

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

**Date: Tuesday, 24 January 2023**  
**Time: 6.00 p.m.**  
**Location: Council Chamber**  
**Civic Centre**  
**10 Watson Terrace**  
**Mount Gambier**

# **AGENDA**

## **Ordinary Council Meeting 24 January 2023**



**Sarah Philpott**  
**Chief Executive Officer**  
**20 January 2023**

## 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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

**2 APOLOGIES**

Nil

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

[Ordinary Council Meeting - 13 December 2022](#)

**RECOMMENDATION**

That the minutes of the Ordinary Council meeting held on 13 December 2022 be confirmed as an accurate record of the proceedings of the meeting.



## 5 MAYORAL REPORT

### 5.1 MAYORAL REPORT - JANUARY 2023 – REPORT NO. AR22/87511

- Assistance with Final Meal for the 2022 Year at the Sunset Kitchen
- Limestone Coast Landscape Board Meeting
- Meeting with James Morrison
- Elected Members Bus Tour of Council Area / Sites / Projects
- Tour of Wulanda with Member for Barker
- Blue Lake Carols
- SAROC Induction Meeting - Virtual
- Opening Ceremony and Function – SA Country Swimming Championships
- Meeting with EO, LCLGA
- With CEO, Meeting with Office of the Member for Barker, Member for Mount Gambier, Mayor and CEO of DC Grant
- Elected Member Briefing – Regional Planning Preparation (1)
- SAROC Committee Meeting
- Meeting with Minister Picton’s Adviser and Member for Mount Gambier
- Australia Day Awards at Government House
- Site Visit – Badger Australia



**6      REPORTS FROM COUNCILLORS**



## 7 QUESTIONS WITH NOTICE

### 7.1 QUESTION WITH NOTICE - RAINWATER TANKS

**Meeting:** Council  
**CM9 Reference:** AF21/496  
**Member:** Max Bruins, Councillor

The following question on notice was received from Councillor Max Bruins.

#### Question

Can Council please be advised whether properties constructed after July 2006 are permitted to remove rainwater tanks post construction, or if a rainwater tank plumbed to the premises remains an ongoing homeowner obligation for the life of the property under current legislation?

#### Response

*To be provided at the meeting.*

#### REPORT RECOMMENDATION

That the response to the question regarding Rainwater Tanks raised by Councillor Max Bruins be received and noted.

#### ATTACHMENTS

Nil





**7.2 QUESTION WITH NOTICE - EV CHARGING STATIONS**

**Meeting:** Council  
**CM9 Reference:** AF21/496  
**Member:** Max Bruins, Councillor

The following question on notice was received from Councillor Max Bruins.

**Question**

Noting the TBW article from 13 January 2023 regarding the installation of the first of the RAA/State Govt EV charging stations:

- (a) Did COMG have any input into the location of the charging stations, and if so, why was the first charging station selected to be installed at a private business outside the CBD when there are 6 Tesla Superchargers nearby at On The Run?
- (b) Have the sites for the remaining chargers to be installed in Mt Gambier been finalised? If so, how many of these are within the CBD?
- (c) When is work anticipated to be finalised on the remaining sites?

**Response**

*To be provided at the meeting.*

**REPORT RECOMMENDATION**

That the response to the question regarding EV Charging Stations raised by Councillor Max Bruins be received and noted.

**ATTACHMENTS**

Nil



**7.3 QUESTION WITH NOTICE - FREW PARK PICKET FENCE AND SEATING**

**Meeting:** Council  
**CM9 Reference:** AF21/496  
**Member:** Frank Morello, Councillor

The following question on notice was received from Councillor Frank Morello.

**Question**

Given the picket fence and seating around Frew Park are in poor condition and require repair, are there plans to update/repair this infrastructure?

**Response**

*To be provided at the meeting.*

**REPORT RECOMMENDATION**

That the response to the question regarding Frew Park Picket Fence and Seating raised by Councillor Frank Morello be received and noted.

**ATTACHMENTS**

Nil



**8 QUESTIONS WITHOUT NOTICE**

<b>8.1 QUESTION/S TAKEN ON NOTICE FROM PREVIOUS MEETING</b>
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**9 PETITIONS**

Nil

**10 DEPUTATIONS**

Nil

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

Nil



## 12 ELECTED MEMBERS WORKSHOPS

### 12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 14/12/2022 TO 19/01/2023 – REPORT NO. AR23/2468

**Meeting:** Council  
**CM9 Reference:** AF21/496  
**Author:** Sally Wilson, Executive Administrator City Infrastructure  
**Authoriser:**

#### REPORT RECOMMENDATION

1. That Council Report No. AR23/2468 titled 'Elected Member Information/Briefing Sessions from 14/12/2022 to 19/01/2023' as presented on 24 January 2023 be noted.

#### ATTACHMENTS

1. Confidential Information Briefing Session - Elected Members - Record of Proceedings - 10/01/2023 - Operational and Staffing Matters [↓](#)
2. Confidential Information Briefing Session - Elected Members - Record of Proceedings - 17/01/2023 - Unsolicited Bid [↓](#)
3. Information Briefing Session - Elected Members - Record of Proceedings - 17/01/2023 - Regional Planning Preparation [↓](#)
4. Confidential Information Briefing Session - Elected Members - Record of Proceedings - 17/01/2023 - Operational Update [↓](#)



**CONFIDENTIAL INFORMATION / BRIEFING SESSION  
OPERATIONAL AND STAFFING MATTERS  
5:30 PM TUESDAY 10 JANUARY 2023**

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RECORD OF PROCEEDINGS  
5:30 pm, Tuesday 10 January 2023  
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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

The session described above will not be held at a place open to the public as the matter to be discussed is not a matter to be on the formal agenda of a Council or Committee Meeting

**MEMBERS PRESENT:-**

Mayor Martin  
Cr Amoroso  
Cr Hood  
Cr Lovett  
Cr Jenner  
Cr Bruins  
Cr Mezinec (*virtual attendance*)

**STAFF PRESENT:-**

Chief Executive Officer  
General Manager City Infrastructure  
General Manager Corporate and Regulatory Services  
Acting General Manager City and Community Growth

**MEMBERS APOLOGY:-**

Cr Morello  
Cr Lynagh

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

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Operational matters relating to organisation resourcing, service levels, contractual matters and regulatory services.

Discussion closed at 6:35 pm.



**CONFIDENTIAL INFORMATION / BRIEFING SESSION  
UNSOLICITED BID  
5:30 PM TUESDAY 17 JANUARY 2022**

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RECORD OF PROCEEDINGS  
5:30 pm, Tuesday 17 January 2023  
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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

The session described above will not be held at a place open to the public as the matter to be discussed is:

- of a confidential nature within the ambit of section 90(3) of the Local Government Act 1999 being:
  - 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

**MEMBERS PRESENT:-**

Mayor Lynette Martin  
Cr Paul Jenner  
Cr Sonya Mezinac  
Cr Mark Lovett  
Cr Max Bruins  
Cr Ben Hood  
Cr Frank Morello  
Cr Josh Lynagh  
Cr Kate Amoroso - Virtual

**STAFF PRESENT:-**

Chief Executive Officer  
General Manager Corporate and Regulatory Services  
Acting General Manager City and Community Growth  
General Manager City Infrastructure

**MEMBERS APOLOGY:-**

Nil

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

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Discussion closed at 6:00 pm.



**INFORMATION / BRIEFING SESSION  
Regional Planning Preparation  
6:00 PM TUESDAY 17 JANUARY 2023**

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RECORD OF PROCEEDINGS  
6:00 pm, Tuesday 17 January 2023  
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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

**GUESTS:-**

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Nil

**MEMBERS PRESENT:-**

Mayor Lynette Martin  
Cr Paul Jenner  
Cr Sonya Meziniec  
Cr Mark Lovett  
Cr Max Bruins  
Cr Ben Hood  
Cr Frank Morello  
Cr Josh Lynagh  
Cr Kate Amoroso - Virtual

**STAFF PRESENT:-**

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Chief Executive Officer  
General Manager Corporate and Regulatory Services  
Acting General Manager City and Community Growth  
General Manager City Infrastructure

**MEMBERS APOLOGIES:-**

Nil

**LEAVE OF ABSENCE:-**

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Nil

**DISCUSSION:**

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Preparation for Regional Plan

Discussion closed at 7:15 p.m.



**IMPROMPTU CONFIDENTIAL INFORMATION / BRIEFING SESSION**  
**Operational Update**  
**7:15 PM TUESDAY 17 JANUARY 2023**

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RECORD OF PROCEEDINGS  
7:15 pm, Tuesday 17 January 2023  
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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

The session described above will not be held at a place open to the public as the matter is not required to be open.

**GUESTS:-**

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Nil

**MEMBERS PRESENT:-**

Mayor Lynette Martin  
Cr Paul Jenner  
Cr Sonya Meziniec  
Cr Mark Lovett  
Cr Max Bruins  
Cr Ben Hood  
Cr Frank Morello  
Cr Josh Lynagh  
Cr Kate Amoroso - Virtual

**STAFF PRESENT:-**

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Chief Executive Officer  
General Manager Corporate and Regulatory Services  
Acting General Manager City and Community Growth  
General Manager City Infrastructure

**MEMBERS APOLOGIES:-**

Nil

**LEAVE OF ABSENCE:-**

Nil

**DISCUSSION:**

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Impromptu Regulatory Update

Discussion closed at 7:20 p.m.





**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil



## 14 COUNCIL ACTION ITEMS

### 14.1 COUNCIL ACTION ITEMS - 13/12/2022 – REPORT NO. AR23/3385

**Meeting:** Council  
**CM9 Reference:** AF21/496  
**Author:** Sally Wilson, Executive Administrator City Infrastructure  
**Authoriser:**

#### REPORT RECOMMENDATION

1. That Council Report No. AR23/3385 titled 'Council Action Items - 13/12/2022' as presented on 24 January 2023 be noted.



## **ATTACHMENTS**

1. Council Action Items - 13 December 2022 [↓](#)



<b>Division:</b>	13/12/2022
<b>Meeting:</b> Council	<b>Date From:</b>
<b>Officer:</b>	<b>Date To:</b> 13/12/2022
<b>Action Sheets Report</b>	<b>Printed:</b> 20 January 2023 8:14 AM

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Dohnt, Sarah Barber, Darren	Council Action Items	Council Action Items - 29/11/2022
<b>RESOLUTION 2022/218</b>			
Moved: Cr Max Bruins			
Seconded: Cr Josh Lynagh			
1. That Council Report No. AR21/71044 titled 'Council Action Items - 29/11/2022' as presented on 13 December 2022 be noted.			
<b>CARRIED</b>			
<b>16 Dec 2022 12:06pm Dohnt, Sarah - Completion</b>			
Action completed by Dohnt, Sarah			

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Dohnt, Sarah Barber, Darren	Audit and Risk Committee Minutes and Recommendation	Minutes of the Audit and Risk Committee held on 6 December 2022
<b>RESOLUTION 2022/219</b>			
Moved: Cr Sonya Meziniec			
Seconded: Cr Ben Hood			
That the Minutes of the Audit and Risk Committee meeting held on 6 December 2022 as attached be noted.			
<b>CARRIED</b>			
<b>16 Dec 2022 12:06pm Dohnt, Sarah - Completion</b>			
Action completed by Dohnt, Sarah			



<p><b>Division:</b>  <b>Meeting:</b> Council  <b>Officer:</b></p> <p>Action Sheets Report</p>	<p><b>Date From:</b> 13/12/2022  <b>Date To:</b> 13/12/2022</p> <p>Printed: 20 January 2023 8:14 AM</p>
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Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Dohnt, Sarah Barber, Darren	Reports	Correspondence Received
<p><b>RESOLUTION 2022/220</b></p> <p>Moved: Cr Sonya Meziniec                  Seconded: Cr Max Bruins</p> <p>1. That Audit and Risk Committee Report No. AR22/72224 titled 'Correspondence Received' as presented on 06 December 2022 be noted.</p> <p style="text-align: right;"><b>CARRIED</b></p> <p><b>16 Dec 2022 12:06pm Dohnt, Sarah - Completion</b>                  Action completed by Dohnt, Sarah</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Little, Leanne Barber, Darren	Reports	Risk Report - September 2022
<p><b>RESOLUTION 2022/221</b></p> <p>Moved: Cr Sonya Meziniec                  Seconded: Cr Frank Morello</p> <p>1. That Audit and Risk Committee Report No. AR22/68368 titled 'Risk Report - September 2022' as presented on 06 December 2022 be noted.</p> <p style="text-align: right;"><b>CARRIED</b></p>			



<p><b>Division:</b>  <b>Meeting:</b> Council  <b>Officer:</b></p> <p>Action Sheets Report</p>	<p><b>Date From:</b> 13/12/2022  <b>Date To:</b> 13/12/2022</p> <p>Printed: 20 January 2023 8:14 AM</p>
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Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Little, Leanne Barber, Darren	Reports	Work Health, Safety and Wellbeing - September 2022
<p><b>RESOLUTION 2022/222</b></p> <p>Moved: Cr Sonya Meziniec                  Seconded: Cr Kate Amoroso</p> <p>1. That Audit and Risk Committee Report No. AR22/68371 titled 'Work Health, Safety and Wellbeing - September 2022' as presented on 06 December 2022 be noted.</p> <p style="text-align: right;"><b>CARRIED</b></p>			

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Scoggins, Julie Barber, Darren	Reports	Review of Audit and Risk Committee Terms of Reference
<p><b>RESOLUTION 2022/223</b></p> <p>Moved: Cr Sonya Meziniec                  Seconded: Cr Max Bruins</p> <p>1. That Audit and Risk Committee Report No. AR22/65115 titled 'Review of Audit and Risk Committee Terms of Reference' as presented on 06 December 2022 be noted.</p> <p>2. That the Audit Committee:</p> <p style="margin-left: 20px;">(a) Authorises the General Manager Corporate and Regulatory Services in liaison with the Presiding Member to make any minor amendments to the draft Audit and Risk Committee Terms of Reference that the Committee identifies and to then finalise the document; and</p> <p style="margin-left: 20px;">(b) Recommend to Council that the draft Audit and Risk Committee Terms of Reference be adopted.</p> <p style="text-align: right;"><b>CARRIED</b></p> <p>05 Jan 2023 4:22pm Scoggins, Julie - Completion                  Action completed by Scoggins, Julie</p>			



