

AGENDA

Ordinary Council Meeting

Tuesday 19 August 2025

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

Time: 6:00 pm
Date: Tuesday 19 August 2025
Location: City Hall, Watson Terrace
Enter via Cave Garden/Thugi



Barbara Cernovskis
INTERIM CHIEF EXECUTIVE OFFICER
15/08/2025

Order of Business

1 Acknowledgement of Country	4
2 Conduct of the Gallery	4
3 Apologies	4
4 Leave of Absence	4
5 Confirmation of Council Minutes	4
5.1 Confirmation of Council Minutes	4
6 Mayoral Report	4
6.1 Mayoral Report - August 2025	4
7 Reports from Councillors	5
7.1 Reports from Councillors	6
8 Questions with Notice	6
9 Questions without Notice	6
10 Petitions	6
11 Deputations	6
12 Notice of Motion to Revoke or Amend	6
12.1 Chief Executive Officer Selection Panel	6
13 Elected Members Information Briefing Sessions	8
14 Elected Members Training and Development	20
15 Audit and Risk Committee	20
16 Chief Executive Officer Performance Review Committee	20
17 Junior Sports Assistance Fund Committee	20
18 Building Fire Safety Committee	20
19 Council Reports	20
19.1 Waste and Resource Recovery Master Plan	20
19.2 Limestone Coast Local Government Association (LCLGA) Business Plan 2025/2026	55
19.3 Mount Gambier Community Mayor's Christmas Appeal	68
19.4 2025/2026 Grants and Sponsorship Program - Round One	93



19.5 Capital Work in Progress Carry forwards 2024/2025.....	102
19.6 Request for Internal Review of Council Decision	111
20 Motions with Notice.....	154
21 Urgent Motions without Notice.....	154
22 New Confidential Items	154
22.1 Percy Street Unsolicited Proposal.....	154
23 Meeting Close	156
24 Attachment - Previous Council Minutes.....	156



1 ACKNOWLEDGEMENT OF COUNTRY

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

2 CONDUCT OF THE GALLERY

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

3 APOLOGIES

That the apology from Cr Jason Virgo be received.

4 LEAVE OF ABSENCE

Nil

5 CONFIRMATION OF COUNCIL MINUTES

5.1 CONFIRMATION OF COUNCIL MINUTES

RECOMMENDATION

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

6 MAYORAL REPORT

6.1 MAYORAL REPORT - AUGUST 2025

- Meeting with Office for Recreation and Sport – Connected and Active Communities Evaluation
- Cast in Blue unveiling
- Live radio interview – ABC South East – Cast in Blue
- Out of School Hours Care (OSHC) at the Riddoch – Cast in Blue
- Confidential Meeting with proponents – Unsolicited proposal
- Interview with 5AA – Cast in Blue
- Live appearance on the Today Show and interview with Karl & Sarah – Cast in Blue
- Meeting with Tony Elletson
- Meeting with Charlotte Edmunds, LCLGA
- Limestone Coast Academy future meeting with Tony Elletson, with LCLGA Mayors and CEOs (virtual)
- Monthly catch up with General Manager City Infrastructure



- Weekly Meetings with CEO
- Special LCLGA Board Meeting
- Elected Member Briefing – Partnership and Priorities and Advocacy 2025/2026
- Pioneers Basketball – 2025 Scott-Serle Medal Night
- LGA Board Due Diligence Training (Adelaide)
- LGA Board Dinner (Adelaide)
- LGA Board Meeting & SAROC Meeting (Adelaide)
- Meeting with Charlotte Edmunds, LCLGA
- Mount Gambier Community RSL 108th Annual Formal Luncheon
- Radio interview with Llew Jones – 5GTR-FM
- Regular meeting with Media and Communications Coordinator
- Meeting with CEO Recruitment consultants (virtual)
- Internal planning meeting – Mayor’s Christmas Appeal Committee
- Elected Member Meet and Greet – New LCLGA EO Charlotte Edmunds
- Confidential Elected Member Briefing – Unsolicited Proposal
- Confidential Elected Member Briefing – Leasing and Licensing
- CEO farewell dinner
- Photo with the Border Watch (Charlotte Varcoe) – Regional Transport
- Chamber of Commerce Strategic Planning discussion
- Mayors Christmas Appeal 2025 Committee Meeting
- Internal planning meeting – Yerkalalpata Community Reference Group
- ShineHub Community Launch
- CEO farewell lunch
- Radiotherapy Working Group – LCLHN Draft Clinical Services Plan consultation
- Radio interview – ABC SE – Interim CEO
- Meeting with Charlotte Edmunds – LCLGA Draft Board Agenda
- CEO Recruitment Panel meeting (virtual)
- Meeting with Rebecca Tappert, SANFL
- Photograph for Media Release – Frew Park Upgrade Project
- Weekly Meetings with Interim CEO, Barbara Cernovskis
- Confidential Elected Member Briefing – Lady Nelson Expression of Interest – Submission Thumbprint
- Elected Member Briefing – CBD Activation
- Introductory Meeting with RU Ok? Day CEO (virtual)
- Introductory Meeting with Seventh-Day Adventist Church representative
- Audit and Risk Committee Briefing Session – Rating Review LGiQ
- Yerkalalpata Community Reference Group Meeting
- Catch up with LCLGA EO, Charlotte Edmunds and Ben Hood – LCLGA website discussion
- LCLGA General Meeting
- Elected Member Briefing – Introductory Meeting with Emma Polan LCLHN
- Confidential Elected Member Briefing – Lady Nelson Expression of Interest – Submission BeArtful
- Regional Growth Strategy Meeting (Naracoorte), with Interim CEO
- Webinar: Local Government Leadership and Behaviour Management Review (virtual)
- Regular catch up with current Interim CEO, Barbara Cernovskis and future Interim CEO, Andrew Aitken (virtual)
- Vietnam Veterans Day 2025 Service
- Council Meeting



RECOMMENDATION

That the Mayoral Report be received.

7 REPORTS FROM COUNCILLORS

7.1 REPORTS FROM COUNCILLORS

Cr Sonya Meziniec ac.care 2025 Limestone Coast Support Homeless People Luncheon

RECOMMENDATION

That the reports made by Councillors be received.

8 QUESTIONS WITH NOTICE

Nil

9 QUESTIONS WITHOUT NOTICE

10 PETITIONS

Nil

11 DEPUTATIONS

Nil

12 NOTICE OF MOTION TO REVOKE OR AMEND

12.1 Chief Executive Officer Selection Panel

The Interim Chief Executive Officer hereby gives notice that at the next Ordinary Meeting of Council to be held on 19 August 2025, she intends to move the following motion:

MOTION

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

MOTION

1. That Council hereby appoint Cr Sonya Meziniec to the Chief Executive Officer Selection Panel.



RATIONALE

The CEO Selection Panel was established in accordance with section 98 of the Local Government Act 1999 (the Act), to progress recruitment for the position of Chief Executive Officer following the resignation of the current incumbent, Mrs Sarah Philpott.

The Chief Executive Officer Performance Review Committee, at its meeting held 27 May 2025, appointed the following Elected Members to the Chief Executive Officer Selection Panel:

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

The first meeting of the Chief Executive Officer Selection Panel was held on 11 June 2025 and the Minutes for that meeting were endorsed at the Council meeting held 17 June 2025.

The purpose of the within variation is to amend the subject Minutes to reflect that the meeting was of the 'Chief Executive Officer Selection Panel' rather than the 'Chief Executive Officer Performance Review Committee' as a separate and distinct group, with different membership and purpose.

Further, Cr Sonya Meziniec has expressed interest in joining the membership of the Chief Executive Officer Selection Panel, in addition to the current panel members. This is anticipated to further ensure broad representation of the Council and to strengthen the thorough and balanced recruitment process.

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil



13 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

RECOMMENDATION

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

ATTACHMENTS

1. Information Briefing Session - Elected Members - Record of Proceedings - 22/07/2025 - Partnerships Priorities and Advocacy 2025-2026 [**13.1.1** - 1 page]
2. Information Briefing Session - Elected Members - Record of Proceedings - 29/07/2025 - Confidential Unsolicited Proposal - Confidential Leasing and Licensing [**13.1.2** - 2 pages]
3. Information Briefing Session - Elected Members - Record of Proceedings - 31/07/2025 - Confidential Grants and Sponsorship Program Assessment Panel - Round 1 [**13.1.3** - 1 page]
4. Information Briefing Session - Elected Members - Record of Proceedings - 05/08/2025 - Confidential Lady Nelson EOI Submission - Thumbprint - CBD Activation [**13.1.4** - 2 pages]
5. Information Briefing Session - Elected Members - Record of Proceedings - 06/08/2025 - Audit and Risk Committee - Rating Review - LGiQ [**13.1.5** - 1 page]
6. Information Briefing Session - Elected Members - Record of Proceedings - 07/08/2025 - Confidential Grants and Sponsorship Program Assessment Panel - Round 1 [**13.1.6** - 1 page]
7. Information Briefing Session - Elected Members - Record of Proceedings - 12/08/2025 - Introductory Meeting with Emma Poland - LCLHN - Confidential Lady Nelson EOI Submission - BeArtful - Impromptu - Verbal Update - Library Cafe [**13.1.7** - 3 pages]

**INFORMATION / BRIEFING SESSION
5:00 PM TUESDAY 22 JULY 2025**

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

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

The sessions described at Item 1 was open to the public.

1. PARTNERSHIP PRIORITIES AND ADVOCACY 2025/2026

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Max Bruins
Cr Jason Virgo
Cr Mark Lovett
Cr Paul Jenner

STAFF PRESENT:-

Chief Executive Officer
General Manager People Place and Liveability
Manager Economy, Strategy and Engagement
Economy, Strategy and Engagement Project Officer

MEMBERS APOLOGIES:-

Cr Sonya Meziniec
Cr Frank Morello
Cr Josh Lynagh

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

- Draft advocacy approach discussed
- Councillors provided feedback
- Key topics include:
 - Water
 - Infrastructure
 - Health
 - Crater Lakes
 - CBD
 - Masterplans and delivery

Discussion closed at 6.15 p.m.

**INFORMATION / BRIEFING SESSION
5:12 PM TUESDAY 29 JULY 2025**

RECORD OF PROCEEDINGS
5:12 pm, Tuesday 29 July 2025
Conference Room, Level 1, Civic Centre
10 Watson Terrace, Mount Gambier

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

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

- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.*

1. CONFIDENTIAL UNSOLICITED PROPOSAL

GUESTS:-

Marc Duncan, Future Urban (virtual)
Michael Dickson, Future Urban (virtual)
Mark Balnaves, Evans + Ayers
Dino Vrynios, Das Studio (virtual)

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Max Bruin
Cr Josh Lynagh
Cr Paul Jenner
Cr Frank Morello
Cr Jason Virgo

STAFF PRESENT:-

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

MEMBERS APOLOGIES:-

Cr Sonya Meziniec
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Members were presented with a confidential unsolicited proposal.

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

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

2. CONFIDENTIAL LEASING AND LICENSING POLICY

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Max Bruin
Cr Josh Lynagh
Cr Paul Jenner
Cr Frank Morello
Cr Jason Virgo

STAFF PRESENT:-

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

MEMBERS APOLOGIES:-

Cr Sonya Meziniec
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Members were presented with the issues and principles which will inform the development of the Land Management - Tenancy and Occupation Policy for their consideration and discussion.

Discussion closed at 7.08 p.m.

**INFORMATION / BRIEFING SESSION
GRANTS AND SPONSORSHIP PROGRAM ASSESSMENT PANEL – ROUND 1
2:30 PM, THURSDAY, 31 JULY 2025**

Ref: AF22/549

**RECORD OF PROCEEDINGS
2:30 PM, THURSDAY, 31 JULY 2025**
Level 1 Conference Room, Civic Centre
10 Watson Terrace, Mount Gambier

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- (ii) would, on balance, be contrary to the public interest;*

1. Grants and Sponsorship Program Assessment Panel – Round 1

MEMBERS PRESENT:-

Cr Josh Lynagh
Cr Frank Morello

STAFF PRESENT:-

General Manager People, Place and Liveability
Manager Economy, Strategy and Engagement
Manager Operations and Infrastructure
Manager Library and Community Development
Economy, Strategy and Engagement Project
Officer

MEMBERS APOLOGIES:-

Nil

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Discussion regarding round one applications of the 2025/2026 Grants and Sponsorship Program.

Discussion closed at 4:40 p.m.

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

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

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

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 - (ii) *would, on balance, be contrary to the public interest.*

1. Lady Nelson EOI Submission – Thumbprint

GUESTS:

Ruth Schubert
Julie Bignell
Ann Miles

MEMBERS PRESENT:-

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

STAFF PRESENT:-

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

MEMBERS APOLOGIES:-

Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

- Collaborative Art EOI

The session described at Item 2 will be open to the public.

2. CBD Activation

MEMBERS PRESENT:-

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

STAFF PRESENT:-

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

MEMBERS APOLOGIES:-

Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

- Story Telling
- Built Form
- Parklets
- Cast in Blue
- Public Art
- Principles

Discussion closed at 6.40 p.m.

**AUDIT AND RISK COMMITTEE INFORMATION BRIEFING SESSION
RATING REVIEW - LGiQ
4:30 PM, WEDNESDAY, 6 AUGUST 2025**

Ref: AF22/549

**RECORD OF PROCEEDINGS
4:30 PM, WEDNESDAY, 6 AUGUST 2025
Conference Room, Level 1,10 Watson Terrace, Mount Gambier**

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

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

1. AUDIT AND RISK COMMITTEE – RATING REVIEW - LGiQ

GUESTS:-

Michelle Bennetts, LGiQ (virtual)
Rebecca McCarthy, LGiQ (virtual)

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Paul Jenner (virtual)
Paul Duka (virtual)
Belinda Johnson (virtual)
Alexander Brown (virtual)

STAFF PRESENT:-

Interim Chief Executive Officer
General Manager Corporate and Regulatory Services
Acting General Manager City Infrastructure
Manager Financial Services
Revenue Co-ordinator

MEMBERS APOLOGIES:-

Nil

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Audit Committee were briefed on:

- Draft City of Mount Gambier Review of the basis of Rating.

Discussion closed at 6.00 p.m.

**INFORMATION / BRIEFING SESSION
GRANTS AND SPONSORSHIP PROGRAM ASSESSMENT PANEL – ROUND 1
2:30 PM, THURSDAY, 7 AUGUST 2025**

Ref: AF22/549

**RECORD OF PROCEEDINGS
2:30 PM, THURSDAY, 7 AUGUST 2025
Level 1 Conference Room, Civic Centre
10 Watson Terrace, Mount Gambier**

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

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(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
- (ii) would, on balance, be contrary to the public interest;*

1. GRANTS AND SPONSORSHIP PROGRAM ASSESSMENT PANEL – ROUND 1

MEMBERS PRESENT:-

Cr Josh Lynagh
Cr Frank Morello

STAFF PRESENT:-

Manager Economy, Strategy and Engagement
Manager Operations and Infrastructure
Manager Library and Community Development
Economy, Strategy and Engagement Project Officer

MEMBERS APOLOGIES:-

Nil

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Discussion regarding round one applications of the 2025/2026 Grants and Sponsorship Program.

Discussion closed at 5:30 p.m.

**INFORMATION / BRIEFING SESSION
5:00 PM TUESDAY 12 AUGUST 2025**

RECORD OF PROCEEDINGS
5:00 pm, Tuesday 12 August 2025
Conference Room, Level 1, Civic Centre
10 Watson Terrace, Mount Gambier

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

The session described at Item 1. will be open to the public.

1. INTRODUCTORY MEETING WITH EMMA POLAND - LCLHN

GUEST:-

Emma Poland, Chief Executive Officer, Limestone Coast Local Health Network

MEMBERS PRESENT:-

STAFF PRESENT:-

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

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

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

Cr Jason Virgo

Nil

DISCUSSION:

- Limestone Coast Local Health Network
- Clinical Services Plan
- Staff/Workforce Planning Culture

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- (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.*
 - (ii) *would, on balance, be contrary to the public interest.*

2. LADY NELSON EOI SUBMISSION - BeArtful

GUESTS:-

Ruth Stephenson
Pariya Ziakas

MEMBERS PRESENT:-

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

STAFF PRESENT:-

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

MEMBERS APOLOGIES:-

Cr Jason Virgo

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Collaborative Art EOI

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

- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
- (iii) *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.*
 - (iv) *would, on balance, be contrary to the public interest.*

3. IMPROMPTU - VERBAL UPDATE - LIBRARY CAFE

MEMBERS PRESENT:-

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

STAFF PRESENT:-

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

MEMBERS APOLOGIES:-

Cr Jason Virgo

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Verbal update Library Café.

Discussion closed at 7.10 p.m.

14 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

15 AUDIT AND RISK COMMITTEE

Nil

16 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

Nil

17 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE

Nil

18 BUILDING FIRE SAFETY COMMITTEE

Nil

19 COUNCIL REPORTS

19.1 WASTE AND RESOURCE RECOVERY MASTER PLAN

Author: Aaron Izzard, Environmental Sustainability Business Partner

Authoriser: Jeremy Martin, Acting General Manager City Infrastructure

RECOMMENDATION

1. That Council report titled 'Waste and Resource Recovery Master Plan' as presented on Tuesday 19 August 2025 be noted.
2. That the Waste and Resource Recovery Master Plan be adopted.

PURPOSE

The purpose of this report is to present the Waste and Resource Recovery Master Plan for adoption.

BACKGROUND / OPTIONS

The Waste and Resource Recovery Strategy was adopted by Council at the 21 November 2023 Council meeting. The Strategy is a high level document that outlines Council's vision for waste management and resource recovery and sets landfill diversion targets for the period of 2023 to 2030. All regional councils were required by the State Government to adopt a waste management strategy with targets by the end of 2023.

When the Strategy was adopted, it was noted that staff were also working on a Waste and Resource Recovery Master Plan (WRRMP). This is a more comprehensive document, which considers Council's waste services as a whole - including financial sustainability, the management of Caroline Landfill, Waste Transfer Station and ReUse Market, kerbside collection etc.

A strategic approach is essential to achieving Council's vision in relation to waste management and resource recovery:



‘Be an innovative leader in regional waste management, supporting the local circular economy through increased resource recovery, and empowering our local community to reduce waste and maximise reuse and recycling.’

The three leading priorities of the document are:

- Waste reduction
- Leachate management
- Supporting the local circular economy

The Master Plan is a broad document that will assist in planning for a sustainable and robust future for Council’s waste and resource recovery operations. Given the broad and strategic nature of the document, it includes a wide variety of actions, some of which are listed as aspirational.

It is considered a working document, outlining the current approach and where we need to get to. Further detailed work will be undertaken in accordance with endorsed priorities.

Following on from consultation with Elected Members the WRRMP has been updated with 2024/2025 financial year figures, a timeline for hard waste investigations, indicative timeline for a transition to weekly FOGO kerbside collection and fortnightly landfill collection, as well as ‘worst case scenarios’ for leachate management (Appendix G).

A copy of the Draft Waste and Resource Recovery Master Plan is attached.

IMPLICATIONS TO CONSIDER

Legal	N/A
Financial and Budget	Significant actions from the WRRMP will be contained in the Long Term Financial Plan and Caroline Asset Management Plan.
Community Consultation and Engagement	N/A
Other Resources	N/A

RISK ANALYSIS

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

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - Insufficient funds for required works	Major (4)	Unlikely (2)	Moderate	Adopt Waste Master Plan, continue to update LTFP.
Legal / Regulatory / Policy - Infringement of EPA licence	Moderate (3)	Possible (3)	Moderate	Adopt Waste Master Plan, implement priority actions.
Service Delivery - Waste services reduced	Moderate (3)	Unlikely (2)	Low	Adopt Waste Master Plan, implement priority actions.



Infrastructure - Insufficient infrastructure for operations	Moderate (3)	Unlikely (2)	Low	Adopt Waste Master Plan, continue to update LTFP.
Environmental - Pollution event	Moderate (3)	Unlikely (2)	Low	Adopt Waste Master Plan, continue to update LTFP.

APPLICATION OF STRATEGIC PLAN

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

Priority 1: Environment and Liveability

- 1.5 Invest in technology and effective data management that enhances understanding of the city's environmental impact, informs sustainable practices and provides a reporting framework to track progress.
- 1.6 Collaborate with the community to reduce waste by boosting awareness and participation in resource recovery and promoting best practices in recycling and waste management.
- 1.7 Demonstrate leadership in sustainability through resource efficiency, adapting to climate change and supporting the community in these efforts.

RELEVANT COUNCIL POLICY

[Waste Management - Kerbside Refuse Collection - W125](#)

[Waste Management - Receiving of Waste - Caroline Landfill - W115](#)

IMPLEMENTATION AND NEXT STEPS

Once the Master Plan is adopted implementation can commence of the actions within the document, as categorised according to priority.

CONCLUSION

It is recommended that the WRRMP be adopted to guide Councils work into the future to achieve its vision of being an innovative leader in regional waste management.

ATTACHMENTS

1. Waste and Resource Recovery Master Plan [19.1.1 - 32 pages]





City of
Mount Gambier



Waste and Resource Recovery Master Plan

Contents

Contents	1
Introduction	2
Part 1: Background	4
1.1 Overview of City of Mount Gambier	4
1.2 Waste Hierarchy	5
1.3 Waste Service Charge	5
1.4 Key Stakeholders	5
Part 2: Policy and Regulatory Framework	7
2.1 Legislative and Statutory Requirements	7
2.2 Regulatory Compliance	8
Part 3: Waste Management at City of Mount Gambier	9
3.1 Overview of the Current Waste Management Process	9
3.2 Historical Waste Data	9
3.3 The Three Stages of Waste Management	11
Part 4: Action Plan	23
Part 5: Risk Plan	29
Part 6: Glossary and Reference Documents	31

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Rev No	Date	Revision Details
V1.0	7 July 2025	Draft prepared in conjunction with relevant staff for adoption by Council.

Disclaimer: This master plan has been prepared by the City of Mount Gambier using information which, to the best of its knowledge, is accurate at the time of production. The City of Mount Gambier does not make any representation to any party and will not accept responsibility or liability to any party seeking to rely on any information, advice or opinion provided in this master plan, or otherwise given in any manner by the officers, servants or agents of the City of Mount Gambier for any loss or damage, or whatever nature, suffered by any such party.

Introduction

The City of Mount Gambier Waste and Resource Recovery Master Plan articulates the complex framework of waste and resource recovery related legislation, policy and strategies that govern service delivery. The Waste and Resource Recovery Master Plan has been designed to be a dynamic and agile overarching strategy that can provide a clear vision to deliver high quality and sustainable waste services to the community.

In 2023, City of Mount Gambier adopted the “Waste and Resource Recovery Strategy 2023-2030”.

The Strategy, which was developed to meet the requirements of the State Government’s *South Australia Waste Strategy 2020-2025*, articulates a vision and target for our waste and resources recovery operations. A copy of the strategy is included as Appendix A.

Vision

“Be an innovative leader in regional waste management, supporting the local circular economy through increased resource recovery, and empowering our local community to reduce waste and maximise reuse and recycling.”

The strategy also outlines objectives and high-level priority actions which provide a framework for achievable local solutions to enhance service delivery, manage costs and drive innovation in resource recovery. These objectives are outlined below, together with a summary of our targets and our measures of success.

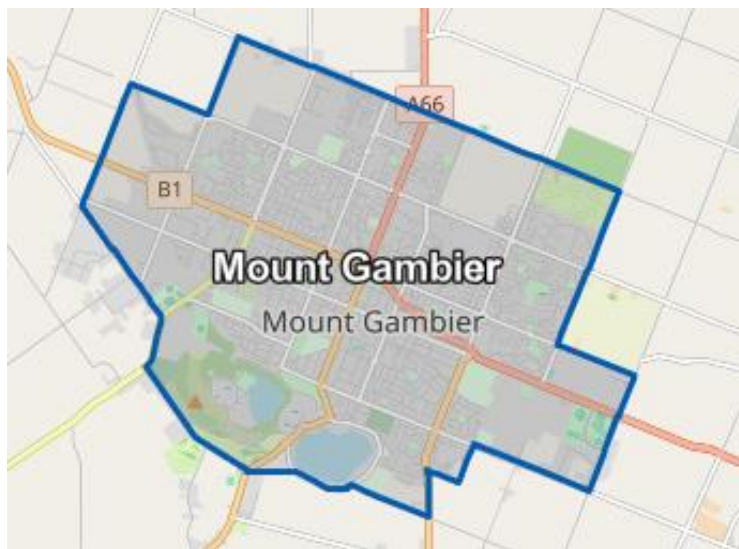
Objective	Where are we now?	Where do we want to be?
Objective 1 Increase landfill diversion	According to the <i>SA Kerbside Waste Performance Report 2020-21</i> , the average landfill diversion rate for regional SA is 40.1%. City of Mount Gambier sits above the average with a current (2024-2025) rate of 53% , an increase of 9% since 2015/2016. Recycling represents 16% of waste diverted from landfill, with 37% being FOGO.	<i>South Australia’s Waste Strategy 2020-2025</i> allows regional local government areas to set regionally appropriate and progressive waste diversion targets. Accordingly, City of Mount Gambier has set a progressive landfill diversion rate target of 60% by 2026/2027 and 65% by 2029/2030 . To further support increasing landfill diversion, our aim is to have 60% of our residences using the Food Organics/ Garden Organics (FOGO) service .
Objective 2 Provide high quality waste and resource recovery services	Council operates the Waste Transfer Station, ReUse Market and Caroline Landfill. It also runs the kerbside collection service.	Landfill pre-sort options, artificial intelligence and other options for ensuring best practice waste management and resource recovery

and infrastructure that supports the local economy	These are operated in an efficient manner, but there are opportunities for improvement.	have been fully investigated and implemented where feasible.
Objective 3 Financially sustainable waste services	Council endeavours to operate its waste services in a financially sustainable matter, however we need to gain a better understanding of future costs, especially those associated with the post-closure provisions of the landfill.	Financial model has been developed to ensure financially sustainable waste services. Costs do not exceed revenue from the landfill gate fee and waste service charge.

Part 1: Background

1.1 Overview of City of Mount Gambier

The City of Mount Gambier is South Australia's largest regional city. Encompassing a total land area of over 30 square kilometres, the city comprises residential, commercial, industrial, rural-residential and undeveloped areas.



In 2024 the estimated population of the city was 27,888. This number has shown a modest but steady increase of 7.2% over the past 11 years and is predicted to continue increasing by an average of 0.82% per year (*Source: Plan SA's medium growth rate*), resulting in a 16.3% growth in population over the next 20 years.

The number of properties serviced by Councils waste service in 2024/2025 was:

- Residential 12,953
- Commercial 1,074
- Industrial 238
- Rural 11
- Other 55

1.2 Waste Hierarchy

City of Mount Gambier endeavours to manage waste in accordance with the waste management hierarchy. Under the hierarchy disposal to landfill is a last resort. Wherever practical CMG seeks to manage waste as a resource, ensuring that it is diverted away from landfill towards beneficial reuse, and thus supporting the circular economy.



Source: SA EPA

https://www.epa.sa.gov.au/environmental_info/waste_recycling

1.3 Waste Service Charge

Waste services are funded through a Waste Service Charge which is included on the annual rate notices. For the 2024/25 financial year, this charge was \$311.00 per rateable property, with total revenue raised for the year being \$4,456,941.00.

