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MINUTES OF MEETING OF THE CITY OF MOUNT GAMBIER HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER ON TUESDAY 15<sup>TH</sup> NOVEMBER, 2016 AT 6.00 P.M.

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**COUNCIL**

**PRESENT:**

Mayor Andrew Lee

Cr Christian Greco  
Cr Mark Lovett  
Cr Josh Lynagh  
Cr Sonya Mezinec  
Cr Frank Morello  
Cr Des Mutton  
Cr Steven Perryman  
Cr Hanna Persello  
Cr Penny Richardson

**APOLOGY/IES:**

Cr Morello moved that the apology from Cr Von Stanke be received.

Cr Mezinec seconded

Carried

**COUNCIL OFFICERS:**

Chief Executive Officer	- Mr M McShane
Director - Corporate Services	- Mr G Humphries
Director – Operational Services	- Mr D Sexton
Manager Governance and Property	- Mr M McCarthy
Manager Community Services and Development	- Ms B Cernovskis
Manager People Culture and Safety	- Mr A Hollway
Manager Business and Strategic Planning	- Mrs T Tzioutziouklaris
Finance Manager	- Mr G Button
Administrative Officer Executive Support	- Mrs M Telford

**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.**

**CONFIRMATION OF MINUTES:**

Cr Richardson moved the minutes of the previous meeting held on 18<sup>th</sup> October, 2016 be taken as read and confirmed.

Cr Lovett seconded

Carried

## **MAYORAL REPORT** - Ref. AF11/881

- Walking Launch of Railway Lands Artwork
- LGA Conference and AGM
- 2016 NAB Chamber of Commerce Outstanding Business Awards
- Mayoral Welcome – 2016 Royal Association of Justices of SA Inc State AGM and Convention
- 40<sup>th</sup> National Chevrolet Festival
- Official Opening 2016 Seniors Festival
- Members Workshop NBN, Review Update, Elector Representation Review
- Members Workshop Explor Consulting – Draft Digital Strategy Report
- Statutory Authority Review Committee – Enquiry into TAFE SA
- St Martins Lutheran College Art Show
- Lower South East Legacy and Widows Afternoon Tea
- Members Workshop Update re James Morrison Academy of Music
- Stand Like Stone AGM
- Regional Meeting re Regional Foodbank
- Mount Gambier District Little Athletics – opening of Athletic Track/New Equipment
- Official Closing Seniors Festival and Senior of the Year Presentation
- Friendship Force Visit – USA
- Corporate and Community Services Committee Meeting
- Delegation from Baotou, China
- Uniting Care and Target Christmas Appeal Launch
- Remembrance Day Commemorative Service
- 25 Years Celebratory Function Noel Barr Toyota
- Judge for SEAWL
- Peace Luncheon - Farewell Aunty Penny – Old Gaol
- Members Workshop Cultural Development Fund

## **REPORTS FROM COUNCIL REPRESENTATIVES ON OUTSIDE ORGANISATIONS / ACTIVITIES** - Ref. AF11/882

<u>Member</u>	<u>Organisation</u>
Cr Josh Lynagh	Mel and Gala's Dinner for Peace and Farewell to Aunty Penny Grant High School Art Display Baotou China Delegation LGA AGM and Conference Railway Lands Art Launch
Cr Sonya Meziniec	Exhibition Launch Master Strokes from the Riddoch Collection Dinner with Baotou China Delegation Remembrance Day Service Mel and Gala's Dinner for Peace honouring Aunty Penny
Cr Des Mutton	2 Day Program - Baotou China Delegation

Cr Hanna Persello                      Limestone Coast Community Services Round Table Special Meeting  
- PHN Community Consultation  
Exhibition Launch Master Strokes from the Riddoch Collection  
Pet-tastic Family Fun Day Fundraiser - SEAWL  
Mel and Gala's Dinner for Peace and Farewell to Aunty Penny

**Cr Greco moved the reports made by Council representatives on outside organisations / activities be received.**

**Cr Mezinec seconded**

**Carried**

**QUESTIONS:**

- (a) With Notice - Nil submitted
- (b) Without Notice -

Question on Notice:

Can Council be informed on any advocacy that the Health Advisory Council has made in regard to maintaining resident surgeons in the Mount Gambier Community.

**PETITIONS:** Nil

**NOTICE OF MOTION TO RESCIND:** Nil

**ELECTED MEMBERS WORKSHOPS - Ref. AF15/83**

25/10/2016	Council's Representation Review and Progress of NBN Rollout
26/10/2016	Digital Strategy - Explor Consulting
01/11/2016	James Morrison Presentation and Update on Jazz Academy

**Cr Lynagh moved that the Records of Proceedings for the workshops held regarding Council's Representation Review and NBN Rollout, Digital Strategy - Explor Consulting and James Morrison Presentation and Update on Jazz Academy be received and the contents noted.**

**Cr Lovett seconded**

**Carried**

**ELECTED MEMBER TRAINING AND DEVELOPMENT – Governance – Ref. AF11/903**

Nil submitted.

