



City of  
Mount Gambier

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

**Date:** Tuesday, 20 July 2021  
**Time:** 6.00 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

link for public to view: <https://www.youtube.com/user/CityOfMountGambier/live>

# **AGENDA**

## **Ordinary Council Meeting 20 July 2021**

**Sarah Philpott**  
**Chief Executive Officer**  
**15 July 2021**

## Order Of Business

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**1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2 APOLOGIES**

That the apology from Cr Paul Jenner be received.

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

[Ordinary Council Meeting - 15 June 2021](#)

[Special Council Meeting - 21 June 2021](#)

[Special Council Meeting - 29 June 2021](#)

**RECOMMENDATION**

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.



## 5 MAYORAL REPORT

### 5.1 MAYORAL REPORT - JULY 2021 – REPORT NO. AR21/42642

- 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



**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**

Nil



## 12 ELECTED MEMBERS WORKSHOPS

### 12.1 ELECTED MEMBER WORKSHOPS FROM 12/06/2021 TO 16/07/2021 – REPORT NO. AR21/42539

**Meeting:** Council  
**CM9 Reference:** AF20/446  
**Author:** Ashlee Lavia, Executive Administrator Community Wellbeing

#### 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 - 22/06/2021 [↓](#)
2. Designated Informal Gathering - Members Workshop - Record of Proceedings - 06/07/2021 [↓](#)



**DESIGNATED INFORMAL GATHERING  
RATEABLE COMMERCIAL PROPERTIES - OCCUPANCY  
5:30 PM TUESDAY 22 JUNE 2021**

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RECORD OF PROCEEDINGS  
5:30 pm, Tuesday 22 June 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.**

**GUESTS:-**

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Nil

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Greco  
Cr Meziniec  
Cr Hood  
Cr Jenner  
Cr Bruins

**STAFF PRESENT:-**

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Chief Executive Officer  
General Manager City Growth  
General Manager Shared Services  
Acting General Manager City Infrastructure  
Acting General Manager Community Wellbeing

**MEMBERS APOLOGIES:-**

Cr Morello

**LEAVE OF ABSENCE:-**

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Nil

**DISCUSSION:**

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- Commercial properties - tenanted and vacant statistics.
- Presentation of CBD activation.

Discussion closed at 6:45 pm



**DESIGNATED INFORMAL GATHERING  
PRESENTATION - SA MASTERS GAMES  
5:30 PM TUESDAY 6 JULY 2021**

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RECORD OF PROCEEDINGS  
5:30 pm, Tuesday 6 July 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.**

**GUESTS:-**

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Mr Tony Elletson, STARCLUB Field Officer - Limestone Coast Local Government Association

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Morello  
Cr Bruins  
Cr Meziniec  
Cr Perryman

**STAFF PRESENT:-**

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Chief Executive Officer  
General Manager City Growth  
Team Leader Community Events

**MEMBERS APOLOGIES:-**

Cr Jenner  
Cr Amoroso  
Cr Greco  
Cr Hood

**LEAVE OF ABSENCE:-**

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Nil

**DISCUSSION:**

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Presentation from Limestone Coast Local Government Association (Tony Elletson, STARCLUB Field Officer) regarding SA Masters Games bid for Mount Gambier.

Discussion closed at 6:14pm



**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil



## 14 COUNCIL ACTION ITEMS

### 14.1 COUNCIL ACTION ITEMS - 15/06/2021 – REPORT NO. AR21/42544

**Meeting:** Council  
**CM9 Reference:** AF20/446  
**Author:** Ashlee Lavia, Executive Administrator Community Wellbeing

#### REPORT RECOMMENDATION

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

#### ATTACHMENTS

Nil





**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 - [Go to Attachment](#)

#### RECOMMENDATION

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

### 17.2 [Review of Financial Delegations for the Wulanda Recreation and Convention Centre Construction Contract](#) – Report No. AR21/30397

#### RECOMMENDATION

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



**17.3 [Review of Confidentiality Orders](#) – Report No. AR21/40974**

**RECOMMENDATION**

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:

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.



**18 COUNCIL ASSESSMENT PANEL MINUTES**

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

**RECOMMENDATION**

That the Minutes of the Council Assessment Panel meeting held on 1 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 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**

**RECOMMENDATION**

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



## 24 COUNCIL REPORTS

### 24.1 CO-DEDICATION OF BLUE LAKE – REPORT NO. AR21/27432

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>20 July 2021</b>
<b>Report No.:</b>	<b>AR21/27432</b>
<b>CM9 Reference:</b>	<b>AF20/446</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Governance and Property</b>
<b>Authoriser:</b>	<b>Sarah Philpott, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report provides an update on the tenure of the Blue Lake land parcel which has been co-dedicated to the City of Mount Gambier and SA Water.</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. AR21/27432 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.



## TYPE OF REPORT

Corporate

## BACKGROUND

At the Council meeting held on 15 December 2020 in consideration of Report No. AR21/27432 titled 'Co-Dedication of Blue Lake' Council resolved as follows:

- “1. That Council Report No. AR20/80940 titled 'Tenure of Blue Lake Perimeter' as presented on 15 December 2020 be noted.
2. A further report be presented when tenure of the Blue Lake area has been confirmed.
3. Council write to the Minister for Tourism, Hon. Steven Marshall Premier, the Minister for Crown Land, the Attorney General, Minister for Environment and Water and the local Member regarding the application for joint custodianship of the outer perimeter of the Blue Lake highlighting the important tourism and economic contribution that the Blue Lake makes to the local and the state economy and requesting their assistance to expedite the approval of the joint custodianship application.”

Members were provided with updates in relation to this matter by memorandum distributed in the Friday Edition on 24 December 2020, 2 April 2021 and 30 April 2021.

By letter dated 9 June 2021 (**Attachment 1**) the Minister for Environment and Water David Speirs MP responded to the abovementioned Council resolution seeking assistance to expedite the approval of the joint custody application.

Upon further enquiry as to the progress of the matter Council Officers were advised on 29 June 2021 that the requisite approvals for the joint custodianship were granted on 15 April 2021 and the Crown Land Title for the land (**Attachment 2**) was updated on 10 May 2021 with both SA Water and City of Mount Gambier as custodians for recreation, tourism and water supply purposes.

## PROPOSAL

With Council having now secured joint tenure over the Blue Lake land parcel, next steps will include:

- 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.
- 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)

A significant amount of stakeholder and community engagement should be anticipated noting statutory (Community/Crown Land) obligations and the complex nature of this State Heritage area.

Considering the significance of the Blue Lake Crater Lakes Precinct and in anticipation of considerable stakeholder and community engagement in identifying, planning and progressing the activation of this area further consideration will be given to coordination of these activities and be reported back to Council.

## LEGAL IMPLICATIONS

As dedicated Crown Land, part of the State Heritage Crater Lakes Precinct and as a water supply the obligations for stakeholder and public consultation on the proposed management, use and activation of the Blue Lake land parcel should not be underestimated. As custodian Council has a responsibility to ensure compliance with all statutory requirements related to the land under its care, control and management

## STRATEGIC PLAN

Custody and activation of the Blue Lake land parcel aligns with all goals in Council's Strategic Plan 2020-2024.





## **COUNCIL POLICY**

N/A

## **ECONOMIC IMPLICATIONS**

The economic implications associated with Council's co-custody and management of the Blue Lake with SA Water are to be further determined with the next steps arising from this development.

## **ENVIRONMENTAL IMPLICATIONS**

The management and activation of the Blue Lake area must be in accordance with the Crater Lakes Conservation Management Plan.

## **SOCIAL IMPLICATIONS**

As the region's premiere tourist attraction as well as a destination for the local community the Blue Lake area and Crater Lakes Precinct warrant the provision of quality facilities and service offerings. Securing tenure through a co-custody arrangement is a significant step toward improving the local communities stake in the management of this key site.

## **CULTURAL IMPLICATIONS**

Stakeholder and community engagement and collaboration to activate the Blue Lake area and Crater Lakes Precinct will recognise the considerable cultural significance within these areas and opportunity to recognise and promote this in a culturally sensitive manner.

## **RESOURCE IMPLICATIONS**

There are no immediate resource implications associated with Council securing custody of the Blue Lake area with existing maintenance and 'Pop-up' tourism services continuing in the short term.

Further potential budget implications may arise from the engagement and activation exercises to be undertaken for this area, for consideration as part of Council's 2021/2022 Budget Review and/or subsequent Annual Business Plan and Budget processes. This would be addressed in a further separate report(s).

## **VALUE FOR MONEY**

N/A

## **RISK IMPLICATIONS**

A comprehensive risk management exercise should be undertaken as part of planning the engagement and activation activities for the Blue Lake area in conjunction with SA Water and other key stakeholders.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

Future communication and engagement is intended to focus on exploring opportunities for activation of the Blue Lake area and Crater Lakes precinct as part of developing a Sport, Recreation and Open Space Strategy, Tourism Assets Masterplan and particularly a Crater Lakes Activation Plan.

## **IMPLEMENTATION STRATEGY**

An implementation strategy for the various activities and any resulting activation proposals is yet to be developed.

## **CONCLUSION AND RECOMMENDATION**

This report presents information to update Members and the community on the tenure status of the Blue Lake land parcel, with Council's further involvement in the management of the area to be the subject of further stakeholder and community engagement as part of the Crater Lakes precinct.



## ATTACHMENTS

1. Letter Minister from Environment and Water David Speirs MP - Blue Lake Dedication [↓](#)
2. Crown Record - Blue Lake - CR 6254/182 [↓](#)



21EW0012569

Ms Barbara Cernovskis  
A/Chief Executive Officer  
City of Mount Gambier Council  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)



**Government  
of South Australia**

Office of the Minister for  
Environment and Water  
81-95 Waymouth Street  
Adelaide SA 5000  
GPO Box 1047  
Adelaide SA 5001

Tel 08 8463 5680  
[minister.speirs@sa.gov.au](mailto:minister.speirs@sa.gov.au)

Dear Ms Cernovskis

Thank you for your letters dated 3 March 2021 to the Premier, the Hon Steven Marshall and to myself, regarding the importance the Blue Lake brings to your council. As this matter falls within my portfolio of responsibilities, I have been asked to respond on the Premier's behalf.

I was delighted to learn about the exciting opportunities the Blue Lake and surrounding areas bring to your council and community. Likewise, I was pleased to hear that officers from the Department for Environment and Water (DEW) have been assisting your council with their enquiries.

I am advised that SA Water returned a signed copy of the conditions of dedication on 19 March 2021. The acceptance of these conditions by SA Water enables DEW to progress Council's request for co-dedication of the Crown land surrounding the Blue Lake. It is anticipated that this will be ready for consideration in the near future and the Council will be advised of this soon after.

For further information regarding this matter, please contact Mr Mark May, Senior Property Officer within DEW on [mark.may@sa.gov.au](mailto:mark.may@sa.gov.au) or 08 8595 2116.

Thank you for writing to me and I trust that this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Speirs'.

**DAVID SPEIRS MP**  
Minister for Environment and Water

Date: 09/06/21





Product  
Date/Time

Register Search (CR 6254/182)  
29/06/2021 03:17PM

This Crown Record Register Search is a true and correct extract of the Register of Crown Records maintained by the Registrar-General. Crown Land is administered pursuant to the Crown Land Management Act 2009 by the Department of Environment, Water and Natural Resources.

## Crown Record - Volume 6254 Folio 182

Parent Title(s) CR 6254/181  
Creating Dealing(s) CC 13511755  
Title Issued 10/05/2021 Edition 2 Edition Issued 10/05/2021

### Estate Type

CROWN LAND (ALIENATED)

### Owner

THE CROWN

### Custodian

CITY OF MOUNT GAMBIER  
OF PO BOX 56 MOUNT GAMBIER 5290  
SOUTH AUSTRALIAN WATER CORPORATION  
OF ADELAIDE SA 5000  
AS JOINT TENANTS

### Description of Land

SECTION 391  
HUNDRED OF BLANCHE  
IN THE AREA NAMED MOUNT GAMBIER

TOTAL AREA: 93.08HA (CALCULATED)

DIAGRAM BOOK PAGE 34,35 & 38A

### Easements

NIL

### Schedule of Dealings

Dealing Number	Description
13511755	DEDICATED PURSUANT TO SECTION 18 OF CROWN LANDS MANAGEMENT ACT 2009
13511757	CUSTODIAN SUBJECT TO CONDITIONS PURSUANT TO SECTION 20 OF CROWN LAND MANAGEMENT ACT 2009

### Notations

Dealings Affecting Title NIL

Priority Notices NIL

Registrar-General's Notes NIL

### Administrative Interests

CONFIRMED IN SA HERITAGE REGISTER 24/07/1980

PROPERTY IN A STATE HERITAGE AREA 11/06/1992



**24.2 ELECTED MEMBER ATTENDANCE RECORDS – REPORT NO. AR21/38405**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>20 July 2021</b>
<b>Report No.:</b>	<b>AR21/38405</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 presents Elected Member attendance records for the period 1 January 2021 to 30 June 2021 as requested by Council resolution dated 15 June 2021.</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. AR21/38405 titled 'Elected Member Attendance Records' as presented on 20 July 2021 be noted.



## TYPE OF REPORT

Corporate

## BACKGROUND

At the Council meeting held on 15 June 2021 in consideration of Motion with Notice Report No. AR21/32604 Council resolved:

- “2. *That a report be prepared by the administration to be presented to the next ordinary meeting of Council detailing Elected Member attendance records for the period 1 January 2021 to 30 June 2021 for all of the following events:*
  - *Ordinary Council Meetings*
  - *Special Council Meetings*
  - *Economic & Environment Committee Meetings*
  - *People & Place Committee Meetings*
  - *Wulanda Recreation & Convention Centre Committee Meetings*
  - *Elected Member Workshops / Informal Gatherings*
3. *That the report:*
  - (i) *Reflect the required duties under the Local Government Act of a Councillor specifically with attendance at meetings.*
  - (ii) *Reflect the time frame given to Councillors for notice of meetings.”*

The Elected Member attendance records for the meetings referenced in part 2 of the abovementioned resolution are provided in Attachment 1 to this report.

Attendance records for the full 2020/2021 financial year will be collated for inclusion in the City of Mount Gambier 2020/2021 Annual Report.

The matters referenced in part 3 of the abovementioned resolution are addressed below.

- i. The required duties under the Local Government Act of a Councillor specifically with attendance at meetings.

The role of a Council Member (Councillor) is set out in section 59 of the Local Government Act 1999 as:

### **59—Roles of members of councils**

(1) *The role of a member of a council is—*

(a) *as a member of the governing body of the council—*

(i) *to participate in the deliberations and civic activities of the council;*

(ii) *to keep the council's objectives and policies under review to ensure that they are appropriate and effective;*

(iii) *to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;*

(iv) *to ensure, as far as is practicable, that the principles set out in section 8 are observed;*

(b) *as a person elected to the council—to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the council.*

Neither the Local Government Act 1999 or Regulations specify any particular requirements relating to Elected Member attendance at meetings.



However, as members of the governing body of the Council an Elected Member determines the extent to which they will avail themselves of opportunities to inform their participation as community representatives and decision makers toward the Objects, Role and Functions of Council, and the Principles to be observed by a Council, as set out in sections, 3, 6, 7 and 8 of the Local Government Act 1999.

Elected Members undertake the following oath at the first meeting of the Council term before assuming office:

*Having been elected or appointed to the office of a member of the City of Mount Gambier, undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of my judgement and abilities and in accordance with the local Government Act 1999.*

As an absolute minimum Elected Member attendance should at least avoid invoking section 54(d) of the Local Government Act 1999 which provides that the office of a Member becomes vacant if removed from office by Council on the ground that they were absent, without leave of the Council, from three or more consecutive ordinary meetings of Council.

The community expectations upon Elected Members may differ from the above.

ii. The time frame given to Councillors for notice of meetings.

Sections 83(1) and 87(4) each provide that the Chief Executive Officer must ensure that each member of Council (or Committee – as the case may be) is given notice of an ordinary meeting of the Council (or Committee) at least three clear days before the date of the meeting.

‘Clear days’ does not include the day the notice is given or the day on which the meeting occurs, but does include Saturdays, Sundays and public holidays. Where a notice is given after 5 p.m. it will be taken to have been given on the next day.

In the case of a special meeting notice must be given at least four hours before the commencement of the meeting.

There are no prescribed timeframes for notice of informal gatherings or discussions to Elected Members, also noting that an informal gathering may be of Council or Committee.

Notwithstanding the formal notice requirements set out in legislation, the administration ordinarily provides Members with as much informal notice of upcoming meetings through calendar invites, inclusion of upcoming dates on the Elected Member Extranet Calendar, emails and telephone calls (where considered appropriate)

The Local Government Act 1999 and Regulations as well as the Local Government Association website and various publications including the 2018 election candidate information packs, post-election induction materials and mandatory Elected Member training modules are all sources of information on the roles and responsibilities of Elected Members.

**PROPOSAL**

N/A

**LEGAL IMPLICATIONS**

N/A

**STRATEGIC PLAN**

N/A

**COUNCIL POLICY**

N/A



**ECONOMIC IMPLICATIONS**

N/A

**ENVIRONMENTAL IMPLICATIONS**

N/A

**SOCIAL IMPLICATIONS**

N/A

**CULTURAL IMPLICATIONS**

N/A

**RESOURCE IMPLICATIONS**

N/A

**VALUE FOR MONEY**

N/A

**RISK IMPLICATIONS**

N/A

**EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

**ENGAGEMENT AND COMMUNICATION STRATEGY**

N/A

**IMPLEMENTATION STRATEGY**

N/A

**CONCLUSION AND RECOMMENDATION**

This report is presented in fulfilment of the Motions resolved at the Council meeting held on 15 June 2021.

