

## **MINUTES OF ORDINARY COUNCIL MEETING**

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 17 October 2017 at 6.00 p.m.

**PRESENT**

Mayor Andrew Lee  
Cr Christian Greco  
Cr Mark Lovett  
Cr Josh Lynagh  
Cr Sonya Meziniec  
Cr Frank Morello  
Cr Des Mutton  
Cr Hanna Persello  
Cr Penny Richardson  
Cr Ian Von Stanke

**COUNCIL OFFICERS**

Acting Chief Executive Officer	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Growth	-	Dr J Nagy
General Manager City Infrastructure	-	Mr N Serle
Manager Governance and Property	-	Mr M McCarthy
Media and Communications Coordinator	-	Ms S McLean
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.**

### **1. APOLOGY(IES)**

Apology(ies) received from Cr Perryman.

That the apology from Cr Perryman be received.

Moved: Cr Morello

Seconded: Cr Greco

Carried

### **2. LEAVE OF ABSENCE**

Nil

### **3. CONFIRMATION OF COUNCIL MINUTES**

Ordinary Meeting held on 19 September 2017.



That the minutes of the Ordinary Council meeting held on 19 September 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Lovett

Seconded: Cr Greco

Carried

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

- Meeting to discuss Proposed Cultural Teacher Exchange
- Meeting with CEO Community Health SA (with Mayor DC Grant)
- Official Opening of Bunnings Warehouse – Penola Road
- Rural and Regional Mobilities Workshop
- Industry and Community Engagement Forum re Mount Gambier Airport
- Members Workshop with Member for Barker
- Members Workshop Indoor Sports Facility
- Reception for 68<sup>th</sup> Anniversary of the Founding of the People’s Republic of China
- Youth Opportunities Graduation – Mount Gambier High School
- Broken Windows Art Presentation – Mount Gambier Library
- Limestone Coast National Police Remembrance Day – Wreath laying
- Welcome to SA State HOG Owners Rally
- Sod Turning Ryder Cheshire Second Home
- Strategic Standing Committee Meeting
- Operational Standing Committee Meeting
- Chamber of Commerce NAB Outstanding Business Awards
- International Soccer Club Season 2017 Presentation Night
- Opening 150<sup>th</sup> Anniversary Fidler and Webb Exhibition

That the Mayoral report made on 17 October 2017 be received.

Moved: Cr Persello

Seconded: Cr Richardson

Carried

#### 5. **REPORTS FROM COUNCILLORS - Ref. AF11/882**

Cr Greco	Chamber of Commerce Awards, Bollywood Ball - Renal Unit Fundraiser
Cr Lynagh	Cubbies at the Lakes, Mount Gambier Show Launch
Cr Mezinec	Opening of Bunnings Store, Briefing - Tourism Mount Gambier Website, Chamber of Commerce Awards Dinner
Cr Morello	Ridloch Art Gallery - Exhibition Launch
Cr Mutton	Queen Elizabeth Park Trust Board Meeting



Cr Persello Youth Opportunities - Positive Empowerment Program Information Evening, Mount Gambier High School Graduation, NRM Cubbies at the Lakes, Limestone Coast Community Services Roundtable Meeting, TAFE Wellbeing and Resilience Training

Cr Richardson Health Advisory Committee Meeting, Combined South East Health Advisory Committee Meeting, Chamber of Commerce Meeting, Tourism Mount Gambier Briefing

That the reports made by Councillors on 17 October 2017 be received.

Moved: Cr Von Stanke

Seconded: Cr Meziniec

Carried

## 6. QUESTIONS

### 6.1. With Notice

Nil submitted.

### 6.2. Without Notice

Nil recorded.

## 7. PETITIONS

Nil

## 8. DEPUTATIONS

Nil

## 9. NOTICE OF MOTION TO RESCIND

Nil

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

18/09/2017	City Growth and Fund My Neighbourhood
26/09/2017	Federal Government Select Committee and Recreation Centre

That the Record of Proceedings for the City Growth and Fund My Neighbourhood and the Federal Government Select Committee and Recreation Centre held 18 September 2017 and 26 September 2017 respectively be received and the contents noted.