**COUNCIL ACTION ITEMS - Corporate and Community Services Committee and Operational Services Committee referred to the Council Meeting held 18<sup>th</sup> October, 2016 - Ref. AF11/1718, AF11/866**

**Cr Richardson moved that the Council Action Items for the Corporate and Community Services Committee and the Operational Services Committee referred to the Council Meeting held 18<sup>th</sup> October, 2016 be received and the contents noted.**

**Cr Meziniec seconded**

**Carried**

**CORPORATE AND COMMUNITY SERVICES – 7<sup>th</sup> November, 2016**

Cr Perryman moved that the minutes of the meeting held 7<sup>th</sup> November, 2016 be received.

Cr Morello seconded

**1. FINANCIAL STATEMENT – as at 31<sup>st</sup> October, 2016**

Cr Meziniec moved it be recommended the financial statement as at 31<sup>st</sup> October, 2016 be received.

Cr Persello seconded

Carried

**Cr Meziniec moved the recommendation of the Corporate and Community Services Committee as contained in item 1 be adopted.**

Cr Lovett seconded

Carried

**2. GOVERNANCE – Committees – Strategic Planning Sub-Committee – Minutes of Meeting held 21<sup>st</sup> September, 2016 – Strategic Planning Sub-Committee Reports 6/2016 and 7/2016 (attached) - Ref. AF15/366**

Cr Meziniec moved it be recommended:

(a) the Minutes of the Strategic Planning Sub-Committee Meeting held on 28<sup>th</sup> October, 2016 be received;

(b) the following recommendations of the Strategic Planning Sub-Committee be adopted by Council:

1. BEST PEOPLE BEST COMMUNITY - Community Plan - Service Review, Strategic Planning Sub-Committee Report No. 6/2016 - Ref. AF16/185

(a) Strategic Planning Sub-Committee Report No. 6/2016 be received and the contents noted.

(b) The SWOT's undertaken for all of Council's services be made available for the information and perusal of Council Members and Council Employees via appropriate methods.

2. BEST PEOPLE BEST COMMUNITY - Community Plan - Organisation Structure - Strategic Planning Sub-Committee Report No. 7/2016 - Ref. AF16/185

Strategic Planning Sub-Committee Report No. 7/2016 be received and the contents noted.

3. STRATEGIC PLANNING SUB-COMMITTEE - Scheduled Meeting Dates - Ref. AF15/266

(a) The report be received and the up coming important Member meeting dates be noted.

Cr Persello seconded

Carried

**Cr Morello moved the recommendation of the Corporate and Community Services Committee as contained in item 2 be adopted.**

**Cr Persello seconded**

**Carried**

**3. CORPORATE AND COMMUNITY SERVICES REPORT NO. 71/2016 - Budget Update as at 30<sup>th</sup> September, 2016 (BR1) - Ref. AF15/461**

Cr Lovett moved it be recommended:

- (a) Corporate and Community Services Report No. 71/2016 be received;
- (b) the Budget Update as at 30<sup>th</sup> September, 2016 as presented with this Report be adopted by Council with all amendments to be made to the 2016/2017 Council Budget.

Cr Lynagh seconded

Carried

**Cr Meziniec moved the recommendation of the Corporate and Community Services Committee as contained in item 3 be adopted.**

**Cr Lovett seconded**

**Carried**

**4. CORPORATE AND COMMUNITY SERVICES REPORT NO. 72/2016 - Policy C410 Conduct of Meetings (S92/S90(8)) - Ref. AF11/1950**

Cr Meziniec moved it be recommended:

- (a) Corporate and Community Services Report No. 72/2016 be received;
- (b) Council hereby adopts updated Council Policy:

C410 – Conduct of Meetings (s92 Code of Practice / s90(8a))

- (c) Council makes the necessary amendments to Council's Policy Manual Index.

Cr Persello seconded

Carried

**Cr Meziniec moved the recommendation of the Corporate and Community Services Committee as contained in item 4 be adopted.**

**Cr Greco seconded**

**Carried**

5. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 73/2016 - Policy Review - C265 - Communication with Council Committees - Ref. AF11/1950**

Cr Mezinec moved it be recommended:

- (a) Corporate and Community Services Report No. 73/2016 be received;
- (b) Council hereby:
  - (i) Revokes Council Policy C265 – Communication with Council Committees, as attached to this Report;
  - (ii) As a result, makes the necessary amendments to Council's Policy Manual/ Index.

Cr Persello seconded

Carried

**Cr Mezinec moved the recommendation of the Corporate and Community Services Committee as contained in item 5 be adopted.**

Cr Greco seconded

Carried

6. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 74/2016 - Financial Sustainability - Key Financial Indicators - Ref. AF11/704**

Cr Mezinec moved it be recommended:

- (a) Corporate and Community Services Report No. 74/2016 be received for information;
- (b) Corporate and Community Services Report No. 74/2016 be referred to Council's Audit Committee for review.

Cr Lovett seconded

Carried

**Cr Mezinec moved the recommendation of the Corporate and Community Services Committee as contained in item 6 be adopted.**

Cr Mutton seconded

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Steven Perryman disclosed a material conflict of interest in Item 7: *“Organisers of the event have a commercial relationship with a motel complex business of which I am an owner viz AFL Events and Travel”*.

I intend to deal with the perceived conflict of interest in the following transparent and accountable way: *“Will not participate.”*

Cr Steven Perryman did not participate in the meeting and left the room at 6.23 p.m.