1.4 Key Stakeholders

There are several key stakeholders who will have an interest in this master plan:

- City of Mount Gambier
 - Elected Members
 - Council staff
- Mount Gambier community
- Federal Government
 - Regional Development Australia Limestone Coast
- State Government
 - Environment Protection Authority (EPA)
 - Green Industries South Australia
- Local Government
 - Limestone Coast Councils (namely District Council of Grant and Wattle Range Council)

- Limestone Coast Local Government Association
- Landfill users
- Waste receivers
 - Council's contractor for the "Receival and Disposal of Organic Waste"
 - Council's contractor for the "Receival of Recyclable Material"

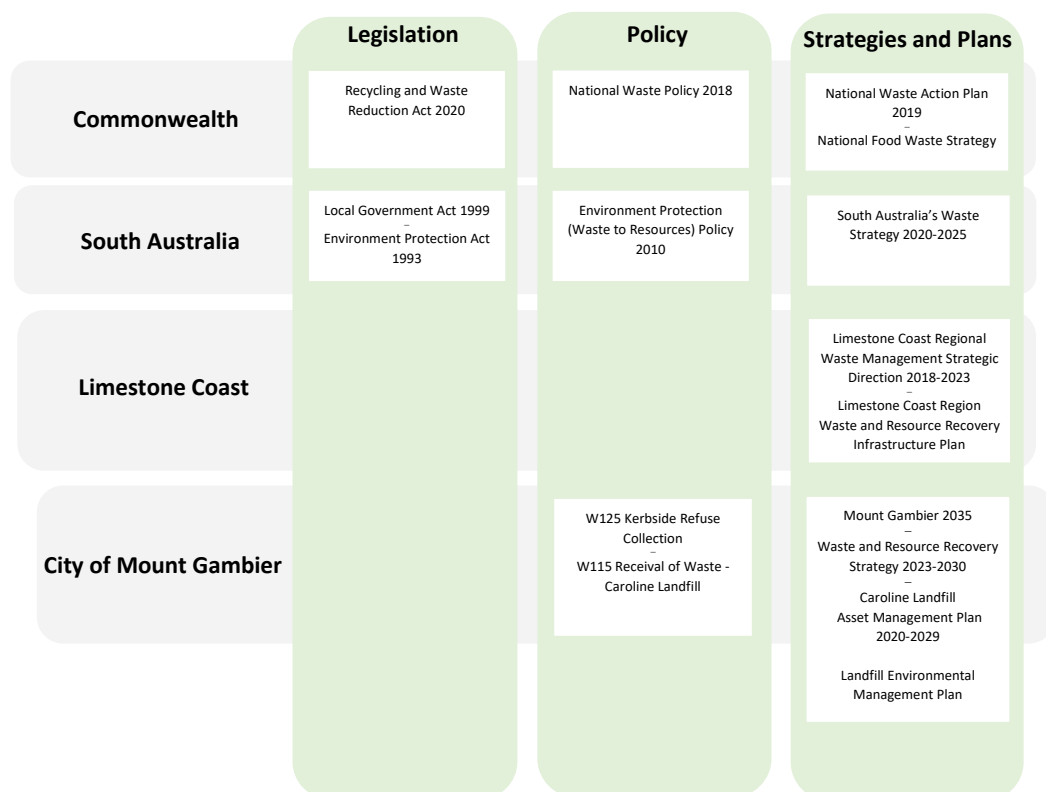
Ongoing communication with these stakeholders will ensure vested parties are working together to achieve common goals.

Part 2: Policy and Regulatory Framework

2.1 Legislative and Statutory Requirements

City of Mount Gambier has to meet many legislative and statutory requirements including Commonwealth and State regulations.

The following framework has been developed to illustrate the relationship between legislation, policy, strategies and plans that support and govern Council in achieving its objective to deliver high quality and sustainable waste services.



2.2 Regulatory Compliance

2.2.1 Caroline Landfill

This facility is operated under the guidelines set out in the South Australian EPAs Environmental management of landfill facilities – solid waste disposal 2019.

The Landfill Environmental Management Plan (LEMP) is an EPA requirement set out in the above guidelines, which provides the framework for the management and mitigation of environmental impacts during the construction, operation and closure of the landfill, and the post closure period.

The landfill operates under EPA Licence 2504.

2.2.2 Waste Transfer Station (WTS)

This facility is operated under EPA Licence 2412. This details the conditions that the site must operate under. Conditions include keeping all materials under cover, what the site can and cannot accept, and recording the volumes of materials.

Transfer stations and material recovery facilities (MRF) receive and store waste in a designated area for segregation and resource recovery. They feed recovered wastes into recycling facilities that usually deal with a single recyclable waste stream to produce a recycled product instead of mixed waste for separation.

‘Waste or recycling depots’ are activities of environmental significance as prescribed by Schedule 1, Part A of the Environmental Protection Act 1993 (the Act) and must be licensed or otherwise authorised under Part 6 of the Act.

Part 3: Waste Management at City of Mount Gambier

3.1 Overview of the Current Waste Management Process

City of Mount Gambier provides five main waste services/facilities:

- Kerbside Collection Services
- Waste Transfer Station
- ReUse Market
- Caroline Landfill
- Street Sweeping

Kerbside collections include landfill waste, organics and recycling. Landfill waste goes to the Council operated landfill at Caroline. Organics are transported to a local composting facility. Recycling is delivered to a local sorting facility, where the materials are sorted and then sent to other facilities for recycling.

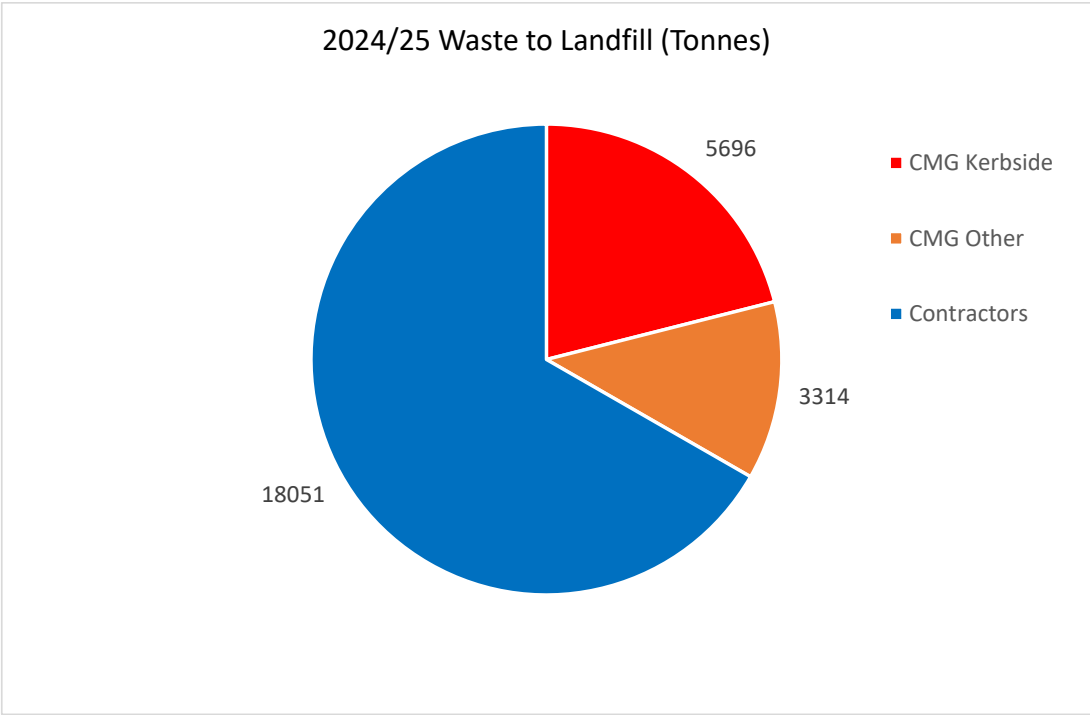
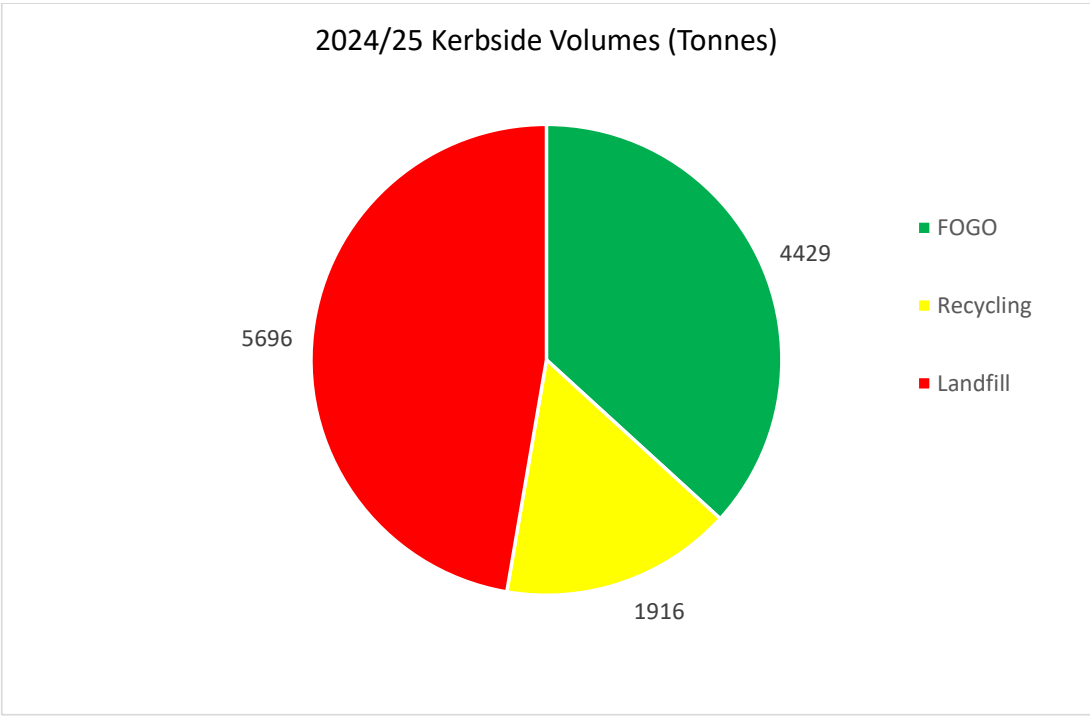
Caroline Landfill not only receives Council's kerbside landfill waste, it also receives waste from contractors.

3.2 Historical Waste Data

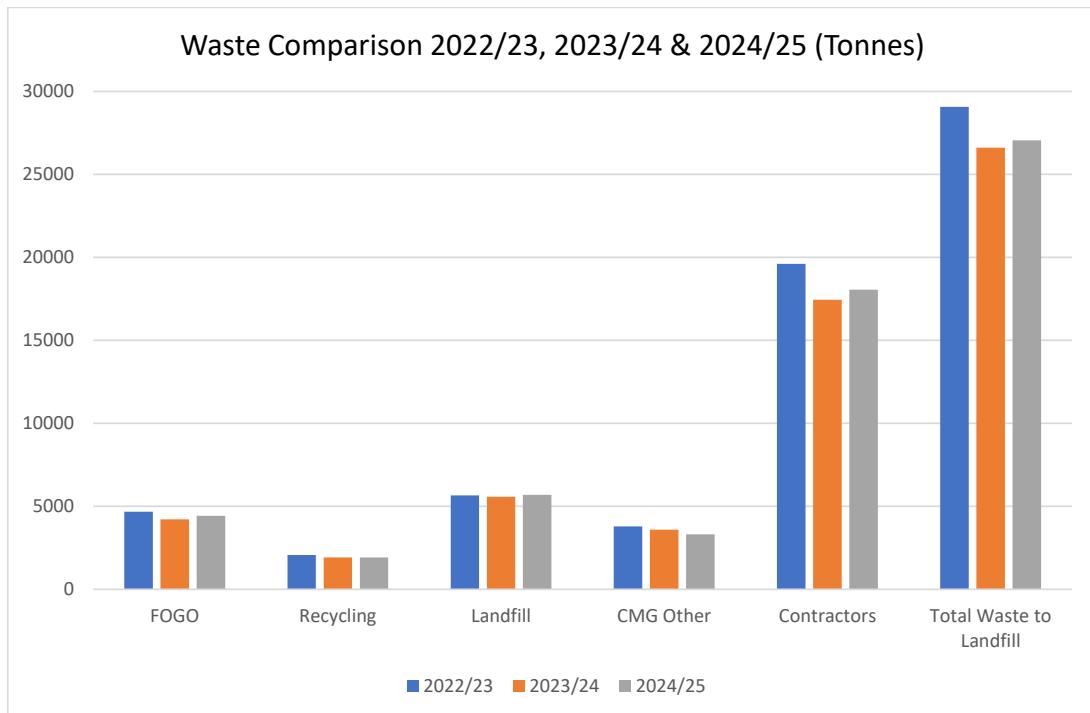
2024/2025 Financial Year

In the 2024/2025 financial year, City of Mount Gambier received the following waste volumes (in tonnes) via the kerbside system and direct to landfill.

Kerbside Collections			Landfill		
FOGO	Recycling	Landfill Waste	CMG Other	Contractors	Total Waste to Landfill
4,429 t	1,916 t	5,696 t	3,314 t	18,051 t	27,061 t



Waste Volumes Comparison – 2022/23, 2023/24 and 2024/25 Financial Years



3.3 The Three Stages of Waste Management

Waste Management at City of Mount Gambier can be summarised in three stages:

➤ Stage 1 – Collection

Council operates a kerbside collection service – collecting FOGO, recycling and landfill waste.

The WTS accepts a wide range of materials, as the general public cannot access Caroline Landfill.

➤ Stage 2 – Post Collection

• Kerbside

FOGO material and recycling is taken directly to Council's contractors for "Receival and Disposal of Organic Waste" and "Receival of Recyclable Material" respectively, with landfill waste being taken directly to Caroline Landfill.

• Waste Transfer Station

The purpose of the WTS is to divert material away from landfill. Materials are divided into separate categories in order to facilitate reuse and recycling.

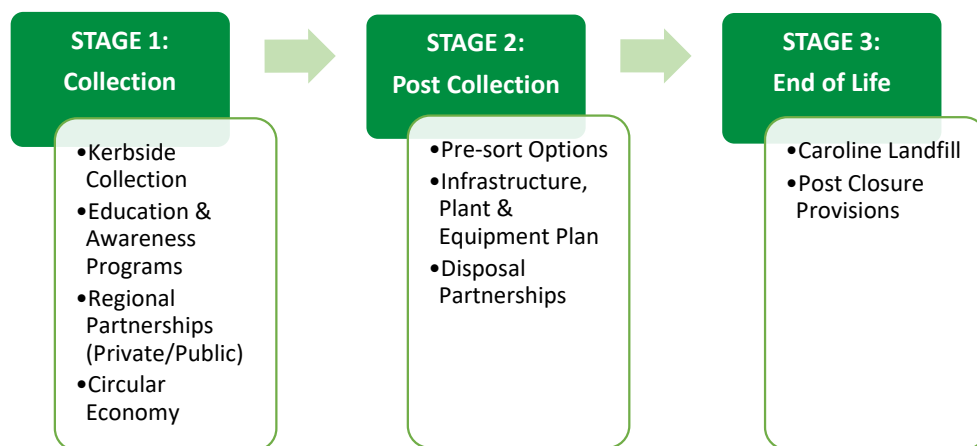
- Good quality miscellaneous items are sent to the ReUse Market for reuse.
- Clean polystyrene is put through a condensing machine. The subsequent material is sent off for recycling.

- Other materials are sent off to various locations for recycling e.g. green waste goes to the organics contractor for composting, batteries get sent to Melbourne for metals recycling etc.

➤ **Stage 3 – End of Life**

This is the final stage and ideally would only include material that cannot be reused or recycled, this ends up at Caroline Landfill.

- Contents of landfill waste kerbside bins.
- Contents of the landfill skip at the WTS.
- Contractor waste that is taken directly to landfill.



The following pages identify and summarise actions which can be taken to meet the objectives of the Waste and Resource Recovery Strategy.

3.3.1 Stage 1 - Collection

(a) Kerbside Collection

Council provides a kerbside collection for:

- **Landfill Waste – 140 Litre MGB – Weekly Collection**
Each rateable property is entitled to one landfill waste bin. Contents of this bin are taken to Caroline Landfill and buried.
- **Recycling – 240 Litre MGB – Fortnightly Collection**
Each rateable property is entitled to one recycling bin. Contents of this bin are taken to a local recycling facility for sorting.
- **Food Organics Garden Organics (FOGO) – 240 Litre MGB – Fortnightly Collection**
Council has a fortnightly FOGO kerbside collection service (previously called the green waste service).
The above services are included in Council's Waste Service Charge (\$344.00 per annum), with the only additional charge for users being a

one-off payment of \$104 (GST inclusive) for the purchase of a 240 litre FOGO bin. *Note: Amounts current for the 2025/26 financial year.*

Council engaged a consultant to investigate alternative collection service frequencies to identify opportunities to increase landfill diversion. Refer to Appendix B.

It is likely that State Government will require local government to collect FOGO on a weekly basis, starting with metro councils, and then large regional centres with local processing options. An exact timeframe has not been enunciated at this stage, but the government has flagged that this is their intention for the future.

Weekly FOGO collection is likely to be the most significant factor in assisting Council to meet its 65% kerbside waste diversion target by 2030.

Below is an indicative timeline required for the implementation of a weekly FOGO service with fortnightly landfill collection:

2025	
August	Strategy & Business Case
September	Council report and adoption
2026	
January	Secure budget
July-August	Order trucks, bins, caddies, recruit staff
September	Develop Communication Plan
2027	
March	Commence community education
May	Commence Roll Out

Actions:

- *Undertake route optimisation exercise to identify efficiencies and cost savings.*
- *Review additional plant requirements to cater for increase in collections, and as contingency to cover servicing and break downs.*
- *Keep abreast of relevant policy changes e.g. the EPA Waste to Resources Policy review and its potential impact on kerbside collection services.*
- *Further investigate what resources would be required if Council pursued weekly FOGO collections, develop a strategy with timelines.*

(b) Waste Transfer Station

The WTS, located at 5 Eucalypt Drive, is an important link in our community's total waste management system that aims to reduce landfill by understanding the challenges, opportunities, and unique issues of managing waste.

The facility plays a vital administrative role in the collection, treatment and disposal of waste streams received including commercial contractors, residents, and community members.

Material taken through the WTS from domestic customers is separated prior to going to landfill to ensure maximum resource recovery.

Council pays the costs to the EPA on behalf of the customers visiting the facility. Fees charged to customers at the weighbridge are directly connected to EPA fees as well as the cost to manage, operate new and old landfills as well as the recovery of material derived from waste.

The WTS is where all items are salvaged or donated for the ReUse Market. The WTS also assists to deliver waste education to community groups and schools through regular site tours where participants see the process of recovery, recycle and reuse, and promotion of Council's 'sort and save' initiative.

The WTS is a 7 day a week facility and is a popular destination for those who are enthusiastic about material to landfill reduction.

Material accepted at this facility include: Landfill waste (household rubbish), Stone, Concrete, Bricks, Garden Organics, Untreated Timber, Metal, Mattresses, Lounge and Armchairs, Fluorescent Lights, CFL Lights, Fridge and Freezers, Motor Oil, Cooking Oil, E-Waste, TV's and Computers, X-Rays, Tyres, Cardboard, Polystyrene, House Paint, Batteries, Car Batteries, Oral Care, Plastic Bottle Lids, Good quality items for the ReUse Market and Asbestos by arrangement.



Actions:

- Investigate the life and ongoing requirements of the existing weighbridge.
- Increase coverable areas to keep material handling out of the elements and meet regulatory requirements.
- Investigate further education opportunities.
- Review process, structure and resourcing options to reduce kerbside waste landfill.
- Increase engagement with charity organisations, maximising landfill reduction and increasing material via the ReUse Market.

- *Investigate initiatives for further material handling, to reduce landfill with consideration of economics, volume of material, circular economy, education.*
- *Investigate software upgrade with the ability to provide reciprocated data to EPA and resource savings with consultation from iServices.*
- *Office extension to minimise disruption to regulatory reporting required for weighbridge operations.*
- *Recruit additional volunteers.*
- *Ensure staff understand the details and requirements of the EPA licence for the site.*
- *Test and trial material recovery initiatives.*
- *Maintain a proactive culture of innovation.*
- *Aspire to deliver best practice service.*
- *Investigate potential to act as an incubator site for waste reduction initiatives.*
- *Investigate re-branding to "Materials Transfer Station".*
- *Increase education and promotional material via social media.*
- *Continue to evolve educational activities.*
- *Investigate feasibility for increased onsite polystyrene recycling options.*

(c) Education and Awareness Programs

- **Community Education**

Council undertakes regular community education activities, some of these include:

- tours of Council's three waste facilities – for school groups, community groups and the general public
- visits to schools and community groups
- public talks and workshops
- partnering with schools on education activities in association with Council providing extra recycling and FOGO bins
- stalls at public events
- via social media and Council's website
- educational flyers and stickers
- letterbox drops
- rates notices

- **Organisational Education**

Continue to provide tours of Council's waste facilities, and other educational material to staff and elected members.

- **Artificial Intelligence**

Council is participating in a trial utilising AI to detect contamination in kerbside bins. The trial involves using footage recorded by the collection trucks, which is then analysed using AI technology. The resulting data and information will enable Council to measure contamination in the three kerbside streams, as well as undertake targeted education campaigns.

- **Kitchen Caddy**

A free kitchen caddy and roll of compostable bags is available to each rateable property with a FOGO bin. All food and garden waste can be disposed of in the FOGO bin.

- **Home Compost Equipment**

Council has partnered with the *Compost Revolution* to provide ratepayers with subsidised home compost equipment (currently 50% subsidy).

Actions:

- *Further promote FOGO service and home compost equipment.*
- *Engage with schools and community organisations to reduce contamination and waste to landfill.*
- *Ensure neighbouring councils and their communities engage and comply with contamination and waste reduction to landfill initiatives, including a minimum 3 bin system in surrounding towns.*

(d) Regional Partnerships

Given the region's relative isolation and small population, when compared to large metro areas, it is sensible to unite efforts wherever possible. Regional partnerships are important to ensure the best outcomes to educate our community on waste management to support the local circular economy. Council should endeavour to maintain partnerships with the following organisations and groups:

- *District Council of Grant*
- *Wattle Range Council*
- *Industry Plastics Reduction Working Group*
- *Limestone Coast LGA*
- *RDA Limestone Coast*
- *Supply partners*
- *Independent Learning Centre*
- *Volunteers*
- *Various charity organisations*
- *Locally based waste contractors (Landfill Users)*
- *EPA*
- *SA Water*
- *LMS Energy Landfill Gas Flaring*

Actions:

- *Schedule an annual calendar to ensure information sharing and catchups are held regularly.*

(e) Circular Economy

Circular Economy is an approach that seeks to keep resources and materials circulating through the economy via methods such as reuse,

repurposing and recycling. This is opposed to the linear approach of make, use and dispose – where valuable resources and materials are buried in landfill or incinerated.

Council seeks to foster this circular approach, minimising waste to landfill, and supporting the local circular economy. This not only reduces waste, but also supports local employment. Reuse and recycling approaches generate many more jobs than waste to landfill.

In 2022 GISA and RDALC launched the **Circular Economy Opportunities: Limestone Coast** report. The report highlights the unique circular economy opportunities for the region. The detailed analysis of the region's economic, resource use, and waste generation profile has identified the industry sectors and specific initiatives that offer the greatest opportunity for circular action.



Figure: Emerging Market Trends in Operational Waste Management & Circular Economy, October 2022, Edge

Actions:

- *Investigate State and Federal grant opportunities.*

(f) Infrastructure, Plant and Equipment

Council has a suite of infrastructure asset management plans including the plant and equipment management plan to ensure sufficient and fit for purpose resources are identified and planned to support the collection of waste. Refer to Appendix C.

Actions:

- *Develop asset management as a whole.*
- *Identify infrastructure, plant and equipment required to maintain and enhance collection services.*

(g) Revenue Opportunities

Increased revenue can be utilised to fund waste related projects, to assist in further reducing waste to landfill and establishing circular economy related projects.

Actions:

- *Identify opportunities to increase revenue from Council's waste sites and operations. This could include currently unused land at the landfill site.*

(h) **Align with Development Services**

Development Services and Waste Management teams work together, so future residential areas have waste collection considered as part of the development process. A proactive approach will prevent reactionary measures needing to be taken.

Actions:

- *Develop strategies to ensure a proactive and consistent approach is adopted across Council departments.*

(i) **Hard Waste**

Hard waste collections, also referred to as bulky waste collections, involve the collection of specific items from residences that cannot be put into the kerbside collection system. This may include items such as televisions, furniture, and white goods. As part of Council's response to the Covid-19 crisis a trial on-call hard waste service was offered. This provided valuable information regarding the resource implications of providing this type of service. It should be noted that the WTS accepts a wide variety of items and materials, and that many items can be taken there for no cost. The viability of providing an ongoing bulky waste collection service will be investigated, pending available resources. It is proposed to commence the investigation in the 2025/2026 financial year, with the results being brought back to Council in January 2026.

Actions:

- *Continue to educate the public:*
 - *Around items accepted for free at the WTS.*
 - *Personal responsibility around purchasing choices and product end-of-life options.*
- *Investigate options for a user pays subsidised bulky waste kerbside collection service through a 3rd party provider:*
 - *Compare similar sized Councils.*
 - *Conduct analysis of predicted waste volumes and weights.*
 - *Investigate full cost implications and impact on the community.*
 - *Look at storage solutions for product collected (limited current space available for ReUse Market stock reserves).*
- *Continue ad hoc illegal dumping cleanup services and education.*

3.3.2 Stage 2 – Post Collection

(a) **Pre-Sort**

Consider engaging a consultant to undertake a feasibility study for the construction and operation of a materials recovery facility.

Actions:

- *Engage consultant to undertake a feasibility study for the construction and operation of a materials recovery facility.*
- *Investigate options for pre-sorting of waste prior to landfill.*

- *Conduct a short trial of pre-sorting waste prior to landfill, subject to EPA approval. Results could be used to develop a business case.*

(b) Waste Infrastructure, Plant and Equipment Requirements

Council has a suite of infrastructure asset management plans including the plant and equipment management plan to ensure sufficient and fit for purpose resources are identified and planned to support the collection of waste. Refer to Appendix C.

Actions:

- *Further develop plant and equipment asset management as a whole.*
- *Identify infrastructure, plant and equipment required to maintain and enhance post collection services.*

(c) Disposal Partnerships

Council has partnerships with local contractors for the "Receival and Disposal of Organise Waste" and "Receival of Recyclable Material".

There are a number of other materials accepted at the WTS that are sent off to specific organisations for recycling.

Actions:

- *Continue to develop relationships with Recycling and Organics processing contractors.*

(d) ReUse Market

The Mount Gambier ReUse Market, located at 3 Eucalypt Drive, aims to reduce landfill by reusing and upcycling useful items salvaged or donated via the WTS. It is a place where you can get anything and everything second hand from building materials to bikes, sports gear, garden equipment, tools, bric-a-brac, furniture and much more.

Along with the WTS, the ReUse Market plays a pivotal role in assisting to deliver waste education to community groups, schools, and the broader community by saving useful second-hand items from the waste stream.

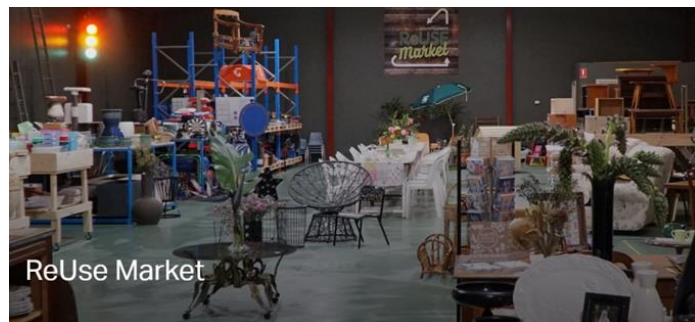
Since opening in 2018, the Mount Gambier ReUse Market has built several partnerships within the community, including volunteers, who play an active role assisting the operation of the market by sorting, recovering, upcycling, cleaning, and presenting items for sale.

Opening twice per month, the ReUse Market is a popular destination for those seeking second-hand items in good condition that would otherwise end up in landfill.