Moved: Cr Meziniec

Seconded: Cr Von Stanke

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 September 2017.

That the Action Items referred to the Council Meeting held 19 September 2017 be received.

Moved: Cr Mezinec

Seconded: C Greco

Carried

**13. COMMITTEE MINUTES AND RECOMMENDATIONS**

**13.1. Minutes of Strategic Standing Committee - 9 October 2017**

That the minutes of the Strategic Standing Committee meeting held 9 October 2017 be noted.

Moved: Cr Lovett

Seconded: Cr Richardson

Carried

**13.2. Confirmation of Audit Committee Minutes - 28 September 2017**

That the minutes of the Ordinary Audit Committee meeting held on 28 September 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Von Stanke

Carried

**13.3. Governance - Audit Committee - Resignation, Mr Jeroen Zwijnenburg - Ref. AF11/863**

- |   |
|---|
| <p>(a) The report be received;</p> <p>(b) Mr Zwijnenburg's resignation be received and he be thanked for his services to the Audit Committee over the past years.</p> |
|---|

Moved: Cr Lynagh

Seconded: Cr Mezinec

Carried



**13.4. Internal Financial Controls - Budget and Procedure Update - Report No. AR17/39233**

- (a) That Audit Committee Report No. AR17/39233 titled '*Internal Financial Controls – Budget and Procedure Update*' as presented to the Audit Committee on 28 September 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried

**13.5. Annual Financial Statements for 2016/2017 - Report No. AR17/39210**

- (a) That Audit Committee Report No. AR17/39210 titled '*Annual Financial Statements for 2016/2017*' as presented to the Audit Committee on 28 September 2017 be noted.
- (b) That in accordance with Section 126 of the Local Government Act 1999 the Audit Committee advises that it has reviewed the Draft Annual Financial Statements of the Council for the financial year 2016/2017 and is satisfied they present fairly the state of affairs of Council as at 30 June 2017.
- (c) That the Audit Committee recommends to the Council that for the financial year ended 30 June 2017:
- i. Council adopts the Annual Financial Statements as final subject to any refinements recommended by Council's Auditor; and
  - ii. The Chief Executive Officer and the Mayor of the City of Mount Gambier be authorised to certify the Financial Statement.
- (d) The Acting Presiding Member of the Audit Committee and the Chief Executive Officer of the City of Mount Gambier be authorised to sign Council's Certification of Auditor Independence Statement that will accompany the Financial Statements for the financial year ended 30 June 2017.

Moved: Cr Lynagh

Seconded: Cr Mezinec

Carried



**13.6. Local Government Risk Services Member Update - 2017 Special Distribution Payments and New Member Risk Fund - Report No. AR17/39227**

(a) That Audit Committee Report No. AR17/39227 titled '*Local Government Risk Services Member Update – 2017 Special Distribution Payments and New Member Risk Fund*' as presented to the Audit Committee on 28 September 2017 be noted.

Moved: Cr Lynagh

Seconded: Mezinec

Carried

**13.7. Commonwealth Financial Assistance Grants for 2017/2018 - Report No. AR17/39226**

(a) That Audit Committee Report No. AR17/39226 titled '*Commonwealth Financial Assistance Grants for 2017/2018*' as presented to the Audit Committee on 28 September 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Mezinec

Carried

**13.8. 2017/2018 Council Insurance Policies Overview - Report No. AR17/39439**

(a) That Audit Committee Report No. AR17/39439 titled '*2017/2018 Council Insurance Policies Overview and Premiums*' as presented to the Audit Committee on 28 September 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried

**13.9. Policy Review - S115 Fencing of Stormwater Retention Basins - Report No. AR17/39535**

- (a) That Strategic Standing Committee Report No. AR17/39535 titled '*Policy Review - S115 Fencing of Stormwater Retention Basins*' as presented to the Strategic Standing Committee on 9 October 2017 be noted.
- (b) That the updated Council Policy '*S115 Fencing of Stormwater Retention Basins*' as attached to the Strategic Standing Committee Report No. AR17/39535 be adopted.