**7. CORPORATE AND COMMUNITY SERVICES REPORT NO. 75/2016 - Major Events - AFL Pre-Season Competition Match - Port Adelaide v Richmond - Ref. AF15/473**

Cr Mezinec moved it be recommended:

- (a) Corporate and Community Services Report No. 75/2016 - Major Events - 2017 AFL Pre-season Competition Match Port Adelaide v Richmond be received;
- (b) Council approve the allocation of \$8,000 in cash and up to the value of \$5,000 in-kind for the 2017 AFL Pre-season Competition Match Port Adelaide v Richmond conditional upon the proponents obtaining funding from all identified sources, any required approvals from relevant authorities, and the match occurring in March 2017;
- (c) Council release the cash component in two instalments as follows:
  - \$4,000 cash on approval
  - The in-kind support is to be reconciled at the conclusion of the event. Any overspend is to be deducted from the remaining cash balance and the final payment amended accordingly.
- (d) Council be acknowledged as sponsor with appropriate, agreed signage and use of corporate logo on marketing and promotional material;
- (e) Council be provided with a copy of the final event evaluation.

Cr Lovett seconded

Carried

**Cr Mezinec moved the recommendation of the Corporate and Community Services Committee as contained in item 7 be adopted.**

**Cr Richardson seconded**

Carried

Cr Perryman resumed the meeting at 6.25 p.m.

**8. CORPORATE AND COMMUNITY SERVICES REPORT NO. 76/2016 - Elector Representation Review - Recommendation Report - Ref. AF15/624**

Cr Mezinec moved it be recommended:

- (a) Corporate and Community Services Report No. 76/2016 be received;
- (b) The Representation Review Report attached to Corporate and Community Services Report No. 76/2016 be received and endorsed for public consultation purposes;
- (c) Public Consultation on the Representation Review Report be conducted in accordance with the requirements of the Local Government Act and any resultant submissions be the subject of a further report to Council for consideration.

Mayor Lee seconded

Carried



**Cr Mezinec moved the recommendation of the Corporate and Community Services Committee as contained in item 8 be adopted.**

**Cr Persello seconded**

**Carried**

## **OPERATIONAL SERVICES – 8<sup>th</sup> November, 2016**

**Cr Richardson moved that the minutes of the meeting held 8th November, 2016 be received.**

**Cr Greco seconded**

**Carried**

1. **COMMITTEES - Internal - Operational Services Committee - re Projects to be undertaken by the Operational Services Department, Engineering Division, during month - Ref. AF11/866**

The Presiding Member reported the following works are to be undertaken/are currently being undertaken by the Operational Services Department, Engineering Division, during the month:

<u>Commenced Tasks</u>	<u>% Completed</u>
• Duigan Street (road reconstruction)	20%
• Umpherston Street (concrete footpath construction)	50%
• Foote Street (kerbing works)	10%
• Lansell Street (kerbing works)	10%

### Railway Lands

• Heritage elements (fence and stobie poles)	80%
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### Completed Tasks

- Railway Lands - major art piece tracks (paving works) / signalling change
- Rail Trail - Pick Avenue to White Avenue
- Carinya Gardens road extension
- Gray Street (CBD renewal)
- Harvie Street (concrete footpath construction)

Cr Mutton moved the report be received.

Cr Morello seconded

**Carried**

**Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 1 be adopted.**

**Cr Greco seconded**

**Carried**

2. **HEALTH MANAGEMENT - Project Management - Pedometer Loan Kits - Ref. AF15/379**

The Presiding Member reported:

- (a) In September 2016 the Lioness Club of Mount Gambier and the City of Mount Gambier released 21 Pedometer Loan Kits for hire in the Library. The Pedometer Loan Kits were developed after the Lioness Club of Mount Gambier approached staff to develop a project based on pedometers for seniors to encourage physical activity. Along with the pedometer the kits contain information to encourage physical activity and the health benefits of walking. The kits can be utilised by any age group, initial promotion will continue to be directed towards seniors and later to the wider community;

- (b) in the first month of the kits being made available, over half have been loaned out by the public. Loan history will be monitored to gauge the public's use of these new resources and evaluate the program;
- (c) the Pedometer Loan Kit project is directed towards two priorities in Council's Health Plan; Physical Inactivity (follow on effects for Obesity & Overweight) and Degenerative and Mobility Issues for the Aged (follow on effects for Potentially Avoidable Hospital Admissions through falls prevention with seniors).

Cr Mutton moved it be recommended:

- (a) The report be received and noted.

Cr Von Stanke seconded

Carried

**Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 2 be adopted.**

**Cr Greco seconded**

Carried

**3. HEALTH MANAGEMENT - Project Management - Rail Trail - Walking SA Award - Ref. AF15/379**

The Presiding Member reported:

- (a) On 13<sup>th</sup> October 2016 Council was presented with a Local Government Organisation award for the inaugural annual Walking SA Awards. The award nomination was for phase 1 works of the Rail Trail from Pick Avenue to White Avenue;
- (b) Walking SA has initiated annual awards to recognise sustained and outstanding contribution to walking at all levels throughout South Australia;
- (c) the Rail Trail project is directed towards the priority; Physical Inactivity (follow on effects for Obesity & Overweight) in Council's Regional Public Health Plan.

Cr Mutton moved it be recommended:

- (a) The report be received and noted.