<p><b>Division:</b>  <b>Meeting:</b> Council  <b>Officer:</b></p> <p>Action Sheets Report</p>	<p><b>Date From:</b> 13/12/2022  <b>Date To:</b> 13/12/2022</p> <p>Printed: 20 January 2023 8:14 AM</p>
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Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Scoggins, Julie Barber, Darren	Reports	Self-assessment of Performance Audit and Risk Committee
<p><b>RESOLUTION 2022/224</b></p> <p>Moved: Cr Sonya Mezinec                  Seconded: Cr Frank Morello</p> <ol style="list-style-type: none"> <li>1. That Audit and Risk Committee Report No. AR22/77367 titled 'Self-assessment of Performance Audit and Risk Committee' as presented on 06 December 2022 be noted.</li> <li>2. That the Audit and risk committee:                         <ol style="list-style-type: none"> <li>(a) Authorise the General Manager Corporate and Regulatory Services in liaison with the Presiding Member to make any minor amendments to the attached draft Audit and Risk Committee Self-Assessment Annual Report 2021/2022 that the Committee identifies and to then finalise the document; and</li> <li>(b) Recommend to Council that the Audit and risk committee's Self-Assessment Report for 2021/2022 be adopted.</li> </ol> </li> </ol> <p style="text-align: right;"><b>CARRIED</b></p> <p>05 Jan 2023 4:17pm Scoggins, Julie - Completion                  Action completed by Scoggins, Julie</p>			



<b>Division:</b> <b>Meeting:</b> Council <b>Officer:</b>	<b>Date From:</b> 13/12/2022 <b>Date To:</b> 13/12/2022 <b>Printed:</b> 20 January 2023 8:14 AM
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Action Sheets Report

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Scoggins, Julie Barber, Darren	Reports	Audit and Risk Committee Work Program & Meeting Schedule 2023

**RESOLUTION 2022/225**  
Moved: Cr Sonya Meziniec  
Seconded: Cr Ben Hood

1. That Audit and Risk Committee Report No. AR22/77371 titled 'Audit and Risk Committee Work Program & Meeting Schedule 2023' as presented on 06 December 2022 be noted.
2. That recommended meeting months (below) supplied by the Audit and Risk Committee be adopted by council, noting that the meeting dates are subject to change, including if an additional meeting is required:
  - (a) February 2023;
  - (b) March 2023;
  - (c) May 2023;
  - (d) July 2023;
  - (e) October 2023; and
  - (f) November 2023.
3. That the draft work program as reviewed by the Audit and Risk Committee for the calendar year 2023 (attached) be adopted, noting the meeting months and schedule are subject to change, including if an additional meeting is required.

**CARRIED**

**05 Jan 2023 4:19pm Scoggins, Julie - Completion**  
Action completed by Scoggins, Julie





<b>Division:</b>	Council	<b>Date From:</b>	13/12/2022
<b>Meeting:</b>	Council	<b>Date To:</b>	13/12/2022
<b>Officer:</b>		<b>Printed:</b>	20 January 2023 8:14 AM
<b>Action Sheets Report</b>			

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Scoggins, Julie Barber, Darren	Reports	Asset Accounting Policy Review
<b>RESOLUTION 2022/227</b>			
Moved: Cr Sonya Meziniec			
Seconded: Cr Paul Jenner			
<ol style="list-style-type: none"> <li>That Audit and Risk Committee Report No. AR22/82159 titled 'Asset Accounting Policy Review' as presented on 06 December 2022 be noted.</li> <li>That the Asset Accounting Policy as attached to Report No. AR22/82159 having been reviewed by the Audit and Risk Committee on 6 December 2022 be adopted.</li> </ol>			
<b>CARRIED</b>			
<b>05 Jan 2023 4:19pm Scoggins, Julie - Completion</b>			
Action completed by Scoggins, Julie			

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	McCarthy, Michael Barber, Darren	Council Reports	Selection of Deputy Mayor
<b>RESOLUTION 2022/228</b>			
Moved: Cr Kate Amoroso			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> <li>That Council Report No. AR22/82893 titled 'Selection of Deputy Mayor' as presented on 13 December 2022 be noted.</li> <li>That Council accepts the nomination from Cr Ben Hood for the position of Deputy Mayor.</li> <li>That Cr Ben Hood be declared appointed to the position of Deputy Mayor for 2 years.</li> </ol>			
<b>CARRIED</b>			
<b>06 Jan 2023 3:11pm McCarthy, Michael - Completion</b>			
Action completed by McCarthy, Michael			



<p><b>Division:</b>  <b>Meeting:</b> Council  <b>Officer:</b></p> <p>Action Sheets Report</p>	<p><b>Date From:</b> 13/12/2022  <b>Date To:</b> 13/12/2022</p> <p>Printed: 20 January 2023 8:14 AM</p>
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Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Cernovskis, Barbara Philpott, Sarah	Council Reports	Wulanda Recreation and Convention Centre - Verbal Update
<p><b>RESOLUTION 2022/229</b></p> <p>Moved: Cr Sonya Meziniec                  Seconded: Cr Frank Morello</p> <p>1. That Council Report No. AR22/77851 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 13 December 2022 be noted.</p> <p style="text-align: right;"><b>CARRIED</b></p> <p><b>23 Dec 2022 10:31am Cernovskis, Barbara - Completion</b>                  Action completed by Wilson, Sally</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Davison, Georgina Philpott, Sarah	Council Reports	Library Cafe Social Enterprise
<p><b>RESOLUTION 2022/230</b></p> <p>Moved: Cr Josh Lynagh                  Seconded: Cr Sonya Meziniec</p> <p>1. That Council Report No. AR22/74901 titled 'Library Cafe Social Enterprise' as presented on 13 December 2022 be noted.</p> <p>2. That Council note the direction being taken that the Library Café be operated as a Social Enterprise.</p> <p style="text-align: right;"><b>CARRIED</b></p>			



<p>Division: Council Meeting: Council Officer:</p>	<p>Date From: 13/12/2022 Date To: 13/12/2022</p>
<p>Action Sheets Report</p>	<p>Printed: 20 January 2023 8:14 AM</p>

Meeting	Officer/Authoriser	Section	Subject		
Council 13/12/2022	Cernovskis, Barbara Philpott, Sarah	Council Reports	Local Roads and Community Infrastructure (LRCI) Program - Phase 3 - Variations to Approved Works Schedule		
<p><b>RESOLUTION 2022/245</b></p> <p>Moved: Cr Paul Jenner</p> <p>Seconded: Cr Sonya Mezinac</p> <p>1. That Council Report No. AR22/83944 titled 'Local Roads and Community Infrastructure (LRCI) Program - Phase 3 - Variations to Approved Works Schedule' as presented on 13 December 2022 be noted.</p> <p>2. That Council approve removal of the Frew Park public amenities project from the current approved work schedule.</p> <p>3. That Council endorse the below updated work schedule for phase 3 of the Local Roads and Community Infrastructure Program:</p>					
Description	Problem being addressed	Commence	Complete	Total project cost	LRCI Program Funding Required
<p><b>New Valley Lakes Public Amenities</b></p> <p>Design and construction of new public amenities facility that will be located adjacent to the community playground and bbq area.</p> <p>The scope of this project also includes demolition of two existing old non-compliant toilet blocks.</p>	<p>This will improve safety for children as they currently must cross internal access roads and public car parking areas to access amenities.</p> <p>The new toilets will be designed to increase accessibility for people with disabilities or impairment.</p>	Aug 22	Jun 23	\$750,000	\$750,000
<p><b>Shade Sail Structure for 50 metre Outdoor Pool</b></p> <p>This project is for the design, manufacture and installation of a shade sail structure for the outdoor 50 metre pool at Wulanda.</p> <p>The scope of this project also includes electrical access point.</p>	<p>The previous shade structure in the outdoor aquatic area were removed from site and have been assessed as unsuitable to be refurbished to an accredited standard.</p>	Jul 22	Dec 22	\$133,990	\$133,990



Division: Council Meeting: Council Officer:		Date From: 13/12/2022 Date To: 13/12/2022		Printed: 20 January 2023 8:14 AM	
<b>Action Sheets Report</b>					
<b>Margaret Street Service Road</b> Drainage, access road and carparking improvements.	These works will improve drainage, service road access and carparking for the Scout Building and Meals on Wheels.	Jan 23	Apr 23	\$55,000	\$55,000
<b>Margaret Street Service Road</b> Minor landscaping.	This is a minor landscaping package to improve the Wulanda service road amenity for the abutting community groups and local residents.	Dec 22	Mar 23	\$20,000	\$20,000
<b>O'Halloran Terrace Sinkhole</b> Rejuvenation work.	Rejuvenation of the O'Halloran Terrace Sinkhole complements the remediation work to be undertaken as part of the O'Halloran Terrace PLEC program.	Jan 23	Mar 23	\$15,000	\$15,000
				<b>TOTAL</b>	\$973,990
<b>CARRIED</b>					

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Wames, Diana Davison, Georgina	Council Reports	Creative Arts Fund 2022/2023 Applications
<b>RESOLUTION 2022/231</b>			
Moved: Cr Max Bruins Seconded: Cr Ben Hood			
1. That Council Report No. AR22/72720 titled 'Creative Arts Fund 2022/2023 Applications' as presented on 13 December 2022 be noted.			
2. That Council notes the total funding request from applicants was \$60,464.78 and shortlisted applicants was \$33,250.00 which is under the budgeted amount of funding available.			
3. That \$33,250.00 be endorsed for distribution for the 2022/2023 Creative Arts Fund as follows:			



Division: Meeting: Council Officer:	Date From: 13/12/2022 Date To: 13/12/2022  Printed: 20 January 2023 8:14 AM
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Project Name	Applicant	Requested	Approved
DOG.	Meghan Amoroso	\$ 8,000.00	\$ 8,000.00
Point of Impact	MOD – University of Adelaide	\$ 13,250.00	\$ 13,250.00
Mount Gambier Mural	Uniting Communities	\$12,000.00	\$ 12,000.00*
		<b>\$ 33,250.00</b>	<b>\$ 33,250.00</b>

\*Includes \$184.00 Planning SA lodgement fee for Development Application

4. That the remaining funds from 2021/2022 and 2022/2023, \$16,250.00 be re-allocated to the Beacon Arts Project and \$5,000.00 be re-allocated to the Sport and Recreation Capital Works Program.
5. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
  - all necessary land holder and development approvals being obtained; and
  - all works being completed in accordance with all relevant legislative and compliance standards.
6. Following a period of public exhibition, Megan Amoroso is granted permission to offer her works for sale via a silent auction detailed in her grant application with proceeds to be distributed to South East Animal Welfare League.

**CARRIED**



<p>Division: Council Meeting: Council Officer:</p> <p>Action Sheets Report</p>	<p>Date From: 13/12/2022 Date To: 13/12/2022</p> <p>Printed: 20 January 2023 8:14 AM</p>
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Meeting	Officer/Authoriser	Section	Subject																																								
Council 13/12/2022	Wilson, Sally Cernovskis, Barbara	Council Reports	Sport and Recreation Capital Works Program 2022/2023 - Applications																																								
<b>RESOLUTION 2022/232</b>																																											
Moved: Cr Max Bruins																																											
Seconded: Cr Ben Hood																																											
1. That Council Report No. AR22/68449 titled 'Sport and Recreation Capital Works Program 2022/2023 - Applications' as presented on 13 December 2022 be noted.																																											
2. That \$105,000 be endorsed for distribution for the 2022/2023 Sport and Recreation Capital Works Program as follows:																																											
<table border="1"> <thead> <tr> <th>Applicant</th> <th>Priority (Score)</th> <th>Requested</th> <th>Approved</th> </tr> </thead> <tbody> <tr> <td>Mount Gambier Golf Club</td> <td>14</td> <td>\$15,000.00</td> <td>\$11,000.00</td> </tr> <tr> <td>Apollo Football Club</td> <td>10</td> <td>\$8,510.00</td> <td>\$4,000.00</td> </tr> <tr> <td>North Gambier Football Club</td> <td>13</td> <td>\$19,369.49</td> <td>\$8,000.00</td> </tr> <tr> <td>Mount Gambier Tennis Club</td> <td>14</td> <td>\$11,635.00</td> <td>\$11,000.00</td> </tr> <tr> <td>West Gambier Netball Club Inc</td> <td>16</td> <td>\$25,763.75</td> <td>\$25,000.00</td> </tr> <tr> <td>Basketball Mount Gambier</td> <td>13</td> <td>\$35,515.40</td> <td>\$8,000.00</td> </tr> <tr> <td>Lower South East Hockey Association</td> <td>15</td> <td>\$22,282.00</td> <td>\$22,000.00</td> </tr> <tr> <td>West Gambier Cricket Club</td> <td>15</td> <td>\$31,000.00</td> <td>\$16,000.00</td> </tr> <tr> <td></td> <td></td> <td>\$196,777.64</td> <td>\$105,000.00</td> </tr> </tbody> </table>				Applicant	Priority (Score)	Requested	Approved	Mount Gambier Golf Club	14	\$15,000.00	\$11,000.00	Apollo Football Club	10	\$8,510.00	\$4,000.00	North Gambier Football Club	13	\$19,369.49	\$8,000.00	Mount Gambier Tennis Club	14	\$11,635.00	\$11,000.00	West Gambier Netball Club Inc	16	\$25,763.75	\$25,000.00	Basketball Mount Gambier	13	\$35,515.40	\$8,000.00	Lower South East Hockey Association	15	\$22,282.00	\$22,000.00	West Gambier Cricket Club	15	\$31,000.00	\$16,000.00			\$196,777.64	\$105,000.00
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			<b>CARRIED</b>																																								
23 Dec 2022 10:30am Wilson, Sally - Completion																																											
Action completed by Wilson, Sally																																											