**ATTACHMENTS**

1. Elected Member Attendance Records - 01/01/2021 - 30/06/2021 [↓](#)





## Elected Member Attendance 1 January 2021 - 30 June 2021

√	Attended	EO	Ex-Officio
A	Apology	PM	Presiding Member
NAR	No apology recorded	LA	Leave of Absence
E	Present by electronic means		Not a member of committee

(√) Attended does not confirm attendance for full meeting. Refer relevant minutes for entry and exit times of members

### Council Meetings

Date	Mayor Martin	Cr Meziniec	Cr Bruins	Cr Greco	Cr Hood	Cr Jenner	Cr Morello	Cr Perryman	Cr Amoroso
15/06/2021	√	√	√	√	√	√	√	√	√
18/05/2021	√	√	√	√	√	√	√	√	√
20/04/2021	√	√	√	√	√	√	A	A	√
16/03/2021	√	√	√	√	√	√	√	√	√
16/02/2021	√	√	√	√	√	√	√	√	A
19/01/2021	√	√	√	√	A	√	√	√	√

### Special Council Meetings

Date	Mayor Martin	Cr Meziniec	Cr Bruins	Cr Greco	Cr Hood	Cr Jenner	Cr Morello	Cr Perryman	Cr Amoroso
29/06/2021	√	√	√	√	√	√	√	√	√
21/06/2021	√	√	√	√	√	√	√	NAR	A
23/03/2021	√	√	√	√	A	√	√	A	A
16/03/2021	√	√	√	√	√	√	√	√	√
11/03/2021	√	A	√	A	√	√	√	A	A
3/03/2021	√	A	√	√	√	√	√	A	√

### Economic and Environment Committee

Date	Mayor Martin	Cr Meziniec	Cr Bruins	Cr Greco	Cr Hood	Cr Jenner	Cr Morello	Cr Perryman	Cr Amoroso
3/05/2021	√	√	√	√	A	√	√	NAR	NAR

### People and Place Committee

Date	Mayor Martin	Cr Meziniec	Cr Bruins	Cr Greco	Cr Hood	Cr Jenner	Cr Morello	Cr Perryman	Cr Amoroso
7/06/2021	√	A	√	√	√	A	√	A	√
6/04/2021	√	√	√	A	A	A	√	NAR	√

### Wulanda Recreation and Convention Centre (previously called Regional Sport and Recreation Centre Committee)

Date	Mayor Martin	Cr Meziniec	Cr Bruins	Cr Greco	Cr Hood	Cr Jenner	Cr Morello	Cr Perryman	Cr Amoroso
8/06/2021	√	√	√	√	√	√	√		A
11/05/2021	√	√	√	A	√	√	√	√	√
13/04/2021	√	√	√	√	√	√	√	A	A
9/03/2021	√	√	√	A	√	√	√	√	A
9/02/2021	√	√	√	√	√	√	√	NAR	√

### Audit Committee

Date	Mayor Martin	Cr Meziniec
12/04/2021	√	√

### CEO Selection Panel

Date	Mayor Martin	Cr Meziniec	Cr Morello	Cr Jenner
26/02/2021	√	√	√	A
20/01/2021	√	√	√	√



### Elected Member Attendance 1 January 2021 - 30 June 2021

√	Attended	EO	Ex-Officio
A	Apology	PM	Presiding Member
NAR	No apology recorded	LA	Leave of Absence
E	Present by electronic means		Not a member of committee

(√) Attended does not confirm attendance for full meeting. Refer relevant minutes for entry and exit times of members

#### Council Assessment Panel

Date	Cr Jenner
27/05/2021	√
20/05/2021	NAR
15/04/2021	A
18/03/2021	A
18/02/2021	√
21/01/2021	√

#### Junior Sports Assistance Fund Committee

Date	Mayor Martin	Cr Greco	Cr Amoroso
19/05/2021	EO √	A	NAR

#### Designated Informal Gathering - Members Workshop

Date	Mayor Martin	Cr Meziniec	Cr Bruins	Cr Greco	Cr Hood	Cr Jenner	Cr Morello	Cr Perryman	Cr Amoroso
22/06/2021	√	√	√	√	√	√	A	NAR	NAR
15/06/2021	√	√	√	√	√	A	√	NAR	√
24/05/2021	√	√	√	A	√	A	√	A	A
11/05/2021	√	√	√	√	√	√	√	√	√
4/05/2021	√	√	√	A	A	√	√	NAR	A
28/04/2021	√	√	√	A	√	√	√	A	A
27/04/2021	√	√	√	A	A	√	√	A	A
14/04/2021	√	√	√	A	√	√	√	A	A
12/04/2021	√	√							
10/04/2021	√	√	√	A	√	A	√	√	A
30/03/2021	√	√	√	√	√	A	√	NAR	A
29/03/2021	√	√	√	√	√	√	√	NAR	A
24/03/2021	√	√	√	E	A	√	√	A	E
18/03/2021	√	A	A	A	A	A	√	√	A
11/03/2021	√	A	√	A	√	√	√	A	A
2/03/2021	√	A	√	√	√	A	√	√	A
22/02/2021	√	√	√	√	A	√	√	√	√
8/02/2021	√	√	√	√	A	√	√	√	√
2/02/2021	A	√	√	√	√	√	A	√	√
28/01/2021	A	√	A	A	√	√	A	A	A
27/01/2021	A	√	√	√	A	√	√	A	A
20/01/2021	√	√	√	A	A	√	√	√	√
12/01/2021	√	√	√	√	√	A	√	NAR	√



**24.3 PUBLIC ROAD DECLARATION - LOT 397 LAWRENCE STREET – REPORT NO. AR21/38504**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>20 July 2021</b>
<b>Report No.:</b>	<b>AR21/38504</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>The purpose of this report is to seek a resolution to declare Allotment 397 in Filed Plan 194199 as public road.</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. AR21/38504 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.



## TYPE OF REPORT

Legislative

## BACKGROUND

At the meeting held on 15 June 2021 in consideration of confidential Report No. AR21/34745 titled 'Notice of Motion – Surplus Land Declaration' Council resolved, amongst other things:

- “2. *That investigations be conducted and a further report presented to consider any community land implications associated with converting Lot 397 in Filed Plan 194199 (Lawrence Street) to public road... [redacted].*
3. *In the event that there are no community land implications giving rise to a report in accordance with resolution (4), then the Chief Executive Officer be authorised to commence a statutory process under s210 of the Local Government Act 1999 for the proposed conversion of Lot 397 in Filed Plan 194199 (Lawrence Street) to public road.*

*A further report be presented to Council to consider the making of a public road declaration, being not less than three months after the giving of public notice on the proposed declaration.”*

Legal advice has been obtained that confirms Lot 397 (Lawrence Street), being considered as 'road' is unaffected by the community land provisions of the Act.

However, as Lot 397 is owned by Council it cannot be considered as a 'private road' for the purpose of a public road declaration under section 210 of the Act. Instead, it should be considered as 'land' and may be subject to a public road declaration under section 208 of the Act.

The process for a public road declaration under section 208, in the absence of community land implications, simply requires a resolution and gazettal notice, rather than the public notice required to be given under section 210 not less than 3 months before the making of such a declaration.

Noting that Report No. AR21/34745 remains subject to a confidentiality order under s91(7) of the Local Government Act 1999 (“the Act”) the Chief Executive Officer has exercised delegated authority granted by Council under s91(9) of the Act to partially revoke the s91(7) order as it relates to declaring portion of Lot 397 Lawrence Street as public road for the purpose of this report. Further noting that this course of action will become public upon the subsequent publication of the resolution associated with the declaration in the SA Government Gazette.

## PROPOSAL

This report presents an alternate resolution for Council to declare Lot 397 Lawrence Street as public road.

Pursuant to Section 208 of the Local Government Act 1999, the Council may declare the land to be public road and cause a copy of the resolution to be published in the Government Gazette.

## LEGAL IMPLICATIONS

Section 208 of the Local Government Act 1999 provides that Council may declare land vested in it as road to be public road and must publish a notice of that resolution in the Government Gazette.

A resolution to declare the land as public road will not take effect until the publication in the Government Gazette.

## STRATEGIC PLAN

The proposal in this report is linked to the City of Mount Gambier's Strategic Plan 2020-2024 Goal 2.1. *'We will commence work on meeting the community's aspirations for future infrastructure development, whilst managing our existing infrastructure and assets in a manner that demonstrates the pride we take in our environment'.*



## **COUNCIL POLICY**

This report is consistent with Council Policy [A900 - Asset Management](#).

## **ECONOMIC IMPLICATIONS**

There are no economic implications associated with this administrative proposal. Council is currently responsible for the land as the registered proprietor and will continue to be to be responsible for the land as public road.

## **ENVIRONMENTAL IMPLICATIONS**

The proposal in this report is not considered to have any environmental implications.

## **SOCIAL IMPLICATIONS**

The declaration of the land as public road will ensure that the legal description is consistent with the community use of the land as a publicly accessible road.

## **CULTURAL IMPLICATIONS**

The proposal in this report is not considered to have any cultural implications.

## **RESOURCE IMPLICATIONS**

It is considered that the declaration of the land as public road and the subsequent publication in the Government Gazette to be purely administrative in nature and will have minimal resource implications.

## **VALUE FOR MONEY**

The costs incurred are limited to those associated with the public notification in the Government Gazette of Council's resolution to declare the land as public road.

## **RISK IMPLICATIONS**

By Council not completing the process to declare the land as a public road would result in the road remaining as Council owned land without the legal definition of public road.

The current definition creates potential risk implications in the event of a road type event (such as an accident) occurring on the land as well as legal public road access for abutting land.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

The proposal in this report is not considered to have any equality or diversity implications.

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

Not Applicable.

## **IMPLEMENTATION STRATEGY**

The declaration of the land as public road by Council resolution will be published as a notice in the Government Gazette.

## **CONCLUSION AND RECOMMENDATION**

The process for a public road declaration under section 208, in the absence of any community land implications, simply requires a resolution and gazettal notice.

This report recommends that Council resolve to declare Lot 397 Lawrence Street as public road and that the Chief Executive Officer be authorised to publish notice in the Government Gazette as required by Section 208(4) of the Local Government Act 1999 of the declaration as public road.

## **ATTACHMENTS**

Nil



**24.4 STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) ACT 2021 – REPORT NO. AR21/39261**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>20 July 2021</b>
<b>Report No.:</b>	<b>AR21/39261</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 presents the recently passed Statutes Amendment (Local Government Review) Act 2021</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. AR21/39261 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.





## **TYPE OF REPORT**

Legislative

## **BACKGROUND**

In June 2020 the State Parliament introduced the [Statutes Amendment \(Local Government Review Bill 2020](#) ("the Bill") to amend the Local Government Act 1999 and other associated Acts.

Elected Members participated in a workshop to review the Local Government Association response to the provisions in the Bill and have been provided with updates on the progress of the Bill and changes through the Friday Edition.

The [Statutes Amendment \(Local Government Review\) Act 2021](#) was passed by both Houses of Parliament on 10 June 2021 and received Governors assent on 17 June 2021, becoming law.

## **PROPOSAL**

With over 200 deletions, substitutions and insertions this comprises a most significant change to local government legislation since the commencement of the [Local Government Act 1999](#).

The first changes are anticipated to commence in August 2021, with further changes to commence in November 2021 and into 2022 to enable sufficient time for preparatory activities to be arranged and supporting regulations to be made. However it is yet to be determined exactly which changes will commence in which periods.

It is expected that the Office of Local Government will liaise with the Local Government Association and Councils on the changes and commencement dates.

The legislative changes will be implemented in due course.

## **LEGAL IMPLICATIONS**

As arguably the largest tranche of legislative changes to the [Local Government Act 1999](#) and associated legislation, the changes in the [Statutes Amendment \(Local Government Review\) Act 2021](#) will have a significant number of implications for the manner in which the Council administration and Elected Members conduct their business.

Many of the changes are purely administrative and in some cases relatively minor or have little administrative impact, whilst others will change the manner in which Councils operate such as under the Ministers Community Engagement Charter or with broadened Audit (and Risk) committees.

Some changes have a greater impact on Elected Members such as the member integrity and behaviour provisions that include a substitute Conflict of Interest regime, prescribed health and safety duties and introduction of a Behavioural Standards Panel, as well as restrictions on election signs on roads and infrastructure and other changes to the [Local Government \(Elections\) Act 1999](#).

As is the case with most new legislative provisions, when made, the supporting regulations will provide more clarity on the full extent of the legal implications of the changes.

## **STRATEGIC PLAN**

N/A

## **COUNCIL POLICY**

The changes, when commenced, will result in a necessity to review and adopt amended provisions across a range of affected policies. These will be addressed in due course as supporting information is prepared by the Local Government Association and informed by draft regulations.

## **ECONOMIC IMPLICATIONS**

N/A

## **ENVIRONMENTAL IMPLICATIONS**

N/A



## **SOCIAL IMPLICATIONS**

N/A

## **CULTURAL IMPLICATIONS**

N/A

## **RESOURCE IMPLICATIONS**

It is anticipated that the legislative changes will result in a necessary allocation of human and financial resources to ensure that administrative systems, processes and documentation are updated to be compliant with the new legislative provisions.

The full resource impact will become more apparent as the necessary changes are further explored in the coming weeks, months and into 2022.

In order to assist with funding the support necessary to assist Councils the Local Government Association is seeking a nominal additional contribution from the City of Mount Gambier in the amount of \$7,500 which will include the provision of training opportunities for staff and Members.

It should be anticipated that further unbudgeted but mandatory financial implications will arise in the implementation of the new legislative provisions.

## **VALUE FOR MONEY**

N/A

## **RISK IMPLICATIONS**

Both Elected Members and Council administration need to remain attentive to the imminent changes which will require compliance with the new legislative provisions as they commence.

The Local Government Association are preparing to support Councils in implementing the legislative changes with resources to be prepared in due course which will include template documentation and training opportunities.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

An engagement and communication strategy will be developed in due course (as necessary) to support the implementation of the new legislative provisions, noting that the introduction of a Ministers Community Engagement Charter is one of the significant changes.

## **IMPLEMENTATION STRATEGY**

An implementation strategy will be developed in due course to support the new legislative provisions. At this early stage this is pending further clarity from the Office of Local Government on the commencement dates of various provisions, the preparation of draft regulations, and support resources from the Local Government Association

## **CONCLUSION AND RECOMMENDATION**

This report presents the [Statutes Amendment \(Local Government Review\) Act 2021](#) which, whilst un-commenced, is now law.

Further information, supporting resources and training will be forthcoming in due course as the Office of Local Government and Local Government Association liaise with Councils on the commencement of the new legislative provisions.

## **ATTACHMENTS**

Nil





**24.5 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – REPORT NO. AR21/43738**

**Committee:** Council  
**Meeting Date:** 20 July 2021  
**Report No.:** AR21/43738  
**CM9 Reference:** AF20/446  
**Author:** Michael McCarthy, Manager Governance and Property  
**Authoriser:** Darren Barber, General Manager Shared Services  
**Summary:** This report presents amended Terms of Reference for the Chief Executive Officer Performance Review Committee.  
**Strategic Plan Reference:** Goal 5: Our Commitment

**REPORT RECOMMENDATION**

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.



## TYPE OF REPORT

Corporate

## BACKGROUND

In December 2019 Council re-established a Chief Executive Officer Performance Review Committee which last met in July 2020.

In October 2020 Council established a Chief Executive Officer Selection Panel which fulfilled its purpose in February 2021.

Sarah Philpott commenced as Chief Executive Officer on 15 June 2021.

## PROPOSAL

With the new Chief Executive Officer having commenced employment It is appropriate to reconvene the Chief Executive Officer Performance Review Committee.

Whilst Council reviewed and re-adopted a Terms of Reference for the Chief Executive Officer Performance Review Committee in November 2019, amended (yet to commence) provisions in the Local Government Act 1999 relating to Chief Executive Officer performance review and changes to presiding member of Council committees are such that amendments to the Terms of Reference are warranted for the coming period.

The legislative changes are discussed further under the heading of 'Legal Implications'.

Members will note that membership of the Chief Executive Officer Performance Review Committee has historically been the Mayor (Presiding Member), Deputy Mayor and presiding members of the two standing committees currently being the Economic and Environment Committee and People and Place Committee. With Cr Greco currently in the positions of Deputy Mayor and presiding member of a standing committee, the membership of the Chief Executive Officer Performance Review Committee will comprise only three Council Members

This report presents an updated Terms of Reference for the Chief Executive Officer Performance Review Committee to address these two matters.

## LEGAL IMPLICATIONS

Recent amendments to the Local Government Act 1999 which are yet to commence but are expected to have application to the Chief Executive Officer Performance Review Committee in the near future include the insertion of a new s102A requiring:

- (1) A Council must review the performance of its Chief Executive Officer-
  - (a) at least once in each year that the Chief Executive Officer holds office as Chief Executive Officer; and
  - (b) if relevant, before reappointment of the Chief Executive Officer.
- (2) The Council must obtain and consider the advice of a qualified independent person on a review under subsection (1).
- (3) In this section-

**qualified independent person** means a person who is-

  - (a) not a member or employee of the Council; and
  - (b) determined by the Council to have appropriate qualifications or experience in human resource management.

The Terms of Reference for the Chief Executive Officer Performance Review Committee have been updated to include provisions consistent with the above and to authorise the presiding member of the committee to determine a '*qualified independent person*' (or persons) as considered appropriate for the effective conduct of the review process. The engagement of such person(s) would be



administered by the administration under (sub)delegation in accordance with Council's Procurement & Disposal of Land and Assets Policy P420.

It is not proposed that the '*qualified independent person*' be a member of the Chief Executive Officer Performance Review Committee, however they may attend meetings of the committee as necessary in support of the purpose of providing advice. The '*qualified independent person*' may comprise an individual and/or a human resource consultancy as considered appropriate to provide the necessary support in the Chief Executive Officer performance review process.