Moved: Cr Lynagh

Seconded: Cr Mutton

Carried

**13.10. Policy Review - C355 Council Land - Irrigation - Report No. AR17/39634**

- (a) That Strategic Standing Committee Report No. AR17/39634 titled '*Policy Review - C355 Council Land - Irrigation*' as presented to the Strategic Standing Committee on 9 October 2017 be noted.
- (b) That the updated Council Policy '*C355 Council Land - Irrigation*' as attached to the Strategic Standing Committee Report No. AR17/39634 be adopted.

Moved: Cr Lynagh

Seconded: Cr Meziniec

Carried

**13.11. Community Plan - Quarterly Summary KPI Report - September 2017 - Report No. AR17/37140**

- (a) Strategic Standing Committee Report No. AR17/37140 titled '*Community Plan Summary KPI Report - September*' as presented to the Strategic Standing Committee on 9 October 2017 be noted.
- (b) The September 2017 Quarterly Summary KPI report be endorsed by Council.

Moved: Cr Lynagh

Seconded: Cr Meziniec

Carried

**13.12. City Growth Strategies - Prioritisation Workshops - Report No. AR17/39704**

- (a) That Strategic Standing Committee Report No. AR17/39704 titled '*City Growth Strategies – Prioritisation Workshops*' as presented to the Strategic Standing Committee on 9 October 2017 be noted.
- (b) That Council endorse the Prioritised City Growth Strategy Recommendations contained in '*Recommendations Listed in City Growth Portfolio Reports*' – Ref. AR17/37250[v2].

Moved: Cr Lynagh

Seconded: Cr Lovett

Carried



**13.13. Financial Statement and Analysis 2016/2017 – Report No. AR17/40586**

- (a) That Strategic Standing Committee Report No. AR17/40586 titled '*Financial Statement and Analysis 2016/2017*' as presented to the Strategic Standing Committee on 9 October 2017 be noted.
- (b) That Council:
- i. Endorse the Draft Annual Financial Statements 2016/2017 as presenting fairly and accurately the financial state of affairs of Council for the financial year ended 30 June 2017;
  - ii. Adopt the Draft Annual Financial Statements 2016/2017 as FINAL.
  - iii. Authorise the Chief Executive Officer and the Mayor of the City of Mount Gambier to certify the Financial Statements on behalf of Council.

Moved: Cr Lynagh

Seconded: Cr Mezinec

Carried

**13.14. Minutes of Operational Standing Committee – 10 October 2017**

That the minutes of the Operational Standing Committee meeting held 10 October 2017 be noted.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

**13.15. Minutes of Heritage Sub-Committee - 27 September 2017**

That the minutes of the Heritage Sub-Committee meeting held 27 September 2017 be noted.

Moved: Cr Greco

Seconded: Cr Richardson

Carried

**13.16. Heritage Sub-Committee - Presiding Member Selection - Report No. AR17/38403**

- (a) That Heritage Sub-Committee Report No. AR17/38403 titled '*Heritage Sub-Committee - Presiding Member Selection*' dated 19 September 2017 as presented to the Heritage Sub-Committee on 27 September 2017 be noted.
- (b) That Cr Richardson be elected as Presiding Member of the Heritage Sub-Committee for a term to expire on 30 November 2018.





Moved: Cr Greco

Seconded: Von Stanke

Carried

**13.17. Heritage Advisor Report - August 2017 - Report No. AR17/38436**

- (a) That Heritage Sub-Committee Report No. AR17/38436 titled '*Heritage Advisory Report - August 2017*' dated 19 September 2017 as presented to the Heritage Sub-Committee on 27 September 2017 be noted.

Moved: Cr Greco

Seconded: Cr Richardson

Carried

**13.18. Works in Progress - City Infrastructure - Report No. AR17/39445**

- (a) That Operational Standing Committee Report No. AR17/39445 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 10 October 2017 be noted.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

**13.19. Office Closure - Christmas/New Year 2017 - Report No. AR17/39509**

- (a) That Operational Standing Committee Report No. AR17/39509 titled '*Office Closure - Christmas/New Year 2017*' as presented to the Operational Standing Committee on 10 October 2017 be noted.

