

MINUTES OF ORDINARY COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 17 July 2018 at 6.09 p.m.

PRESENT
Mayor Andrew Lee
Cr Sonya Mezinac
Cr Steven Perryman
Cr Hanna Persello
Cr Penny Richardson
Cr Ian Von Stanke

COUNCIL OFFICERS	Acting Chief Executive Officer	-	Dr J Nagy
	General Manager Community Wellbeing	-	Ms B Cernovskis
	General Manager Council Business Services	-	Mrs P Lee
	General Manager City Infrastructure	-	Mr N Serle
	Manager Executive Administration	-	Mr M McCarthy
	Media and Communications Coordinator	-	Ms S McLean
	Library Manager	-	Mrs G Davison
	Community Development and Engagement Officer	-	Mrs H Gajic
	Administration Officer Executive Support	-	Ms A Lavia

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.

1. APOLOGY(IES)

Apologies received from Cr Des Mutton, Cr Josh Lynagh, Cr Mark Lovett and Cr Frank Morello.

That the apologies from Cr Des Mutton, Cr Josh Lynagh, Cr Mark Lovett and Cr Frank Morello be received.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried

2. LEAVE OF ABSENCE

Cr Christian Greco

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 19 June 2018



Special Meeting held on 3 July 2018

That the minutes of the Ordinary Council meeting held on 19 June 2018 and Special Council meeting held on 3 July 2018 as previously circulated be confirmed as accurate records of the proceedings of the meetings.

Moved: Cr Mezinec

Seconded: Cr Perryman

Carried

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

- Luncheon Meeting and Regional Meeting NSW Cross Border Commissioner
- ICE Update Community Forum – Pre Forum Function
- ICE Update Community Forum
- Volunteers Thank You Function
- Cross Border Tourism Promotion Concept Meeting
- Regional Sport and Recreation Centre Committee Meeting
- Special Meeting of Council
- Australia's Biggest Morning Tea Fund Raiser
- Private Citizenship Ceremony
- Members Workshop – NVI Update and Integrated Strategies
- Audit Committee Meeting
- Lioness Club 40th Year of Charter Celebration
- Regional Sport and Recreation Centre Committee Meeting
- eNVision Launch
- Doctor's Orchestra
- Meeting with Member for Mount Gambier
- Strategic Standing Committee Meeting
- eNVI Awards Presentation
- Special Meeting of Council -Budget
- Private Citizenship Ceremony
- Dinner Meeting with Hon David Speirs MP, Minister for Environment and Water
- ALGA National General Assembly
- Welcome at Refugee Week Celebrations – North School
- Refugee Council of Australia – Welcome Scroll in Mount Gambier
- Rotary Club of Mount Gambier West – Changeover Ceremony
- Official Planting of new tree in Cave Garden
- With GM City Infrastructure, Stakeholder Meeting with Hon Keith Pitt MP Assistant Minister to the Deputy Prime Minister to discuss benefits of Mount Gambier Airport Upgrade
- Special Meeting of Council – Budget
- Briefing in Mount Gambier with LGA President and CEO
- Flag Raising Ceremony – NAIDOC Week
- Strategic Standing Committee Meeting



- With CEO, Breakfast Meeting with Hon John McVeigh, Federal Minister for Regional Development, Territories and Local Government
- With GM City Growth, Meeting with Anglicare SA GM Housing Services and Head of Operations
- LGA Special General Meeting re Rate Capping Legislation
- Mount Gambier Regional Sport and Recreation Centre Special Committee Meeting

That the Mayoral report made on 17 July 2018 be received.

