



Civic Centre, 10 Watson Terrace  
Mount Gambier SA 5290

PO Box 56  
Mount Gambier SA 5290

Telephone 08 87212555  
Facsimile 08 87249791  
[city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

[mountgambier.sa.gov.au](http://mountgambier.sa.gov.au)

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

**Date:** Tuesday, 17 August 2021  
**Time:** 6.00 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Ordinary Council Meeting 17 August 2021**

A handwritten signature in black ink, appearing to read "Sarah Philpott".

**Sarah Philpott  
Chief Executive Officer  
13 August 2021**

## Order Of Business

<b>1</b>	<b>Acknowledgement of Country</b> .....	<b>5</b>
<b>2</b>	<b>Apologies</b> .....	<b>5</b>
<b>3</b>	<b>Leave of Absence</b> .....	<b>5</b>
<b>4</b>	<b>Confirmation of Council Minutes</b> .....	<b>5</b>
<b>5</b>	<b>Mayoral Report</b> .....	<b>6</b>
5.1	Mayoral Report - August 2021 – Report No. AR21/42644 .....	6
<b>6</b>	<b>Reports from Councillors</b> .....	<b>7</b>
<b>7</b>	<b>Questions with Notice</b> .....	<b>7</b>
	Nil	
<b>8</b>	<b>Questions without Notice</b> .....	<b>7</b>
<b>9</b>	<b>Petitions</b> .....	<b>7</b>
	Nil	
<b>10</b>	<b>Deputations</b> .....	<b>7</b>
	Nil	
<b>11</b>	<b>Notice of Motion to Rescind or Amend</b> .....	<b>8</b>
11.1	Notice of Rescission/Amendment - Wehl Street Theatre and Reidy Park Centre Leases.....	8
11.2	Notice of Rescission/Amendment - Advertising Signage .....	9
<b>12</b>	<b>Elected Members Workshops</b> .....	<b>11</b>
12.1	Elected Members Workshops from 17/07/2021 to 13/08/2021 – Report No. AR21/42546 .....	11
<b>13</b>	<b>Elected Members Training and Development</b> .....	<b>17</b>
	Nil	
<b>14</b>	<b>Council Action Items</b> .....	<b>18</b>
14.1	Council Action Items - 20/07/2021 – Report No. AR21/42548 .....	18
<b>15</b>	<b>Economic and Environment Committee Minutes and Recommendations</b> .....	<b>27</b>
	Nil	
<b>16</b>	<b>People and Place Committee Minutes and Recommendations</b> .....	<b>28</b>
16.1	Minutes of the People and Place Committee held on 2 August 2021 - Go to Attachment.....	28
16.2	Infrastructure Partnership Program - shared path extension to Wireless Road, TAFE SA project. – Report No. AR21/42014.....	28
16.3	Salvaged Roundhouse Timber Beams from Mount Gambier Railyards – Report No. AR21/45126 .....	28
16.4	Local Roads and Community Infrastructure Program Extension Phase 2 - Project Nomination – Report No. AR21/46717 .....	29
16.5	Motion Without Notice - Installation of a No Parking Zone - Hedley Street (Western Side) .....	29



<b>17</b>	<b>Wulanda and Recreation and Convention Centre Committee Minutes and Recommendations</b> .....	<b>30</b>
17.1	Minutes of the Wulanda Recreation and Convention Centre Committee held on 10 August 2021 - Go to Attachment .....	30
<b>18</b>	<b>Council Assessment Panel Minutes</b> .....	<b>31</b>
18.1	Minutes of the Council Assessment Panel held on 15 July 2021 .....	31
<b>19</b>	<b>Junior Sports Assistance (Section 41) Committee Minutes and Recommendations</b> .....	<b>32</b>
	Nil	
<b>20</b>	<b>Audit Committee Minutes and Recommendations</b> .....	<b>32</b>
	Nil	
<b>21</b>	<b>Chief Executive Officer Performance Review Committee Minutes and Recommendations</b> .....	<b>32</b>
	Nil	
<b>22</b>	<b>Building Fire Safety Committee Minutes</b> .....	<b>32</b>
	Nil	
<b>23</b>	<b>Council Reports</b> .....	<b>33</b>
23.1	Freedom of Information - Update – Report No. AR21/11356.....	33
23.2	2022 Street Tree Program – Report No. AR21/44369 .....	47
23.3	Membership of Chief Executive Officer Performance Review Committee – Report No. AR21/47908 .....	50
<b>24</b>	<b>Motions with Notice</b> .....	<b>54</b>
24.1	Notice of Motion - Mount Gambier MFS Issues .....	54
24.2	Notice of Motion - Strategic Sustainability Report.....	56
<b>25</b>	<b>Urgent Motions without Notice</b> .....	<b>57</b>
<b>26</b>	<b>Confidential Items of Committees</b> .....	<b>58</b>
26.1	Confidential items of the Wulanda Recreation and Convention Centre Committee held on 10 August 2021 .....	58
26.2	Project Control Group (PCG) Progress Report #9 - As at 03/08/2021 – Report No. AR21/48748.....	58
<b>27</b>	<b>New Confidential Items</b> .....	<b>60</b>
	Nil	
<b>28</b>	<b>Meeting Close</b> .....	<b>60</b>
	<b>Committee Minutes and Reports / Attachments</b> .....	<b>61</b>
Attachments Item 4	Ordinary Council Meeting - 20 July 2021 .....	62
Attachments Item 4	Special Council Meeting - 12 August 2021 .....	81
Attachments Item 16.1	Minutes of the People and Place Committee held on 2 August 2021 .....	84
Attachments Item 16.2	Infrastructure Partnership Program - shared path extension to Wireless Road, TAFE SA project.....	88



Attachments Item 16.3	Salvaged Roundhouse Timber Beams from Mount Gambier Railyards .....	100
Attachments Item 16.4	Local Roads and Community Infrastructure Program Extension Phase 2 - Project Nomination .....	108
Attachments Item 17.1	Minutes of the Wulanda Recreation and Convention Centre Committee held on 10 August 2021 .....	115



**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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

**2 APOLOGIES**

Nil

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

[Ordinary Council Meeting - 20 July 2021](#)

[Special Council Meeting - 12 August 2021](#)

**RECOMMENDATION**

That the minutes of the Ordinary Council meeting held on 20 July 2021 and the Special Council meeting held on 12 August 2021 be confirmed as an accurate record of the proceedings of the meeting.



## 5 MAYORAL REPORT

### 5.1 MAYORAL REPORT - AUGUST 2021 – REPORT NO. AR21/42644

#### Meetings / Commitments

- Introductory Meeting (Virtual) – Representatives from Borg Manufacturing
- State Government Information Session (Virtual) – COVID-19 Vaccination Roll Out
- Weekly LCLGA Mayor’s Virtual Meeting
- Radio Interview 5GTR-FM
- Elected Members Workshop – CBD Strategy
- Weekly LCLGA Mayor’s Virtual Meeting
- People and Place Committee Meeting
- Citizenship Ceremony
- Elected Members Workshop – Discussion re Committee Structures
- Members Informal Briefing - CEO Observations
- Weekly LCLGA Mayor’s Virtual Meeting
- Site Visit and Introduction with CEO and GM City Growth – Mondelez International
- Elected Members Workshop – Review Works Program
- Wulanda Recreation and Convention Centre Committee Meeting
- Special Confidential Meeting of Council : Wulanda Recreation and Convention Centre Loan Structure
- LCLGA General Meeting – City of Mount Gambier Hosting



**6 REPORTS FROM COUNCILLORS**

**7 QUESTIONS WITH NOTICE**

Nil

**8 QUESTIONS WITHOUT NOTICE**

**9 PETITIONS**

Nil

**10 DEPUTATIONS**

Nil



## 11 NOTICE OF MOTION TO RESCIND OR AMEND

### 11.1 NOTICE OF RESCISSION/AMENDMENT - WEHL STREET THEATRE AND REIDY PARK CENTRE LEASES

**Meeting:** Council  
**CM9 Reference:** AF20/446  
**Member:** Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 17 August 2021, I intend to move the following motion to rescind/amend:

#### MOTION

1. That Council Report No. AR21/36403 titled 'Notice of Rescission/Amendment - Wehl Street Theatre and Reidy Park Centre Leases' as presented on 17 August 2021 be noted.
2. Noting Parts 2 and 3 of Resolution 2020/283 associated with Report No AR20/56190 titled 'CentreStage and Reidy Park Centre Constitutions' that were passed on 15 September 2020 as follows:

*"2. That, in light of the proposed conduct of a Sports, Recreation and Open Space Plan and progression of the Community and Recreation Hub, the Wehl Street Theatre and Reidy Park Centre leases be allowed to continue on a monthly tenancy basis until further notice.*

*3. That Council will reconsider the leasing arrangements and operating models for the Wehl Street Theatre/Centrestage and Reidy Park Centre in a broader strategic context when a Sports, Recreation and Open Space Plan and Community and Recreation Hub projects have been completed."*

that Parts 2 and 3 be rescinded and replaced with:

*"2. That the Wehl Street Theatre be offered a 2 year lease on the same terms and conditions as their expired arrangements.*

*3. That, in light of current development of a Sports, Recreation and Open Space Plan and progression of the Wulanda Recreation and Convention Centre, the Reidy Park Centre lease be allowed to continue on a monthly tenancy until the Wulanda Recreation and Convention Centre is completed and the Recreation and Open Space Plan is adopted by Council.*

#### RATIONALE

This motion will provide security for the Wehl Street Theatre management committee as an important performing arts centre for our community. The Reidy Park Centre will have the flexibility of a month to month lease, until the completion of the Wulanda Recreation and Convention Centre and the recommendations for the Sports, Recreation and Open Space Plan are realised.

I commend this Motion to Council.

#### ATTACHMENTS

Nil





**11.2 NOTICE OF RESCISSION/AMENDMENT - ADVERTISING SIGNAGE**

**Meeting:** Council  
**CM9 Reference:** AF20/446  
**Member:** Christian Greco, Councillor

I, Councillor Christian Greco, give notice that at the next Ordinary Meeting of Council to be held on 17 August 2021, I intend to move the following motion to rescind/amend:

**MOTION**

1. That Council Report No. AR21/48302 titled 'Notice of Rescission/Amendment - Advertising Signage' as presented on 17 August 2021 be noted.
2. The resolution 2021/71 titled Council Advertising and Signage Policy A170 that was passed on 16 March 2021 be amended as follows:
  - Parts 1-3 of the resolution remain:
    1. That Council Report No. AR21/9953 titled 'Council Advertising and Signage Policy A170' as presented on 16 March 2021 be noted.
    2. That, having considered its position on the erection of advertising and sponsorship signage on leased properties, Council hereby revokes Advertising and Signage Policy A170.
    3. That Council grants 'deemed consent' for the installation of signage by community and sporting lessees occupying land owned by Council, except for signage that requires development approval.
  - Parts 4 and 5 of the resolution be amended, from:
    4. Council administration to assess any proposals for the installation of signage that require building rules consent.
    5. That a policy be developed for the granting of landowner consent for those signs that require development approval.to:
    4. that the Chief Executive Officer (or sub-delegate):
      - a) assess and exercise relevant delegated authority to grant conditional lessor consent to any proposals for the installation of signage by community and sporting lessees occupying land owned by Council that require development approval.
      - b) refer to Council any proposals for the installation of signage on Council owned or controlled land for which consent is required but has not been granted or the applicant has not accepted the conditions imposed, under resolution 4(a), including the reasons for not granting consent and/or the proposed conditions and reasoning for their imposition.
    5. That a policy be developed for the granting of landowner consent for future signage on Council property, following resolution of all current unapproved signs located on Council land requiring development approval.
  - The following Parts 6-7 of the resolution:



6. That for the purpose of clarity Council does not consent to any sponsorship signage logos being placed on fences gates or other structures so as to face externally to the leased land or in the view of Council being so as to view externally to the leased land.
7. Clause 6 above is to be a key feature of the new landowner consent policy.  
be rescinded.

## RATIONALE

I have been approached by several sporting club tenants concerned with the position affirmed by Council in relation to externally facing signs.

I am also concerned that Council has sought a policy to be developed on a matter for which we have provided no direction to the Administration (other than parts 6 and 7 of the resolution) and there is no precedent within this City, with signs previously erected without landowner or development approval being overlooked contrary to a policy that imposed significant restrictions.

My proposal, if successful, will:

- remove the prohibition on externally facing signs.
- give the Administration broader scope to exercise existing delegated power in relation to managing leased sites, to grant landowner consent to (internally or externally facing) signs that require development approval.
- clearly stating that signs not granted consent under delegation, or where conditions of consent are not accepted by the applicant, are to be put before the Council for consideration. This could include internal or externally facing signs.
- deferring the development of a policy on the granting of landowner consent for signs that require development approval until after all the current unapproved signs have been assessed and granted (or refused) landowner consent (under delegation or by Council). This will allow the development of the policy to be guided by such decision making and conditions imposed.

I consider this proposal will enable the Administration to efficiently manage signage proposals, with only the most contentious being presented to Council for consideration.

This will better enable each sign proposal to be assessed and granted landowner consent on its own merit rather than a blanket approach based on the location or direction it is facing.

I am reminded by Council's Manager Governance and Property that:

- the resulting position will not strictly apply to signage proposals by licensees of Council land, which similarly would be assessed on their own merit.
- Crown Land has further requirements including landowner (Crown) consent, the granting of which in everything but extreme instances would ordinarily lead to Council consent (as custodian).
- these provisions will not apply to internal signs that have 'deemed consent' and therefore may be erected by lessees without seeking landowner or development approval from Council.
- the granting of landowner consent (under delegation or by Council) does not constitute a development approval nor does the Council have any influence in the development assessment process. Any sign that requires development approval require the applicant (in this case the tenant) to submit a separate development application and to obtain relevant development approvals before the sign may be erected or allowed to remain on site.

## ATTACHMENTS

Nil



## 12 ELECTED MEMBERS WORKSHOPS

### 12.1 ELECTED MEMBERS WORKSHOPS FROM 17/07/2021 TO 13/08/2021 – REPORT NO. AR21/42546

**Meeting:** Council  
**CM9 Reference:** AF20/446  
**Author:** Sally Wilson, Executive Administrator City Infrastructure

#### REPORT RECOMMENDATION

That the Record of Proceedings for the listed Workshops be received and noted.

#### ATTACHMENTS

1. Designated Informal Gathering - Members Workshop - Record of Proceedings - Draft LCLGA Business Plan 2021-2022 - 20/07/2021 [↓](#) 
2. Designated Informal Gathering - Members Workshop - Record of Proceedings - CBD Strategy - 26/07/2021 [↓](#) 
3. Designated Informal Gathering - Members Workshop - Record of Proceedings - Committee Structures - 03/08/2021 [↓](#) 
4. Designated Informal Gathering - Members Workshop - Record of Proceedings - CEO Observations - 03/08/2021 [↓](#) 
5. Designated Informal Gathering - Members Workshop - Record of Proceedings - Review Works Program - 09/08/2021 [↓](#) 



---

**DESIGNATED INFORMAL GATHERING  
DRAFT LCLGA BUSINESS PLAN 2021-2022  
5:15 PM TUESDAY 20 JULY 2021**

---

RECORD OF PROCEEDINGS  
5:15 pm, Tuesday 20 July 2021  
Virtual Meeting

**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.**

**GUESTS:-**

---

Tony Wright, Chief Executive Officer - Limestone Coast Local Government Association

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Greco  
Cr Morello  
Cr Bruins  
Cr Perryman  
Cr Hood  
Cr Meziniec  
Cr Amoroso

**STAFF PRESENT:-**

Chief Executive Officer  
General Manager City Growth  
General Manager Shared Services  
Acting General Manager City Infrastructure  
iServices Systems Administrator

**MEMBERS APOLOGIES:-**

Cr Jenner

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

---

Presentation from LCLGA CEO, Tony Wright discussing the 2021-2022 LCLGA Business Plan.

Discussion closed at 5:45 pm



**DESIGNATED INFORMAL GATHERING  
CBD STRATEGY  
5:30 PM MONDAY 26 JULY 2021**

---

RECORD OF PROCEEDINGS  
5:30 pm, Monday 26 July 2021  
Virtual Meeting

**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.**

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Hood  
Cr Mezinac  
Cr Bruins  
Cr Morello  
Cr Amoroso  
Cr Greco

**STAFF PRESENT:-**

Chief Executive Officer  
General Manager City Growth  
General Manager Shared Services  
Acting General Manager City Infrastructure  
Acting General Manager Community Wellbeing  
Manager Governance & Property  
Community Development & Engagement Officer

**MEMBERS APOLOGIES:-**

Cr Jenner

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

---

- Railway Building - EOI documents to be drafted to go to market for future use of site
- Penola Road and Lawrence Street discussion in context of CBD strategy and guiding principles document.
- CBD Strategy - guiding principles document to be drafted and circulated to Members for input.

Discussion closed at 6:57 pm.



**DESIGNATED INFORMAL GATHERING  
COMMITTEE STRUCTURES  
5:30 PM TUESDAY 3 AUGUST 2021**

---

RECORD OF PROCEEDINGS  
5:30 pm, Tuesday 3 August 2021  
Council Chamber, 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.**

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Greco  
Cr Mezinac  
Cr Perryman  
Cr Jenner  
Cr Morello  
Cr Amoroso  
Cr Bruins

**STAFF PRESENT:-**

Chief Executive Officer  
General Manager Shared Services  
Acting General Manager Community Wellbeing  
Acting General Manager City Infrastructure  
Manager Governance and Property

**MEMBERS APOLOGIES:-**

Nil

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

---

Discussion regarding Council committees and decision making structures.

