Sponsorship](#)

**IMPLEMENTATION AND NEXT STEPS**

Following endorsement, applicants will be notified in writing of Council's decision, each successful applicant will be required to complete their project/event and acquit the funds within two months of project/event completion.

**CONCLUSION**

Council received 30 applications for events and/or projects across five streams of available funding for Round One of the 2025/2026 Grants and Sponsorships Program.

As per Council's endorsed process, all applications were assessed across two assessment panel meetings by the Assessment Panel.

This report seeks Council's endorsement for the distribution of **\$135,650** cash plus **\$37,546.80** in-kind contributions for Round One of the 2025/2026 Grants and Sponsorship program as recommended by the 2025/2026 Grants and Sponsorship Assessment Panel and within existing budget allocation.

**ATTACHMENTS**

Nil



## **19.2 FOOTPATH ALTERATION FOR ACCESSIBLE ENTRY AT 13 JAMES STREET**

Author: Abdullah Mahmud, Manager Engineering, Design & Assets

Authoriser: Barbara Cernovskis, General Manager City Infrastructure

### **RECOMMENDATION**

1. That Council report titled 'Footpath Alteration for Accessible Entry at 13 James Street' as presented on Tuesday 16 September 2025 be noted.
2. That Council endorses the proposed alteration of a public footpath at 13 James Street, Mount Gambier for the purpose of providing accessible entry to a private building.
3. That the property owner bear all associated costs for the proposed alteration works.

### **PURPOSE**

Seeking endorsement for alteration of a public footpath at 13 James Street, Mount Gambier, for the purpose of providing accessible entry to a private building that does not compromise broader public safety and accessibility.

### **BACKGROUND / OPTIONS**

The property owners of 13 James Street, Mount Gambier have been working with Council since early 2021 to establish compliant disability access to the building. Internal ramp options have been explored but found to be structurally unfeasible due to the presence of pre-tensioned concrete floor beams and non-compliance with AS1428.1 standards.

In April 2021, a development application was submitted by the property owner for an external access ramp to be installed on a public footpath. There is no development approval required for alteration works on a public footpath for an existing building. The request was referred to Council's engineering team to investigate as an internal Section 221 permit request. While the ramp design met accessibility requirements, the location identified for installation was unable to be supported due to broader public accessibility and safety concerns.

Since this time, the owners have continued to engage with Council staff, consultants and tenants to explore alternative access options. In August 2025, following an on-site meeting between staff and the property owners, a revised concept was developed collaboratively with staff. The updated design features a 2-metre-wide ramp that maintains pedestrian clearance and aligns with inclusive accessibility design principles.

Therefore, this proposal is now submitted for formal consideration by Council to endorse the alteration of a public footpath.





Fig 1. Roadside view of the proposed footpath alteration location.

### IMPLICATIONS TO CONSIDER

<b>Legal</b>	N/A
<b>Financial and Budget</b>	All associated costs of the alteration are to be borne by the landowner of the business at 13 James Street. It is anticipated that the completed works received as a gifted asset will have an immaterial effect on depreciation in the vicinity of approximately \$1,000 per annum.
<b>Community Consultation and Engagement</b>	Council Officers and the owner have had significant consultation on this matter since 2021.
<b>Other Resources</b>	N/A

### RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

<b>Risk</b>	<b>Consequence Rating</b>	<b>Risk Likelihood Rating</b>	<b>Risk Rating</b>	<b>Mitigation</b>
<b>Finance</b> - Council will receive additional assets as gifted assets which will be incurring additional value to existing asset components, resulting in a very minor depreciation cost.	Insignificant (1)	Rare (1)	Low	Insignificant impact, no mitigation is proposed.
<b>Legal / Regulatory / Policy</b> - setting precedence for a process of alteration of public spaces for private purposes.	Moderate (3)	Possible (3)	Moderate	This case may be perceived to set a precedent for future requests for alteration works on public land for commercial

				benefit. A policy framework to be developed to guide future requests.
<b>Infrastructure</b> - Future maintenance of all the constructed components will be Council's responsibility as part of the asset management plan.	Minor (2)	Almost Certain (5)	Moderate	These components will be registered in Council's asset register.  Maintenance and replacement principles will follow Council's asset management plans.

### APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 3: Infrastructure and Services

3.7 Ensure that all community members have equitable access to the resources, services, programs, information and social infrastructure, enabling meaningful participation in the community.

Priority 5: A Vibrant Community

5.2 Provide well-considered public realm improvements which echo our local identity, enhance access and walkability and foster greater community connection.

This report contributes to delivery of the following key strategic project(s):

N/A

### RELEVANT COUNCIL POLICY

N/A

### IMPLEMENTATION AND NEXT STEPS

Council Officers have supported the property owner in preparing the proposed alteration design and confirmed all related construction works will be undertaken by a third-party contractor engaged directly by the owner. Upon completion of the agreed scope of works, Council Officers will carry out a final inspection to confirm compliance with the approved design.

At completion, the constructed elements will be listed on Council's asset register as a gifted asset.

### CONCLUSION

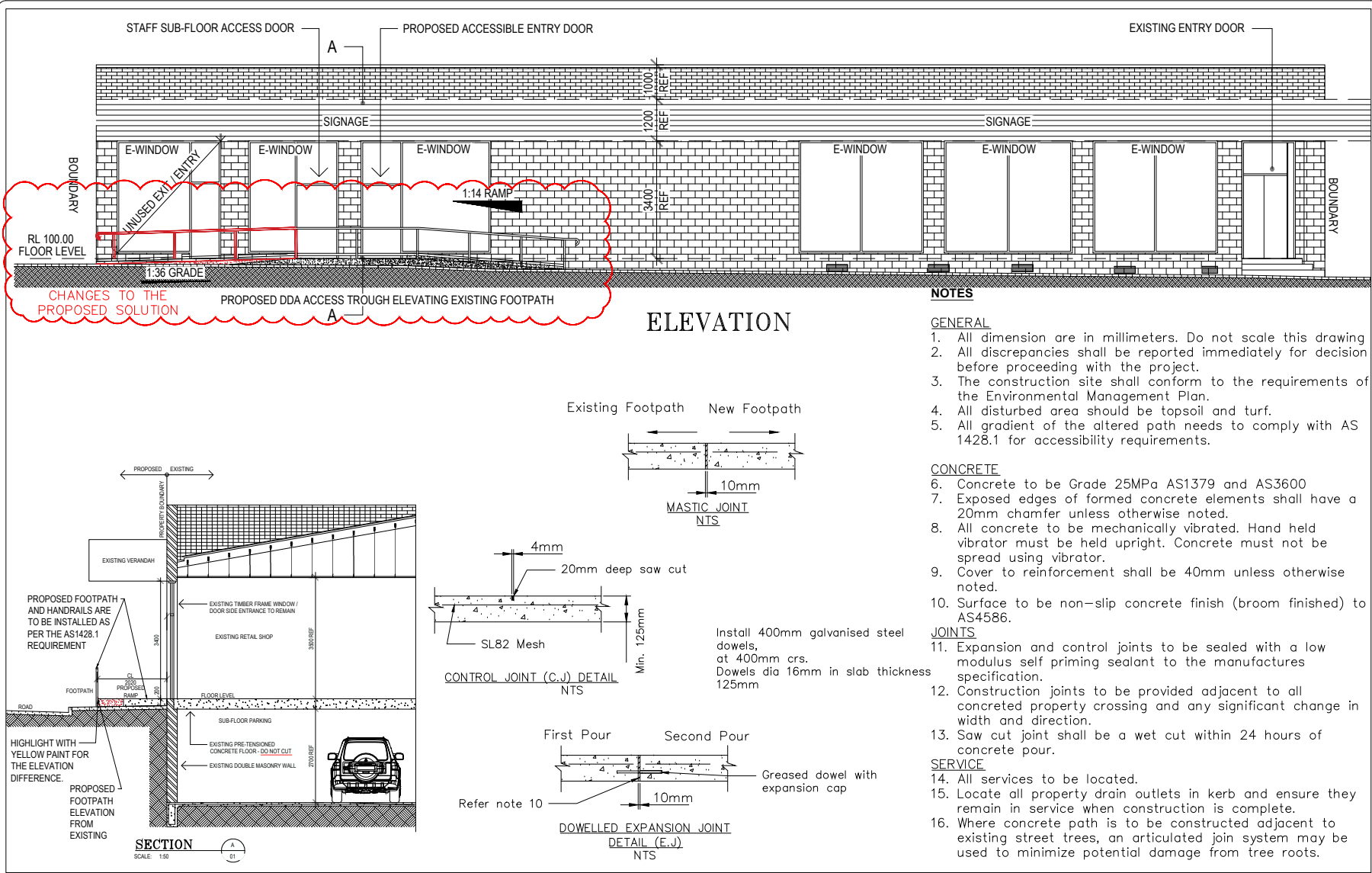
That Council endorses the proposed alteration of a public footpath at 13 James Street, Mount Gambier for the purpose of providing accessible entry to a private building.  
That the property owner bear all associated costs for the alteration works noting that the completed work will be registered as a gifted asset and maintained by Council.



## **ATTACHMENTS**

1. Plan of Proposed Alterations to Footpath - 13 James Street, Mount Gambier [**19.2.1** - 1 page]





City of Mount Gambier	
Designed by	AHM JULY 2025
Checked by	
Approved by	
Coordinates	MGA20-54
Height Datum	GDA2020-7P
Revision No.	02
Revision Date	11/09/2025

28 of 105

CITY OF MOUNT GAMBIER  
13 James Street  
PROPOSED FOOTPATH ELEVATION FOR DDA ACCESS

Sheet Label	01	Sheet No	1 of 1
Project No.			
..			



### 19.3 REQUEST FOR INTERNAL REVIEW OF COUNCIL DECISION

Author: Brittany Shelton, Manager Governance and Property  
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

#### RECOMMENDATION

1. That Council report titled 'Request for Internal Review of Council Decision' as presented on Tuesday 16 September 2025 be noted.
2. That Council, having considered the within requests for internal review of council decisions in accordance with section 270 of the Local Government Act 1999 and Council's Internal Review of Council's Decisions Policy C290 determines that, having considered the merits of both Requests #2 and #3, no further action shall be taken.
3. That the Applicant be advised in writing of the outcome, including the reasons for the determination, with reference to the relevant provisions of section 270 of the Local Government Act 1999 and Council's Internal Review of Council's Decisions Policy – C290.

#### PURPOSE

To present to Council two (2) Requests for Internal Review of Council Decision made in accordance with section 270 of the Local Government Act 1999 (the Act) and Council's Internal Review of Council's Decisions Policy C290 (the Policy).

#### BACKGROUND / OPTIONS

##### The Identified Decision/s

Council conducted Special Meetings on 17 June and 24 June 2025 respectively, to conduct the requisite process pursuant to section 123 of the Act, to consider and adopt the Annual Business Plan and Budget. As a result of those meetings, the following resolutions were made.

##### Special Meeting 17 June 2025:

#### 4.1 2025/2026 DRAFT ANNUAL BUSINESS PLAN AND BUDGET - COMMUNITY CONSULTATION FEEDBACK

##### *RESOLUTION SCM 2025/2*

*Moved: Cr Paul Jenner*

*Seconded: Cr Max Bruins*

1. *That Council report titled '2025/2026 Draft Annual Business Plan and Budget - Community Consultation Feedback' as presented on Tuesday 17 June 2025 be noted.*
2. *That Council notes the written submissions and questions received on the 2025/2026 Draft Annual Business Plan and Budget and Draft Long Term Financial Plan as attached to this report.*
3. *That Council thanks the organisations and individuals for their verbal submissions as presented at the Special Council Meeting on 17 June 2025.*
4. *That any significant changes to the 2025/2026 Draft Annual Business Plan and Budget arising from the community consultation process be reported at the special*

*meeting 24 June 2025 as part of considering the adoption of the final 2025/2026 Annual Business Plan and Budget.*

5. *That the Chief Executive Officer be authorised to make minor textual changes to the 2025/2026 Draft Annual Business Plan and Budget to correct typos and errors of fact and to update the Mayoral Message if required in consultation with the Mayor.*

**CARRIED**

**Special Meeting 24 June 2025:**

**4.1 ADOPTION OF 2025/2026 ANNUAL BUSINESS PLAN, BUDGET AND RATING POLICIES**

*RESOLUTION SCM 2025/3*

*Moved: Cr Paul Jenner*

*Seconded: Cr Jason Virgo*

1. *That Council report titled 'Adoption of 2025/2026 Annual Business Plan, Budget and Rating Policies' as presented on Tuesday 24 June 2025 be noted.*
2. *That Council, having considered the public submissions at the Special Council meeting on 17 June 2025 and the feedback provided at the Audit and Risk Committee on 4 June 2025, adopts the 2025/2026 Annual Business Plan and Budget which includes R105 Rating Policy and R155 Rate Rebate Policy as attached to this report.*
3. *Pursuant to section 123(7) of the Local Government Act 1999 and regulation 7 of the Local Government (Financial Management) Regulations 2011, that having considered the Budget in conjunction with Annual Business Plan, determine the Budget to be consistent with, the Council's adopted Annual Business Plan per recommendation 2 above.*
4. *That Council adopts the Budget for the year ending 30 June 2026, as detailed in the attachments to this report which comprise:*
  - a. *The budgeted financial statements including budgeted Uniform Presentation of Finances.*
  - b. *Statement within the Annual Business Plan and Budget that the projected operating income is sufficient to meet projected operating expenses as a result of a forecast balanced budget for 2025/2026.*
  - c. *Estimates with respect to the council's operating surplus ratio, net financial liabilities ratio and asset renewal funding ratio as presented in the Annual Business Plan and Budget.*
5. *That Council notes the advice received from the Essential Services Commission of South Australia (ESCOSA) and confirms that it has fulfilled all legislative and regulatory obligations under the Local Government Act 1999 and the ESCOSA advisory scheme, and confirms that:*
  - a. *The advice has been published in both the draft and adopted versions of the 2025/2026 Annual Business Plan in accordance with Section 122 of the Local Government Act 1999;*
  - b. *Council's response to the advice, where applicable, has also been published as required; and*
  - c. *These documents will continue to be published annually until the commencement of the next advice cycle, in compliance with the requirements of the ESCOSA advisory scheme.*
6. *That Council, having acknowledged the verbal submissions received at the Special Council Meeting held on 17 June 2025, and in relation to the 2025/2026 Annual Business Plan and Budget, resolves to:*

- a. *Commit to and allocate an amount of \$20,000 from the Grants and Sponsorships Program to Substance Misuse Limestone Coast as a contribution towards funding support for the Limestone Coast Alcohol and Other Drugs Regional Summit 2025 and associated training.*
  - b. *Commit to and allocate an amount of \$25,000 from the Strategic Capacity Fund to support initiatives aimed at improving the safety and amenity of Frew Park, with the objective of reducing antisocial behaviour.*
  - c. *That the budgetary alterations arising from these matters be actioned as part of Budget Review 1 for the 2025/2026 financial year.*
  - d. *Council notes that these budgetary commitments do not alter the overall budget position but utilises funding already contained within the budget in the named program funds.*
7. *That Council authorises the Chief Executive Officer or Delegate to make any necessary changes to the 2025/2026 Annual Business Plan and Budget document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design that do not materially alter the integrity of the document.*

CARRIED

### **Request for Internal Review**

Following the meeting, on 15 August 2025, Council received the **attached** two (2) Requests for Internal Review of Council Decision in accordance with section 270 of the Act and Council's Policy. The requests have been labelled Request #2 and Request #3 respectively by the Applicant, and so that terminology has been replicated in this report.

- Request #2 – refers to resolutions SCM 2025/2 and SCM 2025/3, requesting a review of whether Council has met its obligations to conduct a public meeting, receive submissions from the public and answer questions in accordance with section 123 of the Act, when adopting the Annual Business Plan and Budget.
- Request #3 – refers to resolution SCM 2025/3, requesting a review of whether Council has met its obligations in respect of the ESCOSA recommendation report.

### **S270 Considerations**

There are several relevant considerations under Council's Policy which must be applied prior to commencing the review process, which are set out in further detail below.

1. Is there a 'reviewable' decision?

Yes, in this instance the decisions identified by the Applicant, and specifically resolutions SCM 2025/2 and SCM 2025/3, are decisions of Council capable of review in accordance with section 270 of the Act. That being said, some of these decisions may have already been 'perfected' (i.e. the public meeting has already occurred, public submissions have already been received, questions have already been answered and an Annual Business Plan and Budget have already been adopted and operationally commenced in the time elapsing since the resolutions were made) and therefore in effect are unable to be materially varied or revoked.

2. Does the decision fall within the contemplation of section 270 of the Act, or is there another more appropriate mechanism to deal with the review (i.e. is there a right of review enlivened under alternative legislation)?



Yes. Whilst there may be other relevant avenues available to address the Application, such as reporting the matter to the OPI, ICAC, or SA Ombudsman, these processes are likely to be more protracted than an internal review, and may not yield the specific outcomes sought by the Applicant (i.e. Council's particular consideration of the validity of the relevant decisions).

3. Does the Applicant have sufficient interest to request such a review?

Possibly not, whilst the Applicant is a current resident and ratepayer of the City of Mount Gambier, this may not be a sufficient interest to request a review of a decision pertaining to the Annual Business Plan and Budget, which is an interest held in common with all other residents and ratepayers of this LGA.

