

# MINUTES

## Ordinary Council Meeting Tuesday 15 October 2024



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

**Time:** 6:00 pm  
**Date:** Tuesday 15 October 2024  
**Location:** Council Chamber - Civic Centre  
10 Watson Terrace, Mount Gambier

**PRESENT:** Mayor Lynette Martin (OAM)  
Cr Kate Amoroso  
Cr Max Bruins  
Cr Paul Jenner  
Cr Mark Lovett (left the meeting at 7:22 pm)  
Cr Josh Lynagh  
Cr Sonya Meziniec  
Cr Jason Virgo

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	Manager Governance and Property	- Ms B Shelton
	Manager Strategic Projects	- Ms T McPherson
	Manager Development Services	- Mrs T Tzioutziouklaris
	Manager Riddoch Arts and Cultural Centre	- Ms A Whatling
	Manager Operations Infrastructure	- Mr K Manarangi
	Manager Economy, Strategy and Engagement	- Mrs B Shearing
	Strategic Development and Visitor Economy Coordinator	- Ms A Stevens
	Communications Officer	- Mrs A Watson
	Executive Administrator	- Ms S Wilson
	Executive Administrator	- Mrs A Pasquazzi

**1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2 APOLOGIES**

**RESOLUTION OCM 2024/170**

Moved: Cr Kate Amoroso  
Seconded: Cr Paul Jenner

That the apology from Cr Frank Morello be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil



## 4 CONFIRMATION OF COUNCIL MINUTES

### 4.1 CONFIRMATION OF COUNCIL MINUTES

#### **RESOLUTION OCM 2024/147**

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council Meeting held on 17 September 2024 and the Special Council Meeting held on 25 September 2024 be confirmed as an accurate record of the proceedings of the meetings.

**CARRIED**

## 5 MAYORAL REPORT

### 5.1 MAYORAL REPORT - OCTOBER 2024

- Regional Radiation Therapy Group Meeting: Tour of cancer care services with LCLHN
- Friendship Force Ceremony – Delegation from Tarapoto Peru
- Visit by the Her Excellency the Honourable Sam Mostyn AC, Governor-General of Australia
  - Mount Gambier Farmers Market
  - Riddoch Art Gallery
  - Luncheon with community representatives
  - Ryder-Cheshire Home Foundation
- Interfaith Service – Global Peace Day 2024
- CMCA National Rally Official Opening Reception and Ceremony
- Radio Interview with Llew Jones – 5GTR-FM
- Interview (Governor-General visit) – ABC SE
- Meeting with Colin Byles, LCLGA Interim Executive Officer
- Confidential Elected Member Briefing – Waste Services Update
- Elected Member Briefing – Community Renewables Program
- Elected Member Briefing – Beacon Arts Project
- Meeting with CEO's and Mayors of District Council of Grant and Kingston District Council and Sarah Philpott, CEO – preparation for Public Hearing to Standing Committee of Inquiry into Local Government sustainability on 27/9/2024
- Elected Member Briefing – Consideration for Grant Funding Request for Generations in Jazz Event
- Special Council Meeting – Generations in Jazz Grant Funding
- LCLGA Mayors Catch Up (virtual)



- Public Hearing to Standing Committee of Inquiry into Local Government sustainability (teleconference)
- Radio interview – Citizen of the Year Awards – Southern Cross Austereo
- Citizenship Ceremony
- Tour of Mount Gambier Library with Minister for Human Services and Minister for Seniors and Ageing Well, the Hon. Nat Cook MP
- Elected Member Briefing – Presentation of Council’s Draft Strategic Plan 2024-2028
- Elected Member Briefing – Mount Gambier and District Tennis Association
- Meeting with Manager Governance and Property – Mayor’s Christmas Appeal
- Regional SAROC Meeting (DC Grant)
- OneFortyOne official announcement of Renewable Power Generation at Jubilee Sawmill with Premier Malinauskas
- Official launch of the Forestry Centre of Excellence with Premier Malinauskas
- Regional SAROC Dinner
- SAROC Tour of DC Grant Council area
- BrickGambier 2024 VIP Night
- Inside Line Mountain Bike Event – Closing Ceremony
- Probus Club of Mount Gambier annual celebration event – meeting and morning tea
- Elected Member Briefing – Review of Pioneers Sponsorship and Access to Wulanda Recreation and Convention Centre
- Yerkalalpata Community Reference Group agenda run through with CEO, Sarah Philpott and internal Council staff
- LCLGA Mayors Catch Up (virtual)
- Meeting with Colin Byles, LCLGA Interim Executive Officer
- LCLGA Special Board Meeting (Naracoorte)
- LCLGA Workshop (Naracoorte)
- Yuldea – performance by Bangarra Dance Theatre