Discussion closed at 6:28 pm



**DESIGNATED INFORMAL GATHERING  
CEO OBSERVATIONS  
6:30 PM TUESDAY 3 AUGUST 2021**

---

RECORD OF PROCEEDINGS  
6:30 pm, Tuesday 3 August 2021  
Council Chamber, 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.**

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Greco  
Cr Meziniec  
Cr Perryman  
Cr Jenner  
Cr Morello  
Cr Amoroso  
Cr Bruins  
Cr Hood

**STAFF PRESENT:-**

Chief Executive Officer

**MEMBERS APOLOGIES:-**

Nil

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

---

- 8 week summary of activities by Chief Executive Officer.
- Discussion with Councillors on priorities to inform future KPI's.

Discussion closed at 7:30pm



**DESIGNATED INFORMAL GATHERING  
REVIEW WORKS PROGRAM  
5:30 PM MONDAY 9 AUGUST 2021**

---

RECORD OF PROCEEDINGS  
5:30 pm, Monday 9 August 2021  
Council Chamber, 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.**

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Mezinec  
Cr Jenner  
Cr Amoroso  
Cr Morello  
Cr Bruins

**STAFF PRESENT:-**

Chief Executive Officer  
General Manager City Infrastructure  
General Manager Shared Services  
General Manager City Growth  
Acting General Manager Community Wellbeing  
Manager Operations & Engineering  
Manager Waste & ReUse

**MEMBERS APOLOGIES:-**

Cr Greco  
Cr Hood

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

---

- Capital Works Program
- Plant and Equipment
- Waste - Capital Projects
- Capital Budget Items for consideration - provided by Cr Jenner

Discussion closed at 6:45 pm





**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil



## 14 COUNCIL ACTION ITEMS

### 14.1 COUNCIL ACTION ITEMS - 20/07/2021 – REPORT NO. AR21/42548

**Meeting:** Council  
**CM9 Reference:** AF20/446  
**Author:** Sally Wilson, Executive Administrator City Infrastructure

#### REPORT RECOMMENDATION

1. That Council Report No. AR21/42548 titled 'Council Action Items - 20/07/2021' as presented on 17 August 2021 be noted.

#### ATTACHMENTS

1. Council Action Items - 20 July 2021 [↓](#) 



<b>Division:</b>	20/07/2021
<b>Meeting:</b> Council	<b>Date From:</b>
<b>Officer:</b>	<b>Date To:</b> 20/07/2021
<b>Action Sheets Report</b>	
<b>Printed: 11 August 2021 7:57 PM</b>	

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	Lavia, Ashlee Davison, Georgina	Elected Members Workshops	Elected Member Workshops from 12/06/2021 to 16/07/2021
<b>RESOLUTION 2021/185</b>			
Moved: Cr Sonya Meziniec			
Seconded: Cr Christian Greco			
That the Record of Proceedings for the listed Workshops be received and noted.			
<b>CARRIED</b>			
<b>23 Jul 2021 1:26pm Lavia, Ashlee - Completion</b>			
Action completed by Lavia, Ashlee			

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	Cernovskis, Barbara Philpott, Sarah	Wulanda and Recreation and Convention Centre Commi	Minutes of the Wulanda Recreation and Convention Centre Committee held on 13 July 2021
<b>RESOLUTION 2021/187</b>			
Moved: Cr Ben Hood			
Seconded: Cr Sonya Meziniec			
That the Minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 13 July 2021 as attached be noted.			
<b>CARRIED</b>			
<b>11 Aug 2021 7:54pm Cernovskis, Barbara - Completion</b>			
Action completed by Wilson, Sally			



<b>Division:</b>		<b>Date From:</b> 20/07/2021	
<b>Meeting:</b> Council		<b>Date To:</b> 20/07/2021	
<b>Officer:</b>		<b>Printed:</b> 11 August 2021 7:57 PM	
<b>Action Sheets Report</b>			
Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	McCarthy, Michael Barber, Darren	Reports	Review of Financial Delegations for the Wulanda Recreation and Convention Centre Construction Contract
<b>RESOLUTION 2021/188</b>			
Moved: Cr Ben Hood			
Seconded: Cr Sonya Meziniec			
<ol style="list-style-type: none"> <li>1. That Wulanda Recreation and Convention Centre Committee Report No. AR21/30397 titled 'Review of Financial Delegations for the Wulanda Recreation and Convention Centre Construction Contract' as presented on 13 July 2021 be noted.</li> <li>2. Pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations the Chief Executive Officer recommends that Part 4 only of Resolution 2019/409 dated 17 December 2019, namely: <ol style="list-style-type: none"> <li>"4. That the delegations relating to financial variations be as follows: <ol style="list-style-type: none"> <li>a) Site Superintendent / Project Manager – an increase in budget up to \$25,000; including cumulative changes</li> <li>b) Project Control Group – an increase in budget from \$25,001 up to \$50,000; and</li> <li>c) Regional Sport and Recreation Centre Committee – an increase in budget from \$50,001 up to \$100,000."</li> </ol> </li> </ol> </li> </ol> <p>be revoked.</p> <ol style="list-style-type: none"> <li>3. Council note the head delegations made to the Chief Executive Officer on 18 May 2021 pursuant to section 44 of the Local Government Act 1999 of various powers and functions including the powers under sections 36, 37 and 137 of the Local Government Act 1999, to enter into contracts and expend Council funds respectively in accordance with adopted budgets and policy provisions.</li> <li>4. In accordance with the power in section 44(2)(a) of the Local Government Act 1999, Council delegates to the Wulanda Recreation and Convention Centre Committee the power under section 137 of the Local Government Act 1999 to expend Council funds to approve variations to the Wulanda Recreation and Convention Centre construction contract up to the value of \$150,000 per variation subject to expenditure being within the adopted project budget for the Wulanda Recreation and Convention Centre, with the Chief Executive Officer authorised to act immediately to give effect to any such committee decision.</li> <li>5. That aggregate contract variations are to continue to be presented with monthly project updates to the Wulanda Recreation and Convention Centre Committee.</li> </ol>			
			<b>CARRIED</b>



<b>Division:</b> Council		<b>Date From:</b> 20/07/2021			
<b>Meeting:</b> Council		<b>Date To:</b> 20/07/2021			
<b>Officer:</b>		<b>Printed:</b> 11 August 2021 7:57 PM			
<b>Action Sheets Report</b>					
<b>Meeting</b>	<b>Officer/Authoriser</b>	<b>Section</b>	<b>Subject</b>		
Council 20/07/2021	McCarthy, Michael Barber, Darren	Reports	Review of Confidentiality Orders		
<b>RESOLUTION 2021/189</b>					
Moved: Cr Ben Hood					
Seconded: Cr Max Bruins					
1. That Wulanda Recreation and Convention Centre Committee Report No. AR21/40974 titled 'Review of Confidentiality Orders' as presented on 13 July 2021 be noted.					
2. That the duration of the following confidentiality orders be amended:					
<b>Meeting Date</b>	<b>Item</b>	<b>S90(3) grounds</b>	<b>Element kept Confidential</b>	<b>Order Duration</b>	<b>Proposed Duration</b>
16/02/21	ITEM 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01.02/2021 – REPORT NO. AR21/6521	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	the item be reviewed 12 months after successful execution of the contract.	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.
16/3/21	ITEM 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01.03/2021 - REPORT NO. AR21/11450	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	that the item be reviewed 12 months after successful execution of the contract.	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.
23/03/21	ITEM 4.1 WULANDA RECREATION AND CONVENTION CENTRE FUNDING – REPORT NO. AR21/17395	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	that the item be reviewed 12 months after successful execution of the contract.	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.
<b>CARRIED</b>					



<b>Division:</b> Council	<b>Date From:</b> 20/07/2021
<b>Meeting:</b> Council	<b>Date To:</b> 20/07/2021
<b>Officer:</b>	<b>Printed:</b> 11 August 2021 7:57 PM

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	Coote, Tim Philpott, Sarah	Council Assessment Panel Minutes	Minutes of the Council Assessment Panel held on 1 July 2021
<b>RESOLUTION 2021/190</b>			
Moved: Cr Paul Jenner			
Seconded: Cr Christian Greco			
That the Minutes of the Council Assessment Panel meeting held on 1 July 2021 as previously circulated be noted.			
<b>CARRIED</b>			
<b>11 Aug 2021 7:56pm Coote, Tim - Completion</b>			
Action completed by Wilson, Sally			

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	Coote, Tim Philpott, Sarah	Building Fire Safety Committee Minutes	Minutes of the Building Fire Safety Committee held on 1 July 2021
<b>RESOLUTION 2021/191</b>			
Moved: Cr Paul Jenner			
Seconded: Cr Christian Greco			
That the Minutes of the Building Fire Safety Committee meeting held on 1 July 2021 as previously circulated be noted.			
<b>CARRIED</b>			
<b>11 Aug 2021 7:57pm Coote, Tim - Completion</b>			
Action completed by Wilson, Sally			



<b>Division:</b> <b>Meeting:</b> Council <b>Officer:</b>	<b>Date From:</b> 20/07/2021 <b>Date To:</b> 20/07/2021
<b>Action Sheets Report</b>	<b>Printed: 11 August 2021 7:57 PM</b>

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	McCarthy, Michael Barber, Darren	Council Reports	Co-Dedication of Blue Lake
<b>RESOLUTION 2021/192</b>			
Moved: Cr Sonya Meziniec Seconded: Cr Max Bruins			
1. That Council Report No. AR21/27432 titled 'Co-Dedication of Blue Lake' as presented on 20 July 2021 be noted.			
2. That the administration progress and report back to Council on:			
(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.			
(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)			
(c) consideration of the most appropriate mechanisms for coordination and community engagement.			
			<b>CARRIED</b>

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	McCarthy, Michael Barber, Darren	Council Reports	Elected Member Attendance Records
<b>RESOLUTION 2021/193</b>			
Moved: Cr Max Bruins Seconded: Cr Christian Greco			
1. That Council Report No. AR21/38405 titled 'Elected Member Attendance Records' as presented on 20 July 2021 be noted.			
			<b>CARRIED</b>



Division: Meeting: Council Officer:  Action Sheets Report	Date From: 20/07/2021 Date To: 20/07/2021  Printed: 11 August 2021 7:57 PM
---	---

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	McCarthy, Michael Barber, Darren	Council Reports	Public Road Declaration - Lot 397 Lawrence Street
<p><b>RESOLUTION 2021/194</b></p> <p>Moved: Cr Sonya Meziniec                      Seconded: Cr Max Bruins</p> <ol style="list-style-type: none"> <li>That Council Report No. AR21/38504 titled 'Public Road Declaration - Lot 397 Lawrence Street' as presented on 20 July 2021 be noted.</li> <li>To declare Allotment 397 in Filed Plan 194199 contained in Certificate of Title Volume 5731 Folio 717 as public road pursuant to Section 208 of the Local Government Act 1999.</li> <li>That the Chief Executive Officer be authorised to publish a notice in the Government Gazette as required by Section 208(4) of the Local Government Act 1999 to declare the road to be public road.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>			

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	McCarthy, Michael Barber, Darren	Council Reports	Statutes Amendment (Local Government Review) Act 2021
<p><b>RESOLUTION 2021/195</b></p> <p>Moved: Cr Sonya Meziniec                      Seconded: Cr Max Bruins</p> <ol style="list-style-type: none"> <li>That Council Report No. AR21/39261 titled 'Statutes Amendment (Local Government Review) Act 2021' as presented on 20 July 2021 be noted.</li> <li>That Council note that resource implications including any human resourcing associated with the legislative amendments will become clearer as implementation plans progress. A further report will be presented when further clarity can be provided once commencement dates of amended provisions are known, any regulations drafted and finalised, and the Office of Local Government and Local Government Association have released further transition support resources.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>			





<b>Division:</b>	20/07/2021
<b>Meeting:</b> Council	<b>Date From:</b>
<b>Officer:</b>	<b>Date To:</b> 20/07/2021
<b>Action Sheets Report</b>	<b>Printed: 11 August 2021 7:57 PM</b>

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	McCarthy, Michael Barber, Darren	Council Reports	Chief Executive Officer Performance Review Committee
<b>RESOLUTION 2021/196</b>			
Moved: Cr Christian Greco			
Seconded: Cr Sonya Mezinac			
<ol style="list-style-type: none"> <li>That Council Report No. AR21/43738 titled 'Chief Executive Officer Performance Review Committee' as presented on 20 July 2021 be noted.</li> <li>That the amended Terms of Reference for the Chief Executive Officer Performance Review Committee be adopted as attached to Council Report No. AR21/43738.</li> </ol>			
<b>CARRIED</b>			

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	McCarthy, Michael Barber, Darren	Council Reports	Limestone Coast Local Government Association Business Plan 2021/2022
<b>RESOLUTION 2021/197</b>			
Moved: Cr Christian Greco			
Seconded: Cr Ben Hood			
<ol style="list-style-type: none"> <li>That Council Report No. AR21/43817 titled 'Limestone Coast Local Government Association Business Plan 2021/2022' as presented on 20 July 2021 be noted.</li> <li>That Council support the Limestone Coast Local Government Association (LCLGA) Budget and Business Plan for the 2021/2022 financial year, noting further work to be undertaken by Council on priority areas identified in the LCLGA Business Plan.</li> </ol>			
<b>CARRIED</b>			



<a href="#">Action Sheets Report</a>	<b>Division:</b> <b>Meeting:</b> Council <b>Officer:</b>	<b>Date From:</b> 20/07/2021 <b>Date To:</b> 20/07/2021  <b>Printed:</b> 11 August 2021 7:57 PM
--------------------------------------	--	--

Meeting	Officer/Authoriser	Section	Subject
Council 20/07/2021	McCarthy, Michael Barber, Darren	Council Reports	Internal Review of Council Actions 2020/2021

**RESOLUTION 2021/198**

Moved: Cr Max Bruins  
Seconded: Cr Frank Morello

1. That Council Report No. AR21/27433 titled 'Internal Review of Council Actions 2020/2021' as presented on 20 July 2021 be noted.
2. That the background and discussion material contained in Council Report No. AR20/27433 relating to Section 270 of the Local Government Act 1999 be included in Council's 2020/2021 Annual Report.

**CARRIED**



**15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND  
RECOMMENDATIONS**

Nil



## 16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

### 16.1 [MINUTES OF THE PEOPLE AND PLACE COMMITTEE HELD ON 2 AUGUST 2021 - Go to Attachment](#)

#### RECOMMENDATION

That the Minutes of the People and Place Committee meeting held on 2 August 2021 as attached be noted.

### 16.2 [Infrastructure Partnership Program - shared path extension to Wireless Road, TAFE SA project. – Report No. AR21/42014](#)

#### RECOMMENDATION

1. That People and Place Committee Report No. AR21/42014 titled 'Infrastructure Partnership Program - shared path extension to Wireless Road, TAFE SA project.' as presented on 02 August 2021 be noted.
2. That Council amend the scope of the Infrastructure Partnership Program shared path extension to Wireless Road, TAFE SA project and stage the delivery.
3. That Council deliver Stage 1 - the \$1.6M solar lighting installation of the project scope as budgeted.
4. That new and amended community land management plans be prepared for public consultation purposes for the route of the proposed shared use path extension and railway corridor.
5. That a further report with completed designs and updated cost estimates be presented to Council that identifies the most suitable and cost-effective way to link the existing rail trail to the TAFE SA campus on Wireless Road.
6. That the report recommendation is aligned and integrates with Councils long term strategy and masterplans.

### 16.3 [Salvaged Roundhouse Timber Beams from Mount Gambier Railyards – Report No. AR21/45126](#)

#### RECOMMENDATION

1. That the People and Place Committee Report No. AR21/45126 titled 'Salvaged Roundhouse Timber Beams from Mount Gambier Railyards' as presented on 02 August 2021 be noted.
2. That Council keep a portion of the timber for a community related project reflecting the historical significance of our rail history and that the National Trust be consulted in the process, and Council donate the remainder to the National Trust for the repair and restoration of the Roundhouse building at Peterborough. Delivery costs to be incurred by the National Trust.

**16.4** [Local Roads and Community Infrastructure Program Extension Phase 2 - Project Nomination](#) – Report No. AR21/46717

**RECOMMENDATION**

1. That People and Place Committee Report No. AR21/46717 titled 'Local Roads and Community Infrastructure Program Extension Phase 2 - Project Nomination' as presented on 02 August 2021 be noted.
2. That Council endorse the below project nominations for Phase 2 of the Local Roads and Community Infrastructure Program (LRCI) grant funding:

Description	Total project cost	LRCI Program Funding Required
New Valley Lakes Public Amenities	\$490,000	\$490,000
Refurbishment of existing Public Amenities adjoining State Heritage Railway Station building	\$460,000	\$460,000
Landscaping improvements at Cave Garden and Umpherston Sinkhole Community Recreational Reserves	\$50,000	\$50,000
Umpherston Sinkhole Path Lighting	\$40,000	\$40,000

**16.5 Motion Without Notice - Installation of a No Parking Zone - Hedley Street (Western Side)**

**RECOMMENDATION**

1. That People and Place Committee Report No. AR21/45538 titled 'Installation of a No Parking Zone - Hedley Street (Western Side)' as presented on 02 August 2021 be noted.
2. Council write to the residents along the effected portion of Hedley Street seeking their views of the removal of carparking on the western side accompanied by a diagram with a report to be brought back to Council.