<b>Division:</b>	13/12/2022
<b>Meeting:</b> Council	<b>Date From:</b>
<b>Officer:</b>	<b>Date To:</b> 13/12/2022
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Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Scoggins, Julie Barber, Darren	Council Reports	Budget Review 1 2022/2023
<b>RESOLUTION 2022/233</b>			
Moved: Cr Frank Morello			
Seconded: Cr Sonya Meziniec			
<ol style="list-style-type: none"> <li>That Council Report No. AR22/77364 titled 'Budget Review 1 2022/2023' as presented on 13 December 2022 be noted.</li> <li>That Council adopts the attached revised budget for the year ending 30 June 2023 as at 30 September 2022 (Budget Review 1).</li> </ol>			
<b>CARRIED</b>			
<b>05 Jan 2023 4:23pm Scoggins, Julie - Completion</b>			
Action completed by Scoggins, Julie			

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Scoggins, Julie Barber, Darren	Council Reports	First Quarter Report on Annual Business Plan 2022/2023 Annual Objectives
<b>RESOLUTION 2022/234</b>			
Moved: Cr Sonya Meziniec			
Seconded: Cr Josh Lynagh			
<ol style="list-style-type: none"> <li>That Council Report No. AR22/79062 titled 'First Quarter Report on Annual Business Plan 2022/2023 Annual Objectives' as presented on 13 December 2022 be noted.</li> </ol>			
<b>CARRIED</b>			
<b>05 Jan 2023 4:22pm Scoggins, Julie - Completion</b>			
Action completed by Scoggins, Julie			



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Action Sheets Report

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	McCarthy, Michael Barber, Darren	Council Reports	Riddoch Arts and Cultural Trust (RACT) incorporated - Replacement Board Observer
<p><b>RESOLUTION 2022/235</b></p> <p>Moved: Cr Max Bruins                      Seconded: Cr Paul Jenner</p> <p>1. That Council Report No. AR22/82894 titled 'Riddoch Arts and Cultural Trust (RACT) Incorporated - Replacement Board Observer' as presented on 13 December 2022 be noted.</p> <p>2. In accordance with the power in clause 22.2 of the Constitution of the Riddoch Arts and Cultural Trust Incorporated the Council, as sole and founding member, resolves (and such resolution shall constitute a Member resolution) that:</p> <p>(a) the appointed Board Observer for the Riddoch Arts and Cultural Trust (in addition to the positions of Gallery Director and Council Representative named in the Constitution) be:</p> <ul style="list-style-type: none"> <li>• General Manager City and Community Growth (or nominated representative)</li> </ul> <p style="text-align: right;"><b>CARRIED</b></p>			

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Solly, Elisa Barber, Darren	Council Reports	Periodic Review of Confidential Items - December 2022
<p><b>RESOLUTION 2022/236</b></p> <p>Moved: Cr Max Bruins                      Seconded: Cr Ben Hood</p> <p>1. That Council Report No. AR22/34295 titled 'Periodic Review of Confidential Items - December 2022' as presented on 13 December 2022 be noted.</p> <p>2. That the following Confidential Orders as specified in Attachment 1 to Report AR22/34295, having been reviewed by Council, be amended to alter their duration and release conditions:</p> <p style="padding-left: 40px;">Nil</p> <p>3. That the following Confidential Orders as specified in Attachment 1 to Report AR22/34295, having been reviewed by Council, be released as soon as practicable following the Council meeting on 13 December 2022:</p>			





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Action Sheets Report

Date	Item	Element to be Released
18/01/2022	ITEM 26.3 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR22/1582	Full Release
14/12/2021	ITEM 26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/79179	Full Release
16/11/2021	ITEM 26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/71835	Full Release
19/10/2021	ITEM 26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/64857	Full Release
20/04/2021	ITEM 27.6 WULANDA RECREATION AND CONVENTION CENTRE BRANDING – REPORT NO. AR21/19990	Full Release
17/11/2020	Item 27.4 MOUNT GAMBIER COMMUNITY AND RECREATION HUB PROJECT BUDGET – REPORT NO. AR20/73063	Resolutions Only

4. That all Confidential Orders as specified in Attachment 1 to Report AR22/34295, excluding those amended or released in resolutions (2) and (3) above, having been reviewed by Council remain in operation on the grounds and release conditions specified.

**CARRIED**

**19 Dec 2022 1:49pm Solly, Elisa - Completion**  
 Action completed by Solly, Elisa



Division: Meeting: Council Officer:  Action Sheets Report	Date From: 13/12/2022 Date To: 13/12/2022  Printed: 20 January 2023 8:14 AM
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Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Scheidl, Jo Barber, Darren	Council Reports	Policy Review - S140 Street Numbering Policy
<p><b>RESOLUTION 2022/237</b></p> <p>Moved: Cr Ben Hood                      Seconded: Cr Paul Jenner</p> <ol style="list-style-type: none"> <li>That Council Report No. AR22/66685 titled 'Policy Review - S140 Street Numbering Policy' as presented on 13 December 2022 be noted.</li> <li>That Council hereby adopt the revised Council Policy S140 - Street Numbering, as attached to this report.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p> <p><b>16 Dec 2022 12:12pm Scheidl, Jo - Completion</b>                      Action completed by Scheidl, Jo</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Barber, Darren Philpott, Sarah	Council Reports	Policy Review - Revocation of E240 - Expiation Notices - Cancellation or Waiver
<p><b>RESOLUTION 2022/238</b></p> <p>Moved: Cr Sonya Meziniec                      Seconded: Cr Max Bruins</p> <ol style="list-style-type: none"> <li>That Council Report No. AR22/71046 titled 'Policy Review - Revocation of E240 - Expiation Notices - Cancellation or Waiver' as presented on 13 December 2022 be noted.</li> <li>That Council Policy E240 - Expiation Notices - Cancellation or Waiver as attached to Report No. AR21/18417 be revoked.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>			



<p><b>Division:</b>  <b>Meeting:</b> Council  <b>Officer:</b></p> <p>Action Sheets Report</p>	<p><b>Date From:</b> 13/12/2022  <b>Date To:</b> 13/12/2022</p> <p>Printed: 20 January 2023 8:14 AM</p>
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Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	McCarthy, Michael Barber, Darren	Motions with Notice	Notice of Motion - Blue Lake Golf Club Carpark Extension
<p><b>RESOLUTION 2022/239</b></p> <p>Moved: Cr Max Bruins                  Seconded: Cr Ben Hood</p> <ol style="list-style-type: none"> <li>1. That Council Report No. AR22/83537 titled 'Notice of Motion - Blue Lake Golf Club Carpark Extension' as presented on 13 December 2022 be noted.</li> <li>2. That council undertake the following actions regarding the area of land marked "A" on the attached concept plan:                         <ol style="list-style-type: none"> <li>a) Crown Land consultation (as landowner) noting the State Heritage nature of the precinct, to determine if the landowner would be willing to increase the area of land leased to the Blue Lake Golf Club and if there would be any conditions Crown Lands/State Heritage require in order to do so.</li> <li>b) Investigate and confirm the Native Vegetation status of the land and possible Crown (Native Vegetation) consents.</li> <li>c) Investigate and confirm the Native Title status, and any existence of Native Title of the land accordance with Section 22(5)(a) of the Crown Land Management Act 2009.</li> <li>d) Liaise with Susan Close, Minister for Climate, Environment and Water to discuss whether ministerial approval of the additional proposed lease area due to proposed development (within the meaning of the Planning, Development and Infrastructure Act 2016) in accordance with Section 22(5)(b) of the Crown Land Management Act 2009 would likely be forthcoming if there were no issues raised from items (a) to (c) above.</li> </ol> </li> <li>3. That a report be brought back to council no later than June 2023 detailing the results of the investigation into the above.</li> <li>4. That the concept plan for the Blue Lake Golf Club carpark extension be included as a public submission and be considered as part of the Crater Lakes Precinct Activation Plan when work begins said plan.</li> </ol> <p style="text-align: right;"><b>CARRIED</b></p>			



<b>Division:</b> <b>Meeting:</b> Council <b>Officer:</b>	<b>Date From:</b> 13/12/2022 <b>Date To:</b> 13/12/2022 <b>Printed:</b> 20 January 2023 8:14 AM
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Action Sheets Report

Meeting	Officer/Authoriser	Section	Subject
Council 13/12/2022	Little, Leanne Barber, Darren	Motions with Notice	Notice of Motion - Volunteer Groups

**RESOLUTION 2022/240**  
Moved: Cr Ben Hood  
Seconded: Cr Max Bruins

1. That Council Report No. AR22/83961 titled 'Notice of Motion - Volunteer Groups' as presented on 13 December 2022 be noted.
2. That Council calls for a report that considers the establishment of volunteer group(s) with specific focus on gardens and beautification of the city, similar to the many successful "Friends of Botanic Gardens" groups throughout the country, and that:
  - (a) Consideration should be given to how such a group might contribute to key sites such as the Crater Lakes, and that;
  - (b) The report consider how other regional councils facilitate such groups and issues such as volunteer support and supervision, incorporation or other governance structures for such a group, and any resourcing requirements to enable such a program and;
  - (c) That on completion of the report, a workshop be scheduled with councillors to consider the recommendations.

**CARRIED**



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

Nil

**16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

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

Nil

**18 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil



## 19 COUNCIL REPORTS

### 19.1 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE – REPORT NO. AR23/1378

**Meeting:** Council  
**CM9 Reference:** AF21/496  
**Author:** Barbara Cernovskis, General Manager City Infrastructure  
**Authoriser:** Sarah Philpott, Chief Executive Officer

#### REPORT RECOMMENDATION

1. That Council Report No. AR23/1378 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 24 January 2023 be noted.

#### BACKGROUND

Council, at its meeting held on 16 August 2022, resolved (in part):

- “3. *That the General Manager City Infrastructure provides a verbal report in open Council on the Wulanda Recreation and Convention Centre construction progress each month.*”

The General Manager City Infrastructure, Barbara Cernovskis, to provide a verbal update report on the monthly progress of the Wulanda Recreation and Convention Centre.

#### ATTACHMENTS

Nil



**19.2 CRATER LAKES BUSHFIRE RESPONSE / RECOVERY UPDATE – REPORT NO. AR23/2620**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>24 January 2023</b>
<b>Report No.:</b>	<b>AR23/2620</b>
<b>CM9 Reference:</b>	<b>AF21/496</b>
<b>Author:</b>	<b>Barbara Cernovskis, General Manager City Infrastructure</b>
<b>Authoriser:</b>	<b>Sarah Philpott, Chief Executive Officer</b>
<b>Summary:</b>	This report provides Council with a progress update on the 2022 Crater Lakes bushfire response and recovery. While longer term rehabilitation of the site, and ongoing vegetation management actions will be needed, it is anticipated these will form the basis of specific and separate recommendations to Council.
<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. AR22/8149 titled 'Crater Lakes Bushfire Response / Recovery Update' as presented on 24 January 2023 be noted.
2. That the longer term rehabilitation plan of the Crater Lakes Precinct be presented to Council with associated budgetary implications.
3. That Council notes the informal "emergency" budgetary reporting in response to the fire (provided via the 'Friday Edition') will cease as further actions will be subject to specific budget allocations.



## **TYPE OF REPORT**

Corporate

## **BACKGROUND**

In response to the 2022 fire at the Crater Lakes precinct, Council have continued to risk assess the area and remediate immediate issues in the best interest of public safety to reopen the site as timely and safely as possible to the community.

This report provides a summary of the actions undertaken throughout the course of 2022 and outlines the investigation outcomes that will form the basis of the ongoing fire management of the Crater Lakes precinct and the methodology to regenerate the site and manage the ongoing risk associated with this complex area.

Longer term rehabilitation of the site, and ongoing vegetation management actions are still in development in collaboration with State Heritage and key stakeholders. There will be future reports that will present specific and separate recommendations to Council.

## **PROPOSAL**

An extensive amount of complex work has been undertaken over the past twelve months. To summarise Councils current position, the information is presented simply in the following four categories.

### **Initial response**

In order to manage Councils initial response to the Crater Lakes bushfire a staged plan was implemented to address the immediate issues and capture future, ongoing management requirements:

- Stage 1 Securing fire affected site
- Stage 2 Risk Assessment and zoning of affected areas based on their risk score
- Stage 3 Assessment of fire damage and recovery measures
- Stage 4 Gradual opening of the identified high-risk zones

### **Current Site Status**

Arborist specialised in bushfire management was engaged to undertake risk assessment and advise on immediate management of damaged trees. Engineers were engaged to undertake risk assessment of the terrain and impact of regeneration weather events. This advice has been included in the risk assessment and management strategies over the course of the past twelve months.

Extensive felling of trees in the Blue Gums trails area undertaken. Fencing, fire trails and access trails have also been cleared for safe use.

With exception of the Historic Pine Plantation adjacent to the Centenary Tower and associated access trails, the Valley Lakes Precinct has been reopened to the public with Davison Drive and Haig Drive continuing to be risk assessed weekly due to the type of terrain and potential public risk.

All affected utilities have been reinstated included power to Centenary Tower.

Ongoing public safety measures activated and monitored in terms of protective temporary barriers and signage

### **Bushfire Management**

Landscape SA, MFS, CFS and Parks SA have met onsite (Historic Pine Plantation area behind Carinya Gardens) to assess foliage and to determine immediate and ongoing actions

Slashing of the area behind the properties on Tenison Drive has occurred and is scheduled to be undertaken quarterly.