Moved: Cr Persello

Seconded: Cr Richardson

Carried

5. REPORTS FROM COUNCILLORS - Ref. AF11/882

- | | |
|---------------|---|
| Cr Persello | Regional Launch of the “Report on 10 years Burmese Settlement” at the Refugee Week Celebrations at North Gambier Primary School, Youth Opportunities graduations (Mt Gambier High School), NAIDOC week activities – flag raising, march and awards, Aunty Michelle’s book lunch, Carriberrie VR experience, Pangula Mannamurna culture day. |
| Cr Von Stanke | Science fair at Tenison Woods college, opening of NAIDOC week flag raising ceremony, Community RSL 101 st Anniversary dinner, Waste Strategy Summit in Sydney, Wehl Street Theatre refurbishment. |
| Cr Mezinec | Meeting with LGA President and CEO, NAIDOC Week flag raising ceremony. |

That the reports made by Councillors on 17 July 2018 be received.

Moved: Cr Persello

Seconded: Cr Richardson

Carried

6. QUESTIONS

6.1. With Notice

Nil submitted.

6.2. Without Notice

Nil submitted.



7. PETITIONS

7.1. Petition - Taxi B-Law No. 6 - Report No. AR18/25268

- (a) That Council Report No. AR18/25268 titled '*Petition – Taxi By-Law No.6*' as presented to the Council on 17 July 2018 be noted.
- (b) That the Petition received from Perri-Anne Rasmussen on 27 June 2018 in relation to Taxi By-Law No.6 be received and noted.
- (c) That Council write a letter to the Minister for Transport and Local Government to request that the Minister:
 - (1) Approve an extension period of 12 months for the expiring Taxi By-Law No. 6 and
 - (2) Reinstate the repealed section of the Local Government Act 1934, relating to by-law powers, which are referenced in the City of Mount Gambier Taxi By-Law No. 6 by placing the same in the new Local Government Act 1999.

Moved: Cr Persello

Seconded: Cr Perryman

Amendment

Mayor Lee moved:

- (a) That Council Report No. AR18/25268 titled '*Petition – Taxi By-Law No.6*' as presented to the Council on 17 July 2018 be noted.
- (b) That the Petition received from Perri-Anne Rasmussen on 27 June 2018 in relation to Taxi By-Law No.6 be received and noted.

Seconded: Cr Von Stanke

The amendment was put and

Carried

And as the motion was put and

Carried



8. DEPUTATIONS

Nil

9. NOTICE OF MOTION TO RESCIND

Nil

10. ELECTED MEMBERS WORKSHOPS (INFORMAL GATHERINGS) - Ref. AF15/83

20/06/2018	Main Street Management
03/07/2018	Regional Sport and Recreation Centre Status Update
10/07/2018	Architect Presentations and Community Reference Group Applications

Records of proceedings are attached.

That the Record of Proceedings for the Main Street Management Workshop held 20 June 2018, the Regional Sport and Recreation Centre Status Update Workshop held 3 July 2018 and Architect Presentations and Community Reference Group Applications Workshop held 10 July 2018 be received and the contents noted.

Moved: Cr Richardson

Seconded: Cr Mezinec

Carried

11. ELECTED MEMBER TRAINING AND DEVELOPMENT - Ref. AF11/903

Nil submitted.

12. COUNCIL ACTION ITEMS - Ref. AF17/225, AF17/228

Items referred to the Council Meeting held 19 June 2018.

That the Action Items referred to the Council Meeting held 19 June 2018 be received.

Moved: Cr Mezinec

Seconded: Cr Von Stanke

Carried



13. COMMITTEE MINUTES AND RECOMMENDATIONS

13.1. Minutes of Strategic Standing Committee – 9 July 2018

That the minutes of the Strategic Standing Committee meeting held 9 July 2018 as previously circulated be noted.