## **STRATEGIC PLAN**

N/A

## **COUNCIL POLICY**

N/A

## **ECONOMIC IMPLICATIONS**

N/A

## **ENVIRONMENTAL IMPLICATIONS**

N/A

## **SOCIAL IMPLICATIONS**

N/A

## **CULTURAL IMPLICATIONS**

N/A

## **RESOURCE IMPLICATIONS**

The engagement of a '*qualified independent person*' will be conducted within adopted budget and/or to give effect to a Council resolution in this regard, with any variance to be reported with the next periodical budget review.

## **VALUE FOR MONEY**

N/A

## **RISK IMPLICATIONS**

The Chief Executive Officer, Sarah Philpott has declared a conflict of interest in the matter of the establishment of the Chief Executive Officer Performance Review Committee 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**

N/A

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

N/A

## **IMPLEMENTATION STRATEGY**

Upon endorsement of the updated Terms of Reference meetings of the Chief Executive Officer Performance Review Committee will be convened as determined by the Presiding Member in accordance with the Terms of Reference and Local Government Act 1999 and relevant Regulations.

## **CONCLUSION AND RECOMMENDATION**

This report presents updated Terms of Reference for the Chief Executive Officer Performance Review Committee for consideration and endorsement.



**ATTACHMENTS**

1. Chief Executive Officer Performance Review Committee DRAFT Terms of Reference July 2021 [↓](#)





## Chief Executive Officer Performance Review Committee

### TERMS OF REFERENCE

A Committee of Council  
established pursuant to the provisions of  
Section 41  
of the Local Government Act 1999

The Chief Executive Officer Performance Review Committee was re-established by Council resolution dated **INSERT DATE**.

Terms of Reference for the conduct of the business of the Chief Executive Officer Performance Review Committee were approved and adopted by the City of Mount Gambier at its meeting held on **[insert date]**.



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**Chief Executive Officer Performance Review Committee**

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### **1. NAME**

- 1.1 The name of the Council Committee shall be the Chief Executive Officer (CEO) Performance Review Committee (in these Terms of Reference referred to as "the Committee").

### **2. INTERPRETATION**

- 2.1 For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context:
- 2.1.1 "Act" means the Local Government Act 1999 and includes all Regulations and Schedules and successor legislation.
  - 2.1.2 "Committee" means the Committee of Council established pursuant to clause 3.
  - 2.1.3 "Committee Member" means the persons appointed by the Council to the Committee pursuant to clause 7.
  - 2.1.4 "Council" means the City of Mount Gambier that established the Committee and to which the Committee reports.
  - 2.1.5 "Employment Agreement" means the employment agreement between the City of Mount Gambier and the Chief Executive Officer, which came into effect on 15<sup>th</sup> June 2021 or any successor agreement.
  - 2.1.6 "Presiding Member of the Committee of Council" means the person appointed to that position pursuant to clause 8.
  - 2.1.7 "Observers" means those persons attending any meeting of the Committee of Council, but not having a vote on any matter to be determined by the Committee and not having been appointed as Committee Members.
  - 2.1.8 "Regulations" means the Local Government (Procedures at Meetings) Regulations 2013
- 2.2 Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.
- 2.3 A reference in these Terms of Reference to a "singular" includes a reference to the "plural" and a reference to a "plural" includes a reference to the "singular".
- 2.4 These Terms of Reference shall be interpreted in line with the provisions of the Act.

### **3. ESTABLISHMENT**

- 3.1 The Chief Executive Officer Performance Review Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Committee was re-established on from **INSERT DATE**.

### **4. PURPOSE**

- 4.1 The Committee's primary purpose, in conjunction with the CEO, is to establish relevant performance objectives for the CEO and for the Committee to undertake the annual formal review of the performance of the CEO against those performance criteria, including as specified within the Employment Agreement.
- 4.2 The Committee's secondary purpose is, upon the completion of the performance review process, to undertake an annual review of the CEO's remuneration in accordance with the Employment Agreement.
- 4.3 To obtain and consider the advice of a qualified independent person(s) in accordance with s102A of the Local Government Act 1999 and independent human resource support as determined appropriate by the Presiding Member to support the effective conduct of the reviews in 4.1 and 4.2.



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## **5. ROLE AND RESPONSIBILITIES**

- 5.1 To provide advice to Council on the CEO's performance and development, including the following matters:
- 5.1.1 Reviewing the CEO's performance over the preceding 12 month performance period, in particular the performance against the agreed performance targets, Employment Agreement and position description requirements.
  - 5.1.2 Monitoring the progress on the CEO's agreed performance targets for the current 12 month performance period.
  - 5.1.3 Determining performance targets for the forthcoming 12 month performance period.
  - 5.1.4 Identifying development opportunities for the CEO.
  - 5.1.5 Reviewing the remuneration and conditions of employment of the CEO.
  - 5.1.6 Making any recommendations to Council on any review of the CEO Employment Agreement.
- 5.2 In support of the Committee's role, the Council will appoint an independent human resource specialist to assist with the undertaking of performance reviews and to provide advice as required.

## **6. DELEGATED POWERS**

- 6.1 The Committee is an advisory committee and, with the exception of procurement for the purposes of 4.3 and 5.2 in accordance with 6.2, has no power or authority to make delegated decisions on Council's behalf.
- 6.2 The engagement of independent person(s) and/or specialist consultancy services under 4.3 and 5.2 shall be administered by the administration under (sub)delegation in conjunction with the Presiding Member and in accordance with Council's Procurement & Disposal of Land and Assets Policy P420.

## **7. MEMBERSHIP**

- 7.1 Membership of the Committee will be comprised of four Elected Members being the Mayor (Presiding Member), Deputy Mayor and the Presiding Members of the Economic & Environment and the People & Place Committees.
- 7.2 Should any one or more of the positions specified in 7.1 be filled by the same Elected Member Council may appoint other Elected Members to fill up to the full membership of four.
- 7.3 Should Council's committee structure change from that specified in 7.1 then the Elected Members membership of the Committee shall remain as in place prior to the change until these Terms of Reference are amended by Council.

## **8. PRESIDING MEMBER**

- 8.1 The Mayor will be the Presiding Member of the Committee.
- 8.2 If the Presiding Member of the Committee is absent from a meeting, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member is present.
- 8.3 The role of the Presiding Member includes:
- 8.3.1 overseeing and facilitating the conduct of meetings in accordance with the Act; and the Regulations.
  - 8.3.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.
  - 8.3.3 In conjunction with an Administration Officer with appropriate sub-delegation to determine and procure the services of an independent person and/or specialist consulting services to support the Committee in fulfilling its purpose, role and responsibilities.





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#### **9. REPORTING RESPONSIBILITIES**

- 9.1 The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council.
- 9.2 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed.

#### **10. MEETING PROCEDURES**

- 10.1 Meeting procedure for the Committee is as set out in the Act and Regulations.
- 10.2 A quorum for the Committee shall constitute half the membership, ignoring any fraction from the division, plus one.
- 10.3 All decisions of the Committee shall be made on the basis of a majority decision of the members present.

#### **11. FREQUENCY OF MEETINGS**

- 11.1 The Committee shall meet at appropriate times and places as determined by the Committee and, at least, annually. A special meeting of the Committee may be called in accordance with the Act.
- 11.2 Actions undertaken in calling meetings and their frequency will be consistent with the Act and the Employment Agreement.

#### **12. NOTICE OF MEETINGS**

- 12.1 Notice of the meetings of the Committee will be given in accordance with the Act and with the Employment Agreement.

#### **13. PUBLIC ACCESS TO MEETINGS & DOCUMENTS**

- 13.1 Members of the public are able to attend all meetings of the Committee, unless excluded by order of the Committee, under the confidentiality provisions of the Act.
- 13.2 Members of the public have access to all documents relating to the Committee unless withheld by order of the Committee or Council under the confidentiality provisions of the Act.

#### **14. MINUTES OF MEETINGS**

- 14.1 Minutes shall be kept of all meetings of the Committee in accordance with the Act.

#### **15. CONDUCT AND DISCLOSURE OF INTERESTS**

- 15.1 Members of the Committee must comply with the conflict of interest provisions of the Act.
- 15.2 Members of the Committee must comply with the Code of Conduct for Council Members and Chapter 5 Part 4 of the Act relating to Conduct and Disclosure of Interests.

#### **16. LIABILITY OF THE COMMITTEE**

- 16.1 A liability incurred by the Committee rests against Council.
- 16.2 No liability attaches to a Member of the Committee for an honest act or omission by that Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.
- 16.3 All members of the committee are bound by the Council Member Code of Conduct as published in accordance with Section 63 of the Act.



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#### **17 AMENDMENTS TO TERMS OF REFERENCE**

- 17.1 It will be lawful for the Council by resolution to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Act, the Employment Agreement and any other relevant legislation.
- 17.2 Notwithstanding 17.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference it may, but will be under no obligation, to obtain the opinion of the Committee and the CEO.

#### **18. INTERPRETATION OF TERMS OF REFERENCE**

- 18.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever that are unable to be resolved by the Presiding Member then the Council shall determine the dispute and the decision of the Council shall be final and binding.

#### **19. OTHER MATTERS**

- 19.1 The Committee shall:
- 19.1.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within the Council's Budget.
  - 19.1.2 Give due consideration to laws and regulations, including the Act and relevant employment law.
  - 19.1.3 Seek independent human resource support and advice to enable it to comply with its responsibilities set out in the Employment Agreement.
  - 19.1.4 Where the Committee is required to act jointly with or to obtain the concurrence of the CEO in the performance of its functions, the Council expects that both parties will negotiate and consult in good faith to achieve the necessary objectives.
- 19.2 The CEO will provide administrative support for the purposes of co-ordination and preparation of agendas and reports for and minutes of Committee meetings and as a point of contact for all Committee members.
- 19.3 The Council may cease the operation of the Committee and the Committee may, in conjunction with the CEO, make such recommendation to the Council on the completion of its function.

#### **20. NOTICES**

- 20.1 All communication to be given to the Committee shall be addressed to:

City of Mount Gambier Chief Executive Officer Performance Review Committee  
PO Box 56  
MOUNT GAMBIER SA 5290  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

**[INSERT DATE ENDORSED]**



**24.6 LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION BUSINESS PLAN  
2021/2022 – REPORT NO. AR21/43817**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>20 July 2021</b>
<b>Report No.:</b>	<b>AR21/43817</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 presents the Limestone Coast Local Government Association Budget and Business Plan for 2021/2022.</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. AR21/43817 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.



## **TYPE OF REPORT**

Corporate

## **BACKGROUND**

The Limestone Coast Local Government Association (LCLGA) ordinarily present their Business Plan and Budget for each financial year to constituent Councils for consultation, budget and approval purposes.

The LCLGA Business Plan 2021/2022 year was circulated to Members in the Friday Edition on 9 July 2021.

The LCLGA Business Plan 2021/2022 is to be presented to the August 2021 LCLGA meeting for adoption.

## **PROPOSAL**

The LCLGA Business Plan 2021/2022 and budget is presented for Council consideration and to support its adoption at the August 202 LCLGA meeting.

It is noted that the LCLGA Business Plan 2021/2022 includes some matters for which work is proposed in the coming year to ascertain Council's position on these priority areas. Notwithstanding this it is recommended that the LCLGA Business Plan 2021/2022 be endorsed.

## **LEGAL IMPLICATIONS**

Under the LCLGA Charter the LCLGA Board may charge project fees and must give notice to constituent councils of project fees and their purpose. This notice is given in the form of the presentation of a Business Plan and budget.

A constituent council may comment on the Business Plan in writing to the LCLGA Executive Officer at least fourteen (14) business days before the meeting at which the budget is to be adopted or through its Board Members at that meeting. The next LCLGA meeting is on Friday 13 August 2021

A constituent council may object in writing to a project fee and/or elect to be excluded from an LCLGA activity or activities. The LCLGA Board will consider an objection at a general or a special meeting and may confirm, vary or exempt a constituent council from payment of a project fee.

## **STRATEGIC PLAN**

N/A

## **COUNCIL POLICY**

N/A

## **ECONOMIC IMPLICATIONS**

N/A

## **ENVIRONMENTAL IMPLICATIONS**

N/A

## **SOCIAL IMPLICATIONS**

N/A

## **CULTURAL IMPLICATIONS**

N/A



## **RESOURCE IMPLICATIONS**

The value of the City of Mount Gambier contribution to the LCLGA for the 2021/2022 financial year is \$219,226 representing an increase of \$39,058 from the 2020/2021 year and includes \$29,194 arising from a proposed \$110,000 increase in Destination Development Strategy spending.

The City of Mount Gambier contribution increase of 21.6% is lower than other constituent councils which ranges up to a 25% increase for the District Council of Kingston.

## **VALUE FOR MONEY**

Council should consider the aggregate benefits arising to all seven constituent councils from shared resources and projects under the LCLGA regional model.

## **RISK IMPLICATIONS**

As constituent council members of the LCLGA each Limestone Coast Council contributes fees toward the services and operation of the LCLGA on a similar basis to the Local Government Association model.

The support or otherwise of any constituent council toward the LCLGA Business Plan and Budget places the services of the LCLGA at risk, the impact of which is potentially greater than the proportionate funding contribution of any single Council.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

The LCLGA Executive Officer will be notified of the outcome of Council deliberations on the LCLGA Business Plan 2021/2022.

## **IMPLEMENTATION STRATEGY**

Upon endorsement of the LCLGA Business Plan 2021/2022 any budget variance will be incorporated into Council's next budget review.

## **CONCLUSION AND RECOMMENDATION**

Having considered the LCLGA Business Plan 2021/2022 this report recommends that the LCLGA Executive Officer be advised of the City of Mount Gambier's support, noting further work to be undertaken by this Council on priority areas including those identified in the LCLGA Business Plan.

## **ATTACHMENTS**

1. LCLGA Business Plan 2021/2022 [↓](#)



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**LCLGA BUSINESS PLAN 2021/22**

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### **Collectively Building Stronger Communities**

The Board has taken strong decisions in the 2021/22 LCLGA Business Plan, so the LCLGA can continue to achieve our "why" of building stronger communities in the Limestone Coast.

The LCLGA has a strong track record of delivering value to our community and members with an average (since 2015) ROI of 400%.

In addition to sustaining the LCLGA's operations, within the 2021/22 Business Plan, the Board have also agreed to:

- 1) Increase funding to enable the delivery of the Destination Development Strategy (DDS), which will be a key contributor in growing the visitor economy in the Limestone Coast by \$233 million over the next nine years.
- 2) Invest in the testing and, if viable, delivery of a regional waste solution.
- 3) Implement a financial viability plan so the LCLGA can continue to deliver value to our members.

### **Business Plan Context**

The 2020/21 Business Plan is the 2020/21 operationalisation of the 2020/25 Strategic Plan, which was tested for validity with the Board in February 2021 at a planning workshop.

The "why" for the LCLGA is "Collectively Building Stronger Communities". This business plan focuses on how we can work with our members to deliver our why within a local government context.

Our members (in alphabetical order) are:

- District Council of Grant
- Kingston District Council
- City of Mount Gambier
- Naracoorte and Lucindale Council
- District Council of Robe
- Tatiara District Council
- Wattle Range Council

The LCLGA is a wholly-owned subsidiary of our members under the Local Government Act (1999). This ownership structure means our equity and liabilities belong to the LCLGA and our members.

The LCLGA represents over 135 years of collaboration by our members to deliver regional projects, gain economies of scale and effective representation. Feedback within local government is our model is considered one of the most effective in SA and unique in Australia.

There is a significant commitment from our members to collaborate to build stronger communities in the Limestone Coast within the operating sphere of local government.

The current operating environment continues to be highly volatile, as detailed in the external and internal operating environment sections of our strategy due to the COVID-19 pandemic. The LCLGA recognises we will need to continue to be flexible as we seek to deliver value to our members during this challenging and rapidly changing time.

Nevertheless, in reviewing the strategic context for the LCLGA with our Board, the fundamentals of our strategic plan hold true.





One of our strengths is our size and membership base, which allows us to be flexible and agile to support and pursue opportunities on behalf of our members.

There is a risk that in being flexible in meeting our member's needs and accepting new challenges, we become stretched in our resources, resulting in slippage of other programs. The LCLGA will need to ensure appropriate and transparent decisions on tradeoffs occur so we can continue to deliver value to our members.

Over the last six years, the LCLGA has come through a growth and planning period. The strategic plan (2020/25) horizon is a focus and delivery period in the key result areas of building stronger communities, a stronger economy and member capability.

In a world still learning to live with Covid-19, we believe the focus areas in the current strategic plan remain valid and accept that strategies need to adapt to our new environmental context.

### **Our Role**

The LCLGA works with our members and achieves value by delivering projects, facilitating programs, being a conduit for communication, sponsoring projects or programs, and undertaking advocacy.

Our members provide the directions for our activities to ensure we are aligned with their priorities as contained in the approved strategic and business plan.

Our "why" is collectively building stronger communities. Our why is within the context of the Limestone Coast and the sphere of Local Government.





## External Environment

The 2020/25 Strategic Plan was developed, considering existing and emerging factors in our operating environment that may influence our strategy. These factors, as identified by thought leaders such as the CSIRO, are the ones that will most likely impact the delivery of our strategy for collectively building stronger communities.

The following are observations on changes to our operating environment from the strategic plan, which may impact the business plan's delivery.

Since the Strategic Plan's development, there has been a rapid and significant disruption to our operating environment due to the COVID-19 pandemic. The pandemic ramifications have translated into geopolitical tensions and accelerated societal change impacting every aspect of our lives from trade, workforce, supply chains, diversity and equity, housing, political environments, regional employment, tourism, work/life balance, to name a few.

Whilst recognising the pandemic has created hardship for some parts of our community, there have been "winners" and "losers" from these changes. Covid-19 is an accelerator of change in our world.