Preparation for the Crater Lakes to be submitted as an asset into the Bushfire Management Plan 2.0 by mid-2023 underway. This will include annual and periodic treatment plans to manage the area/s  
Backburn methodology has been created for endorsement and a cold burn is expected for mid-2023  
Actions to assess and monitor native animals in the event of bushfire in the precinct have been formalised

### **Regeneration Methodology**

The Historic Pine Plantation adjacent to the Centenary Tower behind Carinya Gardens remains a complex area to manage that includes State Heritage, Crater Lakes Area Management Plan. Key stakeholder engagement is ongoing to consolidate a coordinated approach to regeneration of the site that will be presented to Council in a future report.

A Forestry consultant was engaged to undertake a comprehensive assessment and prepare a report for the management options for the fire damaged pines.

A development application will be required to be approved prior to any regeneration work being undertaken. On advice of State Heritage, one development application will be submitted that includes both the removal and revegetation plan. This is expected to be a 3-5 year plan.

In accordance with the above advice a tender is currently out seeking a Landscape Architect to prepare a bushfire rehabilitation plan – this is to include the removal and revegetation of the site and include no less than two community forums with residents in close proximity to the site – these will be in the first part of 2023.

The plan is to specifically address pine tree removal and native revegetation of the fire-affected area adjacent to the Centenary Tower. Removal of the pine trees are required due to the significant public safety hazard and environmental impact of erosion and weed emergence post-fire to protect the state heritage area and reinstate public recreation and amenity.

Consultation with First Nations people and referral of the development application to Heritage SA is required. Heritage concerns may arise from the method of pine tree removal (mechanical harvesting vs manual removal), in-situ Aboriginal cultural heritage that may be unearthed during rehabilitation works, reinstatement of fire-affected recreational infrastructure (walking and mountain bike tracks) through to the native species used in revegetation.

The project requires consultation with First Nations and Heritage SA and will include on site meetings and design reviews to address:

- Pine trees - The suitable methodology for pine tree removal
- Native revegetation - the candidate revegetation species of native plants to restore a 'Native Forest'
- Walking tracks – considerations for the reinstatement of the Tower Ridge walking track that in addition to fire-impacts, will likely be impacted by rehabilitation activities including the appropriate step materials, re-alignment options, gradients etc.
- Mountain bike tracks - The suitability for the reinstatement of fire-affected mountain bike trails that will be significantly impacted by rehabilitation activities. Specific trails include Return to sender and JJ Trail with potential to rationalise the steep and eroded Wheel Nuts trail through the revegetation process.
- Aboriginal cultural heritage – specific consideration in all design aspects given the significance of the crater lakes precinct to the local First Nations People.

A meeting schedule and project stages will be confirmed at the project initiation meeting. Further reports will be presented to Council both formally and informally as this work progresses.



## **LEGAL IMPLICATIONS**

The rehabilitation work undertaken will be subject to due diligence and legally compliant.

## **STRATEGIC PLAN**

N/A

## **COUNCIL POLICY**

Council's [Procurement, & Disposal of Land and Assets Policy P420](#) and exceptions contained therein are applicable to any procurement associated with the rehabilitation of the Crater Lakes precinct.

## **ECONOMIC IMPLICATIONS**

Reports will be prepared for Council decision that have a budgetary impact.

## **ENVIRONMENTAL IMPLICATIONS**

Environmental issues are included in all scoped work undertaken and reflected in Council reporting.

## **SOCIAL IMPLICATIONS**

Social implications from the Crater Lakes fire include the immediate impact to nearby residents, and community members who are regular users of the site. Communication with community members, residents and specific user groups, such as mountain bike, walkers and disc golf continues.

## **CULTURAL IMPLICATIONS**

Cultural implications from the Crater Lakes fire have formed part of the assessment and future management. Council's Heritage Advisor, Heritage SA and Burraydies continue to be engaged to provide cultural advice.

## **RESOURCE IMPLICATIONS**

To be determined. It is however recommended that the informal 'emergency budget' report provided via the Friday Edition cease, as further initiatives/actions will be the subject of specific budget allocations.

## **VALUE FOR MONEY**

N/A

## **RISK IMPLICATIONS**

Risk implications including public safety remain the highest priority in the recovery and regeneration of the Crater Lakes precinct.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

Timely and relevant information still remains a sentiment of frustration within some pockets of the community however, given the complex nature of managing this area the progress made to date has been solid and sets a foundation for ongoing management of the site.

## **IMPLEMENTATION STRATEGY**

An implementation strategy following the revegetation Crater Lakes precinct will be informed by the current work.

## **CONCLUSION AND RECOMMENDATION**

Longer term rehabilitation of the site, and ongoing vegetation management actions are underway. Further reports will be presented as relevant information and proposals become available.



**ATTACHMENTS**

Nil



**19.3 CREATIVE ARTS FUND - UPDATE – REPORT NO. AR23/3197**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>24 January 2023</b>
<b>Report No.:</b>	<b>AR23/3197</b>
<b>CM9 Reference:</b>	<b>AF21/496</b>
<b>Author:</b>	<b>Georgina Davison, Manager Library and Community Development</b>
<b>Authoriser:</b>	<b>Sarah Philpott, Chief Executive Officer</b>
<b>Summary:</b>	<b>Update on the successful applicants for the 2023 Creative Arts Fund and associated resolution.</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. AR23/3197 titled 'Creative Arts Fund - Update' as presented on 24 January 2023 be noted.
2. The resolution 2022/231 titled Creative Arts Fund 2022/23 Applications that was passed on 13 December 2022 be amended as follows:
  - Parts 1-2 of the resolution remain unchanged:
  - Part 3 of the resolution be amended to reflect the correct name of the applicant for the Point of Impact project:
    - from MOD – University of Adelaide,
    - to MOD – University of South Australia.
  - Parts 4-6 of the resolution remain unchanged.



**TYPE OF REPORT**

Other

**BACKGROUND**

At Council meeting held on 13 December 2023, Council resolved that:

3. That \$33,250.00 be endorsed for distribution for the 2022/2023 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
DOG.	Meghan Amoroso	\$ 8,000.00	\$ 8,000.00
Point of Impact	MOD – University of Adelaide	\$ 13,250.00	\$ 13,250.00
Mount Gambier Mural	Uniting Communities	\$12,000.00	\$ 12,000.00*
		<b>\$ 33,250.00</b>	<b>\$ 33,250.00</b>

\*Includes \$184.00 Planning SA lodgement fee for Development Application

From 6 September to 21 November 2022, City of Mount Gambier was in caretaker period due to Local Government elections. This delayed the approval of the 2022/23 Creative Arts Fund recipients until 13 December 2022. This has impacted the ability of MOD - University of South Australia to complete their proposed project by March 2023.

Uniting Communities’ successful submission, Mount Gambier Mural, was originally proposed to be on the wall at 2A Helen Street. After further investigation of traffic management requirements and impact it was determined by Uniting Communities that the mural should be relocated to the opposite side of their building.

**PROPOSAL**

DOG, by Meghan Amoroso is progressing as per original proposal.

Point of Impact, by MOD in Council Report No. AR22/72720 titled ‘Creative Arts Fund 2022/2023 Applications’ as presented to the Councillors on 13 December 2022, MOD was incorrectly attributed to University of Adelaide. It should be MOD at the University of South Australia. Accordingly, this report presents a recommendation under Regulation 21 of the Procedures at Meetings Regulations 2013 to amend the 13 December 2022 resolution to correct the naming reference.

Due to the delay in the approval of the 2022/23 Creative Arts Fund, and therefore the ability of MOD to complete their project by the original deadline, MOD have proposed to commission new work by a Mount Gambier artist by the end of June 2023, with the intention of delivering the work at MOD in Adelaide from November 2023, or Mount Gambier Fringe in 2024.

Mount Gambier Mural, by Uniting Communities, have requested to move the location of their mural from 2A Helen Street to 2C Helen Street. A development application has been submitted for approval.

**LEGAL IMPLICATIONS**

The inclusion of an error of fact in a Council resolution, particularly where it relates to the entering into contractual arrangements or payment to a 3<sup>rd</sup> party, has the effect of making the resolution invalid and unable to be actioned by the Administration.

Accordingly, this report presents a recommendation to amend the resolution of 13 December 2022 to reflect the correct name of the Creative Arts Fund recipient to enable acquittal of funds.



## **STRATEGIC PLAN**

The Creative Arts Fund encourages projects, and provides opportunities, that make a positive contribution to the City and demonstrate consistency with outcomes from Council's Strategic Plan and Reconciliation Action Plan, with a particular focus on the following key goals:

- Supporting community events and programs that bring people together, encourage interaction and promote a sense of community.
- Providing services, programs and facilities for the community to participate in a broad range of arts and cultural activities.
- Celebrating our cultural diversity.
- Celebration of Boandik and/or Aboriginal and Torres Strait Islander Culture
- A City brought to life with public art.

## **COUNCIL POLICY**

[D230 - Donations - Authority to Approve Requests](#)

## **ECONOMIC IMPLICATIONS**

Nil

## **ENVIRONMENTAL IMPLICATIONS**

Nil

## **SOCIAL IMPLICATIONS**

Nil

## **CULTURAL IMPLICATIONS**

The Creative Arts Fund encourages artists from diverse cultural backgrounds to create, perform and display public art across the city.

## **RESOURCE IMPLICATIONS**

Grant funds will all be expended as per the grant guidelines.

## **VALUE FOR MONEY**

Each successful recipient will be required to submit an acquittal to Council prior to 30 June 2023 so that payment can be made in this financial year.

## **RISK IMPLICATIONS**

Partial delivery in FYE 2024 after receiving payment – mitigating risk by requesting finalisation of artwork by 30 June 2023.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

Nil

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

Nil

## **IMPLEMENTATION STRATEGY**

Nil



### **CONCLUSION AND RECOMMENDATION**

There are minor changes to the proposed timelines, adjustment of location regarding the successful projects and an amendment to the resolution to correct an administrative error in the Council resolution.

That Council note the report and the associated changes.

### **ATTACHMENTS**

Nil



**19.4 PROPOSED ITEMS OF BUSINESS 2023 LGA ORDINARY GENERAL MEETING –  
REPORT NO. AR22/87446**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>24 January 2023</b>
<b>Report No.:</b>	<b>AR22/87446</b>
<b>CM9 Reference:</b>	<b>AF22/378</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Governance and Property</b>
<b>Authoriser:</b>	<b>Darren Barber, General Manager Corporate and Regulatory Services</b>
<b>Summary:</b>	<b>The LGA Ordinary General Meeting (OGM) is scheduled to be held in April 2023. A key purpose of the OGM is to consider items of strategic importance to local government and the LGA, as recommended by SAROC. The report is presented to enable the consideration of proposed items of business for SAROC/LGA OGM.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment</b>

**REPORT RECOMMENDATION**

- That Council Report No. AR22/87446 titled 'Proposed Items of Business 2023 LGA Ordinary General Meeting' as presented on 24 January 2023 be noted.
- That Council write to the LGA to advise that it wishes not to present any items of business for the April 2023 OGM.

OR

That an item of business be prepared and submitted for consideration by SAROC for the purpose of a motion to the 2023 LGA Ordinary General Meeting (OGM) on the following matters:

- Compulsory Swimming Lessons (*pending outcome of Notice of Motion AR23/2231, as contained in Council Meeting agenda dated 24 January 2023*).
- ...





## **TYPE OF REPORT**

Corporate

## **BACKGROUND**

The Local Government Association of South Australia (LGA) schedules two General Meetings each year for Member Councils to consider items of strategic importance to Local Government and the LGA.

The Ordinary General Meeting (OGM) is scheduled to be held in April 2023 and the AGM is scheduled in October/November 2023. A key purpose of the General Meetings is to consider items of strategic importance to local government and the LGA, as recommended by SAROC, GAROC or the LGA Board of Directors.

Member Councils are invited to submit proposed items of business for consideration by SAROC (regional councils), GAROC (metropolitan councils) or the LGA Board of Directors (for LGA operational or commercial matters).

## **PROPOSAL**

This report is presented for the consideration of Members of proposed items of business for submission and consideration by SAROC to be included in the agenda of the LGA Ordinary General Meeting. Items of business submissions to be considered at the OGM to be held in April 2023 must be received no later than 5:00pm on **Friday 3 February 2023**. Proposals received after this date will not be considered.

Member Councils submitting proposed items of business will be offered the opportunity, at their discretion, to speak to their proposal at the relevant GAROC or SAROC meeting.

Member Councils may at any time throughout the year propose an item of business for an Ordinary General Meeting.

## **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**

Council may now determine if it wishes to present any items of business for consideration at the LGA Ordinary General Meeting (OGM) scheduled for April 2023, noting the deadline for submissions is 5.00 pm Friday 3 February 2023.

**ATTACHMENTS**

Nil



**19.5 ALGA JUNE 2023 NATIONAL GENERAL ASSEMBLY - CALL FOR MOTIONS –  
REPORT NO. AR23/2652**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>24 January 2023</b>
<b>Report No.:</b>	<b>AR23/2652</b>
<b>CM9 Reference:</b>	<b>AF21/496</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Governance and Property</b>
<b>Authoriser:</b>	<b>Darren Barber, General Manager Corporate and Regulatory Services</b>
<b>Summary:</b>	<b>This report presents the call for motions for the ALGA National General Assembly in June 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. AR23/2652 titled 'ALGA June 2023 National General Assembly - Call for Motions' as presented on 24 January 2023 be noted.
2. That draft motions for the June 2023 ALGA NGA be prepared and presented to Council on the following issues relevant to the work of local government nationally:
  - (i)



## TYPE OF REPORT

Corporate

## BACKGROUND

Each year the Australian Local Government Association (ALGA) hold a National General Assembly (NGA) in Canberra where councils from around our nation discuss current and emerging challenges and opportunities and advocate to the Federal Government on critical issues facing the sector.

This year's NGA will be held in Canberra in mid-June 2023.