Moved: Cr Mezinec

Seconded: Cr Persello

Carried

13.2. Policy Review - Council and Member Policies – Report No. AR18/25478

- (a) That Strategic Standing Committee Report No. AR18/25478 titled '*Policy Review – Council and Member Policies*' as presented to the Strategic Standing Committee on 9 July 2018 be noted.
- (b) That the updated policies as attached to Strategic Standing Committee Report No. AR18/25478 be adopted as follows:
- E115 Elections – Council Entitlement to Vote
 - M205 Mayor – Anniversary Messages
 - V140 Visits by Parliamentary/Governmental Representatives
 - M270 Mayor Seeking Legal Advice
 - M225 Members – Service Recognition

Moved: Cr Mezinec

Seconded: Cr Perryman

Carried

13.3. Policy Review - E500 Provision of Council Resources to Support the Emergency Services in Emergencies – Report No. AR18/26223

- (a) That Strategic Standing Committee Report No. AR18/26223 titled '*Policy review - E500 Provision of Council Resources to Support the Emergency Services in Emergencies*' as presented to the Strategic Standing Committee on 9 July 2018 be noted.
- (b) That the updated Policy - E500 Provision Of Council Resources To Support The Emergency Services In Emergencies as attached to Strategic Standing Committee Report No. AR18/26223 be adopted.

Moved: Cr Mezinec

Seconded: Cr Richardson

Carried



13.4. Policy Review - F225 - Fraud and Corruption Prevention – Report No. AR18/25485

- (a) That Strategic Standing Committee Report No. AR18/25485 titled '*Policy Review – F225 Fraud & Corruption Prevention*' as presented to the Strategic Standing Committee on 9 July 2018 be noted.
- (b) That the updated Fraud & Corruption Prevention Policy F225 as attached to Strategic Standing Committee Report No. AR18/25485 be adopted.

Moved: Cr Mezinec

Seconded: Cr Persello

Carried

13.5. Governance - Review of Confidentiality Orders – Report No. AR18/19719

- (a) That Strategic Standing Committee Report No. AR18/19719 titled 'Governance Review of Confidentiality Orders' as presented to the Strategic Standing Committee on 9 July 2018 be noted.
- (b) That the following Confidential Orders as specified in Attachment 1 to Report AR18/19719, having been reviewed by Council, remain in operation on the grounds provided:
 - ii. Council 18/10/2016 – Operational Services Committee 11/10/2016 – Item 10 FINANCIAL MANAGEMENT - Caroline Landfill - Economic Analysis - Ref. AF16/159.
 - iii. Council 18/10/2016 – Operational Services Committee – 11/10/2016 - Item 13 OPERATIONAL SERVICES REPORT NO. 7/2016 - Tender AF16/277 - Caroline Landfill Development (Stage 3) Construction of Cell 3 (B & C) and Leachate Pond 4.
 - iv. Council (Special) 31/01/2017 – Item 1 Allegations regarding Mayor Andrew Lee to be referred to ICAC – Ref. AF13/275.
 - v. Council 19/9/2017 – Operational Standing Committee – 12/09/2017 - Item 7.8 Sale of Land for non-payment of Rates - Report No. AR17/31763.
 - vi. Council 19/9/2017 – Operational Standing Committee – 12/09/2017 – Item 7.5 Sale of Land for non-payment of Rates - Report No. AR17/31762.
 - viii. Council 21/11/2017 – Operational Standing Committee – DATE - Item 17.2 Legal Action - 1/29 Willow Avenue, Mount Gambier - EMT Holdings Pty Ltd - Report No. AR17/44088



- (c) That the following Confidential Orders as specified in Attachment 1 to Report AR18/19719, having been reviewed by Council, be amended to alter the duration and release conditions:
- ix. Council 21/11/2017 – Item 17.5 report No. AR17/47214 – Surplus Government Property Notice
- Alternate Duration/Conditions for Release:
 Until:
 A public announcement has been made by the State Government on the intended manner in which the property matter is to be dealt.
- (d) That the following Confidential Orders as specified in Attachment 1 to Report AR18/19719, having been reviewed by Council, be released immediately following the Council meeting on 17 July 2018:
- i. Council 20/09/2016 – Corporate and Community Services Committee 12/03/2016 – Item 12 DEVELOPMENT CONTROL - Development Applications - Environment Resources Development (ERD) Court Actions – Ref. AF12/246.
 - vii. Council 19/9/2017 – Operational Standing Committee – 12/09/2017 - Item 7.2 Sale of Land for non-payment of Rates - Report No. AR17/31728.