Upcoming open days are listed on the ReUse Market webpage www.mountgambier.sa.gov.au/reusemarket

Actions:

- *Infrastructure Asset Management Plans include larger undercover areas accommodating more products and increase weather protection for customers.*
- *Increase volunteer management program.*
- *Consider growth strategies ensuring they have economic benefit and increase landfill reduction.*
- *Source additional material for reuse away from landfill, liaise with industry, other councils, retirement villages, businesses, contractors etc.*
- *Investigate an on-call service to collect materials, consideration of resources, plant and equipment, safety, and economic benefit.*
- *Increase community engagement, education, and announcements on open days.*
- *Increase ReUse Market advocacy, manage waste responsibly, sustainably.*



3.3.3 Stage 3 – End of Life

(a) Caroline Landfill

Caroline Landfill is located on Vorwerk Road in the area of Caroline, near the Victorian border. It is the only landfill in the region licensed to receive putrescible waste.

All operations at Caroline Landfill are legislatively governed by the conditions set out in EPA 2504 license in conjunction with the approved LEMP.

In the 2024/2025 financial year it received over 27,000 tonnes of waste. Waste audits have indicated that up to 66% of the contents of Mount Gambier's landfill waste bins could have been composted or recycled, instead of being buried in landfill. Commencing operations in 1997, the landfill has had five major upgrades with new cells being constructed in 2002, 2014, 2017, 2019 and construction of Cell 4 in 2024.

One of the major risks currently associated with the landfill is the management of leachate.

Cell 4A commenced receiving waste September 2024.

Actions:

- *Investigate alternate leachate management options.*
- *Maintain Landfill Environmental Management Plan (LEMP).*
- *Maintain Caroline Landfill Asset Management Plan and long-term financial modelling.*
- *Create cell optimisation plan.*
- *Landfill engineering skills and knowledge are required for the management of the site. This could be fulfilled through recruitment or engaging an external provider.*
- *Investigate software that can be utilised to accurately monitor compaction, leading to greater efficiencies.*
- *Investigate alternative energy options.*
- *Keep abreast of carbon accounting opportunities.*
- *Continue managing the landfill gas capture system with LMS.*
- *Be alert to emerging landfill mining and reclamation trends to investigate.*
- *Keep abreast of relevant policy changes e.g. the ACCU Scheme and Landfill Method review and its relation to landfill gas capture operations, as well as the EPA Waste to Resources Policy review.*

(b) Closure and Post Closure Management

A post closure strategy and management plan will be developed prior to closure and implemented from the date of closure certification which will allow for maintenance and monitoring of Caroline Landfill over approximately 25 years. A comprehensive description of post closure maintenance and monitoring requirements for Caroline Landfill will be provided within the Post Closure Plan to be prepared and approved by SA EPA.

The focus of the post closure strategy will be the management of potential environmental effects that may arise following the closure of Caroline Landfill.

Key elements of the conceptual closure and post closure strategies include:

- Development of a final landform that limits potential environmental effects and visual impact.
- Development of a landscaping strategy to improve the visual amenity and to provide a valuable end use.
- Maintenance and operation of an extensive landfill gas management system; and
- On-going monitoring for potential environmental effects and settlement for at least a post closure period of 25 years (to be reviewed with SA EPA based on monitoring results).

The key tasks required to facilitate closure of Caroline Landfill are listed below with detail of some specific tasks (e.g. cap construction) referenced to other parts of the LEMP. All elements required to secure closure of Caroline Landfill are described within the LEMP. SA EPA approval will be sought if there is a change to construction or operation of Caroline Landfill that may impact on closure procedures.

Actions:

- *Maintain post closure financial provision.*
- *Develop Post Closure Management Plan including:*
 - *Ensuring there are no adverse environmental impacts during and following closure of Caroline Landfill.*
 - *Limiting risk to public safety during and following closure of Caroline Landfill.*
 - *Limiting visual impacts of Caroline Landfill.*
 - *Ensuring that erosion, pest plant and vermin invasion is limited.*



Part 4: Action Plan

Key: Timeline

Short term:	1-2 years.
Medium term:	2-5 years
Long term:	5+ years

Resourcing

Current:	Can be completed with current resources. "B" indicates the task gets completed as part of current business-as-usual activities. "S" indicates the task could be completed with current resources, but would need to be scheduled into current staff workloads.
Additional:	Additional resources are required to complete this task. Amount listed if known, if not then listed as TBC.

Priority

High:	These actions are critical to the success of waste and resource recovery operations.
Medium:	These actions are important, but not as critical as high priority actions.
Low:	These tasks are important but can be postponed without significant consequences.

Stage	Action	Timeline			Resourcing		Priority
		Short Term	Medium Term	Long Term	Current	Additional	
Stage 1 Collection	Kerbside Collection						
	Undertake route optimisation exercise to identify efficiencies and cost savings.	S			S		M
	Review additional plant requirements to cater for increase in collections, and as contingency to cover servicing and break downs.	S			S		M
	Keep abreast of relevant policy changes e.g. the EPA Waste to Resources Policy review and its potential impact on kerbside collection services.	S	M	L	B		H
	Investigate resources required for Council to pursue weekly FOGO collections, develop a strategy with timelines.	S			S		H
	Waste Transfer Station						
	Investigate the life and ongoing requirements of the existing weighbridge.	S			S		M
	Increase coverable areas to keep material handling out of elements and meet regulatory requirements.		M	L		A TBC	M
	Investigate further education opportunities.	S	M	L	B		L
	Review process, structure and resourcing options to reduce kerbside waste landfill.	S			S		M
	Increase engagement with charity organisations, maximising landfill reduction and increasing material via the Reuse Market.	S	M		S		L
	Investigate initiatives for further material handling, to reduce landfill with consideration of economics, volume of material, circular economy, education.	S	M	L	S		M
	Investigate software upgrade with the ability to provide reciprocated data to EPA and resource savings with consultation from iServices.	S	M		S		M
	Office extension to allow for regulatory reporting away from weighbridge noise.		M			A TBC	L

Stage	Action	Timeline			Resourcing		Priority
		Short Term	Medium Term	Long Term	Current	Additional	
	Recruit additional volunteers.		M		S		L
	Ensure staff understand the details and requirements of the EPA licence for the site.	S	M	L	B		H
	Test and trial material recovery initiatives.		M	L		A TBC	M
	Maintain a proactive culture of innovation.	S	M	L	B		H
	Aspire to deliver best practice service.	S	M	L	B		H
	Investigate potential to act as an incubator site for waste reduction initiatives.		M	L	S		L
	Investigate re-branding to "Materials Transfer Station".		M		S		L
	Increase education and promotional material via social media.	S	M	L	S		M
	Continue to evolve educational activities.	S	M	L	B		M
	Investigate feasibility for increased onsite polystyrene recycling options.		M	L	S		M
	Education and Awareness Programs						
	Further promote FOGO service and home compost equipment.	S	M	L	B		H
	Engage with schools and community organisations.	S	M	L	B		M
	Regional Partnerships						
	Allocate meeting dates to ensure catchups are held regularly.	S	M	L	B		M
	Circular Economy						
	Investigate State and Federal grant opportunities.	S			B		H
	Infrastructure, Plant and Equipment						
	Plan infrastructure, plant and equipment required to maintain and enhance collection services.	S	M	L	B		H
	Revenue Opportunities						
	Identify opportunities to increase revenue from Council's waste sites and operations. This could include currently unused land at the landfill site.	S	M	L	S		M
	Align with Development Services						
	Develop strategies to ensure a proactive and consistent approach is adopted across Council departments.	S	M	L	B		H

	Hard Waste						
	Continue to educate the public: - Around items accepted for free at the WTS. - Personal responsibility around purchasing choices and product end-of-life options.	S	M	L	B		H
	Investigate options for a user pays subsidised bulky waste kerbside collection service through a 3rd party provider: - Compare similar sized Councils. - Conduct analysis of predicted waste volumes and weights. - Investigate full cost implications and impact on the community. - Look at storage solutions for product collected (limited current space available for ReUse Market stock reserves).	S	M		S		H
	Continue ad hoc illegal dumping cleanup services and education.	S	M	L	B		H

Stage	Action	Timeline			Resourcing		Priority
		Short Term	Medium Term	Long Term	Current	Additional	
Stage 2 Post Collection	Pre-Sort						
	Engage consultant to undertake a feasibility study for the construction and operation of a materials recovery facility.	S	M			A TBC	M
	Investigate options for pre-sorting of waste before landfill.		M	L	S		M
	Conduct a short trial of pre-sorting waste prior to landfill, subject to EPA approval. Results could be used to develop a business case.	S	M			A TBC	M
	Waste Infrastructure, Plant and Equipment Requirements						
	Further develop plant and equipment asset management as a whole.	S	M		B		H
	Identify infrastructure, plant and equipment required to maintain and enhance post collection services.	S	M	L	B		H
	Disposal Partnerships						
	Continue to develop relationships with Recycling and Organics processing contractors.	S	M	L	B		H
	ReUse Market						
	Infrastructure Asset Management Plans include larger undercover areas accommodating more products and increase weather protection for customers.		M	L		A TBC	M
	Increase volunteer management program.	S	M		S		M
	Consider growth strategies ensuring they have economic benefit and increase landfill reduction.		M	L	S		M
	Source additional material for reuse away from landfill, liaise with industry, other councils, retirement villages, businesses, contractors etc.		M	L	S		M
	Investigate an on-call service to collect materials, consideration of resources, plant and equipment, safety, and economic benefit.	S	M		S		M
	Increase community engagement, education, and announcements on open days.	S	M		S		M
	Increase ReUse Market advocacy, manages waste responsibly, sustainably.	S	M		B		M

Stage	Action	Timeline			Resourcing		Priority
		Short Term	Medium Term	Long Term	Current	Additional	
Stage 3 End of Life	Caroline Landfill						
	Investigate alternate leachate management options.	S	M			A TBC	H
	Maintain Landfill Environmental Management Plan (LEMP).	S	M	L	B		H
	Maintain Caroline Landfill Asset Management Plan and long term financial modelling.	S	M	L	B		H
	Plan infrastructure, plant and equipment required to maintain and enhance landfill services.	S	M	L	B		H
	Create cell optimisation plan.	S	M			A TBC	H
	Landfill engineering skills and knowledge are required for the management of the site. This could be fulfilled through recruitment, or engaging an external provider.		M	L		A TBC	M
	Investigate software that can be utilised for understanding compaction and leading to greater efficiencies.	S	M		S		M
	Investigate alternative energy options.			L		A TBC	L
	Keep abreast of carbon accounting opportunities.		M	L	B		M
	Continue managing the landfill gas capture system with LMS.	S	M	L	B		H
	Be alert to emerging landfill mining and reclamation trends to investigate.			L	B		L
	Keep abreast of relevant policy changes e.g. the ACCU Scheme and Landfill Method review and its relation to landfill gas capture operations, as well as the EPA Waste to Resources Policy review.	S	M	L	B		H
	Closure and Post Closure Management						
	Maintain post closure financial provision.				B		H
	Develop Post Closure Management Plan including: - Ensuring there are no adverse environmental impacts during and following closure of Caroline Landfill. - Limiting risk to public safety during and following closure of Caroline Landfill. - Limiting visual impacts of Caroline Landfill. - Ensuring that erosion, pest plant and vermin invasion is limited.			L		A TBC	M

Part 5: Risk Plan

City of Mount Gambier has conducted a risk assessment process to identify key risks that could affect the successful execution of the Waste and Resource Recovery Master Plan. Mitigation strategies have also been identified and have informed the actions for the plan.

Risk	Potential Impact	Mitigation Strategy	Likelihood of risk eventuating with mitigation strategy
Legislative Changes	Federal &/or State policy setting cost shifting to Councils. Landfill operators and all waste industry stakeholders.	Ensure waste operations are financially sustainable, including a contingency. Ensure parliamentarians, policy makers and the LGA are aware of the current state of waste, and any implications of changes.	Possible
Climate Change	Extreme weather events impacting operations.	Assess risks from extreme weather events. Implement mitigation strategies.	Unlikely
Funding	Grants, budgeting Revenue capping	Maintain waste financial modelling to ensure revenue covers capital and operational expenses.	Unlikely
Political	Short term political positioning that has long term detrimental impact to daily operational and long term capital budgeting/costs.	Ensure decision makers are aware of the current state of waste, and any implications of changes.	Unlikely
Planning & Development	Access considerations in development approvals	Identify any development requirements well ahead of time. Liaise early with planning authorities	Unlikely

		to ensure all required processes are followed.	
Sustainable business modelling with the sector	Commodity pricing Skills shortages Environmental Engineers Third party service providers	Identify any operational and capital requirements well ahead of time. Ensure all required processes are followed.	Unlikely

Part 6: Glossary and Reference Documents

Glossary	
Term/Acronym	Definition
Artificial Intelligence (AI)	The theory and development of computer systems able to perform tasks normally requiring human intelligence.
Circular Economy	A model of production and consumption which involves sharing, reusing, repairing, refurbishing and recycling existing materials and products as long as possible.
EPA	Environment Protection Authority
FOGO	Food Organics Garden Organics
Landfill	The process of burying large amounts of waste material.
Master Plan	Refers to this “Waste and Resource Recovery Master Plan”.
MGB	Mobile Garbage Bin
Route Optimisation	The process of determining the most efficient route for a series of stops.
Sustainable	Being able to continue over a period of time (generally in reference to either environmentally, socially and economically).
LEMP	Landfill Environmental Management Plan

Reference Documents
Waste and Resource Recovery Strategy
Alternative Collection Frequencies Report
Waste Infrastructure, Plant and Equipment Requirements
Caroline Landfill – Cell Plan
Cell 3C Capping Plan
Financial Modelling Caroline Landfill
Leachate Plan
LEMP Landfill Environmental Management Plan

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

Author: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Authoriser: Barbara Cernovskis, Interim Chief Executive Officer

RECOMMENDATION

1. That Council report titled 'Limestone Coast Local Government Association (LCLGA) Business Plan 2025/2026' as presented on Tuesday 19 August 2025 be noted.
2. Endorses the Limestone Coast Local Government Association (LCLGA) 2025/2026 Annual Business Plan as presented.
3. Notes the LCLGA's transition to a streamlined, advocacy-focused model from 1 July 2025.
4. Supports continued participation in the LCLGA as a regional voice for shared strategic priorities.

PURPOSE

To seek Council's endorsement of the Limestone Coast Local Government Association (LCLGA) Annual Business Plan for the 2025/2026 financial year.

BACKGROUND / OPTIONS

Background

The LCLGA is a regional subsidiary under Section 43 of the *Local Government Act 1999*, currently made up of six member councils following the withdrawal of Wattle Range Council which was confirmed in June 2025. In response, the LCLGA undertook a review throughout 2024 to reshape its operating model.

The resulting 2025/2026 Business Plan outlines a leaner organisation focused on high-impact regional advocacy. Key changes include:

- Transition of program delivery (e.g. Connected and Active Communities, Limestone Coast Sporting Academy) to host councils or independent bodies.
- Discontinuation of centrally managed services such as tourism development, heritage advisory, and coastal management.
- Reduction in staffing, retaining only an Executive Officer and a part-time Tourism Manager to support the transition to the new zones under the Regional Tourism Strategy.
- The plan reinforces LCLGA's core mission: to provide a collaborative platform to represent regional priorities and advocate to other levels of government.

Discussion

The revised Business Plan for 2025/2026 reflects a fundamental shift in how the LCLGA operates, allowing councils to opt into services and programs based on local need. While the City of Mount Gambier's LCLGA subscription has dropped significantly to \$95,017 (compared to \$252 678 last financial year), Council has committed to funding key regional initiatives through its own budget and are summarised below



Program/function	2024/2025 Allocation	2025/2026 Budget	Committed	Notes
Limestone Coast Local Government Base Subscription	90,301	93,010	95,017	Amount requested for 2025/2026
Programs - Regional Growth Strategy & roads	19,702	-	-	included in membership amount
LCLGA Tourism - per Council report Jan 2025	64,191	33,058	-	Pending SATC review outcomes
South East Heritage Advisor	35,812	36,886	-	Expressions of Interests received & under evaluation
LCLGA - Connected & Active Communities	13,388	13,790	-	Expecting a request. Evaluation of the program is underway
LCLGA - Sports Academy	-	5,000	-	To assist with the transition of a new model with Regional Academy of Sport
SACCA (Coastal Alliance)	1,200	-	-	Recommended not to continue
LCLGA Regional Development Australia	28,084	28,927	29,000	Resolved May 2025 Council meeting
Total	252,678	210,671	124,017	

The 2025/2026 LCLGA budget is as follows:

- Total income and expenditure: **\$364,601**
- Forecast closing cash reserves: **\$281,466** (down from \$1.45 million in 2024/2025)

Member contributions are now based on population and rate revenue, and councils retain the option to support projects on a case-by-case basis.

The LCLGA will continue to support the SA Tourism Commission's regional strategy and Destination Management Plan to help the Limestone Coast attract further investment and tourism growth.

CONCLUSION

The LCLGA 2025/2026 Business Plan reflects a strategic shift to strengthen regional advocacy and collaboration while delivering significant cost savings to member councils. Council's endorsement affirms support for this transition and our continued role in shaping Limestone Coast's regional agenda.

ATTACHMENTS

1. Annual Plan Letter [**19.2.1** - 1 page]
2. LCLGA Business Plan 2025-2026 2 [**19.2.2** - 10 pages]





Wednesday, 9 July 2025

Dear LCLGA Mayor's and CEO's

Re: LCLGA Annual Business Plan 2025-2026

At the Limestone Coast Local Government Association (LCLGA) Special Board Meeting held on the 4th of July 2025 the LCLGA Annual Business 2025-2026 was approved for circulation to constituent members for approval.

Could you please present the Annual Business Plan to your Council at your July or August Council meeting and a response, approval or comments back to the LCLGA Executive Officer by the 31 August 2025.

Any queries please do not hesitate to contact me.

Thanks

Colin Byles

Colin Byles

On behalf of

Charlotte Edmonds

Executive Officer

Limestone Coast Local Government Association





LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION

BUSINESS PLAN 2025/26

“LIMESTONE COAST BETTER TOGETHER”

INTRODUCTION

The Limestone Coast Local Government Association's (LCLGA) Annual Business Plan for the 2025/26 financial year is presented in accordance with clause 24, Schedule 2 of the *Local Government Act 1999* (the Act). As a Section 43 Committee established under the Act, the LCLGA functions as a subsidiary of six member councils, united by a shared commitment to strengthening regional collaboration and delivering efficient, high-quality services to our communities.

With a proud legacy spanning more than 130 years, the LCLGA has long been a cornerstone of local government cooperation and regional progress.

Our membership comprises the following six councils:

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

The formation and ongoing mandate of our association are a testament to the collective vision and strategic unity of our member councils. Together, we strive to address shared challenges, capitalise on common opportunities, and achieve greater efficiencies in delivering vital services and initiatives.

Through this collaborative approach, we maximise resource utilisation, exchange expertise, and deliver innovative, tailored solutions that address the diverse needs of our communities.

In late 2024, following a series of strategic workshops, the LCLGA resolved to transition toward a more advocacy-driven model—one that reinforces our role in championing regional development and amplifying the voice of our member councils.

This Annual Business Plan articulates our strategic priorities, core initiatives, and budgetary framework for the forthcoming year. It acts as our blueprint for action—designed to deliver value, drive impact, and fulfil our long-term objectives. In doing so, we reaffirm our commitment to transparency, accountability, and sustainable regional growth, with the aim of nurturing a vibrant and resilient Limestone Coast.

We proudly uphold the ethos of our 2020–2025 Strategic Plan: *“Collectively Building Stronger Communities”* and look ahead to embracing our future motto: *“Limestone Coast – Better Together.”* Over the next 12 months, our focus is to strengthen the unity of our councils, amplify our collective voice, and enhance the strategic trajectory of the LCLGA.

EXECUTIVE SUMMARY

Effective 1 July 2025, the Limestone Coast Local Government Association (LCLGA) will transition to an advocacy-focused operational model.

Under this new structure, the LCLGA will be led solely by an Executive Officer, who will oversee all organisational functions and drive the Association's advocacy agenda.

The Executive Officer's role will centre on progressing key regional advocacy priorities, which are currently being refined, but are expected to include:

- Roads and Transport Connectivity
- Housing Availability and Affordability
- Health and Aged Care
- Childcare and Education
- Waste Management and Recycling
- Drainage and Water Security
- Workforce Attraction and Retention
- Tourism and the Visitor Economy
- Enabling Infrastructure

Member Councils expect the LCLGA to be a responsive, agile, and dynamic advocacy body—capable of addressing critical regional challenges and emerging opportunities.

The revised model enables the LCLGA to lead major strategic projects that align with its evolving Strategic Plan and Advocacy Agenda. These initiatives will be developed collaboratively with the incoming Executive Officer to ensure alignment with local priorities and state-level opportunities.

As a result of this structural shift, the delivery of some programs will change. Certain initiatives will transition to be managed directly by individual Councils or external entities. For example:

- The Limestone Coast Sporting Academy will transition into a standalone not-for-profit organisation.
- The Connected and Active Communities Program will be auspiced through a member Council.

Aligned with the South Australian Tourism Commission's (SATC) Regional Tourism Review, the LCLGA will fast-track engagement to align the Limestone Coast with the State's broader Regional Tourism Strategy. This includes exploring optimal cross-regional partnerships and developing the Limestone Coast Destination Management Plan, enhancing the region's ability to attract and accommodate visitors.

These strategic changes are designed to ensure the long-term sustainability of the organisation while reinforcing its capacity to represent and advocate for the Limestone Coast effectively.

The LCLGA remains steadfast in its mission to support a thriving region—by championing shared priorities, attracting targeted investment, and driving forward strategic initiatives that benefit all communities across the Limestone Coast.

KEY PRIORITIES FOR THE COMING YEAR

1. Develop an Advocacy Agenda

Through workshops with the LCLGA Board and meetings with external agencies develop Advocacy priorities for 25/26 and beyond.

2. Regional Growth Strategy

Implement the actions from the Regional Growth Strategy.

3. Review of the South Australian Tourism Commission Regional Review and Limestone Coast Destination Development Management Plan

The Board will undertake continued investigation of the SA Tourism Commission Regional Review to better understand, and ensure benefits are received for the Limestone Coast and its destination development.

The Board will also as the Regional Tourism Organisation be involved with the development of Destination Management Plans

4. Continue to work regionally on priority road infrastructure with Department Infrastructure and Transport (DIT)

Partnering with DIT to provide advice on road infrastructure requirements in the Limestone Coast region.

The Strategic Local Roads Program (SLRP) continues to be an essential source of funding for Limestone Coast Regionally Significant roads which support economic, tourism and community activities. Regionally identified roads for this grant program is essential to successful applications.

Finance Overview

The 2025–26 Annual Business Plan marks a significant departure from previous years, primarily due to the transition to an Advocacy-focused operating model. This shift has resulted in a substantial reduction in both income and expenditure.

The Budget for 2025-26 has a balanced operating budget. Cash reserves are predicted to be at \$281,466 at the end of the 2025/26 Financial Year.

Under the new Advocacy model, total expenditure is forecast at \$364,601, including SATC funding of \$82,261 for the Tourism part time position—a notable decrease from the \$1.45 million allocated in the 2024–25 Business Plan. This reduction reflects the cessation of project-based operations and a streamlined structure featuring only an Executive Officer and part time Regional Tourism Manager.

Correspondingly, income from constituent Councils has decreased, reflecting the termination or transfer of several projects to host councils. Additionally, the withdrawal of Wattle Range Council has reduced LCLGA's membership to six (6) constituent Councils.

The base subscription fee for 2025–26 is calculated by dividing total expenditure among Councils using a formula based on population and rate revenue. While the withdrawal of Wattle Range Council has led to an increase in the base subscription rate for remaining members, the overall financial contributions required from each Council have significantly declined due to the cessation of project-related fees

Member Contributions	Total Contributions 24-25	Subscriptions 25-26	Diff
City of Mount Gambier	\$252,678	\$95,017	\$157,661
District Council of Grant	\$112,556	\$46,420	\$66,136
Wattle Range Council	\$191,873	\$0	\$191,873
Naracoorte Lucindale Council	\$129,504	\$52,167	\$77,337
District Council of Robe	\$60,866	\$20,455	\$40,411
Tatiara District Council	\$109,867	\$45,019	\$64,848
Kingston District Council	\$58,545	\$23,262	\$35,283
Total	\$915,889	\$282,340	\$633,549

While there are considerable savings from an LCLGA payment standpoint, constituent Councils may opt to engage in project partnerships with other organisations. This funding approach provides Councils with the flexibility to allocate their budgets independently, without being constrained by the LCLGA model.