4. Are there any relevant exclusions that need to be considered?

A council, or a person assigned to consider the application, may refuse to consider an application for review if:

- the application is made by an employee of the council and relates to an issue concerning his or her employment; or
- it appears that the application is frivolous or vexatious; or
- more than 6 months has elapsed from the time of the decision; or
- the applicant does not have a sufficient interest in the matter.
- alternative statutory review processes exist, including but not limited to:
  - Electoral issues (Local, State and Commonwealth)
  - Planning Development and Infrastructure Act and Regulations
  - Freedom of Information Act matters
  - Expiation of Offences matters
  - By-Laws and Orders
  - Rates and Property Valuations
  - Code of Conduct and Employment related issues
  - Conflict of Interest matters – Elected Members
  - Decisions made through delegations under other Acts

Such matters will be considered for the conduct of a section 270 review on the merits of the individual application.

Refusing an application for review will not be done lightly and reasons for the refusal will document the evidence on which a refusal is based.

Council may determine not to review a matter if the application has already been the subject of a review by the council or an investigation, inquiry, or review by another authority. The decision maker in these circumstances shall be the reviewer assigned to consider the application. A member of the public who is dissatisfied with such determination remains entitled to make a complaint to the Ombudsman.

Council will not refuse to deal with, or to take no further action in relation to:

1. complaints about council members made pursuant to sections 262A to 262E of the Local Government Act; or
2. relating to a recommendation of the Ombudsman.

In contemplation of the above, the Requests for Internal Review must be referred to the elected Council for consideration.



It is noted that the request has been formally acknowledged by Council, and the Applicant has confirmed that they are aware and comfortable that the details of their request (including their name) will form part of a public Agenda.

#### IMPLICATIONS TO CONSIDER

<b>Legal</b>	<p>Council is obligated to establish procedures for the review of decisions of council, its employees, or persons acting on its behalf (agents). Council has established such procedure, which is enlivened upon receiving a valid request from a person with sufficient interest to review a 'reviewable' decision. This process is prescriptive and must be followed in accordance with natural justice principles.</p> <p>There are several prescriptive requirements that Council must ensure they meet in the process for consideration and adoption of the Annual Business Plan and Budget pursuant to section 123 of the Local Government Act 1999.</p>
<b>Financial and Budget</b>	<p>There is likely to be financial implications as a result of engaging an external professional to conduct the relevant investigation, assessment and provide a recommendation for Council's consideration.</p>

#### RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

<b>Risk</b>	<b>Consequence Rating</b>	<b>Risk Likelihood Rating</b>	<b>Risk Rating</b>	<b>Mitigation</b>
<b>Finance</b> - Council is found to be in breach of key legislative requirements, and receives a financial penalty, or is subject to litigation to challenge impacted decisions.	Minor (2)	Rare (1)	Low	Annual budget allocation of funds for legal advice as required, as well as contingency 'risks' identified.
<b>Reputation</b> – Trust with the community is eroded as a result of a perceived lack of transparency.	Minor (2)	Likely (4)	Moderate	Consistent adherence to appropriate confidentiality protocol, regular media and communication updates to community on council meeting activity in a digestible mode.
<b>Legal / Regulatory / Policy</b> - Council is found to have breached a key legislative	Minor (2)	Unlikely (2)	Low	Agenda publishing software with relevant confidentiality



requirement and is subject to intervention by an integrity agency.				prompts for report writers, legal advice on retainer as required, governance support at council meetings.
<b>Service Delivery –</b> Resources are diverted from regular business activities / services to support internal review of decisions.	Insignificant (1)	Likely (4)	Low	Appropriate resource capacity building to account for adhoc work arising.
<b>People -</b> Morale of staff, or recruitment / retention of staff, is negatively impacted by media profile.	Insignificant (1)	Likely (4)	Low	Regular pulse surveys to monitor staff morale, protocols to protect staff from the impact of negative public profile incidents, EAP service

#### APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 6: Excellence in Leadership and Governance

- 6.1 Ensure Elected Council Members are meeting their civic obligations and making informed, strategic decisions in the best interests of the community.
- 6.2 Ensure compliance with legislative obligations and apply best-practice governance to strengthen risk management, accountability and transparency, fostering trust within the community.
- 6.3 Ensure decisions and activities of Council are communicated in a timely, clear and proactive manner.

This report contributes to delivery of the following key strategic project(s):

N/A

#### RELEVANT COUNCIL POLICY

[Internal Review of Council's Decisions - C290](#)

#### IMPLEMENTATION AND NEXT STEPS

##### Relevant Exclusions

In the circumstances there are three (3) key factors which must be considered for Request #2 and Request #3 in determining whether conducting an internal review of the identified decisions is appropriate:

- Frivolous and vexatious,
- Sufficient interest of the Applicant,
- Decision relates to Rating.





### **Frivolous and Vexatious**

In the context of legal or complaints-related terminology, frivolous typically means something trivial, without merit, or not worth serious consideration. Vexatious, on the other hand, implies being deliberately annoying, troublesome, or intended to cause harassment, especially in a legal context. The Council must turn its mind to both the factual and legislative (legal) basis of the within request, in order to determine whether this is an appropriate manner to resolve the matter.

In the circumstances, the following key factual and legal elements are presented for Council's consideration of this test to meet the requirement under section 270(4)(b) of the Act:

1. Council follows the prescriptive process outlined in section 123 of the Act in respect of the consideration and adoption of the Annual Business Plan and Budget each year. This includes all community consultation requirements, such as the holding of a public session for not less than one hour, providing a mechanism for members of the community to ask questions and to receive written submissions for a period not less than 21 days. Council's process and resolutions are reviewed each year by Kellidy Jones Lawyers, to ensure they are compliant with the requirements under the Act. For these reasons, Council can be reasonably confident there was no error of law in the process undertaken to adopt the 2025/2026 Annual Business Plan and Budget.
2. Whilst the Applicant asserts that Councillors have not adequately answered questions of the public, not objectively considered submissions and that there was not sufficient time allocated to the public session, this appears to be unsubstantiated. In fact, following questions from the public, no further clarifying questions were asked, or if they were they were answered until the asker was satisfied, all Members voted in favour of the Resolutions in question (which expressly confirms they have considered the submissions made, and in the absence of any evidence to the contrary, it would be entirely impossible for any person to prove definitively that they had not done so) and at the public session there was a balance of time where no further submissions or questions were posed from the community, having been exhausted, which would again indicate that sufficient time was provided (and indeed exceeded).
3. Council's obligations with respect to recommendations provided by a designated authority (Essential Services Commission of SA - ESCOSA) are contained in sections 122(1c)-(1k) of the Act. In effect, these obligations amount to a requirement to participate in the review by providing such information and documents as requested to inform a recommendation report by ESCOSA, and to publish that report, along with any responses to same, in the stipulated documents (including the Annual Business Plan) for the prescribed period (until the next review). There is no specific requirement to undertake any action as a result of those recommendations outside of the above. That being said, Council was already proactively undertaking several of the recommendations made by ESCOSA, as set out in further detail in the Long Term Financial Plan. To this end, any allegation that Council has failed to consider, or to comply with any requisite element of the ESCOSA review scheme, appears unsubstantiated.
4. It is noted that the Applicant has now submitted three (3) requests for internal review of a council decision within a period of less than six months, which appear to be general commentary on Council's due diligence in procedural requirements, rather than matters of personal interest or impact to them. It is also noted that the outcome of the first such request, was ultimately dismissed by the independent reviewer. It becomes relevant for Council to weigh the public interest in continuing to expend finite

resources to conduct costly and time intensive reviews of alleged procedural errors, which appear unsubstantiated. Council must, in determining this issue, expressly consider whether this is a responsible and appropriate use of public funds. It is also important to contemplate the potential precedent set of amending or revoking decisions of Council because members of the public 'disagree' with the approach taken by Council, or would prefer the allocation of resourcing to services to be different, given the inherently subjective nature of such an opinion, and Council's role in balancing the preferences of the community as a collective.

### **Sufficient Interest of the Applicant**

Whilst the Applicant is a current resident and ratepayer of the City of Mount Gambier, this may not be a sufficient interest to request a review of a decision pertaining to the Annual Business Plan and Budget, which is an interest held in common with all other residents and ratepayers of this LGA, in accordance with section 270(4)(c) of the Act.

In weighing this consideration, the emphasis becomes the meaning of the word "sufficient" as opposed to merely an interest in the matter. Whilst it is certainly reasonable to consider that members of the community have an interest in Council meeting their procedural obligations, particularly with respect to the adoption the Annual Business Plan and Budget, in this particular instance there does not appear to be any allegation that such deficiency in process (which appears unsubstantiated) resulted in an unacceptable Budget being adopted (i.e. the Applicant does not appear on the face of it, to seek any material differing outcome to the Budget adopted, and appears to be focused on the process undertaken).

Conversely, whilst the requests in respect to the recommendations of ESOCSA do request changes in outcome, they remain general in nature, and held in common with all residents and ratepayers of the City of Mount Gambier. When considering this request, the issue of precedent setting ought again be considered, where requests to make changes to Council's Long Term Financial Plan may have substantial impacts on the organisation and community more broadly.

To that end, it is for Council to determine whether the Applicant's interest in the matter is sufficient to warrant an internal review of the identified decision/s.

### **Review of Rates**

Whilst the requests do not seek review of the Applicant's individual rates, requests in relation to the Long Term Financial Plan may have a rating impact.

Section 270(9) states that *"the right of a council to recover rates is not suspended by an application for the provision of some form of relief or concession with respect to the payment of those rates (but a council may then, if appropriate in view of the outcome of the application, refund the whole or a part of any amount that has been paid)."*

### **CONCLUSION**

In contemplation of all above factors, the complexity, nuance and likely impact of continuing to review decisions relating to procedural requirements or obligations of the Council, it is not recommended that the Council proceed to appoint an individual or entity to undertake an investigation, assessment and provision of a recommendation report for Council consideration.

It is not considered that on balance, diverting material resources towards reviewing procedures where Council is materially confident in its adherence to requisite processes, is



a reasonable and responsible use of public funds. Of course, nothing derogates from the Applicant's right to submit a complaint to the SA Ombudsman in respect to these matters.

To that end, it is recommended that no further action be taken and the Applicant be advised in writing of the outcome of Requests #2 and #3, including reasons for same.

#### **ATTACHMENTS**

1. REVIEW #2 - ABP & Budget Public Meeting \_ Redacted [**19.3.1** - 4 pages]
2. Review #3 - ESCOSA Recommendations - Redacted [**19.3.2** - 15 pages]



**C290 - REQUEST for an INTERNAL REVIEW OF MOUNT GAMBIER COUNCIL'S  
DECISION being RESOLUTION SCM 2025/2**

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Date decision was made: **17 June 2025**

**Submitted by:** \_\_\_\_\_ Graham walkom  
[REDACTED]

**Date of submission:** 15 August 2025

**Issues to be reviewed:**

- 1) Unreasonable assumption that council was informed when making the decision.
- 2) Failure of council's process to comply with Local Government Act 1999 (LG Act) by not providing relevant answers and/or not answering objectively the community questions presented to the Special Council Meeting held on 17th June 2025. Many answers were incomplete or evasive with: 58 of 93 not answered in any meaningful or clear way: 22 of 93 answered objectively only in part, and 13 of 93 were professionally answered in full
- 3) Failure to consider (ref. section 123 part 6 of the LG Act) the questions and answers generated during the required consultation period.

Relevant sections of the Act

**Section 6— Principal role of a council**

A council is, under the system of local government established by this Act, established to provide for the government and management of its area at the local level and, in particular—

- (a) to act as a representative, informed and responsible decision-maker in the interests of its community;

**Section 123**

- (5a) The council must ensure that provision is made for—

- (a) a facility for asking and answering questions; and
  - (b) the receipt of submissions,

on its website during the public consultation period.

- (6) A council may then, after considering—

- (a) any submission made to the council during the public consultation period; and
    - (b) any new or revised information in the possession of the council that is relevant to the material contained in the draft annual business plan; and
    - (c) such other materials or information as the council thinks fit,
  - adopt its annual business plan (with or without amendment)

**Why council failed to comply with due process and law**

I was a witness/participant in the relevant meetings and questions regarding the proposed Business Plan and Budget community consultations and observed and comment as follows;

A Whilst "being informed " is subjective it is highly unlikely that a majority of councillors could have been adequately informed enough to consider the required consultation before voting on this

**C290 - REQUEST for an INTERNAL REVIEW OF MOUNT GAMBIER COUNCIL'S  
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motion because of the very short time-frame available, (mere minutes), plus the missing information and the quality of the answers provided to both ratepayers and councillors.

B The short time for the public attending to digest the answers and ask meaningful questions was quite absurd with only two questions and unbelievably one lengthy submission for a \$20k grant made. After receiving "answers" at 1545hrs for an 1800hrs meeting I withdrew from presenting. One cannot digest 94 answers and make objective presentation in such a short time period. Council may have been given additional time for this "Late Agenda Item" but this is unlikely. No questions were asked by any councillor despite the sloppy standard of questions and answers which begs the question in this submission if anyone did indeed even "note" them.

The complexity of the questions, the objectivity fail in the answers to many of the 94 questions makes it impossible for any reasonable observer of this Council to accept that the questions were considered by Council as required. There were many complex issues to consider. and the meeting agenda item time, meeting period and the fact the resolution of Council is to merely "note" the questions it is beyond reasonable doubt that the required consideration was not part of due process.

C The tight timeframe imposed is unnecessary. The act does not restrict council from extending the time needed to comply by providing considered objective answers for councillors and ratepayers. It does however require all questions (with their answers) to be considered. The short time available, poor information (answers) make it well beyond reasonable doubt that the council was able to consider the issues raised as required.

D I attach a re-numbered list of all questions for easier reference with a concise consensus assessment of the objectivity of each answer that was provided to councillors and public. There are 94 questions and 58 of those are not answered in a meaningful or relevant way. For those concerned that this review may undermine the now formally approved business plan, the LG Act provides for Council to review its Business Plan after approval which it could do after complying with the act and considering community feedback.

E I acknowledge that council did provide brief oral answers to most matters raised at the community meetings (Q71-Q94) but this was lost to all in the process of including these matters in the 94 questions with failure to include, restate, expand or clarify any answers given. Not all councillors were present at these meetings in any event.

F The published agenda for the 17 June 2025 S.C.M. to receive, hear and question residents submissions stated as follows..

**"IMPLEMENTATION AND NEXT STEPS**

**1. Responses to questions will be prepared and attached as a late agenda item."**

The presentation to a SCM was restricted to 1 hour which only discussed new business that was presented to that meeting: it included two new items and one irrelevant but lengthy grant application. What for example is council's response to the significant submission made by the Ratepayer's Association at the SCM on the 17th?

From the minutes of Special Council Meetings (SCM 2025/2 and SCM 2025/3) it is apparent the questions are noted (Resolution SCM 2025/2) which they indeed could be, but they are not considered as required, but the minutes 24th June change to state they were 'considered'. This does not inspire confidence in the integrity of council records

The following direct comparison confirms this.

**C290 - REQUEST for an INTERNAL REVIEW OF MOUNT GAMBIER COUNCIL'S  
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**SCM 17th June  
Minutes**

1. That Council report titled '2025/2026 Draft Annual Business Plan and Budget - Community Consultation Feedback' as presented on Tuesday 17 June 2025 be noted.
2. That **Council notes the written submissions and questions received** on the 2025/2026 Draft Annual Business Plan and Budget and Draft Long Term Financial Plan as attached to this report.
3. That Council thanks the organisations and individuals for their verbal submissions as presented at the Special Council Meeting on 17 June 2025.
4. That any significant changes to the 2025/2026 Draft Annual Business Plan and Budget arising from the community consultation process be reported at the special meeting 24 June 2025 as part of considering the adoption of the final 2025/2026 Annual Business Plan and Budget.
5. That the Chief Executive Officer be authorised to make minor textual changes to the 2025/2026 Draft Annual Business Plan and Budget to correct typos and errors of fact and to update the Mayoral Message if required in consultation with the Mayor.

**SCM 24th June Minutes**

Moved: Cr Paul Jenner Seconded: Cr Jason Virgo

1. That Council report titled 'Adoption of 2025/2026 Annual Business Plan, Budget and Rating Policies' as presented on Tuesday 24 June 2025 be noted.
2. That **Council, having considered the public submissions at the Special Council meeting on 17 June 2025** and the feedback provided at the Audit and Risk Committee on 4 June 2025, adopts the 2025/2026 Annual Business Plan and Budget which includes R105 Rating Policy and R155 Rate Rebate Policy as attached to this report.
3. Pursuant to section 123(7) of the Local Government Act 1999 and regulation 7 of the Local Government (Financial Management) Regulations 2011, that having considered the Budget in conjunction with Annual Business Plan, determine the Budget to be consistent with, the Council's adopted Annual Business Plan per recommendation 2 above.
4. That Council adopts the Budget for the year ending 30 June 2026, as detailed in the attachments to this report which comprise:
  - a) The budgeted financial statements including budgeted Uniform Presentation of Finances.
  - b) Statement within the Annual Business Plan and Budget that the projected operating income is sufficient to meet projected operating expenses as a result of a forecast balanced budget for 2025/2026.
  - c) Estimates with respect to the council's operating surplus ratio, net financial liabilities ratio and asset renewal funding ratio as presented in the Annual Business Plan and B
5. That Council notes the advice received from the Essential Services Commission of South Australia (ESCOSA) and confirms that it has fulfilled all legislative and regulatory obligations under the Local Government Act 1999 and the ESCOSA advisory scheme, and confirms that:
  - a) The advice has been published in both the draft and adopted versions of the 2025/2026 Annual Business Plan in accordance with Section 122 of the Local Government Act 1999;
  - b) Council's response to the advice, where applicable, has also been published as required; and
  - c) These documents will continue to be published annually until the commencement of the next advice cycle, in compliance with the requirements of the ESCOSA advisory scheme.
6. That Council, having acknowledged the verbal submissions received at the Special Council Meeting held on 17 June 2025, and in relation to the 2025/2026 Annual Business Plan and Budget, resolves to:
  - a) Commit to and allocate an amount of \$20,000 from the Grants and Sponsorships Program to Substance Misuse Limestone Coast as a contribution towards funding support for the Limestone Coast Alcohol and Other Drugs Regional Summit 2025 and associated training.
  - b) Commit to and allocate an amount of \$25,000 from the Strategic Capacity Fund to support initiatives aimed at improving the safety and amenity of Frew Park, with the objective of reducing antisocial behaviour.

