

## **MINUTES OF ORDINARY COUNCIL MEETING**

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 20<sup>th</sup> June 2017 at 6.00 p.m.

### **PRESENT**

Mayor Andrew Lee  
Cr Christian Greco  
Cr Mark Lovett  
Cr Josh Lynagh  
Cr Sonya Meziniec  
Cr Steven Perryman  
Cr Hanna Persello  
Cr Penny Richardson  
Cr Ian Von Stanke

### **COUNCIL OFFICERS**

Chief Executive Officer	-	Mr M McShane
General Manager Community Wellbeing	-	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 F McGregor

**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 Mutton and Cr Morello

That the apologies from Cr Mutton and Cr Morello be received.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

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

Nil

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

That the minutes of the Ordinary Council meeting held on 16<sup>th</sup> May, 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Meziniec

Seconded: Cr Greco

Carried



That the minutes of the Special Council meeting held on 1<sup>st</sup> June, 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Greco

Seconded: Cr Lynagh

Carried

#### **4. MAYORAL/PRESIDING MEMBER REPORT**

That the Mayoral/Presiding Member report made on 20<sup>th</sup> June 2017 be received.

- South East Secondary Schools Training Awards Presentation
- RDA Board Meeting
- Opening of Needham Exhibition – Riddoch Art Gallery
- Members Workshop – Cultural Development Plan
- Special Meeting of Council
- Members Workshop – STEM and Sub-Committee
- Meeting with Attorney General Mr John Rau, MP, Adelaide
- Regional Mayor's Dinner – Government House, Adelaide
- Meeting with Executive Director, Southern Community Justice Centre
- Operational Standing Committee Meeting
- Meeting with SA Equal Opportunity Commissioner, Dr Niki Vincent
- Meeting with Representatives from Office of Industry Advocate
- Official Opening and Cake Cutting – Foodland, Mount Gambier Centro
- 70<sup>th</sup> Birthday Celebration – Australian Hearing Centre
- CEO Performance Review Committee
- Meet and Greet Upper Spencer Golf Common Purpose Group
- Breakfast Meeting with SA Commissioner for Children and Young People – Helen Connolly
- LCLGA General Meeting
- MJ Dance Debutante Ball
- 10 Years of Successful Settlement Karen and Karenni Community
- Lions Club of Mount Gambier 54<sup>th</sup> Changeover Dinner
- Meeting to discuss Exchange Program for Students and Teachers from China to our region

Congratulatory phone calls and letter to recipients of OAM – Merv White and Allan Dowdell former Councillors, John D'Souza

Recent Death of former Councillor Mr John Herde – represented the South East Ward, served on Council from 1981 to 1993 – Councillor for 4 years 4 months and Alderman for 8 years. Condolences have been sent to his family in Adelaide.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried



## 5. REPORTS FROM COUNCILLORS

- Cr Persello Family Violence Action Group meeting, Hope and Resilience (SAHMRI) Workshop, Meeting with Adam Box DECD re China Educational Engagement, CEO Performance Review Meeting.
- Cr Lynagh Karen/Karenni 10 Year Celebration, Meeting with Commissioner for Children, JMA end of semester concert, tour of Recycling Facility (Environmental Month), Taste the Waster Film Screening (Environmental Month).
- Cr Mezinec Meeting with S A Equal Opportunity Commissioner - Dr Nikki Vincent, Breakfast with Helen Connolly Commissioner for Children and Young People, Celebration of 10 years of successful settlement of Karen and Karreni community, Farewell to Vicki Hutchinson, Library Manager, Evolving and idea into reality - Daniel Flynn - Co Founder of Thankyou.
- Cr Richardson Presiding Members Health Advisory Committee Annual Conference, Chris Burns Mental Health Commissioner.
- Cr Von Stanke Attended the Free Trade Forum at the Commodore on the Park which was presented by Shaun Calihan, Colin Rex and Bruce Rodda.

That the reports made by Councillors on 20<sup>th</sup> June, 2017 be received.

Moved: Cr Richardson

Seconded: Cr Lovett

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**

29 <sup>th</sup> May 2017	Cultural and Heritage Development Plan
6 <sup>th</sup> June 2017	Sub-Committee Discussion

That the Record of Proceedings for the Cultural and Heritage Development Plan held on the 29<sup>th</sup> of May 2017 and the Sub-Committee Discussion Workshops held on 6<sup>th</sup> June 2017 be received and the contents noted.

Moved: Cr Meziniec

Seconded: Cr Greco

Carried

**11. ELECTED MEMBER TRAINING AND DEVELOPMENT**

Nil submitted.

**12. COUNCIL ACTION ITEMS**

Items referred to the Council Meeting held 20<sup>th</sup> June 2017

That the Action Items referred to the Council Meeting held 20<sup>th</sup> June 2017 be received.