**LIMESTONE COAST LGA
CONSOLIDATED BUDGET 2025/2026**

STATEMENT OF COMPREHENSIVE INCOME

**2024/2025
BUDGET
REVIEW 3**

**2025/2026
DRAFT
BUDGET**

\$	INCOME	\$
915,889	Local Government Council Contributions	282,340
40,000	Other Contributions	82,261
4,500	Other Income	-
419,072	Project Income	-
35,000	Interest	-
<hr/>		<hr/>
1,414,461	TOTAL REVENUES	364,601
EXPENSES		
608,962	Wages and Salaries	255,846
92,079	Operating Expenses	78,755
683,391	Project Expenditure	30,000
<hr/>		<hr/>
1,384,432	Total Expenses	364,601
30,030	OPERATING SURPLUS/(DEFICIT) BEFORE CAPITAL AMOUNTS	-
-	Net gain (loss) on disposal or revaluation of assets	-
-	Amounts specifically for new or upgraded assets	-
-	Physical resources received free of charge	-
30,030	TOTAL COMPREHENSIVE INCOME	-
<hr/>		<hr/>

**LIMESTONE COAST LGA
CONSOLIDATED BUDGET 2025/2026**

CASH FLOW STATEMENT

2024/2025 BUDGET REVIEW 3		2025/2026 DRAFT BUDGET
\$		\$
Inflows		Inflows
(Outflows)		(Outflows)
	CASHFLOWS FROM OPERATING ACTIVITIES	
	RECEIPTS	
1,153,062	Operating Receipts	364,601
35,000	Investment Receipts	-
	PAYMENTS	
(1,471,984)	Operating payments to suppliers & employees	(435,525)
-	Finance Payments	-
<u>(283,921)</u>	Net Cash provided by (or used in) Operating Activities	<u>(70,924)</u>
	CASH FLOWS FROM INVESTING ACTIVITIES	
-	Net Cash provided by (or used in) Investing Activities	-
	CASH FLOWS FROM FINANCING ACTIVITIES	
-	NET CASH USED IN FINANCING ACTIVITIES	-
(283,921)	NET INCREASE (DECREASE) IN CASH HELD	(70,924)
636,311	CASH AT BEGINNING OF YEAR	352,390
<u>352,390</u>	CASH AT END OF YEAR	<u>281,466</u>

**LIMESTONE COAST LGA
CONSOLIDATED BUDGET 2025/2026**

BALANCE SHEET

**2024/2025
BUDGET
REVIEW 3**

**2025/2026
DRAFT
BUDGET**

ASSETS		
\$	CURRENT ASSETS	\$
352,390	Cash and cash equivalents	281,466
-	Trade & other receivables	-
<u>352,390</u>		<u>281,466</u>
<u>352,390</u>	TOTAL ASSETS	<u>281,466</u>
LIABILITIES		
CURRENT LIABILITIES		
70,923	Trade & Other Payables	-
-	Other Liabilities	-
-	Short-term Provisions	-
<u>70,923</u>	TOTAL CURRENT LIABILITIES	<u>-</u>
NON-CURRENT LIABILITIES		
-	Long-term Provisions	-
-	TOTAL NON-CURRENT LIABILITIES	-
<u>70,923</u>	TOTAL LIABILITIES	<u>-</u>
<u>281,467</u>	NET ASSETS	<u>281,466</u>
EQUITY		
281,467	Accumulated Surplus	281,466
-	Asset Revaluation	-
-	Other Reserves	-
<u>281,467</u>	TOTAL EQUITY	<u>281,466</u>

**LIMESTONE COAST LGA
CONSOLIDATED BUDGET 2025/2026**

STATEMENT OF CHANGES IN EQUITY

2024/2025 BUDGET REVIEW 3		2025/2026 DRAFT BUDGET
\$		\$
	ACCUMULATED SURPLUS	
251,437	Balance at end of previous reporting period	281,466
30,030	Net Result for Year	0
0	Transfer From Reserves	0
0	Transfer To Reserves	0
<u>281,467</u>	TOTAL EQUITY AT END OF REPORTING PERIOD	<u>281,466</u>

**LIMESTONE COAST LGA
CONSOLIDATED BUDGET 2025/2026**

UNIFORM PRESENTATION OF FINANCES

2024/2025 BUDGET REVIEW 3		2025/2026 DRAFT BUDGET
\$		\$
1,414,461	Operating Revenues	364,601
(1,384,432)	less Operating Expenses	(364,601)
<u>30,030</u>	Operating Surplus / (Deficit) before Capital Amounts	<u>-</u>
	Less Net Outlays in Existing Assets	
-	Capital Expenditure on renewal and replacement of Existing Assets	-
-	less Depreciation, Amortisation and Impairment	-
<u>-</u>	less Proceeds from Sale of Replaced Assets	<u>-</u>
-		-
	Less Net Outlays on New and Upgraded Assets	
-	Capital Expenditure on New and Upgraded Assets	-
-	less Amounts received specifically for New and Upgraded Assets	-
<u>-</u>	less Proceeds from Sale of Surplus Assets	<u>-</u>
-		-
30,030	Net Lending / (Borrowing) for Financial Year	-

LIMESTONE COAST LOCAL GOVERNMENT ASSOC Level 1 9 Bay Road Mount Gambier SA 5290 Profit & Loss Consolidated July 2025 To 30 June 26			
BUDGET REVIEW 2		DRAFT BUDGET	
24/25		25/26	NOTES
	INCOME		
\$252,678.00	City of Mount Gambier	\$95,016.84	
\$112,556.00	District Council of Grant	\$46,419.90	
\$191,873.00	Wattle Range Council	\$0.00	
\$129,504.00	Naracoorte Lucindale Council	\$52,167.14	
\$60,866.00	District Council of Robe	\$20,455.23	
\$109,867.00	District Council of Tatiara	\$45,019.39	
\$58,545.00	District Council of Kingston	\$23,261.51	
\$66,000.00	SA Tourism Commission	\$82,261.00	
\$40,000.00	LGA SA	\$0.00	
\$28,000.00	Interest	\$0.00	
\$100,000.00	Grants (Liabilities)	\$0.00	
\$0.00	Rental Income	\$0.00	
\$100.00	Sundry Income	\$0.00	
\$33,600.00	Participant Contribution	\$0.00	
\$62,000.00	SA Coastal Councils Alliance	\$0.00	
\$0.00	Power of Her	\$0.00	
\$137,500.00	Grants	\$0.00	
\$1,383,089.00	Total INCOME	\$364,601.00	
	EXPENSES		
\$6,000.00	Advertising & Marketing	\$0.00	
\$30,500.00	Audit & Accountants Fees	\$15,000.00	Audit Fees \$6,500, Financial Support \$8,500
\$540.00	Bank Fees	\$250.00	
\$19,200.00	Computing & IT	\$3,000.00	Website Maintenance \$1,000, GTE 1,500, Adobe \$500
\$7,000.00	Consultancy	\$32,000.00	Projects (Roads etc), General Consultancy \$2K
\$21,700.00	Occupancy	\$0.00	
\$12,000.00	Governance	\$5,000.00	
\$21,000.00	Insurances	\$5,000.00	LG Asset Mutal & LG Mutual Liability
\$6,000.00	Meeting Expenses	\$2,000.00	
\$6,000.00	Miscellaneous Expenses	\$0.00	
\$4,800.00	Printing/Stationery	\$1,000.00	
\$1,000.00	Subscriptions	\$1,700.00	MYOB Subscription
\$7,500.00	Telephones	\$2,000.00	
\$8,000.00	Training	\$1,000.00	
\$8,000.00	Travel/Accommodation/Meals	\$3,000.00	
\$22,100.00	Vehicles - Fuel	\$5,000.00	
\$53,980.00	Vehicles - Leasing	\$22,000.00	
\$1,500.00	Vehicles - Repairs/Maintenance	\$500.00	
\$84,529.00	Heritage Services	\$0.00	
\$106,009.00	Regional Development Australia LC	\$0.00	
\$562,386.00	Wages	\$215,400.00	
\$64,674.00	Wages - Superannuation	\$25,200.00	
\$5,895.00	Wages - Workcover	\$9,996.00	
\$10,000.00	Wages - FBT	\$5,000.00	
\$15,448.00	Wage - Accruals	\$5,250.00	
\$78,844.00	SACCA	\$0.00	
\$64,816.00	1. Marketing	\$0.00	
\$5,000.00	2. Visitor Servicing	\$0.00	
\$750.00	3. Events	\$0.00	
\$1,000.00	4 & 5. Experience Development / Acces	\$0.00	
\$26,199.00	6. Governance & Collaboration	\$5,305.00	
\$650.00	7. Industry Capability	\$0.00	
\$1,999.00	8. Promote Value of Tourism	\$0.00	
\$84,000.00	LCRSA	\$0.00	
\$22,182.00	CAC	\$0.00	
\$0.00	1. Children at Risk Project	\$0.00	
\$4,980.00	2. Tatiara Soccer Project	\$0.00	
\$5,000.00	3. Tatiara Youth Leadership Project	\$0.00	
\$5,000.00	4. Facility Analysis Project	\$0.00	
\$2,000.00	6. Training Workshops Project	\$0.00	
\$38,000.00	Roads Program	\$0.00	
\$25,000.00	Regional Growth Strategy	\$0.00	
\$0.00	Power of Her	\$0.00	
\$1,451,181.00	Total EXPENSES	\$364,601.00	
(\$68,092.00)	Operating Profit	\$0.00	

19.3 MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL

Author: Brittany Shelton, Manager Governance and Property

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Mount Gambier Community Mayor's Christmas Appeal' as presented on Tuesday 19 August 2025 be noted.
2. That the Mount Gambier Community Mayor's Christmas Appeal Assessment Panel (the Committee) be established pursuant to section 41 of the Local Government Act 1999 (the Act).
3. That the following documents be endorsed and adopted as presented:
 - (a) Mount Gambier Community Mayor's Christmas Appeal Assessment Panel Terms of Reference;
 - (b) Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines; and
 - (c) Mount Gambier Community Mayor's Christmas Appeal Fund Rules.
4. That the Mayor be appointed as the Presiding Member of the Committee.
5. That the following members be appointed to the Committee for a 12-month term:
 - (a) Independent member – Sue Roberts
 - (b) Independent member – Jane Read
 - (c) Uniting Care representative – Laura Kilsby
 - (d) Salvation Army representative – Tim Frost
 - (e) ac.care representative – Deanne Swift
 - (f) St Vincent de Paul representative – John D'Souza
6. That Council grants the delegation of powers and functions of the Council as provided for in the tables at **Attachment 1**, to the Committee pursuant to section 44(2)(a) of the Act.
7. The delegations granted in resolution 6 above are subject to the following conditions and limitations:
 - (a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
 - (b) The delegate must exercise a delegated function or power in accordance with and due regard to:
 - (i) applicable legislative and other legal requirements; and
 - (ii) relevant policies and guidelines adopted by the Council.
 - (c) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.

- (d) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
- (e) These delegations will come into operation on Wednesday 20 August 2025 and remain in force until varied or revoked by resolution of the Council.
8. That the Chief Executive Officer or delegate be authorised to do all things necessary to obtain tax deductible gift recipient (DGR) status, including but not limited to making application to the Australian Taxation Office (ATO), registering a business name for the Mount Gambier Community Mayor's Christmas Appeal and opening a separate bank account to quarantine funds.

PURPOSE

To establish the Mount Gambier Community Mayor's Christmas Appeal Assessment Panel in accordance with section 41 of the *Local Government Act 1999* (the Act).

BACKGROUND / OPTIONS

The Mount Gambier Community Mayor's Christmas Appeal

Each year the Mount Gambier Community Mayor's Christmas Appeal (the Appeal) plays a critical role in ensuring that vulnerable and isolated people in our community are able to experience the joy of Christmas, by collecting donations to fund the Christmas Cheer Program.

The Christmas Cheer program is a community initiative that aims to provide support, including food hampers and children's gifts, directly to those experiencing financial hardship during the Christmas season. It's a collaborative partnership between various local charities and not-for-profit organisations.

Donations to the appeal are distributed through the Christmas Cheer Program delivered by the following current participating agencies, with additional coordination and support offered through the Sunset Community Kitchen and Families SA:

- *Uniting Care;*
- *ac.care;*
- *St Vincent De Paul; and*
- *The Salvation Army.*

The appeal relies solely on the support of local donors – the service is additional to the role played by local agencies and is not possible without contributions from local individuals, families, groups and businesses. The Appeal is a unique local initiative - 100% of the funds are sourced and distributed locally to individuals and families living in the community of Mount Gambier.

The City of Mount Gambier via the Appeal supports the Christmas Cheer Program by acting as a collection point for the agencies. Donations collected are distributed among the participating agencies from time to time, for use exclusively towards the Christmas Cheer Program.

Tax Deductible Gift Recipient (DGR) Status

The Appeal has become a much-loved initiative, and has grown in size and maturity in recent years. It has been identified that there is a strategic opportunity for the Appeal to obtain DGR status which would enable major donors to receive a tax deduction for the sum of their donation, thus increasing the appeal of major donations to the Appeal.

In order to obtain DGR status, the Australian Taxation Office (ATO) requires a robust governance framework and accounting standards for the management of funds collected in furtherance of the Appeal. To this end, it is proposed that a Council Committee be established in accordance with section 41 of the Act, and the relevant delegations put in place, to facilitate for the current operations of the Appeal to continue, whilst also meeting the criteria to be eligible for DGR status.

The Assessment Panel

The following governing documents are **attached** for members consideration, and adoption:

- Mount Gambier Community Mayor's Christmas Appeal Assessment Panel Terms of Reference;
- Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines; and
- Mount Gambier Community Mayor's Christmas Appeal Fund Rules.

It is relevant to note that once the Committee is established, and the initial members are appointed, the Terms of Reference empowers the Committee to regulate its own membership and governing documents.

Financial Delegations

A way in which Council streamlines its efficiency is via establishing committees. Section 41 of the Act provides that a council may establish committees to assist the council in the performance of its functions, for example:

- To carry out a project on behalf of the council.
- To manage or administer property, facilities or activities on behalf of the council.
- To oversee works on behalf of the council.

In order for a committee to perform its functions or duties, it may be required to discharge delegated powers of the council. For this reason, it is recommended that the Committee receives the below delegated powers, as detailed in the schedule at **Attachment 1**.

1. Local Government Act 1999 section 37(b) - Authorise an officer, employee or agent to enter into a contract on behalf of the council.
2. Local Government Act 1999 section 137 - Expend funds in the performance or discharge of the council's powers, functions or duties under the Local Government Act or other Acts.

It is important to note that a contract need not be in writing to enliven these provisions, and it is commonly utilised for the expenditure of funds as well as procurement. It is recommended that conditions / limitations be placed on the delegation to limit such expenditure to the specific budget allocation for the relevant activity.

Whilst there is not currently a specific budget line for the 2025/2026 Budget, this can be amended at Budget Review 1, noting there will be no actual impact on Council's budget. This makes monitoring / enforcing such a condition practical and not overly onerous.

CONCLUSION

That Council establish the Mount Gambier Community Mayor's Christmas Appeal Assessment Panel, appoint the relevant membership, and make such financial delegations as are appropriate and required.

ATTACHMENTS

1. Mount Gambier Community Mayors Christmas Appeal - Fund Rules [**19.3.1** - 5 pages]
2. Mount Gambier Community Mayors Christmas Appeal Assessment Panel - Terms of Reference [**19.3.2** - 8 pages]
3. Mount Gambier Community Mayors Christmas Appeal - Funding Assessment Guidelines [**19.3.3** - 7 pages]
4. Mount Gambier Mayors Christmas Appeal - Sub- Delegation [**19.3.4** - 1 page]



 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUND RULES</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

1. ESTABLISHMENT

- 1.1. The Mount Gambier Community Mayor's Christmas Appeal is a 'necessitous circumstances fund' (the Fund). The within Mount Gambier Community Mayor's Christmas Appeal Fund Rules (the Fund Rules) shall constitute the Fund Rules for the purpose of the Australian Taxation Office (ATO) requirements.
- 1.2. The Fund is expressly established for the relief of a class of persons in necessitous circumstances, specifically individuals or families living in the Mount Gambier community (in the State of South Australia) experiencing financial hardship during the Christmas season.

2. OBJECTS

- 2.1. Each year the Mount Gambier Community Mayor's Christmas Appeal plays a critical role in ensuring that vulnerable and isolated people in our community are able to experience the joy of Christmas, by collecting donations to fund the Christmas Cheer Program.
- 2.2. The Christmas Cheer program is a community initiative that aims to provide support, including food hampers and children's gifts, directly to those experiencing financial hardship during the Christmas season. It's a collaborative partnership between various local charities and not-for-profit organisations.

3. INTERPRETATION

- 3.1. For the purpose of these Fund Rules, unless inconsistent with the subject matter or context:

Term	Interpretation
Act	The <i>Local Government Act 1999</i> (SA) and includes all Regulations and Schedules.
Council	The City of Mount Gambier.
Fund	The Mount Gambier Community Mayor's Christmas Appeal.
Funds	Available monies collected through donations via the Mount Gambier Community Mayor's Christmas Appeal and allocated to Applicants based on the assessment process.
Necessitous Circumstances	The term 'necessitous circumstances' refers to financial necessity. A Necessitous Circumstances Fund provides relief to persons who are in necessitous circumstances.
Not-for-Profit	An organisation meeting the Australian Tax Office (ATO) definition of a legal entity, that is: <ul style="list-style-type: none"> • an incorporated association, or • an indigenous corporation and/or a charity or public benevolent institution registered with the Australian Charities and Not-for-Profits Commission (ACNC).
Presiding Member	The Mayor of the City of Mount Gambier.

- 3.2. Any words, phrases or terms used in these Fund Rules that are defined in the Act shall have the same meaning as are given in the Act.

Electronic version on HPE Content Manager is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 1 of 5
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 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUND RULES</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

3.3. A reference in these Fund Rules to a “singular” includes a reference to the “plural” and a reference to a “plural” includes a reference to the “singular”.

3.4. These Fund Rules shall be interpreted in line with the provisions of the Act.

4. PUBLIC CONTRIBUTIONS

4.1. The appeal relies solely on the support of local donors – the service is additional to the role played by local agencies and is not possible without contributions from local individuals, families, groups and businesses. The appeal is a unique local initiative - 100% of the funds are sourced and distributed locally to individuals and families living in the community of Mount Gambier.

4.2. The City of Mount Gambier via the Mount Gambier Community Mayor's Christmas Appeal supports the Christmas Cheer Program by collecting Donations from the community (the public).

5. COMMITTEE MEMBERS

5.1. A majority of the Members of the Fund must be persons having a degree of responsibility to the general community by reason of their occupation or standing in the community.

5.2. The Fund shall comprise of the following voluntary Members:

5.2.1. The Mayor,

5.2.2. Two (2) independent Members with relevant skills or experience, as appointed by the Mayor from time to time,

5.2.3. A nominated representative from each of the Eligible Agencies:

- A representative of AC Care,
- A representative of Uniting Care,
- A representative of Salvation Army, and
- A representative of St Vincent De Paul Society.

5.3. The Presiding Member shall be the Mayor of Council. The Deputy Mayor of Council shall be an automatic Proxy in the Mayor's absence.

5.4. Each participating agency shall advise of their nominated representative in writing by no later than 1 August each year and that appointment shall be for a one (1) year term. Representatives are not prevented from being nominated for consecutive terms, and the appointing agency reserves the right to amend their representative at their absolute discretion from time to time. In the event a nomination is not received by the relevant deadline, it will be assumed the agency shall not be participating in that years' program.

5.5. Each Member shall be entitled to one (1) deliberative vote, including the Presiding Member. A Member may nominate a Proxy to vote on their behalf in their absence, in writing to the Presiding Member.

5.6. Participating agencies are not prevented from having more than one person from their organisation present at meetings, noting however this shall not impact Membership, nor voting rights.

5.7. Eligible Agencies wishing to become Members (participants) may be appointed by the Fund.

Electronic version on HPE Content Manager is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 2 of 5
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 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUND RULES</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

- 5.8. Participating agencies may resign their Membership (participation) to the Fund in writing to the Presiding Member.
- 5.9. If a participating agency fails to comply with their obligations under this Fund Rules, Terms of Reference, the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines, or any applicable legislative or Policy provisions, the Fund may determine to remove that participating agency by way of Committee resolution and subsequent notice in writing, outlining the reasons for the decision.
- 5.10. Council employees may be in attendance to offer advice or provide operational support as required, however will not form part of the Fund.

6. OPERATION ON A NOT-FOR-PROFIT BASIS

- 6.1. The assets and income of the Fund shall be applied solely in furtherance of the Objects of the Fund and no portion shall be distributed directly or indirectly to any individual except as bona fide compensation for services rendered or expenses incurred on behalf of the Fund.

7. GIFTS AND DEDUCTIBLE CONTRIBUTIONS

- 7.1. All Funds collected and allocated in furthering the objective of the Mount Gambier Mayor's Christmas Appeal shall be quarantined via separate bank account from Council's ordinary activities.
- 7.2. A bank account will be established to receive all gifts and deductible contributions accepted by the Fund. This account must only include any money or property which is a gift or deductible contribution to the fund, or which is received because of such gifts or deductible contributions, including, interest received on any monies in the account.
- 7.3. The Fund receives only gifts or deductible contributions and any money received because of those gifts or deductible contributions. The Fund does not receive any other money or property.
- 7.4. The Council shall ensure that adequate and proper accounting records are maintained in respect of the Fund and which shall be audited on an annual basis by the Auditor for the time being of the Council.
- 7.5. A separate reconciliation shall be prepared by Council as soon as practicable after the conclusion of any financial year a copy of the said reconciliation shall be forwarded to all participating agencies during that particular financial year, and tabled at the first meeting of the Fund at their first meeting of the following financial year.

8. ADMINISTRATIVE SUPPORT (RECEIPTS)

- 8.1. These Fund Rules are supported by the Mount Gambier Community Mayor's Christmas Appeal Assessment Panel (MCAAP) Terms of Reference and the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines.
- 8.2. The CEO & Mayoral Executive Support Team will be responsible for:
 - 8.2.1. Taking the minutes for the Fund,
 - 8.2.2. Assisting with preparation of the agenda for meetings, in consultation with the Presiding Member,

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 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUND RULES</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

- 8.2.3. Informing the Presiding Member of any changes to the agenda, apologies received and/or new items of business,
- 8.2.4. Receipt and co-ordination of all records relating to the Fund,
- 8.2.5. Provision of Australian Tax Office (ATO) compliant receipts for donations made under the Deductible Gift Recipients (DGR) provisions. All receipts for gifts or deductible contributions must be issued in the name of the Fund.

8.3. Minutes shall be distributed to all Members within five (5) clear days of Fund meetings.

9. WINDING UP

- 9.1. The Fund may be wound up by way of Council resolution.
- 9.2. In the event of the Mount Gambier Community Mayor's Christmas Appeal and associated Fund being wound up or dissolved, any surplus assets remaining after the payment of liabilities shall be transferred to the participating agencies for the benefit of the community.
- 9.3. In the event it is not possible or appropriate to transfer the surplus assets to the participating agencies, the surplus assets remaining shall be transferred to another fund, authority or institution, which has similar objects, and to which income tax deductible gifts can be made.

10. LEGISLATION AND REFERENCES

The following legislation supports this Terms of Reference:

- *Local Government Act 1999 (SA)*
- *Local Government (Procedures at Meetings) Regulations 2013 (SA)*

11. RELATED DOCUMENTS

The following documents support this Terms of Reference:

- Mount Gambier Community Mayor's Christmas Appeal Assessment Panel Terms of Reference
- Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines
- Reserve Accounting Administrative Principle [under development]

12. REVIEW


- 12.1. The Fund Rules shall be reviewed annually, or as required by the MCAAP, according to legislation, or otherwise appropriate. Proposed amendments must be tabled at a MCAAP Meeting and formally adopted by the Committee.
- 12.2. The Fund must notify the Australian Taxation Office (ATO) of any alterations made to the Fund Rules.

Document History:	Version No:	Issue Date:	Description of Change:
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 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUND RULES	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

N/A	1	XX/XX/2025	Document creation
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 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

1. ESTABLISHMENT

- 1.1. Pursuant to Section 41 of the *Local Government Act 1999* (SA), Council has established a Committee to be known as the Mount Gambier Community Mayor's Christmas Appeal Assessment Panel (herein referred to as "**MCAAP**").
- 1.2. The Mount Gambier Community Mayor's Christmas Appeal is a 'necessitous circumstances fund' (the Fund). The within Mount Gambier Community Mayor's Christmas Appeal Terms of Reference, together with the Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines shall support administration and operation of the Fund and the Mount Gambier Community Mayor's Christmas Appeal Fund Rules.
- 1.3. The Fund is expressly established for the relief of a class of persons in necessitous circumstances, specifically individuals or families living in the Mount Gambier community (in the State of South Australia) experiencing financial hardship during the Christmas season.


2. PURPOSE

- 2.1. Each year the Mount Gambier Community Mayor's Christmas Appeal plays a critical role in ensuring that vulnerable and isolated people in our community are able to experience the joy of Christmas, by collecting donations to fund the Christmas Cheer Program.
- 2.2. The Christmas Cheer program is a community initiative that aims to provide support, including food hampers and children's gifts, directly to those experiencing financial hardship during the Christmas season. It's a collaborative partnership between various local charities and not-for-profit organisations.
- 2.3. Donations to the appeal are distributed through the Christmas Cheer Program delivered by the following currently participating agencies, with additional coordination and support offered through the Sunset Community Kitchen and Families SA:
 - 2.3.1. Uniting Care;
 - 2.3.2. ac.care;
 - 2.3.3. St Vincent De Paul; and
 - 2.3.4. The Salvation Army.
- 2.4. The appeal relies solely on the support of local donors – the service is additional to the role played by local agencies and is not possible without contributions from local individuals, families, groups and businesses. The appeal is a unique local initiative - 100% of the funds are sourced and distributed locally to individuals and families living in the community of Mount Gambier.
- 2.5. The City of Mount Gambier via the Mount Gambier Community Mayor's Christmas Appeal supports the Christmas Cheer Program by acting as a collection point for the agencies. Donations collected are distributed among the participating agencies from time to time, for use exclusively towards the Christmas Cheer Program.

3. INTERPRETATION

- 3.1. For the purpose of this Terms of Reference, unless inconsistent with the subject matter or context:

Electronic version on HPE Content Manager is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 1 of 8
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 <p>City of Mount Gambier</p>	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE		Version No:	1.0
			Issued:	August 2025
			Next Review:	August 2026


Term	Interpretation
Act	The <i>Local Government Act 1999</i> (SA) and includes all Regulations and Schedules.
Applicant	Eligible participating agencies which apply for funding for the purpose of delivering on an activity/s in accordance with the Christmas Cheer Program.
Member	Persons appointed to the MCAAP.
Council	The City of Mount Gambier.
Eligible Agencies	Agencies operating in the Mount Gambier community, participating in the Christmas Cheer Program, able to demonstrate their maintained status as a Registered Charity or Not-for-Profit in accordance with the Australian Charities and Not-for-Profits Commission (ACNC). The following are current participating agencies: <ul style="list-style-type: none"> • Anglican Community Care Incorporated • Uniting Care Mount Gambier • The Trustee For The Salvation Army (SA) Social Work • St Vincent De Paul Society (SA) Incorporated
Fund	The Mount Gambier Community Mayor's Christmas Appeal.
Funds	Available monies collected through donations via the Mount Gambier Community Mayor's Christmas Appeal and allocated to Applicants based on the assessment process.
Necessitous Circumstances	The term 'necessitous circumstances' refers to financial necessity. A Necessitous Circumstances Fund provides relief to persons who are in necessitous circumstances.
Not-for-Profit	An organisation meeting the Australian Tax Office (ATO) definition of a legal entity, that is: <ul style="list-style-type: none"> • an incorporated association, or • an indigenous corporation and/or a charity or public benevolent institution registered with the Australian Charities and Not-for-Profits Commission (ACNC).
Presiding Member	The Mayor of the City of Mount Gambier.

- 3.2. Any words, phrases or terms used in this Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.
- 3.3. A reference in this Terms of Reference to a "singular" includes a reference to the "plural" and a reference to a "plural" includes a reference to the "singular".
- 3.4. This Terms of Reference shall be interpreted in line with the provisions of the Act.

4. OBJECTIVES

- 4.1. The objective of the MCAAP is to afford a fair, transparent and equitable approach in apportioning monies raised through the course of donations, and allocating such Funds to Applicants whose role is to provide assistance to persons experiencing hardship within

Electronic version on HPE Content Manager is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 2 of 8
---	-------------

 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

Mount Gambier and surrounding community during the Christmas season, to achieve the stated Purpose.


5. FUNCTIONS

- 5.1. The MCAAP is to consider and support the Mount Gambier Community Mayor's Christmas Appeal in those activities required to obtain and allocate Funds, including administrative functions, compliance obligations, decision making, problem solving, policy development and representation.
- 5.2. In all of its deliberations the MCAAP must:
 - 5.2.1. Be mindful of the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines as they relate to the allocations.
 - 5.2.2. Represent and consider Applicants honestly and fairly.
 - 5.2.3. Engage appropriate advice or expertise, when required.
 - 5.2.4. Observe confidentiality of the MCAAP's confidential information.
- 5.3. The functions MCAAP undertakes to achieve its objective include:
 - 5.3.1. Engage with internal and external stakeholders in promoting, supporting and assisting the Mount Gambier Community Mayor's Christmas Appeal in obtaining donations.
 - 5.3.2. Ensure compliance with City of Mount Gambier legislative and Policy obligations, financial processes, Australian Charities and Not-for-Profits Commission regulations and Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines.
 - 5.3.3. Meet not less than three times per year, to coordinate fundraising activities, monitor donations and assess Applications to determine the appropriate allocation of Funds raised through the course of the Mount Gambier Community Mayor's Christmas Appeal.
 - 5.3.4. Ensure a robust, transparent and equitable process is effected in allocating Funds.
 - 5.3.5. Ensure documentation associated with Mount Gambier Community Mayor's Christmas Appeal is current and provides efficiencies in obtaining, assessing and allocating Funds.
 - 5.3.6. Evaluate the Mount Gambier Community Mayor's Christmas Appeal and recommend improvements for future events.