Moved: Cr Mezinec

Seconded: Cr Persello

Carried

13.6. Minutes of Operational Standing Committee – 10 July 2018

That the minutes of the Operational Standing Committee meeting held 10 July 2018 as previously circulated be noted.

Moved: Cr Von Stanke

Seconded: Cr Mezinec

Carried

13.7. Minutes of Heritage Sub-Committee - 27 June 2018

That the minutes of the Heritage Sub-Committee meeting held 27 June 2018 as previously circulated be noted.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried



13.8. Heritage Advisory Documents – April and May 2018 - Report No. AR18/24017

(a) That Heritage Sub-Committee Report No. AR18/24017 titled '*Heritage Advisory Documents - April and May 2018*' as presented to the Heritage Sub-Committee on 27 June 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried

13.9. Rook Walk Update - Report No. AR18/24447

(a) That Heritage Sub-Committee Report No. AR18/24447 titled '*Rook Walk Update*' as presented to the Heritage Sub-Committee on 27 June 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried

13.10. Works in Progress - City Infrastructure - Report No. AR18/25406

(a) That Operational Standing Committee Report No. AR18/25406 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 10 July 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Mezinec

Carried



13.11. Traffic Management - Regulating Parking - Establishment of Bus Zone - Pinehall Avenue - Suttontown Primary School - Report No. AR18/24488

- (a) That Operational Standing Committee Report No. AR18/24488 titled '*Traffic Management – Regulating Parking – Establishment of Bus Zone Pinehall Avenue Suttontown Primary School*' as presented to the Operational Standing Committee on 10 July 2018 be noted.
- (b) Council establish a timed bus zone on Pinehall Avenue (south side) adjacent to the Suttontown Primary School as per the following;
- Prohibited area – Bus zone 2.1.086
- Pinehall Avenue (southern half) – from 460m west of the intersection with Suttontown Road to 498m west of the intersection with Suttontown Road (length of 38.0m), to apply from 8.00am to 8.30am and 3.30pm to 4.00pm Monday to Friday.
- To be effective on the installation of appropriate signage.
- (c) Council endorse the Traffic Impact Statement relating to the establishment of the timed bus zone included within this report

Moved: Cr Von Stanke

Seconded: Cr Persello

Carried

13.12. 2018 New Year's Eve Event - Report No. AR18/25787

- (a) That Operational Standing Committee Report No. AR18/25787 titled '*2018 New Year's Eve Event*' as presented to the Operational Standing Committee on 10 July 2018 be noted.
- (b) That the Operational Standing Committee notes the application for Events funding from Mount Gambier Community Events for \$10,000 cash and \$5,000 in kind to assist running the New Year's Eve event in 2018.
- (c) That Council respectfully decline to fund New Year's Eve celebrations for 2018.

Moved: Cr Von Stanke

Seconded: Cr Perryman



Amendment

Cr Persello moved:

- (a) That Operational Standing Committee Report No. AR18/25787 titled '2018 New Year's Eve Event' as presented to the Operational Standing Committee on 10 July 2018 be noted.
- (b) That the Operational Standing Committee notes the application for Events funding from Mount Gambier Community Events for \$10,000 cash and \$5,000 in kind to assist running the New Year's Eve event in 2018.
- (c) That Council provide \$5,000 in cash and \$3,000 in-kind on the condition that other funding support is forthcoming.

Seconded: Cr Mezinac

The amendment was put and

Carried

And as the motion was put and

Carried

13.13. INFRASTRUCTURE - Programme Management - Street Sweeping Maintenance Program – Ref. AF11/1260

- (a) A report be prepared for the committee to consider at its August meeting regarding the current footpath sweeping program and possible adjustments to the program.

Moved: Cr Von Stanke

Seconded: Cr Perryman

Carried

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 13.14:

"I am a member of the Board of Basketball Mount Gambier, a stakeholder group in this matter".