Moved: Cr Greco

Seconded: Cr Mutton

Carried

**13.20. 2017 Christmas Parade - Street Closures - Report No. AR17/39691**

- (a) That Operational Standing Committee Report No. AR17/36961 titled '*2017 Christmas Parade - Street Closures*' as presented to the Operational Standing Committee on 10 October 2017 be noted.
- (b) That Council, being of the opinion that the 2017 Christmas Parade is an event to which Section 33 of the Road Traffic Act applies to, pass the following order in relation to road closures for the purpose of the 2017 Christmas Parade on Saturday, 18 November 2017.

ORDER



Council, pursuant to Section 33 of the Road Traffic Act 1961 and instrument of Delegation from the Minister of Transport makes the following order to close the following roads on Saturday, 18 November 2017:

- (a) COMMERCIAL STREET EAST - between East side of Davison Street and Bay Road/Penola Road

Between the hours of 7.00am and 1:00pm.

With the exception of the Ferrers Street/Mitchell Street intersection, north/south traffic will be permitted to cross Commercial Street East until 8.30am.

The portion of Commercial Street East between Crouch Street and East side of Davison Street may remain open to 10:30am.

- (b) COMMERCIAL STREET WEST - between Bay Road/Penola Road and Wehl Street.

Between the hours of 8.30am and 1:00pm.

North/South bound vehicles will be permitted to access Commercial Street West intersection until 10:55am.

- (c) CROUCH STREET SOUTH - between Commercial Street East and Sturt Street

WEHL STREET NORTH - between Commercial Street West and Wyatt Street/Eglington Terrace.

COMMERCIAL STREET WEST - between Wehl Street and Bertha Street

Between the hours of 10:50am and 1.00pm.

- (d) WATSON TERRACE - north south leg adjacent to Jens Hotel/Cave Garden

Between the hours of 6:30am and 5:00pm.

Council further orders that persons attending and taking part in the event are exempted from the following Road Rules when on roads (or section of road) closed pursuant to this Order:

1. Rule 221 Using hazard warning lights
2. Rule 230 Crossing a road – general



3. Rule 231 Crossing a road at pedestrian lights
4. Rule 232 Crossing a road at traffic lights
5. Rule 234 Crossing a road on or near a crossing for pedestrians
6. Rule 237 Getting on or into a moving vehicle
7. Rule 238 Pedestrians travelling along a road (except in or on a wheeled recreational device or toy)
8. Rule 250 Riding on a footpath or shared path
9. Rule 264 Wearing of seat belts by drivers
10. Rule 265 Wearing of seat belts by passengers 16 years old or older
11. Rule 266 Wearing of seat belts by passengers under 16 years old
12. Rule 268 How persons must travel in or on a motor vehicle
13. Rule 269 Opening doors and getting out of a vehicle etc.
14. Rule 298 Driving with a person in a trailer

Conditions on Exemptions from Australian Road Rules

1. Rule 237 Getting on or into a moving vehicle - provided the speed of the vehicle does not exceed 5km/h
2. Rule 264 Wearing of seat belts by drivers - provided the speed of the vehicle does not exceed 25km/h
3. Rule 265 Wearing of seat belts by passengers 16 years old or older - provided the speed of the vehicle does not exceed 25km/h
4. Rule 266 Wearing of seat belts by passengers under 16 years old - provided the speed of the vehicle does not exceed 25km/h
5. Rule 268 How persons must travel in or on a motor vehicle - provided the speed of the vehicle does not exceed 25km/h
6. Rule 269 Opening doors and getting out of a vehicle etc. - provided the speed of the vehicle does not exceed 5km/h
7. Rule 298 Driving with a person in a trailer - provided the speed of the vehicle does not exceed 25km/h

Moved: Cr Greco

Seconded: Cr Lovett

Carried

**13.21. Delegation of Powers - Update - Report No. AR17/36984**

- (a) That Operational Standing Committee Report No. AR17/36894 titled '*Delegation of Powers - Update*' as presented to the Operational Standing Committee on 10 October 2017 be noted.
- (b) That having reviewed the Local Government Association delegation templates the Council:



## **1. Revocations**

1.1. Hereby revokes all previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 1.1.1. *Dog and Cat Management Act 1995*
- 1.1.2. *Heavy Vehicle National Law (SA) Act 2013*
- 1.1.3. *Local Government Act 1999*
- 1.1.4. *Planning, Development and Infrastructure Act 2016*
- 1.1.5. *Work Health and Safety Act 2012*
- 1.1.6. *Road Traffic Act 1961 (SA), Road Traffic (Misc) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Misc Provisions) Regulations 2014.*

## **2. Delegations made under Local Government Act 1999**

2.1. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation (Appendices as individually identified as indicated below) are hereby delegated this Tuesday 17<sup>th</sup> October 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instruments of Delegation:

- 2.1.1. *Dog and Cat Management Act 1995 (Appendix 2)*
- 2.1.2. *Heavy Vehicle National Law (SA) Act 2013 (Appendix 31)*
- 2.1.3. *Local Government Act 1999 (Appendix 14)*
- 2.1.4. *Planning, Development and Infrastructure Act 2016 (Appendix 35)*
- 2.1.5. *Work Health and Safety Act 2012 (Appendix 30)*
- 2.1.6. *Road Traffic Act 1961 (SA), Road Traffic (Misc) Regs 2014 and Road Traffic (Road Rules – Ancillary and Misc Provisions) Regs 2014 (Appendix 20, 20B).*

2.2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.



2.3. For the purpose of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.

2.4. For the purpose of these delegations, all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

**3. Authorisations and Sub-delegation under the Road Traffic Act 1961**

3.1. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

Mark McShane  
Nick Serle  
Daryl Morgan.

3.2. In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

Nick Serle  
Daryl Morgan.

3.3. In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in Instrument of Sub-delegation (Appendix 20A) is hereby sub-delegated this 17<sup>th</sup> of October 2017 to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) The conditions contained in the Instrument; and
- (ii) Any conditions contained in this Resolution or in the Instrument of Sub-delegation; and



(iii) The creation of a separate instrument in writing reflecting such sub-delegation under the Instrument and this Resolution.

(iv) For the purpose of this sub-delegation, the sub-delegation to the Chief Executive Officer extends to any person appointed to act in the position of Chief Executive Officer.

3.4. In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following persons have an appropriate level of knowledge and expertise in the preparation of traffic management plans:

Nick Serle  
Daryl Morgan.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Mutton informed the meeting of an actual conflict of interest in Item 13.22:

*“One of applicants for the Social Inclusion Sub-Committee is my wife. If I vote to support her application that may be because of my relationship with her”.*

Cr Mutton informed the meeting of the manner in which he intends to deal with the actual conflict of interest as follows:

*“I will leave the room and not participate in the discussions in relation to the matter”.*

In accordance with section 75A Cr Mutton did not participate in the meeting and left the room at 6.32 p.m.

**13.22. Community Engagement and Social Inclusion Nominees - Report No. AR17/40746**

(a) That Operational Standing Committee Report No. AR17/40746 titled ‘Community Engagement and Social Inclusion Nominees’ as presented to the Operational Standing Committee on 10 October 2017 be noted.

(b) That the recommended community nominees for appointment to the Community Engagement and Social Inclusion subcommittee, namely:

- Dr Suzanne Mutton
- Melissa Stephenson
- Judy McKay



- Kate Amoroso
- be accepted.

Moved: Cr Greco

Seconded: Cr Persello

Carried

Cr Mutton resumed the meeting at 6.34 p.m.