**17 WULANDA AND RECREATION AND CONVENTION CENTRE COMMITTEE  
MINUTES AND RECOMMENDATIONS**

**17.1 MINUTES OF THE WULANDA RECREATION AND CONVENTION CENTRE  
COMMITTEE HELD ON 10 AUGUST 2021 - [Go to Attachment](#)**

**RECOMMENDATION**

That the Minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 10 August 2021 as attached be noted.



**18 COUNCIL ASSESSMENT PANEL MINUTES**

**18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 15 JULY 2021**

**RECOMMENDATION**

That the Minutes of the Council Assessment Panel meeting held on 15 July 2021 as previously circulated be noted.



**19 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**22 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil





## 23 COUNCIL REPORTS

### 23.1 FREEDOM OF INFORMATION - UPDATE – REPORT NO. AR21/11356

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>17 August 2021</b>
<b>Report No.:</b>	<b>AR21/11356</b>
<b>CM9 Reference:</b>	<b>AF20/446</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Governance and Property</b>
<b>Authoriser:</b>	<b>Darren Barber, General Manager Shared Services</b>
<b>Summary:</b>	<b>This report provides an update on Freedom of Information matters and recommends the revocation of Council Policy D160 – Development Act Inspection and Copying of Documents.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 3: Our Diverse Economy</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>
	<b>Goal 5: Our Commitment</b>

#### REPORT RECOMMENDATION

1. That Council Report No. AR21/11356 titled 'Freedom of Information - Update' as presented on 17 August 2021 be noted.
2. That Council Policies '*D160 – Development Act Inspection and Copying of Documents*' and '*D140 - Development Act Delegations*' be revoked, having no further application following the repeal of the Development Act 1993.



## TYPE OF REPORT

Legislative

## BACKGROUND

Council is an agency under the [Freedom of Information Act 1991](#) ('FOI Act'). Under the FOI Act an accredited Freedom of Information Officer (or the Chief Executive Officer) is responsible for determining applications made in accordance with the relevant provisions of the FOI Act. Council is also required to publish an Information Statement in accordance with the FOI Act. This is usually performed under delegation.

The purpose of this report is to provide an annual update on applications made under the FOI Act and the publication of an Information Statement, and to revoke Council [Policy D160 – Development Act Inspection and Copying of Documents](#) and [Policy D140 Development Act Delegations](#) that have no further application following the repeal of the Development Act 1999.

## PROPOSAL

Members will find attached an updated Information Statement as required to be published under the FOI Act. This document is periodically reviewed and published on the Council website with reference to the published document included in the Annual Report.

In addition, Council reports statistical information annually to State Records and in the Annual Report on FOI Act applications received during the year and the status/outcomes of those applications.

Freedom of Information application statistics for the 2020/2021 year are as follows:

Number of applications	3
Number of applications carried over from 2019/2020	0
Full access granted	0
Access refused	3
Withdrawn	0
Fees not paid	0
Documents otherwise available	3
Incomplete (at 30 June 2021)	0
Applications for internal review	1
Decision confirmed	1

The above statistics included one application that went to external review by the SA Ombudsman who confirmed the decision of the agency to refuse access to documents on the basis that the documents were otherwise available.

Enquiries relating to accessing documents or information under the FOI Act that do not result in a formal application being received are not included in the abovementioned statistics.

This report also proposes the revocation of Council [Policy D160 – Development Act Inspection and Copying of Documents](#) and [Policy D140 Development Act Delegations](#). See further under the heading 'Council Policy'.

## LEGAL IMPLICATIONS

Council has an obligation as a local government agency to comply with the requirements of the FOI Act, which operates alongside the State Records Act and other Acts Council administers.



## **STRATEGIC PLAN**

N/A

## **COUNCIL POLICY**

Council [Policy D160 – Development Act Inspection and Copying of Documents](#) has previously applied in relation to FOI Act applications made to access copyright material contained in development applications. The [Planning, Development and Infrastructure Act 2016](#) clearly provides at section 55 that the FOI Act does not apply, and with the recent repeal of the Development Act 1993 Policy D160 has no further application and is recommended to be revoked and removed from Council's Policy Register.

Similarly, with the repeal of the Development Act 1993 and delegations in place under the [Planning, Development and Infrastructure Act 2016](#) Council [Policy D140 Development Act Delegations](#) also has no further application and is recommended to be revoked and removed from Council's Policy Register.

## **ECONOMIC IMPLICATIONS**

N/A

## **ENVIRONMENTAL IMPLICATIONS**

N/A

## **SOCIAL IMPLICATIONS**

N/A

## **CULTURAL IMPLICATIONS**

N/A

## **RESOURCE IMPLICATIONS**

There are nominal financial resource implications associated with the administration of the FOI Act, noting however that the workload impact on the Accredited Freedom of Information Officer and support staff are not insignificant when a large or complex request is received, to the detriment of other value adding activities, and which generally result in little or no fee payable by the applicant.

As administration of the FOI Act is a statutory requirement such resource implications are usually unavoidable, but should be noted as an accountability and transparency cost of Council business.

## **VALUE FOR MONEY**

N/A

## **RISK IMPLICATIONS**

Risks associated with the administration of the FOI Act include non-compliance or external review of determinations made in the administration of applications, generally by the SA Ombudsman or in an extreme case the courts.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

The Information Statement required to be published under the FOI Act will be published on the Council website with a reference to the publication in the Annual Report.

## **IMPLEMENTATION STRATEGY**

N/A



## **CONCLUSION AND RECOMMENDATION**

Having presented a draft Information Statement and 2020/2021 application statistics under the Freedom of Information Act 1991 to be published on the Council website and 2020/2021 Annual Report, the only recommendation of this report is to revoke Council [Policy D160 – Development Act Inspection and Copying of Documents](#) and [Policy D140 Development Act Delegations](#) that have no further application following the recent repeal of the Development Act 1993.

## **ATTACHMENTS**

1. Freedom of Information Statement - 2021 [↓](#) 



 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>	Issued:	August 2021
		Next Review:	July 2022

This Information Statement is published by the City of Mount Gambier in accordance with the requirements of Section 9 (1a) of the Freedom of Information Act 1991 ("FOI Act").

Subject to certain exemptions, 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.

This Information Statement was published in August 2021.

A variety of Council documents are available on Council's website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au) including: Council and Committee Agendas, Minutes and Terms of Reference, Policies, Strategic Documents and Registers.

### **STRUCTURE AND FUNCTIONS OF COUNCIL**

The Council consists of the Principal Member being the Mayor and eight (8) Councillors who represent residents and ratepayers in the City of Mount Gambier. The Council is the body corporate consisting of Elected Members as constituted under the Local Government Act 1999 ("LG Act"). The Council is established to provide for the government and management of its area at the local level and, in particular to:

- (a) act as representative, informed and responsible decision-makers in the interest of its community; and
- (b) 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) encourage and develop initiatives within its community for improving the quality of life of the community; and
- (d) represent the interests of its community to the wider community; and
- (e) exercise, perform and discharge the powers, functions and duties of local government under the Act and other acts in relation to the area for which it is constituted. (s.6 of the LG Act).

Ordinary meetings of the Council are held in the Council Chamber at the Principal Council Office, Civic Centre, 10 Watson Terrace, Mount Gambier and commence at 6pm on the third Tuesday of each month. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality (under s.90 of the LG Act).

One of the main opportunities for the community to gain information about the business of Council is its agendas and associated reports and minutes prepared for Council and Committee meetings.

Meeting notices and agendas, including minutes of previous meetings, are available no less than three days prior to ordinary meetings and until the completion of the relevant meeting:

- on the Council website; and
- at Council's Principal Office between the business hours of 9:00am to 5:00pm.

Minutes and the resolutions from meetings are also published on Council's website and accessible within five (5) days of the meeting. This includes confidential items only where conditions for release have been met.

*Electronic version on TRIM is the controlled version.*

*Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.*

Page 1 of 10



 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>		Issued:	August 2021
			Next Review:	July 2022

Council and Committees

The various committees of Council are listed below including the legislation under which they have been formed. Committees support Council in its decision making processes by considering relevant matters and making recommendations to Council.

The membership of Committees and their Terms of Reference are determined by the Council and Committees meet at intervals determined in their Terms of Reference (available on the Council website) and in accordance with the provisions of the LG Act.

Meetings of Committees are open to the public, with the exception of any matters subject to an order of confidentiality (under s.90 of the LG Act), and notices, agendas and minutes are published and accessible in the same manner as for Council meetings.

Chapter 6 of the LG Act and the Local Government (Procedures at Meetings) Regulations prescribe the way meetings of a Council and its Committees are to be conducted.

Section 41 Committees

- People and Place Committee
- Economic and Environment Committee
- Wulanda Recreation and Convention Centre Committee
- Junior Sports Assistance Fund
- Chief Executive Officer Performance Review Committee

Statutory Committees

- Audit Committee
- Building Fire Safety Committee
- Council Assessment Panel

Council Subsidiaries

- Limestone Coast Local Government Association (a Regional Subsidiary established under s43 of the LG Act)

External Committees/Boards/Associations

Council participates in a number of external Committees, Boards and Associations that comprise Elected Members, Council Officers, representatives of other government and non-government organisations, and the public. Agendas and minutes of meetings of such external Committees, Boards and Associations may be published or otherwise accessible from their respective organisations in accordance with their own governing arrangements.

Delegations

Council is charged with making decisions which determine its strategic direction and other activities, functions and services related to a broad range of powers and duties of Council.

Council delegates relevant powers and duties to the Council Assessment Panel, Committees, Chief Executive Officer and other Council Officers to make decisions on certain matters on its behalf, and the Chief Executive Officer may further sub-delegate to another person or position. Council's Delegations Register records the powers and duties delegated by the Council and sub-delegated by the Chief Executive Officer.

Delegations are reviewed periodically by Council and a Register is published on the Council website and is accessible for viewing at Council's Principal Office during Council's business hours.

Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 2 of 10
--	--------------



 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>	Issued: August 2021
		Next Review: July 2022

Functions of Council

The functions of Council as set out in s 7 of the LG Act include to:

- (a) plan at the local and regional level for the development and future requirements of its area;
- (b) provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;
- (c) provide for the welfare, well-being and interests of individuals and groups within its community;
- (d) Take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- (e) manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner and to improve amenity;
- (f) provide infrastructure for its community and for development within its area;
- (g) Promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- (h) establish or support organisations or programs that benefit people in its area or local government generally;
- (i) manage and if appropriate, develop, public areas vested in, or occupied by, the Council;
- (j) manage, improve and develop resources available to the Council;
- (k) undertake other functions and activities conferred by or under the Act (s.6 of the LG Act).

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

- assist the Council in the performance of its functions;
- enquire into and report to the Council on matters within the ambit of the Council's responsibilities;
- provide advice to the Council;
- exercise, perform or discharge delegated powers, functions or duties;
- determine policies to be applied by the Council in exercising its discretionary powers;
- determine the type, range and scope of projects to be undertaken by the Council; and
- develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Council.

Services for the Community

Council is required by legislation to:

- determine policies to be applied by the Council
- develop and adopt Strategic Management Plans
- prepare and adopt annual business plans and budgets
- establish an Audit Committee
- develop appropriate policies, practices and processes of internal control
- set performance objectives
- establish policies and processes for dealing with complaints, requests for service, and internal review of Council decisions
- determine the type, range and scope of projects to be undertaken by the Council
- deliver planning and development, dog and cat management, fire prevention and certain public health services
- provide the necessary administrative services to support Council's functions.

Other services and activities are provided through the decision making processes of Council and (sub)delegates in response to local needs, interests and aspirations of individuals and groups within the community to ensure that Council resources are used equitably.

Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 3 of 10
--	--------------



 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>	Issued: August 2021
		Next Review: July 2022

Core services provided by Council include:

- |  |  |
|--|--|
| Roads/Footpaths/Kerbing<br>Traffic Control<br>Public Cemeteries<br>Street Lighting<br>Street Tree Planting<br>Refuse Collection<br>Fire Protection<br>Garbage Disposal<br>Playground Equipment<br>Aquatic Facilities<br>Waste Management/Recycling<br>Waste Minimisation<br>Building Control<br>Planning Control<br>Clean Air Control<br>Tourism<br>Animal and Pest Plants<br>Economic and Industry Services<br>Parks, Reserves and Gardens (Public)<br>Special Needs Programmes - Donations<br>Youth Services | Stormwater Drainage<br>Traffic Lights/School Crossings<br>Parking Bays/Street Closures<br>Street Sweeping<br>Litter Bins<br>Public Conveniences<br>Public Libraries<br>Senior Citizens<br>Community Services - General<br>Dog Control<br>Parking Controls<br>Car Parks and on street parking<br>Heritage Recognition<br>Environmental Health Matters<br>Community Health/Well Being<br>Emergency Services<br>Crime Prevention<br>Recreation/Sporting Facilities<br>Arts/Cultural and Art Gallery<br>Environmental Protection/Sustainability<br>Food Premises/Sampling. |
|--|--|

**PUBLIC PARTICIPATION**

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

- Deputations/Presentations to Council or a Committee – upon prior written request to the Chief Executive Officer and with the permission of the relevant Presiding Member, a member of the public or a group can address Council or a Committee for a time limit set by the Presiding Member on any item that is relevant to the Council or Committee.
- Petitions - written petitions can be addressed to the Council on any issue within the Council's jurisdiction.
- Elected Members - members of the public can contact the Elected Members of Council to discuss any issues relevant to Council. Contact details for Elected Members are available on Council's website.
- Written Requests - members of the public can write to (including email) the Council on any Council policy, activity or service.

Community Consultation and Engagement

Council is committed to open, honest, accountable and responsible decision making. In accordance with Section 50 of the LG Act Council has adopted a Community Consultation and Engagement Policy that facilitates effective communication between Council and the community, encouraging community involvement and partnerships in planning and decision making. The policy sets out the steps Council will take in relation to community 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. This policy is available on Council's website.

Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 4 of 10
--	--------------





 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>	Issued: August 2021
		Next Review: July 2022

**ACCESS TO COUNCIL DOCUMENTS**

Documents held by Council

Much information and documentation held by Council is readily accessible for viewing without recourse to the FOI Act and we invite you to discuss with us any information that you are seeking. Council holds information in:

- an electronic document records management system (EDRMS) for the effective management of Council's records.
- A Land and Property Information System relating to property information (e.g. legal description and common address, valuation, rates, ownership details) on each property in the Council area.

Policy and other documents published on the Council website

Council policies and a range of other documents including the following are published on the Council website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au) and accessible for public inspection at Council's Principal Office during Councils' ordinary business hours:

- Council Policies (refer Appendix A)
- Fees and Charges Schedule
- Terms of Reference for Committees
- Gifts & Benefits Register (Members and Staff)
- Development Register (*to 18 March 2021*)\*
- Register of Confidential Items
- Declared Interests (Conflict of Interest)

*\*from 18 March 2021 development documentation is held on the Planning SA Portal.*

The following documents, where applicable, are also accessible to inspect from Council's Principal Office during Council's ordinary business hours, and copies may also be purchased in accordance with relevant legislative provisions:

- Strategic Management Plans (including Long Term Financial Plan and Infrastructure and Asset Management Plan)
- Register of Elected Members Allowances and Benefits
- Register of (Employees) Salaries extract
- Assessment Record extract
- Public Road Register extract
- Register of (Certified) By-Laws extract
- Community Land Management Plans
- Community Land Register extract
- Register of Land Management Agreements
- Register of Burial Internments
- Community Land Management Plans
- Order Making Policy
- Request for Service & Complaints Policy
- Register of Member Interests (extract)Member Training & Development Policy
- Draft Annual Business Plan and Budget
- Adopted Annual Business Plan & Budget
- Annual Report
- Adopted Budget/ Financial Statements
- Audited Financial Statements
- Parking Control Register
- Voters Roll
- Dog Register
- Representation Options Paper
- Report on Change of Basis of Rating
- Report on Basis of Differential Rates
- Delegation Register extract
- Contracts and Tenders Policy
- Public Consultation Policy
- Access to Meetings Policy
- Meeting Notices, Agenda, Reports, Recommendations and Minutes
- Member Allowances & Benefits Policy

Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 5 of 10
--	--------------



 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>	Issued:	August 2021
		Next Review:	July 2022

#### Other Information Requests

Requests for information not published or otherwise available for viewing or release under the LG Act or other legislation will be considered in accordance with the provisions of the FOI Act. Under this legislation, applicants seeking access to documents held by Council need to make application with payment of the relevant fee and provide sufficient information to enable the specific documents being requested to be identified.

Applications made under the FOI Act for access to Council's document(s) must be:

- (a) in writing; and
- (b) specify that it is made under s13 of the Freedom of Information Act; and
- (c) accompanied by such application fee as may be prescribed by Regulation; and
- (d) contain such information as is reasonably necessary to enable the document to be identified; and
- (e) specify an address in Australia to which notices under the Act should be sent; and
- (f) lodged with Council and may request that access to the document be given in a particular way.

If the documents relate to the applicant's personal affairs or are sought on behalf of another person relating to their personal affairs, Council may ask for proof of identity or a consent form signed by that person.

Forms of access may include inspection or copies (subject to copyright law) of documents, hearing and/or viewing of audio and/or video tapes, transcripts of recorded documents, transcripts of words recorded in shorthand or encoded form, or the reproduction of documents from digitised information.

On receiving an FOI application Council may assist the applicant to direct the application to another agency or transfer the application to another agency if appropriate.

If Council refuses access to a document, the Council must issue a determination stating why the document is a restricted document.