**C290 - REQUEST for an INTERNAL REVIEW OF MOUNT GAMBIER COUNCIL'S  
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**EXPECTATONS from this review.**

- 1) That council is provided a detailed summary of the community concerns received in the community consultations and fully considers all questions and answers in an open workshop session.
- 2) That council reconsider and as appropriate adjusts Resolution SCM 2025/2 using due process at a formal council meeting.
- 3) That items 1) - 3) are fully completed within 4 calendar months.

Thank you for re-considering this matter.

Graham Walkom

[REDACTED]

[REDACTED]

**Attachment. A** - all questions and answers presented via late agenda item to SCM 2025/2 numbered for ease of identification and categorised by critical consensus.

**C290 Request for internal review of COMGC Resolution SCM 2025/3**

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Date decision was made: **24 June 2025**

**Submitted by:** \_\_\_\_\_ Graham walkom  
[REDACTED]

**Date submitted for review:** 15 August 2025

**Summary of Issues to be addressed in this review:**

- 1) Unreasonable assumption that council was adequately informed when making their decision to substantially increase rates and failing to consider obvious options to contain the rise.
- 2) Misleading advice to council and community that council was meeting their Audit and Risk Committee's and Essential Services Commission of SA (E.S.C.O.S.A.) recommendations.
- 3) The Council is obliged under the Local Government Act 1999 (LG Act) to publish its response to the E.S.C.O.S.A. report but the Council response is fragmented and obfuscated.
- 4) Failure of Council process to comply with the LG Act in not answering, or not answering objectively, community questions: this is clearly the intent if not stated with particularity in the LG Act. So many answers are incomplete and/or evasive - refer also to the requested review of resolution SCM 2025/2
- 5) Resolution SCM 2025/3 claims council fully complies with its obligations in law with respect to the ESCOSA report. Not having an understandable response and 50% of the report avoided, it clearly does not comply
- 6) Has council considered (as required by the LG Act), the 94 questions and answers (issues) generated during the legislated consultation period. If so they could have readily adjusted expenses, met current loan conditions and contained rates below CPI for this current financial year. A proposed review needs to do this. Just one means is outlined in this document.

**A Conspectus of Council's Budget process**

Council obviously put a lot of work into the 25/26 process and the documents, if not the content, are a significant improvement over the 24/25 confusion.

Council was aware that the expected E.S.C.O.S.A. review was very likely to find fault with council's financial processes and management. Indeed council had prior warning of E.S.C.O.S.A.'s focus: in particular sustainability, unreasonable rate increases and the ratepayer affordability risk.

E.S.C.O.S.A. provided its "corrective" report in February - 4 1/2 months before council resolved to significantly increase rates for the third consecutive year - a heavy whack on this low socio-economic community and correctly that is a significant point of concern in the ESCOSA report.

At community feedback meetings Council repeatedly stated that they did not have time to consider the E.S.C.O.S.A. report recommendations: we suggest that 4.5 months is very adequate for such important issues.

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**What was council's response?**

Council emphatically states in its Long Term Financial Plan (L.T.F.P.) at page 11 that "*Council remains committed to engaging with the community to improve transparency and ensure that rate-setting decisions are understood and supported.*" but has been at considerable pains to disregard three key ESCOSA recommendations whilst saying it was complying - refer ESCOSA actions for City of Mount Gambier recommendation 2 To develop an interactive expenses report and recommendation 3 to restructure the Loan portfolio to apportion more fairly on an intergenerational basis for the Wulanda \$62.5+m facility. and recommendation 6, (That Council) Review its approach to addressing financial sustainability risks in consultation with its community, with a view to limiting future increases in rates and improving affordability for ratepayers.

Indeed in the 4 1/2 months since council received this advice it appears to not have formally approached the LGFA to discuss recommendation #3 at all: i.e to negotiate with the lender LGFA. to get their concurrence to ease the harsh and unconscionable loan conditions that do not provide the flexibility to shift the financial burden to future facility users.

And regarding E.S.C.O.S.A.'s recommendation #2: to develop a plan to allow council and community to focus on wanton and low value discretionary expenses and thereby facilitate a much healthier Operation Surplus Ratio.

In considering the impost on ratepayers over the now past three years we have a circa 24% increase in rates. That is a very significant increase and that was most evident in the comments provided to council in the community feedback processes. They have been effectively ignored by council.

Further, Council points out that it (through these significant prior rate increases) has produced a balanced budget one year earlier than forecast. That is a good result if the forecasts were realistic which of course is doubtful if they can easily be achieved earlier. But that is not justification to disregard community, and sound professional advice, to cut spending but again takes the easy option to excessively increase rates.

**Council can cut expenses as opposed to raising rates.**

**Aspects to include when reviewing this decision to meet with particularity E.S.C.O.S.A. requirements and community concerns but still 'balance the books'.**

Objective 1 To retain the Operating Services Ratio at zero

Objective 2 To hold the three year 2023/24, 2024/25 and 2025/26 total rate rise to c16.3% - a zero rate rise for 25/26.

Objective 3 More equitably allocate the L.T.F.P. over its 9 years at 25/26 Zero rate increase and 26/27 through 33/34 at up to but not exceeding 3.5% (CPI + 1%) after rate relief this year 2025/26.

Objective 4 Develop the E.S.C.O.S.A. Recommendations #2, #3 and #6 with Specific, Measurable, Achievable, Relevant, and Time-bound (S.M.A.R.T.) plans to contain expenses and loan repayments.

Objective 5 Refinance with Local Government Finance Authority (L.G.F.A.) and/or other lending authorities to objectively achieve intergenerational equity for Wulanda borrowings. Current ratepayers have already paid more than their share with hefty borrowings repayments.

Objective 6 Ensure council is fully (not partly nor mostly) sustainable 27/28 to 33/34

N.B. There are multiple options for Council along similar/equivalent lines as outlined here to achieve relief for Mount Gambier ratepayers this year. The LG Act does not restrict council from reviewing the Business Plan during this year.

To balance the budget as proposed with a zero% rate rise would amount to a cut in expenses of only 6.75% for the 25/26 FY.

**C290 Request for internal review of COMGC Resolution SCM 2025/3**

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Council must review this resolution for the reasons outlined here which include its failure to consider the significant community concerns advised to council during the consultation process throughout June 2025.

**The Resolution to be reviewed...SCM 2025/3**

City of Mount Gambier

Special Council Meeting Minutes	24 June 2025	Aspects for this Review
1. That Council report titled 'Adoption of 2025/2026 Annual Business Plan, Budget and Rating Policies' as presented on Tuesday 24 June 2025 be noted.		1. noted as due process
2. That Council, having considered the public submissions at the Special Council meeting on 17 June 2025 and the feedback provided at the Audit and Risk Committee on 4 June 2025, adopts the 2025/2026 Annual Business Plan and Budget which includes R105 Rating Policy and R155 Rate Rebate Policy as attached to this report.		2. It is possible that council did consider the 3 'submissions' 17 June in the 7 minutes they reconvened standing orders, but clearly did not ' <b>consider</b> ' the 94 Q&A contained in the late agenda item. SCM 2025/2 as the approved minutes are clear they only ' <b>noted</b> ' them besides many questions not being addressed.  w.r.t. the claim to have " <b>considered</b> " the Audit Committee 4 June feedback there are actions of the A&R Committee 4 April disregarded by council that are relevant to ESCOSA issues and this review - see attached A&RC minutes.
3. Pursuant to section 123(7) of the Local Government Act 1999 and regulation 7 of the Local Government (Financial Management) Regulations 2011, that having considered the Budget in conjunction with Annual Business Plan, determine the Budget to be consistent with, the Council's adopted Annual Business Plan per recommendation 2 above.		3 noted as due process
4. That Council adopts the Budget for the year ending 30 June 2026, as detailed in the attachments to this report which comprise: a) The budgeted financial statements including budgeted Uniform Presentation of Finances. b) Statement within the Annual Business Plan and Budget that the projected operating income is sufficient to meet projected operating expenses as a result of a forecast balanced budget for 2025/2026. c) Estimates with respect to the council's operating surplus ratio, net financial liabilities ratio and asset renewal funding ratio as presented in the Annual Business Plan and Budget.		4 noted as due process  required to be reviewed.



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<p>5. That Council notes the advice received from the Essential Services Commission of South Australia (ESCOSA) and confirms that it has fulfilled all legislative and regulatory obligations under the Local Government Act 1999 and the ESCOSA advisory scheme, and confirms that:</p> <p>a) The advice has been published in both the draft and adopted versions of the 2025/2026 Annual Business Plan in accordance with Section 122 of the Local Government Act 1999;</p> <p>b) Council's response to the advice, where applicable, has also been published as required; and</p> <p>c) These documents will continue to be published annually until the commencement of the next advice cycle, in compliance with the requirements of the ESCOSA advisory scheme.</p>	<p>5. Very clearly council does not comply with E.S.C.O.S.A.'s recommendations 2, 3, 6, including the requirement to develop a plan to closely monitor and control expenditure.</p> <p>5 b) Council's response is nebulous and appears deliberately obfuscated and must be clarified. This is a key requirement of this review, and negates the claim here that council "has fulfilled all legislative and regulatory obligations..."</p>
<p>6. That Council, having acknowledged the verbal submissions received at the Special Council Meeting held on 17 June 2025, and in relation to the 2025/2026 Annual Business Plan and Budget, resolves to:</p> <p>a) Commit to and allocate an amount of \$20,000 from the Grants and Sponsorships Program to Substance Misuse Limestone Coast as a contribution towards funding support for the Limestone Coast Alcohol and Other Drugs Regional Summit 2025 and associated training.</p> <p>b) Commit to and allocate an amount of \$25,000 from the Strategic Capacity Fund to support initiatives aimed at improving the safety and amenity of Frew Park, with the objective of reducing antisocial behaviour.</p> <p>c) That the budgetary alterations arising from these matters be actioned as part of Budget Review 1 for the 2025/2026 financial year.</p> <p>d) Council notes that these budgetary commitments do not alter the overall budget position but utilises funding already contained within the budget in the named program funds.</p>	<p>6. a) It is sad to see council drop to this level: to profess to be concerned about unnecessary expenditure but then fall on the way to this year's starting gate by allocating this significant grant contrary to its own grant policy, without a justification report to Council with the additional insult to its ratepayers of a councillor declaring a conflict in the matter but then second the motion and vote for the motion. A total failure to follow due process:</p> <ul style="list-style-type: none"> <li>• Conflict with councillor's interest</li> <li>• Contrary to policy</li> <li>• No justification report</li> <li>• No formal application by grantee</li> </ul> <p>6. b) After all the prioritising work of council to come up with its budget, it adds another \$25,000 without informed discussion, without a report to council just the whim of adding this expenditure without any form of a normal agenda item.</p> <p>And how does council respond to the criticism? It wants to waste significant funds on a report on how to stop criticism and be shielded from ratepayers who complain about council's effectiveness. It does so subjectively without justification.</p> <p>This hypocrisy should be included as a matter of concern in this internal review.</p>

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7. That Council authorises the Chief Executive Officer or Delegate to make any necessary changes to the 2025/2026 Annual Business Plan and Budget document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design that do not materially alter the integrity of the document.	7. noted as due process
CARRIED	

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**The Apparent Intent of Council to not Comply with ESCOSA's Advice to Provide Ongoing Evidence of Controlling the Growth in Costs..**

The following extracts from the E.S.C.O.S.A. report are key to the multiple references in the community feedback that are concerned with council's apparent intent to ignore E.S.C.S.A. advice and the need for council to explain with particularity how it will meet these requirements. S.M.A. R.T. plans would appear to be an essential. and urgent priority.

Issue, ESCOSA position and council response	
<p><b>5.1.5 Commission's recommendations on operating performance</b></p> <p>The Council's forecast operating surpluses relies on growth in rates income as well as lower rate of growth in operating expenses. However, the Commission observes the Council does not provide an explanation for the strategies or initiatives (in its LTFP) to achieve this lower rate of cost growth. In general, it might be beneficial for the Council to develop additional cost reduction plans with annual cost reduction targets, and with achievements reported against budgets, to demonstrate accountability and provide transparency to the ratepayers. If the Council fails to restrain costs, its sustainability will be at risk.</p> <p>Accordingly, the Commission recommends that the Council:</p> <p>2. Develop a plan to achieve cost savings measures and targets and report annually in the budget and the Long-Term Financial Plan as appropriate, to provide evidence of controlling the growth in costs and achieving efficiencies across its operations and service delivery.</p> <p><b>Council's response:</b> (refer LTFP p11)</p> <p><i>"Council has commenced several cost-saving and efficiency initiatives, including:</i></p> <ul style="list-style-type: none"> <li><i>• Transitional adjustments to visitor servicing hours to reflect seasonal demand and industry benchmarks, ahead of a formal model review in 2025/2026.</i></li> <li><i>• Engagement of specialist consultants to secure improved electricity contract terms, achieving cost savings through zero indexation on usage charges while incorporating green energy.</i></li> <li><i>• Renegotiation of BPay fees with Council's banking provider, lowering transaction costs associated with rates payments.</i></li> <li><i>• Ongoing adherence to strong procurement practices that emphasise competitive processes and value for money. These measures will be documented and reported through Council's annual budget process and updates to the LTFP, providing transparency and accountability in managing cost growth and achieving operational efficiencies. "</i></li> </ul>	<p>All of these initiatives are irrelevant to providing a plan and ongoing evidence to control the growth of costs.</p> <p>They may well qualify as individual cost saving aspects of a plan in which case they could be listed on the required ESCOSA plan but they are delusional with respect to meeting the requirement clearly specified by ESCOSA.</p>

Issue, ESCOSA position and council response	
<p><b>5.2.2 The Commission's recommendations on financial liabilities</b></p> <p>The Commission notes that the Wulanda Recreation and Convention Centre is a long-term asset that will benefit current and future generations. Council could consider longer-term debt assumptions to reduce intergenerational equity risk (where current ratepayers pay for assets that will benefit future ratepayers). The Commission recommends that the Council:</p> <p><b>3. Review its planned pace of repayment of debt, balancing rate increases, financial costs, and intergenerational equity.</b></p> <p>Council's response: (refer LTFP p11)</p> <p>Council continues active discussions with the Local Government Financing Authority (LGFA) to explore options for optimising its debt repayment strategy. This includes consideration of financial cost impacts, the effect on current and future ratepayers, and intergenerational equity. Council's approach aligns with its Treasury Management Policy and also considers potential break costs associated with early repayment of loans. This work aims to create future financial capacity while maintaining a sustainable balance between debt servicing and other financial obligations.</p>	<p>Council fails to indicate any evidence it is genuinely addressing this loan impost issue.</p>
<p><b>6.5.1 The Commission's advice on affordability risk</b></p> <p>Affordability risk can also be viewed in the context of the Council's financial and asset sustainability risks, specifically, the Council is not projecting an operating surplus until 2026-27 and will rely on significant step-up in rates in 2024-25 to 2025-26. Its past asset management planning also suggests further investment in asset renewals is required to maintain existing service levels. The community's capacity to pay for these increases appears to be low (based on the SEIFA index), and as previously noted Council should consider increasing non-rate income sources and/or implement cost savings initiatives to reduce the reliance on ratepayers.</p> <p>Accordingly, the Commission recommends that the Council:</p> <p><u>6. Review its approach to addressing financial sustainability risks, in consultation with its community, with a view to limiting future increases in rates and improving affordability for ratepayers.</u></p> <p><b><u>Council's response (refer LTFP p 11)</u></b></p> <p>Council remains committed to engaging with the community to improve transparency and ensure that rate-setting decisions are understood and supported. The current LTFP includes a modest 0.5% growth estimate. Where actual growth exceeds this target, the additional revenue will be used in 2025/2026 to reduce the overall amount of rates raised, not to increase total revenue. This approach reflects Council's intent to limit rate increases where possible, while maintaining service delivery and financial sustainability.</p>	<p>This response is meaningless spin. It fails to address ESCOSA's recommendation. #6. Council claims to accept and address the ESCOSA recommendations so it needs a S.M.A.R.T. objective to do this , not obfuscated spin.</p>

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*SMART objectives are specific, measurable, achievable, realistic, and time-bound goals that provide a clear framework for setting and evaluating objectives. This method helps ensure that goals are well-defined and attainable within a certain timeframe, making it easier to track progress and achieve desired outcomes.*

**Audit Committee; Business Plan; Long Term Financial Plan; and relevant community questions regarding confusing and contradictory references associated with council's apparent rejection of 3 of the 6 ESCOSA recommendations**

Relevant Audit and Risk Committee concerns	relevant aspects
<b>AUDIT COMMITTEE</b> Minutes 2 April 2025 ARC 2025/13	
2. That having reviewed the ESCOSA Local Government Advice for the City of Mount Gambier dated February 2025, the Audit and Risk Committee tables the following commentary and recommendations for Council consideration	2. This statement is clear and concise. It is "...commentary and <u>recommendations...</u> " for council.
2 (a) "The Committee .... recognises the importance of addressing key risks impacting sustainability,	2 (a) the A & R Committee are clear on this if council its not.
2(c) That the Committee notes the planned approach to identifying cost savings through upcoming service reviews and workforce planning initiatives and requests a report to the Audit and Risk Committee regarding the framework and approach.	2 ( c ) apparent, like most observers, the A & R Committee needs clarification regarding "...the framework and approach."  This report was outstanding at the time the 25/26 Business Plan was approved - Is this another example of council not being informed?
2(d)That the Committee recommends Council continue discussions with the Local Government Financing Authority (LGFA) to explore opportunities to optimise debt repayment strategies while balancing financial costs, rate increases, and intergenerational equity, as well as creating financial capacity for the future, in alignment with Council's Treasury Management Policy.	2 (d) this requirement its perfectly clear: that this be negotiated as ESCOSA recommends.