**RESOLUTION OCM 2024/148**

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the Mayoral Report be received.

**CARRIED**



## 6 REPORTS FROM COUNCILLORS

### 6.1 REPORTS FROM COUNCILLORS

Cr Josh Lynagh	Meeting with Gareth Lewis and Chelsea Sinnott from Music SA, Citizenship Ceremony, Battle of the Bands, LCLHN Health Advisory Council Presiding Member Forum.
Cr Jason Virgo	Opening of the Mount Gambier Gem Club exhibit, site visit at the Mount Gambier History Group.
Cr Sonya Meziniec	Riddoch Arts and Cultural Trust informal meeting, Bangara Dance Theatre - Yuldea, Christmas Parade Advisory Committee.

#### RESOLUTION OCM 2024/149

Moved: Cr Jason Virgo

Seconded: Cr Sonya Meziniec

That the reports from Councillors be received.

**CARRIED**

## 7 QUESTIONS WITH NOTICE

The following questions with notice were received from Cr Kate Amoroso:

### 7.1 Question - Hard Waste Collection

Could we please be provided with an update and the community be advised on where we are regarding hard waste collection services.

*Rationale: As we are heading into better weather, people are spring cleaning and I have been receiving a steady flow of messages enquiring about Council's hard waste collection service.*

#### Response - General Manager City Infrastructure

The Waste Masterplan that is in development will consolidate and prioritise Councils focus areas in the management of Waste services and Caroline Landfill. This plan will include a review of kerbside collections and consideration of a hardwaste service. In the interim administration are collating data on the increase of unauthorised dumping (that includes hardwaste), and collaborating with organisations that have a shared and vested interest to develop and trial some programs to help manage hardwaste.

### 7.2 Question - Status of Mountain Bike Trail

Can Council please be provided a status update on reopening of the (currently) closed mountain bike trails?

#### Response - General Manager City Infrastructure

The currently closed mountain bike trails will remain closed due to public safety. Reinstatement of these trails will be guided by the Crater Lakes Bushfire Rehabilitation plan that is well underway, and its subsequent implementation along with the Crater Lakes Trails plan.



### **7.3 Question - Signage - Mountain Bike Trail**

I am aware signage is a costly exercise and best done once the mountain bike trail network upgrade has been completed but can temporary signage be organized in the meantime so that local and visiting riders are aware of the trails and aware of the gradient of the trail so that all riders are informed and safe and not riding trails beyond their ability?

#### **Response - General Manager City Infrastructure**

Where possible, staff have used temporary signage that has been either removed or relocated which presents a further public risk. Therefore, any signage upgrade will be included with the implementation of the Crater Lakes Trails plan.

The following question with notice was received from Cr Paul Jenner:

### **7.4 Question - LCLGA**

Can Council please have an explanation of the current status of the waste project with the LCLGA, the budget expended in undertaking the initial stage, any further budget allocations and what were the barriers to this project proceeding?

#### **Response - Chief Executive Officer**

The consideration of a regional MRF was scoped in two stages (noting other investigation work had been previously undertaken)

The first stage was to consider governance models for the operations of a regional MRF. While that scope was delivered, it was determined that stage 2 information was also needed to fully test the viability and appropriate options for a regional MRF. The return brief was requested from the consultants to perform the second stage and circulated to CEOs. The matter was discussed with Mayors and CEOs at a strategic planning session and decided to defer further action pending further engagement with Green Industries SA and consideration of options for subregional collaboration. The budget for stage was in the order of \$80,000.