In some instances, retrieving the requested information may involve considerable staff time or other document production costs. It is important to specify what is specifically sought as clearly as possible to assist staff in quickly and efficiently identifying and locating the relevant document.

Charges may be applied to the time spent dealing with an application in accordance with the Regulations.

Enquiries concerning the lodgement procedures for FOI requests, the procedures for inspecting or purchasing the identified Council documents, procedures for access to other Council documents and amendments of any Council records concerning the personal affairs of a member of the public are to be directed to the Council's Freedom of Information Officer:

Freedom of Information  
c/o Manager Governance and Property  
Civic Centre, 10 Watson Terrace  
MOUNT GAMBIER SA 5290

or emailed to [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

Applications will be responded to as soon as possible within the statutory period of 30 days (or such extended period as approved by the Chief Executive Officer) of Council receiving the appropriately completed FOI request together with the application fee and all other information necessary for a qualified response to be provided.



 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>	Issued:	August 2021
		Next Review:	July 2022

#### **FREEDOM OF INFORMATION APPLICATION FEES AND PROCESSING CHARGES**

Approved application fees are set in the Freedom of Information (Fees and Charges) Regulations 2019 and are available at [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au). A payment for the appropriate amount must be forwarded to Council with the FOI Application.

Processing charges may also apply for dealing with the application. These are set in the FOI Act Regulations with requests relating to personal affairs of the applicant including the first 2 hours spent by the agency being at no charge.

If, in the Council's opinion, the cost of dealing with an application is likely to exceed the application fee an advance deposit may be requested. Such a request will be accompanied by a notice setting out the basis on which the advance deposit amount has been calculated.

The FOI Officer will endeavour to work with an applicant to define and minimise the scope of the request and the costs involved.

#### **AMENDMENT OF 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 request amendment of such Council records, a completed application form and fee must be lodged with Council outlining the records that are to be corrected.

Where any corrections required did not result from any act or omission on the part of the applicant, any fees and charges paid for the original application will be fully refunded.

**Sarah PHILPOTT**  
CHIEF EXECUTIVE OFFICER  
5<sup>th</sup> August 2021



 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>	Issued: August 2021
		Next Review: July 2022

File Reference:	AF11/1190
Applicable Legislation:	Freedom of Information Act 1991 – s91(a) <a href="#">Freedom of Information (Fees and Charges) Regulations 2019</a> <a href="#">SA Government Gazette - 4 June 2020, page 3161</a>

**DOCUMENT DETAILS**

Responsibility:	MANAGER GOVERNANCE & PROPERTY
Last revised date:	August, 2021
Effective date:	17 August, 2021
Next review date:	July, 2022
Document History First Issued:	1991
Reviewed/Amended:	August, 2016, November 2018, March 2020, August 2021

Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 8 of 10
--	--------------



 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>	Issued: August 2021
		Next Review: July 2022

**APPENDIX A - Council Policies** (as at August 2021)

Council and Committee Policies

C305 Caretaker Policy  
 C320 Council Chamber and Reception Area - Use of  
 C410 Conduct of Meetings  
 E115 Elections - Council Entitlement to Vote  
 F140 Flag Protocol  
 M130 Media - Statements on behalf of Council  
 M205 Members - Mayor - Anniversary Messages  
 M225 Members - Service Recognition  
 M265 Members Complaints Handling Procedure  
 M270 Members - Mayor Seeking Legal Advice  
 M405 Members - Allowances, Reimbursements, Benefits and Facilities  
 M500 Members - Training and Development  
 S400 Supplementary Elections  
 V140 Visits by Parliamentary/Government Representatives

Chief Executive Officer Policies

C700 Corporate Branding and Identity  
 Emergency Management Policy  
 E200 Employees Long Service Awards Gifts as Resignation Retirement  
 P900 Public Interest Disclosure  
 Public Interest Disclosure Form  
 S175 Safe Environment  
 Unreasonable Conduct Policy  
 U900 Unsolicited Proposals

City Infrastructure Policies

B150 Building Sewer Connections, Waste Management Control and Provision of Toilet Facilities  
 C355 Council Land Irrigation  
 E135 Encroachments Protection of Public During Building and Maintenance Work  
 F110 Inspectorial Fencing Costs Contributions by Council  
 F175 Engineering Footways and Crossovers  
 F190 Engineering Footways Paving In City Centre Zone  
 R270 Road Pavement - Excavation and Reinstatement of  
 S115 Fencing and Stormwater Retention Basins  
 Memorials  
 T120 Tree Policy  
 W115 Waste Management - Reveal of Waste - Caroline Landfill  
 W125 Waste Management - Refuse Collection

Community Wellbeing Policies

A270 Australia Day Awards  
 C140 Main Corner Complex - Hire  
 D230 Donations - Authority to Approve Requests  
 H120 Historical Matters - Collection of  
 H125 Historical Matters - Copyright - 'The Les Hill Photographic Collection'  
 P195 Community Consultation and Engagement

*Electronic version on TRIM is the controlled version.  
 Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.*

Page 9 of 10



 City of Mount Gambier	<b>FREEDOM OF INFORMATION          STATEMENT</b>	Issued: August 2021
		Next Review: July 2022

Council Business Services Policies

- A900 Asset Management
- B300 Budget Framework
- C200 Request for Service and Complaint
- C290 Internal Review of Councils Decisions
- C375 Council Vehicles - Provision and Replacement of
- F225 Fraud and Corruption Prevention Policy
- P155 Privacy
- P415 Prudential Management
- P420 Procurement and Disposal of Land and Assets
- P910 Provision of Loans or Guarantees to Community Groups
- R105 Rates - Rating
- R130 Rates - General Matters
- R155 Rates - Rates Rebate
- R180 Records Management
- R200 Community Land (Reserves) Lease/Licence/Rental Arrangements
- Risk Management Policy
- S140 Street Numbering
- T150 Treasury Management

City Growth Policies

- A240 Assemblies and Events on Streets and other Council Land
- A515 Animal Control - Dogs
- A520 Animal Control
- C120 Cemeteries - Carinya Gardens and Lake Terrace Cemetery
- E240 Expiation Notices - Cancellation or Waiver
- F125 City Burning
- F135 Flammable Undergrowth
- F500 Footways and Council Land - Removal of Objects
- F505 Footways and Council Land - Sale of Commodities
- F510 Footways and Council Land - Fundraising and Promotion
- L130 Land Divisions
- L230 Licensed Premises
- O110 Order Making
- P135 Planning - Entertainment Venues
- S120 Street Signs - Directional, Tourist and other Scenic Facility Signs
- S135 Street Naming Of

*Electronic version on TRIM is the controlled version.  
 Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.*

Page 10 of 10



**23.2 2022 STREET TREE PROGRAM – REPORT NO. AR21/44369**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>17 August 2021</b>
<b>Report No.:</b>	<b>AR21/44369</b>
<b>CM9 Reference:</b>	<b>AF20/446</b>
<b>Author:</b>	<b>Sinaway Georgiou, Engineering Technical Officer</b>
<b>Authoriser:</b>	<b>Barbara Cernovskis, Acting General Manager City Infrastructure</b>
<b>Summary:</b>	<b>As per Council’s Street Tree Policy (T120) The City of Mount Gambier has a strategic objective of increasing its Street and Reserve Tree Population by 250 trees annually.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 2: Our Location Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment</b>

**REPORT RECOMMENDATION**

1. That Council Report No. AR21/44369 titled ‘2022 Street Tree Program’ as presented on 17 August 2021 be noted.
2. That Council approves the proposed schedule of trees that have been selected for removal to allow for uniformity in the 2022 Street Tree Program as outlined in Council’s Street Tree Policy (T120)
3. That Council notifies all residents and utilities affected by the plantings and invite comment on same (in accordance with Council’s Public Consultation Policy)
4. That Council adopts the 2022 Street Tree Program as outlined in the discussion so that the proposed species of trees may be pre-ordered.



## TYPE OF REPORT

Corporate

## BACKGROUND

Street trees are a valuable component of an urban environment, and in general are greatly appreciated by the community. The benefits that they provide include environmental, social, health and wellbeing, economic and visual amenity. They also assist in maintaining and enhancing biodiversity in an urban environment by providing habitat to bird life as well as improving our air quality. These characteristics support a number of objectives outlined in the Community Plan.

## PROPOSAL

In order for Council to receive specific tree species and cultivars for the 2021 Street Tree Program, it is necessary to reserve selected trees in advance. Without pre-ordering specific trees, there is no guarantee from nurseries that specific species, varieties or cultivars will be available in their preferred size and numbers when required.

A total of 4 trees have been flagged for removal all located on Amor Street. These four trees are crab apples that have poor structure, evidence of decay and have past their Safe Useful Life Expectancy (SULE).

Below is a table summarising the proposed 2022 Street Tree Program.

COMMON NAME	BOTANICAL NAME	STREET NAME	TREES BEING RETAINED	PROPOSED REMOVALS	PROPOSED PLANTINGS	NET GAIN
Australian Willow	<i>Geijera parviflora</i>	Walter Street	0	0	11	11
Callery Pear	<i>Pyrus calleryana</i> 'Glensfom' chanticleer	Kennedy Avenue	0	0	12	12
Callery Pear	<i>Pyrus calleryana</i> 'Glensfom' chanticleer	Wehl Street North	0	0	30	30
Crepe Myrtle	<i>Lagerstroemia indica x fauriei</i> 'Biloxi'	Alexander Street	0	0	17	17
Gawler Hybrid 'Bottlebrush'	<i>Callistemon viminalis</i> "Harkness"	Amor Street	0	4	19	15
Gawler Hybrid 'Bottlebrush'	<i>Callistemon viminalis</i> "Harkness"	Brilliant Street	0	0	18	18
Gawler Hybrid 'Bottlebrush'	<i>Callistemon viminalis</i> "Harkness"	Marara Street	3	0	24	24
Gawler Hybrid 'Bottlebrush'	<i>Callistemon viminalis</i> "Harkness"	Smith Street	0	0	23	23
Purple Leaf Cherryplum	<i>Prunus cerasifera</i> 'Nigra'	Bertha Street	0	1	28	27
Southworth Dancer Pear	<i>Pyrus betulaefolia</i> 'Southworth Dancer'	St Andrews Drive	0	0	78	78
			3	5	260	255

## LEGAL IMPLICATIONS

Not Applicable

## STRATEGIC PLAN

### Goal 2 – Our Location

2.1.1 – Working with the community to ensure our CBD, health and education precincts, our street and our public spaces are safe, inviting and support a positive image of the City of Mount Gambier.

2.1.2 - Continuing to work on projects that improve residential amenity.

### Goal 4 – Our Climate

4.1.2 – Protecting biodiversity for future generations.

4.2.2 – Ensuring opportunities exist to access and experience natural areas.





## **COUNCIL POLICY**

<https://s3-ap-southeast-2.amazonaws.com/cm-g-public-assets/docs/T120-Recreation-Tree-Policy.pdf>

## **ECONOMIC IMPLICATIONS**

Nil

## **ENVIRONMENTAL IMPLICATIONS**

The benefits that trees provide throughout the City include environmental, social, health and wellbeing, economic and visual amenity. They also assist in maintaining and enhancing biodiversity in an urban environment by providing habitat to bird life as well as improving our air quality.

## **SOCIAL IMPLICATIONS**

Trees greatly benefit the people living around them by having a positive impact on mental health and wellbeing, reducing stress and encouraging outdoor exercise. This is in addition to the benefits they will receive from an improved environmental quality and improved amenity which comes with planted areas.

## **CULTURAL IMPLICATIONS**

Trees can have a symbolic importance for identity and connection to a City.

## **RESOURCE IMPLICATIONS**

Nil

## **VALUE FOR MONEY**

Purchase of Trees as per Council's Policy P420 (Procurement, & Disposal of Land Assets).

## **RISK IMPLICATIONS**

Nil

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

Nil

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

All consultation to the public and utilities will be conducted closer to the date of planting as per Council's Policy P195 (Community Consultation & Engagement). This will help residents become more aware of the program closer to the date of planting which will allow Council to adopt a more concise list of non-participants. If residents choose not to take part in the program, we can list them immediately and remove them from having a street tree planted adjacent to their property. History shows that if a street tree is planted adjacent to properties who wish not participate in the program, the tree is merely vandalised or removed.

## **IMPLEMENTATION STRATEGY**

Nil

## **CONCLUSION AND RECOMMENDATION**

In keeping with Council's strategic objective of increasing the street tree population by a net gain of 250 trees per year, Council adopt the proposed 2022 Street Tree Program as discussed with a net tree gain in 2022 of 255 street trees assuming all residents part take in the program.

## **ATTACHMENTS**

Nil



**23.3 MEMBERSHIP OF CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – REPORT NO. AR21/47908**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>17 August 2021</b>
<b>Report No.:</b>	<b>AR21/47908</b>
<b>CM9 Reference:</b>	<b>AF20/446</b>
<b>Author:</b>	<b>Darren Barber, General Manager Shared Services</b>
<b>Authoriser:</b>	<b>Darren Barber, General Manager Shared Services</b>
<b>Summary:</b>	<b>This report presents the recommendation for filling the vacant position on the Chief Executive Officer Performance Review Committee by conducting a secret ballot in accordance with Council Policy C410 Code of Practice for Access to Meetings.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b> <b>Goal 5: Our Commitment</b>

**REPORT RECOMMENDATION**

1. That Council Report No. AR21/47908 titled 'Membership of Chief Executive Officer Performance Review Committee' as presented on 17 August 2021 be noted.
2. That, having received more than one nomination for the vacant position on the Chief Executive Officer Performance Review Committee, a secret ballot be conducted in accordance with Council Policy C410 Meeting Code of Practice. The Manager Governance and Property (or any other Senior Officer present) shall be the Returning Officer to declare the result and draw lots (if/as necessary) and the following shall apply:
  - A nominee need not be present at the meeting, but must provide a written acceptance to the General Manager Shared Services prior to consideration.
  - Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
  - Prior to commencing the secret ballot process, by passing a resolution, Council:
    - may determine not to nominate or appoint any person to fill a vacancy.
    - should determine the term to apply to the nomination/appointment, that may survive the next general/periodic election.
  - The Mayor may vote on the question of position appointments to Committee's and other bodies and organisation's.
  - A Member not in his or her seat at the meeting does not vote.
  - The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.



- A division cannot be called for when a vote on the question of appointing a person to fill a vacant position is taken.
- The Mayor may (but is not required to) accept a motion to endorse the filling of the vacant position however any failure or variation of the motion shall be of no effect on the result of the secret ballot.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.



## TYPE OF REPORT

Legislative

## BACKGROUND

At the Council meeting held on 20 July 2021 Council endorsed Terms of Reference to re-establish the Chief Executive Officer Performance Review Committee.

It was noted that the appointment of Cr Christian Greco to both the position of Deputy Mayor and Presiding Member of the Economic and Environment Committee creates a membership position vacancy on the Chief Executive Officer Performance Review Committee.

In accordance with the provisions in clause 12.5 of Council [Policy C410 Code of Practice for Access to Meetings](#), nominations were sought for the single membership vacancy on the Chief Executive Officer Performance Review Committee.

## PROPOSAL

At the close of nominations two written nominations for the vacant position on the Chief Executive Officer Performance Review Committee were received from:

- Cr Sonya Meziniec; and
- Cr Paul Jenner

That, having received more than one nomination for the vacant position on the Chief Executive Officer Performance Review Committee, Council should conduct a secret ballot forthwith without debate in accordance with Council Policy C410 Meeting Code of Practice. The Manager Governance and Property (or any other Senior Officer present) shall be the Returning Officer to declare the result and draw lots (if/as necessary) and the following shall apply:

- A nominee need not be present at the meeting, but must provide a written acceptance to the General Manager Shared Services prior to consideration.
- Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
- Prior to commencing the secret ballot process, by passing a resolution, Council:
- may determine not to nominate or appoint any person to fill a vacancy.
- should determine the term to apply to the nomination/appointment, that may survive the next general/periodic election.
- The Mayor may vote on the question of position appointments to Committee's and other bodies and organisation's.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.
- A division cannot be called for when a vote on the question of appointing a person to fill a vacant position is taken.
- The Mayor may (but is not required to) accept a motion to endorse the filling of the vacant position however any failure or variation of the motion shall be of no effect on the result of the secret ballot.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.



## **LEGAL IMPLICATIONS**

Nil

## **STRATEGIC PLAN**

Nil

## **COUNCIL POLICY**

[Policy C410 Code of Practice for Access to Meetings](#)

## **ECONOMIC IMPLICATIONS**

Nil

## **ENVIRONMENTAL IMPLICATIONS**

Nil

## **SOCIAL IMPLICATIONS**

Nil

## **CULTURAL IMPLICATIONS**

Nil

## **RESOURCE IMPLICATIONS**

Nil

## **VALUE FOR MONEY**

Nil

## **RISK IMPLICATIONS**

The Chief Executive Officer, Sarah Philpott has declared a conflict of interest in the matter of the Chief Executive Officer Performance Review Committee membership and accordingly will not participate in the consideration of this report, except to the extent necessary for the effective conduct of the review process and as invited by the Committee, Presiding Member or Council.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

Nil

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

Nil

## **IMPLEMENTATION STRATEGY**

Upon endorsement the membership of the Chief Executive Officer Performance Review Committee will be updated to include the candidate declared as being nominated/appointed to the vacant position.

## **CONCLUSION AND RECOMMENDATION**

With the appointment of Cr Christian Greco to two of the positions on the Chief Executive Officer Performance Review Committee, Council may now consider filling the vacant position on the Chief Executive Officer Performance Review Committee.