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Relevant Audit and Risk Committee concerns	relevant aspects
2(g) Additionally, the Committee recommends that Council continue to refine and monitor financial sustainability ratios as part of its budget review processes to ensure alignment with ESCOSA's advice and best practices in financial management.	2 (g) clear enough regarding ESCOSA's advice... " ...to ensure alignment with ESCOSA's advice..."

The 25/26 Business Plan pp35,36	relevant aspects
<p>The Business Plan lists the 6 Recommendations of ESCOSA and then has a section headed "Response to ESCOSA recommendations" There is no meaningful response for the following reasons:</p> <p>After restating the 6 ESCOSA recommendations It then details a delivery timing change and renaming of the SROSS project to Making Better Places Program. This may help servicing the project investment.</p> <p>It then concedes:</p> <p>As part of this budget and planning process, council was already in the process of cost saving reviews and has since undertaken further efficiencies as follows:</p> <p>Then listed are the same largely irrelevant actions - visitor servicing, electric costs, banking costs, value purchasing and unlocking projects whatever they are.</p> <p>Most of these were already underway when ESCOSA reviewed council's sustainability practices and so are not likely relevant to addressing ESCOSA's concerns</p> <p>Without providing clear quantification of how any of these will address ESCOSA's concerns they cannot be considered valid inclusions to address sustainability factors in compliance with the recommendations nor a valid response to them.</p>	<p>This reference to ESCOSA obfuscates and fails to state how and when ESCOSA's recommendations #2 and #3 and #6 will be addressed.</p> <p>The explanation is at significant variation to council's own Audit and Risk committee's commentary and recommendation of 4 April above and to many of the answers given to the questions raised in the June community consultations below.</p>

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25/26 Long Term Financial Plan at page 10	relevant aspects
"Council acknowledges the recommendations provided by ESCOSA and provides the following responses and actions being implemented as part of its ongoing commitment to financial sustainability, transparency, and responsible governance: "	This in the context of understanding council's position on the ESCOSA recommendations is obfuscating nonsense and clearly at variance with the A&R Committee's and council's position above - the A&R Committee's resolution was duly endorsed by council.

Community Consultation Questions	council's formal answer	
<b>Q26. ESCOSA Recommendations</b> What specific actions or timeframes has Council committed to publicly responding to each ESCOSA recommendation, ensuring community accountability?	<b>A26.</b> Council has carefully considered all of ESCOSA's recommendations and is committed to implementing them in a meaningful and transparent way. While the scheme is advisory and not mandatory, Council has already commenced multiple actions aligned with the advice. These are embedded across the LTFP and ABP, and progress will be reviewed and reported publicly each year. <b>This is a four- year process</b> and Council will continue to assess, implement, and communicate improvements over time.	<b>NOT answered</b>  Actions and timeframes info avoided.  Why 4 years? Where is the council decision on this?  This commitment to all 6 is welcome but at variance with the LTFP and Business Plan
<b>Q28.</b> Does council accept the ESCOSA report as it was received?	<b>A28.</b> Council has received and noted the independent ESCOSA Advice as written.	<b>NOT answered</b>  Yes or No?
<b>Q29.</b> If so, What is council's timeline for implementation of all 6 key recommendations?	<b>A29.</b> Council will progressively work toward addressing the recommendations as advised by ESCOSA. A completion date has not yet been determined.	<b>NOT answered</b>  evasive



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Community Consultation Questions	council's formal answer	
<p><b>Q30.</b> Does council acknowledge ESCOSA identifies risks to council's sustainability as either LOW, MEDIUM or HIGH with council scoring 4 x LOW, MEDIUM, and 3 x HIGH risk flags?</p>	<p><b>A30.</b> As per question 1, Council has received and noted the independent ESCOSA Advice as written</p>	<p><b>NOT answered</b> <b>evasive</b></p> <p>Council appears to have no priority to address unjustified spending.</p> <p>It has been established they has no measure to determine value for money</p>
<p><b>Q31.</b> Is council concerned that it received such a detrimental report indicating poor financial management and the burden on ratepayers that results.?</p>	<p><b>A31.</b>The ESCOSA Advice found Council's historical, current and projected financial performance mostly sustainable. There was no reference to poor financial management within the advice provided. The ESCOSA Advice recommended for Council to "Review its approach to addressing financial sustainability risks, in consultation with its community, with a view to limited future increases in rates and improving affordability for ratepayers"</p>	<p><b>PARTLY answered</b></p> <p>Need response to the ESCOSA view that council is not on top of managing its finances which is self evident to the objective reader.</p> <p>Mostly sustainable is not sustainable.</p>
<p><b>Q32.</b> Does council propose to follow all recommendations of ESCOSA at the earliest opportunity starting with inclusion where possible of the recommendations within the current financial documents we are considering?</p>	<p><b>A32.</b>Council has carefully considered all of ESCOSA's recommendations and is committed to implementing them in a meaningful and transparent way. While the scheme is advisory and not mandatory, Council has already commenced multiple actions aligned with the advice. These are embedded across the LTFP and ABP, and progress will be reviewed and reported publicly each year.</p>	<p><b>PARTLY answered</b></p> <p>Council's A &amp; R c'tee wants to know how the implementation will achieve ESCOSA's requirements</p> <p>Council offers several different versions for its implementation of the ESCOSA report.. Ratepayers are owed S.M.A.R.T. commitment.</p>



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Community Consultation Questions	council's formal answer	
<p><b>Q33.</b> If council intends not to implement some aspects what are they?</p>	<p><b>A33.</b> Council has reviewed the ESCOSA recommendations and already commenced multiple actions aligned with the advice. Due to the structure of Council's fixed loans, recommendation 3 to "review planned pace of repayment of debt, balancing rate increases, financial costs and intergenerational equity" requires careful strategy and negotiation with the Local Government Financing Authority. It is the only recommendation that Council has not been able to immediately address, but will continue to work towards.</p>	<p><b>PARTLY answered</b></p> <p>Council clearly indicates in Its Business and L.T.F. plans it does not intend to comply with ESCOSA's recommendations 2,3&amp;6</p> <p>Council must explicitly clarify.</p>
<p><b>Q34.</b> Under Item 5 of the LTFP council fails to state or agree it will "Develop a Plan to achieve cost saving measures and targets..." but lists possible minor cost saving measures likely from earlier decisions. Does council realise that adoptng the plan required by ESCOSA will result in ongoing reviews that will resut in ongoing savings and cost reductions for ratepayers, or does council not care about saving costs for ratepayers?</p>	<p><b>A34.</b> Council has chosen to engage constructively with ESCOSA's advice and has already commenced a number of cost-saving and efficiency-focused initiatives. These include revised visitor servicing models, improved procurement practices, renegotiated contracts, workforce planning, and the implementation of our Business Systems improvements and asset management transformation work. These initiatives are embedded across our planning framework and align with the broader intent of the ESCOSA recommendations. While the LTFP may not include a standalone document titled "cost saving plan," it clearly reflects the direction Council is taking to deliver efficiencies, contain cost growth, and improve long-term financial sustainability.</p> <p>It is also worth noting that Council received ESCOSA's report in late February, by which point the 2024/25 draft Budget and Annual Business Plan were already well advanced. Even so, we have acted quickly to align our forward planning with ESCOSA's recommendations. Importantly, this is an ongoing process. Council will review, measure, and publicly report on progress annually through both the Long-Term Financial Plan and the Annual Business Plan, as part of our commitment to transparency and continuous improvement.</p>	<p><b>NOT answered</b></p> <p>Obfuscation rating? 10/10</p> <p>Yes or No?</p> <p>It is essential all ESCOSA matters are integrated and documented with clear timelines.</p> <p>When relevant issues and reviews were initiated and their completion targets</p>

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Community Consultation Questions	council's formal answer	
<p><b>Q36.</b> At today's community budget information session councillors and administration were adamant that council did not need to action the ESCOSA report - that it is voluntary, True. But the point I was making was that ESCOSA states at section 2.1 that: "The council is obliged under the Local Government Act1999 (LG Act) to publish this advice and its response, if applicable, in its 2025-26 Annual Business Plan (including any draft ABP) and in subsequent plans until the next cycle of the scheme. The Council is not compelled under the LG Act to follow the advice." That is perfectly clear to me but council has not included the advice in either the Draft Business Plan or Draft LTFP. Will council be adjusting these plans to include the full ESCOSA advice as required?</p>	<p><b>A36.</b> Council will include reference to a link to the ESCOSA report which is available on their website Noting that the advice has been published already by council and considered and referenced in a public agenda for the audit and risk committee</p>	<p><b>NOT answered</b></p> <p>but council has since agreed to comply - well done council.</p> <p>Council seem to not be aware of the contradictory nature between their: Business Plan, Long Term Financial. Plan ESCOSA report itself (not just the key recommendations) and council's answers to these questions.</p>

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The following are relevant sections of the Act pertinent to this review request

**Section 6—Principal role of a council**

A council is, under the system of local government established by this Act, established to provide for the government and management of its area at the local level and, in particular-

(a) to act as a representative, informed and responsible decision-maker in the interests of its community;

**Section 123**

(5a) The council must ensure that provision is made for—

- (a) a facility for asking and answering questions; and
- (b) the receipt of submissions,

on its website during the public consultation period.

(6) A council may then, after considering—

- (a) any submission made to the council during the public consultation period; and
  - (b) any new or revised information in the possession of the council that is relevant to the material contained in the draft annual business plan; and
  - (c) such other materials or information as the council thinks fit,
- adopt its annual business plan (with or without amendment)

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**AUDIT COMMITTEE** City of Mount Gambier  
Meeting Minutes 2 April 2025 as relevant to ESCOSA report.

1. That the Audit and Risk Committee report titled 'ESCOSA Local Government Advice February 2025' as presented on Wednesday 2 April 2025 be noted.

2. That having reviewed the ESCOSA Local Government Advice for the City of Mount Gambier dated February 2025, the Audit and Risk Committee tables the following commentary and recommendations for Council consideration:

(a) **The Committee** acknowledges ESCOSA's assessment that the City of Mount Gambier's financial performance is mostly sustainable and **recognises the importance of addressing key risks impacting sustainability**, and the commendations from ESCOSA for Councils well developed strategic planning processes and commitment to community consultation.

(b) The Committee supports the need for greater transparency in capital expenditure forecasting and recommends that material changes to forecasts be clearly disclosed in the Annual Business Plan, Long-Term Financial Plan, and Asset Management Plans (with a definition of material to also be included).

(c) **That the Committee notes the planned approach to identifying cost savings** through upcoming service reviews and workforce planning initiatives **and requests a report to the Audit and Risk Committee regarding the framework and approach.**

(d) That the Committee recommends Council continue discussions with the Local Government Financing Authority (LGFA) to explore opportunities to optimise debt repayment strategies while balancing financial costs, rate increases, and intergenerational equity, as well as creating financial capacity for the future, in alignment with Council's Treasury Management Policy. Consideration should also be given to any break costs associated with early loan repayments.

(e) The Committee acknowledges that the Asset Unlocking Project will include a comprehensive review of depreciation assumptions, methodologies and asset valuations to ensure sufficient funding for asset renewal and replacement.

(f) **The Committee acknowledges the financial implications of new asset development and recommends that Council carefully assess project prioritisation, with lifecycle costing analysis before committing to major new capital projects, ensuring funding for future maintenance and renewal is considered.** This will align with community expectations around growth of the city, long-term financial sustainability, rate affordability, and future maintenance obligations, noting that some new assets may be in self-funded service areas such as waste.

(g) The Committee acknowledges the importance of the ongoing Rating Review in addressing rate affordability concerns. Additionally, the **Committee recommends that Council continue to refine and monitor financial sustainability ratios as part of its budget review processes to ensure alignment with ESCOSA's advice and best practices in financial management.**

3. That the audit and risk committee acknowledge the proactive work the of the organisation in progressing financial sustainability.

#### 19.4 INTERNAL REVIEW OF COUNCIL DECISIONS, REQUESTS FOR SERVICE AND COMPLAINTS

Author: Brittany Shelton, Manager Governance and Property  
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

##### RECOMMENDATION

1. That Council report titled 'Internal Review of Council Decisions, Requests for Service and Complaints' as presented on Tuesday 16 September 2025 be noted.
2. That the Chief Executive Officer or delegate be authorised to include the contents of this report in the Annual Report for 2024/2025, including the prescribed information in accordance with section 270(8) of the Local Government Act 1999.

##### PURPOSE

To present to Council, for consideration and inclusion into the Annual Report for the financial year 2024/2025, such information as is prescribed under section 270 of the *Local Government Act 1999* (the Act) as well as required under Council's Request for Service and Complaint Policy C200.

##### BACKGROUND / OPTIONS

Council must, on or before 30 November in each year, prepare and adopt an annual report relating to the operations of the council for the financial year ending on the preceding 30 June in accordance with section 131 of the Act.

Part of the requisite content includes legislative and regulatory information, such as details of the number of applications for internal review of council decisions received and dealt with, number and complaints (required by policy), and a statement under the *Freedom of Information Act 1991* (FOI Act).

##### Requests for Internal Review of Council Decisions

Council is required by section 270(8) of the Act to initiate and consider a report on an annual basis that relates to the:

- Number of applications received under the provisions of section 270;
- Kinds of matters to which the applications relate; and
- Outcome of applications.

The *Local Government (General) Regulations 2013* (the Regulations) further prescribes that the report required under section 270(8) is material that is to be included in the Annual Report of the Council.

In 2024/2025 financial year Council received one (1) request for internal review of a Council decision pursuant to section 270 of the Act. The details of that application were as follows:

Year 2024/2025	Description	Outcome
21 April 2025	A review of all resolutions (decisions) made by the Council at the ordinary meeting 15 April	Carried over to 2025/2026 financial year.



	2025, following the first section 90(3) order to exclude the public, and specifically Resolution OCM 2025/96 - Resolution OCM 2025/104 (inclusive), to assess the legal validity of such orders in circumstances where the public were excluded from the building for the duration of same (including consideration and debate of the confidential orders themselves).	
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There were no requests for an internal review of a Council decision carried over from previous financial years.

The above information must be included in Council's Annual Report for 2024/2025, in accordance with the provisions of the Act and Regulations.

### **Requests for Service and Complaints**

Local Government provides an extensive range of services and infrastructure to communities and discharges obligations under many pieces of legislation. Section 270 of the *Local Government Act 1999* (the Act) requires Council to develop and maintain policies, practices and procedures for dealing with:

- any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council, and
- complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.

Council is committed to the provision of quality service to customers and regards complaints as an opportunity to improve practices and procedures and to resolve matters of concern. Council has adopted a [Request for Service and Complaint Policy and Procedure C200](#) (the Policy) to provide a fair, consistent and structured process for submitting requests for service, or complaints regarding Council's action, decision or service.

Lessons learnt from complaint investigations will be used to directly inform service improvements. This procedure will be made widely accessible to ensure that customers are fully aware of their right to complain. Information about how to lodge a complaint will be published on Council's website.

In accordance with the Policy, Council will receive a report at least once per year on:

1. the number and nature of requests, including the percentage of rejected requests, and
2. the number and nature of complaints received, including the percentage of unresolved complaints.

In order to facilitate such report, an annual review of requests for service and complaints received each financial year is conducted to enable the administration to ascertain if there are systemic issues occurring that need to be addressed. The review also enables feedback on the types and number of requests for service made annually, as well as the number of outstanding issues still to be addressed.

## **Requests for Service**

The Strategic Plan 2024 - 2028 focuses on six strategic priorities and responds to what the community told us we should focus on as we work towards the Community Vision. Two of those strategic priorities include:

- Goal 2: Learning and Innovation, and
- Goal 3: Infrastructure and Services.

## **2. Learning and Innovation**

Over the next four years, Council is dedicated to creating a supportive environment for learning and innovation that helps our community and local businesses thrive. Key outcomes include:

- Local businesses and entrepreneurial activities flourish through opportunities for collaboration and development.
- Our city attracts and retains a skilled workforce for regional growth, development and succession planning.
- Our community members are inspired to learn at any age, achieving a holistic and comprehensive approach to personal growth and development.

## **3. Infrastructure and Services**

Over the next four years, Council will work to enhance the enviable living environment in our city through accessible and quality infrastructure and services. Key outcomes include:

- Our city is connected through a safe, inclusive and seamless integrated transport network.
- Our quality infrastructure provides equitable access to information, services, activities and facilities.
- Our urban environment is thoughtfully designed to adapt to our diverse and growing city, ensuring access to affordable and varied housing options that meet community needs.
- Our community spaces are inclusive, safe, and accessible, promoting active, healthy, and connected lifestyles through enhanced open spaces, quality recreation areas, and supportive infrastructure.

One of the ways Council achieves these strategic priorities is by reviewing our service delivery, and making continuous improvements.