6. MEMBERSHIP

- 6.1. A majority of the Members of the MCAAP must be persons having a degree of responsibility to the general community by reason of their occupation or standing in the community.
- 6.2. The MCAAP shall comprise of the following voluntary Members:
 - 6.2.1. The Mayor,
 - 6.2.2. Two (2) independent Members with relevant skills or experience, as appointed by the Mayor from time to time,
 - 6.2.3. A nominated representative from each of the Eligible Agencies:


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---	-------------

 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

- A representative of AC Care,
 - A representative of Uniting Care,
 - A representative of Salvation Army, and
 - A representative of St Vincent De Paul Society.
- 6.3. The Presiding Member shall be the Mayor of Council. The Deputy Mayor of Council shall be an automatic Proxy in the Mayor's absence.
- 6.4. Each participating agency shall advise of their nominated representative in writing by no later than 1 August each year and that appointment shall be for a one (1) year term. Representatives are not prevented from being nominated for consecutive terms, and the appointing agency reserves the right to amend their representative at their absolute discretion from time to time. In the event a nomination is not received by the relevant deadline, it will be assumed the agency shall not be participating in that years' program.
- 6.5. Each Member shall be entitled to one (1) deliberative vote, including the Presiding Member. A Member may nominate a Proxy to vote on their behalf in their absence, in writing to the Presiding Member.
- 6.6. Participating agencies are not prevented from having more than one person from their organisation present at meetings, noting however this shall not impact Membership, nor voting rights.
- 6.7. Eligible Agencies wishing to become Members (participants) may be appointed by the MCAAP.
- 6.8. Participating agencies may resign their Membership (participation) to the MCAAP in writing to the Presiding Member.
- 6.9. If a participating agency fails to comply with their obligations under this Terms of Reference, the Fund Rules, the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines, or any applicable legislative or Policy provisions, the MCAAP may determine to remove that participating agency by way of Committee resolution and subsequent notice in writing, outlining the reasons for the decision.
- 6.10. Council employees may be in attendance to offer advice or provide operational support as required, however will not form part of the MCAAP.

7. ALLOCATION OF FUNDS

- 7.1. The MCAAP may only assess Applications from participating Eligible Agencies, which currently comprises of:
- a) Anglican Community Care Incorporated ('AC Care')
ABN: 53 440 436 445 DGR 900 153 951, Charity Licence #CCP2565
 - b) Uniting Care Mount Gambier ('Uniting Care')
ABN: 56781148357
 - c) The Trustee For The Salvation Army (SA) Social Work ('Salvation Army')
ABN: 45781882681
 - d) St Vincent De Paul Society (SA) Incorporated ('St Vincent De Paul')
ABN: 73591401592, Charity Licence #CCP2700
- 7.2. Funds shall be allocated to the participating agencies as determined by 15 November each year

 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

for distribution in accordance with the Christmas Cheer Program.

- 7.3. The assets and income of the Fund shall be applied solely in furtherance of the Objectives of the Fund and no portion shall be distributed directly or indirectly to any individual except as bona fide compensation for services rendered or expenses incurred on behalf of the Fund.

8. DELEGATIONS


- 8.1. The Council has delegated to the MCAAP the power to carry out the Objectives for which the Funds have been raised, including the power to receive, expend and distribute monies in accordance with the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines.
- 8.2. It is expressly acknowledged that whilst an amount shall be budgeted annually for the activities of the Mayor's Christmas Appeal, based on predicted donations to be received, the MCAAP will not be prevented from allocating Funds outside of the budgeted amount, and any variance accounted for at the next available budget revision. This exception is strictly conditional upon the requirement that the MCAAP must never allocate Funds outside of monies quarantined by way of separate bank account.

9. MEETINGS

- 9.1. The meetings of the MCAAP shall be conducted in accordance with the Local Government Act 1999 and Local Government (Procedures at Meetings) Regulations 2013.
- 9.2. The MCAAP will meet not less than three (3) times per year.
- 9.3. The Presiding Member will ensure this will aligns with necessary operational timeframes of the Mount Gambier Community Mayor's Christmas Appeal.
- 9.4. Meetings may be called by the Presiding Member upon not less than three (3) clear days' notice to Members, confirming the venue, time and date, together with an agenda of items to be discussed.
- 9.5. At all meetings of the MCAAP, four (4) representatives present shall constitute a quorum.

10. ROLES AND RESPONSIBILITIES

- 10.1. The Presiding Member is responsible for:
- 10.1.1. Chairing meetings in a professional and unbiased manner,
 - 10.1.2. Encouraging participation of all Committee Members during meetings,
 - 10.1.3. Ensuring that the minutes are a true and correct record of meetings,
 - 10.1.4. Ensuring all Committee Members are aware of decisions made and responsibilities for action items arising,
 - 10.1.5. Convening extraordinary meetings, as necessary,
 - 10.1.6. Closing the meeting and making known the date, time and place of the next meeting, and
 - 10.1.7. Any formal communication or correspondence,
 - 10.1.8. As spokesperson of the MCAAP.

 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

10.2. Committee Members are responsible for:

- 10.2.1. Actively participating in discussions in a professional manner at all times,
- 10.2.2. Ensuring they are prepared and informed of matters prior to the meeting,
- 10.2.3. Ensuring effective representation of their agency as part of the discussion,
- 10.2.4. Communicating outcomes to agencies as appropriate, and
- 10.2.5. Making fair, equitable and ethical decisions as to allocation of Funds in accordance with the Mount Gambier Mayor's Christmas Appeal Funding Assessment Guidelines, as required.

11. ADMINISTRATIVE SUPPORT

11.1. The CEO & Mayoral Executive Support Team will be responsible for:

- 11.1.1. Taking the minutes for the MCAAP,
- 11.1.2. Assisting with preparation of the agenda for meetings, in consultation with the Presiding Member,
- 11.1.3. Informing the Presiding Member of any changes to the agenda, apologies received and/or new items of business,
- 11.1.4. Receipt and co-ordination of all records relating to the MCAAP,
- 11.1.5. Provision of Australian Tax Office (ATO) compliant receipts for donations made under the Deductible Gift Recipients (DGR) provisions. All receipts for gifts or deductible contributions must be issued in the name of the Fund.

11.2. Minutes shall be distributed to all Members within five (5) clear days of MCAAP meetings.


12. ELECTRONIC PARTICIPATION

- 12.1. Members of the MCAAP may participate in a meeting of the Committee by electronic means if approved by the Presiding Member not less than three (3) clear days prior to the meeting, or otherwise under such circumstances as the Presiding Member deems appropriate.
- 12.2. In the event the meeting is to be conducted entirely via electronic means, the CEO & Mayoral Executive Support Team shall provide notice to the Members that the meeting is to be conducted electronically at the time the Agenda is distributed, including directions on how to participate electronically.
- 12.3. A member of the MCAAP participating in a meeting by electronic means is taken to be present at the meeting provided that the member:
 - 12.3.1. can see and hear all other members present at the meeting;
 - 12.3.2. can be seen and heard by all other members present at the meeting; and
 - 12.3.3. can be seen and heard by the person recording the minutes of the meeting.

13. LIABILITY

- 13.1. In accordance with Section 41(12) of the Local Government Act 1999, no civil liability attaches to a member of the MCAAP for an honest act or omission in the exercise,

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 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

performance or discharge, or purported exercise, performance or discharge, of the Member's or Committee's powers, functions or duties.

14. ACCOUNTING

- 14.1. All Funds collected and allocated in furthering the objective of the Mount Gambier Mayor's Christmas Appeal shall be quarantined via separate bank account from Council's ordinary activities.
- 14.2. A bank account will be established to receive all gifts and deductible contributions accepted by the Fund. This account must only include any money or property which is a gift or deductible contribution to the fund, or which is received because of such gifts or deductible contributions, including, interest received on any monies in the account.
- 14.3. The Fund receives only gifts or deductible contributions and any money received because of those gifts or deductible contributions. The Fund does not receive any other money or property.
- 14.4. The Council shall ensure that adequate and proper accounting records are maintained in respect of the Fund and which shall be audited on an annual basis by the Auditor for the time being of the Council.
- 14.5. A separate reconciliation shall be prepared by Council as soon as practicable after the conclusion of any financial year a copy of the said reconciliation shall be forwarded to all participating agencies during that particular financial year, and tabled at the first meeting of the MCAAP at their first meeting of the following financial year.
- 14.6. No passive income generation (i.e. interest) is intended to be earned on monies held in furthering the objective of the Mount Gambier Mayor's Christmas Appeal.

15. WINDING UP

- 15.1. The MCAAP may be wound up by way of Council resolution.

16. LEGISLATION AND REFERENCES

The following legislation supports this Terms of Reference:


- *Local Government Act 1999 (SA)*
- *Local Government (Procedures at Meetings) Regulations 2013 (SA)*

17. RELATED DOCUMENTS

The following documents support this Terms of Reference:

- Mount Gambier Community Mayor's Christmas Appeal Fund Rules
- Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines
- Reserve Accounting Administrative Principle [under development]

Electronic version on HPE Content Manager is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.	Page 7 of 8
---	-------------

 City of Mount Gambier	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL ASSESSMENT PANEL TERMS OF REFERENCE	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

18. REVIEW

18.1. The Terms of Reference shall be reviewed annually, or as required by the MCAAP, according to legislation, or otherwise appropriate. Proposed amendments must be tabled at a MCAAP Meeting and formally adopted by the Committee.

Document History:	Version No:	Issue Date:	Description of Change:
N/A	1	XX/XX/2025	Document creation

 <p>City of Mount Gambier</p>	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUNDING ASSESSMENT GUIDELINES	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

1. INTRODUCTION

- 1.1. The Mount Gambier Community Mayor's Christmas Appeal Assessment Panel ('MCAAP') will assess Applications from participating agencies, which propose an activity/s that will provide financial assistance to individuals and families experiencing hardship in Mount Gambier and the surrounding community in accordance with the Christmas Cheer Program. This Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines (the Funding Assessment Guidelines) ensures Funds are administered in a responsible, just, transparent and equitable manner.

2. INTERPRETATION

- 2.1. For the purpose of this Funding Assessment Guidelines, unless inconsistent with the subject matter or context:

Term	Interpretation
Acquittal	Information provided to ensure Funds have been administered responsibly and in line with conditions of the Application.
Applicant	Eligible participating agencies which apply for funding for the purpose of delivering on an activity/s in accordance with the Christmas Cheer Program.
Application	A formal request for allocation of Funds made using MCAAP's prescribed application form. Once signed, the Application constitutes a contract outlining the expectations of parties and any key deliverables of the Funds.
Council	City of Mount Gambier.
Eligible Agencies	Agencies operating in the Mount Gambier community, participating in the Christmas Cheer Program, able to demonstrate their maintained status as a Registered Charity or Not-for-Profit in accordance with the Australian Charities and Not-for-Profits Commission (ACNC). The following are current participating agencies: <ul style="list-style-type: none"> • Anglican Community Care Incorporated • Uniting Care Mount Gambier • The Trustee For The Salvation Army (SA) Social Work • St Vincent De Paul Society (SA) Incorporated
Fund	The Mount Gambier Community Mayor's Christmas Appeal.
Funded Activities	Any service, program or product provided to vulnerable members of the community in accordance with the Christmas Cheer Program, using Funds allocated by the MCAAP.
Funds	Available monies collected through donations via the Mayor's Christmas Appeal and allocated to Applicants based on the assessment process.

 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUNDING ASSESSMENT GUIDELINES</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

Necessitous Circumstances	The term 'necessitous circumstances' refers to financial necessity. A Necessitous Circumstances Fund provides relief to persons who are in necessitous circumstances.
Not-for-Profit	An organisation meeting the Australian Tax Office (ATO) definition of a legal entity, that is: <ul style="list-style-type: none"> • an incorporated association, or • an indigenous corporation and/or a charity or public benevolent institution registered with the Australian Charities and Not-for-Profits Commission (ACNC).
Recipient	An Applicant who has been endorsed by MCAAP to receive some portion of the Funds.

2.2 A reference in this Funding Assessment Guidelines to a “singular” includes a reference to the “plural” and a reference to a “plural” includes a reference to the “singular”.

3. FUNDS

- 3.1 Funds shall be paid by 1 December each year.
- 3.2 Unspent Funds must be returned to Council.
- 3.3 Council reserves the right to withdraw part or all Funds, for any breach or non-compliance with the terms and conditions or acquittal requirements listed in this Funding Assessment Guideline.

4. APPLICATION REQUIREMENTS

- 4.1 All Applications must:
 - be received in the prescribed application form addressed to city@mountgambier.sa.gov.au,
 - include a valid ABN and/or charity licence number,
 - be received by the deadline as outlined in the application, and
 - provide all information and particulars necessary to allow the MCAAP to make an assessment against the relevant criteria.

5. ASSESSMENT CRITERIA

- 5.1 Applications will be allocated Funding from the Fund, taking into consideration the below factors:
 - Total Funds held by Mount Gambier Community Mayor's Christmas Appeal,
 - Proportion of Funds brought in by way of donation in the relevant financial year,
 - Funds sought by Applicant,
 - Applicants proposed activity for funding,

 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUNDING ASSESSMENT GUIDELINES</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

- Size and scale of the Applicant agency,
- Proportionate demand for activity in the community,
- Objectives of the proposed activity,
- Sustainability of proposed activity, and
- Acquittal information from the previous financial year.

- 5.2 The MCAAP will assess applications and make an allocation of funds to Applicants annually.
- 5.3 Council Officers who have assisted with administrative functions will not participate in the MCAAP assessment process.
- 5.4 Applicants will receive notification in writing following confirmation of the decision by MCAAP.

6. ACQUITTAL

- 6.1 Successful Applicants will be required to complete an acquittal report prior to 28 February each year, to be submitted in writing to the Council.
- 6.2 The acquittal report must contain sufficient information to confirm the Funds have been administered responsibly and in line with the Christmas Cheer Program.
- 6.3 The acquittal report requires proof of expenditure for all Funds. Council shall provide the content required for inclusion in the acquittal report no later than 15 November each year.

7. TERMS AND CONDITIONS

- 7.1 The MCAAP may only assess Applications from participating Eligible Agencies.
- 7.2 Previous Recipient allocations make no guarantee for future allocations.
- 7.3 Unless otherwise negotiated, Funds must be utilised for the activity/s as endorsed by MCAAP in accordance with the Christmas Cheer Program and within the agreed timeframe.
- 7.4 Funds must not be used by Recipients for:
- reimbursement of monies spent prior to making an Application,
 - maintenance or operational costs,
 - administrative costs or salaries, or
 - politically motivated campaigns or events.
- 7.5 All Recipients release Council and MCAAP from any actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring in connection with the Funds and/or how they are used.
- 7.6 All Recipients warrant that they have sufficient insurance to cover the activity/s they intend to utilise the Funds towards.
- 7.7 All Recipients agree, in any publicity in relation to the Funds, to acknowledge the financial or other support the Recipient has received from the Mount Gambier Community Mayor's Christmas Appeal, in accordance with Item 8 Acknowledgement and Publicity.

 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUNDING ASSESSMENT GUIDELINES</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

- 7.8 All Recipients warrant they are, at the time of making Application, a Registered Charity or Not-for-Profit in accordance with the Australian Charities and Not-for-Profits Commission (ACNC).
- 7.9 Where a Recipient spends in excess of their budget, Council and MCAAP takes no responsibility and assumes no liability for the shortfall, which will be borne by the Recipient in its entirety.
- 7.10 It is within MCAAP's discretion to:
- provide unallocated Funds to an Eligible Agency,
 - utilise a portion of the Funds on any associated fees and charges, including relevant financial institution fees or reasonably recovered administration costs of operation.

8. ACKNOWLEDGEMENT AND PUBLICITY

- 8.1 The Recipient must acknowledge that the Christmas Cheer Program is supported by funding from the Mount Gambier Community Mayor's Christmas Appeal.
- 8.2 The Recipient must include the Council logo in all signage, publications and promotional activities related to the Christmas Cheer Program. The Recipient must not use the Council's logo without approval outside of the Christmas Cheer Program as defined in the Mount Gambier Community Christmas Appeal Assessment Panel Terms of Reference. The Recipient must use the logo and branding in accordance with the Council's branding guidelines available on Council's website.
- 8.3 If the Recipient erects or maintains any signage in relation to the Christmas Cheer Program, the signage must acknowledge the Mount Gambier Community Mayor's Christmas Appeal as the supporter. Any signage must remain in place during the operational period for the Christmas Cheer Program.
- 8.4 The Recipient must notify Council any official functions relating to the Christmas Cheer Program, and invite the Mayor to officiate at any official function or event to which sponsors or donors would ordinarily be invited to attend.
- 8.5 The Recipient must seek prior approval from Council for any signage, publications, promotional activities, publicity, announcements and media releases relating to the Mount Gambier Community Mayor's Christmas Appeal, with at least 14 calendar days' notice, before release.

9. PRIVACY AND CONFIDENTIALITY

- 9.1 All information collected during the application process will be treated in accordance with Council's Privacy Statement.
- 9.2 Council may choose to publish information once Funds have been allocated. This may include information obtained during the application process, such as:
- name of the Applicant and any other parties involved,
 - information about the proposed activities as outlined in an Application, and
 - amount of Funds sought and/or allocated.

 <p>City of Mount Gambier</p>	<p>MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUNDING ASSESSMENT GUIDELINES</p>	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

10. COMPLAINTS AND DISPUTES

10.1 Any concerns, complaints or disputes raised will be managed in accordance with Council's dispute resolution practices, or as otherwise determined by the Prising Member of the MCAAP.

11. RELATED DOCUMENTS

The following documents support this Funding Assessment Guidelines:

- Mount Gambier Community Mayor's Christmas Appeal Fund Rules
- Mount Gambier Community Mayor's Christmas Appeal Assessment Panel Terms of Reference
- Reserve Accounting Administrative Principle [under development]

12. REVIEW

2.2. The Funding Assessment Guidelines shall be reviewed annually, or as required by the MCAAP, according to legislation, or otherwise appropriate. Proposed amendments must be tabled at a MCAAP Meeting and formally adopted by the Committee.

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 <p>City of Mount Gambier</p>	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUNDING ASSESSMENT GUIDELINES	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

APPLICATION FOR ALLOCATION OF FUNDS

APPLICANT

Applicant Name	
Application Prepared By	
Position	
ABN	
Is your organisation registered for GST?	
Charity Licence Number	
Address	
Post Address (If different from above)	
Phone	
Email	

ACTIVITY DETAILS

Activity description	
Activity history Please provide a brief history of the activity, including the number of times the activity has occurred in the past, including number of people reached and key outcomes	
Activity objectives Please list the aims and objectives of the proposed activity	
Activity sustainability What strategies do you have in place to ensure the activity is sustainable?	
Activity evaluation How will you know if you have	

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Page 6 of 7

	MOUNT GAMBIER COMMUNITY MAYOR'S CHRISTMAS APPEAL FUNDING ASSESSMENT GUIDELINES	Version No:	1.0
		Issued:	August 2025
		Next Review:	August 2026

achieved the aims and the objectives of the activity?	
Activity proposed timeline	
Number of proposed people reached	
Breakdown of proposed people reached	% Families % Individuals % Other

EVENT BUDGET

Estimated total budget for activity	\$
Description of how funds will be spent	
Applicant contribution	\$
In-kind support (if applicable)	
Applications must be received by 30 October.	
Name	
Signature	
Date	

By making Application for an allocation of Funds, the Applicant hereby agrees:

1. The Applicant has the authority to make the within Application on behalf of the relevant agency.
2. The Applicant warrants the information provided herein is true and correct to the best of their knowledge and belief.
3. The Applicant has read the terms and conditions, as well as the acquittal requirements, as set out in the Mount Gambier Community Mayor's Christmas Appeal Funding Assessment Guidelines from time to time, and agree to bound by same.

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---	-------------



Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations	Capacity of Council
410068	Local Government Act 1999	section 37(b)	Authorise an officer, employee or agent to enter into a contract on behalf of the council	MXMAS	Delegate may only expend funds allocated to the operation and functions of the relevant Committee in accordance with the annual budget - MXMAS	council
410192	Local Government Act 1999	section 137	Expend funds in the performance or discharge of the council's powers, functions or duties under the Local Government Act or other Acts	MXMAS	Delegate may only expend funds allocated to the operation and functions of the relevant Committee in accordance with the annual budget - MXMAS	council

19.4 2025/2026 GRANTS AND SPONSORSHIP PROGRAM - ROUND ONE

Author: Biddie Shearing, Manager Economy, Strategy and Engagement

Authoriser: Chris White, General Manager People Place and Liveability

RECOMMENDATION

1. That Council report titled '2025/2026 Grants and Sponsorship Program - Round One' as presented on Tuesday 19 August 2025 be noted.
2. That Council acknowledges the endorsed process undertaken by the assessment panel, including the evaluation criteria and methodology and endorses \$135,650 cash plus \$37,546.80 in kind be distributed for round one of the 2025/2026 Grants and Sponsorship Program.
3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will be subject to:
 - (a) all necessary land holder and development approvals being obtained; and
 - (b) all works being completed in accordance with all relevant legislative and compliance standards.

PURPOSE

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

Round one of the program consists of the following streams:

- Community Event Grant
- Corporate Sponsorship
- Community Strengthening Grant
- Creative Arts Fund
- Sport and Recreation Capital Works

BACKGROUND / OPTIONS

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

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



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

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

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

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

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

Council received 30 applications for support during this round of the Program and, as noted above, the total cash support requested significantly exceeded available funds. Given that



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

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

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

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

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

Community Event Grant

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

COMMUNITY EVENTS						
Applicant	Project/ Event	Requested		Allocated		Outcome
		Cash	In-kind	Cash	In-kind	
South Gambier Football Club	Mount Gambier Rodeo	\$6,650	\$2,164	\$6,650	\$2,164	Successful
Holdfast Limestone Coast Inc	Seaweed – A celebration	\$4,130	\$1,624			Unsuccessful
Lakes Rotary Club of Mount Gambier	Blue Lake Fun Run	\$7,000	\$6,200	\$3,000	\$6,200	Partially Successful
Mount Gambier Harness Racing Inc	Mount Gambier Pacing Gold Cup	\$2,000		\$1,000		Partially Successful
Australian International Pedal Prix Inc	Pedal Prix	\$15,000	\$749.80	\$7,500	\$749.80	Partially Successful
Blue Lake BMX Club	State BMX Series	\$2,500	\$529	\$1000	\$529	Partially Successful
Mount Gambier	Blue Lake Carols	\$10,000	\$633	\$5,000	\$633	Partially Successful



Ministers Association						
Mount Gambier Show Society	Mount Gambier Spring Show	\$7,500	\$722.80	\$3,000	\$722.80	Partially Successful
South East Automobile Club	Legends of the Lake Hill Climb	\$7,500	\$7,993		\$7,993	Partially Successful
OZFish Unlimited	Fish Wise Festival	\$4,210	\$239	\$2,000	\$1000	Partially Successful
Basketball Mount Gambier Inc	Junior Basketball Tournament	\$11,000		\$2,000		Partially Successful
Mount Gambier Disc Golf	2025 Eruption	\$13,000	\$1,580	\$5,000	\$1,580	Partially Successful
Rotary Club of Mount Gambier West	Party in the Park	\$6,300	\$891.70	\$6,300	\$891.70	Successful
Southern Saints Netball Club	The Border Challenge	\$15,000		\$5,000		Partially Successful
The Nurtured Village Hampers Limestone Coast	Flourish	\$2,001		\$1,000		Partially Successful
Mount Gambier Community RSL Club	ANZAC Day Memorial Services and Parade	\$4,700	\$3,450	\$4,700	\$3,450	Successful
TOTAL Allocation Recommended		\$118,491	\$26,776.30	\$53,150	\$25,913.30	

Corporate Sponsorship

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

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



Community Strengthening Grant

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

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

Sport and Recreation Capital Works

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

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



TOTAL Allocation Recommended	\$184,257.61	\$30,000	
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IMPLICATIONS TO CONSIDER

Legal	<p>Successful applicants are required to obtain all necessary land use, landholder and development approvals and complete works in accordance with relevant legislative and compliance standards.</p> <p>Applicants must sign an Acceptance of Grant Conditions agreement, with terms set out by Council, prior to commencing project/event.</p>															
Financial and Budget	<p>Referring to the table earlier in this report and noting that Council has endorsed pre-allocations including multi-year Corporate/Community Partnership Agreements, national events and one-off opportunities that position Mount Gambier on a national stage. The table also includes pre-allocations endorsed for events being delivered in 2025/2026, however were part of Round Two of the 2024/2025 Grants and Sponsorship Program.</p> <p>From a total annual 2025/2026 budget of \$456,800 cash and \$143,384 in kind, \$164,915 cash and \$47,868 in-kind remains in the 2025/2026 annual budget for the program including Quick Response grants and Venue Sponsorship applications. - see table below.</p> <p>The assessment panel recommends an allocation of \$135,650 cash plus \$37,546.80 in-kind contributions for round one of the 2025/2026 Grants and Sponsorship program, which is within the annual budget.</p> <table><tr><th></th><th>Cash</th><th>In-Kind</th></tr><tr><td>Total budget 2025/2026</td><td>\$456,800</td><td>\$143,384</td></tr><tr><td>Pre-Allocations to date</td><td>\$291,885</td><td>\$95,516</td></tr><tr><td>Recommended Round One allocation</td><td>\$135,650</td><td>\$37,546.80</td></tr><tr><td>Remaining 2025/2026</td><td>\$29,265</td><td>\$10,321.20</td></tr></table> <p>In addition, it is noted that a total of \$14,594 for the events below was allocated in the 2024/2025 financial year, however the events and acquittal straddled the 2025/2026 financial year, therefore this amount will be referred to Budget Review 1 for Council consideration to accommodate this timing.</p> <ul style="list-style-type: none">• Tower Trail Run - \$3,750• Fringe Berrin - \$2,500• Beer & BBQ Festival - \$7,500• Gravity Enduro - \$844		Cash	In-Kind	Total budget 2025/2026	\$456,800	\$143,384	Pre-Allocations to date	\$291,885	\$95,516	Recommended Round One allocation	\$135,650	\$37,546.80	Remaining 2025/2026	\$29,265	\$10,321.20
	Cash	In-Kind														
Total budget 2025/2026	\$456,800	\$143,384														
Pre-Allocations to date	\$291,885	\$95,516														
Recommended Round One allocation	\$135,650	\$37,546.80														
Remaining 2025/2026	\$29,265	\$10,321.20														
Community Consultation and Engagement	<p>Discussions have been held between Council administration and where possible most applicants regarding funding support prior to submission of application to ensure accuracy (relating to in-kind amounts recommended) and transparency.</p>															
Other Resources	<p>No additional financial impact as the Council allocated Grants and Sponsorship Program is part of ongoing service delivery and within allocated budget annually.</p>															



RISK ANALYSIS

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

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance – Council experiences financial loss as a result of inappropriate allocation of funds.	Minor (2)	Possible (3)	Moderate	Applicants must sign Acceptance of Grant Conditions Agreement, with terms set out by Council, prior to commencing project/event.
Reputation – Council experiences negative media coverage and loss of trust as a result of inadequate allocation of funds.	Moderate (3)	Possible (3)	Moderate	Applications assessed against predetermined criteria and considered as part of Grants and Sponsorship Program.
Legal / Regulatory / Policy - Failing to adhere to Council's Grants and Sponsorship Policy	Minor (2)	Possible (3)	Moderate	Adherence to Council policies. Applications assessed against predetermined criteria and considered as part of Grants and Sponsorship Program.
Service Delivery - Funded event/projects are not delivered in accordance with grant conditions. Precedence now exists for allocating multi-year partnership agreements.	Minor (2)	Possible (3)	Moderate	Applicants must sign Acceptance of Grant Conditions Agreement, with terms set out by Council, prior to commencing project/event.
People - Negative impact to community engagement and satisfaction as a result of Grants and Sponsorship process and administrative requirements.	Minor (2)	Unlikely (2)	Low	Ongoing and regular contact between applicants and key council personnel. Feedback collated to review process and refine.



Infrastructure - Damage, misuse, or misalignment of funded infrastructure projects with community needs.	Moderate (3)	Unlikely (2)	Moderate	Applications reviewed for infrastructure impact. Community Land Use Permit requirements enforced. Regular monitoring and post-project reporting.
Environmental – Environmental damage to community land caused by inadequate land use planning and management.	Moderate (3)	Possible (3)	Moderate	Applications, including event location, considered as part of Grants and Sponsorship Program. Community Land Use Permit requirements. Ongoing and regular contact between applicants and key council personnel.

APPLICATION OF STRATEGIC PLAN

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

Priority 3: Infrastructure and Services

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

Priority 4: Economic and Business Growth

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

Priority 5: A Vibrant Community

5.3 Encourage innovation by actively supporting the test and trial of new ideas that enhance the vibrancy and appeal of our CBD.