With two nominations received for the vacant position, this report presents the recommendation for filling the vacant position on the Chief Executive Officer Performance Review Committee by conducting a secret ballot in accordance with Council Policy C410 Code of Practice for Access to Meetings.

## **ATTACHMENTS**

Nil



## 24 MOTIONS WITH NOTICE

### 24.1 NOTICE OF MOTION - MOUNT GAMBIER MFS ISSUES

**Meeting:** Council  
**CM9 Reference:** AF20/446  
**Member:** Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 17 August 2021, I intend to move the following motion:

#### MOTION

1. That Council Report No. AR21/50269 titled 'Notice of Motion - Mount Gambier MFS Issues' as presented on 17 August 2021 be noted.
2. That Council urgently write to the Minister for Police, Emergency Services and Correctional Services, Vincent Tarzia, with a copy to The Premier, Troy Bell, Claire Scriven & The opposition spokesperson for Emergency Services the Leader of the Opposition Peter Malinauskas and United Fire Fighters Union of SA Inc with regards to the ongoing problem of the Mount Gambier Fire Station having a 22 year old pumper appliance as its main vehicle.
3. That Council invite the Minister for Police, Emergency Services and Correctional Services, Vincent Tarzia and/or the Premier to Mount Gambier to urgently provide a solution to this problem.

#### RATIONALE

The reasons for this are:

##### 1. Appliances

Mount Gambier Station had a Volvo pumper that kept on breaking down regularly and being sent back to Adelaide for repair, where it is currently.

It was then sent a Scania to temporarily replace it, but that had a broken main pump pipe that had to be welded and did not get used as the pump broke down after trying to be fixed here in Mount Gambier. Should never have left Adelaide in that condition.

So Mount Gambier's 2nd 22 year old Scania unit was placed as the main unit at the station until Adelaide replaced the scraped unit with a broken down pump with the sister truck of Mount Gambier's 2nd main truck that is also 22 years old.

The policy of MFS is to replace units after 15 years of age.

The premier announced 3 new Scania's all going into Adelaide and 1 to Mount Barker.

What is happening behind the scenes is Seaford received one of the strategically positioned new units and it's 11 year old unit is currently being refurbished to come down to Mount Gambier.



Mount Gambier yearly does more call outs than Seaford, so it is not strategically positioned for the whole of SA only looking at a Metro plan I presume.

Why are the people of Mount Gambier treated like second class citizens!!

That would be fine to happen if it replaces the 22 year old Scania and Mount Gambier gets one of the next 8 new trucks coming and that is a replacement for the Volvo that is being repaired.

Mount Gambier is 460kms away from Adelaide with Murray Bridge the nearest MFS station. Stop sending Mount Gambier second hand units.

I believe there is a replacement plan for Metropolitan Adelaide but not Regional and Rural SA - why not.

I have been told the second lot of 4 new trucks are in Adelaide, if that is true why not send one new unit here straight away and the 11 year old Seaford truck. Also, as per meeting in Adelaide with SAFECOM and MFS Chiefs a third unit would be sent to Mount Gambier which is a POD appliance like Port Pirie and Adelaide have.

For some reason someone either in MFS or SAFECOM senior administration does not want Mount Gambier to have appropriate equipment (appliances) to Adelaide or it is political and I do not believe it is political, so I ask the Premier and Minister to call a urgent investigation in to where units are going on a state basis to stop the rot!! Also, I do not believe it is SAFECOM making the decision because they get the consideration of where the new appliances go from the MFS.

I believe that MFS and SAFECOM advise the politicians of their strategic needs and usually the politicians sign off if it is within the budget. That is why I do not believe it is political.

## **2. MFS Personnel**

As per discussions with SAFECOM and MFS in Adelaide on Tuesday, 14 January 2020 why does Mount Gambier MFS Station not have 2 more additional Officers the same as Port Pirie MFS Station has.

I commend this Notice of Motion to Council.

## **ATTACHMENTS**

Nil



**24.2 NOTICE OF MOTION - STRATEGIC SUSTAINABILITY REPORT**

**Meeting:** Council  
**CM9 Reference:** AF20/446  
**Member:** Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 17 August 2021, I intend to move the following motion:

**MOTION**

1. That Council Report No. AR21/50719 titled 'Notice of Motion - Strategic Sustainability Report' as presented on 17 August 2021 be noted.
2. That Council Officers prepare a report on our current strategic sustainability direction including energy efficiency initiatives and associated budget allocation.

**RATIONALE**

By doing this report Council will have a better understanding of its sustainability direction into the future.

I commend this Notice of Motion to Council.

**ATTACHMENTS**

Nil





**25 URGENT MOTIONS WITHOUT NOTICE**



## 26 CONFIDENTIAL ITEMS OF COMMITTEES

### 26.1 CONFIDENTIAL ITEMS OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 10 AUGUST 2021

#### 26.2 Project Control Group (PCG) Progress Report #9 - As at 03/08/2021

##### 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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy and S McLean be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR21/48748 Project Control Group (PCG) Progress Report #9 - As at 03/08/2021.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- information concerning 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,
  - breach any duty of confidence, or
  - breach any 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 contained within the report and attachments presents matters relating to contracts between Council and contractors



associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Council's position in obtaining best value project delivery on behalf of the community.

**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 5.1 AR21/48748 Project Control Group (PCG) Progress Report #9 - As at 03/08/2021 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until 12 months after completion of the project.
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*.



**27 NEW CONFIDENTIAL ITEMS**

Nil

**28 MEETING CLOSE**



**COMMITTEE MINUTES**

**AND**

**REPORTS / ATTACHMENTS**

**MINUTES OF CITY OF MOUNT GAMBIER  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 20 JULY 2021 AT 6.00 P.M.**

**VIRTUAL MEETING WAS AVAILABLE FOR LIVE STREAMING,  
<https://www.youtube.com/user/cityofmountgambier/live>**

**PRESENT VIA ELECTRONIC MEANS:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso (entered at 6:03 pm), Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Frank Morello (entered at 6:01 pm), Cr Steven Perryman

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager City Infrastructure	- Ms B Cernovskis
	Manager Governance and Property	- Mr M McCarthy
	iServices Systems Administrator	- Mr A Myers
	Executive Administration Officer	- Ms A Lavia

Cr Frank Morello entered the virtual meeting at 6:01 pm

## 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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

## 2 APOLOGIES

Nil

## 3 LEAVE OF ABSENCE

Nil

## 4 CONFIRMATION OF COUNCIL MINUTES

### **RESOLUTION 2021/182**

Moved: Cr Paul Jenner  
Seconded: Cr Ben Hood

That the minutes of the Ordinary Council meeting held on 15 June 2021, the Special Council meeting held on 21 June 2021 and the Special Council meeting held on 29 June 2021 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

## 5 MAYORAL REPORT

Cr Kate Amoroso entered the virtual meeting at 6:03 pm

### 5.1 MAYORAL REPORT - JULY 2021

- Green Industries SA and KESAB Regional Forum
- Weekly LCLGA Mayor's Virtual Meeting
- Introductory Meeting James Morrison / Tim Coote
- Special Meeting of Council – Budget – Review of Written Submissions
- Elected Members Briefing – Rateable Commercial Properties – Occupancy
- Presentation of WHS Award to Council Employees
- Reconciliation Action Plan Community Reference Group Meeting
- UniSA Mount Gambier Campus Scholarship Awards and Grants Dinner
- Weekly LCLGA Mayor's Virtual Meeting
- MJ Dance Studio – Debutante Ball
- Radio Interview 5GTR-FM
- Meeting with Flinders University Rural and Remote Health, City of Mt Gambier, District Council of Grant
- Special Council Meeting – Adoption of Annual Budget
- Changeover Dinner Rotary Club of Mount Gambier West
- Mulga Street Primary School – French Day
- Grant High School – Young Change Agents Entrepreneurial Program Judging
- Economic and Environment Committee Meeting
- Elected Members Briefing – Presentation re SA Masters Games
- Introductory Meeting – Member for Mount Gambier and CEO
- Weekly LCLGA Mayor's Virtual Meeting
- Mount Gambier Eisteddfod Dance Division – Award Presentation
- Weekly LCLGA Mayor's Virtual Meeting
- With CEO, Meeting with Hon Zoe Bettison MP – Shadow Minister for Trade, Tourism and Multicultural Affairs
- Mayoral Business Breakfast
- Wulanda Recreation and Convention Centre Committee
- In Home Hospice Care Volunteer Graduation
- With CEO, meeting with Hon David Speirs MP Minister for Environment and Water
- Meeting re Mount Gambier Private Hospital
- Weekly LCLGA Mayor's Virtual Meeting
- Elected Members City of Mount Gambier Waste Sites Tour
- Elected Members Briefing – Draft LCLGA Business Plan 2021-2022

### **RESOLUTION 2021/183**

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the Mayoral report made on 20 July 2021 be received.

**CARRIED**

## **6 REPORTS FROM COUNCILLORS**

Cr Sonya Mezinec      Exhibition Openings - Earth Canvas, Under the Canopy and Black Crow, Christmas Parade Advisory Committee

Cr Christian Greco      Apollo Football Club 50<sup>th</sup> Anniversary

### **RESOLUTION 2021/184**

Moved: Cr Kate Amoroso  
Seconded: Cr Ben Hood

That the reports made by Councillors on 20 July 2021 be received.

**CARRIED**

## **7 QUESTIONS WITH NOTICE**

Nil

## **8 QUESTIONS WITHOUT NOTICE**

Nil

## **9 PETITIONS**

Nil

## **10 DEPUTATIONS**

Nil

## **11 NOTICE OF MOTION TO RESCIND OR AMEND**

Nil

## **12 ELECTED MEMBERS WORKSHOPS**

### **12.1 ELECTED MEMBER WORKSHOPS FROM 12/06/2021 TO 16/07/2021**

#### **RESOLUTION 2021/185**

Moved: Cr Sonya Meziniec  
Seconded: Cr Christian Greco

That the Record of Proceedings for the listed Workshops be received and noted.

**CARRIED**

## **13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

## **14 COUNCIL ACTION ITEMS**

### **14.1 COUNCIL ACTION ITEMS - 15/06/2021**

#### **RESOLUTION 2021/186**

Moved: Cr Max Bruins  
Seconded: Cr Frank Morello

1. That Council Report No. AR21/42544 titled 'Council Action Items - 15/06/2021' as presented on 20 July 2021 be noted.

**CARRIED**



**15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**17 WULANDA AND RECREATION AND CONVENTION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS****17.1 MINUTES OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 13 JULY 2021****RESOLUTION 2021/187**

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

That the Minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 13 July 2021 as attached be noted.

**CARRIED****17.2 REVIEW OF FINANCIAL DELEGATIONS FOR THE WULANDA RECREATION AND CONVENTION CENTRE CONSTRUCTION CONTRACT – REPORT NO. AR21/30397****RESOLUTION 2021/188**

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

1. That Wulanda Recreation and Convention Centre Committee Report No. AR21/30397 titled 'Review of Financial Delegations for the Wulanda Recreation and Convention Centre Construction Contract' as presented on 13 July 2021 be noted.
2. Pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations the Chief Executive Officer recommends that Part 4 only of Resolution 2019/409 dated 17 December 2019, namely:
  - "4. That the delegations relating to financial variations be as follows:
    - a) Site Superintendent / Project Manager – an increase in budget up to \$25,000; including cumulative changes
    - b) Project Control Group – an increase in budget from \$25,001 up to \$50,000; and
    - c) Regional Sport and Recreation Centre Committee – an increase in budget from \$50,001 up to \$100,000."

be revoked.
3. Council note the head delegations made to the Chief Executive Officer on 18 May 2021 pursuant to section 44 of the Local Government Act 1999 of various powers and functions including the powers under sections 36, 37 and 137 of the Local Government Act 1999, to enter into contracts and expend Council funds respectively in accordance with adopted budgets and policy provisions.
4. In accordance with the power in section 44(2)(a) of the Local Government Act 1999, Council delegates to the Wulanda Recreation and Convention Centre Committee the power under section 137 of the Local Government Act 1999 to expend Council funds to approve variations

to the Wulanda Recreation and Convention Centre construction contract up to the value of \$150,000 per variation subject to expenditure being within the adopted project budget for the Wulanda Recreation and Convention Centre, with the Chief Executive Officer authorised to act immediately to give effect to any such committee decision.

- That aggregate contract variations are to continue to be presented with monthly project updates to the Wulanda Recreation and Convention Centre Committee.

**CARRIED**

### 17.3 REVIEW OF CONFIDENTIALITY ORDERS – REPORT NO. AR21/40974

#### RESOLUTION 2021/189

Moved: Cr Ben Hood  
Seconded: Cr Max Bruins

- That Wulanda Recreation and Convention Centre Committee Report No. AR21/40974 titled 'Review of Confidentiality Orders' as presented on 13 July 2021 be noted.
- That the duration of the following confidentiality orders be amended:

Meeting Date	Item	S90(3) grounds	Element kept Confidential	Order Duration	Proposed Duration
16/02/21	ITEM 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01/02/2021 – REPORT NO. AR21/6521	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	the item be reviewed 12 months after successful execution of the contract.	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.
16/3/21	ITEM 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01/03/2021 - REPORT NO. AR21/11450	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	that the item be reviewed 12 months after successful execution of the contract.	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.
23/03/21	ITEM 4.1 WULANDA RECREATION AND CONVENTION CENTRE FUNDING – REPORT NO. AR21/17395	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	that the item be reviewed 12 months after successful execution of the contract.	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.

**CARRIED**

## 18 COUNCIL ASSESSMENT PANEL MINUTES

### 18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 1 JULY 2021

#### RESOLUTION 2021/190

Moved: Cr Paul Jenner  
Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 1 July 2021 as previously circulated be noted.

**CARRIED**

**19 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**22 CHIEF EXECUTIVE OFFICER SELECTION PANEL COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**23 BUILDING FIRE SAFETY COMMITTEE MINUTES****23.1 MINUTES OF THE BUILDING FIRE SAFETY COMMITTEE HELD ON 1 JULY 2021****RESOLUTION 2021/191**

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

That the Minutes of the Building Fire Safety Committee meeting held on 1 July 2021 as previously circulated be noted.

**CARRIED**

## 24 COUNCIL REPORTS

### 24.1 CO-DEDICATION OF BLUE LAKE

#### RESOLUTION 2021/192

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR21/27432 titled 'Co-Dedication of Blue Lake' as presented on 20 July 2021 be noted.
2. That the administration progress and report back to Council on:
  - (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.
  - (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)
  - (c) consideration of the most appropriate mechanisms for coordination and community engagement.

**CARRIED**

### 24.2 ELECTED MEMBER ATTENDANCE RECORDS

#### RESOLUTION 2021/193

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

1. That Council Report No. AR21/38405 titled 'Elected Member Attendance Records' as presented on 20 July 2021 be noted.

**CARRIED**

### 24.3 PUBLIC ROAD DECLARATION - LOT 397 LAWRENCE STREET

#### RESOLUTION 2021/194

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR21/38504 titled 'Public Road Declaration - Lot 397 Lawrence Street' as presented on 20 July 2021 be noted.
2. To declare Allotment 397 in Filed Plan 194199 contained in Certificate of Title Volume 5731 Folio 717 as public road pursuant to Section 208 of the Local Government Act 1999.
3. That the Chief Executive Officer be authorised to publish a notice in the Government Gazette as required by Section 208(4) of the Local Government Act 1999 to declare the road to be public road.

**CARRIED**

**24.4 STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) ACT 2021****RESOLUTION 2021/195**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR21/39261 titled 'Statutes Amendment (Local Government Review) Act 2021' as presented on 20 July 2021 be noted.
2. That Council note that resource implications including any human resourcing associated with the legislative amendments will become clearer as implementation plans progress. A further report will be presented when further clarity can be provided once commencement dates of amended provisions are known, any regulations drafted and finalised, and the Office of Local Government and Local Government Association have released further transition support resources.

**CARRIED**

Cr Christian Greco left the virtual meeting at 6:53 pm

Cr Christian Greco returned to virtual the meeting at 6:54 pm

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the virtual meeting for Item 24.5 - Chief Executive Officer Performance Review Committee.

**24.5 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE****MOTION**

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/43738 titled 'Chief Executive Officer Performance Review Committee' as presented on 20 July 2021 be noted.
2. That the amended Terms of Reference for the Chief Executive Officer Performance Review Committee be adopted as attached to Council Report No. AR21/43738.

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss nominations for the membership of the Chief Executive Officer Performance Review Committee.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 7:06 pm.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 7:08 pm.

**RESOLUTION 2021/196**

Moved: Cr Christian Greco  
Seconded: Cr Sonya Mezinec

1. That Council Report No. AR21/43738 titled 'Chief Executive Officer Performance Review Committee' as presented on 20 July 2021 be noted.
2. That the amended Terms of Reference for the Chief Executive Officer Performance Review Committee be adopted as attached to Council Report No. AR21/43738.

**CARRIED**

Mrs Sarah Philpott returned to the virtual meeting.

Pursuant to Section 74 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 24.6:

*"I am a member of the governing body of the LCLGA noting that I am Council's representative".*

In accordance with Section 74 of the Local Government Act 1999 Mayor Lynette Martin did not participate in the meeting for Item 24.6.

Mayor Lynette Martin left the virtual meeting at 7:10 pm

The Deputy Mayor Christian Greco took the chair for Item 24.6.