During the life of the investigation, the waste and circular economy continued to evolve. For instance, initial thinking had explored western Victoria as a potential partner – in the meantime, Victoria introduced a fourth bin for glass recycling, changing the environment for that market. Each Council had different services and was initiating services relevant to their local environment.

- For the City of Mount Gambier our work in waste is also somewhat different from other regional partners. We will continue to have a kerbside to landfill service and will keep investigating circular economy opportunities that target (in particular) organics in the first instance
- CMG continue to carry the risk associated with a landfill that provides other partners with waste disposal
- CMG Waste masterplanning is underway, we have committed to include DCG and WRC as stakeholders in our engagement
- Education regarding sorting, organics etc needs to be a commitment for anything at a regional level is to progress
- it is more than just the costs of transport that is a consideration in the development of a regional service, but also what and where the markets are for recyclables and organics - this impacts any possible regional location

Rather than progressing to stage two of the project, we will continue to consider subregional opportunities and explore options with Green Industries SA individually and collectively.



**8 QUESTIONS WITHOUT NOTICE**

Nil resolved.

**9 PETITIONS**

Nil

**10 DEPUTATIONS**

Nil

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

Nil

**12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS**

**RESOLUTION OCM 2024/150**

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

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

**CARRIED**

**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

**14 AUDIT AND RISK COMMITTEE**

Nil

**15 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE**

Nil

**16 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE**

Nil

**17 BUILDING FIRE SAFETY COMMITTEE**

Nil



**18 COUNCIL REPORTS**

**18.1 DRAFT CITY OF MOUNT GAMBIER STRATEGIC PLAN 2024 - 2028**

**RESOLUTION OCM 2024/151**

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That Council report titled 'Draft City of Mount Gambier Strategic Plan 2024 - 2028' as presented on Tuesday 15 October 2024 be noted.
2. That Council endorse the draft City of Mount Gambier Strategic Plan 2024 - 2028 for community engagement.

**CARRIED**

**18.2 ELECTOR REPRESENTATION REVIEW - REPRESENTATION REPORT**

**RESOLUTION OCM 2024/152**

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

1. That Council report titled 'Elector Representation Review - Representation Report' as presented on Tuesday 15 October 2024 be noted.
2. That all submissions received during the public consultation on the Elector Representation Review - Representation Report be received and noted in accordance with section 12(7) of the Local Government Act 1999 (the Act).
3. That having given due consideration to the submissions received, the Council hereby determines its future composition and structure to be:
  - (a) The principal member of Council continue to be a Mayor elected by the community;
  - (b) The Council area not be divided into wards (i.e. retain the existing "no wards" structure);
  - (c) The future elected body of Council comprise eight (8) Area Councillors and the Mayor.
4. The Chief Executive Officer or delegate be authorised to prepare and forward the necessary report and consultation documents to the Electoral Commissioner, pursuant to sections 12(11) and 12(12) of the Act.

**CARRIED**





**18.3 GRANTS AND SPONSORSHIPS PROGRAM ROUND ONE - NEW YEAR'S EVE AND SOUTH AUSTRALIAN COUNTRY SWIMMING CHAMPIONSHIPS**

**RESOLUTION OCM 2024/153**

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council report titled 'Grants and Sponsorships Program Round One - New Year's Eve and South Australian Country Swimming Championships' as presented on Tuesday 15 October 2024 be noted.
2. That \$15,000 cash and \$3,000 in-kind be endorsed for distribution as part of Round One of the 2024/2025 Grants and Sponsorships program specifically for the Mount Gambier Swimming Club Inc. to host the 2025 South Australian Country Swimming Championships.
3. That Council give 'in-principle' support to supporting Mount Gambier Community Management Inc with \$17,600 cash and \$1,287 in-kind support, pending a further report to be brought back to the November 2024 Council Meeting detailing the following:
  - Further information on the event's financial position and how any shortfall associated with running the event will be funded
  - Whether or not council's contribution can be paid directly to the pyrotechnics vendor so the fireworks display can proceed should events transpire which cause the community event not to proceed
  - The viability of moving the event to a CBD location
  - Any further information staff deem relevant after further analysis of the original application.

**CARRIED**

Cr Kate Amoroso called a division.