The theme for the event is Our Communities, Our Future, conveying the critical importance of our communities, how they are the focus of our attentions, and how they are at the centre of all our work.

The attached letter (Attachment 1) calls for motions and the [Discussion Paper – Calls for Motions](#) addresses the process and criteria for motions and priority areas.

## PROPOSAL

ALGA are calling for motions that must be received no later than 11:59pm on Friday 24 March 2023 and in accordance with the ALGA 2023 NGA [Discussion Paper – Calls for Motions](#) must meet the following criteria:

1. Be relevant to the work of local government nationally;
2. Not be focussed on a specific jurisdiction, location or region – unless the project or issue has national implications;
3. Be consistent with the themes of the NGA;
4. Complement or build on the policy objectives of ALGA and your state or territory local government association;
5. Be submitted by a council which is a financial member of ALGA and your state or territory local government association;
6. Propose a clear action and outcome i.e. call on the Australian Government to act on something;
7. Not be advanced on behalf of external third parties seeking to use the NGA to apply pressure or gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government;
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities;
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another, and;
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with:

*This National General Assembly calls on the Australian Government to...*

The ALGA 2023 NGA [Discussion Paper – Calls for Motions](#) focusses on eight priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;
- Local Government Workforce;



- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters;
- Housing.

Council may seek for draft motions to be prepared in relation to relevant priority areas for presentation to the February/March Council meetings for consideration and endorsement for lodgement to ALGA for the 2023 NGA.

#### **LEGAL IMPLICATIONS**

N/A

#### **STRATEGIC PLAN**

Any issues identified for proposed motions should be consistent with Council's Strategic Plan and City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document endorsed in December 2021.

#### **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**

Considering the alignment and eligibility of the issues identified in the City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document with the ALGA 2023 priorities this report recommends that further consideration be given to the preparation of draft motions for the ALGA NGA.



## **ATTACHMENTS**

1. Letter - 2023 National General Assembly (NGA) - Call for Motions - Australian Local Government Association (ALGA) [↓](#)





19 December 2022

Mayor Lynette Martin OAM  
City of Mount Gambier  
PO Box 56 MOUNT GAMBIER SA 5290  
city@mountgambier.sa.gov.au

To the Mayor, Councillors and CEO (please distribute accordingly).

### 2023 National General Assembly Call for Motions

We're excited to let you know that in preparation for our 2023 National General Assembly of Local Government (NGA), your Australian Local Government Association (ALGA) is now calling for councils to submit motions.

The theme of our 2023 NGA will be "Our Communities, Our Future", and it will be held at the National Convention Centre in Canberra next June. We are seeking your motions to guide ALGA's Board, in particular, where they identify opportunities for reforming and creating new Federal Government programs and policies that will support councils to build stronger communities into the future.

We heard and responded to your feedback and, as a result, the ALGA Board has ensured we will allocate additional time for debate on motions in 2023 and made improvements to the criteria to support more focused discussion.

We have also heard from some of you that you prefer presentations and panels to debate on motions, so we will be running concurrent sessions as another option for non-voting delegates during these sessions. The attached discussion paper will help you prepare your council's motions, which can be submitted online at [www.alga.com.au](http://www.alga.com.au) until **Friday 24 March**.

Next year's NGA is shaping up to be even bigger than 2022, and we are working with the Prime Minister and Federal Government towards incorporating the return of the Australian Council of Local Government (ACLG).

The ACLG was originally established by the Federal Government in 2007 as an opportunity for councils to engage directly with the Government and key Ministers. We are thrilled that the Albanese Government has committed to re-establishing this forum, and we look forward to working with them to make it a success, and a key part of our NGA.

We are currently finalising the dates for the 2023 NGA and ACLG and will confirm these dates prior to the opening of registrations early next year.

We look forward to receiving your 2023 NGA motions and welcoming you to Canberra next June.

Thank you all for your dedication to your council and community! I wish you all the best for a wonderful holiday season and a happy and healthy 2023.

Yours sincerely,

A handwritten signature in black ink that reads "Linda Scott".

Cr Linda Scott  
ALGA President

**19.6 FIRST NATIONS OF THE SOUTH EAST NATIVE TITLE CLAIM NO.1 - UPDATE –  
REPORT NO. AR23/2738**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>24 January 2023</b>
<b>Report No.:</b>	<b>AR23/2738</b>
<b>CM9 Reference:</b>	<b>AF21/496</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Governance and Property</b>
<b>Authoriser:</b>	<b>Darren Barber, General Manager Corporate and Regulatory Services</b>
<b>Summary:</b>	<b>This report provides an update on the status of the First Nations of the South East Native Title Claim No. 1.</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. AR23/2738 titled 'First Nations of the South East Native Title Claim No.1 - Update' as presented on 24 January 2023 be noted.
2. That the progress of the First Nations of the South East Native Title Claim (No 1) be noted.
3. That Native Title and the interests of our Traditional Owners are further embedded as a primary consideration in relation to matters associated with the management of Crown Land.





## **TYPE OF REPORT**

Other

## **BACKGROUND**

In 2017 Council became aware of the First Nations of the South East Native Title Claim (No 1) and resolved to engage Norman Waterhouse to represent Council in conjunction with the other Limestone Coast Councils on matters relating to the claim and to register to become a party to proceedings if the matter was registered in the National Native Title Tribunal, which occurred in early 2018.

Informal updates were provided to Council in 2020 and 2021 through the 'Friday Edition', with the last update in April 2021 noting an estimated 19-22 months of work by the State to undertake land tenure searches of the approximately 65,000 land parcels in the claim area.

It was envisaged at the time that Council contribution toward the searching and assessment process would not be until after the State had completed its detailed assessment.

## **PROPOSAL**

The purpose of this report is to provide an update to the new Council on the First Nations of the South East Native Title Claim (No 1).

In the period since 2021 whilst the State have been undertaking their land tenure searches, Council has been asked to provide details of public works and infrastructure located on specific Crown Land parcels, namely the following locations:

- Botanic Park
- Crater Lakes precinct (including Valley Lake/Ketla Malpi, Browne Lake/Kroweratwari, Leg of Mutton Lake/Yatton Loo)
- (Part) Willoughby Reserve (Crater Lakes precinct)
- Blue Lake/Warwar
- Olympic Park precinct (several parcels)
- (Part) Hastings Cunningham Reserve
- Caroline Landfill

Preliminary information has been provided with more detailed information anticipated to be required in due course as the land tenure searches and tribunal processes progress.

The timing of the progression and finalisation of the First Nations of the South East Native Title Claim (No 1) remains unknown, with notification of hearings arising periodically, but limited real progress until the State land tenure search results have been tabled and reviewed in detail.

Preliminary indications are that Native Title is considered to be extinguished on some portions of Crown Land, primarily where public works have occurred, and not extinguished elsewhere.

More particularly, where Native Title is considered not to be extinguished, and is determined to exist for land under the care, control and management of the Council (i.e. Crown Land), such rights should be considered antecedent to other Crown, Council or community rights or interests in the land.

Accordingly, and noting compensatory rights that can arise for extinguishment of Native Title after the commencement of relevant Native Title legislation, it is incumbent upon the Council to give primary consideration to Native Title interests in decision making and conduct of activities (particularly works and granting of other usage rights) relating to Crown Land.

These issues will become prevalent when considering and conducting the requisite owner and public consultation for Community Land Management Plans and other activation plans and activities proposed for the Crater Lakes precinct and Blue Lake/Warwar.



## **LEGAL IMPLICATIONS**

Native Title is a complex and specialist area of law, with Native Title interests subsisting in Crown Land regardless of whether it has yet been identified or confirmed by a relevant Court or Tribunal. These legal processes merely legitimise and formalise the claimants and their existing interests.

Without explicitly referencing Native Title, the community land (and more particularly the Community Land Management Plan) provisions of the Local Government Act 1999 make adequate provision for consultation with Native Title holders by requiring Council to consult with the '*owner of the land*' at an appropriate stage during the preparation of a plan.

As Native Title interests are ordinarily associated with Crown Land, consultation with the Crown as owner of Crown Land dedicated to the care, control and management of the Council at the preparation stage of a Community Land Management Plan would be expected to flag Native Title interests, and being a matter for which relevant owner provisions must be included in such plans.

Failure to consult with the owner, or to accommodate the owner's reasonable requirements in a Community Land Management Plan would result in a non-compliant plan.

Further, acts that extinguish Native Title that occur after a relevant date, can give rise to compensation, which in the case of acts conducted by Council relating to Crown land in its care, control and management would arise to the Council.

Accordingly, it is imperative that Native Title is given primary consideration in any activities occurring in relation to Crown Land where Native Title has not been confirmed as being extinguished.

## **STRATEGIC PLAN**

N/A

## **COUNCIL POLICY**

N/A

## **ECONOMIC IMPLICATIONS**

N/A

## **ENVIRONMENTAL IMPLICATIONS**

N/A

## **SOCIAL IMPLICATIONS**

Social implications arising from Native Title interests may include both constraints and opportunities associated with the development and activities/use of Crown Land.

## **CULTURAL IMPLICATIONS**

Cultural implications should be anticipated in association with Native Title interests. It would be presumptuous to further anticipate such implications before engaging with such interest holders.

## **RESOURCE IMPLICATIONS**

Resources for adequate public and stakeholder consultation, including adequate time, should be allocated to identifying and addressing Native Title interests, noting that progress and status of the First Nations of the South East Native Title Claim (No 1).

## **VALUE FOR MONEY**

N/A

## **RISK IMPLICATIONS**

Native Title considerations present significant risks, but also potential opportunities, for the management of Crown Land under its care, control and management.

Such risks and opportunities warrant further identification and consideration.



## **EQUALITIES AND DIVERSITY IMPLICATIONS**

Recognition of Native Title has a direct relationship with Council's Reconciliation Action Plan.

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

The Administration continues to undertake proactive engagement with members of the Yerkalalpata Community Reference Group, including Boandik Elders, in the development of strategic activity such as the forthcoming Crater Lakes Activation Plan. This work is underpinned by Council's commitment to fostering genuine and collaborative relationships with our First Nations leaders.

It should be noted that Council's existing cultural engagement models will need to be reviewed to consider Native Title and formal consultation protocols with Traditional Owners.

## **IMPLEMENTATION STRATEGY**

N/A

## **CONCLUSION AND RECOMMENDATION**

This report is provided for information purposes, to note the progress of the First Nations of the South East Native Title Claim (No 1), and to highlight Native Title as a primary consideration in relation to any matters associated with Council's management of Crown Land.

## **ATTACHMENTS**

Nil



**19.7 RIDDOCH ARTS AND CULTURAL TRUST (RACT) INCORPORATED - ANNUAL GENERAL MEETING – REPORT NO. AR23/4430**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>24 January 2023</b>
<b>Report No.:</b>	<b>AR23/4430</b>
<b>CM9 Reference:</b>	<b>AF22/378</b>
<b>Author:</b>	<b>Darren Barber, General Manager Corporate and Regulatory Services</b>
<b>Authoriser:</b>	<b>Sarah Philpott, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report provides information on an upcoming Elected Member Workshop and Annual General Meeting of the Riddoch Arts and Cultural Trust.</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. AR23/4430 titled 'Riddoch Arts and Cultural Trust (RACT) Incorporated - Annual General Meeting' as presented on 24 January 2023 be noted.
2. That Council waive the 21 days notice for the first Annual General Meeting of the Riddoch Arts and Cultural Trust, noting that the Riddoch Arts and Cultural Trust Board must coordinate and hold an Annual General Meeting by 19 February 2023.
3. That future Annual General Meetings be coordinated and held by the Riddoch Arts and Cultural Trust Board in accordance with the Constitution.



## **TYPE OF REPORT**

Other

## **BACKGROUND**

During the second half of 2022 Council was provided with updates on the commencement of operations of The Riddoch Arts and Cultural Trust Incorporated (RACT) including its inaugural and subsequent Board meetings and a strategic planning session.

Under the RACT Constitution it is required to give notice and hold an Annual General Meeting within 18 months of incorporation, being by 19 February 2023.

## **PROPOSAL**

At its strategic planning day and December Board meeting the RACT Board prepared and adopted for presentation to Council, in accordance with its Constitution, an Annual Business Plan and Budget for the remainder of the 2022/23 and 2023/24 years.

An Elected Member Workshop is scheduled for 31 January 2023 at which the RACT Board are to present their 2023 Business Plan and Budget, as well as to discuss their function and to seek feedback from Council on its expectations of the workings of the RACT Board.

It is anticipated that this Workshop will be followed by a report to the February Council meeting for Council to endorse the RACT Business Plan and Budget as required by their Constitution, and thus provide certainty for the Board in progressing its proposed activities.

In the meantime, an Annual General Meeting of the RACT is required to be held by 19 February 2023 for which the RACT Board must give Council 21 days notice, and which notice period will fall in the week leading to the Elected Member Workshop.

Council may however, under the RACT Constitution, waive the 21 day notice period.

Noting the impending Workshop for the RACT to present their Business Plan and Budget, and the relatively inert content of the initial RACT Annual General Meeting (as to-date the RACT has no transactions, bank accounts or funds, accounting or audit records on which to report), and in order to avoid any potential non-compliance with the RACT Constitution, it is proposed that Council waive the 21 day notice period for this inaugural Annual General Meeting.

Accordingly, whilst the notice period may be waived, it remains the responsibility of the RACT Board to coordinate and hold the Annual General Meeting by 19 February 2023, and the Council retains control over the formalities of the meeting.

Once the Elected Member Workshop scheduled for the 31 January 2023 has been held, and a subsequent Annual General Meeting notice received, it is proposed that the date, time and location of the Annual General Meeting will be brought to the attention of Elected Members via the Friday Edition and/or by email.

It should also be noted that RACT Board and Council Elected Members may attend a RACT Annual General Meeting, however under the Constitution the Council Representative is the only person required to attend to any formal duties, as Chairperson and sole voting representative of Council.