Cr Morello seconded

Carried

**Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 3 be adopted.**

**Cr Lovett seconded**

Carried

4. **HEALTH MANAGEMENT - Reporting - Regional Public Health Plan Reports - Ref. AF15/385**

The Presiding Member reported:

- (a) The South Australian Public Health Act 2011, Section 52 requires Council to report on the implementation of their Regional Public Health Plan biannually to the Chief Public Health Officer;
- (b) The reporting format must show what actions/strategies have targeted the City of Mount Gambier's 11 health priorities; and how these actions/strategies align with the State Public Health Plan;
- (c) A report for the period 1<sup>st</sup> July 2014 - 30<sup>th</sup> June 2016 has been submitted to meet reporting requirements (copy was attached to the Operational Services Committee agenda).

Cr Mutton moved it be recommended:

- (a) The report be received and noted.

Cr Richardson seconded

Carried

**Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 4 be adopted.**

**Cr Meziniec seconded**

Carried

5. **INFRASTRUCTURE - Joint Boundary Roads Advisory Group - Notes of discussion held 2<sup>nd</sup> November 2016 - Ref. AF11/1228**

The Presiding Member reported:

- (a) The Boundary Roads Advisory Group met on Wednesday, 2<sup>nd</sup> November 2016 (notes of the meeting were attached to the Operational Services Committee agenda);
- (b) as a result of the discussions, it is being recommended that Council adopt the Year 1 Program for the 2016/2017 financial year:

Bishop Road construction (Kennedy Avenue to Attamurra Road)	\$425,000
Hawkins Road - seal road shoulder to edge of drain	\$11,000

TOTAL: \$436,000

Unexpended funds be carried forward to 2017/2018 to assist fund the indicated 2017/2018 program.

- (c) a formal indicative 5 Year Program is put forward for Council's consideration (refer notes of meeting).

Cr Mutton moved it be recommended:

- (a) The report be received;
- (b) Council adopt the 5 Year Works Program as put forward in the Notes of the Boundary Roads Advisory Group meeting of Wednesday, 2<sup>nd</sup> November 2016 and proceed, with the concurrence of the District Council of Grant, with the following projects in 2016/2017:
  - Bishop Road construction (Kennedy Avenue to Attamura Road)
  - Hawkins Road - seal road shoulder to edge of drain

Cr Von Stanke seconded

Carried

**Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 5 be adopted.**

Cr Greco seconded

Carried

**6. PROPERTY MANAGEMENT - Enquiries - Hosking Avenue Carpark Extension - Request from Grant High School - Ref. AF11/2245**

The Presiding Member reported:

- (a) Council, at its meeting held on 21<sup>st</sup> June 2016 resolved:

*“Council Officers prepare a design and estimate for a car park extension to the Hosking Avenue carpark with the view to referring this matter to Council for consideration for inclusion in the 2017/2018 budget.”*

- (b) Council Officers have now prepared a concept design for an extension of the Hosking Avenue carpark and a copy of the plan (956-03) was attached to the Operational Services Committee agenda. The extension will add an additional 49 carparking spaces which will effectively double the capacity of the existing carpark;
- (c) the land required to expand the carpark is a passive reserve and can easily accommodate the carpark expansion without causing loss of community benefit;
- (d) the estimated cost to construct an additional 49 carparking spaces is estimated at \$90,000.

Cr Mutton moved it be recommended:

- (a) Council acknowledge the concept design (956-03) to extend the current Hosking Avenue carpark by a further 49 spaces at an estimated figure of \$90,000;

- (b) in line with Council's resolution of 21<sup>st</sup> June 2016, the construction of a further 49 carparking spaces to the Hosking Avenue carpark be now referred to the 2017/2018 budget deliberations for consideration.

Cr Morello seconded

Carried

Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 6 be adopted.

Cr Persello seconded

### **AMENDMENT**

**Cr Perryman moved:**

- (a) **Council acknowledge the concept design (956-03) to extend the current Hosking Avenue carpark by a further 49 spaces at an estimated figure of \$90,000;**
- (b) **Council write to the Grant High School Governing Council and provide copies and information on the costings and plans for a carpark extension and offer a loan to the school for construction of a carpark under terms and conditions suitable to Council;**
- (c) **Following discussion with Grant High School the matter be referred back to Operational Services Committee for further review.**

Cr Richardson seconded

The amendment and was put and

Carried

The amendment became the motion and was put and

Carried

**7. COMMITTEES - Council Development Assessment Panel - Minutes of Meeting held 20<sup>th</sup> October 2016 - Ref. AF15/554**

Cr Mutton moved it be recommended:

- (a) Minutes of the Council Development Assessment Panel meeting held on Thursday, 20<sup>th</sup> October 2016 be received;
- (b) the decisions made by the Council Development Assessment Panel be noted.

Cr Von Stanke seconded

Carried

**Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 7 be adopted.**

Cr Greco seconded

Carried

8. **COMMITTEES - Environmental Sustainability Sub-Committee - Minutes of Meeting held 1<sup>st</sup> November 2016 - Ref. AF12/377**

Cr Mutton moved it be recommended:

- (a) Minutes of the Environmental Sustainability Sub-Committee held on Tuesday, 1<sup>st</sup> November 2016 be received;
- (b) the following recommendations (number 1 to 2) of the Environmental Sustainability Sub-Committee be adopted by Council:

1. **SUSTAINABILITY INNOVATION FUND**

- Council invites applications for a second round of the Environmental Sustainability Innovation Fund project in the first quarter of 2017 utilising the unallocated funding from Round 1.