Council has a Customer Request Management system (CRM), which allows a person to lodge a request for service with Council. This system also allows staff to proactively identify items for action and lodge a request for service, so that the item can be attended to by the relevant department. Requests for service lodged using the 'My Local Services' Apps are also lodged by staff as CRMs for action.

During the 2024/2025 financial year a total of 8,904 CRMs were lodged, with 8,876 of those being processed, and 28 CRMs remaining open at the end of the financial year, resulting in a completion rate of 99.69%. The database information and graphs provided in **Annexure A** to this report provides a breakdown of the types of requests by month and category, into the major categories:

- Animal Management
- Waste Collection / Bins



- Facilities & Reserves
- Cemetery
- Visitor, Events & Tourism
- Infrastructure, Roads & Footpaths
- Parks & Gardens
- Public Nuisance
- Parking
- Planning & Regulatory
- Cleaning
- Rates
- Other

The largest number of requests for service during the financial year were for the categories: Waste Collection / Bins, Parks & Gardens, Animal Management and Infrastructure, Roads & Footpaths. These requests predominantly related to kerbside collection, mowing, tree trimming and assessment, dogs wandering, dogs barking, potholes and footpath maintenance.

### **Complaints**

In the 2024/2025 financial year, there were a total of 54 complaints, broken down into 15 categories, as reflected at **Annexure A**. Of these, 21 were requests for service which resulted in a complaint. These complaints arise as a result of Council not responding to the initial request within what is considered to be a timely manner.

The areas which received the highest proportion of complaints related to animal management, waste collection and public bins, maintenance of parks and gardens, management of the Wulanda Recreation & Convention Centre. Eight complaints were also received for non-Council related matters and referred to the appropriate agencies or businesses accordingly.

As this is the first such report, there is no analysis comparison with previous financial years, however this data will be supplied in future years.

### **Freedom of Information Statement**

Council is required to publish a Freedom of Information Statement annually in accordance with the requirements of section 9(1a) of the *Freedom of Information Act 1991* (FOI Act).

Subject to certain restrictions, the FOI Act gives members of the public a legally enforceable right to access information held by South Australian (Local) Government agencies such as councils. The purpose of this statement is to assist members of the public to identify the functions and decision-making processes of Council, detail the type of information held by Council and advise how it can be accessed by the public.

Whilst **attached** the FOI Statement is signed by the CEO under delegation and is not required to be presented to Council, much of the content is required to be included in the relevant Annual Report, and therefore is presented to Members for their information.





## IMPLICATIONS TO CONSIDER

<b>Legal</b>	This report and the publication of information in Council's 2023/2024 Annual Report will fulfill the requirement to report on applications for internal review as required by section 270(8) of the Act.
<b>Financial and Budget</b>	There are financial implications for requests for internal review of council decisions as a result of the requirement to engage external professionals (often subject matter experts) to conduct the relevant investigation, assessment and provide a recommendation for Council's consideration.
<b>Community Consultation and Engagement</b>	It is proposed that the content of this report, including the information required under the Local Government Act 1999, be included in Council's 2024/2025 Annual Report in fulfillment of the legislative/regulatory requirements.
<b>Other Resources</b>	Several regulatory functions, including Freedom of Information applications, have strictly mandated timeframes, which requires staff to divert their time away from their ordinary duties in order to meet obligations. The organisation has minimal control over the volume and timing of such applications.

## RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier [Risk Management Policy](#).

<b>Risk</b>	<b>Consequence Rating</b>	<b>Risk Likelihood Rating</b>	<b>Risk Rating</b>	<b>Mitigation</b>
<b>Finance</b> - Council is found to be in breach of key legislative requirements, and receives a financial penalty, or is subject to litigation to challenge impacted decisions.	Minor (2)	Rare (1)	Low	Annual budget allocation of funds for legal advice as required, as well as contingency 'risks' identified.
<b>Reputation</b> – Trust with the community is eroded as a result of a perceived lack of transparency.	Minor (2)	Likely (4)	Moderate	Consistent adherence to appropriate confidentiality protocol, regular media and communication updates to community on council meeting activity in a digestible mode.
<b>Legal / Regulatory / Policy</b> - Council is found to have breached a key legislative requirement and is subject to intervention by an integrity agency.	Minor (2)	Unlikely (2)	Low	Agenda publishing software with relevant confidentiality prompts for report writers, legal advice on retainer as required,



				governance support at council meetings.
<b>Service Delivery</b> - Resources are diverted from regular business activities / services to support internal review of decisions, FOI Applications or other regulatory functions.	Insignificant (1)	Likely (4)	Low	Appropriate resource capacity building to account for adhoc work arising.
<b>People</b> - Morale of staff, or recruitment / retention of staff, is negatively impacted by media profile.	Insignificant (1)	Likely (4)	Low	Regular pulse surveys to monitor staff morale, protocols to protect staff from the impact of negative public profile incidents, EAP service

#### APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 6: Excellence in Leadership and Governance

6.2 Ensure compliance with legislative obligations and apply best-practice governance to strengthen risk management, accountability and transparency, fostering trust within the community.

This report contributes to delivery of the following key strategic project(s):

Priority 6: Excellence in Leadership and Governance

Deliver business systems and infrastructure improvements that support us to deliver our services more efficiently and effectively to the community.

#### RELEVANT COUNCIL POLICY

[Internal Review of Council's Decisions - C290](#)

[Request for Service and Complaint - C200](#)

#### IMPLEMENTATION AND NEXT STEPS

It is proposed that the content of this report, including the information required under the Local Government Act 1999, be included in Council's 2024/2025 Annual Report in fulfillment of the legislative/regulatory requirements.

#### CONCLUSION

It is recommended that the Chief Executive Officer or delegate be authorised to include the contents of this report in the Annual Report for 2024/2025, including the prescribed information in accordance with section 270(8) of the Local Government Act 1999.

#### ATTACHMENTS

1. Annexure A - Request for Service and Complaints Data [**19.4.1** - 4 pages]
2. Freedom-of- Information- Statement-2024-2025 [**19.4.2** - 11 pages]



## ANNEXURE A – REQUEST FOR SERVICE AND COMPLAINTS DATA 2024/2025

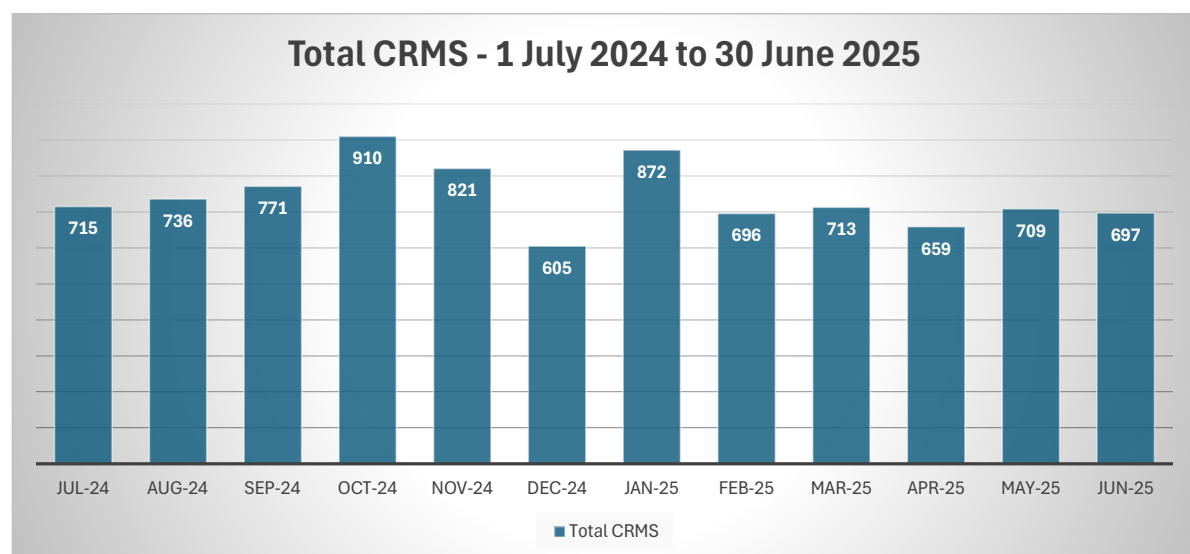
### Requests for Service

Council has a Customer Request Management system (CRM), which allows a person to lodge a request for service with Council. This system also allows staff to proactively identify items for action and lodge a request for service, so that the item can be attended to by the relevant department. Requests for service lodged using the 'My Local Services' Apps are also lodged by staff as CRMs for action.

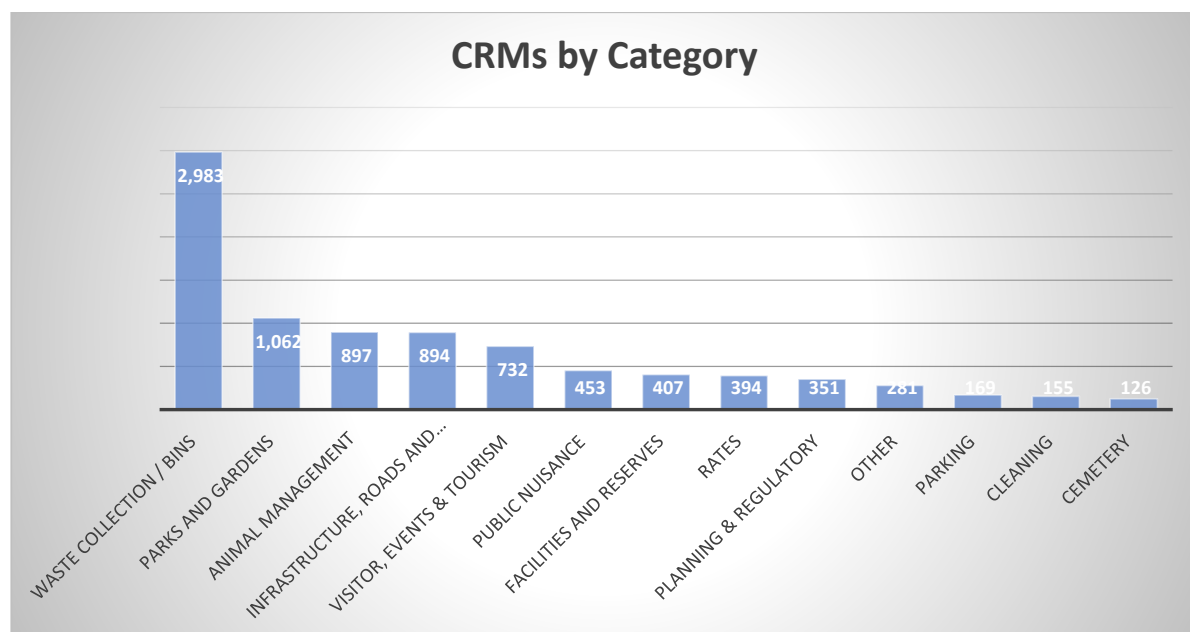
The City of Mount Gambier, for the period 1 July 2024 – 30 June 2025:

- Total number of CRMs opened = 8,904
- Total number of CRMs closed = 8,876
- Total outstanding CRMs = 28
- Closure rate = 99.69%

### CRMs by Month



### CRMs by Category



**ANNEXURE A – REQUEST FOR SERVICE AND COMPLAINTS DATA 2024/2025**

Category / Month	July	August	September	October	November	December	January	February	March	April	May	June	Total
Animal Management	58	81	74	80	72	86	74	75	71	72	84	70	897
Waste Collection / Bins	256	263	285	306	209	188	355	240	241	219	211	210	2,983
Facilities & Reserves	40	41	21	40	39	29	29	27	31	35	36	39	407
Cemetery	13	13	4	7	15	9	10	10	10	9	16	10	126
Visitor, Events & Tourism	70	61	78	119	86	22	71	17	79	31	64	34	732
Infrastructure, Roads & Footpaths	51	67	54	54	91	57	91	58	88	68	125	90	894
Parks & Gardens	72	63	108	151	168	86	102	103	68	67	37	37	1,062
Public Nuisance	51	34	32	25	51	17	40	45	26	38	44	50	453
Parking	11	14	11	10	17	7	11	13	21	15	13	26	169
Planning & Regulatory	33	32	34	28	26	23	24	25	37	24	31	34	351
Cleaning	10	6	12	14	14	11	16	13	14	16	21	8	155
Rates	40	36	45	32	32	26	28	45	27	20	27	36	394
Other	10	25	13	44	1	44	21	25	0	45	0	53	281
<b>Total</b>	<b>715</b>	<b>736</b>	<b>771</b>	<b>910</b>	<b>821</b>	<b>605</b>	<b>872</b>	<b>696</b>	<b>713</b>	<b>659</b>	<b>709</b>	<b>697</b>	<b>8,904</b>

Outstanding CRMs as at 1 July 2025

Of the 8,904 CRMs opened in the 2024/2025 financial year, 28 were not resolved within the financial year, and of those 28, 7 remain outstanding in the system, and only 2 remain unresolved. Further details of those 7 (including the 2 unresolved) are outlined below.

Received	CRM No.	Category	Summary	Comments
12/05/2025	86457/2025	Public Toilets - Council Land or Reserves	The position of the toilet roll holders in the new public toilets at Valley Lakes/Ketla Malpi are in hard to reach positions for adults, child and disability users. Can they please be moved a bit higher?	CRM completed – comment added:  The toilet roll holder installed at this site is ODA compliant and built to the spec. No changes required.
1/05/2025	86177/2025	New Footpath, Crossover, Pram Ramp, Infrastructure - Forward Works Program	Reported concerns on the roundabout near Centro/underground car parking. Advised this should be a pedestrian crossing between the underground parking area and the Centro ramp entrance. Considers this is very dangerous due to the speed cars come around the corner.	CRM completed – comment added:  This has been raised before. It is not possible to install a crossing directly adjacent to a roundabout. Due to the existing location of the car park and Centro entrance, means a crossing further down would not be a suitable location. Drivers and pedestrians appear to be travelling to the conditions (i.e. slowly and carefully). Road crash data shows no crashes (2019-2023).

**ANNEXURE A – REQUEST FOR SERVICE AND COMPLAINTS DATA 2024/2025**

Received	CRM No.	Category	Summary	Comments
20/02/2025	84593/2025	Trees - Request for Planting	Resident called regarding the council tree that was removed out the front of his place of residence at North Terrace, Mount Gambier. Was wondering if it can be replaced or if there is works in place to already have this done.	CRM completed – comment added:  Those trees were removed during the road reconstruction process as those trees continuously damaging the infrastructures. Replacement tress can be planted if a resident/landowner request council for a tree plantation in front of their property. Response provided to resident.
31/03/2025	85482/2025	Invert / Crossover Enquiries	Resident called the office Friday 28/3/25 very upset about the crossover at Trevorrow Street. He advised they have wood retaining walls on each side of this which is a tripping hazard, thinks this is illegal.	CRM pending – comment added:  Engineering have spoken with Planning about this. We believe we need a more formalised process/letter to issue to property owner's who are in breach for similar situations. Action proposed: to follow up with Planning and GI's to issue notice.
25/03/2025	85366/2025	New Footpath, Crossover, Pram Ramp, Infrastructure - Forward Works Program	A resident and wheelchair user says thank you so much for fixing the access in front of Subway & Mitchell Street - "thank you very very much". There's another corner at Anthony Street & Sturt which is unusable. It is uneven, does not have a step down and hazardous for elderly with frames and mums & prams. It's on the Crash Repair side.	CRM completed – comment added:  We are doing works on Ferrers Street next financial year. We have organised the survey program to include this intersection with the intention of improving pram ramps.
13/02/2025	84388/2025	Public Incident Report (Personal or Property Insurance Claim)	Business owner called the office in regard to a fence that has blown over at Tarandi Road. This fence backs onto Meischel Park Councils Reserve, please contact them about this as they're needing to get the fence repaired.	CRM completed – comment added:  Fence has been repaired.
13/01/2025	83576/2025	New Footpath, Crossover, Pram Ramp, Infrastructure - Forward Works Program	A resident called to report that he uses a mobility scooter and when going out of Willow Ave onto the Jubilee Hwy on the ramp it almost comes off the scooter due to how steep it is, very dangerous for him.	CRM pending – comment added:  Inspected at the time and no obvious hazard. Further inspection still required.

**Complaints**

The City of Mount Gambier Council is committed to delivering high-quality service to the community and views complaints as valuable opportunities to enhance its practices and procedures.

Complaints not only allow Council to address and rectify situations where service standards have not been met, but also contribute meaningfully to ongoing improvement efforts.

For the purposes of this section, a complaint is defined as an expression of dissatisfaction regarding a Council action, decision, or service that has not met the expected, stated, or implied standard.

## ANNEXURE A – REQUEST FOR SERVICE AND COMPLAINTS DATA 2024/2025

City of Mount Gambier Council's Complaints Policy C200 – REQUEST FOR SERVICE AND COMPLAINT POLICY AND PROCEDURE, is available via Council's website: [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au) or by contacting any Council office, sets out the process to be followed when a complaint of this nature is received, to ensure a fair, consistent and structured approach.

The following is not considered a complaint for the purposes of this section:

- A request for Council services (unless it is a second request, raising a complaint that there was no response to the initial request).
- A request for documents, information or explanation of policies or procedures.
- Requests for Council to perform a regulatory function, unless it is a follow-up complaint about a lack of response to an initial request.
- Appeals or objections submitted through a statutory process, standard procedure, or policy, unless the concern specifically relates to how Council handled the process leading to the decision.
- Submissions related to the exercise of a regulatory function, such as objections to development applications, expiations, or feedback on policies.
- Disputes between neighbours.
- Civil liability matters.
- Freedom of Information applications.
- Complaints regarding private enterprise or other government agencies.