Notwithstanding this current proposal to waive notice, it is intended that future Annual General Meetings will be coordinated and held by the RACT Board in accordance with their Constitution.

Council is also advised that a 'Heads of Agreement' to address service provision and other administrative matters between Council and the RACT Board is under preparation and is intended to be considered in a draft form in the coming months.

## **LEGAL IMPLICATIONS**

It is necessary that both the Riddoch Arts and Cultural Trust (as an incorporated association of which Council is the sole member) operate in accordance with its governing legislation, the Associations Incorporations Act 1985, and its registered Constitution.



## **STRATEGIC PLAN**

The Riddoch Arts and Cultural Trust shares a range of strategic objectives with Council that have led to its establishment and support.

## **COUNCIL POLICY**

Further work is necessary to address Council and RACT policies and a Heads of Agreement that address the interrelated administrative and other activities between the RACT and the Riddoch Arts and Cultural Centre business unit.

## **ECONOMIC IMPLICATIONS**

N/A

## **ENVIRONMENTAL IMPLICATIONS**

N/A

## **SOCIAL IMPLICATIONS**

N/A

## **CULTURAL IMPLICATIONS**

N/A

## **RESOURCE IMPLICATIONS**

Resource implications associated with operations and administration of the Riddoch Arts and Cultural Trust are yet to be determined in detail and will form part of the presentation and discussion on the RACT Business Plan and Budget at an Elected Member Workshop scheduled for 31 January 2023, and in a subsequent report to the February Council meeting.

## **VALUE FOR MONEY**

N/A

## **RISK IMPLICATIONS**

The support of operations and administration of an incorporated association present new risks for Council, mitigated by the establishment of a separate entity managed by a Board with its own policy and decision making structure and associated liability coverage.

The waiver of the 21 day notice of the RACT Annual General Meeting will assist with avoiding non-compliance with the provisions of the RACT Constitution.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

N/A

## **IMPLEMENTATION STRATEGY**

It is intended that, despite the waiver of the 21 day notice period, that the RACT Annual General Meeting will be coordinated and held by the RACT Board prior to the 18 month period since incorporation.

## **CONCLUSION AND RECOMMENDATION**

Members are advised of an upcoming Elected Member Workshop on the Riddoch Arts and Cultural Trust Board Business Plan and Budget scheduled for 31 January 2023, and the requirement to hold an Annual General Meeting by 19 February 2023.

Council may now consider whether to waive the requirement for the RACT Board to give 21 days notice of the Annual General Meeting, provided the RACT Board coordinate and hold the Annual



General Meeting by 19 February 2023 and future Annual General Meetings are coordinated and held in accordance with their Constitution.

**ATTACHMENTS**

Nil



## 20 MOTIONS WITH NOTICE

### 20.1 NOTICE OF MOTION - MERGING OF UNISA AND THE UNIVERSITY OF ADELAIDE

**Meeting:** Council  
**CM9 Reference:** AF21/496  
**Member:** Ben Hood, Councillor

I, Councillor Ben Hood, give notice that at the next Ordinary Meeting of Council to be held on 24 January 2023, I intend to move the following motion:

#### MOTION

1. That Council Report No. AR22/85206 titled 'Notice of Motion - Merging of UniSA and the University of Adelaide' as presented on 24 January 2023 be noted.
2. That Council note the currently media reports around discussions of merging UniSA and the University of Adelaide into a single Adelaide University.
3. That Council note the great opportunities and educational pathways that the Mount Gambier UniSA campus currently provide our community.
4. That the Council write to the Premier Peter Malinauskas, Minister for Education Blair Boyer, University of Adelaide Vice Chancellor Peter Hoj, UniSA Vice Chancellor David Lloyd requesting that, in any discussions of the future of university education in South Australia through a proposed merger, consider decentralising courses into the regions and that an expansion of tertiary courses and campus footprint in Mount Gambier be a priority to encourage more students to study in the region and for students from inter- and intra-state to make Mount Gambier their base for higher education.
5. That copies of the letter be sent to Independent Member for Mount Gambier Troy Bell, The Hon. Claire Scriven, Federal Member for Barker Tony Pasin MP, Leader of the Opposition David Speirs MP and Shadow Minister for Education John Gardner.

#### RATIONALE

The announcement in December on the merger discussion of UniSA and the University of Adelaide presents a tremendous opportunity to ensure that regional tertiary education in Mount Gambier is expanded. Any discussion around opportunities and changes in higher education must include a regional focus. Currently, UniSA in Mount Gambier offers courses in nursing, midwifery, early childhood education, primary and secondary education, social work, ageing and disability, human services and business. The opportunity to expand into engineering, medicine, science (especially with a focus on primary industries such as aquaculture and horticulture) and computer sciences will not only give our children and adult students greater choice in their future careers but, like university towns in the USA, Mount Gambier could be a centre for higher education in our State and country, seeing 100s of students coming to our region to learn and hopefully stay to begin their careers in the State's second largest city.

I commend this Notice of Motion to Council.

#### ATTACHMENTS

Nil





**20.2 NOTICE OF MOTION - COMPULSORY SWIMMING LESSONS**

**Meeting:** Council  
**CM9 Reference:** AF21/496  
**Member:** Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 24 January 2023, I intend to move the following motion:

**MOTION**

1. That Council Report No. AR23/2231 titled 'Notice of Motion - Compulsory Swimming Lessons' as presented on 24 January 2023 be noted.
2. Council write to the Premier - Peter Malinauskas MP, Minister for Education, Training and Skills - Blair Boyer MP, Minister for Police, Emergency Services and Correctional Services - Joe Szakacs MP, Minister for Human Services - Nat Cook MP, Minister for Health and Wellbeing - Chris Picton MP, Minister for Recreation, Sport and Racing - Katrine Hildyard MP and Member for Mount Gambier, Troy Bell MP requesting:
  - (a) that an additional sports voucher for each child from 6 months of age be provided to support families with the cost of swimming lessons
  - (b) that swimming lessons are made compulsory through the education system at both public and private schools.

**RATIONALE**

Unfortunately, around Australia this year there have been a lot of drownings.

The State Government currently provides the Sports Vouchers Program for all school aged children from Reception to Year 9, to the value of \$100 to be used for sport, dance or learn to swim fees. Learn to Swim programs are offered to infants from the age of 6 months, an additional voucher to be used solely for swimming lessons, will reduce the burden on parents and caregivers and encourage them to take their children to learn to swim lessons as soon as they are able.

This would support the wellbeing of our community.

I commend this Notice of Motion to Council.

**ATTACHMENTS**

Nil



**20.3 NOTICE OF MOTION - MOUNT GAMBIER MOUNTAIN BIKE CLUB**

**Meeting:** Council  
**CM9 Reference:** AF21/496  
**Member:** Frank Morello, Councillor

I, Councillor Frank Morello, give notice that at the next Ordinary Meeting of Council to be held on 24 January 2023, I intend to move the following motion:

**MOTION**

1. That Council Report No. AR23/3454 titled 'Notice of Motion - Mount Gambier Mountain Bike Club' as presented on 24 January 2023 be noted.
2. That Mount Gambier Mountain Bike Association president Shane de Jong be invited to brief Council on the condition of the Crater Lakes trails, safety considerations, maintenance priorities and the club's future plans.
3. That the briefing occurs before April 2023.
4. That the Crater Lakes Trails audit be circulated to members before the briefing.

**RATIONALE**

The Crater Lakes trails are a significant eco-tourism asset for Mount Gambier and a popular recreational pursuit for local cyclists, walkers, and joggers. The Mount Gambier Mountain Bike Club has ambitions to maintain the tracks and further develop the area to ensure it remains a safe and enjoyable experience for riders of all abilities, as well as for pedestrians who share the trails. While there has been ongoing conversation between Council and the club, progress has paused for legitimate reasons, including the January 2022 bushfires. With the winter/spring rains causing significant ruts along the track, now is an opportune time to resume discussions around maintenance, signage, safety and future planning. While major initiatives will likely be the focus of the proposed Crater Lakes Master Plan, minor and operational activities that support safety should be considered a priority.

I commend this Notice of Motion to Council.

**ATTACHMENTS**

Nil



**21 URGENT MOTIONS WITHOUT NOTICE**

**22 CONFIDENTIAL ITEMS OF COMMITTEES**

Nil



## 23 NEW CONFIDENTIAL ITEMS

### 23.1 ANIMAL POUND AND SHELTER SERVICES – REPORT NO. AR22/79574

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR22/79574 Animal Pound and Shelter Services.

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 it relates to a proposed tender that is yet to be finalised, released and determined.

#### 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 23.1 AR22/79574 Animal Pound and Shelter Services and its attachments, 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 15 January 2024.
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*.

**24 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, 13 DECEMBER 2022 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Ben Hood, Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Meziniec

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer General Manager City Infrastructure General Manager Corporate and Regulatory Services Acting General Manager City and Community Growth Manager Governance and Property Manager Financial Services Media and Communications Coordinator Communications Officer Executive Administrator Executive Administrator	- Mrs S Philpott - Ms B Cernovskis - Mr D Barber - Mrs G Davison - Mr M McCarthy - Mrs J Scoggins - Mr J McDonald - Ms M Brookes - Mrs S Dohnt - Ms T Chant
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## 1 ACKNOWLEDGEMENT OF COUNTRY

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

## DECLARATION OF OFFICE - AREA COUNCILLORS

The following Elected Members read out their respective Declarations of Office:

Cr Sonya Meziniec

Cr Paul Jenner

Cr Frank Morello

## 2 APOLOGIES

### RESOLUTION 2022/214

Moved: Cr Kate Amoroso

Seconded: Cr Ben Hood

That the apology from Cr Mark Lovett be received.

**CARRIED**

## 3 LEAVE OF ABSENCE

Nil

## 4 CONFIRMATION OF COUNCIL MINUTES

### RESOLUTION 2022/215

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

That the minutes of the Ordinary Council meeting held on 29 November 2022 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

## 5 MAYORAL REPORT

### 5.1 MAYORAL REPORT - DECEMBER 2022

- Citizenship Ceremony
- Elected Member Induction – Council Administration
- Attendance at VALO Adelaide with Manager Economy, Strategy and Engagement
- Smoking Ceremony - Wulanda
- 2022 Graduation Ceremony – Independent Learning Centre
- Pre-Tour of Wulanda - PCG
- Library Volunteers Christmas Lunch
- Audit and Risk Committee Meeting
- Elected Member Induction – Annual Program / Strategic Framework
- Grant High School Presentation Evening
- Pre-Tour of Wulanda – Community Reference Group
- Introductory Meeting Chairman of Belgravia Leisure
- Meeting with Robyn Campbell – Berrandies
- Pre-Tour of Wulanda – COMG Elected Members
- SA Forest Products Function
- Follow Up Meeting – Radiation Treatment Centre for Mount Gambier
- Elected Member Induction – Annual Program / Strategic Framework Part 2
- LCLGA Board Meeting – Wattle Range Council
- Pre-Tour of Wulanda – District Council of Grant
- Mount Gambier High School Presentation Evening
- Tenison Woods College – Middle School Awards Ceremony
- We are all aware of the tragic death of two Police Officers and a civilian in Queensland overnight. As a show of support for our Police community and in a show of solidarity for SAPOL, Council will be illuminating the VIC Brig and the Riddoch Arts and Cultural Centre in blue from tonight until the end of the week.  
  
We all appreciate the role they play in keeping our communities safe and this should never happen as they go about their duty. They have the right to go to work and return home safe.



**RESOLUTION 2022/216**

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Meziniec

That the Mayoral report made on 13 December 2022 be received.

**CARRIED****6 REPORTS FROM COUNCILLORS**

Cr Josh Lynagh	Citizenship Ceremony, Pre-tour of Wulanda, Twilight Markets at Mount Gambier Show Grounds
Cr Frank Morello	Tour of Wulanda – Smoking Ceremony
Cr Ben Hood	Tour of Wulanda – Smoking Ceremony, SAFPA Christmas Drinks, Radiotherapy Meeting with Tony Pasin
Cr Paul Jenner	High Wheeler Buggies at Red Carpet Inn, Planning Systems Review – Community Consultation Event, Twilight Markets at Mount Gambier Showgrounds, GTE Board Meeting
Cr Sonya Meziniec	Circular Economy Opportunities Limestone Coast Presentation, WIBRD AGM Breakfast Meeting, LCFVAG No to Violence Breakfast, Judging of Mount Gambier Christmas Parade, Wulanda Construction Handover Cultural Ceremony, Riddoch Arts and Culture Trust Board Meeting, Christmas Parade Advisory Group Meeting – Debriefing Session

**RESOLUTION 2022/217**

Moved: Cr Ben Hood

Seconded: Cr Paul Jenner

That the reports made by Councillors on 13 December 2022 be received.

**CARRIED**

## **7 QUESTIONS WITH NOTICE**

### **7.1 QUESTION WITH NOTICE - GARBAGE COLLECTION SERVICE**

Cr Paul Jenner asked the following Question with Notice:

Question:

Can Council please explain why over the last couple of months the garbage collection service around Mount Gambier has had delays?

Also, what preventative measures are being put in place to help stop this from occurring again and is there any strategic or budgetary measures Councillors can consider to help?

Answer:

There are some uncontrollable influences, including international supply in terms of asset replacement and sourcing vehicle parts required to maintain our current fleet. This is a problem across the board and is not unique to just councils.

The Plant and Equipment Asset management plan will inform the Long Term Financial Plan and Budget that will be presented to Council for consideration.

I can assure the Elected Members and the community if you leave your bins out they will be collected.

## 7.2 QUESTION WITH NOTICE - FUTURE LEASING AND MASTER PLAN OF OLYMPIC PARK, THE OLD OLYMPIC PARK SWIMMING POOL AND REIDY PARK CENTRE

Cr Paul Jenner asked the following Question with Notice:

### Question:

Can a verbal update be provided on Olympic Park, the old Olympic swimming pool and Reidy Park Centre with regards to all future leasing and master planning of the area?