Moved: Cr Meziniec

Seconded: Cr Richardson

Carried



## COMMITTEE MINUTES AND RECOMMENDATIONS

### 13. STRATEGIC STANDING COMMITTEE RECOMMENDATIONS

#### 13.1 Minutes of Strategic Standing Committee

Meeting held 13<sup>th</sup> June 2017

That the minutes of the Strategic Standing Committee meeting held 13<sup>th</sup> June 2017 be noted.

Moved: Cr Von Stanke                      Seconded: Cr Lovett                      Carried

#### 13.2 Presiding Member Selection - Report No. AR17/20716

(a) That Strategic Standing Committee Report No. AR17/20716 titled '*Strategic Standing Committee - Presiding Member Selection*' dated 6 June 2017 as presented to the Strategic Standing Committee on 13 June 2017 be noted.

(b) That Cr Josh Lynagh be elected as Presiding Member of the Strategic Standing Committee for a term to expire on 20<sup>th</sup> January 2018.

Moved: Cr Lynagh                      Seconded: Cr Von Stanke                      Carried

#### 13.3 Strategic Standing Committee - Ordinary Meeting Day/Time - Report No. AR17/20843

(a) That Strategic Standing Committee Report No. AR17/20843 titled '*Strategic Standing Committee - Ordinary Meeting Day/Time*' dated 6 June 2017 as presented to the Strategic Standing Committee on 13 June 2017 be noted.

(b) That the Strategic Standing Committee hold ordinary meetings on the second Monday preceding each monthly Council Meeting commencing at 5:30 pm.

Moved: Cr Lynagh                      Seconded: Cr Lovett                      Carried

#### 13.4 Strategic Standing Committee - Terms of Reference - Report No. AR17/20849

(a) That Strategic Standing Committee Report No. AR17/20849 titled '*Strategic Standing Committee - Terms of Reference*' dated 6 June 2017 as presented to the Strategic Standing Committee on 13 June 2017 be noted.

(b) That the Draft Terms of Reference for the Strategic Standing Committee as attached to the Strategic Standing Committee agenda for the meeting held on 13 June 2017 be adopted.

Moved: Cr Lynagh                      Seconded: Cr Lovett                      Carried



**13.5 Community Plan - Development of Corporate Key Performance Indicators Report No. AR17/20317**

- (a) That Strategic Standing Committee Report No. AR17/20317 titled 'Community Plan - Development of Corporate Key Performance Indicators' dated 6 June 2017 as presented to the Strategic Standing Committee on 13 June 2017 be noted.
- (b) That the Report Number AR17/20317 titled 'Community Plan - Development of Corporate Key Performance Indicators' dated 1 June 2017 be received.

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried

**13.6 Update on Community Plan Strategies and Key Projects - Report No. AR17/20180**

- (a) That Strategic Standing Committee Report No. AR17/20180 titled 'Update on Community Plan Strategies and Key Projects' dated 6 June 2017 as presented to the Strategic Standing Committee on 13 June 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried

**13.7 Changes to Council's Development Assessment Panel - Report No. AR17/21313**

- (a) That Strategic Standing Committee Report No. AR17/21313 titled 'Changes to Council's Development Assessment Panel' dated 7 June 2017 as presented to the Strategic Standing Committee on 13 June 2017 be noted.
- (b) That the Council;
  - 1. Requests administration to develop a complying 'Terms of Reference' for a Council Assessment Panel in anticipation of the changes needed to commence on 1 October 2017. A further report to be presented to Council for endorsement in due course.
  - 2. Commence a process to fill the membership positions required for the new Council Assessment Panel by 1 October 2017.

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried



## 14. OPERATIONAL STANDING COMMITTEE RECOMMENDATIONS

### 14.1 Minutes of Operational Standing Committee

Meeting held 13<sup>th</sup> June 2017

That the minutes of the Operational Standing Committee meeting held 13<sup>th</sup> June 2017 be noted.

Moved: Cr Greco

Seconded: Cr Persello

Carried

### 14.2 Presiding Member Selection - Report No. AR17/20717

(a) That Operational Standing Committee Report No. AR17/20717 titled '*Operational Standing Committee - Presiding Member Selection*' dated 6 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.

(b) That Cr Greco be elected as Presiding Member of the Operational Standing Committee for a term to expire on 20<sup>th</sup> January 2018.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

### 14.3 Minutes of Mount Gambier Cemetery Trust Committee - 5<sup>th</sup> May 2017

That the minutes of the Mount Gambier Cemetery Trust Committee meeting held 5<sup>th</sup> May 2017 be noted.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

### 14.4 Mount Gambier Cemetery Trust - Financial Statement - Statement of Trading Activity - AF11/1371

(a) The Statement of Trading Activity as at 30<sup>th</sup> April 2017 be received.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

### 14.5 Mount Gambier Cemetery Trust - Property Management - Compliance - Lake Terrace Cemetery - Licence Permits (Permits/Works on Graves) - Application by South East Monuments and Memorials - Miles Memorial - Ref. AF11/1386

(a) The report be received.