In recent research by the Regional Australia Institute (RAI), around 20% of city residents are thinking of a regional change, with 10% planning to move in the next 12 months. This move to regional centres is both an opportunity and a challenge; regional communities have been seeking population growth to lower the working age of their populations for many years, but we are also facing a housing crisis.

There has been a building boom with property prices increasing in the Limestone Coast, rental properties are scarce, and builders have forward bookings for up to three years in some locations.

In all of our member's areas, access to affordable housing is a significant issue from a social and economic perspective. The lack of housing limits growth as many jobs cannot be filled due to the accommodation shortage, which creates hardship for the most vulnerable in our community as they are squeezed economically out of the housing market.

Across Australia, there are currently around 156,000 job vacancies in regions. In the Limestone Coast, there are over 450 job vacancies. There is evidence that some employers have ceased seeking new employees due to the difficulty in attracting them, which means the actual number of vacancies is much higher.

Despite the development of vaccines, the global vaccine rollout is expected to take 2-3 years. Notwithstanding the impacts from mutations, Covid-19 restrictions will likely be with us for some time.



### **Situational Analysis**

Over the last six years, the LCLGA has successfully delivered value to our members (as detailed in the strategic plan).

Despite losses in recent years, the financial position of the LCLGA remains strong as we have strategically drawn down our members equity.

The Board have advised that the LCLGA should aim to have sufficient reserves to cover windup costs with an additional \$200k in members equity to undertake new projects as required.

Compared to 2015/16, our annual financial capacity is now around 35% weaker due to reduced members fees, increased costs, and loss of Rubble Royalty funding.

There is a continued focus in the strategic plan to narrow and deepen value. We are currently committed to three incubator projects and assisting their transition into a more self-reliant state.

We have not reduced the number of projects and programs from 2020/21. However, there is clear direction on relative priorities from our members. These priorities will mean some projects and programs will be more active than others.

We have continued to reduce our headcount (FTE) as opportunities arise to sustain our financial viability. There are two new roles included in this business plan. Both, however, will only proceed if sufficient new funding is received, namely in the Destination Development Strategy and Limestone Coast Regional Sports Academy.

Decisions to reduce our FTE also narrows our ability to deliver projects and flex for new opportunities unless we have sufficient resources or tradeoffs from current commitments, i.e. the ability to engage contractors or consultants or defer projects as new priorities emerge.

Our members have indicated that they are ready to make significant investments to ensure priority projects are achieved.



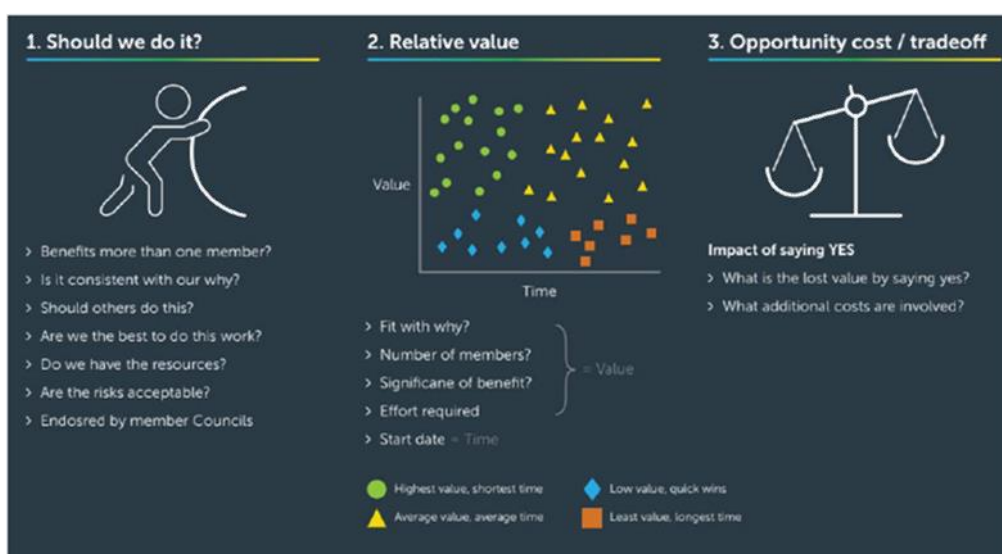
## Delivering Value

Our members agree that our focus should become narrow and deep to deliver value, which becomes even more critical in a resource-constrained environment.

This means we will apply our resources to those strategies that provide the greatest value to our members; and not take on additional responsibilities without considering the tradeoffs (time, \$, risk or lost value from not doing another project).

The process used to create focus and value in this business plan uses the following approach:

- 1) Should we be responsible for implementing the strategy?
- 2) What is the relative value of the proposed work?
- 3) What is the tradeoff, and is this acceptable?



Our members, via the Board and CEO's, were asked which of our activities are strongly aligned with our "why" and provide the greatest benefits in the context of our situation and changes in the external environment.

Our member's responses continued a theme of narrow and deeper to deliver value and transition our incubator projects to alternative operating environments once our commitments are met.

Our members were asked what we should 1) Keep Doing, 2) Change, and 3) Transition to alternative operational arrangements.



**KEEP DOING (importance ranked as H (high), M (medium) and L (low))**

**1. Advocacy (H)**

Continue to provide advocacy on key issues for our members and implement the agreed program.

**2. Destination Development Strategy (H)**

Implementing the new Destination Development Strategy (DDM) is considered the highest priority by our members. This strategy seeks to support the growth and value of the Tourism Market in the Limestone Coast with a marketing plan, experience development, regional data and aligned promotion with the industry (i.e. experience marketing through social media). Most importantly, it connects and aligns our stakeholders and resources in the region.

Our members indicate that initially, the level of investment in implementing the DDM should be based on doubling the current member's investment (to be reviewed each year).

The DDM also considers cost-sharing (with benefiting stakeholders), which should reduce our member's contribution to this strategy over time.

Consideration of various initiatives such as regional trails strategy forms part of the DDM, and the strategy can be changed to suit the available resources.

**3. Regional Waste Solution (H)**

We are progressing towards a regional solution for our members; our members' feedback is to invest in finalising a solution.

There is significant interest in cross border solutions to provide the economies of scale required to deliver a cost-effective regional materials recycling solution, as recently published in the Barwon South West Waste and Resource Recovery Group Waste Infrastructure Optimisation Strategy.

Further work needs to be done to:

- develop and test the governance, commercial, and risk models with participants, stakeholders and regulators to identify barriers and ascertain if a regional solution is realistic
- develop a business plan, seek approvals and funding
- proceed to project implementation, and
- transition to a business as usual state

To progress this project, \$160,000 is allocated from members equity across 2021/23 financial years.

**4. Roads Strategy (H)**

The Regional Roads Strategy and Database was updated in 2020/21 and continues to be a critical strategy to access funding for priority road upgrades, with over \$16 million secured for local roads since the strategy was developed.

With changes in our member's staff who contribute to this strategy, it is essential we provide training to ensure we continue to generate value to sustain investment in priority regional roads. An allocation has been provided in this business plan for this training.



**5. Joint Planning Board (JPB) (H)**

Provided members are satisfied with the value proposition, once approved by the Minister, a JPB will focus on delivering a Regional Plan by 2023. The first step is for the JPB to develop a business plan and project plan to review the Regional Plan by 2023.

**6. StarClub (H)**

Starclub is considered an important program in the region by our members to support sporting clubs, particularly in the current Covid-19 environment. It is essential that the Sports Academy does not detract from the delivery of the StarClub Program. The Limestone Coast has the highest StarClub participation rate of any region in South Australia, which has also assisted our region in securing sporting grants at a higher level than other regions.

**7. Resource Sharing (M)**

Testing and developing shared services arrangements continues to be an important outcome our members are pursuing; some additional resources may be needed to progress this work on a case by case basis.

**8. South Australia Coastal Councils Alliance (SACCA) (M)**

The Limestone Coast LGA members recognise that the entire region benefits from a healthy coastal environment which is why we are continuing to support the SACCA and its activities.

**9. Regional Health And Wellbeing (L)**

With the completion of the Regional Health Plan, there was interest in continuing this network to consider the plan's implementation.

**CHANGE**

**1. Heritage Advisory Services (M)**

The Board has approved LCLGA to test the market to source a provider to continue the service. Whilst an amount has been included in this business plan for this service, it is designed to be essentially a pass-through with no impact on the LCLGA's bottom line.

Depending on the results of the tender process, these costs may vary.

**2. RDALC Relationship (H)**

Continue to develop the relationship with the RDALC to ensure we are receiving value for money from our investment and that the organisations are working together strategically and operationally to benefit our community.

Depending on the level of satisfaction from the service received, this may also include seeking alternative service arrangements.





## TRANSITION

### 1. Red Meat Cluster (RMC)

The RMC is the only industry cluster the LCLGA supports. Whilst it requires minimal support, the RMC is seeking a different service to support its future development. Working with the RMC, we will seek to find a sustainable solution with them.

### 2. Limestone Coast Regional Sports Academy (LCRSA)

The LCRSA has grown significantly over the last three years; it needs to evolve into a new organisational structure for it to be sustainable. The LCRSA is seeking additional funding from State Government, and like the DDS, it will be sized according to the funding received.

Work is being done with the LCRSA to develop strategies to transition it to a more sustainable state.

### 3. Substance Misuse Limestone Coast (SMLC)

The LCLGA agreed to Auspice the SMLC. It is fully funded by Federal Government and is already moving to become an independent organisation. Continuing this transition to a self-sufficient state is a priority for both the SMLC and LCLGA.

### 4. Limestone Coast Leadership Program (LCLP)

In 2021/22, the LCLP is delivering its third course. There has been no decision to progress to a fourth program, and the Steering Committee is considering options for future programs with organisations outside of the LCLGA.

This feedback has been incorporated into the 2021/22 business plan.



### **Key Result Area's**

The strategic plan identifies three key result areas to focus on and support our "why" of collectively building stronger communities.

They are building:

- Sustainable Communities
- Stronger Economy
- Member Capability

### **Building Sustainable Communities**

A sustainable community has resilience, leadership, a healthy environment, an optimistic mindset, community well-being, connected and inclusive with built environments where we want to live and others want to join.

Over the 2021/22 year, building sustainable communities in a COVID-19 recovering environment within a local government context will be the focus.

The objectives and proposed strategies in the strategic plan focus on climate adaptation, regional health plans, and completing our committed "incubator projects", being the LCRSA, LCLP and SMLC.

### **Long Term Objectives (Strategic Plan by 2025)**

- 1) The regional climate adaptation strategy outcomes are achieved
- 2) Government policy and investment reflect our member's priorities
- 3) Regional health plan outcomes are achieved
- 4) Incubator projects are successful and self-sustaining

### **Short Term Objectives (Business Plan – 2021/22)**

- 1) Our networks, members and stakeholders are connected and engaged
- 2) Incubator project outcomes have transitioned to alternative governance and operational arrangements
- 3) The governance, effective management, and capabilities of sporting clubs continue to improve (Star Club)
- 4) Joint Planning Board commences operations to develop a new regional plan

### **Performance Indicators**

- 1) The extent that the government listens and incorporates Limestone Coast priorities in decision making
- 2) Member rating of our effectiveness in keeping them and stakeholders connected
- 3) Incubator project outcomes delivered with future governance and organisational requirements developed



Table 1: Building Sustainable Communities

Strategy	Tactics	Approach	Timing	Responsibility
Engage with stakeholders	<ul style="list-style-type: none"> <li>• LGASA and SAROC</li> <li>• Regional Executive Officers</li> <li>• Local members</li> <li>• Key Stakeholders (SA Government and Industry)</li> <li>• Create social media presence to share stories</li> <li>• GT Freight Action Plan - engage state gov. on plan efficacy</li> </ul>	Communication and advocacy as agreed with members	Every 2 months Every 2 months As required As required Ongoing Twice a year	Executive Officer
Star Club Program	<ul style="list-style-type: none"> <li>• Deliver the program to over 300 clubs in the Limestone Coast</li> </ul>	Program	Ongoing	StarClub Field Officer
LC Regional Sports Academy	<ul style="list-style-type: none"> <li>• Select participants and deliver the program</li> <li>• New strategic plan</li> </ul>	Project	Jul and ongoing Oct-21	StarClub Field Officer
LC Leadership Program	<ul style="list-style-type: none"> <li>• Complete the third program</li> </ul>	Project	Oct-21	Leadership Project Coord.
Substance Misuse Limestone Coast	<ul style="list-style-type: none"> <li>• Implement the program as per the funding deed and SMLC plan</li> </ul>	Project	Ongoing	Program Coordinator
Regional Health and Wellbeing	<ul style="list-style-type: none"> <li>• Test the need for a committee to oversee the Regional Health Plan</li> </ul>	Program (Regional Health Strategy)	Dec-21	Program Coordinator
Access grant funding	<ul style="list-style-type: none"> <li>• Work with partners to develop proposals for funding</li> </ul>	Project	Ongoing	All
Proactive Advocacy	<ul style="list-style-type: none"> <li>• Implement the agreed program.</li> </ul>	Advocacy	As agreed with Board	Executive Officer
Auspice SACCA	<ul style="list-style-type: none"> <li>• Support the SACCA plan development and implementation</li> </ul>	Program	Ongoing	Executive Officer





### **Building a Stronger Economy**

A strong economy relies on human capital (skills, knowledge and innovation), financial capital (investment), productivity (more from less), realising local competitive advantages, entrepreneurialism, value clusters, increased supply chain value capture before exports, capturing local value (buy local); and attracting spend from outside our area (investment and visitation).

The economic advantages of our region are unchanged. We continue to be mostly unaffected by drought and have higher levels of water security than many regions in Australia. We have soil with little degradation, and we have not had flooding to the same extent as some other areas in Australia, and our ocean resources are in reasonable shape compared to other places.

Some of our primary industries are vulnerable to continuing geopolitical tensions that play out as restraining trade, such as our Fishing, Viticulture, Forestry and Tourism industries.

We also have a diverse economy which means we are generally more resilient to shocks than other regional areas in Australia.

Growth enabling factors such as migration, affordable housing and access to capital are potential constraints to growth as the longer-term implications from Covid-19 become clearer.

### **Longer-Term Objectives (Strategic Plan by 2025)**

- 1) The outcomes of the Regional Growth Strategy and action plan are achieved
- 2) Waste is a source of economic growth and competitive advantage
- 3) Regional land-use planning is effective and agile
- 4) The required investment in regional road infrastructure is achieved
- 5) The value of tourism to the region continues to increase
- 6) Mutually beneficial cross border partnerships are developed

### **Short-term Objectives (Business Plan – 2021/22)**

- 1) DDS is approved, and implementation commences
- 2) Regional Roads Strategy is monitored and sought after funding for high priority roads achieved
- 3) A viable (politically, commercially, risk and governance) waste option is developed
- 4) The Regional Growth Strategy is monitored, and Board approved projects delivered
- 5) Collaboration opportunities on cross border projects are agreed

### **Performance Indicators**

- 1) Joint Planning Board commences operations to develop a Regional Plan, should the value proposition be proven
- 2) Our members are successful in attracting funds for projects
- 3) Federal and State Members support our member's advocacy priorities
- 4) Regional roads projects are approved and sought after funding achieved
- 5) DDS year one objective achieved
- 6) A regional waste solution is structurally viable to proceed to a business case to source funding.



Table 2: Building a Stronger Economy

Strategy	Tactics	Approach	Timing	Responsibility
Monitor and develop the Regional Growth Strategy	<ul style="list-style-type: none"> <li>Review the growth strategy and update</li> <li>Advocacy on priorities</li> <li>Seek and support funding priorities</li> <li>Implement approved projects</li> </ul>	Program and projects (Regional Growth Strategy)	Nov-21 Ongoing Ongoing As needed	Program Coordinator
Maintain the roads database and Council skills	<ul style="list-style-type: none"> <li>Regularly meet to update the Regional Transport Strategy and database</li> <li>Train Council and LCLGA staff on SLRP funding process</li> <li>Support the preparation of submissions for SLRP funding</li> </ul>	Program (Regional Transport Strategy)	3-4 times per year Feb-22 April / May-22	Program Coordinator
Test the viability of a regional waste solution	<ul style="list-style-type: none"> <li>Test the risk, commercial and governance of a regional solution</li> <li>Secure the agreement of participants on implementation plan</li> <li>Develop Business Case and secure funding</li> <li>Commence procurement</li> </ul>	Project (from the Waste Strategy)	Nov-21 Feb-22 Apr-22 Jun-22	Executive Officer
Destination Development Strategy	<ul style="list-style-type: none"> <li>Establish industry reference group</li> <li>Depending on funding commence implementation of the DDS.</li> </ul>	Project (Destination Develop. Strategy)	Oct-21 Ongoing	Dest Develop. Manager
RDALC Deliverables	<ul style="list-style-type: none"> <li>Work with the RDALC on agreed deliverables</li> <li>Facilitate joint Board meetings</li> </ul>	RDALC Agreement	Ongoing Sep-21	Executive Officer
Cross Border Partnerships	<ul style="list-style-type: none"> <li>Develop a plan for priority Local Government Cross Border initiatives</li> <li>Implement as approved by the Board</li> </ul>	Project (to be developed)	Aug-21 From Sep-21	Executive Officer
Red Meat Cluster	<ul style="list-style-type: none"> <li>Facilitate the RMC Strategic Plan with the Committee</li> </ul>	RMC Strategy	Ongoing	Program Coordinator



### **Building Member Capability**

Building our capability focuses on increasing the availability and access to resources, reducing costs, improving performance, developing new skills and knowledge, leveraging our member's abilities for collective benefits, and developing and growing our employee's capabilities across our region.

Over the next financial year, our members will come under increasing pressure from social, political and economic perspectives; and from changed budget processes from the Local Government Review Bill.

Accessing scarce resources to reduce costs and secure needed skills is an ongoing need for our members.