### Answer:

**The General Manager Corporate and Regulatory Services stated:**

**7.3 includes a question in relation the future of the Reidy Park Tennis courts. I intend addressing the leasing issue as part of this question and the Acting General Manager Community and City Growth will address the remainder of that question.**

On 15<sup>th</sup> September 2020 Council resolved:

### Resolution 2020/281

2. *That Council commit to a strategic approach to property management issues, guided by a Sport, Recreation and Open Space Plan and associated site/ precinct/ property category master plans including Tourism Assets Master Plan and Blue Lake Sports Park Master Plan.*

### Resolution 2020/283

2. *That, in light of the proposed conduct of a Sports, Recreation and Open Space Plan and progression of the Community and Recreation Hub, the Wehl Street Theatre and Reidy Park Centre leases be allowed to continue on a monthly tenancy basis until further notice.*
3. *That Council will reconsider the leasing arrangements and operating models for the Wehl Street Theatre/ Centrestage and Reidy Park Centre in a broader strategic context when a Sports, Recreation and Open Space Plan and Community and Recreation Hub projects have been completed.*

Olympic Park, old Olympic Park Swimming Pool and Reidy Park Centre are all captured by these resolutions and pending actions.

The Mount Gambier and District Netball Association are currently month to month on an expired lease and licence for the Olympic Park courts and clubrooms, and the Mount Gambier and District Tennis Association have a lease/ licence agreement for the Olympic Park Courts and Clubrooms due to expire on 30/04/2023, to coincide with the anticipated completion of the Wulanda Project.

Future leasing of the facilities in the precinct will be guided by Council's strategic direction.

Precinct planning in line with the Mount Gambier Sport and Recreation and Open Space Strategy (SROSS) will now commence in 2023.

Communication is ongoing with the Reidy Park tennis club and the club precinct is currently on a month to month lease. Whilst tennis isn't being played there the club has indicated they wish to continue the lease at this stage (storage). We have reminded the club of their obligations to maintain the site whilst their lease is active.

### 7.3 QUESTION WITH NOTICE - FUTURE OF TENNIS IN MOUNT GAMBIER

Cr Paul Jenner asked the following Question with Notice:

Question:

Can a verbal update be provided following on the negotiations with the Mount Gambier & Districts Tennis Association with regards to the leases, future growth opportunities, upgrades to the courts and any planning with Tennis SA before their current lease runs out (commenced in 2014)?

Has there been an impact from Centrals and Reidy Tennis clubs now using Olympic Park Tennis courts?

What is the future of Reidy Tennis club rooms and courts going forward, as it has been suggested that the courts are condemned?

Answer:

**The lease question has been answered by the General Manager Corporate and Regulatory Services as part of 7.2.**

Tennis SA is working with the Association on a Strategic Plan which we haven't received yet, we will work with them to ensure it is aligned with the SROSS.

Future growth opportunities will be explored as part of the Olympic Park Guiding Principles development.

The use of Olympic Park by Centrals and Reidy Park Tennis clubs activates the courts when they wouldn't otherwise be activated.

This increase in training and game fixtures will likely accelerate court surface degradation but is unlikely to have any serious impact on the substructure which has previously been identified for reconstruction. Maintenance and capital renewal of sports surfaces is the club/ association/ tenants responsibility.

The Future will be covered off as part of the development of Hastings Cunningham Reserve Guiding Principles planned to commence in March.

### 8 QUESTIONS WITHOUT NOTICE

Nil resolved

### 9 PETITIONS

Nil

### 10 DEPUTATIONS

Nil

### 11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

**12 ELECTED MEMBERS WORKSHOPS**

Nil

**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

**14 COUNCIL ACTION ITEMS****14.1 COUNCIL ACTION ITEMS - 29/11/2022****RESOLUTION 2022/218**

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR21/71044 titled 'Council Action Items - 29/11/2022' as presented on 13 December 2022 be noted.

**CARRIED****15 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS****16.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 6 DECEMBER 2022****RESOLUTION 2022/219**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

That the Minutes of the Audit and Risk Committee meeting held on 6 December 2022 as attached be noted.

**CARRIED**

**16.2 CORRESPONDENCE RECEIVED – REPORT NO. AR22/72224****RESOLUTION 2022/220**

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR22/72224 titled 'Correspondence Received' as presented on 06 December 2022 be noted.

**CARRIED****16.3 RISK REPORT - SEPTEMBER 2022 – REPORT NO. AR22/68368****RESOLUTION 2022/221**

Moved: Cr Sonya Mezinec

Seconded: Cr Frank Morello

1. That Audit and Risk Committee Report No. AR22/68368 titled 'Risk Report - September 2022' as presented on 06 December 2022 be noted.

**CARRIED****16.4 WORK HEALTH, SAFETY AND WELLBEING - SEPTEMBER 2022 – REPORT NO. AR22/68371****RESOLUTION 2022/222**

Moved: Cr Sonya Mezinec

Seconded: Cr Kate Amoroso

1. That Audit and Risk Committee Report No. AR22/68371 titled 'Work Health, Safety and Wellbeing - September 2022' as presented on 06 December 2022 be noted.

**CARRIED**

**16.5 REVIEW OF AUDIT AND RISK COMMITTEE TERMS OF REFERENCE – REPORT NO. AR22/65115**

Cr Ben Hood left the meeting at 6:33 pm

Cr Ben Hood returned to the meeting at 6:34 pm

**RESOLUTION 2022/223**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR22/65115 titled 'Review of Audit and Risk Committee Terms of Reference' as presented on 06 December 2022 be noted.
2. That the Audit Committee:
  - (a) Authorises the General Manager Corporate and Regulatory Services in liaison with the Presiding Member to make any minor amendments to the draft Audit and Risk Committee Terms of Reference that the Committee identifies and to then finalise the document; and
  - (b) Recommend to Council that the draft Audit and Risk Committee Terms of Reference be adopted.

**CARRIED**

**16.6 SELF-ASSESSMENT OF PERFORMANCE AUDIT AND RISK COMMITTEE – REPORT NO. AR22/77367****RESOLUTION 2022/224**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Audit and Risk Committee Report No. AR22/77367 titled 'Self-assessment of Performance Audit and Risk Committee' as presented on 06 December 2022 be noted.
2. That the Audit and risk committee:
  - (a) Authorise the General Manager Corporate and Regulatory Services in liaison with the Presiding Member to make any minor amendments to the attached draft Audit and Risk Committee Self-Assessment Annual Report 2021/2022 that the Committee identifies and to then finalise the document; and
  - (b) Recommend to Council that the Audit and risk committee's Self-Assessment Report for 2021/2022 be adopted.

**CARRIED**

**16.7 AUDIT AND RISK COMMITTEE WORK PROGRAM & MEETING SCHEDULE 2023 –  
REPORT NO. AR22/77371****RESOLUTION 2022/225**

Moved: Cr Sonya Mezinec

Seconded: Cr Ben Hood

1. That Audit and Risk Committee Report No. AR22/77371 titled 'Audit and Risk Committee Work Program & Meeting Schedule 2023' as presented on 06 December 2022 be noted.
2. That recommended meeting months (below) supplied by the Audit and Risk Committee be adopted by council, noting that the meeting dates are subject to change, including if an additional meeting is required:
  - (a) February 2023;
  - (b) March 2023;
  - (c) May 2023;
  - (d) July 2023;
  - (e) October 2023; and
  - (f) November 2023.
3. That the draft work program as reviewed by the Audit and Risk Committee for the calendar year 2023 (attached) be adopted, noting the meeting months and schedule are subject to change, including if an additional meeting is required.

**CARRIED****16.8 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR22/77370****RESOLUTION 2022/226**

Moved: Cr Sonya Mezinec

Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR22/77370 titled 'External Audit Management Report' as presented on 06 December 2022 be noted.

**CARRIED**



**16.9 ASSET ACCOUNTING POLICY REVIEW – REPORT NO. AR22/82159****RESOLUTION 2022/227**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/82159 titled 'Asset Accounting Policy Review' as presented on 06 December 2022 be noted.
2. That the Asset Accounting Policy as attached to Report No. AR22/82159 having been reviewed by the Audit and Risk Committee on 6 December 2022 be adopted.

**CARRIED****17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**18 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil

**19 COUNCIL REPORTS****19.1 SELECTION OF DEPUTY MAYOR****RESOLUTION 2022/228**

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

1. That Council Report No. AR22/82893 titled 'Selection of Deputy Mayor' as presented on 13 December 2022 be noted.
2. That Council accepts the nomination from Cr Ben Hood for the position of Deputy Mayor.
3. That Cr Ben Hood be declared appointed to the position of Deputy Mayor for 2 years.

**CARRIED**

Cr Ben Hood made a personal statement regarding selection as Deputy Mayor.

## 19.2 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE

A verbal update was provided by Barbara Cernovskis, General Manger City Infrastructure on the construction progress of the Wulanda recreation and convention centre.

### RESOLUTION 2022/229

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council Report No. AR22/77851 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 13 December 2022 be noted.

**CARRIED**

## 19.3 LIBRARY CAFE SOCIAL ENTERPRISE

### RESOLUTION 2022/230

Moved: Cr Josh Lynagh

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/74901 titled 'Library Cafe Social Enterprise' as presented on 13 December 2022 be noted.
2. That Council note the direction being taken that the Library Café be operated as a Social Enterprise.

**CARRIED**

## 19.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PROGRAM - PHASE 3 - VARIATIONS TO APPROVED WORKS SCHEDULE

Item 19.4 considered and minuted later in the meeting (see minutes following item 23.2).

## 19.5 CREATIVE ARTS FUND 2022/2023 APPLICATIONS

### MOTION

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/72720 titled 'Creative Arts Fund 2022/2023 Applications' as presented on 13 December 2022 be noted.
2. That Council notes the total funding request from applicants was \$60,464.78 and shortlisted applicants was \$33,250.00 which is under the budgeted amount of funding available.
3. That \$33,250.00 be endorsed for distribution for the 2022/2023 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
DOG.	Meghan Amoroso	\$ 8,000.00	\$ 8,000.00
Point of Impact	MOD – University of Adelaide	\$ 13,250.00	\$ 13,250.00

Mount Gambier Mural	Uniting Communities	\$12,000.00	\$ 12,000.00*
		<b>\$ 33,250.00</b>	<b>\$ 33,250.00</b>

\*Includes \$184.00 Planning SA lodgement fee for Development Application

4. That the remaining funds from 2021/2022 and 2022/2023, be re-allocated to the Beacon Arts Project.
5. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
  - all necessary land holder and development approvals being obtained; and
  - all works being completed in accordance with all relevant legislative and compliance standards.

### AMENDMENT

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR22/72720 titled 'Creative Arts Fund 2022/2023 Applications' as presented on 13 December 2022 be noted.
2. That Council notes the total funding request from applicants was \$60,464.78 and shortlisted applicants was \$33,250.00 which is under the budgeted amount of funding available.
3. That \$33,250.00 be endorsed for distribution for the 2022/2023 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
DOG.	Meghan Amoroso	\$ 8,000.00	\$ 8,000.00
Point of Impact	MOD – University of Adelaide	\$ 13,250.00	\$ 13,250.00
Mount Gambier Mural	Uniting Communities	\$12,000.00	\$ 12,000.00*
		<b>\$ 33,250.00</b>	<b>\$ 33,250.00</b>

\*Includes \$184.00 Planning SA lodgement fee for Development Application

4. That the remaining funds from 2021/2022 and 2022/2023, \$16,250.00 be re-allocated to the Beacon Arts Project and \$5,000.00 be re-allocated to the Sport and Recreation Capital Works Program.
5. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
  - all necessary land holder and development approvals being obtained; and
  - all works being completed in accordance with all relevant legislative and compliance standards.
6. Following a period of public exhibition, Megan Amoroso is granted permission to offer her works for sale via a silent auction detailed in her grant application with proceeds to be distributed to South East Animal Welfare League.

The Amendment was put and

**CARRIED**

The Amendment became the Motion

**RESOLUTION 2022/231**

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR22/72720 titled 'Creative Arts Fund 2022/2023 Applications' as presented on 13 December 2022 be noted.
2. That Council notes the total funding request from applicants was \$60,464.78 and shortlisted applicants was \$33,250.00 which is under the budgeted amount of funding available.
3. That \$33,250.00 be endorsed for distribution for the 2022/2023 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
DOG.	Meghan Amoroso	\$ 8,000.00	\$ 8,000.00
Point of Impact	MOD – University of Adelaide	\$ 13,250.00	\$ 13,250.00
Mount Gambier Mural	Uniting Communities	\$12,000.00	\$ 12,000.00*
		<b>\$ 33,250.00</b>	<b>\$ 33,250.00</b>

\*Includes \$184.00 Planning SA lodgement fee for Development Application

4. That the remaining funds from 2021/2022 and 2022/2023, \$16,250.00 be re-allocated to the Beacon Arts Project and \$5,000.00 be re-allocated to the Sport and Recreation Capital Works Program.
5. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
  - all necessary land holder and development approvals being obtained; and
  - all works being completed in accordance with all relevant legislative and compliance standards.
6. Following a period of public exhibition, Megan Amoroso is granted permission to offer her works for sale via a silent auction detailed in her grant application with proceeds to be distributed to South East Animal Welfare League.

**CARRIED**

## 19.6 SPORT AND RECREATION CAPITAL WORKS PROGRAM 2022/2023 - APPLICATIONS

### RESOLUTION 2022/232

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR22/68449 titled 'Sport and Recreation Capital Works Program 2022/2023 - Applications' as presented on 13 December 2022 be noted.
2. That \$105,000 be endorsed for distribution for the 2022/2023 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Mount Gambier Golf Club	14	\$15,000.00	\$11,000.00
Apollo Football Club	10	\$8,510.00	\$4,000.00
North Gambier Football Club	13	\$19,369.49	\$8,000.00
Mount Gambier Tennis Club	14	\$11,635.00	\$11,000.00
West Gambier Netball Club Inc	16	\$25,763.75	\$25,000.00
Basketball Mount Gambier	13	\$35,515.40	\$8,000.00
Lower South East Hockey Association	15	\$22,282.00	\$22,000.00
West Gambier Cricket Club	15	\$31,000.00	\$16,000.00
		\$196,777.64	\$105,000.00

3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
  - all necessary land holder and development approvals being obtained; and
  - all works being completed in accordance with all relevant legislative and compliance standards.