The declaration was set aside.

Voting by division being:

In Favour: Cr Max Bruins, Cr Paul Jenner, Cr Josh Lynagh, Cr Sonya Mezinec and Cr Jason Virgo

Against: Cr Kate Amoroso and Cr Mark Lovett

The Mayor declared the motion

**CARRIED 5/2**



#### 18.4 EVENT SPONSORSHIP 2026 AUSTRALIAN SPRINTCAR CHAMPIONSHIP

##### **RESOLUTION OCM 2024/154**

Moved: Cr Paul Jenner

Seconded: Cr Jason Virgo

1. That Council report titled 'Event Sponsorship 2026 Australian Sprintcar Championship' as presented on Tuesday 15 October 2024 be noted.
2. That a pre-allocation of \$35,000 cash from the 2025/2026 financial year Grants and Sponsorships program be endorsed to secure the January 2026 Australian Sprintcar Championship to be held at the Borderline Speedway on Friday 30 January 2026 and Saturday 31 January 2026.

**CARRIED**

#### 18.5 BEACON ART PROJECT

##### **RESOLUTION OCM 2024/155**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council report titled 'Beacon Art Project' as presented on Tuesday 15 October 2024 be noted.
2. That shortlisted applicant Huna Studio be endorsed to receive \$120,179 ex GST for the Beacon Art Project, noting that these funds will be conditional to a commission contract with the City of Mount Gambier and be dispensed in installations according to project milestones.
3. That \$17,271 ex GST be allocated to site preparation, communications strategy and development approval costs.
4. That Council is not in favour of the artwork being situated in front of the old town hall (as was outlined in the Huna Studios proposal), given the historical significance of the facade of this building, and that a further report be brought back to Council proposing alternate sites for the artwork within the CBD and outcomes of the feedback from the Community Reference Group.

**CARRIED**



Cr Kate Amoroso called a division.

The declaration was set aside.  
Voting by division being:

In Favour: Cr Max Bruins, Cr Paul Jenner, Cr Josh Lynagh, Cr Sonya Meziniec and Cr Jason Virgo

Against: Cr Kate Amoroso and Cr Mark Lovett

The Mayor declared the motion

**CARRIED 5/2**

## **18.6 CITY INFRASTRUCTURE - WORKS IN PROGRESS**

### **RESOLUTION OCM 2024/156**

Moved: Cr Josh Lynagh  
Seconded: Cr Sonya Meziniec

1. That Council report titled 'City Infrastructure - Works in Progress' as presented on Tuesday 15 October 2024 be noted.

**CARRIED**

## **18.7 COMMUNITY RENEWABLES PROGRAM**

### **RESOLUTION OCM 2024/157**

Moved: Cr Max Bruins  
Seconded: Cr Josh Lynagh

1. That Council report titled 'Community Renewables Program' as presented on Tuesday 15 October 2024 be noted.
2. That Council staff make initial contact with ShineHub, to ascertain how such a program may work in Mount Gambier.

**CARRIED**



### 18.8 2024 MOUNT GAMBIER CHRISTMAS PARADE TEMPORARY ROAD CLOSURES

#### RESOLUTION OCM 2024/158

Moved: Cr Sonya Meziniec

Seconded: Cr Jason Virgo

1. That Council report titled '2024 Mount Gambier Christmas Parade Temporary Road Closures' as presented on Tuesday 15 October 2024 be noted.
2. That Council be notified that, pursuant to Section 33 of the Road Traffic Act 1961 and instrument of Delegation, the Minister of Transport has made the order to close the following roads on Saturday 16 November 2024. (refer attachment).
3. That Council be notified that, SAPOL has granted exemption for persons taking part in the parade from the following Australian Road Rules and Conditions (refer attachment).

**CARRIED**

### 18.9 RIDDOCH ARTS AND CULTURAL TRUST - ANNUAL GENERAL MEETING AND MEMBERSHIP

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Meziniec disclosed a general conflict of interest in item 18.9.

In accordance with Section 75B Cr Sonya Meziniec informed the meeting:

Nature of Interest:

I am the Council representative on the RACT Board.