2. **REPORTS FOR INFORMATION**

- The current table outlining projects for 2016 (as attached to the Environmental Sustainability Sub-Committee agenda) be received and noted for information.

Cr Von Stanke seconded

Carried

**Cr Mutton moved it be recommended:**

- (b) **Minutes of the Environmental Sustainability Sub-Committee held on Tuesday, 1<sup>st</sup> November 2016 be received;**
- (b) **the following recommendations (number 1 to 2) of the Environmental Sustainability Sub-Committee be adopted by Council:**

2. **SUSTAINABILITY INNOVATION FUND**

- **Environmental Sustainability Report No. 5/2016 be received;**
- **Council allocate funding to the applicants listed below for the 2016/2017 Environmental Sustainability Innovation Fund Grants:**

<b>APPLICANT</b>	<b>RECOMMENDED VALUE OF GRANT</b>
<b>Grant High School</b>	<b>\$5,000*</b>
<b>Community Action for Sustainability</b>	<b>\$4,000 - WITHDRAWN</b>
<b>Learning Gardening for Life</b>	<b>\$0**</b>
<b>Jen McCourt/ Tenison Woods College</b>	<b>\$2,500</b>
<b>Anthony Maney</b>	<b>\$0</b>

<b>Uniting Communities Headspace Mount Gambier</b>	<b>\$2,500</b>
<b>Total:</b>	<b>\$10,000</b>

\*Recommendation subject to conditions

\*\*Based on further development

- Council invites applications for a second round of the Environmental Sustainability Innovation Fund project in the first quarter of 2017 utilising the unallocated funding from Round 1.

## 2. REPORTS FOR INFORMATION

- The current table outlining projects for 2016 (as attached to the Environmental Sustainability Sub-Committee agenda) be received and noted for information.

Cr Meziniec seconded

Carried

## 9. COMMITTEES - Mount Gambier Cemetery Trust (Section 41) Committee - Minutes of Meeting held 14<sup>th</sup> October 2016 - Ref. AF11/1371

Cr Von Stanke moved it be recommended:

- (a) Minutes of the Mount Gambier Cemetery Trust Committee meeting held on Friday, 14<sup>th</sup> October 2016 be received;
- (b) the following recommendations (number 1 to 6) of the Mount Gambier Cemetery Trust (Section 41) Committee be adopted by Council:
  1. FINANCIAL STATEMENT - Statement of Trading Activity
    - The Statement of Trading Activity as at 30<sup>th</sup> June 2016 be received.
  2. BUDGET ESTIMATES 2016/2017
    - Budget estimates for 2016/2017 be adopted.
  3. BURIALS AND CREMATIONS - Statistics for 2015/2016
    - The report be received.
  4. SURRENDER OF INTERMENT RIGHTS - Letter from [REDACTED]
    - The report be received.
    - The Trust acts according to State Government legislation of the day, therefore should [REDACTED] wish to proceed with the cancelling of the leases, a refund will be provided according to the formula set out in the Burial and Cremation Regulations 2014.



5. NEXT MEETING

- the next meeting of the Trust be held on Friday, 16<sup>th</sup> December 2016 at 12:15 p.m.

6. CARINYA GARDENS CEMETERY MASTER PLAN - PROPOSED DEVELOPMENT

- the Carinya Gardens Cemetery Master Plan be amended to reduce the size of the pedestrian mall to a width of approximately five metres.
- Two seats be installed in She-Oak Garden between the existing family allotments and Row A.
- Detailed plans be prepared showing vegetation planting in the She-Oak Garden.
- Contour plans be prepared to determine layout of future burials in the She-Oak Garden, including family allotments.

Cr Richardson seconded

Carried

**Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 9 be adopted.**

**Cr Greco seconded**

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Steven Perryman disclosed a material conflict of interest in Item 10: *"A am the owner of a business which runs a licensed restaurant in the City of Mount Gambier area"*.

I intend to deal with the perceived conflict of interest in the following transparent and accountable way: *"Will not participate."*

Cr Steven Perryman did not participate in the meeting and left the room at 6.46 p.m.

10. OPERATIONAL SERVICES REPORT NO. 8/2016 - Regulating - Liquor Licence - Application for Restaurant Licence - 37 Degrees S - 34 Sturt Street, Mount Gambier - Ref. AF15/508

Cr Mutton moved it be recommended:

- (a) Operational Services Report No. 8/2016 be received;
- (b) both the Applicant and the Office of the Liquor and Gambling Commissioner be advised that Council does not voice any objection to the proposed Restaurant Licence for the café to be located at 34 Sturt Street, Mount Gambier to be known as 37 Degrees S;
- (c) the Applicant be advised the proposed Restaurant Licence be supported subject to the following conditions:
  1. the subject use hereby approved, shall not operate outside of the following times:

- Monday to Thursday: 7:00 am to 3:30 pm;
- Friday: 7:00 am to 7:00 pm;
- Saturday and Sunday: 9:00 am to 7:00 pm.

2. live musical performances must be “acoustic” in nature and must not involve amplified live music.