**CARRIED**

## 19.7 BUDGET REVIEW 1 2022/2023

### RESOLUTION 2022/233

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/77364 titled 'Budget Review 1 2022/2023' as presented on 13 December 2022 be noted.
2. That Council adopts the attached revised budget for the year ending 30 June 2023 as at 30 September 2022 (Budget Review 1).

**CARRIED**

**19.8 FIRST QUARTER REPORT ON ANNUAL BUSINESS PLAN 2022/2023 ANNUAL OBJECTIVES****RESOLUTION 2022/234**

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/79062 titled 'First Quarter Report on Annual Business Plan 2022/2023 Annual Objectives' as presented on 13 December 2022 be noted.

**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Meziniec disclosed a general conflict of interest in Item 19.9:

*"I am a Board Member of the Riddoch Arts and Culture Trust to which the matter relates".*

In accordance with Section 74 of the Local Government Act 1999 Cr Sonya Meziniec did not participate in the meeting for Item 19.4.

Cr Sonya Meziniec left the meeting at 7:16 pm

**19.9 RIDDOCH ARTS AND CULTURAL TRUST (RACT) INCORPORATED - REPLACEMENT BOARD OBSERVER****RESOLUTION 2022/235**

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council Report No. AR22/82894 titled 'Riddoch Arts and Cultural Trust (RACT) Incorporated - Replacement Board Observer' as presented on 13 December 2022 be noted.
2. In accordance with the power in clause 22.2 of the Constitution of the Riddoch Arts and Cultural Trust Incorporated the Council, as sole and founding member, resolves (and such resolution shall constitute a Member resolution) that:
  - (a) the appointed Board Observer for the Riddoch Arts and Cultural Trust (in addition to the positions of Gallery Director and Council Representative named in the Constitution) be:
    - General Manager City and Community Growth (or nominated representative)

**CARRIED**

Cr Sonya Meziniec returned to the meeting at 7:18 pm

**19.10 PERIODIC REVIEW OF CONFIDENTIAL ITEMS - DECEMBER 2022****RESOLUTION 2022/236**

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR22/34295 titled 'Periodic Review of Confidential Items - December 2022' as presented on 13 December 2022 be noted.
2. That the following Confidential Orders as specified in Attachment 1 to Report AR22/34295, having been reviewed by Council, be amended to alter their duration and release conditions:

Nil

3. That the following Confidential Orders as specified in Attachment 1 to Report AR22/34295, having been reviewed by Council, be released as soon as practicable following the Council meeting on 13 December 2022:

Date	Item	Element to be Released
18/01/2022	ITEM 26.3 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR22/1582	Full Release
14/12/2021	ITEM 26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/79179	Full Release
16/11/2021	ITEM 26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/71835	Full Release
19/10/2021	ITEM 26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/64857	Full Release
20/04/2021	ITEM 27.6 WULANDA RECREATION AND CONVENTION CENTRE BRANDING – REPORT NO. AR21/19990	Full Release
17/11/2020	Item 27.4 MOUNT GAMBIER COMMUNITY AND RECREATION HUB PROJECT BUDGET – REPORT NO. AR20/73063	Resolutions Only

4. That all Confidential Orders as specified in Attachment 1 to Report AR22/34295, excluding those amended or released in resolutions (2) and (3) above, having been reviewed by Council remain in operation on the grounds and release conditions specified.

**CARRIED**

**19.11 POLICY REVIEW - S140 STREET NUMBERING POLICY****RESOLUTION 2022/237**

Moved: Cr Ben Hood  
Seconded: Cr Paul Jenner

1. That Council Report No. AR22/66685 titled 'Policy Review - S140 Street Numbering Policy' as presented on 13 December 2022 be noted.
2. That Council hereby adopt the revised Council Policy S140 - Street Numbering, as attached to this report.

**CARRIED****19.12 POLICY REVIEW - REVOCATION OF E240 - EXPIATION NOTICES - CANCELLATION OR WAIVER****RESOLUTION 2022/238**

Moved: Cr Sonya Meziniec  
Seconded: Cr Max Bruins

1. That Council Report No. AR22/71046 titled 'Policy Review - Revocation of E240 - Expiation Notices - Cancellation or Waiver' as presented on 13 December 2022 be noted.
2. That Council Policy E240 - Expiation Notices - Cancellation or Waiver as attached to Report No. AR21/18417 be revoked.

**CARRIED****20 MOTIONS WITH NOTICE****20.1 NOTICE OF MOTION - BLUE LAKE GOLF CLUB CARPARK EXTENSION****RESOLUTION 2022/239**

Moved: Cr Max Bruins  
Seconded: Cr Ben Hood

1. That Council Report No. AR22/83537 titled 'Notice of Motion - Blue Lake Golf Club Carpark Extension' as presented on 13 December 2022 be noted.
2. That council undertake the following actions regarding the area of land marked "A" on the attached concept plan:
  - a) Crown Land consultation (as landowner) noting the State Heritage nature of the precinct, to determine if the landowner would be willing to increase the area of land leased to the Blue Lake Golf Club and if there would be any conditions Crown Lands/State Heritage require in order to do so.
  - b) Investigate and confirm the Native Vegetation status of the land and possible Crown (Native Vegetation) consents.
  - c) Investigate and confirm the Native Title status, and any existence of Native Title of the land accordance with Section 22(5)(a) of the Crown Land Management Act 2009.



d) Liaise with Susan Close, Minister for Climate, Environment and Water to discuss whether ministerial approval of the additional proposed lease area due to proposed development (within the meaning of the Planning, Development and Infrastructure Act 2016) in accordance with Section 22(5)(b) of the Crown Land Management Act 2009 would likely be forthcoming if there were no issues raised from items (a) to (c) above.

3. That a report be brought back to council no later than June 2023 detailing the results of the investigation into the above.
4. That the concept plan for the Blue Lake Golf Club carpark extension be included as a public submission and be considered as part of the Crater Lakes Precinct Activation Plan when work begins said plan.

**CARRIED**

## **20.2 NOTICE OF MOTION - VOLUNTEER GROUPS**

Cr Kate Amoroso left the meeting at 7:36 pm

### **RESOLUTION 2022/240**

Moved: Cr Ben Hood

Seconded: Cr Max Bruins

1. That Council Report No. AR22/83961 titled 'Notice of Motion - Volunteer Groups' as presented on 13 December 2022 be noted.
2. That Council calls for a report that considers the establishment of volunteer group(s) with specific focus on gardens and beautification of the city, similar to the many successful "Friends of Botanic Gardens" groups throughout the country, and that:
  - (a) Consideration should be given to how such a group might contribute to key sites such as the Crater Lakes, and that;
  - (b) The report consider how other regional councils facilitate such groups and issues such as volunteer support and supervision, incorporation or other governance structures for such a group, and any resourcing requirements to enable such a program and;
  - (c) That on completion of the report, a workshop be scheduled with councillors to consider the recommendations.

**CARRIED**

## **21 MOTIONS WITHOUT NOTICE**

Nil

## **22 CONFIDENTIAL ITEMS OF COMMITTEES**

Nil

**23 NEW CONFIDENTIAL ITEMS****23.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #23 & #24 - AS AT 06/12/2022 – REPORT NO. AR22/83941****RESOLUTION 2022/241**

Moved: Cr Frank Morello

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 the Mayor, Councillors and Mrs S Philpott, Ms B Cernovskis, Mr D Barber, Mrs G Davison, Mr M McCarthy, Mrs J Scoggins, Mr J McDonald, Ms M Brookes, Mrs S Dohnt and Ms T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR22/83941 Project Control Group (PCG) Progress Report #23 & #24 - As at 06/12/2022.

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
- 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 Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

**CARRIED**

Cr Kate Amoroso returned to the meeting at 7:38 pm

Cr Max Bruins left the meeting at 7:40 pm

Cr Max Bruins returned to the meeting at 7:41 pm

**RESOLUTION 2022/242**

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

**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 23.1 AR22/83941 Project Control Group (PCG) Progress Report #23 & #24 - As at 06/12/2022 and its attachments, 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 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**

**23.2 AF22/295 TENDER - PROCUREMENT - TENDER FOR VALLEY LAKES AMENITIES UPGRADE – REPORT NO. AR22/83421****RESOLUTION 2022/243**

Moved: Cr Frank Morello

Seconded: Cr Josh Lynagh

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Mrs S Philpott, Ms B Cernovskis, Mr D Barber, Mrs G Davison, Mr M McCarthy, Mrs J Scoggins, Mr J McDonald, Ms M Brookes, Mrs S Dohnt and Ms T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR22/83421 AF22/295 Tender - Procurement - Tender For Valley Lakes Amenities Upgrade.

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

**CARRIED**

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 Item 23.2 – AF22/295 Tender – Procurement – Tender for Valley Lakes Amenities Upgrade

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

Meeting Procedures were suspended at 7:53 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 8:38 PM

**FORMAL MOTION -**

**RESOLUTION 2022/244**

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

That the question be adjourned until after Item 19.4 had been dealt with.

**CARRIED**

## 19.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PROGRAM - PHASE 3 - VARIATIONS TO APPROVED WORKS SCHEDULE

### RESOLUTION 2022/245

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR22/83944 titled 'Local Roads and Community Infrastructure (LRCI) Program - Phase 3 - Variations to Approved Works Schedule' as presented on 13 December 2022 be noted.
2. That Council approve removal of the Frew Park public amenities project from the current approved work schedule.
3. That Council endorse the below updated work schedule for phase 3 of the Local Roads and Community Infrastructure Program:

Description	Problem being addressed	Commence	Complete	Total project cost	LRCI Program Funding Required
<p><b>New Valley Lakes Public Amenities</b></p> <p>Design and construction of new public amenities facility that will be located adjacent to the community playground and bbq area.</p> <p>The scope of this project also includes demolition of two existing old non-compliant toilet blocks.</p>	<p>This will improve safety for children as they currently must cross internal access roads and public car parking areas to access amenities.</p> <p>The new toilets will be designed to increase accessibility for people with disabilities or impairment.</p>	Aug 22	Jun 23	\$750,000	\$750,000
<p><b>Shade Sail Structure for 50 metre Outdoor Pool</b></p> <p>This project is for the design, manufacture and installation of a shade sail structure for the outdoor 50 metre pool at Wulanda.</p> <p>The scope of this project also includes electrical access point.</p>	<p>The previous shade structure in the outdoor aquatic area were removed from site and have been assessed as unsuitable to be refurbished to an accredited standard.</p>	Jul 22	Dec 22	\$133,990	\$133,990
<p><b>Margaret Street Service Road</b></p> <p>Drainage, access road and carparking improvements.</p>	<p>These works will improve drainage, service road access and carparking for the Scout Building and Meals on Wheels.</p>	Jan 23	Apr 23	\$55,000	\$55,000

<b>Margaret Service Road</b> Minor landscaping.	<b>Street</b>	This is a minor landscaping package to improve the Wulanda service road amenity for the abutting community groups and local residents.	Dec 22	Mar 23	\$20,000	\$20,000
<b>O'Halloran Sinkhole</b> Rejuvenation work.	<b>Terrace</b>	Rejuvenation of the O'Halloran Terrace Sinkhole complements the remediation work to be undertaken as part of the O'Halloran Terrace PLEC program.	Jan 23	Mar 23	\$15,000	\$15,000
					<b>TOTAL</b>	\$973,990
						<b>CARRIED</b>

Item 23.2 resumed

**RESOLUTION 2022/246**

Moved: Cr Max Bruins  
 Seconded: Cr Ben Hood

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR22/83421 AF22/295 Tender - Procurement - Tender For Valley Lakes Amenities Upgrade and its attachments, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 12 months after the completion of the tender works, with the name of the successful tenderer and the tender contract value to be disclosed following execution of a contract.
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**

**23.3 SECTION 270 - INTERNAL REVIEW – REPORT NO. AR22/77592**

**RESOLUTION 2022/247**

Moved: Cr Sonya Meziniec  
 Seconded: Cr Paul Jenner

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Mrs S Philpott, Ms B Cernovskis, Mr D Barber, Mrs G Davison, Mr M McCarthy, Mrs J Scoggins, Mr J McDonald, Ms M Brookes, Mrs S Dohnt and Ms T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.3 AR22/77592 Section 270 - Internal Review.

The Council is satisfied that, pursuant to section 90(3) (g) and (h) 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

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 for consideration includes associated legal advice obtained in relation to the nuisance matters being associated with the subject matter of the report, and attachments to the Internal Review report contain 3rd party information for which Council has no express or implied licence to publish and so disclosure could reasonably be expected to breach a law or duty of confidence in relation to that content.

**CARRIED****RESOLUTION 2022/248**

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 23.3 AR22/77592 Section 270 - Internal Review and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (g) and (h) be kept confidential and not available for public inspection until the matter has been considered by Council, with covering Report No. AR22/77592 and Resolutions/Minutes to be released immediately following consideration by Council, the legal advice (Attachment 2) be retained in confidence until further Order of Council to release pending further review of associated matters by Council, and the Internal Review Report (Attachment 1) be retained in confidence with the Chief Executive Officer expressly authorised to release the Internal Review Report in a redacted form with only such information that is considered to not fall within the scope of the grounds in s90(3)(g) of the *Local Government Act 1999*.
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**

**24 MEETING CLOSE**

**The Meeting closed at 8:50 pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 January 2023.**

.....  
**PRESIDING MEMBER**