Council received a total of **54** complaints during the 2024-2025 financial year, covering a broad range of service areas. All of these complaints have been actioned and finalised. The below table identifies the nature of complaints received.

Complaint Summary	Number of complaints	Complaint Resolved
Animal Management	8	Response provided / resolved
Waste Collection	9	Response provided / resolved
Infrastructure – Boat Ramps	1	Response provided / resolved
Bookable Facility Booking System	2	Response provided / resolved
Public Facilities – Cleaning	4	Response provided / resolved
Lady Nelson	1	Response provided / resolved
Budget / Council Expenditure	2	Response provided / resolved* <i>*one complainant was anonymous and therefore no response could be provided</i>
Parks and Gardens – Maintenance	6	Response provided / resolved
ReUse Market	1	Response provided / resolved
Library Café	1	Response Provided / resolved
Public Nuisance	3	Response provided / resolved
Vacant Council Sites	1	Response provided / resolved
Maintenance – Hazards	1	Response provided / resolved
Wulanda Recreation & Convention Centre	12	Response provided / referred to Facility Manager (External Contractor)
Responsiveness / Timing	2	Response provided / resolved
<b>TOTAL NUMBER OF COMPLAINTS</b>	<b>54</b>	



## **FREEDOM OF INFORMATION STATEMENT**

2024 / 2025

**CITY OF MOUNT GAMBIER**  
**FREEDOM OF INFORMATION STATEMENT 2024 / 2025**

**1. INTRODUCTION**

This Freedom of Information Statement is published by City of Mount Gambier ('Council') in accordance with the Freedom of Information Act 1991 ('FOI Act').

Subject to certain restrictions, the FOI Act gives members of the public a legally enforceable right to access information held by South Australian (Local) Government agencies, such as councils. The FOI Act requires Council to publish at intervals of not more than 12 months an up-to-date information statement.

This statement was published on Council's website in July 2025.

**2. STRUCTURE AND FUNCTIONS OF COUNCIL**

**2.1. Council Provisions**

Council consists of the Principal Member, referred to as the Mayor and 8 Council Members who represent residents and ratepayers in the Council area.

Council is a body corporate as constituted under the *Local Government Act 1999* (SA) ('the LG Act') and is established to provide for the government and management of its area at the local level and, in particular:

- a) to act as a representative, informed and responsible decision-makers in the interest of its community; and
- b) to provide and co-ordinate various public services and facilities and to develop its community and resource in a socially just and ecologically sustainable manner; and
- c) to encourage and develop initiatives within its community for improving the quality of life of the community; and
- d) to represent the interests of its community to the wider community; and
- e) to exercise, perform and discharge the powers, functions and duties of local government under the LG Act and other acts in relation to the area for which it is constituted.

Pursuant to section 7 of the LG Act, the functions of Council are:

- a) to plan at the local and regional level for the development and future requirements of its area;
- b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;
- ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of Council;
- c) to provide for the welfare, well-being and interests of individuals and groups within its



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community;

- d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- f) to provide infrastructure for its community and for development within its area;
- g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- h) to establish or support organisations or programs that benefit people in its area or local government generally;
- i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the Council;
- j) to manage, improve and develop resources available to the Council;
- k) to undertake other functions and activities conferred by or under the Act.

Pursuant to section 8 of the Local Government Act, Council must act to uphold and promote observance of the following principles in the performance of its roles and functions:

- a) provide open, responsive and accountable government;
- b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- c) participate with other Councils, and with State and national governments, in setting public policy and achieving regional, State and national objectives;
- d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;
- ea) seek to collaborate, form partnerships and share resources with other Councils and regional bodies for the purposes of delivering cost-effective services (while avoiding cost-shifting among Councils), integrated planning, maintaining local representation of communities and facilitating community benefit;
- f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;

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### FREEDOM OF INFORMATION STATEMENT 2024 / 2025

- g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- h) seek to ensure that Council resources are used fairly, effectively and efficiently and Council services, facilities and programs are provided effectively and efficiently;
- i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;
- ia) seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers;
- j) achieve and maintain standards of good public administration;
- k) ensure the sustainability of the Council's long-term financial performance and position.

Whilst the majority of the functions of Council are set out in the LG Act, it also has functions under other pieces of legislation, not limited to:

- *Planning, Development and Infrastructure Act 2016* (SA) ('PDI Act');
- *South Australian Public Health Act 2011* (SA);
- *Food Act 2001* (SA);
- *Road Traffic Act 1961* (SA); and
- *Dog and Cat Management Act 1995* (SA).

The way in which the functions of Council affect members of the public include the nature of the services, facilities and programs provided by Council that benefit Council's community. Council is required to use its resources fairly, effectively, and efficiently as well as ensure equitable access. Decisions made by Council can affect the community as a whole or individuals as Council is responsible for the government and management of its area at a local area. Council's regulatory role can affect members of the public who act in contravention of legislation. Further, Council imposes rates and charges on ratepayers which is used to fund the activities of Council. Rating decisions can affect individuals and groups within Council's community differently.

## 2.2. Ordinary Meetings

Ordinary meetings of Council are held in the Council Chambers at the Civic Centre, 10 Watson Terrace, Mount Gambier ('Principal Council Office') and commence at 6:00pm on the third Tuesday of each month. All ordinary meetings are open to the public, with the exception of any matters which are required to be considered in confidence [s.90 of the LG Act]. From time to time a special meeting may be called.

Agendas and minutes for ordinary meetings are publicly available from Council's [website](#). Printed copies can be provided on request from the Principal Council Office (on payment of a fee (if any) fixed by Council^).

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**FREEDOM OF INFORMATION STATEMENT 2024 / 2025**

*^For relevant fees and charges please refer to Council's [Schedule of Fees and Charges](#).*

**3. COUNCIL COMMITTEES AND SUBSIDIARIES**

**3.1. Section 41 Committees**

Section 41 of the LG Act empowers Council to establish committees:

- a) to assist the Council in the performance of its functions;
- b) to enquire into and report to the Council on matters within the ambit of the Council's responsibilities;
- c) to provide advice to the Council; and
- d) to exercise, perform or discharge delegated powers, functions or duties.

The following Committees have been formed by Council under section 41 of the LG Act:

**3.1.1. Audit and Risk Committee**

The Audit and Risk Committee provides independent assurance and advice to Council on accounting, financial management, internal controls, risk management and governance matters.

**3.1.2. Chief Executive Officer Performance Review Committee**

The Chief Executive Officer Performance Review Committee meets as required and its role is to monitor the performance of the appointee, and review conditions of remuneration and employment on an annual basis. The Committee has limited delegated power to appoint an independent human resource management specialist support (including a Qualified Independent Person) to assist with undertaking performance reviews and to provide advice as required by section 102A of the LG Act.

**3.1.3. Junior Sports Assistance Fund**

The Junior Sports Assistance Fund provides financial assistance to local junior athletes in Mount Gambier and the District, who are selected for State teams and compete in National events, as members of Affiliated Sporting Organisations. The Committee has delegated power to receive and expend revenue reasonably required to enable it to carry out the objectives for which it is established.

**3.2. Panels/Committees constituted under the PDI Act**

The following Panel/Committee has been formed by Council as a relevant authority under the PDI Act:

**3.2.1. Limestone Coast Southern Regional Assessment Panel ('RAP')**

The RAP consists of:

- City of Mount Gambier

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### FREEDOM OF INFORMATION STATEMENT 2024 / 2025

- District Council of Grant, and
- District Council of Robe.

The RAP replaces the City of Mount Gambier Council Assessment Panel as the relevant authority to exercise or perform its powers and functions in accordance with the PDI Act.

The RAP is scheduled to meet on the third Wednesday of each month, subject to there being business to consider. Meetings commence at 5.30pm at the Principal Council Office. Agendas, minutes, terms of reference and details of panel membership are publicly available from Council's [website](#). Printed copies can be provided on request from the Principal Council Office (on payment of a fee (if any) fixed by Council).

#### 3.2.2. Building Fire Safety Committee

The Building Fire Safety Committee was established in accordance with section 157(16) of the PDI Act. The Committee is established by Council for the purpose of acting as the appropriate authority with respect to all fire safety matters within commercial and public buildings.

The membership of committees are determined by Council. Agendas, minutes, terms of reference and details of committee members are publicly available from Council's [website](#). Printed copies can be provided on request from the Principal Council Office (on payment of a fee (if any) fixed by Council).

#### 3.3. Subsidiary

A Council may, with one or more other Councils, establish a regional subsidiary to provide a specified service, to manage or perform a function of Council under the LG Act or another Act. Council established the **Limestone Coast Local Government Association**, a regional subsidiary under section 43 of the LG Act.

#### 3.4. Delegations

The Chief Executive Officer has delegated authority from Council to make decisions on a number of specified administrative and policy matters. The Chief Executive Officer may sub-delegate such authority to an employee or a Committee. The Delegations Register is reviewed by Council once within the first 12 months following a periodic election pursuant to section 44(6a) of the LG Act. Council's Delegations Register reflects the delegated authority from Council to the CEO (and subsequently any further sub-delegations). A record of delegations is available on Councils [website](#).

### 4. PUBLIC PARTICIPATION

Members of the public have a number of opportunities to express their views on particular issues before Council. These include:

**Deputations to Council** - a written request to address Council by way of a deputation in a

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Council meeting can be made by a member of the public to address Council personally or on behalf of a group of residents for up to 10 minutes. Further information including how to submit a deputation is available on Council's [website](#).

**Petitions** - written petitions can be addressed to Council on any issue within Council's jurisdiction. Further information including how to submit a petition are available on Council's [website](#).

**Council Members** - members of the public can contact Members of Council to discuss any issue relevant to Council. Contact details for all Members are available on Council's [website](#).

**Written Requests** - members of the public can write to Council on any Council policy, activity or service via [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au).

**Community Consultation** - Council is committed to open, honest, accountable and responsible decision making. Council's Public Consultation Policy facilitates effective communication between Council and the community, encouraging community involvement and partnerships in planning and decision making. Council's Public Consultation Policy sets out the steps Council will take in relation to public consultation and ensures that the most cost effective methods of informing and involving the community, which are appropriate for specific circumstances and consultation topics, are used. The policy is available on Council's [website](#).

## 5. ACCESS TO COUNCIL DOCUMENTS

### 5.1. Documents held by Council

Most information and documentation held by Council is available for public inspection and is readily available without recourse to the FOI Act and we invite you to discuss your information needs with us.

**Records System** - Council operates an electronic document records management system for the effective management of Council's records.

**Land and Property Information System** - Council's Land and Property Information system contains property-related information (valuation, rates, ownership details) on each property in the Council area.

### 5.2. Policies and publicly accessible information

At the time of publishing this statement, Council has the following policies which are available on Council's [website](#). Upon request a printed copy can be provided (on payment of a fee (if any) fixed by Council).

<ul style="list-style-type: none"><li>• A240 - Assemblies and Events on Streets and Other Council Land</li></ul>	<ul style="list-style-type: none"><li>• L230 - Licensed Premises</li></ul>
<ul style="list-style-type: none"><li>• A515 - Animal Control - Dog</li></ul>	<ul style="list-style-type: none"><li>• Library Collection Development</li></ul>
<ul style="list-style-type: none"><li>• A520 - Animal Control</li></ul>	<ul style="list-style-type: none"><li>• M130 - Media - Statements on behalf of Council</li></ul>
<ul style="list-style-type: none"><li>• A900 - Asset Management</li></ul>	<ul style="list-style-type: none"><li>• M205 - Members - Mayor - Anniversary Messages</li></ul>
<ul style="list-style-type: none"><li>• Animal Management - Unclaimed Dogs</li></ul>	<ul style="list-style-type: none"><li>• M270 - Members - Mayor Seeking</li></ul>

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	Legal Advice
• Asset Accounting	• M405 - Council Members - Allowances and Benefits
• B300 - Budget Framework	• M500 - Members Training & Development Policy
• Behavioural Management	• Memorials
• C120 - Cemeteries - Carinya Gardens and Lake Terrace Cemetery	• O110 - Order Making
• C200 - Request for Service and Complaint Policy	• Onsite Wastewater Systems
• C290 - Internal Review of Council's Decisions	• P135 – Planning - Entertainment Venues
• C320 - Council Chamber and Reception Area - Use of	• P155 - Privacy
• C355 - Council Land - Irrigation Policy	• P195 - Community Consultation and Engagement Policy
• C700 - Corporate Branding and Identity	• P415 - Prudential Management
• Citizen of the Year Awards (formerly A270 - Australia Day Awards)	• P900 - Public Interest Disclosure
• Council Determined Meeting Procedures	• P910 - Provision of Loans or Guarantees to Community Groups (Temporarily Suspended)
• Council Election Caretaker Policy (formerly C305 - Caretaker Policy)	• Political Neutrality and Government Relations
• Disposal of Land and Assets	• Private Parking Areas
• Dual Naming	• Procurement
• E115 - Elections - Council Entitlement to Vote	• R105 - Rates - Rating
• E135 - Encroachments - Protection of Public During Building and Maintenance Works	• R155 - Rates - Rebate
• E200 - Employees - Service Awards - Gifts as Resignation/Retirement (Temporarily Suspended)	• R180 - Records Management
• Emergency Management	• R200 – Community Land (Reserves) - Lease/Licence/Rental Arrangements
• External Grant Funding	• R270 - Road Openings and Reinstatements
• F110 - Fencing Costs - Contributions by Council	• Riddoch Arts and Cultural Centre Hire (formerly C140 - Main Corner Complex - Hire)

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• F125 - City Burning	• Risk Management
• F135 - Flammable Undergrowth	• S115 - Fencing and Stormwater Retention Basins
• F140 - Flags - Protocol	• S120 - Street Signs - Directional, Tourist and Other Scenic Facility Signs
• F175 - Footways and Crossovers	• S135 - Street - Naming of
• F190 - Footways - Paving in City Centre Zone	• S140 - Street Numbering
• F225 - Fraud, Corruption, Misconduct and Maladministration Prevention Policy	• S400 - Supplementary Elections
• F500 - Footways and Council Land - Removal of Objects	• s92 Code of Practice for Access to Meeting and Documents
• F505 - Footways and Council Land - Sale of Commodities	• T120 - Tree Policy
• F510 - Inspectorial - Footways and Council Land - Fundraising and Promotion	• T150 - Treasury Management
• Grants and Sponsorship	• U900 Unsolicited Proposals
• Illumination of Assets	• Unreasonable Conduct
• Information Security	• Volunteer Management
• Internal Audit	• W115 - Waste Management - Receiving of Waste - Caroline Landfill
• Internal Controls	• W125 - Waste Management - Refuse Collection
• L130 - Land Divisions	• Donations – Authority to Approve Requests

Furthermore, other documents which are available on Council's [website](#) include:

• Register of (Certified) By-Laws	• Records under s90A(4), (5) & (7)
• Register of Confidential Items	• Subsidiary Charter (LCLGA)
• Elected Member Register of Interests	• Schedule of Meetings
• Register of Elected Members Allowances and Benefits	• Draft Annual Business Plan and Budget
• Gifts & Benefits Register (Members and Staff)	• Community Land/Management Plan Register
• Register of (Employees) Salaries	• Annual Report
• Adopted Annual Business Plan & Budget	• Audited Financial Statements
• Register of Land Management	• Schedule of Fees and Charges

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Agreements	
<ul style="list-style-type: none"><li>• Delegation Register</li></ul>	<ul style="list-style-type: none"><li>• Employee Behavioural Standards</li></ul>
<ul style="list-style-type: none"><li>• Strategic Management Plans (including Long Term Financial Plan/Infrastructure and Asset Management Plan)</li></ul>	<ul style="list-style-type: none"><li>• Meeting Notices, Agenda, Reports, Attachments, Recommendations and Minutes</li></ul>

Upon request a printed copy can be provided (on payment of a fee (if any) fixed by Council).

The following documents, where applicable, are also accessible to inspect from Council's Principal Office during Council's ordinary business hours and where permitted, hardcopies/extracts are available (on payment of a fee, if any, fixed by Council)

- Assessment Book
- Parking Control Register
- Voters Roll (not available for purchase)
- Development Application Register
- Register of Elected Members – Allowances and Benefits
- Community Land Management Plans
- Public Road Register

All general inquiries regarding access to Council documents should be made to [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

**6. FREEDOM OF INFORMATION APPLICATION FEES AND PROCESSING CHARGES**

To download an Application Form, or to use the online Freedom of Information application form, please visit: [State Records of South Australia](#).

Requests for information not publicly available will be considered in accordance with the FOI Act. Under this legislation, applicants seeking access to documents held by Council need to provide sufficient information to enable the documents to which the application relates to be identified.

If the documents relate to the applicant's personal affairs, proof of identity may be requested.

Applications must be made in accordance with the requirements set out in the FOI Act and will be dealt with by an accredited FOI officer on behalf of Council. In dealing with an application under the FOI Act, consultation with third parties may be required. Council will provide to the applicant written notice of its determination. There are rights of internal and external review where an applicant is dissatisfied with a determination.

In addition to the application fee, other fees and charges may be payable for dealing with an application.



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Fees may be waived for disadvantaged persons, as set out in the Freedom of Information Regulations. At all times Council retains a discretion to waive, reduce or remit a fee for any reason it thinks fit.

If, in Council's opinion, the cost of dealing with an application is likely to exceed the application fee, an advance deposit may be requested. The request will be accompanied by a notice that sets out the basis on which the amount of the deposit has been calculated. The accredited FOI Officer will endeavour to work with the applicant to define the scope of the request and the costs involved.