5.7 Support and foster a program of festivals, events and arts initiatives that celebrate and promote diversity, accessibility and inclusivity, ensuring that everyone can fully participate in the cultural and social life of the city.

5.8 Cultivate community led festivals, events and collaboration.

5.10 Drive social change and strengthen communities through locally-led arts, cultural and recreational activities.

5.13 Foster creative expression and enhance public spaces by supporting artists to produce public art that engages the community and travellers in meaningful artistic experiences.



Priority 6: Excellence in Leadership and Governance

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

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

N/A

RELEVANT COUNCIL POLICY

[Grants and Sponsorship](#)

IMPLEMENTATION AND NEXT STEPS

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

CONCLUSION

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

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

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

ATTACHMENTS

Nil



19.5 CAPITAL WORK IN PROGRESS CARRY FORWARDS 2024/2025

Author: Kahli Rolton, Manager Financial Services

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

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

PURPOSE

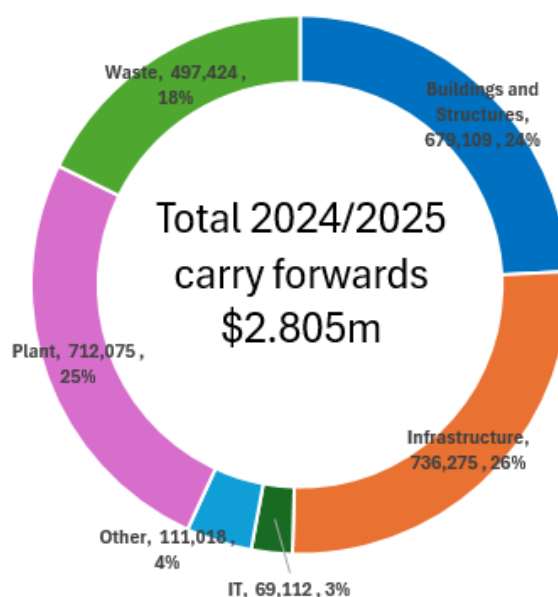
The purpose of this report is to present the capital projects still in progress as at 30 June 2025 that require budget to be carried forward to the 2025/2026 financial year to enable completion. A total of \$2.805m is required to be carried forward, bringing the total capital expenditure forecast for 2025/2026 to \$12.779m.

Whilst every endeavour is made to complete projects within the relevant financial year this is not always possible due to internal and external influences and pressures. Carry forwards enable capital projects that have already had resources invested to be completed.

BACKGROUND / OPTIONS

Carry forwards

The graph below represents carry forwards by area:



Summary

- Out of 31 projects, 11 had no expenditure during 2024/2025 and will require 100% of their budgets to be carried forward. While many of these projects have existing commitments, completion was delayed due to factors such as market conditions, environmental challenges, supplier issues, external approval delays, and internal resource constraints, preventing delivery before 30 June 2025.
- 51%, \$1.43m of carry forwards relates to new projects and 49%, \$1.375m relates to renewal projects.
- Of the proposed 'renewal' carry forward projects:
 - 45%, \$625k relates to infrastructure projects with the largest contributor being the Ramsay Avenue road construction project which incurred delays due to stakeholder engagement and negotiations.
 - 40%, \$554k relates to Plant items which majority incurred delays outside council control in relation to supply and delivery and all are due to be finalised within the first quarter 2025/2026.
- Of the proposed 'new' carry forward projects:
 - 40%, \$569k relates to buildings and structures with the larger contributors including the Railway Lands Playground upgrade, Caroline Perimeter Litter Fencing and the Wulanda Courts AV projects.
 - 35%, \$497k relates to Waste, in particular continuation of works for leachate management at Caroline Landfill.
 - 11%, \$158k relates to Plant, in particular tarping system for Caroline Landfill.

Full details at project level of the amounts required to be carried forward to the 2025/2026 financial year including commentary are attached to this report.

Plant items carried forward also require sale/trade-in values to be carried forward totalling \$132k:

- 4 – Tip Truck \$13k
- 29 – Large Tip Truck \$65k
- 58 – Garbage Compactor \$54k

Adopted Annual Business Plan and Budget 2024/2025

The 2024/2025 Annual Business Plan and Budget was adopted on 25 June 2024 and included a capital expenditure program of \$11.438m. This capital program was an increase from the prior year which totalled \$9.665m.

Asset Category	Renewal \$'000	New/Upgrade \$'000	Total Capital \$'000	Prior Year Comparison \$'000
Buildings and Structures	1,197	1,589	2,786	1,780
Caroline Landfill	-	-	-	2,200
Infrastructure	3,623	411	4,034	3,574
IT	23	140	163	60
Other	240	146	386	269
Plant and Equipment	3,613	456	4,069	1,782
TOTAL	8,696	2,742	11,438	9,665
<i>add</i>				
Carry Forwards brought forward from prior year FY23/24			1,746	4,320
<i>less</i>				
Carry Forwards FY2024/2025 taken to next financial year			-2,805	-1,746



Budget revisions throughout 2024/2025	-423	-1,089
Budget savings (2024/2025 net savings)	-117	-124
Adjusted impact on 2024/2025 capital budget	9,839	11,026

During the financial year the capacity to deliver the capital expenditure program was reviewed and items were identified that required full or partial adjustment. Fully deferred projects were reassessed and reprioritised for inclusion in the 2025/2026 financial year Annual Business Plan and Budget.

This deferral process was a new introduction to the 2023/2024 financial year. Capital expenditure deferred or cancelled throughout 2024/2025 are listed below:

- Crematorium and Chapel designs (renewal), re-budgeted FY25/26
- Conservation Park Electric Fencing, grant funding unsuccessful
- Sinclair Street Footpath
- City Centre Signage
- Wireless Road West (Matthew Flinders Way to Honan Street)
- Ski Ramp Road / Carpark

Adopted Annual Business Plan and Budget 2025/2026

The 2025/2026 Annual Business Plan and Budget was adopted on 24 June 2025 and included a capital expenditure program of \$9.974m.

Asset Category	Renewal \$'000	New/Upgrade \$'000	Total Capital \$'000
Buildings and Structures	2,162	596	2,758
Caroline Landfill	-	93	93
Infrastructure	3,638	402	4,040
IT	70	50	120
Other	170	-	170
Plant and Equipment	2,143	650	2,793
TOTAL	8,183	1,791	9,974
<i>add</i>			
Carry Forwards brought forward from prior year FY24/25			2,805
Adjusted impact on 2025/2026 capital budget			12,779

Capital projects were budgeted as part of the 2024/2025 original budget process (noting revisions throughout the year) and:

- Rates were raised with the knowledge of capital and associated assumptions being included at the time;
- Treasury management, cashflow and interest projections were forecast and influenced by estimated capital projects.

IMPLICATIONS TO CONSIDER

Legal	Contractual and legal obligations surrounding defects liability period are being considered where required.
Financial and Budget	Previous year budgeted cash outlay underspent, resulting in positive impact on forecast interest expense as required less borrowings to meet capital budget in the prior year.



	<p>Forecast interest rates are lower for the current financial year and noting recent RBA decision to reduce cash rate by 25 basis points. It is too early in the financial year to know if projects required to be carried forward will impact capacity to deliver the 2025/2026 capital expenditure budget. This will be reviewed and reported at future budget revisions.</p> <p>Re-modelling of the carryovers alone indicates potential savings for interest and depreciation. However, a conservative approach has been taken with no reductions applied to allow finalisation of the 2024/2025 financial year, this will:</p> <ul style="list-style-type: none"> • Provide an improved baseline for forecasting • Allow for consideration of the entire capital program at the next budget review • Reduce the impact of interest rate movement risk • Reduce the potential for ups and downs across future budget revisions <p>Further to this, the re-modelling (including conservative adjustment) continues to project operating surpluses to FY2035 in material alignment with the long term financial plan.</p>
Community Consultation and Engagement	<p>The carry forward process is quite simplified compared to a budget revision process in that it requests budget approved from the prior financial year to be carried forward for specific projects that for various reasons were not completed prior to the end of the financial year. It simply addresses timing issues where projects cross financial years.</p>
Other Resources	<p>Capital projects require internal and external resources to complete.</p>

RISK ANALYSIS

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

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance – work undertaken to present a balanced budget for FY25/26 may not be achieved due to increased interest and cash outlays associated with carried forward projects. Prior year should be reduced to compensate.	Minor (2)	Possible (3)	Low	Monitor regularly and review in alignment with budget revisions.
Reputation – Loss of trust if carryover process is not transparent and reasons for carry forwards not understood.	Minor (2)	Unlikely (2)	Low	Provide detailed information and be available to answer questions or concerns.



Legal / Regulatory / Policy – Changes to legislation over time influence the scope and delivery of a capital project(s).	Minor (2)	Possible (3)	Low	Regularly review relevant legislation.
Service Delivery – That unfinished projects carried forward from one financial year to the next will impact capacity to deliver the next year capital projects.	Moderate (3)	Likely (4)	Moderate	Monitor regularly and review in alignment with budget revisions.
Infrastructure – length of time taken to complete capital projects can influence unit rate costings, create frustration with key community stakeholders affected and increase costs to deliver infrastructure projects.	Moderate (3)	Possible (3)	Moderate	Implement and maintain good project management practices and regular oversight.
Environmental - adverse weather conditions could further impact capital delivery	Minor (2)	Unlikely (2)	Low	Monitor weather forecasts and review appropriate timing for capital projects to begin

APPLICATION OF STRATEGIC PLAN

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

N/A

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

N/A

RELEVANT COUNCIL POLICY

[Asset Accounting](#)
[Budget Policy - B300](#)

IMPLEMENTATION AND NEXT STEPS

- Notify budget managers following approval.
- Upload approved carry forward budget to system.



CONCLUSION

For budgeting and financial reporting purposes Council is required to draw a line in the sand as at 30 June every year. At this time 31 capital expenditure projects were still in progress and require budget to be carried forward to 2025/2026 financial year.

The total capital budget required to be carried forward is \$2.805m.

ATTACHMENTS

1. 2024/2025 Detailed Capital Carry Forward Projects [**19.5.1** - 2 pages]
2. Uniform Presentation of Finances - 2025-2026 B R 0 [**19.5.2** - 1 page]

Asset Category	Capital Project Description	latest approved budget	Already spent FY24/25	Carry forward	Adjustments	Total est. investment	% carried forward	Adjustment flagged for future budget review	Comments
Plant	4 - Tip Truck	127,930	-	127,930	-	127,930	100%	0	delay in supply, due September 2025
Plant	29 - Large Tip Truck	267,000	-	267,000	-	273,690	100%	6,690	delay in supply, due August 2025
Plant	58 - Garbage Truck (original budget for Alias 30)	491,974	479,974	12,000	-	491,974	2%	-	took possession of vehicle prior to 30/06/2025. Small amount carried forward for sign writing and Intellitrac installation.
Plant	41 - Landfill Compactor & Position Partners Software	955,371	824,985	130,386	-	961,116	14%	5,745	Tana Machine delivered. Position partner software outstanding.
Plant	Trailer	17,000	-	17,000	-	17,590	100%	590	requires 8 week build time.
Plant	Caroline Cell Cover Tarping System	157,759	-	157,759	-	157,759	100%	-	Tarping system reliant on being fitted to tana and EPA approval. Tana purchased during financial year.
Buildings and Structures	Defibrillators (AED) x 16 multiple building locations	50,000	-	50,000	-	50,000	100%	-	legislative requirement. Grant received \$16k in FY24/25, delay of 8 weeks between supply and delivery.
IT	Council Chamber - AV System	131,000	84,619	46,381	-	131,000	35%	-	supply issue with parts delayed
IT	Caroline WiFi	30,000	7,268	22,732	-	30,000	76%	-	IT complexities around lack of site connectivity and inter-linked with position partner software
Buildings and Structures	Civic Centre Lift Replacement	143,611	131,311	12,300	-	TBA	9%	TBA	project in progress with additional amounts budgeted in FY25/26. Noting this does not include Country Arts contribution.
Buildings and Structures	Bus Shelter - Varcoc Building (civic centre)	79,700	42,463	37,237	-	79,700	47%	-	removal of adjacent bus shelters and pad that requires fixing. Delays due to weather.
Buildings and Structures	Bus Shelter	25,000	-	-	-	25,000	0%	TBA	Foodbank bus shelter has \$25k budgeted to complete project in FY25/26 pending approval DIT and further scoping work required. To be brought back for consideration at a later budget revision once known.
Buildings and Structures	She-Oak Garden Irrigation	12,000	8,380	3,620	-	12,000	30%	-	difficulty getting quotations for portions of work, majority of work underway.
Infrastructure	Carpark Resurfacing - Chute Street/Engelbrecht Carpark	52,995	-	52,995	-	92,995	100%	40,000	project is linked to the Road Construction project at Chute Street. Weather causing delays. SA Water issue relating to both projects contributing to expected overruns.
Other	Beacon Art Project - Cast in Blue	136,250	110,986	25,264	-	136,250	19%	TBA	Installation delayed to July. Additional costs required for signage and lighting to be considered as part of CBD activation.
Buildings and Structures	City Centre Signage	-	10,608	-	-	14,514	0%	3,906	Original budget was removed, spend required to replace damaged sign. Posts ordered waiting delivery.
Other	Crater Lakes Bushfire Rehabilitation	140,502	54,748	85,754	-	140,502	61%	-	complexity regarding slope on sight, difficulty sourcing appropriate quotes. FY25/26 includes additional budget of \$80k. Work continues with key stakeholder groups.
Buildings and Structures	Energy Efficiency Program 2024/25	38,000	33,291	3,699	-	36,990	10%	-	supply issues with LED lighting globes.
Waste	Leachate Management System	525,862	28,438	497,424	-	525,862	95%	-	required for higher risk leachate management due to influences outside Council control with tanks and SA Water.
Buildings and Structures	Perimeter Litter Fencing	105,172	1,224	103,948	-	105,172	99%	-	tendered twice without success caused delays. Alternate option to purchase mobile litter fencing.
Buildings and Structures	Caroline - Vehicle Washbay	42,069	-	42,069	-	42,069	100%	-	EPA approval required for plans.
Buildings and Structures	Railway Lands Playground Upgrade	314,000	81,263	232,737	-	314,000	74%	-	out to market for final designs. Learn to ride complete.
Buildings and Structures	Frew Park - Public Toilet Replacement (LRCl Phase 4a)	316,005	182,787	55,000	-	33,064	237,787	17%	project majority complete
Buildings and Structures	Frew Park - Oval Picket Fence Replacement (LRCl Phase 4a)	75,000	97,302	2,250	24,552	99,552	3%	-	delays on bench seating, since complete

Asset Category	Capital Project Description	latest approved budget	Already spent FY24/25	Carry forward	Adjustments	Total est. investment	% carried forward	Adjustment flagged for future budget review	Comments
Buildings and Structures	Frew Park - Oval Bench Seating Replacement (LRCI Phase 4a)	30,000	38,512	-	8,512	38,512	0%	-	project since complete
Buildings and Structures	Dog Park fence - Blue Lake Sports Park	25,000	22,751	2,249	-	25,000	9%	-	to finalise signage for new dog park fence
Buildings and Structures	Wulanda - capital renewal	85,000	26,696	-	-	26,696	0%	-	\$85k budgeted FY25/26
Buildings and Structures	Wulanda - CCTV	15,000	-	15,000	-	15,000	100%	-	issues getting quotes from suppliers
Buildings and Structures	Wulanda - Courts AV Upgrade	100,000	-	100,000	-	120,000	100%	20,000	supply issue with parts delayed
Buildings and Structures	Automatic Gates	31,200	26,404	4,000	-	30,404	13%	-	pending final invoice from supplier
Buildings and Structures	Works Depot - Wash Bay Upgrade	15,000	-	15,000	-	-	100%	-	design works commenced. Outside influences causing delays, SA Water.
Infrastructure	Drainage - IronStone Court - Bellevale Court	80,000	-	80,000	-	3,000	100%	-	legal and contractual influences being worked through.
Infrastructure	CBD Accessibility Audit Priorities	105,990	3,835	102,155	-	105,990	96%	-	delayed from insurance claim pending with external party. Required to complete paving works.
Infrastructure	Design - Shared Path Masterplan	100,979	69,494	31,485	-	104,329	31%	3,350	design work in progress. Estimate 75% complete.
Infrastructure	Roads Sealed - Ramsay Ave - Jubilee Hwy to Ratston Rd	469,669	28	469,641	-	469,669	100%	-	works due to commence, delays due to negotiations with affected ratepayers.
Infrastructure	Roads Sealed - Sinclair St - Penola Rd to Culdesac	282,454	290,039	-	-	291,857	0%	1,818	minor outstanding invoice
Infrastructure	Roads Sealed - Truman St - MacKenzie St to Bond St	102,055	140,404	-	-	143,458	0%	1,000	minor outstanding invoice
		5,676,547	2,797,811	2,805,014	-	0	5,477,368	49%	83,099

\$'000	Jun-26	Jun-26
Uniform Presentation of Finances	carry fwd	orig. bud
Income		
Rates	33,025	33,025
Statutory Charges	844	844
User Charges	10,938	10,938
Grants, Subsidies and Contributions - Capital	955	955
Grants, Subsidies and Contributions - Operating	4,995	4,995
Investment Income	56	56
Reimbursements	276	276
Other Income	642	642
Total Income	51,730	51,730
Expenses		
Employee Costs	18,346	18,346
Materials, Contracts & Other Expenses	19,430	19,430
Depreciation, Amortisation & Impairment	11,996	11,997
Finance Costs	1,959	1,957
Total Expenses	51,730	51,730
Operating Surplus / (Deficit)	(0)	0
Less: Grants, Subsidies and Contributions - Capital	(955)	(955)
Adjusted Operating Surplus / (Deficit)	(955)	(955)
Net Outlays on Existing Assets		
Capital Expenditure on renewal and replacement of Existing Assets	(9,559)	(8,184)
Depreciation, Amortisation and Impairment	11,996	11,997
Grants, Subsidies and Contributions - Capital Renewal	955	955
Proceeds from Sale of Replaced Assets	508	508
	3,899	5,276
Net Outlays on New and Upgraded Assets		
Capital Expenditure on New and Upgraded Assets	(3,220)	(1,791)
Amounts Received Specifically for New and Upgraded Assets	-	-
Grants, Subsidies and Contributions - Capital New / Upgraded	-	-
Proceeds From Sale Of Surplus Assets	-	-
	(3,220)	(1,791)
Net Lending / (Borrowing) for Financial Year	(276)	2,530

19.6 REQUEST FOR INTERNAL REVIEW OF COUNCIL DECISION

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

RECOMMENDATION

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

PURPOSE

To present to Council the various options to close out the Request for Internal Review of Council Decision made in accordance with section 270 of the Local Government Act 1999 (the Act), as previously presented to the ordinary meeting of May and June 2025.

BACKGROUND / OPTIONS

The Identified Decision/s

At the ordinary meeting of 15 April 2025, Council considered five (5) items 'in confidence' in accordance with the requirements of section 90(3) of the Act. The Council ordered that the public be excluded in order to receive, discuss and consider the following Agenda Items:

- 21.1 Strategic Projects Update
- 21.2 Music SA - Update
- 21.3 Electricity Supply Contract - Large and Unmetered Supply
- 21.4 Wulanda Recreation and Convention Centre - Contractual Matters
- 21.5 Wulanda Recreation and Convention Centre - Project Update

Whilst the majority of these items currently remain in confidence, the name and value of the supplier for Item 21.3 has already been released, the trigger for Item 21.1 is July of this year, and Council is asked to consider release of the report and resolution for Item 21.1 by way of separate report to this meeting. On balance, the only items which will remain entirely in confidence after 31 July will be Items 21.4 and 21.5.

Request for Internal Review

Following the meeting, Council received a Request for Internal Review of Council Decision in accordance with section 270 of the Act and Council's Policy. The request calls for a review of all resolutions (decisions) made by the Council following the first section 90(3) order to exclude the public, and specifically Resolution OCM 2025/96 - Resolution OCM 2025/104 (inclusive).



The basis for such request is that whilst debate on the making of confidential orders was undertaken publicly for Item 21.1, the consideration, discussion and debate of Council in relation to the making of confidential orders for the remaining Items 21.2 - 21.5 occurred after the public had already vacated the gallery, and had not been invited back in to observe the section 90(3) considerations for each of the subsequent Items.

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

Additional Context – Security and Meeting Management

At the conclusion of the Council Meeting held 18 March 2025, a security incident occurred involving an unauthorised individual entering the Level 4 Reception Area at approximately 8:50pm, after the meeting had ended while members and staff were preparing to leave. The individual displayed concerning behaviour and was assisted to safely exit the building by one of the members present. This incident highlighted a security vulnerability during and following Council Meetings, particularly when the public is excluded, where there are effectively no security measures in place preventing access to an otherwise empty building (while all members and staff present are occupied within the Chamber).

As a result, it was determined that for all future Council Meetings, Committee Meetings and Information of Briefing Sessions, the front entrance to the Civic Centre should be locked once the meeting enters the confidential section of the Agenda. This new process was followed for the 15 April 2025 meeting, and enacted by two senior staff members at the conclusion of the 'open' Agenda items. It is relevant to note that Council's usual practice is to hold all confidential items at the end of any relevant meeting, for efficiency and public convenience.

Whilst not specifically related to the request for internal review, this procedural change may have relevance to how Council manages public attendance during transitions to confidential Agenda items, and will likely be a relevant contextual consideration in the broader discussion around transparency, accessibility, and safety at Council meetings.

Consideration of Council – Independent Review Report

Following the contemplation of the legal complexity, nuance, and confidentiality of the decisions subject to the review, Council appointed Kelledy Jones Lawyers, considering them to be an independent entity with relevant expertise in Local Government governance to undertake the investigation, assessment and provision of a recommendation report for Council consideration. Kelledy Jones have provided the **attached** Final Review Report, for Council's consideration.

Kelledy Jones Lawyers offered the Applicant the opportunity to provide any additional information, or evidence in support of the review, in accordance with procedural fairness principles. The review report, whilst not materially replicated herein, sets out in contemplation of its recommendation the following:

- Factual basis of the request,
- Section 270 review process,
- Relevant legislative framework,
- Considerations and findings.



Ultimately, the report finding is that whilst Council has erred in process by way of not opening the Chamber to the public between each confidential item, to allow the public to listen to the consideration and any debate of the application of the relevant section 90(3) orders, this procedural error does not invalidate the consideration, or implementation, of such orders.

The effect of this is that whilst the orders remain valid, and the items remain validly held in confidence, Council must correct the procedural error moving forward.

IMPLICATIONS TO CONSIDER

Legal	<p>Council has relevant obligations under the Local Government Act 1999 (the Act) with respect to conducting council and committee meetings in a place open to the public, except where a valid order under section 90(2) and (3) is made to exclude the public to the extent that the council considers it to be necessary and appropriate to receive, discuss or consider information in confidence.</p> <p>Council is further obligated to establish procedures for the review of decisions of council, its employees, or persons acting on its behalf (agents). Council has established such procedure, which is enlivened upon receiving a valid request from a person with sufficient interest to review a 'reviewable' decision. This process is prescriptive and must be followed in accordance with natural justice principles.</p>
Financial and Budget	There are financial implications as a result of engaging an external legal professional to conduct the relevant investigation, assessment and provide a recommendation for Council's consideration. Whilst Council is yet to receive an invoice for professional services rendered, Kellady Jones Lawyers quoted the sum of \$3,250 + GST for same.
Community Consultation and Engagement	N/A
Other Resources	N/A

RISK ANALYSIS

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

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



Legal / Regulatory / Policy - Council is found to have breached a key legislative requirement and is subject to intervention by an integrity agency.	Minor (2)	Unlikely (2)	Low	Agenda publishing software with relevant confidentiality prompts for report writers, legal advice on retainer as required, governance support at council meetings.
Service Delivery – Resources are diverted from regular business activities / services to support internal review of decisions.	Insignificant (1)	Likely (4)	Low	Appropriate resource capacity building to account for adhoc work arising.
People - Morale of staff, or recruitment / retention of staff, is negatively impacted by media profile.	Insignificant (1)	Likely (4)	Low	Regular pulse surveys to monitor staff morale, protocols to protect staff from the impact of negative public profile incidents, EAP service
Infrastructure – N/A	Choose an item.	Choose an item.	Choose an item.	N/A
Environmental - N/A	Choose an item.	Choose an item.	Choose an item.	N/A

APPLICATION OF STRATEGIC PLAN

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

Priority 6: Excellence in Leadership and Governance

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

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

N/A

RELEVANT COUNCIL POLICY

[Internal Review of Council's Decisions - C290](#)
[s92 Code of Practice for Access to Meetings and Documents](#)



IMPLEMENTATION AND NEXT STEPS

Council is now required to make a determination based on the Final Review Report, in accordance with Council's Request for Internal Review of a Council Decision Policy and section 270 of the Local Government Act 1999. Any decision or outcomes must be advised to the Applicant, including the reasons for same.

It is worth noting that the Presiding Member implemented an immediate change to practice at the May meeting, in advance of the outcome of the section 270 review, to correct this issue and ultimately the procedure to be followed will now be informed by the outcome of the review.

CONCLUSION

Based on the report findings, and in contemplation of the procedural errors which have already been corrected, it appears appropriate that no further additional action be taken in respect of the request for review.

ATTACHMENTS

1. Final Review Report [**19.6.1** - 11 pages]
2. Appendices Redacted [**19.6.2** - 27 pages]



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CITY OF MOUNT GAMBIER

CONFIDENTIAL ITEMS

COUNCIL MEETING 15 APRIL 2025

SECTION 270 REVIEW

Kelley Jones

**CITY OF MOUNT GAMBIER
CONFIDENTIAL ITEMS – COUNCIL MEETING 15 APRIL 2025**

Review pursuant to section 270 of the *Local Government Act 1999*

1. INTRODUCTION

- 1.1 By letter dated 21 April 2025, provided to the City of Mount Gambier (the **Council**), Mr Graham Walkom (the **Applicant**) made application with the Council for an internal review of a council decision pursuant to section 270 of the *Local Government Act 1999* (the **Act**).
- 1.2 More particularly, the Applicant sought a review of the Council's decision-making processes in relation to confidential items 21.1 to 21.5 at its meeting on 15 April 2025, stating at that meeting:
 - 1.2.1 Council failed to follow the statutory processes in accordance with sections 90 and 91 of the Act, to exclude the public from attendance at that portion of the meeting, to received consider the items that had been recommended to be dealt with in confidence; and
 - 1.2.2 The Council's consideration of matters in confidence exceeds the Ombudsman's 'Guidelines' and is not proportionate to the matters dealt with in public, and the decisions made by the Council in this respect may be in breach of section 90(4) of the Act.
- 1.3 Whilst the above is a summary of the Applicant's request for a review a copy of the letter, in full, is **Appendix 1**.