Cr Morello seconded

Carried

**Cr Mutton moved the recommendation of the Operational Services Committee as contained in item 10 be adopted.**

**Cr Lynagh seconded**

Carried

Cr Perryman resumed the meeting at 6.58 p.m.

## **COUNCIL ITEMS**

### **1. STRATEGIC MANAGEMENT - Publication - City of Mount Gambier Annual Report 2015/2016 Preparation – Ref. AF15/231**

The Chief Executive Officer reported:

Section 131 of the Local Government Act 1999 requires Council to prepare and adopt on or before 30<sup>th</sup> November in each year an Annual Report containing the prescribed information and documents relating to the operations of Council.

Council's Annual Report in respect of the 2015/2016 financial year is to be tabled for adoption (draft copy to be provided at the meeting).

**Cr Meziniec moved:**

- (a) the report be received;**
- (b) the Annual Report for the City of Mount Gambier 2015/16 as tabled be adopted;**
- (c) copies of the 2015/16 Annual Report be made available to those bodies or persons referred to at Section 131 of the said Act.**

**Cr Persello seconded**

**Carried**

### **MOTION WITH NOTICE - Nil**

### **MOTION(S) WITHOUT NOTICE -**

### **1. ECONOMIC DEVELOPMENT - China Engagement Strategy - Ref. AF13/306**

**Cr Richardson moved it be recommended:**

- (a) Council wishes to express its gratitude and appreciation for the excellent role that Mayor Lee and his wife Jianhua performed for our community in the recent delegation from Baotou, Inner Mongolia. Jianhua was exceptional in providing translation for the Mayor to the Mandarin and English speaking guests in a very professional manner;**
- (b) Council also expresses its appreciation to Mark McShane for his outstanding support throughout the Baotou, Inner Mongolia Delegation Official Visit and also thanks his wife Xiaorong for providing excellent translation to our guests;**
- (c) Signed cards expressing Councils appreciation be now presented.**

**Cr Meziniec seconded**

**Carried**

## 2. **DEPUTY MAYOR – Nominations/Appointment - Ref. AF11/858**

Following the 2014 Local Government Elections Council made the following resolution at it's meeting on 25th November 2014:

*“Cr Persello moved pursuant to the powers contained in Section 51 (3) and (4) of the Local Government Act 1999 Council hereby resolves to appoint a Deputy Mayor for the term of two years.*

*Cr Mutton seconded*

*Carried”*

Cr Richardson was declared the successful candidate following a secret ballot and was elected as Deputy Mayor for a term of office of two (2) years, which is due to expire on 24<sup>th</sup> November 2016.

Council's [Conduct of Meetings \(s92 Code of Practice / s90\(8a\)\) Policy C410](#) provides the following with respect to the Deputy Mayor position:

### 5.4 APPOINTMENT OF DEPUTY MAYOR

*This policy provision shall only apply where the Council resolves to appoint a Deputy Mayor in accordance with Section 51(3) of the Local Government Act 1999.*

*Section 51(4) provides that a Deputy Mayor will be chosen by the members of a Council from amongst their own number and will hold office for a term determined by the Council that must not exceed 4 years. At the expiration of the term a Deputy Mayor is eligible for a further term.*

*Where Council has resolved to have a Deputy Mayor the Mayor shall immediately call for nominations and acceptances from Members present at the Council Meeting.*

*If only one nomination is received then that Member is to be declared Deputy Mayor.*

*Where more than one nomination is received a secret ballot shall be conducted forthwith without debate. Resolutions will be passed to endorse the voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).*

*The following shall apply to the determination of Deputy Mayor:*

- *Any Member present at the meeting may be nominated.*
- *The Mayor does not vote on the question of the appointment of Deputy Mayor.*
- *A Member not in his or her seat at the meeting does not vote.*
- *The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared the Deputy Mayor.*
- *A division cannot be called for when a vote on the question of appointing a Deputy Mayor is taken.*
- *The Mayor may (but is not required to) accept a motion to endorse the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the result of the secret ballot.*

Role of Deputy Mayor

*In the absence of the Mayor, the Deputy Mayor may act in the office of the Mayor.*

*In the Council Chamber, the Deputy Mayor shall assume no precedence, except in the absence of the Mayor, when the Deputy Mayor shall act in the office of Mayor.*

*Outside the Council Chamber, the Deputy Mayor shall be given precedence, immediately following the Mayor.*

This Motion Without Notice is presented to avoid a vacancy occurring in the Deputy Mayor position.

**Cr Richardson moved:**

- (a) the term of office for the position of Deputy Mayor for the City of Mount Gambier Council be 2 years;**
- (b) Council determines that the method of choosing a Deputy Mayor be by an election process undertaken by secret ballot;**
- (c) the successful candidate will be the candidate with the highest number of votes;**
- (d) where two or more candidates have an equal number of votes one of those candidates will be determined as successful from a drawing of lots by the Returning Officer;**
- (e) the Chief Executive Officer be appointed Returning Officer for the election;**
- (f) upon the completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the position of Deputy Mayor;**
- (g) upon the declaration of the Returning Officer the candidate is appointed to the position of Deputy Mayor for the term of office determined by this resolution.**

**Cr Mutton seconded**

**Carried**

The Mayor invites nominations for the position of Deputy Mayor.

The following nominations were received:

- (i) Cr Morello nominated Cr Meziniec to be Deputy Mayor.
- (ii) Cr Richardson nominated Cr Persello to be Deputy Mayor.