Freedom of Information Requests should be addressed to:

**Freedom of Information Officer**

**City of Mount Gambier**

**PO Box 56**

**Mount Gambier SA 5290**

**7. AMENDMENT TO COUNCIL RECORDS**

Under the FOI Act, persons may request a correction to any information about themselves that is incomplete, incorrect, misleading, or out of date.

To gain access to these Council records, a person must complete and lodge with Council an application form as indicated above outlining the records that they wish to inspect.

If it is found that these records require amendment, details of the necessary changes are to be lodged with Council's accredited FOI Officer. There are no fees or charges for the lodgement, or the first two hours of processing of this type of application and where there is a significant correction of personal records and the mistakes were not the applicant's, any fees and charges paid for the original application will be fully refunded.

**8. APPLICATIONS**

The City of Mount Gambier processed three (3) Freedom of Information applications during 2024/2025 (compared to thirteen (13) in 2023/2024).

One (1) applicant was refused access to information in accordance with section 19(2), and two (2) applicants were granted partial access to the documents requested. Partial access being due to minor information redactions under exemption clause 6 and refusal of access to one document subject to legal professional privilege in accordance with clause 10 of FOI Act.



**Sarah PHILPOTT**  
CHIEF EXECUTIVE OFFICER  
31 July 2025

### **19.5 OUTSTANDING COUNCIL ACTION ITEMS - SEPTEMBER 2025**

Author: Sally Wilson, Executive Administrator City Infrastructure  
Authoriser: Andrew Aitken, Interim Chief Executive Officer

#### **RECOMMENDATION**

1. That Council report titled 'Outstanding Council Action Items - September 2025' as presented on Tuesday 16 September 2025 be noted.

### **ATTACHMENTS**

1. Outstanding Actions - Quarterly Report - September 2025 [**19.5.1** - 8 pages]



### Outstanding Actions - Ordinary Council Meeting

Meeting Date	Item No.	Item	Resolution	Status	Assignee/s	Latest Action
Ordinary Council Meeting - Carried Over Actions (Old Resolutions Register)	1.2	Co-Dedication of the Blue Lake	<p>RESOLUTION 2021/213</p> <p>Moved: Cr Sonya Meziniec</p> <p>Seconded: Cr Max Bruins</p> <ol style="list-style-type: none"> <li>1. That Council Report No. AR21/27432 titled 'Co-Dedication of Blue Lake' as presented on 20 July 2021 be noted.</li> <li>2. That the administration progress and report back to Council on: <ol style="list-style-type: none"> <li>(a) liaison with SA Water to draft an agreement to guide each organisations use, activities and stakeholder communication protocols associated with the Blue Lake land parcel.</li> <li>(b) preparation of a draft Community Land Management Plan for the Blue Lake land parcel (noting the Blue Lake is part of the State Heritage Crater Lakes precinct)</li> <li>(c) consideration of the most appropriate mechanisms for coordination and community engagement.</li> </ol> </li> </ol> <p>CARRIED</p>	In progress	Brittany Shelton	28/08/2025 Brittany Shelton Included in scope of the Strategic Property Management Project, which will include a comprehensive review of land holdings, community land and updating the suite of Community Land Management Plans.
Ordinary Council Meeting - Carried Over Actions (Old Resolutions Register)	1.3	Blue Lake Golf Club - Car Park Extension	<p>RESOLUTION 2023/118</p> <p>Moved: Cr Paul Jenner</p> <p>Seconded: Cr Max Bruins</p> <ol style="list-style-type: none"> <li>1. That Council Report No. AR23/28939 titled 'Blue Lake Golf Club - Car Park Extension' as presented on 20 June 2023 be noted.</li> <li>2. The Blue Lake Golf Club car park proposal be considered as part of the Crater Lakes Activation Plan</li> </ol>	Awaiting further information	Biddie Shearing	12/06/2025 Biddie Shearing Awaiting further information from proponent

### Outstanding Actions - Ordinary Council Meeting

Meeting Date	Item No.	Item	Resolution	Status	Assignee/s	Latest Action
			<p>preparation and review/amendment of the Crater Lakes Community Land Management Plan and associated stakeholder (including landowner and native title holder) engagement and community consultation, to determine whether there is broader support for the proposal on community land.</p> <p>3. That Council Staff work in partnership with the Blue Lake Golf Club to mutually assess the extent, methodology, and expenses involved in the advancement of their proposed project.</p> <p>4. The Blue Lake Golf Club be responsible for covering any costs related to obtaining legal or professional advice on their behalf subject to their agreement and acknowledgement of the costs associated with the advice before proceeding.</p> <p style="text-align: right;">CARRIED</p>			
Ordinary Council Meeting - Carried Over Actions (Old Resolutions Register)	1.5	Crown Land Dedication - Portion of Lake Terrace Cemetery	<p>RESOLUTION 2023/209</p> <p>Moved: Cr Paul Jenner</p> <p>Seconded: Cr Josh Lynagh</p> <p>1. That Council Report No. AR23/49678 titled 'Crown Land Dedication - Portion of Lake Terrace Cemetery' as presented on 19 September 2023 be noted.</p> <p>2. That the historical anomaly associated with the non-dedication of a portion of the Lake Terrace Cemetery (Section 412 – Hundred of Blanche) to the City of Mount Gambier be noted.</p>	In progress	Brittany Shelton	<p>28/08/2025 Brittany Shelton Request for dedication submitted to DEW (Crown Lands), awaiting determination by the Minister.</p> <p>Followed up several times, most recently on 7 July 2025 and 28 August 2025.</p>

### Outstanding Actions - Ordinary Council Meeting

Meeting Date	Item No.	Item	Resolution	Status	Assignee/s	Latest Action
			3. That the proposed conditions of dedication of Section 412, Hundred of Blanche to the City of Mount Gambier for cemetery purposes be accepted. 4. That the Chief Executive Officer and Mayor be authorised to execute any documentation necessary documentation to accept and give effect to a dedication of Section 412 – Hundred of Blanche to the City of Mount Gambier for cemetery purposes.  CARRIED			
Ordinary Council Meeting - 17 December 2024	14.3	Internal Audit: Amended Plan, Quarterly Update and Project Scope	RESOLUTION OCM 2024/230 Moved: Cr Paul Jenner Seconded: Cr Max Bruins  1. That Council report titled 'Internal Audit: Amended Plan, Quarterly Update and Project Scope' as presented on Monday 25 November 2024 be noted. 2. That the Internal Audit Plan 2023/2024 - 2026/2027 (as amended), having been reviewed by the Audit and Risk Committee be adopted. 3. That it be noted that progress achieved on the actions resulting from the internal audit already completed will be reported in future quarterly updates. 4. That having reviewed the scope of works for the internal audit project for procurement and contract management, the Audit and Risk Committee are satisfied it is sufficient, and is amended to include:	In progress	Kahli Rolton	05/06/2025 Samantha Spears To be completed in November 2025

### Outstanding Actions - Ordinary Council Meeting

Meeting Date	Item No.	Item	Resolution	Status	Assignee/s	Latest Action
			<ul style="list-style-type: none"> <li>reference to a minimum sample size</li> <li>training</li> <li>delegations</li> </ul> <p>5. That the next iteration of the Internal Audit Plan:</p> <ul style="list-style-type: none"> <li>Incorporates a risk based approach, informed by the strategic risk register and internal financial controls review</li> <li>Removes Item 2, penetration testing</li> <li>Shifts item 13, Council Policies to the 2027/2028 financial year.</li> </ul> <p>CARRIED</p>			
Ordinary Council Meeting - 21/01/2025	18.2	Mount Gambier and District Tennis Association	<p>RESOLUTION OCM 2024/276</p> <p>Moved: Cr Paul Jenner</p> <p>Seconded: Cr Josh Lynagh</p> <ol style="list-style-type: none"> <li>That Council report titled 'Mount Gambier and District Tennis Association' as presented on Tuesday 21 January 2025 be noted.</li> <li>That Council endorse the preference for Tennis to remain at Olympic Park in accordance with the Mount Gambier Sport, Recreation and Open Space Strategy.</li> <li>That Council note that the Olympic Park Master Plan which is to be completed 2026/2027 will guide the long term future of the site.</li> <li>That Council and the Mount Gambier and District Tennis Association in the interim assess the current condition of the Olympic Park Tennis Courts to</li> </ol>	In progress	Biddie Shearing, Hayley Rowe	19/08/2025 Hayley Rowe 2MH Consulting were engaged to undertake the audit. The audit has been provided, and officers are now reviewing the report and determining options for moving forward.

### Outstanding Actions - Ordinary Council Meeting

Meeting Date	Item No.	Item	Resolution	Status	Assignee/s	Latest Action
			<p>determine and cost any remedial work required to ensure safe play.</p> <p>5. That, if required, a further report be presented to Council seeking a budget allocation for 2025/2026 to contribute to any necessary work on the Olympic Park Tennis Courts.</p> <p style="text-align: right;">CARRIED</p>			
Ordinary Council Meeting - 20/05/2025	18.4	Bus Parking Zones - Sturt Street - Ferrers Street	<p>RESOLUTION OCM 2025/114</p> <p>Moved: Cr Jason Virgo</p> <p>Seconded: Cr Max Bruins</p> <p>1. That Council report titled 'Bus Parking Zones - Sturt Street - Ferrers Street' as presented on Tuesday 20 May 2025 be noted.</p> <p>2. That the Traffic Impact Statements as attached to this report be endorsed.</p> <p>3. That Council, in accordance with the power delegated by the minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following.</p> <p>Prohibited Area                      BUS ZONE</p> <p>Ref No. 2.1.090</p> <p>STURT STREET (northern side) - From 20 metres to 57 metres west of the intersection with Ferrers Street.</p>	In progress	Derek Ferguson	<p>12/06/2025 Derek Ferguson Pending works on shelter - Manager Operations Infrastructure and outdoor staff.</p> <p>Once the bus shelter is ready for installation, implementation of the Bus Zone will proceed.</p>

**Outstanding Actions - Ordinary Council Meeting**

Meeting Date	Item No.	Item	Resolution	Status	Assignee/s	Latest Action
			<p>To apply at all times</p> <p>Amend Prohibited Area      BUS ZONE Ref No. 2.1.086</p> <p>FERRERS STREET (western Side) - From 185 metres to 207 metres south of the intersection with Commercial Street East.</p> <p>To apply at all times</p> <p>CARRIED</p>			
Ordinary Council Meeting - 17/06/2025	18.5	Grants and Sponsorship Program - Brass Band Festival	<p>RESOLUTION OCM 2025/151 Moved: Cr Sonya Meziniec Seconded: Cr Frank Morello</p> <p>1. That Council report titled 'Grants and Sponsorship Program - Brass Band Festival' as presented on Tuesday 17 June 2025 be noted.</p> <p>2. That Council authorises the Chief Executive Officer to enter into a multi-year partnership agreement (with funding from the existing Grants and Sponsorship Program) with Lions Club of Mount Gambier Inc. as the auspicing body for the Blue Lake Brass Band Festival as follows:</p> <ul style="list-style-type: none"> <li>• 2025/2026, \$15,000 cash</li> <li>• 2026/2027, \$15,000 cash + CPI</li> <li>• 2027/2028, \$15,000 cash + CPI</li> </ul> <p>CARRIED</p>	In progress	Biddie Shearing	29/08/2025 Biddie Shearing In discussion with proponent.



### Outstanding Actions - Ordinary Council Meeting

Meeting Date	Item No.	Item	Resolution	Status	Assignee/s	Latest Action
Ordinary Council Meeting - 15/07/2025	19.3	Review of Council Policy - T120 Tree Policy	<p>RESOLUTION OCM 2025/172 Moved: Cr Paul Jenner Seconded: Cr Max Bruins</p> <ol style="list-style-type: none"> <li>1. That Council report titled 'Review of Council Policy - T120 Tree Policy' as presented on Tuesday 15 July 2025 be noted.</li> <li>2. That the revised draft Council Tree Policy - T120 be adopted.</li> <li>3. That the Urban Landscape Strategy Principles be developed in 2025/2026 and the Urban Landscape Strategy be budgeted and completed in 2026/2027.</li> </ol> <p>CARRIED</p>	In progress	Karl Manarangi	<p>28/07/2025 Karl Manarangi Tree Policy has been updated and adopted.</p> <p>Urban Landscape Strategy principles are to be developed by 30 June 2026.</p>
Ordinary Council Meeting - 15/07/2025	20.1	Promoting Respectful Community Interactions with Council Staff and Councillors	<p>RESOLUTION OCM 2025/174 Moved: Cr Jason Virgo Seconded: Cr Josh Lynagh</p> <ol style="list-style-type: none"> <li>1. That the motion from Cr Jason Virgo as presented on 15 July 2025 be noted;</li> <li>2. That Council:               <ol style="list-style-type: none"> <li>(a) Notes an increasing trend across the local government sector of aggression, intimidation, and verbal abuse directed toward Councils staff and Councillors during the course of their duties;</li> <li>(b) Acknowledges the proactive steps taken by other South Australian Councils, including the City of West Torrens through its "It Reflects on You" campaign to promote respectful community</li> </ol> </li> </ol>	In progress	Brittany Shelton, Jane Fetherstonhaugh	28/08/2025 Brittany Shelton Project team assembled and meeting scheduled for 29 August 2025 to consider options to address resolution holistically.

### Outstanding Actions - Ordinary Council Meeting

Meeting Date	Item No.	Item	Resolution	Status	Assignee/s	Latest Action
			<p>interactions and protect staff wellbeing;</p> <p>(c) Requests the Chief Executive Officer prepare a report for Council's consideration, which explores:</p> <ul style="list-style-type: none"> <li>• Potential communication and engagement strategies to promote respectful community interactions towards Council staff and elected members;</li> <li>• The feasibility and implications of developing a localised awareness campaign, with reference to West Torrens' "It Reflects on You" initiative;</li> <li>• Resource and budget considerations;</li> <li>• Any legislative or policy implications under the Local Government Act 1999 (SA) and the Council and CEO's Work Health and Safety obligations;</li> <li>• The application of Council's Unreasonable Conduct Policy to these matters.</li> </ul> <p>(d) Requests that the report be presented to Council no later than the October 2025 Council meeting.</p> <p>CARRIED</p>			

## 20 MOTIONS WITH NOTICE

### 20.1 MOTION WITH NOTICE - AMBULANCES, THE MOUNT GAMBIER HOSPITAL AND HEALTHCARE

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on Tuesday 16 September 2025, I intend to move the following motion:

#### MOTION

1. That the motion from Cr Paul Jenner as presented on Tuesday 16 September 2025 be noted.
2. That Council collaborate with the State government in advocating to the Federal government that investment in urgent care and primary health services in Mount Gambier is required to ensure equitable and timely access to healthcare for the community.
3. That, pursuant to the above, Council identify its community healthcare priorities for inclusion in its forthcoming Advocacy Plan.
4. That Council write to the Limestone Coast Local Health Network to establish the numbers of 'Delayed Transfers' at the Mount Gambier hospital, with numbers over the past 3 years.

#### RATIONALE

That the City of Mount Gambier expresses its deep concern regarding the community's access to healthcare and the growing health system pressures outlined in recent correspondence from the Ambulance Employees Association of South Australia (27 August 2025)

Council notes that:

- The closure of Mount Gambier's Urgent Care Clinic in June 2025 has left residents with no alternative other than the Hospital Emergency Department or long waits to see a GP.
- No general practice clinics in Mount Gambier are currently taking new patients.
- Ambulance callouts and Emergency Department presentations have significantly increased.
- Any incidence of 'ambulance ramping' and 'delayed transfers' could place patients at risk, including those experiencing urgent conditions.
- Patients are at risk of experiencing worse health outcomes due to any delays in accessing primary care, follow up, and outpatient services.

Council is particularly concerned to ensure that the local health system and network is adequately supported and resourced in order to ensure the best health and wellbeing outcomes for the Mount Gambier community. It is critical that all levels of government and all key local stakeholders are advised of Council's position in order to effectively address these urgent matters.

I commend this Notice of Motion to Council.

#### ADMINISTRATIVE COMMENT

The rationale for the Notice of Motion is noted and, in order to fully articulate Council's expectations that the Mount Gambier community has access to an adequately funded and resourced healthcare system, Council's commitment to collaborate with and advocate to all levels of government will be set out in its forthcoming Advocacy Plan.

## **ATTACHMENTS**

1. Ambulance Employees Association Letter [**20.1.1** - 1 page]



**Ambulance Employees Association of South Australia**  
13 Hindmarsh Place, HINDMARSH SA 5007  
Telephone: (08) 8340 3511  
Fax: (08) 8340 2411  
Email: [info@aeasa.com.au](mailto:info@aeasa.com.au)  
ABN: 63 984 132 030



27 August 2025

Hon. Chris Picton MP  
Minister for Health and Wellbeing  
Citi Centre Building  
11 Hindmarsh Square  
ADELAIDE SA 5000

**By Email Only:** **MinisterForHealth@sa.gov.au**

Dear Chris,

**MOUNT GAMBIER – COMMUNITY ACCESS TO HEALTHCARE, AMBULANCE RAMPING**

The AEA writes to voice its concern regarding the community's access to healthcare and the broader health system impacts of inadequate health resourcing in Mount Gambier.

In June 2025, Mount Gambier's Urgent Care Clinic closed, leaving the residents of Mount Gambier with no option for accessing healthcare other than attending the hospital Emergency Department or waiting to get into their general practitioner – an outdated and deficient model of care.

Since this time, things have only gotten worse. The AEA understands that presently no general practice clinics in Mount Gambier are taking on new patients.

Inevitably, our members report that this has resulted in increased ambulance callouts and an increase in presentations to the Mount Gambier Hospital ED.