#### **24.6 LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION BUSINESS PLAN 2021/2022**

##### **RESOLUTION 2021/197**

Moved: Cr Christian Greco  
Seconded: Cr Ben Hood

1. That Council Report No. AR21/43817 titled 'Limestone Coast Local Government Association Business Plan 2021/2022' as presented on 20 July 2021 be noted.
2. That Council support the Limestone Coast Local Government Association (LCLGA) Budget and Business Plan for the 2021/2022 financial year, noting further work to be undertaken by Council on priority areas identified in the LCLGA Business Plan.

**CARRIED**

Mayor Lynette Martin returned to the virtual meeting at 7:18 pm and resumed the chair for the remainder of the meeting.

#### **24.7 INTERNAL REVIEW OF COUNCIL ACTIONS 2020/2021**

##### **RESOLUTION 2021/198**

Moved: Cr Max Bruins  
Seconded: Cr Frank Morello

1. That Council Report No. AR21/27433 titled 'Internal Review of Council Actions 2020/2021' as presented on 20 July 2021 be noted.
2. That the background and discussion material contained in Council Report No. AR20/27433 relating to Section 270 of the Local Government Act 1999 be included in Council's 2020/2021 Annual Report.

**CARRIED****25 MOTIONS WITH NOTICE**

Nil

**26 MOTIONS WITHOUT NOTICE**

Nil

**27 CONFIDENTIAL ITEMS OF COMMITTEES****27.1 CONFIDENTIAL ITEMS OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 13 JULY 2021****27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #8 - AS AT 06/07/2021 – REPORT NO. AR21/42663****RESOLUTION 2021/199**

Moved: Cr Frank Morello  
 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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, D Barber, T Coote, B Cernovskis, M McCarthy, A Myers and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/42663 Project Control Group (PCG) Progress Report #8 - As at 06/07/2021.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:

- to prejudice the commercial position of the person who supplied the information, or
- to confer a commercial advantage on a third party

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of information associated with this report could reasonably be expected to prejudice the commercial position of the third party as the present matter relates to the signed contracts between Council, BADGE, Turner and Townsend, Design Inc and Rider Levett Bucknall for the construction of the Wulanda Recreation and Convention Centre. The disclosure of this information at this time is considered on balance to be contrary to the public's interest as it would unreasonably expose the sensitive interest of the third party.

**CARRIED**

The livestream concluded.

#### **RESOLUTION 2021/200**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

#### **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 6.1 AR21/42663 Project Control Group (PCG) Progress Report #8 - As at 06/07/2021 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (d) be kept confidential and not available for public inspection until 12 months after completion of the project.
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*.

**CARRIED**

### **27.3 DESIGN SERVICES - CONSTRUCTION AND DEFECTS LIABILITY PERIOD – REPORT NO. AR21/43266**

#### **RESOLUTION 2021/201**

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinac

#### **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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, D Barber, T Coote, B Cernovskis, M McCarthy, A Myers and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.3 AR21/43266 Design Services - Construction and Defects Liability Period.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- information concerning 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,
  - breach any duty of confidence, or
  - breach any other legal obligation or duty
- legal advice

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 discussed is to include contractual terms, conditions, rates and budget the disclosure of which could reasonably prejudice the commercial position of Council and disclose commercial information of the proponent and breach an existing Confidentiality Order that remains in operation in relation to the information being considered, as well as legal advice relating to the matter.

**CARRIED**

**RESOLUTION 2021/202**

Moved: Cr Sonya Meziniec  
 Seconded: Cr Ben Hood

### **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 6.2 AR21/43266 Design Services - Construction and Defects Liability Period and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) and (h) be kept confidential and not available for public inspection until services under a contract associated with the matter have been completed, with the name of the contractor and contract value only to be released following consideration by Council.
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*.

**CARRIED**

## **28 NEW CONFIDENTIAL ITEMS**

### **28.1 LEGAL ADVICE – REPORT NO. AR21/39325**

#### **RESOLUTION 2021/203**

Moved: Cr Max Bruins  
 Seconded: Cr Ben Hood

#### **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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, D Barber, T Coote, B Cernovskis, M McCarthy, A Myers and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.1 AR21/39325 Legal Advice.

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

- information concerning 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,
  - breach any duty of confidence, or
  - breach any other legal obligation or duty
- legal advice
- 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

- information the disclosure of which would divulge information provided on a confidential basis by or to:
  - a Minister of the Crown, or
  - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

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 includes, primarily, legal advice that is subject to legal and common privilege and relates to litigation that it is reasonably considered will take place and that involved information of a confidential nature conveyed by a public authority.

**CARRIED**

Cr Steven Perryman left the virtual meeting at 7:33 pm and did not return.

Cr Christian Greco left the virtual meeting at 7:36 pm and did not return.

#### **RESOLUTION 2021/204**

Moved: Cr Max Bruins  
Seconded: Cr Paul Jenner

#### **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 28.1 AR21/39325 Legal Advice and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (g), (h), (i) and (j) be kept confidential and not available for public inspection until further Order of Council, to be reviewed at least once in every year..
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*.

**CARRIED**

#### **28.2 STRATEGIC PROPERTY MANAGEMENT - LAND VALUATIONS – REPORT NO. AR21/38766**

#### **RESOLUTION 2021/205**

Moved: Cr Max Bruins  
Seconded: Cr Ben Hood

#### **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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, B Hood, P

Jenner and F Morello and Council Officers S Philpott, D Barber, T Coote, B Cernovskis, M McCarthy, A Myers and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.2 AR21/38766 Strategic Property Management - Land Valuations.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party

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 includes property valuation information the disclosure of which could reasonably be considered would prejudice the commercial position of Council in the event of a potential land disposal and/or advantage a third party with whom Council proposed to enter into a contractual arrangement.

The public interest in the non-disclosure of this information is in ensuring best value is obtained for the property in the event that it is declared surplus and placed on the market for sale.

**CARRIED**

Cr Kate Amoroso left the virtual meeting at 7:42 pm and did not return.

**RESOLUTION 2021/206**

Moved: Cr Max Bruins  
 Seconded: Cr Paul Jenner

**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 28.2 AR21/38766 Strategic Property Management - Land Valuations and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (d) be kept confidential and not available for public inspection until a contract has been settled for each of the subject properties, to be reviewed every 12 months.
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*.

**CARRIED****28.3 COVID-19 TOURISM TENANCIES – REPORT NO. AR21/41157****RESOLUTION 2021/207**

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 Mayor L Martin, Councillors S Meziniec, M Bruins, B Hood, P Jenner and F Morello Council Officers S Philpott, D Barber, T Coote, B Cernovskis, M McCarthy, A Myers and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.3 AR21/41157 COVID-19 Tourism Tenancies.

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

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party

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 discussed includes contractual and financial information relating to Council's tourism tenancies including

tenants personal information, the disclosure of which would be inappropriate and could reasonably prejudice the commercial position of Council, confer commercial advantage on Council's tenants and reveal commercial information regarding tenants contractual arrangements.

**CARRIED**

### **RESOLUTION 2021/208**

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

### **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 28.3 AR21/41157 COVID-19 Tourism Tenancies and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (d) be kept confidential and not available for public inspection until 1 year after each listed tourism tenants current arrangements have expired or been replaced, or 1 year after the end of the COVID19 health emergency, whichever is the later.
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*.

**CARRIED**

Pursuant to Section 75A of the Local Government Act 1999, Cr Max Bruins disclosed a perceived conflict of interest in Item 28.4:

*“as members of my extended family own a significant part of the business that has been identified as the preferred supplier”.*

Cr Max Bruins informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 28.4 as follows:*

*- I will leave the chamber (or virtual equivalent) and will not vote on this item”*

In accordance with Section 75A of the Local Government Act 1999 Cr Max Bruins left the virtual meeting for Item 28.4.

Cr Max Bruins left the virtual meeting at 7:56 pm and did not return.

**28.4 TENDER AF21/209 SUPPLY AND DELIVERY OF PREMIXED CONCRETE – REPORT NO. AR21/43214****RESOLUTION 2021/209**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

**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 Mayor L Martin, Councillors S Meziniec, B Hood, P Jenner and F Morello and Council Officers S Philpott, D Barber, T Coote, B Cernovskis, M McCarthy, A Myers and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.4 AR21/43214 Tender AF21/209 Supply and Delivery of Premixed Concrete.

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

- tenders for the:
  - supply of goods, or
  - the provision of services, or
  - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because this item relates to the discussion and recommendation of commercial arrangements for the supply and delivery of pre-mixed concrete.

**CARRIED**

**RESOLUTION 2021/210**

Moved: Cr Ben Hood

Seconded: Cr Frank Morello

**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 28.4 AR21/43214 Tender AF21/209 Supply and Delivery of Premixed Concrete and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until final execution of the signed contract, at which only time the successful provider and contract value will be released.
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*.

**CARRIED**

**29 MEETING CLOSE**

**The Meeting closed at 7:59 pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 August 2021.**

.....  
**PRESIDING MEMBER**



**MINUTES OF CITY OF MOUNT GAMBIER  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON THURSDAY, 12 AUGUST 2021 AT 5.15 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Ben Hood,  
Cr Frank Morello, Cr Steven Perryman

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Executive Administrator Community Wellbeing	- Ms A Lavia
	Executive Administrator City Growth	- Ms T Chant

### 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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

### 2 APOLOGIES

**RESOLUTION 2021/200**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

That the apologies from Cr Kate Amoroso, Cr Christian Greco and Cr Paul Jenner be received.

**CARRIED**

### 3 LEAVE OF ABSENCE

Nil

## 4 NEW CONFIDENTIAL ITEMS

### 4.1 WULANDA RECREATION AND CONVENTION CENTRE LOAN STRUCTURES – REPORT NO. AR21/50825

#### RESOLUTION 2021/201

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

#### 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 Mayor L Martin, Councillors S Meziniec, M Bruins, B Hood, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, T Chant and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR21/50825 Wulanda Recreation and Convention Centre Loan Structures.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- information concerning 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,
  - breach any duty of confidence, or
  - breach any 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 discussed relates to the lending arrangements associated with funding for the Wulanda Recreation and Convention Centre project. The information to be discussed includes information that is subject to an existing confidential order of Council that remains in operation. The disclosure of which could prejudice Council's commercial position and could impact on obtaining best value for the community.

**CARRIED**

**RESOLUTION 2021/202**

Moved: Cr Max Bruins  
Seconded: Cr Steven Perryman

**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 4.1 AR21/50825 Wulanda Recreation and Convention Centre Loan Structures and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (g) be kept confidential and not available for public inspection until relevant loan contracts are fully amortised and that this order be reviewed every 12 months.
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*.

**CARRIED****5 MEETING CLOSE**

The Meeting closed at 5:25 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 17 August 2021.

.....  
**PRESIDING MEMBER**

**MINUTES OF CITY OF MOUNT GAMBIER  
PEOPLE AND PLACE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,  
MOUNT GAMBIER ON MONDAY, 2 AUGUST 2021 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Sonya Meziniec, Cr Steven Perryman

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	Acting General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Manager Governance and Property	- Mr M McCarthy
	Media and Communications Coordinator	- Ms S McLean
	Councillor Support Officer	- Mrs M Telford

## 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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

## 2 APOLOGY(IES)

### COMMITTEE RESOLUTION

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

That the apology(ies) from Cr Paul Jenner be received.

**CARRIED**

## 3 CONFIRMATION OF MINUTES

### COMMITTEE RESOLUTION

Moved: Cr Ben Hood

Seconded: Cr Max Bruins

That the minutes of the People and Place Committee meeting held on 7 June 2021 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

## 4 QUESTIONS WITHOUT NOTICE

Nil

## 5 REPORTS

### 5.1 INFRASTRUCTURE PARTNERSHIP PROGRAM - SHARED PATH EXTENSION TO WIRELESS ROAD, TAFE SA PROJECT.

#### COMMITTEE RESOLUTION

Moved: Cr Max Bruins

Seconded: Mayor Lynette Martin

1. That People and Place Committee Report No. AR21/42014 titled 'Infrastructure Partnership Program - shared path extension to Wireless Road, TAFE SA project.' as presented on 02 August 2021 be noted.
2. That Council amend the scope of the Infrastructure Partnership Program shared path extension to Wireless Road, TAFE SA project and stage the delivery.
3. That Council deliver Stage 1 - the \$1.6M solar lighting installation of the project scope as budgeted.
4. That new and amended community land management plans be prepared for public consultation purposes for the route of the proposed shared use path extension and railway corridor.
5. That a further report with completed designs and updated cost estimates be presented to Council that identifies the most suitable and cost-effective way to link the existing rail trail to the TAFE SA campus on Wireless Road.
6. That the report recommendation is aligned and integrates with Councils long term strategy and masterplans.

**CARRIED**

Cr Steven Perryman returned to the meeting at 5:40 p.m.

### 5.2 SALVAGED ROUNDHOUSE TIMBER BEAMS FROM MOUNT GAMBIER RAILYARDS

#### COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

1. That the People and Place Committee Report No. AR21/45126 titled 'Salvaged Roundhouse Timber Beams from Mount Gambier Railyards' as presented on 02 August 2021 be noted.
2. That Council keep a portion of the timber for a community related project reflecting the historical significance of our rail history and that the National Trust be consulted in the process, and Council donate the remainder to the National Trust for the repair and restoration of the Roundhouse building at Peterborough. Delivery costs to be incurred by the National Trust.

**CARRIED**

### 5.3 INSTALLATION OF A NO PARKING ZONE - HEDLEY STREET (WESTERN SIDE)

#### MOTION

Moved: Cr Frank Morello

Seconded: Cr Steven Perryman

1. That People and Place Committee Report No. AR21/45538 titled 'Installation of a No Parking Zone - Hedley Street (Western Side)' as presented on 02 August 2021 be noted.
2. That the Traffic Impact Statement attached to this report be endorsed by Council.
3. That the City of Mount Gambier, pursuant to Ministerial delegation resolves the following:

Prohibited Area

No Parking

1.2.073

Hedley Street (Western Side) - From 10 metres south of the intersection with Jardine Street to 75 metres south of the said intersection

To apply at all times

**LOST**

### 5.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM EXTENSION PHASE 2 - PROJECT NOMINATION

#### REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR21/46717 titled 'Local Roads and Community Infrastructure Program Extension Phase 2 - Project Nomination' as presented on 02 August 2021 be noted.
2. That Council endorse the below project nominations for Phase 2 of the Local Roads and Community Infrastructure Program (LRCI) grant funding:

Description	Total project cost	LRCI Program Funding Required
New Valley Lakes Public Amenities	\$490,000	\$490,000
Refurbishment of existing Public Amenities adjoining State Heritage Railway Station building	\$460,000	\$460,000
Landscaping improvements at Cave Garden and Umpherston Sinkhole Community Recreational Reserves	\$50,000	\$50,000
Umpherston Sinkhole Path Lighting	\$40,000	\$40,000

**5.5 MOTION WITHOUT NOTICE - INSTALLATION OF A NO PARKING ZONE - HEDLEY STREET (WESTERN SIDE)**

**COMMITTEE RESOLUTION**

Moved: Cr Ben Hood  
Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR21/45538 titled 'Installation of a No Parking Zone - Hedley Street (Western Side)' as presented on 02 August 2021 be noted.
2. Council write to the residents along the effected portion of Hedley Street seeking their views of the removal of carparking on the western side accompanied by a diagram with a report to be brought back to Council.

**CARRIED**

**6 MEETING CLOSE**

**The Meeting closed at 5:55 p.m.**

**The minutes of this meeting were confirmed at the People and Place Committee held on 5 October 2021.**

.....  
**PRESIDING MEMBER**

<b>16.2 INFRASTRUCTURE PARTNERSHIP PROGRAM - SHARED PATH EXTENSION TO WIRELESS ROAD, TAFE SA PROJECT. – REPORT NO. AR21/42014</b>
---

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 August 2021</b>
<b>Report No.:</b>	<b>AR21/42014</b>
<b>CM9 Reference:</b>	<b>AF20/455</b>
<b>Author:</b>	<b>Abdullah Mahmud, Manager of Operations &amp; Engineering</b>
<b>Authoriser:</b>	<b>Barbara Cernovskis, Acting General Manager City Infrastructure</b>
<b>Summary:</b>	<b>This report recommends the scope for the Infrastructure Partnership Program application be amended to outline a staged approach to the project delivery.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b> <b>Goal 5: Our Commitment</b>

#### **REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR21/42014 titled 'Infrastructure Partnership Program - shared path extension to Wireless Road, TAFE SA project.' as presented on 02 August 2021 be noted.
2. That Council amend the scope of the Infrastructure Partnership Program shared path extension to Wireless Road, TAFE SA project and stage the delivery.
3. That Council deliver Stage 1 - the \$1.6M solar lighting installation of the project scope as budgeted.
4. That new and amended community land management plans be prepared for public consultation purposes for the route of the proposed shared use path extension and railway corridor.
5. That a further report with completed designs and updated cost estimates be presented to Council that identifies the most suitable and cost-effective way to link the existing rail trail to the TAFE SA campus on Wireless Road.
6. That the report recommendation is aligned and integrates with Councils long term strategy and masterplans.





## TYPE OF REPORT

Other

## BACKGROUND

City of Mount Gambier has been awarded \$800,000 funding from the State Government as part of the Local Government Infrastructure Partnership Program (IPP) for solar lighting along the rail trail corridor. Another \$800,000 has been allocated in this year's budget as contribution for matching funding criteria for this grant.