### **Longer-Term Objectives (strategic plan – 2020/25)**

- 1) Members can access scarce or hard to source skills and expertise
- 2) Members capabilities are increased through collaboration, knowledge sharing and skills
- 3) Local employees' skills and expertise are developed and retained in the region
- 4) Members are well-positioned to respond to the requirements of the Local Government Review Bill.

### **Objectives (business plan – 2021/22)**

- 1) Priority skills, resource sharing and funding arrangements (including grants) commenced
- 2) Shared approaches deliver improved value
- 3) Members collaborate effectively through LCLGA forums, committees and working groups
- 4) Members are well-positioned to respond to the requirements of the Local Government Review Bill.

### **Performance Indicators (business plan)**

- 1) Resource sharing has started with performance improvements evident
- 2) Benefits in shared procurement are clear and realised
- 3) Elected members are supported in improving their knowledge and networks
- 4) Members rate forums, committees and working groups highly
- 5) The extent that our members are prepared for the outcomes from the Local Government Review Bill.



Table 3: Building Member Capability

Strategy	Tactics	Approach	Timing	Responsibility
Deliver member forums	<ul style="list-style-type: none"> <li>• Board Meetings</li> <li>• Mayors Forums</li> <li>• CEO Forums</li> <li>• Members Briefings</li> <li>• Working Groups</li> </ul>	Facilitation	Every two months Weekly Every two months As required As required	Executive Officer
Members communications and dashboard	<ul style="list-style-type: none"> <li>• Social media communications</li> <li>• Performance dashboard</li> </ul>	Communications and Project	Dec-21 Apr-22	Executive Officer
Shared capability project	<ul style="list-style-type: none"> <li>• Finalise shared capability agreement across all Councils</li> </ul>	Project	Sep-21	Executive Officer
Provide analysis, advice , submissions and advocacy	<ul style="list-style-type: none"> <li>• Maintain emerging policy awareness and engagement with members</li> </ul>	Scanning and engagement with industry	Ongoing	All



## Finance Overview

The LCLGA derives its funds from three sources. They are members subscriptions, grants and specific project or program funding from members equity.

The LCLGA continues, in 2021/22, to receive \$42,000 from the LGASA to support regional activities, which is very much appreciated.

The LCLGA has been strategically reducing its cash reserves through a real reduction in members subscriptions over the last five years. Members have also benefited from the cessation of Rubble Royalty payments, resulting in decreased indirect funds to the LCLGA.

The combined impact of the loss of Rubble Royalty, no real increase in subscriptions and increasing costs is a reduced annual position of 35% compared to 2015.

A financial sustainability plan has been developed for the LCLGA. This plan involves continuing to create a narrow focus to create value, keeping costs efficient and operations lean, seeking grants and other non-member sources of revenue and increasing members fees to a sustainable level.

The financial sustainability plan has been developed with feedback from the LCLGA Risk and Audit committee and the Board.

The proposed member's contributions and projects result in a loss of \$124,000 in 2021/22, a loss of \$98,000 in 2022/23 and a small surplus of \$9,000 in 2023/24. Members equity is \$227,000 at the end of 2022/23.

Within our budget, there are four projects or activities where costs are "pass-through". These are included in our financial statements but make no impact on the LCLGA bottom line.

- 1) RDALC contributions of \$93,000
- 2) Heritage Advisory Services, currently \$63,000
- 3) South Australian Coastal Council Alliance Membership, \$100,000
- 4) Substance Misuse Limestone Coast (SMLC), \$100,000

These are projects that have their income and expenses netted out. The SMLC also pays its overheads, which has a small positive impact on the LCLGA's fixed operational costs.

While the SMLC and SACCA have a zero net impact on the LCLGA's bottom line, their unused funds form part of our total cash assets and are held in liabilities accounts until consumed. Therefore the LCLGA's total cash assets will look very strong, but we will also have high project liabilities until these funds are used.

The DDS is currently being presented to Councils with various options on the strategies implementation with different funding levels. We have assumed, based on feedback to date, that the strategy is supported and that members will double their contribution to this project.

The DDS is scalable relative to the funds available.

The StarClub and LCRSA budgets are jointly considered as they share costs and resources. Traditionally there has been a small contribution from members equity and formerly Rubble Royalties, in addition to members contributions to the StarClub program. It is assumed this will continue in 2021/22. Both programs are subject to funding applications, and it is assumed there will be total funding of \$126,000 from SATC grants. Like the DDS, if the grants funds are lower or higher, the programs will be scaled accordingly.

The Limestone Coast Leadership Program (LCLP) is in its final year, and it is assumed the program will either move to another auspicing body or cease. We are continuing to contribute \$10,000 pa from members equity for the final year as per our commitments to the program.



An allocation has been included in the budget for the Roads and Transport Management Group (\$20,000) to prepare the Special Local Roads Program (SLRP) submissions for the 2022/23 financial year and staff training on the SLRP process.

We have included funds to progress a regional waste solution (\$80,000).

The minimum cash holdings required to avoid members liability is calculated to be \$175,000 based on a scenario where LCLGA is wound up. The Board has also advised that the LCLGA should reserve around \$200,000 for strategic projects. The intent is to restore the Project Reserve if it is used.



## Assumptions

The Business Plan has the following assumptions.

- Costs, where known, are included; CPI or other appropriate escalators escalate all other expenses if not known.
- Annual CPI, in January for Adelaide, was 1%.
- Staff salary increases are adjusted in line with our members EBA arrangements and are assumed to be CPI+1%.
- Our travel and accommodation costs remain lower as we make greater use of zoom meetings. Video conferencing is an efficiency opportunity and a health and safety issue as we seek to reduce the amount of time staff spend in cars.
- The Sports Academy will receive \$70,000 in state funding, and the StarClub will receive \$56,000 in funding.
- We can successfully outsource our financial processing and support to reduce risks, costs and improve performance.
- That Council Staff on Working Groups and Committees can participate in the approved work program.
- Attending international trade operator events to promote the Limestone Coast will continue through virtual events in 2021/22.
- Any additional costs for new projects or programs, such as procurement, will be funded by Councils or need separate approvals from the Board to utilise members equity.
- Project oncost are recovered at 20%.
- The DDS is approved with a doubling of funding.
- Superannuation increases to 10% employer contribution and 0.5% pa until it reaches 12%.
- Interest earnings decrease to \$10,000 pa due to reducing investment amounts and low-interest rates.
- Minimum cash holdings are \$175,000.
- A reserve of \$200,000 above minimum cash holding is sought to sustain LCLGA flexibility.
- The project reserve can be used but will then be replenished over time.





## Five Year Financial Viability Plan

The LCLGA has reduced its financial capacity by around 35% since 2015. A continued reduction in capacity will require a further reduction in costs and the scope of work being done to sustain operations.

Progressing the delivery of a regional waste solution is a priority for our members. To advance this work, we have included provisions of \$160,000 over the next two years to test how realistic a regional cross border waste processing solution is and to develop a business plan to secure funding.

To deliver this waste project, we propose using some of the \$200,000 project allocation identified by the Board.

To stay above minimum cash holdings, deliver the agreed programs and undertake the waste project, it is proposed that the following financial pathway be followed.

Table 4: Member subscriptions for financial sustainability

MEMBER CONTRIBUTIONS	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
City of Mount Gambier	\$180,168	\$219,226	\$229,886	\$241,160	\$249,280	\$257,709
District Council of Grant	\$78,159	\$96,986	\$102,073	\$107,458	\$111,309	\$115,309
Wattle Range Council	\$134,499	\$165,757	\$174,203	\$183,141	\$189,549	\$196,204
Naracoorte Lucindale Council	\$90,065	\$111,748	\$117,520	\$123,630	\$128,004	\$132,548
District Council of Robe	\$43,469	\$53,157	\$55,578	\$58,135	\$59,990	\$61,914
District Council of Tatiara	\$75,875	\$94,668	\$99,635	\$104,893	\$108,651	\$112,556
District Council of Kingston	\$40,435	\$50,560	\$53,165	\$55,921	\$57,895	\$59,945
<b>Total</b>	<b>\$642,670</b>	<b>\$792,102</b>	<b>\$832,059</b>	<b>\$874,338</b>	<b>\$904,678</b>	<b>\$936,186</b>

A net total increase in members subscriptions of \$149,432 in 2021/22.

Noting this increase includes an additional \$110,000 for the DDM, allocations for SACCA (new \$8,000), RDALC (an increase of \$3,000) and the Heritage Advisor Service (expected increase of \$6,000).

Excluding DDM, RDALC, SACCA and Heritage, the actual increase to incrementally address the LCLGA's financial viability in 2021/22 is \$23,000 as shown in Table 5.

Noting the RDALC commitment is still subject to our member's agreement and the Heritage service to a tender process before these costs are confirmed. Included is a CPI adjustment to the RDALC contribution and the current costs of the heritage services program.

Even with these proposed increases, we forecast a loss of \$124,000 in 2021/22, reducing members equity to \$325,000 (see Chart 1.0 below). This strategy continues the Board decisions to reduce members equity since 2015 and is now seeking to slow and stabilise members equity.

A financial viability model has been developed with steady and modest increases over the next five years to stabilise the bottom line with a recovery of financial capability to top up the project reserve beyond five years.

Based on this model, members equity drops to \$227,000 before recovering, as shown in Chart 2.0 below. The chart shows that we are using the project reserve of \$200,000 above minimum cash holdings each year. Following 2023/24, the LCLGA returns to small profits.

The DDS includes opportunities for external funding to offset Council contributions, and if successful, would reduce Councils contributions to this strategy.





Chart 1: 2021/22 Cashflow

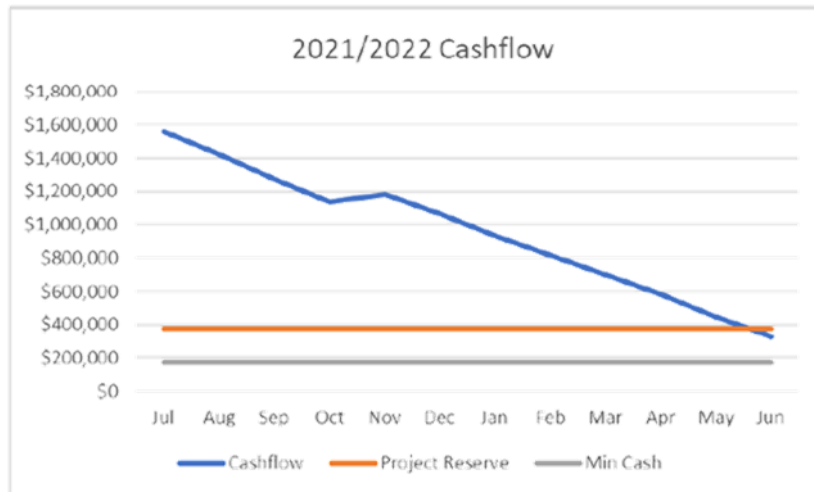
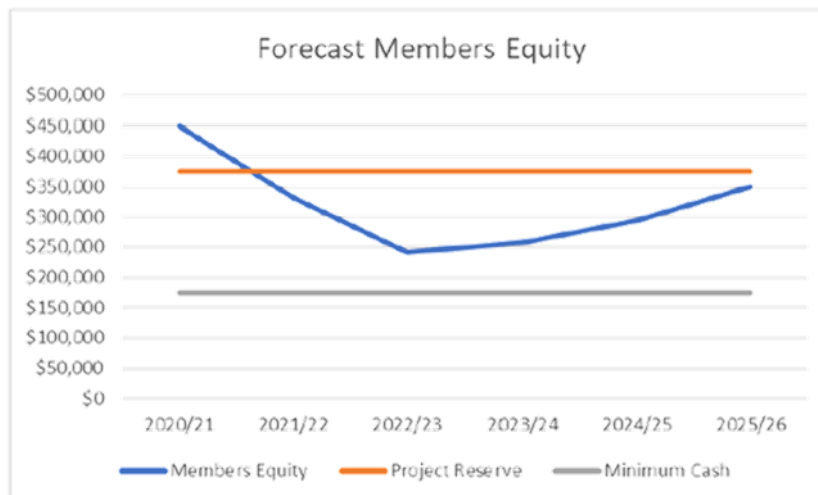


Chart 2: Cashflow 2021/26



The financial viability model will be reviewed and updated each year, including variations in actual costs and timings, as well as securing grants to ensure we don't drop below \$175,000, unless otherwise approved by the Board.

The plan post-2025/26 is to sustain surpluses to return members equity to its desired level of \$375,000.



Table 5: Financial Sustainability Increases

INCREASES IN MEMBERS SUBSCRIPTIONS EXCLUDING TOURISM, RDALC, SACCA AND HERITAGE						
MEMBER CONTRIBUTIONS	2021/22	2022/23	2023/24	2024/25	2025/26	Total
City of Mount Gambier	\$6,131	\$6,499	\$6,888	\$4,868	\$5,063	\$29,448
District Council of Grant	\$2,985	\$3,164	\$3,353	\$2,370	\$2,465	\$14,336
Wattle Range Council	\$4,913	\$5,208	\$5,521	\$3,901	\$4,057	\$23,601
Naracoorte Lucindale Council	\$3,356	\$3,558	\$3,771	\$2,665	\$2,772	\$16,122
District Council of Robe	\$1,324	\$1,403	\$1,487	\$1,051	\$1,093	\$6,358
District Council of Tatiara	\$2,894	\$3,068	\$3,252	\$2,298	\$2,390	\$13,903
District Council of Kingston	\$1,497	\$1,587	\$1,682	\$1,189	\$1,236	\$7,190
<b>Total</b>	<b>\$23,100</b>	<b>\$24,486</b>	<b>\$25,955</b>	<b>\$18,342</b>	<b>\$19,075</b>	<b>\$110,959</b>

Table 6: Member Contributions 2021/22

2021/22								
MEMBER CONTRIBUTIONS	Subscriptions	Tourism	StarClub	Programs	SACCA*	RDALC*	Heritage*	Total
City of Mount Gambier	\$77,364	\$58,388	\$14,066	\$16,879	\$1,143	\$24,682	\$26,703	\$219,226
District Council of Grant	\$37,662	\$28,424	\$6,848	\$8,217	\$1,143	\$12,016	\$2,677	\$96,986
Wattle Range Council	\$62,003	\$46,794	\$11,273	\$13,528	\$1,143	\$19,781	\$11,235	\$165,757
Naracoorte Lucindale Council	\$42,355	\$31,966	\$7,701	\$9,241	\$1,143	\$13,512	\$5,829	\$111,748
District Council of Robe	\$16,703	\$12,606	\$3,037	\$3,644	\$1,143	\$5,329	\$10,695	\$53,157
District Council of Tatiara	\$36,525	\$27,566	\$6,641	\$7,969	\$1,143	\$11,653	\$3,171	\$94,668
District Council of Kingston	\$18,889	\$14,256	\$3,434	\$4,121	\$1,143	\$6,027	\$2,690	\$50,560
<b>Total</b>	<b>\$291,502</b>	<b>\$220,000</b>	<b>\$53,000</b>	<b>\$63,600</b>	<b>\$8,000</b>	<b>\$93,000</b>	<b>\$63,000</b>	<b>\$792,102</b>

\*pass-through costs.



**SURPLUS / LOSS 2021/22**

INCOME	Total
Members Subscriptions	\$792,102
Grants	\$462,000
Other	\$150,500
Interest	\$10,000
<b>Total</b>	<b>\$1,414,602</b>

EXPENSES	Total
Wages	\$733,272
Project Costs	\$454,127
Program Costs	\$115,000
Vehicle	\$67,856
Audit and Accounting Fees	\$36,000
Rent	\$30,000
Governance	\$18,000
Computing & IT	\$15,000
Insurance	\$12,000
Training	\$10,988
Printing/Stationery	\$9,600
Telephone	\$8,040
Consultancy	\$6,000
Miscellaneous	\$6,000
Seminars	\$6,000
Travel	\$6,000
Advertising & Marketing	\$1,800
Subscriptions	\$1,800
Bank Fees	\$720
Postage	\$480
<b>Total</b>	<b>\$1,538,683</b>

<b>Net</b>	<b>-\$124,081</b>
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The surplus and loss show a forecast loss of -\$124,081 for the next financial year, with members equity reducing to \$325,919, assuming the starting balance is \$450,000.

The surplus/loss includes pass-through costs. Wages contains provisions for two new positions, which is subject to increases in funding for the DDM (from members subscriptions) and LCRSA(external grants). If funding is not secured, then these roles will not be filled, and the programs scaled accordingly.

Starting Cash	Members Equity												Closing Cash
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
\$450,000	\$1,562,001	\$1,420,168	\$1,272,867	\$1,131,035	\$1,178,733	\$1,060,946	\$929,007	\$811,220	\$693,432	\$575,645	\$443,706	\$325,919	\$325,919

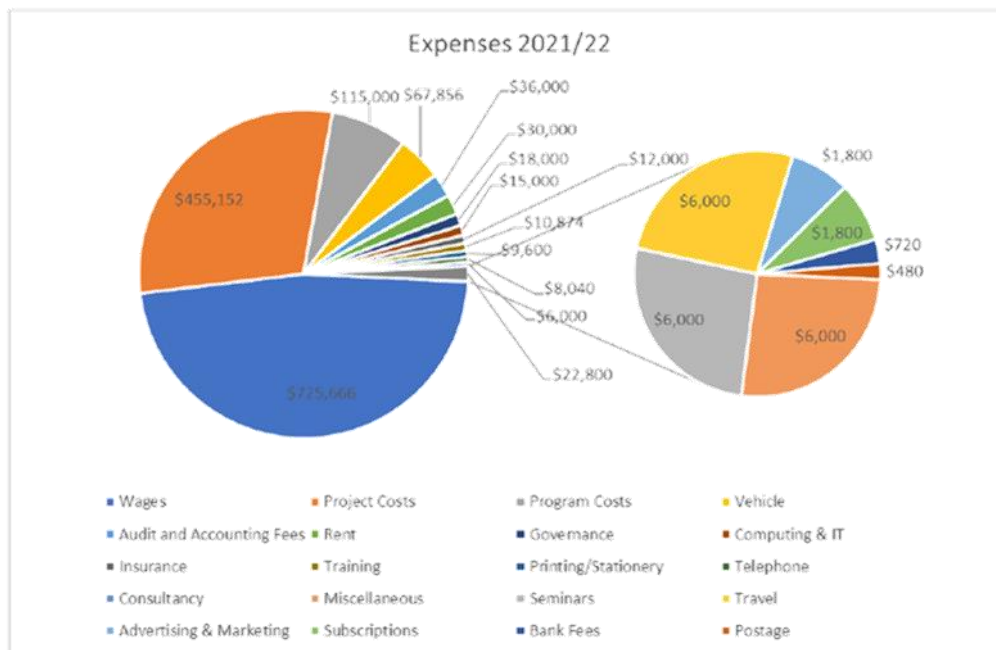
From Chart 2, Chart 3 and the surplus and loss, members subscriptions make up 56% of total revenue, with the most significant expense being wages (48%) and projects and programs (37%).