Intention to Participate:

I intend to stay in the meeting and vote on the matter. I will not move or second the motion, nor will I be engaging in discussion or debate on the matter.

Reason for Participating:

The action I am taking is sufficient to address and deal with my conflict adequately by not moving or seconding the motion or speaking to 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 Sonya Meziniec remained in the meeting for Item 18.9.



**RESOLUTION OCM 2024/159**

Moved: Cr Jason Virgo

Seconded: Cr Paul Jenner

1. That Council report titled 'Riddoch Arts and Cultural Trust - Annual General Meeting and Membership' as presented on Tuesday 15 October 2024 be noted.
2. That Cr Sonya Mezinec be endorsed as the Council Member on the Riddoch Arts and Cultural Trust Board for a further term of appointment for continuity purposes.

**CARRIED**

Having participated in the meeting for item 18.9 Cr Sonya Mezinec voted in favour of the motion.

**18.10 ELECTION OF LGA PRESIDENT**

The Mayor sought nominations for the Local Government Association President.

Having receiving more than one nomination a secret ballot was conducted.

The Chief Executive Officer, Sarah Philpott conducted a ballot process in accordance with Item 18.1 resolution 2.

Nominations were sought from Members in attendance.

A secret ballot was conducted for the position of Local Government Association President.

The Chief Executive Officer declared the result on the secret ballot to be that Lord Mayor Jane Lomax-Smith - City of Adelaide was selected for the position of Local Government Association President.

**RESOLUTION OCM 2024/160**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council report titled 'Election of LGA President' as presented on Tuesday 15 October 2024 be noted.
2. That Council endorse the following candidate for the 2024 election for Local Government Association President:
  - (a) Lord Mayor Jane Lomax-Smith - City of Adelaide
3. The ballot paper be marked, sealed and returned to the Returning Officer accordingly.

**CARRIED**



### 18.11 POLICY REVIEWS

#### RESOLUTION OCM 2024/161

Moved: Cr Jason Virgo

Seconded: Cr Sonya Meziniec

1. That Council report titled 'Policy Reviews' as presented on Tuesday 15 October 2024 be noted.
2. That the following reviewed and amended policies be hereby endorsed and adopted:
  - (a) Members - Allowances, Reimbursements, Benefits and Facilities - M405
  - (b) Members - Mayor Seeking Legal Advice - M270

**CARRIED**

### 18.12 PERIODIC REVIEW OF CONFIDENTIAL ITEMS OCTOBER 2024

#### RESOLUTION OCM 2024/162

Moved: Cr Jason Virgo

Seconded: Cr Sonya Meziniec

1. That Council report titled 'Periodic Review of Confidential Items October 2024' as presented on Tuesday 15 October 2024 be noted.
2. That the following Confidential Orders as specified in Attachment 1, having been reviewed by Council, be amended to alter their duration and release conditions:

Date	Item	Current	Amendment to Release Trigger
21/11/2023	QUESTION WITH NOTICE – WULANDA RECREATION AND CONVENTION CENTRE – STRATEGIC STATUS UPDATE	“until November 2024”	“until 12 months after completion of the project”

3. That the following Confidential Orders as specified in Attachment 1, having been reviewed by Council, be released as soon as practicable following the Council meeting on 15 October 2024:

Nil



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

**CARRIED**

#### 18.13 DELEGATIONS UPDATE - OCTOBER 2024

##### **RESOLUTION OCM 2024/163**

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council report titled 'Delegations Update - October 2024' as presented on Tuesday 15 October 2024 be noted.
2. That Council grants the delegation of powers and functions of the Council as provided for in the tables at **Attachment 1**, to the person occupying or acting in the office of Chief Executive Officer of the Council pursuant to section 44 of the *Local Government Act 1999*.
3. The delegations granted in resolution (2) above pursuant to the *Local Government Act 1999* to the Council's Chief Executive Officer, in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act may, unless indicated by resolution or in the tables accompanying the within council report, be further sub-delegated by the Chief Executive Officer or delegate.
4. Noting: no sub-delegation is permitted under the *Environment Protection Act 1993*.
5. *Planning, Development and Infrastructure Act 2016* Delegations:
  - (a) In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the Instrument of Delegation (**Attachment 1** accompanying report titled 'Delegations update October 2024') are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
  - (b) Such powers and functions delegated in resolution 4 (a) may be further sub-delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* and Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the relevant Instrument of Delegation.
3. General:



The delegations granted in resolution 2 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 16 October 2024 and remain in force until varied or revoked by resolution of the Council.
- (f) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 16 October 2024.