The existing shared path network along the rail trail has a total length of 9.2 kilometres. Council allocated an additional \$300,000 to increase the scope to include construction of a 3.0m wide and 2.1 km long shared pathway extension. The aim of the increased project scope was to extend the shared path to create the loop around the city and to provide a direct link of the rail trail from Wandilo Road to TAFE SA on Wireless Road.

Council is to be advised that the grant funding application was submitted based on an identified preliminary route and with a probable estimated cost for the extension of the rail trail. No detailed design or investigation had been undertaken as part of this funding submission.

As per the grant agreement, the primary objectives for the pathway extensions project are:

- A 3.0 metre wide shared path
- Total length approximate 2.0km
- Link rail trail to TAFE SA and Uni SA campus
- Continue developing a shared pathway loop around the city

After receiving the funding budget, Council Officers moved into the delivery of the project construction. During an initial site investigation by Council Officers, it has been identified that several constraints exist along the proposed routes. Due to the cost prohibitive nature of these constraints, Council will not be able to accommodate the extension of the shared pathway along the proposed route within the budget and deadline. A thorough desktop study has been done for the proposed routes and are discussed in this report.

Two options were identified in the initial business case (AR21/5751) for the project funding application. Option 2 from that business case was submitted as the preferred option in the report. However, with the constraints identified in both option 1 and option 2, it is recommended that neither of these routes are feasible to be constructed as a shared path.

A detailed finding of the onsite route inspection is described below.

### **Route 1 – Wireless Road West – Wandilo Road - Rail Trail**

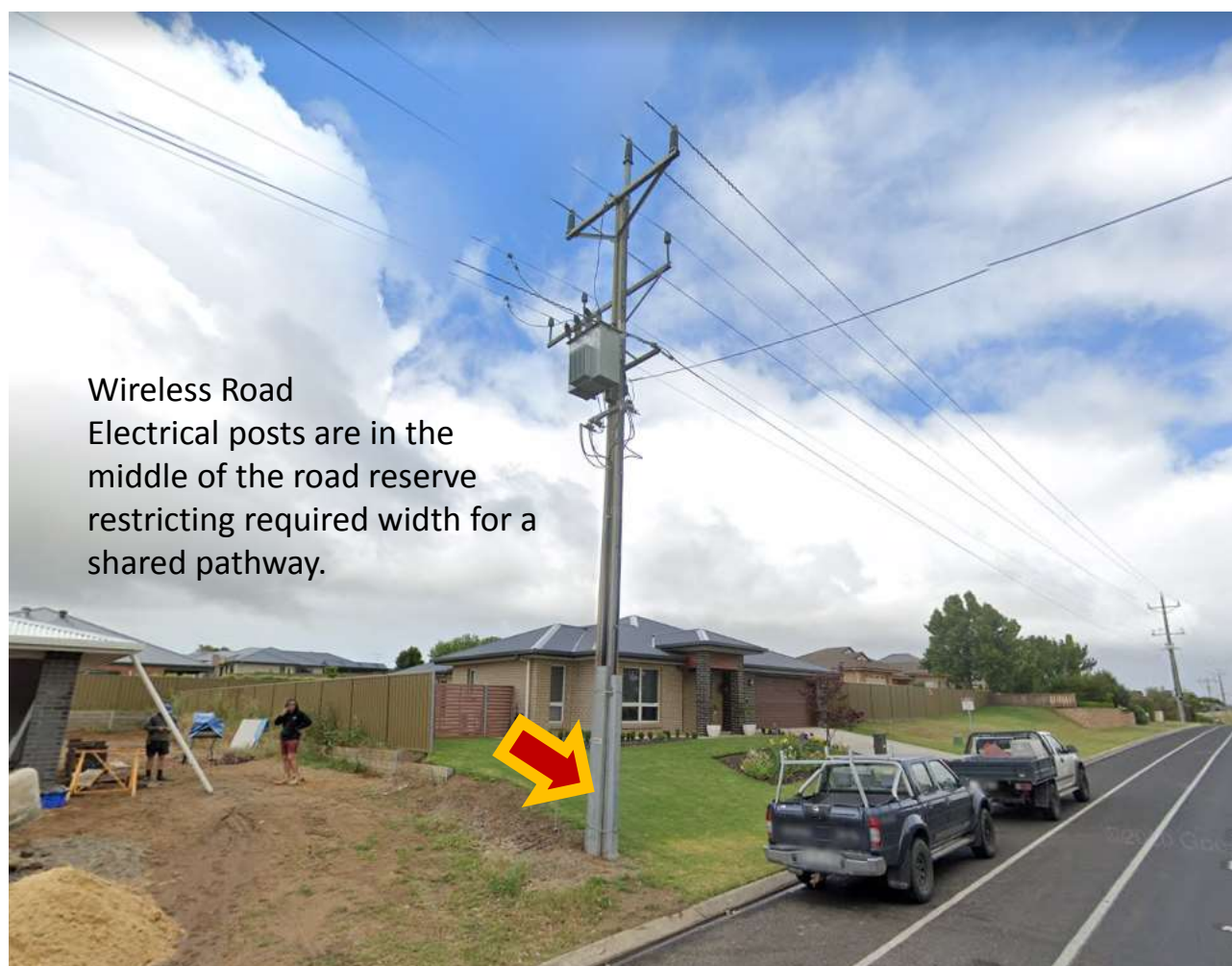
Route 1 is a 3.0-metre-wide and 2.05-kilometre-long shared path, with concrete and asphalt materials being considered. Route 1 presents a number of complex issues, which will require Council to undertake land acquisitions, reduce road speed limits, modify fencing, install retaining walls, widen the existing road pavement and install pavement markings and traffic delineation aids. In addition, there is lack of sight distance for road and shared path users at the O'Leary Road and Wireless Road West intersection (topography is steep).



Table 1.1 below provides information on the observed constraints and potential alternative routes/options available.

Chainage	Length Path	Type	Comment/Observation
0.00	START	(TAFE Bus Shelter)	
0.00	750m	High Pressure Gas Pipeline	Varies North & South
143.8	Point	Stobie Pole (South Side)	See Photo
236.5	Point	Stobie Pole (South Side)	See Photo
307.4	Point	Stobie Pole (South Side)	See Photo
1999	Point	Tight corner.	See Photo
2051	END	(Rail Trail)	

### Chainage 143.8

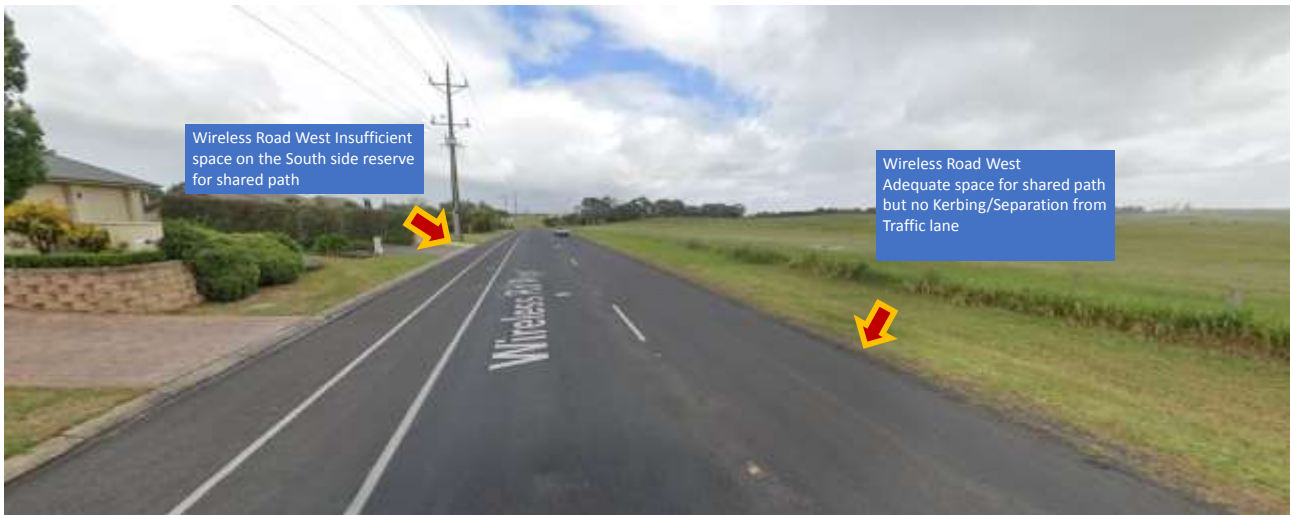


Chainage 236.5

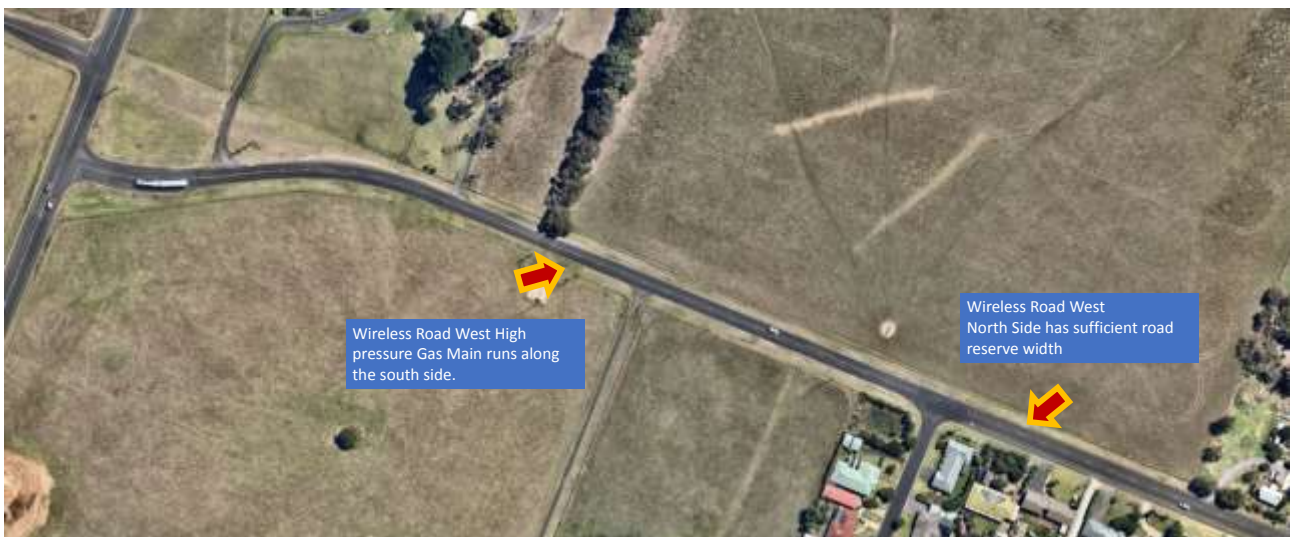


Chainage 307.4:





Wireless Road West – North side has sufficient road reserve for a shared path, However, no existing kerbing/delineation to separate shared path from traffic lane. To construct a dedicated shared path physical separation is required.



Chainage 1999: (Narrow Strip, 1m wide only)



Chainage 1999: (Narrow Strip, 1m wide only)**Route 2 – Wireless Road West – O’Leary Road – Springview Estate Easement – Rail trail**

Route 2 is a 3.0-metre-wide and 2.09-kilometre-long shared path, with concrete and asphalt materials also being considered. Route 2 presents several opportunities and does not present the complex issues identified for Route 1. The Route 2 shared path extension will connect from the existing shared path (adjacent to Wandilo Road) and directed along an existing Council reserve to O’Leary Road. The shared path will run north along the eastern side of O’Leary Road to join into Wireless Road West.

Table 2.1 below provides information on the observed constraints and potential alternative routes/options available.

Chainage	Length Path	Type	Comment/Observation
0.00	START	(TAFE Bus Shelter)	
0.00	750m	High Pressure Gas Pipeline	Varies North & South
143.8	Point	Stobie Pole (South Side)	Same as Route 01
236.5	Point	Stobie Pole (South Side)	Same as Route 01
307.4	Point	Stobie Pole (South Side)	Same as Route 01
809.9	504m	Narrow strip (2.6m wide)	See Photo
1189.9	Point	Stobie Pole (East Side)	See Photo
1308.5	Point	Stobie Pole (East Side)	See Photo
1400	250m	Screening reserve	Earth work profiling is required. Use of the screen reserve needs clarification.
2073.8	END	(Rail Trail)	

Chainage 809.9: (Narrow Strip, 2.6m wide)



Chainage 1189.9:



Chainage 1308.5:





Chainage 1400 – Earthwork profiling required.



Both of these routes identified in the business case for submission to the IPP grant fund include significant cost in relocation of stobie poles or construction of kerbing for separation of the shared pathway or land acquisition to accommodate a designated path.

The significant constraints are:



### 1. Traffic Speed Limit

The risk of construction along O'Leary Road is that the speed limit is 80kph which poses significant risk to the pedestrian/cyclists without a proper road crossing.

### 2. Clearance:

On road parking is allowed on both sides of O'Leary Road. Hence, to build a standard shared path a minimum of 1m clearance is required from the kerb edge to allow parked vehicles to open the door on the passenger side without obstructing the path. Currently there is only 2.6m space available on the eastern side of O'Leary Rd reserve and approximately 3.0m space available on the western side of the road reserve. In both cases there will not be adequate clearance/space available to build a shared pathway at its current road orientation. Also, given that children/inexperienced cyclists are likely to use this path in the urban environment physical separation will be required which will increase cost to the project.

### 3. Drainage

Paths for cycling should be constructed so that water does not pond on the surface and debris does not wash onto the path during heavy rain. Along Wireless Road currently no drainage collection system exists for the roadway. Constructing a shared path without proper kerbing and channel may lead into water run-off over the path, making the path unsuitable/slippery for commuters during a heavy rain event and also damaging the integrity of the physical property of the pathway.

### 4. Physical Structures:

Other physical structures (i.e. high-pressure gas main, stobie poles, driveways etc) are present in the road reserve of the proposed routes. Relocating these structures will require a significant liaison effort with the asset owners and likely incur large costs. An example, relocation of a single stobie pole would cost approximately \$22k each which means for route 2 relocation of 5 posts would be in the vicinity of around \$110k.

### 5. Land use/Ownership

The existing rail trail land is owned by Department of Infrastructure and Transport (DIT). It is yet to be confirmed that the current lease agreement with DIT for the said parcel of land includes the necessary permission for Council to build permanent structural assets and a clear definition of ownership of such assets

### 6. Community Land Implications

The community land provisions of the Local Government Act 1999 (the "Act") provide that local government land (except roads and validly excluded or revoked land) is community land.

The provisions require Council to prepare and adopt a community land management plan(s) for community land, amongst other things, where the land has been, or is to be, specifically modified for the benefit or enjoyment of the community.

Further, the effect of the community land management plan provisions is that a council must manage community land in accordance with any management plan for the relevant land.

The implication being that a community land management plan should be prepared (or amended), public consultation carried out, and endorsed to include any proposed development, use or management proposal. Such process should be concluded prior to a proposal being implemented.

In the case of the shared use path extension, the proposed routes include land parcels that have no community land management plan, or that do not anticipate the proposed development of a shared use path or use for such purpose.





Accordingly, it would be appropriate to prepare new (or amend) community land management plans for the proposed (or preferred) route(s) and conduct consultation in accordance with the Act.

Consultation is not required but might also be considered where the proposed route is on road, not being community land, particularly where proximate owners/occupiers might be impacted.

These community land and consultation considerations should also be considered in relation to the railway corridor, noting that Council's interest in these lands are considered to meet the definition of local government land and community land nature of Council's interest in this land.

## PROPOSAL

### **Route 3 - King Grove Reserve - HeathField Way - Mallee Street Wilga Road - O'Leary Road - Springview State Easement – RailTrail**

A third route option could be considered to deliver the promised link between the rail trail and TAFE SA on Wireless Road. However, it will require a detailed feasibility study and planning/engineering design to determine the suitability of this route. This route may not contain a continuous shared pathway link along Malee Street-Wilga Road but due to being local road on-street cycle paths could fill that gap.

The proposed route 3 is shown as below.



It is recommended that Council amend the scope and stage the delivery of this project. Stage 1 to progress with the installation of the solar lighting along the existing path this year, Stage 2 to undertake further study of the suitable options and design works to deliver the promised link between the rail trail and TAFE SA.

Alternatively, partial construction of the extended path could be possible up to O'Leary Road through the screening reserve in between the Springview subdivision and the industrial area.

However, for either route, and for the solar lighting installation, this report recommends the preparation of community land management plans for relevant community land parcels, and that consultation be conducted on the proposed management plans, including the solar lighting and shared path extension proposals and a further report with completed designs and updated cost estimates be presented to Council.

**LEGAL IMPLICATIONS**

Amending the scope may have implications as per the current deed of the funding agreement. Advice will be sought by resolution of Council if amendment of the scope or extension of project delivery is to be considered.

The Background has also referred to the community land implications associated with the project.

**STRATEGIC PLAN**

Identified as per the previous business plan.

**COUNCIL POLICY**

Nil

**ECONOMIC IMPLICATIONS**

As per People and Place Committee Report No. AR21/42014.

**ENVIRONMENTAL IMPLICATIONS**

As per People and Place Committee Report No. AR21/42014.

**SOCIAL IMPLICATIONS**

Proposed option that is described in route 3 will require consultation with neighbourhood school, residents, community and key stakeholders.

**CULTURAL IMPLICATIONS**

As per People and Place Committee Report No. AR21/42014.