### **13.23. Minutes of Development Assessment Panel - 21 September 2017**

That the minutes of the Council Development Assessment Panel meeting held 21 September 2017 be noted.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

## **14. COUNCIL REPORTS**

### **14.1. Attendance at 2017 LGA Conference and Annual General Meeting - Report No. AR17/40974**

- (a) That Council Report No. AR17/40974 titled '*Attendance at 2017 LGA Conference and Annual General Meeting*' as presented to the Council on 17 October 2017 be noted;
- (b) That the Mayor be appointed as the delegate to represent Council at the 2017 LGA Conference and Annual General Meeting to be held in Adelaide on Wednesday 15 November 2017 and Thursday 16 November 2017 at the Adelaide Oval;
- (c) Cr Persello be appointed proxy delegate to represent Council should the Mayor not be able to attend;
- (d) The Local Government Association be advised Council does not wish to submit any notice of motions;
- (e) The Mayor and the Chief Executive Officer attend the 2017 LGA Conference and Annual General Meeting and Dinner on Wednesday 15 November 2017 and Thursday 16 November 2017 with all associated costs met by Council;
- (f) Other Councillors may wish to attend the 2017 LGA Conference and Annual General Meeting and Dinner, with all associated costs met by Council and should express their interest to CEO and Mayoral Support by Friday 27 October 2017.

Moved: Cr Richardson

Seconded: Cr Morello

Carried

**14.2. Audit Committee Membership Vacancy - Report No. AR17/41551**

- (a) That Council Report No. AR17/41551 titled '*Independent Member Audit Committee*' as presented to the Council on 17 October 2017 be noted;
- (b) That suitably qualified and experienced candidates be sought for the position of Independent Audit Committee Member by an Expression of Interest process including public notice in a newspaper circulating in the area; and a further report be presented for Council to consider the appointment of an Audit Committee Member and Presiding Member.

Moved: Cr Mezinec

Seconded: Cr Greco

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Mayor Lee disclosed a material conflict of interest in Item 14.3:

*"I am a member of the RSL".*

In accordance with Section 74(1)(b) of the Local Government Act 1999 Mayor Lee did not participate in the meeting and left the room at 6.38 p.m.

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Lovett disclosed a material conflict of interest in Item 14.3:

*"I am a member of the RSL".*

In accordance with Section 74(1)(b) of the Local Government Act 1999 Cr Lovett did not participate in the meeting and left the room at 6.38 p.m.

Deputy Mayor, Cr Persello took the chair in the absence of the Mayor.

**14.3. Mount Gambier Community RSL Discretionary Rate Rebate - Report No. AR17/41827**

- (a) That Council Report No. AR17/41827 titled '*RSL Discretionary Rate Rebate*' as presented to the Council on 17 October 2017 be noted.
- (b) That Council agree to a discretionary rate rebate for the RSL Assessment Numbers 1191/2884/13760 commencing from 1 July 2017 of 50% on each of the rateable areas over a 2 year period to be reviewed at the conclusion of the 2 year period.





Moved: Cr Greco

Seconded: Meziniec

Carried

Cr Richardson requested a Division

The declaration of the result of the vote was set aside

Voting by Division being:

Members voting for the Amendment

Members voting against the Amendment

Cr Von Stanke  
Cr Greco  
Cr Meziniec  
Cr Lynagh

Cr Richardson  
Cr Morello  
Cr Mutton

4 for the Amendment

3 against the Amendment

Cr Persello declared the motion

Carried

Mayor Lee resumed the meeting at 6.51 p.m.

Cr Lovett resumed the meeting at 6.51 p.m.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Lynagh informed the meeting of a *perceived* conflict of interest in Item 13.19:

*"Mount Gambier Community Events, to which this item relates, is a Committee I have previously had involvement with and been a part of"*

Cr Lynagh informed the meeting of the manner in which they intend to deal with the *actual/perceived* conflict of interest as follows:

*"I intend to stay and participate in the discussions."*

In accordance with section 75A Cr Lynagh:

*"participated in the meeting in relation to the matter"*

**14.4. 2017 New Year's Eve Event - Report No. AR17/41824**

- (a) That Council Report No. AR17/41824 titled '2017 New Year's Eve Event' as presented to the Council on 17 October 2017 be noted.