The Returning Officer conducted the secret ballot.

The Returning Officer declared the successful candidate with the highest number of votes as Cr Persello to be elected as Deputy Mayor.

**Cr Richardson moved a motion to endorse the result of the ballot that Cr Persello has been appointed Deputy Mayor.**

**Cr Lovett seconded**

**Carried**

## **CONSIDERATION FOR EXCLUSION OF PUBLIC**

Cr Lovett moved that the following agenda item be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act, 1999 and an order be made that the public (with the exception of Council Members: Mayor A Lee, Cr Christian Greco, Cr Mark Lovett, Cr Josh Lynagh, Cr S Mezinac, Cr Frank Morello, Cr Des Mutton, Cr Steven Perryman, Cr Hanna Persello and Cr Penny Richardson and Council Officers: Mark McShane, Grant Humphries, Gary Button, Barbara Cernovskis, Alan Hollway, Michael McCarthy, Tracy Tzioutziouklaris and Melissa Telford now present) be excluded from the meeting in order for the item to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence.

The Council is satisfied that pursuant to the following sections of the Act, the information to be received, discussed or considered in relation to this Agenda Item is:

- s90(3)(b) - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:
  - proposing to conduct business; or
  - would prejudice the commercial position of the Council
- s90(3)(d) - commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, and
  - to confer a commercial advantage on a third party.

The information to be considered in relation to this Agenda Item include details the Council need to consider in determining and negotiating terms and conditions of a licencing arrangement, the release of which could confer a commercial advantage on the proponent with whom Council is proposing to conduct business and could prejudice Councils commercial position in negotiations.

Further, the information relates to a proposal to conduct a commercial activity for which the proponent has and/or will be making a significant capital investment and assuming a significant financial risk, the release of which could prejudice their own investment and confer an advantage on a competitor who could use the information to pursue a similar proposal.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because Council seeks to activate the Railway Lands and wishes to engage in trial activities in order to gauge the viability of more permanent options. A risk to trial opportunities resulting from disclosure would be detrimental to pursuing further development opportunities for the benefit of the community.

ITEM NO.	SUBJECT MATTER	S90(3) GROUNDS
<b>Corporate and Community Services</b>		
10.	<b><u>CORPORATE AND COMMUNITY SERVICES REPORT NO. 77/2016 - Licence – Railway Platform</u></b>	(b) & (d)
<b><u>CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL</u></b>		

**Cr Mezinec seconded**

**Carried**

**IN CONFIDENCE**

**10. CORPORATE AND COMMUNITY SERVICES REPORT NO. 77/2016 - Licence - Railway Platform - Ref. AF15/398**

Cr Meziniec moved it be recommended:

- (a) Corporate and Community Services Report No. 77/2016 be received;
- (b) The Chief Executive Officer and Mayor be authorised to finalise negotiations for a Container Café located and operated on the western railway platform and to execute and affix the Common Seal as necessary to any documentation to give effect to a 6 month licence including any works associated with installing and removing buildings and services.

Cr Lynagh seconded

Carried

**Cr Meziniec moved that the recommendation of the Corporate and Community Services Committee as contained in Item 10 be received.**

Cr Lovett seconded

Carried



**CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

Cr Meziniec moved that having considered Agenda Item 10 in confidence under section 90(2) and (3)(b)&(d) of the Local Government Act 1999 an order be made pursuant to Section 91 (7) that the report, discussion and minutes in relation to the following items which have been considered by Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

<b><u>Item No.</u></b>	<b><u>Subject Matter</u></b>	<b><u>S.90(3) Grounds</u></b>	<b><u>Element To Be Kept Confidential</u></b>	<b><u>Duration</u></b>
10.	<b><u>CORPORATE AND COMMUNITY SERVICES REPORT NO. 77/2016 - Licence - Railway Platform</u></b>	(b) & (d)	Report and Attachments only.  Resolution to be released.	12 months

Cr Persello seconded

**Carried**

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Cr Mutton moved that the following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of Council Members: Mayor A Lee, Cr Christian Greco, Cr Mark Lovett, Cr Josh Lynagh, Cr S Mezinac, Cr Frank Morello, Cr Des Mutton, Cr Steven Perryman, Cr Hanna Persello and Cr Penny Richardson and and Council Officers: Mark McShane, Grant Humphries, Gary Button, Barbara Cernovskis, Alan Hollway, Michael McCarthy, Tracy Tzioutziouklaris and Melissa Telford now present) be excluded from the meeting in order for the Agenda Item 2. **PROPERTY MANAGEMENT – Acquisition, Ref. AF15/595 – First Right of Refusal to Purchase Property** to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(b) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected:

- to confer a commercial advantage on a person with whom the Council is:
  - proposing to conduct business; or
- to prejudice the commercial position of the Council.

Council, having a first right of refusal to purchase a property, needs to consider it’s commercial and negotiating position. Consideration of such matters in an open meeting would disclose Council’s negotiating position conferring an advantage on the vendor and prejudice the commercial position of the Council.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 Council is considering the expenditure of public/community funds to purchase land in a non-competitive environment and to disclose it’s commercial/negotiating position could reasonably be expected to result in a poor community outcome.