2. THE SECTION 270 REVIEW PROCESS

- 2.1 The decision, subject of the application, was made by the Council, as a governing body.
- 2.2 In the circumstances of this matter, by resolution of the Council, made at its meeting of Tuesday 17 Juen 2025, the Council engaged Kelley Jones Lawyers to undertake the Review, and to prepare a report for the Council's consideration.
- 2.3 The Review has been conducted in accordance with the Council's *Internal Review of a Council Decisions Policy* (the **Policy**) adopted by the Council in accordance with its obligations under section 270 of the Act (**Appendix 2**).
- 2.4 To facilitate the process, Kelley Jones Lawyers:
 - 2.4.1 prepared an initiating letter to the Applicant setting out the issues of concern and otherwise inviting him to provide any further information to be taken into consideration as part of the review;
 - 2.4.2 undertook an independent, 'arms-length' review of all relevant information available to the Council at the time of the decisions of concern to the Applicant were made; and

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- 2.4.3 having regard to the concerns raised by the Applicant, reviewed the decision-making processes undertaken in relation to the decisions and prepared this Report for the consideration of the Council.
- 2.5 For the avoidance of doubt, reference to 'the Council' in this Report is a comprehensive term and is to be read, as necessary, as a reference to Elected Members of the Council, as well as to the 'Council' as a corporate entity.
- 2.6 The purpose of the Review is to examine the processes followed by the Council in arriving at the decisions of concern to the Applicant, for the purposes of determining whether those decisions were:
 - 2.6.1 reasonable decisions to be made in the circumstances;
 - 2.6.2 open to be made by the Council on the facts before it;
 - 2.6.3 made in the public interest; and
 - 2.6.4 subject to any legal flaws in the decision-making process.
- 2.7 Accordingly, the objective of this Report is to assist the Council in making a determination to finalise the Review process.
- 2.8 In doing so, this Report sets out:
 - 2.8.1 the background facts that have given rise to the Applicant's request for a review of the decisions;
 - 2.8.2 a summary of relevant information considered during the course of the review;
 - 2.8.3 the findings in relation to the relevant issues raised by the Applicant and the appropriateness of the Council decisions; and
 - 2.8.4 the options now available to the Council.
- 2.9 The standard of proof that has been applied in this Review is on the balance of probabilities. In determining whether that standard has been met, in accordance with the High Court decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, we have considered the nature of the allegations made and the consequence(s) if they were to be upheld.
- 2.10 In *Briginshaw*, Dixon J explained [361-362]:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences. Having set out the basis of the requests, it is appropriate to outline the statutory framework against which the application is to be considered and determined.

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2.11 The review has involved consideration of the following documents provided by the Council, or that are otherwise publicly available:

- 2.11.1 the Council's Internal Review of a Council Decision Policy (**Appendix 2**);
- 2.11.2 an extract of the publicly available Ordinary Council Meeting Minutes dated 15 April 2025, being items 21.1 to 21.5 (there being no requirement to consider the decisions made by the Council in confidence as part of this review (**Appendix 3**); and
- 2.11.3 the response provided by the Applicant, in response to an invitation sent by letter on 8 July 2025 to provide anything further to be taken into account as part of this review (**Appendix 4**).

3. LEGISLATIVE FRAMEWORK

- 3.1 The starting point is that all Council and Committee meetings are open to the public, and that all documents to be considered by the Members in the exercise of the Council (or Committee) decision-making functions are publicly available.
- 3.2 However, section 90(2) of the Act provides a mechanism for closing a meeting to the public, where necessary and appropriate. In those circumstances the Council, (or Committee), can receive, discuss or consider in confidence any information or matter that falls within one (or more) of the grounds listed under section 90(3) of the Act, and can also resolve to keep those discussions and documents confidential under section 91(7) of the LG Act.
- 3.3 If an order is not correspondingly made by the Council (or Committee) after excluding the public from the meeting and considering a matter in confidence, under section 91(7) of the LG Act, then the documents will not be protected by an order of confidentiality and will be deemed to have been released and publicly available.
- 3.4 In that instance, however, the order made under section 90(2) will act to protect the discussion and debate, the section 91(7) order being a 'document order'.
- 3.5 It is not appropriate (or lawful) to exclude the public from a meeting for a reason that does not otherwise fall under one of the grounds identified in section 90(3) of the Act.
- 3.6 These grounds read in full as follows:
 - (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
 - (b) *information the disclosure of which -*
 - (i) *could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
 - (ii) *would, on balance, be contrary to the public interest;*
 - (c) *information the disclosure of which would reveal a trade secret;*

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- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (e) *matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;*
- (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
- (g) *matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
- (h) *legal advice;*
- (i) *information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;*
- (j) *information the disclosure of which—*
 - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (k) *tenders for the supply of goods, the provision of services or the carrying out of works;*
- (m) *information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*
- (n) *information relevant to the review of a determination of a council under the Freedom of Information Act 1991;*
- (o) *information relating to a proposed award recipient before the presentation of the award.*

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- 3.7 Prior to a meeting of the Council (or a Committee), in circumstances where the Chief Executive Officer (CEO) of the Council considers that an Agenda item may fall within one of the grounds under section 90(3), the CEO has the power under section 83(5) of the Act to indicate on a document or report provided as part of an Agenda that the Council, if it so determines, may consider the matter in confidence.
- 3.8 That is, for the period of time between the release of the Agenda and the Council (or Committee) meeting at which the item of business will be considered, while there may be no order under section 90(2) or 91(7) of the Act in effect, if the CEO so indicates, then the documents and reports are to be treated as confidential Council information, until the Council (or Committee) considers the same.
- 3.9 If the Council (or Committee) subsequently make an order under section 90(2) to exclude the public from an item of business at a Council (or Committee) meeting, a note must be made in the publicly available Minutes that the order was made, and specifying:
 - 3.9.1 the grounds under section 90(3) of the LG Act that the order was made;
 - 3.9.2 the basis on which the information or matter falls within the ground under which the order was made; and
 - 3.9.3 if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.
- 3.10 It is an offence for any person(s), other than Elected Members (or members of a Committee) to remain in a room where a meeting of the Council (or Committee) is being held, when an order has been made under section 90(2) of the Act, unless expressly permitted by the Council (or Committee), to remain in the room.
- 3.11 If person(s) are expressly permitted to remain in the room, that person(s) needs to be identified in the order made by the Council (or Committee) under section 90(2) of the Act and recorded in the publicly available Minutes.
- 3.12 In our view, the publicly available Minutes satisfy these statutory obligations.
- 3.13 In making an order then under section 91(7) of the Act to keep information and documents confidential (the 'bookend' order, in that it cannot be made in the absence of an order under section 90(2) of the Act) the Council (or Committee) is required to specify how long (by reference to a period of time or an event) the information and documents are to be kept confidential.
- 3.14 Any order that operates for a period exceeding 12 months is required to be reviewed at least once every year under section 91(9) of the Act.
- 3.15 The Council last reviewed its Confidential Items Register in May 2025, in accordance with section 91(9) of the Act.

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- 3.16 As noted by the Applicant, the Council (or Committee) cannot make an order under section 91(7) of the LG Act to prevent the disclosure of the:
- 3.16.1 remuneration or conditions of service of an employee of the Council, after the remuneration or conditions have been set or determined;
 - 3.16.2 identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected;
 - 3.16.3 amount or amounts payable by the Council under a contract for the supply of goods or the provision of services to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
 - 3.16.4 identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.
- 3.17 If an order is made under section 91(7) of the LG Act to retain information and documents in confidence, this must also be recorded in the Minutes.
- 3.18 Upon an order under section 91(7) of the LG Act lapsing (either by virtue of the 'trigger' event, expiration of the specified time the order was to operate, or under the authority of an employee of the Council with delegation to revoke the order), all information and documents associated with the confidential Agenda item must be released including (but not necessarily limited to) the relevant Agenda report, attachments and Minutes.
- 3.19 This is unless the revocation was specified to only apply to part of the information or documentation, in which case, those matters will remain confidential and will be required to be reviewed at least once every year thereafter (i.e. a 'partial' release of redacted documents).
- 3.20 The duration of an order cannot be extended after it has ceased to apply. That is, if the specified time that the order was said to operate has passed, or the 'trigger' event has occurred, then the information and documents will no longer be held in confidence and will be publicly available.
- 3.21 However, an order made under section 91(7) of the Act can be extended prior to its specified duration (or 'trigger' event) by further resolution of the Council.
- 3.22 The power to extend the duration of an order cannot be delegated, only the power to revoke an order made under section 91(7) Act, can be delegate by the Council (or Committee) to an employee of the Council.
- 3.23 In giving effect to these objectives, and as noted above, the Council has a Confidential Items Register, which records all orders made under sections 90(2) and 91(7) of the Act, as well as a link through which the public can access the information and documents which have been released from confidence.
- 3.24 The Register is accessible via the Council's website.

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3.25 As to the Applicant's contention that the Ombudsman has set in place 'Guidelines' that '3% maximum, (ideally 2%)' of matters ought to be dealt in confidence by the Council, we note as follows:

- 3.25.1 in 2013, the former Ombudsman, Mr Richard Bingham, conducted an audit on the use of the confidentiality provisions under sections 90(2) and 91 (7) of the Act in 12 councils across the sector;
- 3.25.2 the Report was published in November 2012, making nine (9) recommendations for change, directed to all South Australian councils;
- 3.25.3 the Report **did not** find deliberate and widespread abuse of the legislative provisions, however, it did reveal common '*substandard practices*' and a lack of understanding about public interest considerations the former Ombudsman considered should be remedied;
- 3.25.4 the 67 councils (as they were then) were invited to respond to the recommendations in the report;
- 3.25.5 Recommendation 3 of that Report read as follows (emphasis ours):

That all councils aim to deal with 3% or less of their agenda items in confidence. Further, that all councils consider implementing a system of pre-meeting consultation between the CEO and the presiding member for all recommendations made to close a council or committee meeting to the public.

*The main focus is the 3% **aspirational target** I have proposed.*

- 3.25.7 An 'aspiration target' is, by its very definition, **not a statutory requirement**, and the former Ombudsman also noted feedback from Councils, cited with affirmation in the Report, including (emphasis ours):

Others made the very relevant point that the decision whether or not to use confidentiality orders should be determined by the nature of the business to be discussed – as weighed against the requirements of the Act.

- 3.25.8 that is, whether there are valid grounds to deal with a matter in confidence under section 90(2) and (3) of the Act at a Council (or Committee) meeting will always depend on the facts and circumstance of the matter being dealt with;
- 3.25.9 it is also to be noted the Report was published in November 2012. It is almost trite to say that some 13 years on, councils are far more sophisticated entities, in both business dealings and projects, as well as matters it is required to deal with as part of the public integrity framework, warranting a far greater level of confidentiality in decision making in the Chamber;
- 3.25.10 the role, of course, of the annual review under section 91(9) of the Act being the 'safeguard' to ensure the Council, in an ongoing manner, reconsiders whether the circumstances, warranting the matter being dealt with in

Kelley Jones

confidence in the first instance, still exists, and if not, the documents are released to the public (in whole or in part);

3.25.11 the Council is complying (and has complied) with its review obligations in this respect.

3.26 In which case, we are of the view that there is **no basis** upon which it could be said that the Council's use of its powers under section 90(2) and (3), as well as 91(7) of the Act, have been misapplied, absent any relevant or cogent example, which does not arise on our review of the decisions, subject of this review.

4. RELEVANT CONSIDERATIONS AND FINDINGS

4.1 Against this background, and having carefully considered all available information and supporting evidence provide in connection with the review relevant to the Council's decision, **we find** that:

4.1.1 the Applicant is correct, in so far that he has submitted the Council's processes at its Meeting of 15 April 2025 erred, in that it ought not to have excluded members of the public when it reached item 21.1 on the Agenda, for the remainder of the meeting, pre-supposing, as it were, that the Council's consideration of each of the recommended items to follow would also be dealt with in confidence;

4.1.2 it is the role of the Council, as governing body, to consider under section 90(2) its power to exclude the public, to then to deal with the item in confidence, and to then consider whether to make a 'document order' to keep certain information confidential under section 91(7) of the Act, on a case-by-case basis;

4.1.3 in doing so, it is noted the CEO's recommendations under section 83(5) of the Act that an item be dealt with in confidence is only a recommendation, and it is for the Council to consider, and resolve, accordingly;

4.1.4 in which case, after the conclusion of the consideration of each item, the doors of the Chamber are required to be opened, the public admitted again, to the view the Council's consideration of the next item on the agenda, recommended to be dealt with under section 90(2) of the Act;

4.1.5 this did not occur at the Meeting in question, and in so far as it did not, it was an administrative error on the part of the Council;

4.1.6 **however**, it is evident from the Minutes that the Council **did** consider the issues of confidentiality for each Agenda item, in accordance with its obligations, and as recorded in the publicly available Minutes;

4.1.7 it is also relevant to note that in taking the action it did on the evening in question, there had very recently (at that time) been an issue of a member of the public entering the building and having access to areas they ought not to have been able to access, in unsafe circumstances;

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- 4.1.8 in which case, the experience of the Applicant (and other members of the public) at the Meeting in question, in being ushered out and the lights being turned off after a period, were based on work, health and safety considerations for the Council;
- 4.1.9 we have since been advised by the Council that in the intervening period, that is, since the receipt of the Application for a Review, further training has been provided to Members on the use of sections 90(2) and (3) of the Act ,as well as other processes being put in place to ensure security of the Council Chamber, such that this experience will not be repeated;
- 4.1.10 lastly, nothing that occurred at the Council meeting of 15 Apr 2025 has operated to invalidate the Council's decisions on the items in question;
- 4.1.11 it is evident from the Minutes the Council dealt with the items in turn, as it was required to do, and turned its mind to each item to be dealt with under sections 90(2) and (3) of the Act;
- 4.1.12 it was just that the public were not let back in for the commencement of each item, and then excluded after the order under section 90(2) of the Act was made;
- 4.1.13 however, this cannot, and does not, operate to invalidate the decisions made.
- 4.2 Having considered this Report it is now open to the Council to receive and accept the same, noting it has already implemented procedures to rectify the administrative error that occurred at the meeting, subject of this Review
- 4.3 Irrespective of the manner in which the Council resolves to determine this matter, it is acknowledged that the Applicant has recourse to the Ombudsman if they remain dissatisfied with the outcome of the review.
- 4.4 This concludes our review of this matter.


KELLEDY JONES LAWYERS

8 August 2025

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APPENDICES

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APPENDIX 1

pl

C290 - INTERNAL REVIEW OF MT GAMBIER COUNCIL'S DECISIONS

Date current issue decisions were made: 15 April 2015

Issue: Invalid Council Resolutions - minute items 21.1 to 21.5

Events: Failure to follow statutory process according to section 90 of the Local Government Act 1999; relevant meeting regulations; LGASA specific guidelines.

Failure to follow LGASA Guidelines to validate the motions 'excluding public' and 'keeping agenda items confidential'.

Council process witnessed:

I was a witness at the 15 April 2025 Council meeting, in calling item 21.1 the presiding member accepted the as read agenda item put by Cllr Mezinec but neither allowed nor encouraged debate in the at that time public meeting to ensure that council and public gallery were satisfied the agenda item proposed should indeed be followed and was clearly understood. Compliance with the stated reasons in the agenda was assumed without validation, but the gallery was removed regardless.

The presiding member simply announced that the 13 persons in the public gallery had to leave for all the remaining agenda items "as they were all to be confidential".

Now it is unclear to me as a member of that gallery whether this motion was actually as recorded in the minutes or whether it was an "en block" motion. Even if it was "en block" it is invalid for items discussed or to be discussed in confidence.

Sill, the entire public gallery was firmly informed that they had to leave at that time for all the remaining items on the agenda.

I specifically requested of those staff ushering us out, firstly from the chamber and then the building, if we would be notified when the first item was concluded and the public gallery was allowed back, to be firmly advised 'no, we are exiting for all items' and were ushered downstairs, through the foyer, outside the building with the main entrance doors locked behind all 13 of us. Seemingly for good measure and message the external lights were switched off for several seconds as soon as all public was outside the building: quite a sordid farewell and I hope all members receive apologies for the wrongful treatment and advice. The public were not invited back! And many are not likely to come back. But is that not council's intent?

Serious administration error:

The staff's reference to it being for all remaining items, like the presiding member's stipulation was entirely incorrect. Every item planned to be discussed in confidence as well as all others must on completion have the meeting return to being a public meeting. I quote the LGASA guidelines to confirm this...

"If a meeting is considering multiple items that are recommended to be held in confidence then the meeting must apply sections 90(2) and 90(3) on an item-by-item basis to enable the relevant ground under section 90(3) to be applied and to ensure the meeting resolves to apply section 90 when the meeting is open to the public. This means the public must be invited to return to the meeting after the conclusion of every item that has previously been considered in confidence." and...

"The grounds under section 90(3) are deliberately limited because of the statutory premise that meetings are open to the public and the fundamental principle of transparency and accountability." and

p2

"the District Court of South Australia has noted that to satisfy the test it requires more than merely showing that there is something adverse to the public interest likely to flow from disclosure. Rather, on balance, the factors in the public interest against disclosure must outweigh the factors in favour of disclosure."

In The Public Eye, the public interest reasons for a meeting to remain open to the public include:

- ensuring accountability;
- maintaining transparency of public expenditure;
- facilitating public participation;
- assisting public awareness; and
- allowing for the scrutiny of information.

Because there is, in my mind at least, a lack of clarity regarding whether Resolution OCM 2025/95 applied to just one or to more agenda items I accept the minutes as recorded - it is applicable to only the first "confidential" item 21.1 and so this is valid.

From this point onwards though, none of the "Keep Confidential" resolutions nor any of the motions/resolutions to "exclude the public" are valid as they were not considered in open session of council **as confirmed by the formal minutes.**

So we have the following items from the 15 April agenda with the following status and this requested review is directed to council decisions OCM 2025/100, OCM 2025/96, OCM 2025/101, OCM 2025/97, OCM 2025/102, OCM 2025/98, OCM 2025/103, OCM 2025/99, OCM 2025/104:

- | | |
|---|---|
| 1) RESOLUTION OCM 2025/95 | Strategic Projects Update - decision to remove public... VALID |
| 2) RESOLUTION OCM 2025/100
INVALID | Strategic Projects Update - decision to keep confidential: |
| 3) RESOLUTION OCM 2025/96 | Music SA. I...decision to remove public...INVALID |
| 4) RESOLUTION OCM 2025/101 | Music SA.- decision to keep confidential: INVALID |
| 5) RESOLUTION OCM 2025/97 | Unmetered Electricity Supply -decision to remove public-INVALID |
| 6) RESOLUTION OCM 2025/102
INVALID | Unmetered Electricity Supply - decision to keep confidential: |
| 7) RESOLUTION OCM 2025/98
INVALID | Wulanda Contract Matters decision to remove public... |
| 8) RESOLUTION OCM 2025/103
INVALID | Wulanda Contract Matters decision to keep confidential: |
| 9) RESOLUTION OCM 2025/99 | Wulanda Project Update: decision to remove public...INVALID |
| 10) RESOLUTION OCM 2025/104
INVALID. | Wulanda Project Update: decision to keep to confidential: |

Council's routine abuse of 'in confidence process' requires a full investigation

I absolutely accept that my own impressions that council considers far more items in confidence than the OmbudsmanSA's guidelines of 3% maximum, (ideally < 2%) is a subjective impression, so I checked using council's own records as follows...

2023/24 total number of resolutions moved into confidence...circa 109 (council's 2023/24 annual report)

P 3

2023/24 total number of council meeting resolutions for the financial year c301 (of which 50% are indicated as procedural)

Now I do not know if council is intentionally keeping the consideration of such items from the public being self conscious of its very performance, or if it is just very sloppy meeting process, but it is apparent to most in this community that council appears to go out of its way to keep any, indeed all information on their very financially embarrassing Wulanda project away from their ratepayers. A casual observer of council would most likely support this assertion noting that there were two Wulanda items included in the above list.

And that casual observer of this council (or indeed all 24,000 of them) might say of course council will cover its Wulanda mess. Well if that and burying other possible mismanagement issues is what is happening in council meeting process to create the bizarre number of confidential items, council needs to think again because the Local Government Act addresses this viz.:

Section 90(4): In deciding to consider a matter in confidence it is irrelevant that discussion of the matter in public may –

- * Cause embarrassment to the council, council committee, members or employees
 - * Cause a loss of confidence in the council or council committee
 - * Involve discussion of a controversial matter*
 - * Make the council susceptible to adverse criticism*
- [*Added to section 90(4) by amendment commencing 31 March 2016]

In closing, I would add additional contextual comment

- a) that the bible for local government, the LG Act 1999 is very serious about councils holding meetings and their business open to the public is a fundamental requirement.
- b) This failure appears to be a serious public integrity issue for the Mount Gambier Council.
- c) It is very disappointing that neither the Presiding Member nor any councillor is able to summarise an agenda item in public session in an appropriate manner to justify going into confidence.
N.B. It is council not the staff who are required under the act to make this justification and they are neither doing it nor attempting to do it.
- d) In this instance alone, there are 5 items that council has felt must be considered 100% in confidence and kept 100% in confidence. From my experience as councillor, there are many agenda items that can be redacted and satisfy both public interest and essential confidentiality.

In the case of the items in question here, Council needs to note that the relevant documents and confidential retention of them and their meeting considerations are not now confidential and must be published directly.

Thank you for considering this requested review.




Graham Walkom

21 April 2025

Kelley Jones

APPENDIX 2

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS		Version No:	8
			Issued:	17 December 2024
			Next Review:	October 2027

1 INTRODUCTION

This policy and procedure specifically addresses the manner in which requests for a review of a previous decision of Council will be dealt with, and provides a fair, consistent and structured process for any party dissatisfied with a decision which has been made by Council or its agents.

Section 270 of the *Local Government Act 1999* requires Council to maintain "policies, practices and procedures" for dealing with requests for service and complaints including a procedure about "the review of decisions of—

- (a) the council;
- (b) employees of the council;
- (c) other persons acting on behalf of the council."

Council has a three tier process for managing customer complaints, set out below, which includes immediate, informal resolution as well as established processes for review by senior staff.

1. Immediate response to resolve the complaint

All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.

2. Complaint escalated to a more senior officer

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

3. Internal review of a Council decision by statutory process

Internal review of a Council decision is available under section 270 of the *Local Government Act 1999*. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.


Council's detailed Complaints Policy is available to the public.

This policy and procedure for review of a decision commences at the point where:

- A request for the review of a decision is received, or
- A complaint is escalated under Council's complaint handling policy.

The aim of this policy and procedure, which is available on Council's website, is to ensure a fair, consistent and structured process for any party dissatisfied with a decision which has been made by Council or its agents.

The policy and procedure applies to all Council staff who may be involved in receiving an application for review of a Council decision.

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS	Version No:	8
		Issued:	17 December 2024
		Next Review:	October 2027

1.1 Key Principles

The policy and procedure are based on five principles, which are fundamental in the way Council approaches requests for service, complaint handling and reviews of decisions.

They are:

- Fair treatment: which requires impartiality, confidentiality and transparency at all stages of the process
- Accessibility: to be accessible there must be broad public awareness about Council's policies and procedures and a range of contact options
- Responsiveness: this will be achieved by providing sufficient resources, well trained staff and ongoing review and improvement of the systems
- Efficiency: requests and complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity
- Integration of different areas of Council where the matter under review overlaps functional responsibilities.

2 SCOPE

2.1 Application of policy and procedures

This policy and procedure applies when reviewing decisions of Council as outlined below.

Council also has defined procedures for dealing with complaints and requests for service. As a general rule, Council will promote these procedures in the first instance as they offer the potential for immediate resolution.

An internal review is the highest tier in Council's complaints handling process. It will apply:

- when matters cannot be resolved satisfactorily
- when a decision has to be reviewed by the elected Council (See 6.1 Assignment of application for review)

2.2 Matters outside the scope of the policy and procedures


Other provisions in the *Local Government Act* prescribe appeal arrangements in certain circumstances. For example:

- objections to valuations made by a Council and appeals against orders made pursuant to section 254 of the *Local Government Act*.

Other legislation that has its own prescribed appeal procedures, including:

- the *Planning Development and Infrastructure Act 2016*
- the *Dog and Cat Management Act 1995*
- the *Freedom of Information Act 1991*.

While Council prefers to work with its customers to resolve requests for review quickly and effectively, an applicant will always retain the right to seek other forms of resolution, such as contacting the State Ombudsman, or taking legal action at any time. Note however that as a general rule, the Ombudsman prefers that matters be addressed by Council in the first instance, unless this is not appropriate in the circumstances.

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS		Version No:	8
			Issued:	17 December 2024
			Next Review:	October 2027

2.3 Council's commitment

Council, its committees, staff and contractors make decisions every day which impact on members of the community. It is imperative that these decisions are fair, objective and subject to review.

Council is committed to open, responsive and accountable government. This includes providing processes by which citizens adversely affected by a decision of Council can have their grievances considered.

This policy and procedure will be widely accessible to ensure that customers are fully aware of their right to request the review of a decision and the process that will be followed.

Everyone will be treated equally, in accordance with good administrative practice. Council's procedures are designed to ensure that:

- Every applicant has the opportunity to make an application for review of a decision covered by this procedure
- An unbiased assessment is undertaken
- Decisions are based on sound evidence
- Applicants receive information about the outcome of the review.

3 INTERPRETATION

Alternative Dispute Resolution includes mediation, conciliation or neutral evaluation as set out in section 271 of the Local Government Act.

Applicant is the party lodging the requests for review. Examples include residents, ratepayers, members of a community group, users of Council facilities and visitors to the area.

Business Day means a day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays.

Council refers to the City of Mount Gambier.

Decision is a position adopted by Council or its employees. It will generally be a judgement reached after consideration of relevant information.

Decision-maker refers to the individual or entity responsible for the decision under review.


Employee includes a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and persons providing services to, or on behalf of, the Council even though they may be employed by another party.

Reviewer refers to the individual or entity responsible for resolution of a request for review of a decision.

4 RECORDS MANAGEMENT

All documents, notes, photographs and correspondence must be retained and stored in accordance with Council's Records Management protocols as required by Section 125 of the *Local Government Act*.

All applications must be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS		Version No:	8
			Issued:	17 December 2024
			Next Review:	October 2027

5 PROCEDURE

5.1 Making an application

An application for a review of a Council decision provides Council with an opportunity to revisit a decision which has aggrieved an interested party. This may include an individual or a group, ratepayer, resident or business owner. Depending on the particular circumstances, it may also include a person who is not the direct subject of the decision.

(For example, where a Council issues a permit for a person to keep more than the maximum number of dogs permitted under a by-law, a neighbour may seek an internal review of the decision.)

Council will determine whether a person has a sufficient interest to apply for an internal review of a decision, on a case-by-case basis.

An application for review must be in writing and set out the reasons for applying for the review (that is, why the applicant believes that the decision is wrong). Although Council can be expected to have information and material relevant to the matter under review, an application for review may also include new, relevant information or evidence to support the application.

Applications for review must be submitted within 6 months of the making of the relevant council decision. Council may determine to permit applications made after the elapse of 6 months in appropriate cases.

Applications must be accompanied by the prescribed fee of \$20 in accordance with the Local Government (Application for Review Fee) Notice 2021. Council may determine to waive the prescribed fee in circumstances where the Applicant can demonstrate financial hardship, such as evidence of a valid concession card.

5.2 Assisting with the application for review

It is essential that no one is excluded from lodging an application for review because of any difficulties they may have representing themselves. All staff are expected to offer assistance where appropriate and provide it on request, including assistance in documenting the reasons for the review in writing when circumstances warrant.


If necessary arrange access to interpreters, aids or advocates to ensure that an applicant is treated equitably.

5.3 Internal Review Contact Officer

An Internal Review Contact Officer (IRCO) appointed by the Chief Executive Officer is the initial point of contact for applicants.

The role of the Internal Review Contact Officer is to:

- explain the procedure to the applicant and explore any alternative options to resolve the matter, such as alternative dispute resolution prior to an application for review.
- acknowledge the receipt of the application
- maintain a register of all applications for review received and the outcomes of the applications
- outline the timeframes involved and the action to be taken in the first instance
- undertake a preliminary investigation to determine what actions have already been taken to try to resolve the matter
- keep the applicant informed of progress

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS		Version No:	8
			Issued:	17 December 2024
			Next Review:	October 2027

- ensure adequate records are maintained
- report to Council at prescribed intervals on all applications lodged for review

All applications are to be referred to the IRCO immediately, including meeting with the applicant or transferring a telephone call when contact is first made.

5.4 Acknowledging an application for review

The IRCO is responsible for:

- working in conjunction with the appropriately delegated officer to determine how the review will be handled
- advising the applicant of the process to be undertaken and the time of the next contact
- ensuring the application is properly lodged and assigned.

Applications for a review of a decision must be acknowledged within [5] business days and advising of the expected timeframe for dealing with the matter. Council will use its best endeavours to ensure that a review of the original decision will be completed within [21] business days.