**CARRIED**

#### **18.14 CHRISTMAS / NEW YEAR PERIOD AND PRINCIPAL OFFICE CLOSURE 2024**

##### **RESOLUTION OCM 2024/164**

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

1. That Council report titled 'Christmas / New Year Period and Principal Office Closure 2024' as presented on Tuesday 15 October 2024 be noted.
2. That Council's Principal Office be closed from 12:00pm on Tuesday 24 December 2024 until 9:00am on Thursday 2 January 2025.
3. That notice be given of the periodic Christmas closure period for 2024/2025 to inform the community in accordance with P195 Community Consultation and Engagement Policy.

**CARRIED**





**19 MOTIONS WITH NOTICE**

**19.1 MOTION WITH NOTICE - JOINT MEETING WITH DISTRICT COUNCIL OF GRANT**

**RESOLUTION OCM 2024/165**

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That the motion from Cr Paul Jenner as presented on 15 October be noted.
2. That Council requests an annual joint gathering between the District Council of Grant and the City of Mount Gambier Mayors, Councillors and Senior Executives.

**CARRIED**

**20 URGENT MOTIONS WITHOUT NOTICE**

Nil

**21 CONFIDENTIAL ITEMS OF COMMITTEES**

Nil

**22 NEW CONFIDENTIAL ITEMS**

**22.1 CRATER LAKES UNSOLICITED PROPOSAL**

**RESOLUTION OCM 2024/166**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, B Shelton, T Tzioutziouklaris, B Shearing, A Watson and A Pasquazzi be excluded from attendance at the meeting for the receipt and consideration in confidence of Crater Lakes 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 Crater Lakes Project Proposal, including the report and attachment, contains commercial information of a confidential nature provided to Council in-confidence creating a duty of confidence, the consideration of which if conducted in open would prejudice the position of Council, the party that provided the information, and potentially confer commercial advantage on a third party.

The public interest in the matter being considered in open is considered to be outweighed by the public interest in ensuring the best possible outcome for the community, which may be prejudiced if the matter were considered in open.

**CARRIED**

Cr Mark Lovett left the meeting and did not return at 7:22 pm.

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 20 minutes:

Purpose of the Suspension: To discuss the unsolicited proposal.

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

Meeting Procedures were suspended at 7:23 pm.

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

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

The Period of Suspension came to an end and Meeting Procedures resumed at 7:38 pm.



**RESOLUTION OCM 2024/167**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Crater Lakes 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.

**CARRIED**



## 22.2 WULANDA RECREATION AND CONVENTION CENTRE - PROJECT UPDATE

### **RESOLUTION OCM 2024/168**

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

### **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, B Shelton, T Tzioutziouklaris, B Shearing, A Watson and A Pasquazzi 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 contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Council's position in obtaining best value project delivery on behalf of the community.

**CARRIED**

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 15 minutes:

Purpose of the Suspension: To discuss the project update for Wulanda Recreation and Convention Centre.

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



Meeting Procedures were suspended at 7:39 pm.  
The Mayor determined that the period of suspension should be brought to an end;

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

The Period of Suspension came to an end and Meeting Procedures resumed at 7:49 pm.

**RESOLUTION OCM 2024/169**

Moved: Cr Max Bruins  
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 whom the council is conducting, or proposing to conduct, business, or to prejudice 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) disclosure of which -
    - (i) could reasonably be expected to prejudice the commercial position of the person 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 not breach any law, order or direction of a court or tribunal constituted by law, any of confidence, or other legal obligation or duty.
  - (h) legal advice.

be kept confidential and not available for public inspection until 12 months after completion of the project.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

**CARRIED**

**23 MEETING CLOSE**

**The meeting closed at 7:51 pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 November 2024**

.....  
**MAYOR**