AEA members have reported increased ramping and delays to transfer of care, including of patients who would usually be seen more quickly for their safety, such as those experiencing chest pain.

AEA members have also reported attending patients whose condition has worsened after discharge from hospital, having been unable to access their GP for follow up or outpatient services.

The AEA is concerned that without timely access to primary care, patients will get sicker before they can get help, resulting in worse patient outcomes and even further strain on a struggling health system.

This kind of problem will get worse if it's not promptly addressed.

We understand the Government will soon open six new beds in Mount Gambier Hospital ED. We are supportive of this additional capacity, but it seems increasingly likely these beds will be quickly overcome with the high numbers of patients needing access to health services.

Our regional communities deserve access to quality healthcare that meets their needs. We fear that if the situation in Mount Gambier is left any longer without meaningful intervention, it's only a matter of time before there are poor patient outcomes and insurmountable long-term repercussions for the region.

We request, as a matter of urgency, your advocacy to the federal Government for funding for new alternative care and primary care facilities in Mount Gambier, or that the state Government step in itself to provide these critical services.

Yours sincerely,

Paul Ekkelboom  
**General Secretary**  
Ambulance Employees Association

## 21 URGENT MOTIONS WITHOUT NOTICE

## 22 NEW CONFIDENTIAL ITEMS

### 22.1 UPDATE ON LEGAL MATTER

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Update on Legal Matter.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- |     |   |
|-----|---|
| (f) | information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial. |
| (g) | matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.                     |
| (h) | legal advice.   |
| (i) | information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.   |

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 information to be considered relates to litigation that has commenced and has been provided to Council on a strictly confidential basis.

#### CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Update on Legal Matter and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

- |     |   |
|-----|---|
| (f) | information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial. |
| (g) | matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.                     |
| (h) | legal advice.   |
| (i) | information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.   |



- be kept confidential and not available for public inspection until further ordered by Council or released in part or full by the Chief Executive Officer under delegation, to be reviewed annually.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.



## **22.2 OUTSTANDING CONFIDENTIAL COUNCIL ACTION ITEMS - SEPTEMBER 2025**

### **CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Outstanding Confidential Council Action Items - September 2025.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 where all outstanding actions included in the within report are confidential in their own right, being subject to their own respective confidential orders, and Council has a duty to maintain that confidentiality.

### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Outstanding Confidential Council Action Items - September 2025 and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

2. be kept confidential and not available for public inspection until such time as each outstanding action detailed in the report has been released from confidence respectively, and that the order be reviewed every 12 months.
3. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.





**23 MEETING CLOSE**

**24 ATTACHMENT - PREVIOUS COUNCIL MINUTES**





# MINUTES

## Ordinary Council Meeting Tuesday 19 August 2025



**Minutes of the City of Mount Gambier Ordinary Council Meeting held at:**

**Time:** 6:00 pm  
**Date:** Tuesday 19 August 2025  
**Location:** City Hall  
Cave Gardens/Thugi, Mount Gambier

**PRESENT:** Mayor Lynette Martin (OAM)  
Cr Max Bruins  
Cr Paul Jenner  
Cr Mark Lovett  
Cr Josh Lynagh  
Cr Sonya Meziniec  
Cr Frank Morello

<b>OFFICERS IN</b>	Interim Chief Executive Officer	- Ms B Cernovskis
<b>ATTENDANCE:</b>	Acting General Manager City Infrastructure	- Mr J Martin
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager People, Place and Liveability	- Mr C White
	Manager Governance and Property	- Ms B Shelton
	Environmental Sustainability Business Partner	- Mr Aaron Izzard
	Team Leader Community Events	- Mrs Xarnia Keding
	Councillor Support Officer	- Mrs M Telford
	Executive Administrator	- Mrs S Spears

**1 ACKNOWLEDGEMENT OF COUNTRY**

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

**2 MEMBERS OF THE GALLERY ARE REMINDED THAT THEY MUST NOT BEHAVE IN A DISORDERLY MANNER OR CAUSE AN INTERRUPTION TO THE MEETING. WHILST AUDIO RECORDING OF COUNCIL AND COMMITTEE MEETINGS IS PERMITTED, PHOTOGRAPHING, FILMING AND TELEVISIONING ARE PROHIBITED UNLESS EXPRESS PRIOR PERMISSION IS GRANTED BY THE PRESIDING MEMBER. WE ASK THAT YOU PLEASE PLACE YOUR PHONES ON SILENT. SHOULD AN EMERGENCY OCCUR AT ANY STAGE, PLEASE FOLLOW THE DIRECTION OF COUNCIL STAFF TO VACATE THE BUILDING.**

**3 APOLOGIES**

**RESOLUTION OCM 2025/188**

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

That the apology from Cr Jason Virgo be received.

**CARRIED**

**4 LEAVE OF ABSENCE**

Nil



## 5 CONFIRMATION OF COUNCIL MINUTES

### 5.1 CONFIRMATION OF COUNCIL MINUTES

#### **RESOLUTION OCM 2025/189**

Moved: Cr Josh Lynagh

Seconded: Cr Frank Morello

That the minutes of the Ordinary Council Meeting held on 16 July 2025 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

## 6 MAYORAL REPORT

### 6.1 MAYORAL REPORT - AUGUST 2025

- Meeting with Office for Recreation and Sport – Connected and Active Communities Evaluation
- Cast in Blue unveiling
- Live radio interview – ABC South East – Cast in Blue
- Out of School Hours Care (OSHC) at the Riddoch – Cast in Blue
- Confidential Meeting with proponents – Unsolicited proposal
- Interview with 5AA – Cast in Blue
- Live appearance on the Today Show and interview with Karl & Sarah – Cast in Blue
- Meeting with Tony Elletson
- Meeting with Charlotte Edmunds, LCLGA
- Limestone Coast Academy future meeting with Tony Elletson, with LCLGA Mayors and CEOs (virtual)
- Monthly catch up with General Manager City Infrastructure
- Weekly Meetings with CEO
- Special LCLGA Board Meeting
- Elected Member Briefing – Partnership and Priorities and Advocacy 2025/2026
- Pioneers Basketball – 2025 Scott-Serle Medal Night
- LGA Board Due Diligence Training (Adelaide)
- LGA Board Dinner (Adelaide)
- LGA Board Meeting & SAROC Meeting (Adelaide)
- Meeting with Charlotte Edmunds, LCLGA
- Mount Gambier Community RSL 108<sup>th</sup> Annual Formal Luncheon
- Radio interview with Llew Jones – 5GTR-FM
- Regular meeting with Media and Communications Coordinator
- Meeting with CEO Recruitment consultants (virtual)
- Internal planning meeting – Mayor's Christmas Appeal Committee
- Elected Member Meet and Greet – New LCLGA EO Charlotte Edmunds
- Confidential Elected Member Briefing – Unsolicited Proposal
- Confidential Elected Member Briefing – Leasing and Licensing
- CEO farewell dinner
- Photo with the Border Watch (Charlotte Varcoe) – Regional Transport
- Chamber of Commerce Strategic Planning discussion
- Mayors Christmas Appeal 2025 Committee Meeting
- Internal planning meeting – Yerkalalpata Community Reference Group

- ShineHub Community Launch
- CEO farewell lunch
- Radiotherapy Working Group – LCLHN Draft Clinical Services Plan consultation
- Radio interview – ABC SE – Interim CEO
- Meeting with Charlotte Edmunds – LCLGA Draft Board Agenda
- CEO Recruitment Panel meeting (virtual)
- Meeting with Rebecca Tappert, SANFL
- Photograph for Media Release – Frew Park Upgrade Project
- Weekly Meetings with Interim CEO, Barbara Cernovskis
- Confidential Elected Member Briefing – Lady Nelson Expression of Interest – Submission Thumbprint
- Elected Member Briefing – CBD Activation
- Introductory Meeting with RU Ok? Day CEO (virtual)
- Introductory Meeting with Seventh-Day Adventist Church representative
- Audit and Risk Committee Briefing Session – Rating Review LGiQ
- Yerkalalpata Community Reference Group Meeting
- Catch up with LCLGA EO, Charlotte Edmunds and Ben Hood – LCLGA website discussion
- LCLGA General Meeting
- Elected Member Briefing – Introductory Meeting with Emma Polan LCLHN
- Confidential Elected Member Briefing – Lady Nelson Expression of Interest – Submission BeArtful
- Regional Growth Strategy Meeting (Naracoorte), with Interim CEO
- Webinar: Local Government Leadership and Behaviour Management Review (virtual)
- Regular catch up with current Interim CEO, Barbara Cernovskis and future Interim CEO, Andrew Aitken (virtual)
- Official Launch – Limestone Coast Academy of Sport
- Vietnam Veterans Day 2025 Service
- Council Meeting

**RESOLUTION OCM 2025/190**

Moved: Mayor Lynette Martin

Seconded: Cr Mark Lovett

That the Mayoral Report be received.

**CARRIED**

**7 REPORTS FROM COUNCILLORS**

**7.1 REPORTS FROM COUNCILLORS**

Cr Sonya Meziniec      ac.care 2025 Limestone Coast Support Homeless People Luncheon,  
Exhibition Opening: Jam Factory Icon Julie Blyheld - Chasing a  
Passion, Exhibition Opening: I own a Phil Riley



Cr Josh Lynagh	Cast in Blue Unveiling, OSHC Activities for Cast in Blue, Mount Gambier Pioneers Preliminary Final, Community Renewables Program Community Information Session, LCLHN Clinical Services Plan Public Consultation, Mount Gambier Eisteddfod Music Division, Mount Gambier and Districts Horse Trials Award Presentation
Cr Frank Morello	Exhibition Opening: I own a Phil Riley
Cr Max Bruins	ac.care 2025 Limestone Coast Support Homeless People Luncheon
Cr Paul Jenner	ac.care 2025 Limestone Coast Support Homeless People Luncheon, Pioneers MVP Awards, Group Training Employment Board Meeting, Chief Executive Officer Farewell Dinner, Mount Gambier Eisteddfod

**RESOLUTION OCM 2025/191**

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

That the reports made by Councillors be received.

**CARRIED**

**8 QUESTIONS WITH NOTICE**

Nil

**9 QUESTIONS WITHOUT NOTICE**

Nil

**10 PETITIONS**

Nil

**11 DEPUTATIONS**

Nil



**12 NOTICE OF MOTION TO REVOKE OR AMEND**

**12.1 CHIEF EXECUTIVE OFFICER SELECTION PANEL**

**RESOLUTION OCM 2025/192**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That the "Notice of Variation – Chief Executive Officer Performance Review Committee" from Interim Chief Executive Officer as presented on 19 August 2025 be noted.
2. That the Minutes of the 'Chief Executive Officer Performance Review Committee' for the meeting held on 11 June 2025 be amended to be titled the 'Chief Executive Officer Selection Panel' meeting Minutes.

**CARRIED**

**13 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS**

**RESOLUTION OCM 2025/193**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

**CARRIED**

**14 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

**15 AUDIT AND RISK COMMITTEE**

Nil

**16 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE**

Nil

**17 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE**

Nil

**18 BUILDING FIRE SAFETY COMMITTEE**

Nil





## 19 COUNCIL REPORTS

### 19.1 WASTE AND RESOURCE RECOVERY MASTER PLAN

#### RESOLUTION OCM 2025/194

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council report titled 'Waste and Resource Recovery Master Plan' as presented on Tuesday 19 August 2025 be noted.
2. That the Waste and Resource Recovery Master Plan be adopted.
3. That the Chief Executive Officer, or her delegate, be authorised to make minor grammatical changes in finishing the strategy.
4. That Elected Members be briefed on progress as required.

**CARRIED**

### 19.2 LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION (LCLGA) BUSINESS PLAN 2025/2026

Pursuant to Section 75 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 19.2.

In accordance with Section 75B Mayor Lynette Martin informed the meeting:

Nature of Interest:

*I am the President of the LCLGA and receive a small honorarium in that capacity.*

Intention to Participate:

*I will leave the meeting for this Agenda item.*

In accordance with Section 75B of the Local Government Act 1999 Mayor Lynette Martin left the meeting at 6.20 p.m.

In the absence of Mayor Lynette Martin, Deputy Mayor Josh Lynagh took the chair for Item 19.2.

#### RESOLUTION OCM 2025/195

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council report titled 'Limestone Coast Local Government Association (LCLGA) Business Plan 2025/2026' as presented on Tuesday 19 August 2025 be noted.



2. That Council endorses the Limestone Coast Local Government Association (LCLGA) 2025/2026 Annual Business Plan as presented.
3. That Council notes the LCLGA's transition to a streamlined, advocacy-focused model from 1 July 2025.
4. That Council supports continued participation in the LCLGA as a regional voice for shared strategic priorities.

**CARRIED**

Mayor Lynette Martin returned to the meeting at 6.21 p.m. and resumed the Chair.

### **19.3 MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL**

#### **RESOLUTION OCM 2025/196**

Moved: Cr Mark Lovett

Seconded: Cr Josh Lynagh

1. That Council report titled 'Mount Gambier Community Mayor's Christmas Appeal' as presented on Tuesday 19 August 2025 be noted.
2. That the Mount Gambier Community Mayor's Christmas Appeal Assessment Panel (the Committee) be established pursuant to section 41 of the Local Government Act 1999 (the Act).
3. That the following documents be endorsed and adopted and the Chief Executive Officer or delegate be authorised to make any amendments required in line with the Australian Tax Office advice:
  - (a) Mount Gambier Community Mayor's Christmas Appeal Assessment Panel Terms of Reference;
  - (b) Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines; and
  - (c) Mount Gambier Community Mayor's Christmas Appeal Fund Rules.
4. That the Mayor be appointed as the Presiding Member of the Committee.
5. That the following members be appointed to the Committee for a 12-month term:
  - (a) Independent member – Sue Roberts
  - (b) Independent member – Jane Read
  - (c) Uniting Care representative – Laura Kilsby
  - (d) Salvation Army representative – Tim Frost
  - (e) ac.care representative – Deanne Swift
  - (f) St Vincent de Paul representative – John D'Souza

6. That Council grants the delegation of powers and functions of the Council as provided for in the tables presented to the Committee pursuant to section 44(2)(a) of the Act.
7. The delegations granted in resolution 6 above are subject to the following conditions and limitations:
  - (a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
  - (b) The delegate must exercise a delegated function or power in accordance with and due regard to:
    - (i) applicable legislative and other legal requirements; and
    - (ii) relevant policies and guidelines adopted by the Council.
  - (b) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
  - (c) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
  - (d) These delegations will come into operation on Wednesday 20 August 2025 and remain in force until varied or revoked by resolution of the Council.
8. That the Chief Executive Officer or delegate be authorised to do all things necessary to obtain tax deductible gift recipient (DGR) status, including but not limited to making application to the Australian Taxation Office (ATO), registering a business name for the Mount Gambier Community Mayor's Christmas Appeal and opening a separate bank account to quarantine funds.

**CARRIED**

#### **19.4 2025/2026 GRANTS AND SPONSORSHIP PROGRAM - ROUND ONE**

Item 19.4 withdrawn.

#### **19.5 CAPITAL WORK IN PROGRESS CARRY FORWARDS 2024/2025**

##### **RESOLUTION OCM 2025/197**

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Council report titled 'Capital Work in Progress Carry forwards 2024/2025' as presented on Tuesday 19 August 2025 be noted.
2. That Council approves the proposed total carry forward amount of \$2.805m for capital expenditure items as at 30 June 2025 resulting in a revised annual net impact to financing activities for the 2025/2026 financial year.

3. That Council adopts the revised capital expenditure budget from 2024/2025 to be carried forward to 2025/2026 financial year.

**CARRIED**

#### **19.6 REQUEST FOR INTERNAL REVIEW OF COUNCIL DECISION**

##### **RESOLUTION OCM 2025/198**

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

1. That Council report titled 'Request for Internal Review of Council Decision' as presented on Tuesday 19 August 2025 be noted.
2. That Council, having considered the within request for internal review of council decisions, having undertaken the requisite process as set out in Council's Internal Review of Council's Decisions Policy C290 and having contemplated the findings and recommendations as set out in the Final Review Report as presented by Kelledy Jones Lawyers, in accordance with section 270 of the Local Government Act 1999, determine that no further action be taken in respect of the request for review.
3. That the Applicant be notified of the decision at resolution 2 above, along with reasons for same, and provided with a copy of the Final Review Report for their information.

**CARRIED**

#### **20 MOTIONS WITH NOTICE**

Nil

#### **21 URGENT MOTIONS WITHOUT NOTICE**

Nil



## 22 NEW CONFIDENTIAL ITEMS

### 22.1 PERCY STREET UNSOLICITED PROPOSAL

#### RESOLUTION OCM 2025/199

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and B Cernovskis, C White, J Fetherstonhaugh, J Martin, M Telford and S Spears and be excluded from attendance at the meeting for the receipt and consideration in confidence of Percy Street Unsolicited Proposal.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (b) information the disclosure of which -
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
  - (ii) would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 information to be considered regarding the Percy Street Unsolicited Proposal contains commercial information of a confidential nature, provided to Council in-confidence and therefore creating a duty of confidence, the consideration of which if conducted in an open meeting could prejudice the position of Council, as well as the third party that provided the information, and impact Council's ability to achieve commercially advantages outcomes for the community.

**CARRIED**



**RESOLUTION OCM 2025/200**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Percy Street Unsolicited Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

- (b) information the disclosure of which -
- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

be kept confidential and not available for public inspection until the latter of two years after the expiry of an agreement entered into in relation to the matter, or two years after the proposal has been abandoned, and Council has been released from its duty of confidence.

Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

**CARRIED**

**23 MEETING CLOSE**

Meeting closed at 6:43 pm.