Chart 2: Breakup of Income 2021/22



Chart 3: Breakup of Expenses 2021/22



**PROJECTS & PROGRAMS**

Projects have a dedicated project manager. There is a net \$31,756 reduction in members equity due to contribution to the Sports (StarClub and Academy) and Leadership projects (as discussed earlier).

PROJECTS	Revenue			Expenses	Net
	Members	Grants	Other		
Destination Marketing Strategy	\$220,000	\$84,000		\$306,064	-\$2,064
StarClub	\$53,000	\$56,000		\$112,886	-\$3,886
Sports Academy	\$0	\$70,000	\$42,500	\$128,213	-\$15,713
Leadership	\$0	\$0	\$40,000	\$50,093	-\$10,093
<b>Total</b>	<b>\$273,000</b>	<b>\$210,000</b>	<b>\$82,500</b>	<b>\$597,256</b>	<b>-\$31,756</b>

Programs have support from the Program Coordinator and other staff, such as the Executive Officer with a subject matter expert committee to guide the program.

Members contribute to the delivery of the programs (\$63,600) with an emphasis on Roads, Waste and Economic Growth Strategy, which make up \$105,000 of the \$115,000 project expenses. The shortfall for programs is funded from members equity.

The Joint Planning Board (JPB), if established, will develop a separate business plan as a separate legal entity. The \$5,000 budget allocation is for minor legal costs in establishing the JPB.

PROGRAMS	Revenue			Salary & Oncost	Program Expenses
	Members	Grants	Other		
Roads		\$0	\$0		\$20,000
Waste		\$0	\$0		\$80,000
Joint Planing Board	\$63,600	\$0	\$0	\$33,954	\$5,000
Shared Services		\$0	\$0		\$5,000
Economic Growth Strategy		\$0	\$0		\$5,000
Red Meat Cluster		\$0	\$0		\$0
<b>Total</b>	<b>\$63,600</b>	<b>\$0</b>	<b>\$0</b>	<b>\$33,954</b>	<b>\$115,000</b>

Pass-through items have no net impact on the LCLGA's bottom line and are funded via members contributions or grants.

PASS THROUGH	Revenue			Expenses	Net
	Members	Grants	Other		
Heritage advisory services	\$63,000	\$0		\$63,000	\$0
RDALC	\$93,000	\$0		\$93,000	\$0
SACCA	\$8,000	\$0		\$8,000	\$0
SMLC	0	\$175,000	\$0	\$168,980	\$6,020
<b>Total</b>	<b>\$164,000</b>	<b>\$175,000</b>	<b>\$0</b>	<b>\$332,980</b>	<b>\$6,020</b>



**24.7 INTERNAL REVIEW OF COUNCIL ACTIONS 2020/2021 – REPORT NO. AR21/27433**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>20 July 2021</b>
<b>Report No.:</b>	<b>AR21/27433</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 presents information that Council is required by Section 270(8) of the Act to consider on an annual basis and include in the Annual Report of Council in relation to applications for internal review of Council actions or decisions.</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. AR21/27433 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.



## **TYPE OF REPORT**

Legislative

## **BACKGROUND**

Section 270 of the Local Government Act 1999 (the Act) relates to the internal review of council actions or decisions.

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

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

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

## **PROPOSAL**

During the 2020/2021 Financial Year, no formal application was received in relation to section 270 of the Act or Council's [Internal Review of Council's Decisions Policy](#) C290.

## **LEGAL IMPLICATIONS**

This report and the publication of information in Council's 2020/2021 Annual Report will fulfill the requirement to report on applications for internal review as required by section 270(8) of the Act

## **STRATEGIC PLAN**

N/A

## **COUNCIL POLICY**

This report relates to applications made under Council's [Internal Review of Council's Decisions Policy](#) C290.

## **ECONOMIC IMPLICATIONS**

N/A

## **ENVIRONMENTAL IMPLICATIONS**

N/A

## **SOCIAL IMPLICATIONS**

N/A

## **CULTURAL IMPLICATIONS**

N/A

## **RESOURCE IMPLICATIONS**

N/A

## **VALUE FOR MONEY**

N/A

## **RISK IMPLICATIONS**

N/A

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A



**ENGAGEMENT AND COMMUNICATION STRATEGY**

The content of this report will be published in Council's 2020/2021 Annual Report

**IMPLEMENTATION STRATEGY**

The content of this report will be published in Council's 2020/2021 Annual Report.

**CONCLUSION AND RECOMMENDATION**

It is proposed that the background and discussion material in this report relating to section 270 of the Local Government Act 1999 be included in Council's 2020/2021 Annual Report in fulfilment of the legislative/regulatory requirements .

**ATTACHMENTS**

Nil





**25      MOTIONS WITH NOTICE**

Nil

**26      URGENT MOTIONS WITHOUT NOTICE**



## 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

##### 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 Mezinac, K Amoroso, M Bruins, C Greco, B Hood, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy 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.



**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*.



### 27.3 Design Services - Construction and Defects Liability Period

#### 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, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy 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.



**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*.



## 28 NEW CONFIDENTIAL ITEMS

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

#### 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 Mezinac, K Amoroso, M Bruins, C Greco, B Hood, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy 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.

**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*.

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

**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 Mezinac, K Amoroso, M Bruins, C Greco, B Hood, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy 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.

**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*.



### 28.3 COVID-19 TOURISM TENANCIES – REPORT NO. AR21/41157

#### 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, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy 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.

#### 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 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*.

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

**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 Mezinac, K Amoroso, M Bruins, C Greco, B Hood, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy 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.

**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*.

**29 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, 15 JUNE 2021 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman (arrived at 6:04 p.m.)

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer Acting General Manager City Infrastructure General Manager Shared Services General Manager City Growth Acting General Manager Community Wellbeing Manager Governance and Property Manager Development Services Media and Communications Coordinator Property Support Officer Executive Administrator Community Wellbeing Executive Administrator City Infrastructure	- Mrs S Philpott - Ms B Cernovskis - Mr D Barber - Mr T Coote - Mrs G Davison - Mr M McCarthy - Mrs T Tzioutziouklaris - Ms S McLean - Mrs E Solly - Ms A Lavia - Ms S Wilson
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## 1 ACKNOWLEDGEMENT OF COUNTRY

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

## 2 APOLOGIES

Nil

## 3 LEAVE OF ABSENCE

Nil

## 4 CONFIRMATION OF COUNCIL MINUTES

### **RESOLUTION 2021/146**

Moved: Mayor Lynette Martin  
 Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 18 May 2021 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

## 5 MAYORAL REPORT

### 5.1 MAYORAL REPORT - JUNE 2021

- SATC Board Tour of Civic/Riddoch Precinct
- Junior Sports Assistance Fund Meeting
- Introductory Meeting with Shadow Minister Hon Emily Burke MLC
- Reception at Government House - Top Tourism Town Winners Announcement
- Meeting with Minister for Human Services' advisor and representatives of South Australian Housing Authority
- Opening of New Cover over "B" Green - Mount Gambier Bowls Club
- 2021 Red Bull UCI Pump Track World Qualifier event
- Elected Members Workshop - Wulanda Operating Model
- Australia's Biggest Morning Tea - Italo Australian Club
- Weekly LCLGA Mayor's Virtual Meeting
- Great South Coast Cross-Border Stakeholder Consultation
- Reconciliation Week Unveiling - Dual Naming Children's Cave, Mount Gambier Library
- Weekly LCLGA Mayor's Virtual Meeting
- Official Opening of The Haven, Mount Gambier Library
- Opening of The Waterfront Stage 2, Port MacDonnell
- Meeting to discuss Planet Youth
- Virtual Local Government Reconciliation Industry Network Group Meeting
- People and Place Committee Meeting
- RFDS Mount Gambier Patient Transfer Facility Official Opening
- Wulanda Recreation and Convention Centre Committee Meeting
- Chamber of Commerce and WiBRD Breakfast with Kate Carnell
- Launch of Digital Garden (Illuminate) in the Cave Garden
- Stand Like Stone & OneFortyOne Community Grants Virtual Celebration Ceremony
- LCLGA General Meeting - Kingston District Council
- Inaugural Gravity Enduro SA

#### RESOLUTION 2021/147

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

That the Mayoral report made on 15 June 2021 be received.

**CARRIED**

## 6 REPORTS FROM COUNCILLORS

Cr Greco 'B' Green Opening.

Cr Steven Perryman entered the meeting at 6:04 pm

Cr Mezinec Riddoch Art Opening, WIBRD & CofC Breakfast with Kate Carnell, MG & DHAC.

Cr Jenner 2021 Red Bull UCI Pump Track World Qualifier Event, Public Lighting Workgroup x3, Blue Lake BMX Championships, Mount Gambier Mountain Bike Racing, GTE Board Meeting.

Cr Morello

Wulanda Recreation and Convention Centre Committee Meeting, Opening of new cover over 'B' Green at Mount Gambier Bowls Club, Riddoch Art Gallery Exhibition Launch.

**RESOLUTION 2021/148**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

That the reports made by Councillors on 15 June 2021 be received.

**CARRIED****7 QUESTIONS WITH NOTICE****7.1 QUESTION WITH NOTICE - LIGHTING STRATEGY****Question**

Does the City of Mount Gambier have a lighting strategy or action plan, or policy or guidelines?

**Response**

Provided at the meeting by Acting General Manager City Infrastructure:

Whilst we do not have these in particular, we do have a number of projects underway that will inform their development.

**7.2 QUESTION WITH NOTICE - REGIONAL ASSESSMENT PANEL****Question**

Could Council please be advised of the status of the southern Regional Assessment Panel?

**Response**

Provided at the meeting by General Manager City Growth:

- Work has been undertaken to prepare and finalise the supporting documentation to be forwarded to the Minister for Planning to seek the Minister's agreement to form a Regional Assessment Panel. This documentation currently includes:
  - Memorandum of Understanding
  - Assessment Manager Agreement
  - Terms of Reference
- At the initiation of the District Council of Wattle Range the draft documentation was reviewed by Norman Waterhouse Lawyers, with the advice received from Norman Waterhouse Lawyers on 4 June 2021.
- The draft documentation is currently being amended in accordance with the advice received from Norman Waterhouse Lawyers.
- The documentation will then be endorsed by all four Council's and forwarded to the Minister for Planning to seek agreement to form a Regional Assessment Panel.

- Upon obtaining the agreement of the Minister for Planning, the recruitment process will be undertaken to seek Members for the Regional Assessment Panel.

## 8 QUESTIONS WITHOUT NOTICE

Pursuant to Section 75A of the Local Government Act 1999, Cr Perryman disclosed a perceived conflict of interest in a Question Without Notice - Cr Jenner asked about the State Government Electric Vehicle Charging Funding Program.

*"A business I own submitted an expression of interest to the State Government application process."*

Cr Perryman informed the meeting of the manner in which they intend to deal with the perceived conflict of interest in Item 8 as follows:

*"It was a question only and no decision was made in respect to this matter. I remained in the room for the question and the answer."*

In accordance with Section 75A of the Local Government Act 1999 Cr Perryman stayed in the meeting for Item 8.

## 9 PETITIONS

Nil

## 10 DEPUTATIONS

### 10.1 DEPUTATION - MR STEPHEN SMITH - BLUE LAKE GOLF CLUB

#### RESOLUTION 2021/149

Moved: Cr Sonya Mezinac

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/36218 titled 'Deputation - Mr Stephen Smith - Blue Lake Golf Club' as presented on 15 June 2021 be noted.

**CARRIED**

The Presiding Member determined to bring forward Council Report - Item 24.1.

### 24.1 BLUE LAKE GOLF CLUB - GREENKEEPERS SHED & DRIVING RANGE WORKS

Pursuant to Section 75A of the Local Government Act 1999, Cr Greco disclosed a perceived conflict of interest in Item 24.1:

*"Member of the Golf Club through business sponsorship."*

Cr Greco informed the meeting of the manner in which they intend to deal with the perceived conflict of interest in Item 24.1 as follows:

*"Leave the meeting and not participate in discussion or vote."*

In accordance with Section 75A of the Local Government Act 1999 Cr Greco did not participate in the meeting for Item 24.1.

Cr Christian Greco left the meeting at 6:33 p.m.



**RESOLUTION 2021/150**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/31194 titled 'Blue Lake Golf Club - Greenkeepers Shed & Driving Range Works' as presented on 15 June 2021 be noted.
2. That the requests from the Blue Lake Golf Club in relation to funding for works undertaken to the Greenkeepers Shed, and proposed electrical, lighting, security and car park works at the Driving Range be:
  - \* incorporated for consideration in Council's final 2021/22 Budget deliberations.

**CARRIED**

Cr Christian Greco returned to the meeting at 6:48 p.m.

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

Nil

**12 ELECTED MEMBERS WORKSHOPS****12.1 ELECTED MEMBER WORKSHOP FROM 15/05/2021 TO 11/06/2021****RESOLUTION 2021/151**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Council Report No. AR21/1607 titled 'Elected Member Workshop from 15/05/2021 to 11/06/2021' as presented on 15 June 2021 be noted.

**CARRIED****13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

**14 COUNCIL ACTION ITEMS****14.1 COUNCIL ACTION ITEMS - 18/05/2021****RESOLUTION 2021/152**

Moved: Cr Steven Perryman

Seconded: Cr Christian Greco

1. That Council Report No. AR21/1591 titled 'Council Action Items - 18/05/2021' as presented on 15 June 2021 be noted.

**CARRIED**

Cr Max Bruins left the meeting at 6:49 p.m.

**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 7 JUNE 2021****RESOLUTION 2021/153**

Moved: Cr Frank Morello  
Seconded: Cr Christian Greco

That the Minutes of the People and Place Committee meeting held on 7 June 2021 as attached be noted.

**CARRIED**

Cr Max Bruins returned to the meeting at 6:50 p.m.

**16.2 LAGUNARIA TREES - MITCHELL STREET – REPORT NO. AR21/31705****RESOLUTION 2021/154**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Mezinac

1. That People and Place Committee Report No. AR21/31705 titled 'Lagunaria Trees - Mitchell Street' as presented on 07 June 2021 be noted.
2. Empak Homes and the property owner of 8/6 Jardine Street be advised:
  - (a) After an extensive investigation into the health and risk assessment of the Lagunaria patersonia (Norfolk Island Hibiscus) planted along the western side of Mitchell Street, the trees are not considered by Council to warrant their removal.
  - (b) The trees are considered to be in good and fair overall condition with extended useful life expectancies. None of the trees display features that indicate they are in health or structural decline or that they are not suited to the environment. The trees are street trees and are part of a historic planting that provides an important heritage link with the history of the area.

**CARRIED****16.3 NOTICE OF MOTION - OLD RAILWAY STATION BUILDING – REPORT NO. AR21/33923****RESOLUTION 2021/155**

Moved: Cr Frank Morello  
Seconded: Cr Ben Hood

1. That People and Place Committee Report No. AR21/33923 titled 'Notice of Motion - Old Railway Station Building' as presented on 07 June 2021 be noted.

**2. That Council:**

- (a) writes to the chair of the Mount Gambier Branch of the National Trust of South Australia, Nathan Woodruff, thanking them for their initiative.
- (b) Informs the Trust of its decision, at this time, to decline the offer to transfer ownership or occupancy of the Railway Station to the National Trust of SA.
- (c) convenes an Elected Member workshop to discuss future options for the Old Railway Station building, including temporary initiatives, in the broader context of the surrounding Railway Land and Olympic Park precincts.

**CARRIED****17 WULANDA AND RECREATION AND CONVENTION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS****17.1 MINUTES OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 8 JUNE 2021****RESOLUTION 2021/156**

Moved: Cr Ben Hood  
Seconded: Cr Paul Jenner

That the Minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 8 June 2021 as attached be noted.

**CARRIED****18 COUNCIL ASSESSMENT PANEL MINUTES****18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 20 MAY 2021****RESOLUTION 2021/157**

Moved: Cr Paul Jenner  
Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 20 May 2021 as previously circulated be noted.

**CARRIED****18.2 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 27 MAY 2021****RESOLUTION 2021/158**

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 27 May 2021 as previously circulated be noted.

**CARRIED**

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

### **19.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 19 MAY 2021**

#### **RESOLUTION 2021/159**

Moved: Mayor Lynette Martin

Seconded: Cr Ben Hood

That the Minutes of the Junior Sports Assistance Fund meeting held on 19 May 2021 as attached be noted.

**CARRIED**

### **19.2 CORRESPONDENCE RECEIVED – REPORT NO. AR21/22260**

#### **RESOLUTION 2021/160**

Moved: Mayor Lynette Martin

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR21/22260 titled 'Correspondence Received' as presented on 19 May 2021 be noted.