**RESOURCE IMPLICATIONS**

The current allocation for the project is \$1.9m which consists of \$1.6M for solar lighting along the path and \$300K for the extension of the pathway. The preliminary site study and identified constraints require the design and cost estimates to be updated for extension of the rail trail.

**VALUE FOR MONEY**

N/A

**RISK IMPLICATIONS**

All the existing constraints are not considered in the funding application and progressing delivery without proper investigation and design will increase the risk of significant variation in cost and quality.

The Background has also referred to the community land implications associated with the project.

**EQUALITIES AND DIVERSITY IMPLICATIONS**

Nil

**ENGAGEMENT AND COMMUNICATION STRATEGY**

Proposed option that is described in route 3 will require an engagement strategy to be developed and implemented with the community and key stakeholders, including for the adoption of new or amended community land management plans for the relevant land parcels.

**IMPLEMENTATION STRATEGY**

Community land management plans (new or amended) will be prepared for the preferred route for the shared use path extension and railway corridor and presented to Council for endorsement for public consultation purposes.

**CONCLUSION AND RECOMMENDATION**

This report recommends that Council deliver the solar lighting installation of the scope which has been separately budgeted for a total \$1.6m (\$800K funding +\$800K Council contribution). This report



also notes that new and amended community land management plans will be prepared for public consultation purposes for the route of the shared use path extension and railway corridor and a further report with completed designs and updated cost estimates be presented to Council that identifies the most suitable and cost-effective way to link the existing rail trail to the TAFE SA campus on Wireless Road.

**ATTACHMENTS**

Nil



**16.3 SALVAGED ROUNDHOUSE TIMBER BEAMS FROM MOUNT GAMBIER RAILYARDS – REPORT NO. AR21/45126**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 August 2021</b>
<b>Report No.:</b>	<b>AR21/45126</b>
<b>CM9 Reference:</b>	<b>AF20/455</b>
<b>Author:</b>	<b>Abdullah Mahmud, Manager of Operations &amp; Engineering</b>
<b>Authoriser:</b>	<b>Barbara Cernovskis, Acting General Manager City Infrastructure</b>
<b>Summary:</b>	<b>This report seeks a resolution of Council to determine the future of salvaged timber beams from the Roundhouse building formerly located on the Mount Gambier Railyards.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 2: Our Location Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That the People and Place Committee Report No. AR21/45126 titled 'Salvaged Roundhouse Timber Beams from Mount Gambier Railyards' as presented on 02 August 2021 be noted.
2. That a resolution be made to determine future use of the salvaged timber, with possible options provided below:

Option 1 - Donate the timber to the National Trust for the repair and restoration of the Roundhouse building at Peterborough. Delivery costs to be incurred by the National Trust.

Option 2 – Dispose of the timber via public auction and reserve the funds for a local community project associated with railway heritage conservation project.

Option 3 – Securely store the salvaged timber until an identified future use deemed suitable by the Council is endorsed.



**TYPE OF REPORT**

Other

**BACKGROUND**

In June 2018, Council accepted an offer from the Department for Infrastructure and Transport to obtain the salvaged timber beams from the Railway Lands Roundhouse building being demolished at that time. A memo was issued to advise Elected Members and Executive Officers of Council successfully securing the ownership of the timber.

The timber beams have since been stored at the Council Works Depot and whilst there was not a formal resolution of Council, the intention was for the materials to be reused by Council in a way that preserves the Railway history.

Council has received a request from the National Trust of South Australia who are undertaking repair and restoration works to the Roundhouse building at Peterborough. They would like to reuse some of the beams and columns to replace failing sections of the Peterborough roundhouse.

This report is to provide the option for Council to formally consider future reuse of the salvaged timber beams.

**PROPOSAL**

The salvaged timbers are currently stored in an open area at Council's Works Depot yard. Some of the timber posts/columns appear to have previous fire damage to them and are not in the best condition. The current storage arrangements are not ideal with ongoing exposure to the elements leading to further deterioration of the physical condition of the timbers.

Therefore, a formal resolution from Council is sought to determine future use of the salvaged timber.

**LEGAL IMPLICATIONS**

Nil

**STRATEGIC PLAN**

Nil

**COUNCIL POLICY**

P420 Procurement, & Disposal of Land and Assets Policy.

**ECONOMIC IMPLICATIONS**

Nil

**ENVIRONMENTAL IMPLICATIONS**

Nil

**SOCIAL IMPLICATIONS**

Nil

**CULTURAL IMPLICATIONS**

Nil

**RESOURCE IMPLICATIONS**

Disposing the salvaged timber by a public auction process will involve a fee from the auction company. Council may be able to use an online auction process to minimise costs.

Longer term storage of the salvaged timber may incur some costs in order to minimise the deterioration of the physical condition due to weathering.

**VALUE FOR MONEY**

Nil



**RISK IMPLICATIONS**

The salvaged timber remaining in storage.

**EQUALITIES AND DIVERSITY IMPLICATIONS**

Nil

**ENGAGEMENT AND COMMUNICATION STRATEGY**

Nil

**IMPLEMENTATION STRATEGY**

Nil

**CONCLUSION AND RECOMMENDATION**

This report presents three possible options for Council consideration.

Option 1 - Donate the timber to the National Trust for the repair and restoration of the Roundhouse building at Peterborough. Delivery costs to be incurred by the National Trust.

Option 2 – Dispose of the timber via public auction and reserve the funds for a local community project associated with railway heritage conservation project.

Option 3 – Securely store the salvaged timber until an identified future use deemed suitable by the Council is endorsed.

**ATTACHMENTS**

1. Memo - Demolition of Roundhouse Building - Ownership of Timber
2. Photographs - Salvaged Timber - Stored at Works Depot





Civic Centre, 10 Watson Terrace  
Mount Gambier SA 5290

PO Box 56  
Mount Gambier SA 5290

Telephone 08 87212555  
Facsimile 08 87249791  
[city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

[mountgambier.sa.gov.au](http://mountgambier.sa.gov.au)

## Memorandum

TO: MAYOR  
MEMBERS

CC: CHIEF EXECUTIVE OFFICER  
GENERAL MANAGER – CITY GROWTH  
GENERAL MANAGER – CITY INFRASTRUCTURE  
GENERAL MANAGER – COMMUNITY WELLBEING  
GENERAL MANAGER – BUSINESS SERVICES

REF: DA15/400

**RE: THE ROUNDHOUSE, LACEPEDE STREET, MOUNT GAMBIER - UPDATE**

---

Reference is made to the previous memo dated 25<sup>th</sup> May, 2018 regarding the proposed demolition of the Roundhouse, Lacepede Street, Mount Gambier.

At this time, Council is aware that the Roundhouse is being demolished Monday 25<sup>th</sup> June, 2018.

As part of the demolition, the Senior Facilities Manager of the Department of Planning, Transport and Infrastructure has approached Council to offer Council the option to obtain the timber beams from the building.

Council has successfully secured the ownership of the salvaged timber, which will be able to be reused by Council at a later time. The timber beams are either hardwood or oregon and are substantial in size.

If you have any questions in relation to the above, please contact me by phone 8721 2562 or email [tracyt@mountgambier.sa.gov.au](mailto:tracyt@mountgambier.sa.gov.au).

A handwritten signature in black ink, appearing to read 'Tracy Tzioutziouklaris'.

**Tracy TZIOUTZIOUKLARIS**  
MANAGER DEVELOPMENT SERVICES

21<sup>st</sup> May, 2018



Photos of the Salvaged Timbers

Photo 1





Photo 2



Photo 3



Photo 4



**16.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM EXTENSION  
PHASE 2 - PROJECT NOMINATION – REPORT NO. AR21/46717**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>2 August 2021</b>
<b>Report No.:</b>	<b>AR21/46717</b>
<b>CM9 Reference:</b>	<b>AF20/455</b>
<b>Author:</b>	<b>Abdullah Mahmud, Manager of Operations &amp; Engineering</b>
<b>Authoriser:</b>	<b>Barbara Cernovskis, Acting General Manager City Infrastructure</b>
<b>Summary:</b>	<b>This report seeks Council endorsement of the project nominations submitted to the Local Roads and Community Infrastructure Program Extension - Phase 2.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR21/46717 titled 'Local Roads and Community Infrastructure Program Extension Phase 2 - Project Nomination' as presented on 02 August 2021 be noted.
2. That Council endorse the below project nominations for Phase 2 of the Local Roads and Community Infrastructure Program (LRCI) grant funding:

<b>Description</b>	<b>Total project cost</b>	<b>LRCI Program Funding Required</b>
New Valley Lakes Public Amenities	\$490,000	\$490,000
Refurbishment of existing Public Amenities adjoining State Heritage Railway Station building	\$460,000	\$460,000



**TYPE OF REPORT**

Corporate

**BACKGROUND**

The Commonwealth (represented by the Department of Infrastructure, Transport, Regional Development and Communications) is currently offering our Council Phase 2 of the Local Roads and Community Infrastructure Program (LRCI) grant funding.

The objective of the LRCI Program is to help stimulate additional local roads and community infrastructure construction projects to support local communities with short-term job opportunities during the COVID-19 pandemic.

Council has already been successful in receiving funding for Phase 1 of the LRCI Program, as detailed in the below table. This project is currently in progress and due for completion by 31 December 2021.

Description	Problem being addressed	Commence	Complete	Total project cost	LRCI Program Funding
Review of existing lighting levels across the City of Mount Gambier compared to Australian Standards, including modelling the improvement in lighting that will be achieved through the installation of LED lights.	Improving lighting levels and safety in the streets of the City of Mount Gambier.	Nov-21	Dec-21	\$940,400.00	\$486,995

An agreement for Phase 2 funding of \$1,041,637 was signed by Council on 23 December 2020, with project nominations due by 31 July 2021.

**PROPOSAL**

Council Officers have reviewed the terms of the Phase 2 grant funding of \$1,041,637 and identified two projects for nomination. The structures are key assets located in popular community recreational reserves and require upgrading for both compliance and to ensure community members and visitors have well-constructed and accessible public amenities.

One of the projects is both shovel ready and achievable with the other one on track to be delivered this year. With the design, demolition and new construction works, both projects will create job opportunities for our local community (architects and building contractors).

**Project One: Valley Lakes Area Amenity**

A Disability Access Audit Report on Public Buildings within the City of Mount Gambier was undertaken by Dave Vandborg, Building Surveyor, in July 2018. The Freemans Landing and Valley Lakes Playground toilets were identified as requiring future works (refer attached).

In the 2020-2021 financial year budget Council adopted an amount of \$400,000 to build a new amenity building and demolition of the existing two amenities. However, due to lack of available design and being a state heritage area a proper investigation and development process was required before proceeding to the construction of the new facility hence the project has been carried over to the 2021-2022 financial year.

Council has recently appointed Troppo Architects, after a successful tendering process, to provide design services incorporating the heritage impact site that complements the significance of the Valley Lakes area.

**Project Two: State Heritage Railway Building Public Toilet**

In January 2019 Council resolved:



- “(b) That Council adopt the Mount Gambier Railway Station restoration and adaptive re-use design report and associated plans - prepared by Habitable Places, as the design framework for any future restoration works to the Railway Station Building.*
- (c) Further restoration works for external / internal works and the development of toilet facilities within the footprint of the Railway Station Building, as referred to in part (a) above, be referred to future budgets for consideration.”*

This funding offers an opportunity to undertake these required works.

Also as part of this upgrade works mechanical services (i.e. HVAC etc) and grease arrester chamber has been included in the scope of the project.

Due to project nominations being due by 31 July 2021 please note that Council Officers have submitted these nominations (as detailed in the below table), however Council does have the option to withdraw any projects.

Description	Problem being addressed	Commence	Complete	Total project cost	LRCI Program Funding Required
<p><b>New Valley Lakes Public Amenities</b></p> <p>Design and construction of new public amenities facility that will be located adjacent to the community playground and bbq area.</p> <p>The scope of this project also includes demolition of two existing old non-compliant toilet blocks.</p>	<p>This will improve safety for children as they currently have to cross internal access roads and public car parking areas to access amenities.</p> <p>The new toilets will be designed to increase accessibility for people with disabilities or impairment.</p>	Nov-21	Dec-21	\$490,000	\$490,000
<p><b>Refurbishment of existing Public Amenities adjoining State Heritage Railway Station building</b></p> <p>Refurbishment of existing public amenities to improve compliance and accessibility for people with disabilities or impairment.</p> <p>These toilets are currently closed due to non-compliance and this upgrade will make the amenities available for public use and future events at the Mount Gambier Railway Lands recreational reserve.</p>	<p>The existing toilets retain the original layout from 1918 and are currently closed due to non-compliance. This upgrade will make the amenities available for public use and future events at the Mount Gambier Railway Lands recreational reserve.</p>	Oct-21	Dec-21	\$460,000	\$460,000

## LEGAL IMPLICATIONS

Nil



**STRATEGIC PLAN**

Goal 2.3 - The Crater Lakes Precinct and other areas of tourism potential.

**COUNCIL POLICY**

Nil

**ECONOMIC IMPLICATIONS**

Probable estimation for both projects has been amended incorporating the impact of Covid-19 on the building industry.

Due to the availability of several government funding aids nationwide, building and construction industries have witnessed a significant boom which has created a shortage of building materials supply and available builders' schedule. Council Officers have witnessed similar trends in Mount Gambier which is also evident by the number of recent development applications received by the Planning Team.

Schedules of potential builders are also forward booked up to 9-12 months. Therefore, an additional 15-20% costing allocation has been considered for both projects to attract potential builders and supplement increased material cost due to the Covid-19 economic impact.

**ENVIRONMENTAL IMPLICATIONS**

No sewer services connection in the Valley Lakes area. Onsite septic tank system has to be designed for the amenities.

**SOCIAL IMPLICATIONS**

Nil

**CULTURAL IMPLICATIONS**

Nil

**RESOURCE IMPLICATIONS**

Additional costing has been included for managing the project by external resourcing which will also support the principle goal of this aid funding.

**VALUE FOR MONEY**

Nil

**RISK IMPLICATIONS**

Project delivery schedule may change due to the current pandemic situation. Regular updates will be provided to all stakeholders.

**EQUALITIES AND DIVERSITY IMPLICATIONS**

Nil

**ENGAGEMENT AND COMMUNICATION STRATEGY**

Nil

**IMPLEMENTATION STRATEGY**

As per conditions of the funding agreement, access to the grant money will require Council's total capital expenditure to be maintained in addition to the funding amount. Therefore, alternate project/expenditure will be allocated for the same value of \$400,000 to projects that are currently in the design phase.

**CONCLUSION AND RECOMMENDATION**

A workshop has been scheduled on 9 August 2021 for Council to determine this year's Works Program. However, due to the deadline of the project nomination Council Officers had to select the



above projects that meet the funding eligibility criteria and are most practically possible to be delivered within the timeframe.

Therefore, it is requested that Council endorse the nominated projects presented in this report.

#### **ATTACHMENTS**

1. Extract from Disability Access Audit Report - July 2018 - Valley Lakes Public Toilet Structures





**Asset # 595 Toilet Block Valley Lake – Playground**

## Comment

Compliance level - Medium

Dedicated access ramp quite lengthy – dedicated central disabled toilet has minor issues such as hand towels etc.

Structure OK

## Recommendation

Assess to rectify minor matters next 12 months.

Assess again in 5 years



**Asset # 7970 – Freemans Land – Valley Lake – Toilet Block (old dressing shed)**

Comment

Compliance Level - LOW

No dedicated car park – access bitumen path.

Disabled toilet needs many items, back rest, handles, hand basin

Recommendation

Major works required to meet current standards.

Review within next 2 years re extent of use and suitability of location.



**MINUTES OF CITY OF MOUNT GAMBIER  
WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 10 AUGUST 2021 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Ben Hood, Cr Max Bruins, Cr Sonya Mezinec,  
Cr Frank Morello

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Executive Administrator City Infrastructure	- Ms S Wilson

### 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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

### 2 APOLOGY(IES)

**COMMITTEE RESOLUTION**

Moved: Cr Sonya Mezinec

Seconded: Mayor Lynette Martin

That the apologies from Cr Christian Greco and Cr Paul Jenner be received.

**CARRIED**

### 3 CONFIRMATION OF MINUTES

**COMMITTEE RESOLUTION**

Moved: Mayor Lynette Martin

Seconded: Cr Frank Morello

That the minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 13 July 2021 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

### 4 QUESTIONS WITHOUT NOTICE

Nil

## 5 CONFIDENTIAL ITEMS

### 5.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #9 - AS AT 03/08/2021 – REPORT NO. AR21/48748

#### COMMITTEE RESOLUTION

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Wulanda Recreation and Convention Centre Committee orders that all members of the public, except Mayor L Martin, Councillors B Hood, M Bruins, S Meziniec and F Morello and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 5.1 AR21/48748 Project Control Group (PCG) Progress Report #9 - As at 03/08/2021.

The Wulanda Recreation and Convention Centre Committee is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party
- information concerning 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,
  - breach any duty of confidence, or
  - breach any other legal obligation or duty

The Wulanda Recreation and Convention Centre Committee 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 contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

**CARRIED**

**COMMITTEE RESOLUTION**

Moved: Cr Sonya Mezinac

Seconded: Cr Frank Morello

**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 5.1 AR21/48748 Project Control Group (PCG) Progress Report #9 - As at 03/08/2021 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until 12 months after completion of the project.
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*.

**CARRIED**

**6 MEETING CLOSE**

**The Meeting closed at 6:02pm.**

**The minutes of this meeting were confirmed at the Wulanda Recreation and Convention Centre Committee held on 14 September 2021.**

.....  
**PRESIDING MEMBER**