ITEM NO.	SUBJECT MATTER	S90 (3) GROUNDS
Council Item		
2.	<b>PROPERTY MANAGEMENT – Acquisition AF15/595 – First Right of Refusal to Purchase Property</b>	(b)
<b><u>CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL</u></b>		

Cr Mezinac seconded

Carried

## IN CONFIDENCE

### 2. **PROPERTY MANAGEMENT – Acquisition AF15/595 – First Right of Refusal to Purchase Property**

The Manager Governance & Property reported:

#### Background

In the late 1990's Council identified the SA Country Women's Association (CWA) Hall at 1 Lawrence Street as being strategic in terms of the provision of city centre carparking and equally importantly as an opportunity to improve traffic flows in and around the Commerce Place carpark. Traffic management reports presented to Council in the late 1990's identified the intersection of Lawrence St and Penola Road as being a problem intersection due to the narrow road width on Lawrence Street and the poor sight distance on Penola Road – particularly for vehicles turning right out of Lawrence Street.

In 2000 Council entered into an Option Agreement with the SA Country Women's Association (CWA) for a first right of refusal to purchase property comprising the CWA Hall located at 1 Lawrence Place, Mount Gambier and a Caveat was registered over the property to protect Council's interest.

By letter dated 1 November 2016 and received on 4 November 2016 the CWA have given Council a formal "Sale Notice", triggering Council's obligation under the Option Agreement to give notice within 30 days of an acceptance or rejection of the sale offer and price (between \$240,000-250,000).

A copy of the Option Agreement and the "Sale Notice" letter are attached for information.

The Commerce Place carpark is strategically located and is well used but suffers from poor access and egress arrangements. The purchase of the CWA property will secure the first three properties on the southern side of Lawrence Street from Penola Road into Council ownership and will allow for traffic management improvements to and from the area (including localised widening of Lawrence Street) as well as an increase in the number of car parking spaces in the Commerce Place carpark.

The attached diagram displays the subject property at 1 Lawrence Street and the surrounding council landholdings.

#### 1 Lawrence Street

1 Lawrence Street is located behind the former District Council Offices/South East Community Legal Services premises at 9 Penola Road.

Site improvements (comprising the CWA Hall) consist of a 2 storey limestone building with a medium sized hall, kitchenette, office and toilet facilities on the upper level facing Lawrence Street, and a small meeting room on the lower level.

The structural condition of the building could be described as fair requiring significant external maintenance to items such as guttering, roofing and paint. The interior is aged and would warrant full refurbishment of floor coverings, ceilings, wet areas (kitchen and toilets), painting and upgrade of services (hot water, heating and electrical) if it were to be made available for occupation/hire.

The building would not meet any current DDA requirements for access/toilet facilities.

Exercise of Option to Purchase

Council may now give consideration to accepting/rejecting the sale offer for the purchase of 1 Lawrence Street, Mount Gambier for a consideration amount between \$240,000-\$250,000.

Members should note the limited timeframe (30 days) imposed by the Option Agreement and that failure to exercise Council's right within that period (i.e. by 3 December 2016) will result in the expiry of Council's purchase right and the protections offered by the registered Caveat.

The Option Agreement provides that if notice of acceptance is received there shall be deemed to be a binding contract for the sale on the terms and conditions of the current Law Society of SA contract for the sale of land, with settlement to occur not more than thirty (30) days from the date of the acceptance notice.

If Council does not accept the purchase offer the owner will be at liberty to present the property for sale and to settle any subsequent sale contract. Such circumstances could present an opportunity for Council to pursue a purchase for a lower value, with the risk that the property could sell for a higher (or lower) value and/or to another purchaser.

**Cr Mutton moved:**

- (a) the report of the Manager Governance & Property is received;**
- (b) having considered the South Australian Country Women's Association Incorporated's offer to purchase 1 Lawrence Street for \$240,000-\$250,000, Council hereby confirms it's acceptance of the offer to sell;**
- (c) the South Australian Country Women's Association Incorporated be notified of Council's intentions as specified in resolution (b) above;**
- (d) and, subject to an affirmative resolution at (b) above:**
  - a. the Mayor and Chief Executive Officer be duly authorised to arrange and affix the Council Seal to any documentation necessary to give effect to the purchase and settlement for property at 1 Lawrence Street, Mount Gambier.**
  - b. the purchase of 1 Lawrence Street, Mount Gambier being for operational purposes not be subject to any trust or other instrument affecting its ownership or use and that it be excluded from classification as community land under s193 of the Local Government Act 1999.**
  - c. funding options and any necessary budget variation to account for the purchase associated with an affirmative resolution at (b) above be presented with the next Budget Review.**
- (e) CAD Loan funds to be used to complete the purchase.**

**Cr Perryman seconded**

**Carried**

**CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

Cr Lovett moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document in relation to Item 2 which has been considered by the Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

<u>Item No.</u>	<u>Subject Matter</u>	<u>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
2.	<b>PROPERTY MANAGEMENT – ACQUISITION – FIRST RIGHT OF REFUSAL TO PURCHASE PROPERTY - REF. AF15/595</b>	(b)	Report, resolution, all attachments and details	Until: Settlement of a contract for Council’s purchase of the subject land or 13 months have elapsed, whichever is the earlier.

Cr Persello seconded

**Carried**

Meeting closed at 7.16 p.m.

MJT