- (b) That Council acknowledge the considerable effort taken by the Mount Gambier Community Events committee to reduce costs and secure additional sponsorship.
- (c) That Council approve a one off sponsorship increase of \$5,000 cash and \$500 in-kind support (totalling \$10,000 cash and \$3,000 in-kind) for the 2017 New Year's Eve event from GL6240.0038

Moved: Cr Richardson

Seconded: Cr Greco

Carried

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

## 15. MOTIONS - WITH NOTICE

### 15.1. Newstart Allowance - Anti-Poverty Network SA Campaign - Ref. AF11/954

This Week 16- 22 October is Anti-Poverty week and Anti-Poverty Network SA are campaigning to have the Newstart Allowance increased. The Newstart allowance is \$267 per week (approx. \$14,000 per year and is over \$160 per week (approx. \$8,000 per year) below the poverty line. It has not been raised in real terms since 1994.

According to figures from the Department of Employment, as of March 2017 (the most recent breakdown of unemployment by LGA), there were 772 unemployed people in Mount Gambier (the vast majority of them Newstart recipients), for an unemployment rate of 5.5 percent.

Cr Meziniec moved:

- (a) The City of Mount Gambier join Playford, Port Adelaide Enfield, Streaky Bay, Kangaroo Island, Copper Coast, Clare Valley and Onkaparinga in supporting the Anti- Poverty Network SA campaign to increase the Newstart Allowance;
- (b) The City of Mount Gambier writes to the relevant Government Ministers advocating for an increase to the Newstart Allowance and a copy be sent to the Federal Member for Barker.

Cr Lovett seconded

Carried



**15.2. Vacant Shops - Commercial Street - Ref. AF16/361**

As of Monday 2 October 2017 there were 19 shops/properties vacant on Commercial Street between Wehl Street and Crouch Street and many of them have been vacant for some time. Commercial Street is the heart of our city and it is the place visitors come to. Having so many vacant properties does not convey the impression of a vibrant and thriving community. This is a problem faced by many cities and some like Newcastle have implemented strategies to revitalise the heart of their city.

Cr Meziniec moved the City of Mount Gambier facilitate a Members Workshop in the coming weeks and invite key stakeholders to discuss strategies and incentives to encourage a range of activities including start-up businesses and enterprises to rent premises on Commercial Street to revitalise the centre of our city.

Cr Greco seconded

Carried

**16. MOTION(S) - WITHOUT NOTICE**

**16.1. Environmental Management - Gas Mining in the Limestone Coast - Ref. AF14/38**

Cr Richardson moved:

- (a) That Marcia Lorenz and Ruth Vander Hoek, Limestone Coast Protection Alliance be invited to an Elected Members Workshop to provide their view point on the issues of conventional gas mining in the Limestone Coast;
- (b) That Beach Energy be invited to an Elected Members Workshop to provide their view point on the issues of conventional gas mining in the Limestone Coast.

Cr Von Stanke seconded

Carried

**17. CONFIDENTIAL ITEMS**

**17.1. Consideration for Exclusion of the Public**

Item No. 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 Lee and Councillors – C Greco, M Lovett, J Lynagh, S Meziniec, F Morello, D Mutton, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, S McLean and M Telford) be excluded from the meeting in order for the Agenda Item (*Report No. AR17/37588 - 7 Eucalypt Drive - Commercial Lease*) 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:
  - conducting business;
  - proposing to conduct business; and
- would prejudice the commercial position of the Council.

The information to be discussed includes the market rental valuation obtained by council for the subject property that will form a basis of lease negotiations for a further lease period.

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 it is in the community interest for Council to negotiate a reasonable market rental for the commercial lease of the community asset.

Item No.	Subject Matter	S90(3) Grounds
17.2	7 Eucalypt Drive - Commercial Lease - Report No. AR17/37588	(b)

Moved: Cr Greco

Seconded: Lovett

Carried



**17.2. Consideration for Keeping Items Confidential**

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 17.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.2	7 Eucalypt Drive - Commercial Lease - Report No. AR17/37588	(b)	All details	6 months, or until a lease has been executed for the subject site,  whichever is the earlier.

Moved: Cr Lovett

Seconded: Cr Mezinec

Carried

Meeting closed at 7.20 p.m.

AR17/41278  
MJT