**CARRIED**

### **19.3 STATEMENT OF REVENUE AND EXPENSES - 01/07/2020 - 30/04/2021 – REPORT NO. AR21/22323**

#### **RESOLUTION 2021/161**

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Mezinec

1. That Junior Sports Assistance Fund Report No. AR21/22323 titled 'Statement of Revenue and Expenses - 01/07/2020 - 30/04/2021' as presented on 19 May 2021 be noted.
2. The financial statement of the Fund as 30 April 2021 be received, noting a cash balance of \$116,166.64.

**CARRIED**

### **19.4 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS AND PAYMENTS FROM THE FUND - 01/09/2020 TO 30/04/2021 – REPORT NO. AR21/26424**

#### **RESOLUTION 2021/162**

Moved: Mayor Lynette Martin  
 Seconded: Cr Steven Perryman

1. That Junior Sports Assistance Fund Report No. AR21/26424 titled 'Applications for Financial Assistance for Juniors and Payments from the Fund - 01/09/2020 to 30/04/2021' as presented on 19 May 2021 be noted.

**CARRIED**

#### **19.5 PROCESSING OF APPLICATIONS FOR FUNDING – REPORT NO. AR21/26592**

##### **RESOLUTION 2021/163**

Moved: Mayor Lynette Martin  
 Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR21/26592 titled 'Processing of Applications for Funding' as presented on 19 May 2021 be noted.
2. To ensure fairness and consistency to all applicants the Junior Sports Assistance Fund Committee recommends that applications are:
  - (i) manage applications in bulk where possible, averaging expenses and any late applications received matched regardless of expenses outlaid.

**CARRIED**

Cr Steven Perryman left the meeting at 7:01 p.m.

#### **19.6 COACHING CLINIC APPLICATIONS - ANNUAL CALL – REPORT NO. AR21/26456**

##### **RESOLUTION 2021/164**

Moved: Mayor Lynette Martin  
 Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR21/26456 titled 'Coaching Clinic Applications - Annual Call' as presented on 19 May 2021 be noted.
2. The following funding be made available to the Member Organisation named below to assist in the conduct of specialised coaching clinics in accordance with the guidelines for such Clinics:
 

(i) Blue Lake Y Swim Club	\$2,000
(ii) Mount Gambier Swimming Club	\$2,000
(iii) Basketball Mount Gambier	\$1,200
(iv) Mount Gambier Cycling Club	\$2,000
(v) Mount Gambier and District Pony Club	\$2,100
3. In corresponding with the successful applicants advice be given that the increase in coaching clinic funding has occurred in 2021 due to excess funds not expended in 2020 due to COVID-19. 2022 Coaching Clinic Funding will revert to the normal figure of \$5,000.

**CARRIED**

Cr Steven Perryman returned to the meeting at 7:02 p.m.

**19.7 ROTARY CLUB OF MOUNT GAMBIER LAKES – DONATION TO FINANCIALLY DISADVANTAGED JUNIOR SPORTSPERSONS – REPORT NO. AR21/26466**

**RESOLUTION 2021/165**

Moved: Mayor Lynette Martin

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR21/26466 titled 'Rotary Club of Mount Gambier Lakes - Donation to Financially Disadvantaged Junior Sportspeople' as presented on 19 May 2021 be noted.
2. The following applications/funding be made available to the Member Organisations named below to assist the identified juniors to achieve their fullest participation with the specific purpose donation from the Rotary Club of Mount Gambier Lakes - Donations to Financially Disadvantaged Junior Sportspeople initiative, to be used strictly in accordance with their respective confidential application:
  - (a) Limestone Coast Football Association \$300
  - (b) Basketball Mount Gambier \$600
  - (c) East Gambier Football Club \$600
3. A second round of applications for the remaining \$1,500 be advertised in October, 2021.

**CARRIED**

**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**

Nil

## 24 COUNCIL REPORTS

*Item 24.1 - Blue Lake Golf Club - Greenkeepers Shed & Driving Range Works - Report No. AR21/31194 was considered and minuted after Item 10 - Deputations [Resolution 2021/152].*

### 24.2 CAROLINE LANDFILL - COMMUNITY LAND CLASSIFICATION

#### RESOLUTION 2021/166

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/28549 titled 'Caroline Landfill - Community Land Classification' as presented on 15 June 2021 be noted.
2. That:
  - (a) the Community Land Management Plan for Caroline Landfill (Kain Road, Yahl – Lot 101 in Deposited Plan 45751 - Crown Record 5586/233) attached to Report No. AR21/28549 is endorsed for the purpose of public consultation being conducted in accordance with Council's Community Consultation and Engagement Policy P195.
  - (b) a further report be presented for consideration of submissions received and/or amendment or adoption of a Community Land Management Plan for Caroline Landfill.
3. That
  - (a) public consultation on a proposed lease of portion of Caroline Landfill for gas extraction service purposes (as set out in attachment to Report No. AR21/28549) be conducted in accordance with Council's Community Consultation and Engagement Policy P195.
  - (b) a further report to be presented for consideration of submissions received.
  - (c) in the event no submissions are received (or no submissions are received objecting to the proposal) the Chief Executive Officer be authorised to finalise and affix the Common Seal to any documents necessary to give effect to the lease, conditional upon the adoption of a Community Land Management Plan supporting the grant of a lease for business purposes and the consent of the (Crown Land) Minister.
4. That
  - (a) the Section 194 Community Land Revocation Report for Caroline Landfill (Kain Road, Yahl – Lot 101 in Deposited Plan 45751 - Crown Record 5586/233) attached to Report No. AR21/28549 is endorsed for the purpose of public consultation being conducted in accordance with Council's Community Consultation and Engagement Policy P195.
  - (b) a further report be presented for consideration of submissions received and whether to submit a report seeking Ministerial approval for the community land revocation.
  - (c) in the event no submissions are received (or no submissions are received objecting to the proposal) the Chief Executive Officer be authorised, conditional upon consent having been obtained from the (Crown Land) Minister, to submit a report seeking (Local Government) Minister approval for the community land revocation, and a further report be presented consideration of the Ministers response including, if favourable, consideration to the making of a resolution to revoke the classification of Caroline Landfill as community land.

**CARRIED**

## 25 MOTIONS WITH NOTICE

### 25.1 NOTICE OF MOTION - ELECTED MEMBER ATTENDANCE RECORDS

#### MOTION

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR21/32604 titled 'Notice of Motion - Elected Member Attendance Records' as presented on 15 June 2021 be noted.
2. That a report be prepared by the administration to be presented to the next ordinary meeting of Council detailing Elected Member attendance records for the period 1 January 2021 to 30 June 2021 for all of the following events:
  - Ordinary Council Meetings
  - Special Council Meetings
  - Economic & Environment Committee Meetings
  - People & Place Committee Meetings
  - Wulanda Recreation & Convention Centre Committee Meetings
  - Elected Member Workshops / Informal Gatherings

#### AMENDMENT

Moved: Cr Kate Amoroso

Seconded: Cr Steven Perryman

1. That Council Report No. AR21/32604 titled 'Notice of Motion - Elected Member Attendance Records' as presented on 15 June 2021 be noted.
2. That a report be prepared by the administration to be presented to the next ordinary meeting of Council detailing Elected Member attendance records for the period 1 January 2021 to 30 June 2021 for all of the following events:
  - Ordinary Council Meetings
  - Special Council Meetings
  - Economic & Environment Committee Meetings
  - People & Place Committee Meetings
  - Wulanda Recreation & Convention Centre Committee Meetings
  - Elected Member Workshops / Informal Gatherings
3. That the report:
  - (i) Reflect the required duties under the Local Government Act of a Councillor specifically with attendance at meetings.
  - (ii) Reflect the time frame given to Councillors for notice of meetings.

Cr Perryman tabled his attendance records - attached.

The Amendment was put and

**CARRIED**



The Amendment became the Motion

**RESOLUTION 2021/167**

Moved: Cr Kate Amoroso

Seconded: Cr Steven Perryman

1. That Council Report No. AR21/32604 titled 'Notice of Motion - Elected Member Attendance Records' as presented on 15 June 2021 be noted.
2. That a report be prepared by the administration to be presented to the next ordinary meeting of Council detailing Elected Member attendance records for the period 1 January 2021 to 30 June 2021 for all of the following events:
  - Ordinary Council Meetings
  - Special Council Meetings
  - Economic & Environment Committee Meetings
  - People & Place Committee Meetings
  - Wulanda Recreation & Convention Centre Committee Meetings
  - Elected Member Workshops / Informal Gatherings
3. That the report:
  - (i) Reflect the required duties under the Local Government Act of a Councillor specifically with attendance at meetings.
  - (ii) Reflect the time frame given to Councillors for notice of meetings.

**CARRIED**

**25.2 NOTICE OF MOTION - CCTV AND SECURITY****RESOLUTION 2021/168**

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/35831 titled 'Notice of Motion - CCTV and Security' as presented on 15 June 2021 be noted.
2. That the administration prepare and present a report on CCTV and security within the City Centre and opportunities for further upgrade.

**CARRIED**

**26 URGENT MOTIONS WITHOUT NOTICE**

Nil

**27 CONFIDENTIAL ITEMS OF COMMITTEES****27.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 7 JUNE 2021****27.2 ROAD OPENING PROCESS - PINEHALL AVENUE – REPORT NO. AR21/28521**

**RESOLUTION 2021/169**

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, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, S McLean, E Solly, A Lavia and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/28521 Road Opening Process - Pinehall Avenue.

The Council is satisfied that, pursuant to section 90(3) (a), (b), (d) and (i) 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

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 relating to:
  - actual litigation, or
  - litigation that the Council or Council committee believes on reasonable grounds will take place,
  - involving the Council or an employee of the Council

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered relates to the valuation of land and compensation for a compulsory acquisition of land for road opening purposes for which is reasonably considered will result in litigation.

**CARRIED****RESOLUTION 2021/170**

Moved: Cr Max Bruins  
Seconded: Cr Sonya Meziniec

**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 7.1 AR21/28521 Road Opening Process - Pinehall Avenue 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), (d) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
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 CONFIDENTIAL ITEMS OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 8 JUNE 2021****27.4 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01/06/2021 – REPORT NO. AR21/32471****RESOLUTION 2021/171**

Moved: Cr Steven Perryman  
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, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, S McLean, E Solly, A Lavia and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.4 AR21/32471 Project Control Group (PCG) Progress Report - As at 01/06/2021.

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**

#### **RESOLUTION 2021/172**

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 5.1 AR21/32471 Project Control Group (PCG) Progress Report - As at 01/06/2021 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**

#### **27.5 REQUEST FOR EXPRESSIONS OF INTEREST - AF20/515 MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB – REPORT NO. AR21/34712**

#### **RESOLUTION 2021/173**

Moved: Cr Ben Hood

Seconded: Cr Max Bruins

#### **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, S McLean, E Solly, A Lavia and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.5 AR21/34712 Request for Expressions of Interest - AF20/515 Management and Operation of Mount Gambier Community and Recreation Hub.

The Council is satisfied that, pursuant to section 90(3) (b) and (k) 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.

- 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 the matter relates to the tender for the management and operation of the Wulanda Recreation and Convention Centre and contains information the consideration of which in a public forum would prejudice the commercial position of the Council and confer advantage on third party participants.

**CARRIED**

#### **RESOLUTION 2021/174**

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

#### **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 5.2 AR21/34712 Request for Expressions of Interest - AF20/515 Management and Operation of Mount Gambier Community and Recreation Hub 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 (k) be kept confidential and not available for public inspection until a further order of Council to release.
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 NOTICE OF MOTION - SURPLUS LAND DECLARATION – REPORT NO. AR21/34745****RESOLUTION 2021/175**

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, 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, S McLean, E Solly, A Lavia and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.1 AR21/34745 Notice of Motion - Surplus Land Declaration.

The Council is satisfied that, pursuant to section 90(3) (b) 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

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 valuations the disclosure of which could prejudice the Council's commercial position and provide a benefit to any 3rd party with whom Council are negotiating if the properties proceed to sale.

**CARRIED**

**RESOLUTION 2021/176**

Moved: Cr Max Bruins  
Seconded: Cr Sonya Meziniec

**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 AR21/34745 Notice of Motion - Surplus Land Declaration 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) be kept confidential and not available for public inspection until settlement of a sales contract for both the subject properties, to be reviewed annually.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

<b>CARRIED</b>
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**29 MEETING CLOSE**

**The Meeting closed at 7:59 p.m.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 July 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 MONDAY, 21 JUNE 2021 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello

<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
	Executive Administrator Community Wellbeing	- Ms A Lavia

### 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 2021/177**

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

That the apology from Cr Kate Amoroso be received.

**CARRIED**

### 3 LEAVE OF ABSENCE

Nil

### 4 COUNCIL REPORTS

#### 4.1 ANNUAL BUSINESS PLAN AND BUDGET - COMMUNITY CONSULTATION FEEDBACK 2021/2022

#### **RESOLUTION 2021/178**

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR21/36959 titled 'Annual Business Plan and Budget - Community Consultation Feedback 2021/2022' as presented on 21 June 2021 be noted.
2. That Council reviews and considers the submissions received on the Annual Business Plan and Budget.



3. That the Chief Executive Officer be authorised to make minor textual changes to the 2021/2022 Annual Business Plan and Budget to correct typos and errors of fact and to update the Mayoral Message if required in consultation with the Mayor.

Cr Paul Jenner called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Sonya Meziniec, Max Bruins, Christian Greco, Ben Hood and Frank Morello

Against: Cr Paul Jenner

The Mayor declared the motion

**CARRIED 5/1**

**CARRIED**

Pursuant to Section 75A of the Local Government Act 1999, Cr Christian Greco disclosed a perceived conflict of interest in Item 4.2:

*“My employer sponsors the club and due to this I am a member. I do not receive any benefit from the club.”*

Cr Christian Greco informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 4.2 as follows:*

*“I do not plan to participate”*

In accordance with Section 75A of the Local Government Act 1999 Cr Christian Greco did not participate in the meeting for Item 4.2.

Cr Christian Greco left the meeting at 5:52 pm

#### **4.2 BLUE LAKE GOLF CLUB - GREENKEEPERS SHED**

##### **RESOLUTION 2021/179**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR21/37422 titled ‘Blue Lake Golf Club - Greenkeepers Shed’ as presented on 21 June 2021 be noted.
2. That, noting the Queen Elizabeth Park Trust having recently committed \$25,000 toward the Blue Lake Golf Club for structural repairs to the Greenkeepers Shed, the Council contribute a matching \$25,000, with the Chief Executive Officer to determine the most appropriate financial period from which to fund the allocation.
3. That Council confirm the in-kind provision of crushed sub-base to the Blue Lake Golf Club for the Driving Range Car Park.

**CARRIED**

Cr Christian Greco returned to the meeting at 5:59 pm

#### **4.3 EAST GAMBIER SPORTSMENS CLUB (MCDONALD PARK) - TOILET DEMOLITION AND REPLACEMENT**

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 the funding opportunities for the toilet demolition and replacement at McDonald Park, East Gambier Sportsmen's Club.

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

Meeting Procedures were suspended at 6:01 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 6:17 pm

#### **RESOLUTION 2021/180**

Moved: Cr Ben Hood

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/37424 titled 'East Gambier Sportsmens Club (McDonald Park) - Toilet Demolition and Replacement' as presented on 21 June 2021 be noted.
2. That Council grant up to \$75,000 to East Gambier Sportsmens Club for toilet demolition and replacement materials in the 2021/2022 financial year with acquittal conditions matching Council's 2021/2022 Sport and Recreation Capital Works Program.

**CARRIED**

#### **5 MEETING CLOSE**

**The Meeting closed at 6:20 pm.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 20 July 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 TUESDAY, 29 JUNE 2021 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, 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 Community Wellbeing	- Mrs G Davison
	Acting General Manager City Infrastructure	- Mr A Mahmud
	Media and Communications Coordinator	- Ms S McLean
	Acting Finance Manager	- Mrs K Harradine
	Senior Rates Officer	- Mrs J Scheidl
	Asset and Compliance Officer	- Mrs W McLean
	Executive Administrator Community Wellbeing	- Ms A Lavia

## 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 COUNCIL REPORTS

### 4.1 ANNUAL BUSINESS PLAN AND BUDGET AND WASTE SERVICE CHARGE ADOPTION FOR THE YEAR ENDING 30 JUNE 2022

#### RESOLUTION 2021/177

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR21/38318 titled 'Annual Business Plan and Budget and Waste Service Charge adoption for the year ending 30 June 2022' as presented on 29 June 2021 be noted.
2. That pursuant to the provisions of 123 (6) of the Local Government Act 1999 and Regulation 6 of the Local Government (Financial Management) Regulations 2011, Council
  - (a) having considered the opportunity for submissions during the public consultation period and having regard to all relevant information in the possession of the Council,

hereby adopts for the year ending 30 June 2022 the Annual Business Plan and Budget and Waste Service Charge (WSC) as attached to Report No. AR21/38318; and

- (b) authorises the Chief Executive Officer to make any minor alterations and amendments to the text of the Annual Business Plan prior to formal publication.