If the decision is to be reviewed by Council, a committee, or an external panel there may be delays caused by meeting cycle timelines. In more complex cases, a review may take longer.

The applicant will be regularly informed of progress, either by email, letter or telephone.

5.5 Applications for a review of the impact of rates or services charges

If Council receives an application for a review of a decision concerning the financial impact of Council rates or services charges, these will be dealt with as a matter of priority. Where circumstances warrant, Council will consider financial relief or the granting of concessions in line with the provisions of the *Local Government Act*.

6 UNDERTAKING A REVIEW

6.1 Assignment of applications for review


Review applications will be referred to the elected Council for consideration:

- when the decision being reviewed was made by the elected Council, a Committee of the Council or the CEO
- when the decision relates to civic and ceremonial matters
- in other circumstances as determined by the CEO or resolution of the Council

Council is also responsible for determining who will undertake the investigation and the preparation of a report for Council consideration. (This may be the CEO, his/her delegate, or an expert party from outside the organisation.)

Where the elected Council is not the reviewer, a review methodology to suit the nature of the internal review to be undertaken will be chosen from the following:

- CEO
- A Senior Officer (General Manager/Manager)
- A panel comprised of Council Members and/or Senior Staff
- An external person

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS		Version No:	8
			Issued:	17 December 2024
			Next Review:	October 2027

- A panel of external experts

Wherever possible and appropriate, Council will seek to involve an external person or panel to assist with the review, which may include employees of other Councils.

6.2 Role of reviewer

The role of a reviewer is to review the decision in question to ensure that the decision-maker complied with the following procedural requirements and made the best possible decision in the circumstances:

- The decision must be within a power properly conferred on the decision-maker under the relevant Act.
- A decision-maker must consider all matters which are relevant to the making of the decision and not take into account matters which are not relevant to the decision.
- A decision-maker must not make a decision or exercise a power or discretion in bad faith or for an improper purpose.
- A decision-maker must ensure that findings of fact are based on evidence.
- Decisions must be reasonable.
- Those who may be affected by a decision must be accorded procedural fairness, which includes the principles of natural justice.
- A decision-maker must properly consider the application of existing policies.
- A decision-maker must not exercise a discretionary power at the direction of another person.

6.3 Review process

In carrying out a review of a decision, the reviewer will consider all the information and material that was before the original decision-maker and any additional relevant information or material provided by the applicant. The reviewer will 'stand in the shoes' of the original decision-maker and make the best decision available on the evidence.


This means the reviewer will do more than simply consider whether the decision is legally and procedurally correct. The reviewer will also consider whether a different decision would be better, based on the evidence. The process of merits review, as described above, will typically involve a review of the facts that support a decision, including any new evidence that may come to light.

6.4 Providing 'Procedural Fairness'

Council will observe the principles of procedural fairness (also called 'natural justice') when exercising its statutory powers which could affect the rights and interests of individuals.

Put simply, 'procedural fairness' involves:

- Giving an applicant a right to put their case forward. This will generally involve giving an applicant the opportunity to provide all relevant documentary evidence, rather than an oral hearing
- Ensuring that the reviewer does not have a personal interest in the outcome (is not biased) and
- Acting only on proper evidence that is capable of proving the case.

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS		Version No:	8
			Issued:	17 December 2024
			Next Review:	October 2027

6.5 Giving Reasons

While there is no statutory requirement to give reasons for a decision, Council will provide reasons for the decision of the reviewer where practicable.

Council will always give reasons to explain the outcome where:

- A decision is not in accordance with published policy;
- A decision is likely to detrimentally affect rights or interests of individuals (or organisations) in a material way; or
- Conditions are attached to any approval, consent, permit, licence or other authorisation.

6.6 Refusing an application for review

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

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


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

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

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

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

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

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS	Version No:	8
		Issued:	17 December 2024
		Next Review:	October 2027

7 REMEDIES

Where the review of a decision upholds the applicant's grievance, an appropriate remedy or response will be determined which is consistent and fair for both Council and applicant. The remedy chosen will be proportionate and appropriate to the failure identified.

As a general principle the applicant will, so far as possible, be put in the position he or she would have been in, had the decision not been made. This may mean changing a decision. Where circumstances are such that it is not possible to return to the original situation, or to rectify the outcome of the decision, it may only be possible to offer an apology.

The range of other possible outcomes includes:

- an explanation
- mediation
- an admission of fault
- a change to policy, procedure or practice
- a correction of misleading records
- financial compensation, including a refund of any fees
- the waiving of a debt
- the remission of a penalty
- disciplinary action
- referral of a matter to an external agency for further investigation or prosecution.

The remedy or response may be one, or a combination of these actions. The chosen remedy will be proportionate and appropriate to the failure in service and take account of what the applicant is seeking as an outcome of the review.

If an apology is required it will be done promptly and the applicant advised that appropriate action will be taken to ensure the problem is not repeated.

Compensation will only be offered in cases where the loss or suffering is considered substantial. The Council itself and the CEO are the only people authorised to offer financial compensation and this will only occur after consultation with the Local Government Association Mutual Liability Scheme.


When advising an applicant of the outcome of a review, information will also be provided about alternative remedies, including any rights of appeal and the right to make a complaint to an external agency such as the SA Ombudsman.

8 REPORTING

All applications will be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.

The IRCO records the following information about all applications for review:

- a) the number of applications for review made
- b) the kinds of matters to which the applications relate
- c) the outcome of applications
- d) such other matters as may be prescribed by the regulations.

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS		Version NO:	8
			Issued:	17 December 2024
			Next Review:	October 2027

The IRCO will submit a report to Council annually about section 270 applications for review of a decision, including:

- the number of applications for review made under this section
- the kinds of matters to which the applications relate
- the outcomes of applications under this section.

The IRCO will also provide information on how the outcomes have been used to improve Council's customer service, policies, procedures and practices.

This information, as specified in section 270(8), will be included in Council's Annual Report.

9. REVIEW & EVALUATION

This Procedure will be reviewed by the City of Mount Gambier within 12 months after each general election of Council.

10. AVAILABILITY OF POLICY

This Procedure will be available for inspection at Council's principal office during ordinary business hours and on the Council's website. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fee and Charges.

11. FURTHER INFORMATION


The City of Mount Gambier's Contact Officers for advice about the procedure for the Review of Council Decisions are the following:

Chief Executive Officer
General Manager Corporate and Regulatory Services
Manager Governance & Property

For further information about this Procedure please contact any of the above mentioned Officers, c/-

PO Box 56,
Mount Gambier SA 5290

Phone: 8721 2555,
Fax: 8724 9791,
Email: city@mountgambier.sa.gov.au.

 City of Mount Gambier	C290 - INTERNAL REVIEW OF COUNCIL'S DECISIONS	Version No:	8
		Issued:	17 December 2024
		Next Review:	October 2027

File Reference:	AF18/48
Applicable Legislation:	Local Government Act 1999 s270
Reference: Community Plan	
Related Policies:	Request for Service and Complaint Policy and Procedure C200 Fraud, Corruption, Misconduct and Maladministration Prevention Policy F225 Records Management R180 Public Interest Disclosure Policy P900
Related Procedures:	Unreasonable Complainant Conduct Records Management Procedure
Related Documents:	Managing Unreasonable Complainant - Practice Manual Behavioural Standards Code of Conduct for Council Members

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	8.0
Last revised date:	17 December 2024
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<u>Document History</u>	
First Adopted By Council:	20 July, 2000
Reviewed/Amended:	19 August 2003, 19 September 2006, 28 November 2006, 16 August 2011, 18 August 2015, 21 March 2017, 17 December 2024

Kelley Jones

APPENDIX 3

21 NEW CONFIDENTIAL ITEMS

21.1 STRATEGIC PROJECTS UPDATE

RESOLUTION OCM 2025/95

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, B Shearing, S McLean and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Strategic Projects Update.

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

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.
- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to commercial contractual matters, including tenders for service, the disclosure of which could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Council's position in obtaining best value outcomes on behalf of the community.

CARRIED

RESOLUTION OCM 2025/100

Moved: Cr Sonya Meziniec
Seconded: Cr Josh Lynagh

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 Strategic Projects Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

be kept confidential and not available for public inspection until a further order of Council to release.
- 2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

21.2 MUSIC SA - UPDATE

RESOLUTION OCM 2025/96

Moved: Cr Josh Lynagh
Seconded: Cr Jason Virgo

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 S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, B Shearing, S McLean and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Music SA - Update.

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

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

City of Mount Gambier
Ordinary Council Meeting Minutes

15 April 2025

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered is confidential information of a third party to which Council owes a duty of confidence until such time as a public announcement has been made.

CARRIED

RESOLUTION OCM 2025/101

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

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

be kept confidential and not available for public inspection until the latter of a public notification being made by Music SA or 31 July 2025.

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

21.3 ELECTRICITY SUPPLY CONTRACT - LARGE AND UNMETERED SUPPLY

RESOLUTION OCM 2025/97

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

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 S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, B Shearing, S McLean and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Electricity Supply Contract - Large and Unmetered Supply.

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

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed in this item relates to a contract between Council and a supplier for the supply of electricity. The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council or confer advantage on 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 on behalf of the community.

CARRIED

RESOLUTION OCM 2025/102

Moved: Cr Sonya Meziniec
Seconded: Cr Jason Virgo

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 Electricity Supply Contract - Large and Unmetered Supply and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

- (b) information the disclosure of which -

City of Mount Gambier
Ordinary Council Meeting Minutes

15 April 2025

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

be kept confidential and not available for public inspection until two years after a contract has been executed for the relevant supply, and Council has been released from its duty of confidence, with the name of the supplier and value of the contract to be disclosed upon execution.

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

21.4 WULANDA RECREATION AND CONVENTION CENTRE - CONTRACTUAL MATTERS

RESOLUTION OCM 2025/98

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 Council Officers S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, B Shearing, S McLean and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Wulanda Recreation and Convention Centre - Contractual Matters.

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

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to commercial contractual matters associated with the management 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 outcomes on behalf of the community.

CARRIED

RESOLUTION OCM 2025/103

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

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 Wulanda Recreation and Convention Centre - Contractual Matters and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

be kept confidential and not available for public inspection until a further order of Council to release.

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

CARRIED

21.5 WULANDA RECREATION AND CONVENTION CENTRE - PROJECT UPDATE

RESOLUTION OCM 2025/99

Moved: Cr Sonya Mezinac

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 (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Wulanda Recreation and Convention Centre - Project Update.

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

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

CARRIED

RESOLUTION OCM 2025/104

Moved: Cr Frank Morello

Seconded: Cr Jason Virgo

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 Wulanda Recreation and Convention Centre - Project Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.
 - (h) legal advice.

be kept confidential and not available for public inspection until the latter of two years after the satisfactory resolution of any outstanding commercial contractual dispute, or two years after the conclusion of any legal proceedings, and Council has been released from its duty of confidence.
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

22 MEETING CLOSE

The meeting closed at 7:12 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 May 2025.

.....
MAYOR

Kelley Jones

APPENDIX 4

8 July 2025

Kelley Jones

Mr Graham Walkom

BY EMAIL: grahamwalkom@gmail.com

T. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 66 159 460 723
kelly@kellyjones.com.au

Dear Mr Walkom

SECTION 270 REVIEW – CONFIDENTIAL ITEMS - COUNCIL MEETING 15 APRIL 2025

By letter dated 21 April 2025, you have requested a review of a decision of the City of Mount Gambier (the **Council**) under section 270 of the *Local Government Act 1999* (the **Act**), namely, the way the Council received and considered items 21.1 – 21.5 at its meeting of 15 April 2025.

Your concerns relate to the manner in which the Council dealt with the items at this portion of the meeting under sections 90(2) and (3) of the Act as well as 91(7).

Based on the concerns articulated in your request, we understand you are of the view that the Council did not apply the confidentiality provisions under the Act appropriately, such that those matters may not have been retained in confidence.

This firm has now been engaged to conduct an independent review of the decisions, subject of your application. We confirm the review will be undertaken in accordance with the Council's *Internal Review of Council's Decision Policy*, a copy of which is **enclosed**.

Our purpose in contacting you now is to confirm our appointment and to invite you to provide any further information you would like us to receive and, if relevant, consider as part of this review, before the **close of business on Tuesday 15 July 2025**.

If we do not receive anything further from you, we will proceed with the review based on the information you have already provided to the Council, together with information which is provided by the Council.

The review process will be conducted efficiently and fairly and upon finalising the review, we will prepare a report with recommendations for the Council to consider and determine the application for review.

Please do not hesitate to contact me if you have any questions regarding the review process.

Yours sincerely
KELLEDY JONES LAWYERS



From: graham walkom <grahamwalkom@gmail.com>
Sent: Tuesday, 8 July 2025 11:22 AM
To: [REDACTED]
Subject: Re: Section 270 Review - Confidential Items - Council Meeting 15 April 2025 (KJ 250200)

Thank you [REDACTED] The council wheels turn slowly.

I note there is no reference to my concern within my original submission for review to the very excessive number of items council holds in confidence.

Other than that nothing further to add thank you,

Graham Walkom

On 8 Jul 2025, at 09:22, Jenna Smith <jsmith@kelledyjones.com.au> wrote:

Dear Mr Walkom

Please find **attached** correspondence and relevant enclosure, sent on behalf of [REDACTED]

Regards

[REDACTED]
kelledyjones.com.au

This communication, including all attachments, contains confidential information and is subject to legal or other professional privilege. This privilege is not waived or lost by reason of email transmission or by reason of a mistaken or unintended email transmission to the receiver. Where the receiver is not the intended recipient of this email please delete and destroy all copies and telephone Kelliedy Jones Lawyers on 08 8113 7100. This communication is subject to copyright and no part of this email should be reproduced, distributed, disseminated or adapted without written consent of the copyright owner. Kelliedy Jones Lawyers does not warrant that this email is free from computer errors, viruses or interference, except as required by law.

<MTGA0001_250200_002 Initiating letter - Mr Walkom.pdf><Internal Review of Councils Decisions Policy.pdf>

20 MOTIONS WITH NOTICE

Nil

21 URGENT MOTIONS WITHOUT NOTICE

22 NEW CONFIDENTIAL ITEMS

22.1 PERCY STREET UNSOLICITED PROPOSAL

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 Percy Street Unsolicited Proposal.

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

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered regarding the Percy Street Unsolicited Proposal contains commercial information of a confidential nature, provided to Council in-confidence and therefore creating a duty of confidence, the consideration of which if conducted in an open meeting could prejudice the position of Council, as well as the third party that provided the information, and impact Council's ability to achieve commercially advantageous outcomes for the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Percy Street Unsolicited Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and



- (ii) would, on balance, be contrary to the public interest.
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.
- be kept confidential and not available for public inspection until the latter of two years after the expiry of an agreement entered into in relation to the matter, or two years after the proposal has been abandoned, and Council has been released from its duty of confidence.
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.



23 MEETING CLOSE

24 ATTACHMENT - PREVIOUS COUNCIL MINUTES





MINUTES

Ordinary Council Meeting Tuesday 15 July 2025



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

Time: 6:00 pm
Date: Tuesday 15 July 2025
Location: City Hall
Cave Gardens/Thugi, Mount Gambier

PRESENT: Mayor Lynette Martin (OAM)
Cr Max Bruins
Cr Paul Jenner
Cr Mark Lovett
Cr Josh Lynagh
Cr Jason Virgo

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager People, Place and Liveability	- Mr C White
	Manager Governance and Property	- Ms B Shelton
	Manager Operations Infrastructure	- K Manarangi
	Manager Waste, Reuse and Environment	- J Martin
	Media and Communications Coordinator	- Ms S McLean
	Executive Administrator	- Mrs S Spears
	Executive Administrator	- Ms T Chant

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 CONDUCT OF THE GALLERY

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

3 APOLOGIES

RESOLUTION OCM 2025/164

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

That the apology from Cr Sonya Mezinec and Cr Frank Morello be received.

CARRIED

4 LEAVE OF ABSENCE

Nil

5 CONFIRMATION OF COUNCIL MINUTES

5.1 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION OCM 2025/165

Moved: Cr Mark Lovett

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council Meeting held on 17 June 2025, Special Council Meeting held on 17 June 2025 and Special Council Meeting held on 24 June 2025 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

6 MAYORAL REPORT

6.1 MAYORAL REPORT - JULY 2025

- Introductory meeting with Jacinta Robinson – Womens Legal Service
- Presentation by the Local Government Grants Commission
- Development Management Plan engagement workshop (with General Manager People, Place and Liveability)
- Photo opportunity – Don McDonnell Reserve – regional public transport review submission
- Catch up with Colin Byles, Interim Executive Officer, LCLGA
- LGA Board Update (virtual)
- Dancers Deb Ball – presentation of Debutantes (The Barn)
- Presentation to EQUIP, Candidate Training Workshop attendees – journey into politics
- Lions Club of Blue Lake City Lioness Changeover Dinner (Blue Lake Bar & Bistro)
- Introductory meeting – CEO Recruitment Consultants (with General Manager Corporate and Regulatory Services) (virtual)
- Connecting Settlement, Community and Industry Stakeholders Forum (Mount Gambier Migrant Resource Centre)
- Introductory meeting with Department of Home Affairs, Community Engagement Team
- Weekly meetings with CEO
- Elected Member Briefing – Cats By-Law
- Special Council Meeting – adoption of 2025/2026 Budget and Annual Business Plan
- Visit to Country Health Connect
- Catch up with Charlotte Edmunds, Executive Officer, LCLGA
- Catch up with LCLGA Mayors (virtual)
- Regular catchups with Media and Communications Coordinator
- Radio interview with Llew Jones, 5GTR-FM
- LGA Board Meeting (Adelaide)
- Farewell – LGA CEO, Clinton Jury (Adelaide)



- Meeting with Capital Investments & Development team
- State Waste Strategy Consultation (for SAROC) (virtual)
- Internal meeting – LCLGA website
- Elected Member Briefing – Partnership Priorities and Advocacy 2025/2026
- Confidential Elected Member Briefing – Lady Nelson EOI
- Confidential Elected Member Briefing – Tenancies EOI
- UniSA Mount Gambier Campus Scholarships, Awards and Grants Dinner
- Chambers Tour and Mayoral Presentation to Compton Primary School Year 2/3 Class
- Meeting with Executive Officer, LCLGA
- LGA Board Update (virtual)
- LCLGA Special Board Meeting and Workshop
- Farewell – Superintendent Cheryl Brown, SAPOL
- NAIDOC Week Flag Raising and Smoking Ceremony and Street March
- Lakes Rotary President Changeover Dinner
- Visit to Mount Gambier Salvation Army Thrift Shop
- Confidential Elected Member Briefing – Crater Lakes – Cultural Heritage Survey
- NAIDOC Week Community Breakfast
- Junior Sports Assistance Fund Committee Meeting
- Catch up with LCLGA Mayors (virtual)
- Meeting with the Mount Gambier Residents and Ratepayers Association
- LGA Board Update (virtual)
- Drought response update webinar (virtual)
- Mount Gambier Eisteddfod Dance Division – presentations and welcome
- Introductory meeting with Thuyen Vi-Alternetti, SA Multicultural Commission
- District Council of Grant Citizenship Ceremony

RESOLUTION OCM 2025/166

Moved: Mayor Lynette Martin

Seconded: Cr Jason Virgo

That the Mayoral Report be received.

CARRIED

7 REPORTS FROM COUNCILLORS

7.1 REPORTS FROM COUNCILLORS

- | | |
|----------------|---|
| Cr Josh Lynagh | Meeting with John Jablonski, Jacqueline Bignell and Greg Tate to discuss Cycling, paths and tourism (with Aaron Izzard)
NAIDOC week Mayoral reception, flag raising ceremony and street march. |
| Cr Jason Virgo | Refugee week launch of finding freedom exhibition
Grants Commission of SA |
| Cr Paul Jenner | Grants Commission of SA
Pioneers Basketball game |



RESOLUTION OCM 2025/167

Moved: Cr Jason Virgo

Seconded: Cr Josh Lynagh

That the reports made by Councillors be received.

CARRIED

8 QUESTIONS WITH NOTICE

Nil

9 QUESTIONS WITHOUT NOTICE

Nil

10 PETITIONS

Nil

11 DEPUTATIONS

Nil

12 NOTICE OF MOTION TO REVOKE OR AMEND

Nil

13 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

RESOLUTION OCM 2025/168

Moved: Cr Josh Lynagh

Seconded: Cr Mark Lovett

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

CARRIED

14 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

15 AUDIT AND RISK COMMITTEE

Nil



16 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

Nil

17 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE

17.1 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE HELD ON 9 JULY 2025

RESOLUTION OCM 2025/169

Moved: Cr Josh Lynagh
Seconded: Cr Max Bruins

Council receive and note the minutes of the Junior Sports Assistance Fund Committee meeting held on 9 July 2025.

CARRIED

18 BUILDING FIRE SAFETY COMMITTEE

Nil

19 COUNCIL REPORTS

19.1 IMPOUND ANIMAL MANAGEMENT - ANNUAL UPDATE

RESOLUTION OCM 2025/170

Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

1. That Council report titled 'Impound Animal Management – Annual Update as presented on Tuesday 15 July 2025 be noted.

CARRIED

19.2 BY-LAW REVIEW

RESOLUTION OCM 2025/171

Moved: Cr Mark Lovett
Seconded: Cr Josh Lynagh

1. That Council report titled 'By-Law Review' as presented on Tuesday 15 July 2025 be noted.

2. That in exercise of the powers contained in section 246 of the Local Government Act 1999 (the Act), having satisfied the consultation requirements of the Act and having had regard to the submission received from the public, the National Competition Policy Report, the Certificates of Validity provided by the Council's legal practitioner, the comments from the Dog and Cat Management Board in relation to By-Law number 6, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as attached and marked 'Attachment 1':
 - (a) By-Law No. 6 Cats.
3. That the Chief Executive officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws, including making any minor editorial or grammatical changes that may be necessary prior to publication of the By-laws in the Gazette.

CARRIED

Carried unanimously, with greater than two-thirds of members being present at the meeting.

19.3 REVIEW OF COUNCIL POLICY - T120 TREE POLICY

Pursuant to Section 75 of the Local Government Act 1999, Cr Jason Virgo disclosed a general conflict of interest in Item 19.3 Review of Council Policy - T120 Tree Policy.

In accordance with Section 75B Cr Jason Virgo informed the meeting:

Nature of Interest:

I own a property adjacent a reserve. 6-D-2 mentions a service available to property owners adjacent a reserve.

Intention to Participate:

Not move or second the motion. Disclose this general conflict of interest to the meeting.

Reason for Participating:

The action that I am taking is sufficient to address and deal with my conflict adequately by not moving or seconding the motion. I intend to vote and represent the community with my vote as I feel that is important.

In accordance with Section 75B of the Local Government Act 1999 Cr Jason Virgo remained in the meeting for Item 19.3.

Having participated in the meeting for item 19.3 Cr Jason Virgo voted in favour of the motion.

RESOLUTION OCM 2025/172

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council report titled 'Review of Council Policy - T120 Tree Policy' as presented on Tuesday 15 July 2025 be noted.

2. That the revised draft Council Tree Policy - T120 be adopted.
3. That the Urban Landscape Strategy Principles be developed in 2025/2026 and the Urban Landscape Strategy be budgeted and completed in 2026/2027.

CARRIED

19.4 OUTSTANDING COUNCIL ACTION ITEMS - JUNE 2025

RESOLUTION OCM 2025/173

Moved: Cr Paul Jenner

Seconded: Cr Jason Virgo

1. That Council report titled 'Outstanding Council Action Items - June 2025' as presented on Tuesday 15 July 2025 be noted.

CARRIED

20 MOTIONS WITH NOTICE

20.1 PROMOTING RESPECTFUL COMMUNITY INTERACTIONS WITH COUNCIL STAFF AND COUNCILLORS

RESOLUTION OCM 2025/174

Moved: Cr Jason Virgo

Seconded: Cr Josh Lynagh

1. That the motion from Cr Jason Virgo as presented on 15 July 2025 be noted;
2. That Council:
 - (a) Notes an increasing trend across the local government sector of aggression, intimidation, and verbal abuse directed toward Councils staff and Councillors during the course of their duties;
 - (b) Acknowledges the proactive steps taken by other South Australian Councils, including the City of West Torrens through its *"It Reflects on You"* campaign to promote respectful community interactions and protect staff wellbeing;
 - (c) Requests the Chief Executive Officer prepare a report for Council's consideration, which explores:
 - Potential communication and engagement strategies to promote respectful community interactions towards Council staff and elected members;
 - The feasibility and implications of developing a localised awareness campaign, with reference to West Torrens' *"It Reflects on You"* initiative;
 - Resource and budget considerations;

- Any legislative or policy implications under the *Local Government Act 1999* (SA) and the Council and CEO's Work Health and Safety obligations;
 - The application of Council's Unreasonable Conduct Policy to these matters
- (d) Requests that the report be presented to Council no later than the October 2025 Council meeting.

CARRIED

21 URGENT MOTIONS WITHOUT NOTICE

Nil

22 NEW CONFIDENTIAL ITEMS

22.1 RECEIVAL AND DISPOSAL OF ORGANIC WASTE

RESOLUTION OCM 2025/175

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

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 S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, K Manarangi, J Martin, S McLean, S Spears and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Receival and Disposal of Organic Waste.

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

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed in this item relates to the award of a contract for services and negotiation of the subject contract between Council and the proponent, the disclosure of which may prejudice Council's ability to achieve best value for money on behalf of the community.

CARRIED

RESOLUTION OCM 2025/177



Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

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 Receiving and Disposal of Organic Waste and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

be kept confidential and not available for public inspection until 12 months after the execution of a contract, or abandonment of the proposal, with the name of the successful proponent and value of the contract to be disclosed upon execution.
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

22.2 APPOINTMENT OF INTERIM CEO

RESOLUTION OCM 2025/178

Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

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 S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, K Manarangi, J Martin, S McLean, S Spears and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Appointment of Interim CEO.

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

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



The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered relates to the appointment of the interim Chief Executive Officer, the disclosure of which would be unreasonable disclosure of personal information relating to the employment of the interim Chief Executive Officer, to which Council owes a duty of confidence.

CARRIED

B Cernovskis, J Fetherstonhaugh, C White, K Manarangi, J Martin, S McLean, left the meeting at 6:40pm

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 22.2 Appointment of Interim CEO.

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

Meeting Procedures were suspended at 6:41 pm.

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

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

The Period of Suspension came to an end and Meeting Procedures resumed at 6:56 pm.

RESOLUTION OCM 2025/180

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

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 Appointment of Interim CEO and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.be kept confidential and not available for public inspection until 12 months after the initial appointment term and any renewal term of the respective interim Chief Executive Officers has elapsed, with the appointee name and term of each appointment to be release as soon as practicable after consideration by Council.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

B Cernovskis, J Fetherstonhaugh, C White, K Manarangi, J Martin and S McLean returned to the meeting at 6:56pm.

22.3 OUTSTANDING COUNCIL ACTION ITEMS - JUNE 2025

RESOLUTION OCM 2025/181

Moved: Cr Jason Virgo

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 S Philpott, B Cernovskis, J Fetherstonhaugh, C White, B Shelton, K Manarangi, J Martin, S McLean, S Spears and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Outstanding Council Action Items - June 2025.

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

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances where all outstanding actions included in the within report are confidential in their own right, being subject to their own respective confidential orders, and Council has a duty to maintain that confidentiality.

CARRIED

RESOLUTION OCM 2025/183

Moved: Cr Mark Lovett

Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Outstanding Council Action Items - June 2025 and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.



be kept confidential and not available for public inspection until such time as each outstanding action detailed in the report has been released from confidence respectively, and that the order be reviewed every 12 months.

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 MEETING CLOSE

The meeting closed at 6:57PM.

The minutes of this meeting confirmed at the Ordinary Council Meeting held on 19 August 2025.

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MAYOR