Cr Perryman informed the meeting of the manner in which he intended to deal with the *perceived* conflict of interest as follows:

"I will stay in chamber for debate and voting."



In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

13.14. Minutes of Regional Sport and Recreation Centre Committee - 16 July 2018

That the minutes of the Regional Sport and Recreation Centre Committee meeting held 16 July 2018 be noted - minutes to be tabled at the meeting.

Moved: Cr Von Stanke

Seconded: Mezinec

Carried

Having participated in the meeting in relation to the matter Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 13.15:

"I am a member of the Board of Basketball Mount Gambier, a stakeholder group in this matter".

Cr Perryman informed the meeting of the manner in which he intended to deal with the *perceived* conflict of interest as follows:

"I will stay in chamber for debate and voting."

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

13.15. Mount Gambier Regional Sport and Recreation Centre Community Reference Group Final Member Selection - Report No. AR18/27038

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/27038 titled '*Mount Gambier Regional Sport and Recreation Centre Community Reference Group Final Member Selection*' as presented to the Regional Sport and Recreation Centre Committee on 16 July 2018 be noted.
- (b) That the Regional Sport and Recreation Centre Committee endorse the selection of members for the Mount Gambier Regional Sport and Recreation Centre Community Reference Group for resolution by Council.



(c) That consistent communication and community engagement be undertaken for the duration of the project to ensure the community are appropriately informed of the process.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried

Having participated in the meeting in relation to the matter Cr Perryman voted in favour of the motion.

13.16. Minutes of Council Assessment Panel – 21 June 2018

That the minutes of the Council Assessment Panel meeting held 21 June 2018 as previously circulated be noted.

Moved: Cr Von Stanke

Seconded: Cr Meziniec

Carried

14. COUNCIL REPORTS

Nil

15. MOTION(S) - With Notice

Nil Submitted

16. MOTION(S) - Without Notice

Nil Submitted



17. CONFIDENTIAL ITEMS

17.1. Consideration for Exclusion of the Public

Item 17.2

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 Mayor A Lee, Councillors - Cr M Lovett, Cr S Mezinec, Cr F Morello, Cr S Perryman, Cr H Persello, Cr P Richardson, Cr I Von Stanke and Council Officers - J Nagy, B Cernovskis, N Serle, P Lee, M McCarthy, S McLean, G Davison, H Gajic and A Lavia) be excluded from the meeting in order for the Agenda Item (Tender AF18/244 Architectural Design, Documentation and Project Management: Mount Gambier Regional Sport and Recreation Centre) to be considered in confidence.

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

- the provision of services, being architectural services for the Mount Gambier Regional Sport and Recreation Centre.

The Council is satisfied that the principle that the meeting is being conducted in a place open to the public has been outweighed in the circumstances because the information to be disclosed and discussed has the potential to impact adversely on each of the tenderers as competitive commercial information will be disclosed.

Item No.	Subject Matter	S90(3) Grounds
17.2	Tender AF18/244 Architectural Design, Documentation and Project Management: Mount Gambier Regional Sport and Recreation Centre - Report No. AR18/27217	Section 90(3)(k) Tenders

Moved: Cr Von Stanke

Seconded: Cr Persello

Carried



RELEASED IN-CONFIDENCE

17.2. Architectural Expression of Interest for the Mount Gambier Regional Sport and Recreation Centre - Report No. AR18/27217

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/27217 titled '*Tender AF18/244 Architectural Design, Documentation and Project Management: Mount Gambier Regional Sport and Recreation Centre*' as presented to the Regional Sport and Recreation Centre Committee on 16 July 2018 be noted.
- (b) That Council accept the tender of Design Inc Adelaide for the completion of Intermediate Design Stage One for \$40,000 and Detailed Design Stage 2 (subject to securing future funding) for the Mount Gambier Regional Sport and Recreation Centre (as identified in Tender AF18/244) for funding applications.

Moved: Cr Von Stanke

Seconded: Cr Mezinec

Carried

Meeting closed at 7:20 p.m.

AR18/26867