**CARRIED**

Cr Paul Jenner called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Sonya Meziniec, Max Bruins, Christian Greco, Ben Hood, Frank Morello and Steven Perryman

Against: Crs Kate Amoroso and Paul Jenner

The Mayor declared the motion

**CARRIED 6/2**

## 4.2 RATES DECLARATION FOR THE YEAR ENDING 30 JUNE 2022

### RESOLUTION 2021/178

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR21/38375 titled 'Rates declaration for the year ending 30 June 2022' as presented on 29 June 2021 be noted.
2. That pursuant to Section 167(1) and (2) of the Local Government Act 1999 the Council adopts, for rating purposes for the 2021/2022 financial year, the Valuer General's most recent valuations of the capital values applicable to land within the area of the Council, totalling \$4,092,675,240 and that the date of adoption of the valuations is 29<sup>th</sup> June, 2021.
3. That in exercise of the powers contained in Chapter 10 of the Local Government Act 1999, the attribution of the land uses in the Assessment Record for the 2021/2022 financial year will be in accordance with the categories of land use prescribed by Regulation 14 of the Local Government (General) Regulations 2013.
4. That pursuant to Sections 152 (1)(c), 153 (1)(b) and 156 (1)(a) of the Local Government Act 1999 and in order to raise rates in the amount of \$19,974,000 the Council hereby declares that differential general rates will apply and will vary according to the use of the land and declares the differential general rates for rateable land within the Council area for the 2021/2022 financial year will be as follows:
  - (a) 0.246165 of a cent per dollar of assessed capital value on rateable land of land use category (a) 'Residential', category (g) 'Primary Production' and category (i) 'Other'; and
  - (b) 0.664646 of a cent per dollar of assessed capital value on rateable land of land use category (b) 'Commercial-Shop', category (c) 'Commercial Office', category (d) 'Commercial-Other', category (e) 'Industry-Light', category (f) 'Industry Other' and category (h) 'Vacant Land' use.
5. That pursuant to Section 152 (1)(c)(ii) of the Local Government Act 1999, the Council declares in respect of the 2021/2022 financial year a fixed charge on rateable land within the Council area in the sum of \$518.30.

6. That pursuant to Section 155(2)(a) of the Local Government Act 1999 the Council imposes a Waste Service Charge of \$200.00 for the 2021/2022 financial year on all land to which it provides or makes available the prescribed service in order to raise the amount of \$2,791,000.
7. That in exercise of the powers contained in Section 69 of the Landscape South Australia Act 2019 and Section 154 of the Local Government Act 1999, in order to reimburse to the Council the amount contributed to the Limestone Coast Landscape Board, being \$1,215,649, differential separate rates based on a fixed charge of an amount that depends upon the use of the land on all rateable land in the Council's area and in the area of the said Board for the 2021/2022 financial year as follows:
  - 1) \$80.10 per assessment on rateable land of category (a) 'Residential', category (h) 'Vacant Land' and category (i) 'Other';
  - 2) \$120.00 per assessment on rateable land of category (b) 'Commercial-Shop', category (c) 'Commercial-Office' and category (d) 'Commercial-Other';
  - 3) \$190.00 per assessment on rateable land of category (e) 'Industry-Light' and category (f) 'Industry-Other';
  - 4) \$346.00 per assessment on rateable land of category (g) 'Primary Production'.
8. That pursuant to section 153 (3) of the Local Government Act 1999 and for the financial year ending 30 June 2022 but subject to the criteria set out in the Annual Business Plan 2021/2022 being met, the Council fixes a maximum increase to the general rate of 15% over the amount of the general rate liability for the 2020/21 financial year in respect of any rateable land that constitutes the principal place of residence of a principal ratepayer and determines that any amount in excess of the 15% be remitted.
9. That pursuant to Section 181(2) of the Local Government Act 1999 the Council declares that quarterly payment of rates and charges in respect of the 2021/2022 financial year be payable on or before:
  - Friday, 10 September 2021
  - Friday, 10 December 2021
  - Friday, 11 March 2022
  - Friday, 10 June 2022.

**CARRIED**

Cr Paul Jenner called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Sonya Meziniec, Kate Amoroso, Max Bruins, Christian Greco, Ben Hood, Frank Morello and Steven Perryman

Against: Cr Paul Jenner

The Mayor declared the motion

**CARRIED 7/1**

#### 4.3 POLICY REVIEW - R105 - RATING POLICY

##### **RESOLUTION 2021/179**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Council Report No. AR21/32662 titled 'Policy Review - R105 - Rating Policy' as presented on 29 June 2021 be noted.
2. That Council *Policy R105 - Rating Policy* as attached to Report No. AR21/32662 be adopted.

**CARRIED**

#### **4.4 POLICY REVIEW - R130 - RATES - GENERAL MATTERS**

##### **RESOLUTION 2021/180**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR21/32795 titled 'Policy Review - R130 - Rates - General Matters' as presented on 29 June 2021 be noted.
2. That *Council Policy R130 - Rates - General Matters* as attached to Report No. AR21/32795 be adopted.

**CARRIED**

#### **4.5 POLICY REVIEW - R155 - RATE REBATE POLICY**

##### **RESOLUTION 2021/181**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR21/32785 titled 'Policy Review - R155 - Rate Rebate Policy' as presented on 29 June 2021 be noted.
2. That Council *Policy R155 - Rate Rebate Policy* as attached to Report No AR21/32785 be adopted.

**CARRIED**

#### **5 MEETING CLOSE**

**The Meeting closed at 6:00 pm.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 20 July 2021.**

.....  
**PRESIDING MEMBER**

**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, 13 JULY 2021 AT 5.30 P.M.**

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

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	Acting General Manager City Infrastructure <i>(via electronic means)</i>	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	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 Christian Greco

Seconded: Cr Sonya Mezinec

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

**CARRIED**

### 3 CONFIRMATION OF MINUTES

**COMMITTEE RESOLUTION**

Moved: Cr Christian Greco

Seconded: Mayor Lynette Martin

That the minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 8 June 2021 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

### 4 QUESTIONS WITHOUT NOTICE

Nil

## 5 REPORTS

### 5.1 REVIEW OF FINANCIAL DELEGATIONS FOR THE WULANDA RECREATION AND CONVENTION CENTRE CONSTRUCTION CONTRACT

#### COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

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

**CARRIED**

### 5.2 REVIEW OF CONFIDENTIALITY ORDERS

#### COMMITTEE RESOLUTION

Moved: Cr Sonya Meziniec

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:

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**

## 6 CONFIDENTIAL ITEMS

### 6.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #8 - AS AT 06/07/2021 – REPORT NO. AR21/42663

#### COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

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, C Greco and S Meziniec and Council Officers S Philpott, B Cernovskis, D Barber, T Coote and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 6.1 AR21/42663 Project Control Group (PCG) Progress Report #8 - As at 06/07/2021.

The Wulanda Recreation and Convention Centre Committee 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 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 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**

### **COMMITTEE RESOLUTION**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

### **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**

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

### **COMMITTEE RESOLUTION**

Moved: Cr Sonya Mezinec

Seconded: Mayor Lynette Martin

### **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, C Greco and S Mezinec and Council Officers S Philpott, B Cernovskis, D Barber, T Coote and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 6.2 AR21/43266 Design Services - Construction and Defects Liability Period.

The Wulanda Recreation and Convention Centre Committee 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
- 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
- legal advice

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 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**

### **COMMITTEE RESOLUTION**

Moved: Cr Sonya Meziniec  
Seconded: Mayor Lynette Martin

### **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**

**7 MEETING CLOSE**

**The Meeting closed at 5.56pm.**

**The minutes of this meeting were confirmed at the Wulanda Recreation and Convention Centre Committee held on 10 August 2021.**

.....  
**PRESIDING MEMBER**

## 17.2 REVIEW OF FINANCIAL DELEGATIONS FOR THE WULANDA RECREATION AND CONVENTION CENTRE CONSTRUCTION CONTRACT – REPORT NO. AR21/30397

<b>Committee:</b>	<b>Wulanda Recreation and Convention Centre Committee</b>
<b>Meeting Date:</b>	<b>13 July 2021</b>
<b>Report No.:</b>	<b>AR21/30397</b>
<b>CM9 Reference:</b>	<b>AF18/175</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Governance and Property</b>
<b>Authoriser:</b>	<b>Barbara Cernovskis, Acting General Manager City Infrastructure</b>
<b>Summary:</b>	<b>The report presents information on financial delegations for the Wulanda Recreation and Convention Centre construction contract</b>
<b>Strategic Plan Reference:</b>	<b>Goal 5: Our Commitment</b>

### REPORT RECOMMENDATION

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



**TYPE OF REPORT**

Corporate

**BACKGROUND**

In November 2019 Council considered a committee recommendation and resolved:

4. *That the delegations relating to financial variations be as follows:*
  - a) *Site Superintendent / Project Manager – an increase in budget up to \$10,000; including cumulative changes*
  - b) *Project Control Group – an increase in budget up to \$25,000; and*
  - c) *Regional Sport and Recreation Centre Committee – an increase in budget over \$25,000.*

Subsequently in December 2019 the Council rescinded this resolution and made a resolution in relation to delegations for financial variations associated with the Regional Sport and Recreation (now Wulanda Recreation and Convention) Centre Project.

The December 2019 decision is:

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 (now renamed Wulanda Recreation and Convention Centre Committee) – an increase in budget from \$50,001 up to \$100,000.*

In February 2020 in relation to the Project Control Group the Council resolved:

3. *Council reviews the level of authority granted to the CEO, General Managers, and the Project Control Group.*

Council has considered the matter of financial delegations associated with the Wulanda Recreation and Convention Centre Project since February 2020.

With the Wulanda Recreation and Convention Centre Project construction phase well under way, including variations as anticipated for a project of this scope and complexity, it is now timely to review the financial delegations for approving variations to enable them to be dealt with in a timely manner and avoid any contractual penalties that could arise through any delays in decision making.

Further, it has been noted that the delegations purportedly made to the Site Superintendent/Project Manager and Project Control Group are '*ultra vires*' (or beyond the power of the Council) with Council being limited by section 44 of the Local Government Act 1999 to make delegations only to:

- *a Council Committee (i.e. a committee formally established under section 41)*
- *a subsidiary of the Council (i.e. established under section 42 or section 43)*
- *an employee of the Council*
- *an employee of the Council for the time being occupying a particular office or position (e.g. the Chief Executive Officer)*
- *an Authorised Person (i.e. a person formally appointed under section 260)*

The Site Superintendent/Project Manager and Project Control Group do not fall within any of these categories. Accordingly, the delegations indicated in part a) and b) of the abovementioned December 2019 resolution (and the November Committee recommendation and November Council amendment) are invalid and of no effect.



The author is not aware of any financial decisions having been made in reliance of these purported delegations.

It is also apparent that the Chief Executive Officers delegated authority to address timing and financial variations not been explicitly endorsed by Council for application to the Wulanda Recreation and Convention Centre project and Badge construction contract.

This report is presented to address the outstanding action from the February 2020 resolution and rectify the invalid delegation resolutions, as well as to clarify the delegation of powers granted to the Chief Executive Officer to deal with matters associated with contracts and the expenditure of funds in accordance with Council's adopted budget and procurement policy provisions.

## **PROPOSAL**

In accordance with the power set out in regulation 21 of the Local Government (Procedures at Meetings) Regulations this report includes a Chief Executive Officer recommendation to revoke part of a previous resolution purporting to make financial delegations for the Wulanda Recreation and Convention Centre construction contract and to make new financial delegations that are consistent with Council's power of delegation under section 44 of the Local Government Act 1999.

Given the powers under the Local Government Act 1999 delegated to the Chief Executive Officer on 18 May 2021 for the purpose of entering into contracts and arrangements under section 36(1)(a)(i) and section 37(b) and the expenditure of funds under section 137, it is considered that the Chief Executive Officer has been delegated the authority to deal with both timing and budget variations associated with the Wulanda Recreation and Convention Centre project as long as they are in line with an endorsed budget, any relevant Council policy provisions, and any specific resolution regarding this project.

## **LEGAL IMPLICATIONS**

As set out in the background of this report, section 44 of the Local Government Act 1999 sets out to whom Council may delegate its powers and functions under the Act. Council is limited by the provisions of this section and any other purported delegation is 'ultra vires', or beyond the power of the Council.

Council is not required to delegate any power or function, however it is administratively responsible and efficient to do so to enable other people/bodies (usually Council Officers) to perform the many functions and decision making required for the day to day administrative activities of Council.

A delegation is subject to any conditions or limitations determined by the Council, is revocable at will, and does not prevent the Council from acting in a matter (unless a duly authorised delegate has already exercised Council's power in the matter).

## **STRATEGIC PLAN**

N/A

## **COUNCIL POLICY**

Council's [Procurement, & Disposal of Land And Assets Policy P420](#) is relevant to the matter of financial and purchasing delegations for procurement and contracting, noting however that the Wulanda Recreation and Convention Centre construction is subject to a Council endorsed and executed contract and budget.

The purpose of making financial delegations for the construction project relates to variations within the context of the contract and Council budget.

## **ECONOMIC IMPLICATIONS**

Council is aware of the budget and contractual obligations associated with the Wulanda Recreation and Convention Centre construction project, including the need for Council to provide timely response to the engaged contractors on matters that arise so not to cause unnecessary delay which could extend the construction completion date or penalties/benefits in favour of the contractor.



Accordingly, it is appropriate that Council strike a balance between oversight and control of such contractual matters that may involve variations, ensuring that delegations support the benefits/savings sought to be achieved.

#### **ENVIRONMENTAL IMPLICATIONS**

N/A

#### **SOCIAL IMPLICATIONS**

N/A

#### **CULTURAL IMPLICATIONS**

N/A

#### **RESOURCE IMPLICATIONS**

The extent of resource (or financial) implications in the exercise financial delegation for the Wulanda Recreation and Convention Centre construction contract will be limited by any conditions or limitations imposed by Council, the conditions of the construction contract and approved budget.

#### **VALUE FOR MONEY**

The value associated with granting delegation for financial decision making for the Wulanda Recreation and Convention Centre construction contract will be in potential time and monetary savings arising from responsive decision making that minimises avoidable delays and/or penalties.

#### **RISK IMPLICATIONS**

The main risks associated with granting (or not granting) delegation for financial decision making for the Wulanda Recreation and Convention Centre construction contract are identified as:

- timeliness of decision making on construction matters.
- potential for construction/completion delays and/or penalties arising from decision making.
- potential for financial decisions under delegation upon which Council does not agree.
- potential for outcomes determined under delegation upon which Council does not agree.

Council should consider and balance the risks (and benefits) associated with granting (or not granting) delegation and any conditions or limitations for financial decision making for Wulanda Recreation and Convention Centre construction contract.

#### **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

#### **ENGAGEMENT AND COMMUNICATION STRATEGY**

N/A

#### **IMPLEMENTATION STRATEGY**

N/A

#### **CONCLUSION AND RECOMMENDATION**

This report includes recommendations to confirm delegations for contractual and financial decision making specifically relating to the Wulanda Recreation and Convention Centre project and associated contracts.

#### **ATTACHMENTS**

Nil





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

<b>Committee:</b>	<b>Wulanda Recreation and Convention Centre Committee</b>
<b>Meeting Date:</b>	<b>13 July 2021</b>
<b>Report No.:</b>	<b>AR21/40974</b>
<b>CM9 Reference:</b>	<b>AF18/175</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Governance and Property</b>
<b>Authoriser:</b>	<b>Barbara Cernovskis, Acting General Manager City Infrastructure</b>
<b>Summary:</b>	<b>This report presents confidentiality orders for review and proposed amendment.</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**

- 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.



**TYPE OF REPORT**

Legislative

**BACKGROUND**

At the Ordinary and Special Council Meetings held in February and March 2021 Council considered three confidential agenda items relating to the Wulanda Recreation and Convention Centre. The section 91(7) confidentiality orders to retain these matters in confidence were made with the following duration:

*“the item be reviewed 12 months after successful execution of the contract.”*

The contract referenced in these confidentiality orders is the Badge construction contract for the Wulanda Recreation and Convention Centre that was signed on 14 August 2020.

Several similar confidentiality orders made during 2020 were updated during a periodic review of confidentiality orders at the 18 May 2021 Council meeting. As the May 2021 report only reviewed orders made up until December 2020 it did not include the orders made in February and March 2021.

With the 12 month anniversary of the execution of the Badge construction contract in August the review anticipated by these confidentiality orders is now presented for consideration.

**PROPOSAL**

Similar to the previously amended confidentiality orders, it is presumed that the intention when the items were presented in February and March 2021 was that they be reviewed 12 months after the successful ‘completion’ of the Wulanda Recreation and Convention Centre construction project contract which is expected in 2022, rather than 12 months after the ‘execution’ of the contract which falls in August 2021 mid-way during the contract.

The confidentiality provisions of the Local Government Act 1999 (“the Act”) require that a section 91(7) order that operates for a period exceeding 12 months must be reviewed at least once in every year, thus capturing a review within 12 months of either the execution or completion of the contract.

This report proposes 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.

The proposed duration will require a further order of Council to trigger release, with a review occurring at least every 12 months in accordance with section 91(9) of the Act.

Further, head delegations made to the Chief Executive Officer include the power under section 91(9)(c) of the Act to revoke, but not review or extend, a confidentiality order under delegation.



Accordingly, the Chief Executive Officer may determine at any time prior to formal Council review or further order to release some or all elements of the agenda item that have been kept confidential, as necessity warrants from time to time.

### **LEGAL IMPLICATIONS**

The confidentiality orders made in February and March 2021 as presented provide that they be reviewed 12 months after the successful execution of the (Badge) contract.

Whilst not technically required to be reviewed until after 14 August 2021 in consideration of the recommendation to amend the duration for a review after completion, rather than execution, of the relevant contract the review is now presented.

### **STRATEGIC PLAN**

N/A

### **COUNCIL POLICY**

The use of the confidentiality provisions in the Act is administered in accordance with [Council Policy C410 Conduct of Meetings](#).

### **ECONOMIC IMPLICATIONS**

N/A

### **ENVIRONMENTAL IMPLICATIONS**

N/A

### **SOCIAL IMPLICATIONS**

N/A

### **CULTURAL IMPLICATIONS**

N/A

### **RESOURCE IMPLICATIONS**

N/A

### **VALUE FOR MONEY**

N/A

### **RISK IMPLICATIONS**

N/A

### **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

### **ENGAGEMENT AND COMMUNICATION STRATEGY**

N/A

### **IMPLEMENTATION STRATEGY**

N/A

### **CONCLUSION AND RECOMMENDATION**

This report proposes the duration of the presented confidentiality orders be amended:

### **ATTACHMENTS**

Nil