(b) The Trust reaffirms its decision to decline the application by South East Monuments and Memorials (on behalf of Mr Michael Miles), to construct a monument at Lake Terrace Cemetery on the following basis:



- The proposed design is considered to be a modern interpretation of what is appropriate as a cemetery monument.
- The proposed monument would intrude upon the character and early section of the cemetery.
- The proposed monument would create visual interference to the aesthetic character and appearance of a cemetery that has historical value.
- The proposed monument does not maintain or reflect the traditional design and pattern of existing monuments.
- The monument is not consistent with the heritage value, character, style, theme and interpretation of existing monuments and the cemetery reserve.
- The proposed monument detrimentally impacts upon the nature and sensitivities of other gravesites and historic character of the cemetery.
- The design of the monument does not respect the rights of other gravesites, lot owners and their heirs.
- The design of the monument detracts from the aesthetic character of the Lake Terrace Cemetery and is not considered appropriate.
- The proposed monument is not sympathetic to the context of its setting with regard to shape, design and appearance.
- The proposed monument is not sensitively designed and would become a dominant, stand out feature and would detract from the historic character of the Cemetery Reserve.
- The monument as proposed is not appropriate to the style and period of the cemetery and is incompatible with the historic character of the cemetery.
- The monument does not contribute towards the existing character of the cemetery.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

#### **14.6 Mount Gambier Cemetery Trust - Next Meeting**

- (a) The next meeting of the Trust be held on Friday 23 June 2017 at 12.15 p.m.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

#### **14.7 Ordinary Meeting Day/Time - Report No. AR17/20844**

- (a) That Operational Standing Committee Report No. AR17/20844 titled 'Operational Standing Committee - Ordinary Meeting Day/Time' dated 6 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That the Operational Standing Committee hold ordinary meetings on the Tuesday preceding each monthly Council Meeting commencing at 7:30 am.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried





#### **14.8 Terms of Reference - Report No. AR17/20854**

- (a) That Operational Standing Committee Report No. AR17/20854 titled '*Operational Standing Committee - Terms of Reference*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That the Draft Terms of Reference for the Operational Standing Committee as attached to the Operational Standing Committee agenda for the meeting held on 13<sup>th</sup> June 2017 be adopted.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

#### **14.9 Financial Statement as at 31 May 2017 - Report No. AR17/22196**

- (a) That Operational Standing Committee Report No. AR17/22196 titled '*Financial Statement as at 31 May 2017*' dated 7 June 2017 as presented to the Strategic Standing Committee on 13 June 2017 be noted.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

#### **14.10 Works in Progress - City Infrastructure - Report No. AR17/21366**

- (a) That Operational Standing Committee Report No. AR17/21366 titled '*Works in Progress - City Infrastructure*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

#### **14.11 Design and Construction of Civic Centre Flytower Façade - Project Update - Report No. AR17/20699**

- (a) That Operational Standing Committee Report No. AR17/20699 titled '*Design and Construction of Civic Centre Flytower Façade - Project Update*' dated 6 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That Council authorise the Chief Executive Officer to amend the contract with Dycer Construction for the Civic Centre Flytower Upgrade to a final contract amount of up to \$1,370,000 (plus GST) including contingencies and professional fees.
- (c) That Country Arts SA be invoiced for 50% of the works, including professional fees.
- (d) That Council refer the estimated shortfall of \$35,000 between its current budget allocation (\$450,000, 16/17 and \$200,000, 17/18) and the final contract price including professional fees to a future budget review, with the view that the increased costs be offset by reductions in expenditure within the Capital Works Program (resulting in a nil impact on the budget).



Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

**14.12 China Engagement - Potential Regional Business Delegation - September / October 2017 - Report No. AR17/20215**

- (a) That Operational Standing Committee Report No. AR17/20215 titled '*China Engagement - Potential Regional Business Delegation - September / October 2017*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

**14.13 2017 Fringe Festival Evaluation Report - Report No. AR17/22253**

- (a) That Operational Standing Committee Report No. AR17/22253 titled '*2017 Fringe Festival Evaluation Report*' dated 9 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That subject to allocation being made in Council's draft 2017/2018 Budget, Council negotiate a further 3 year funding commitment with Adelaide Fringe, Country Arts and SATC.
- (c) That if the project is funded then Council have representatives involved in the planning of the event.
- (d) That subject to funding, further update reports be provided to Council through the Operational Standing Committee on the progression of the 2018 Fringe in Mount Gambier Festival.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

**14.14 Delegation of Powers Local Nuisance and Litter Control Act - Report No. AR17/20953**

- (a) That Operational Standing Committee Report No. AR17/20953 titled '*Delegation of Powers Local Nuisance and Litter Control Act*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That Council hereby revokes all previous delegations to the Chief Executive Officer of those powers and functions under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017.
- (c) That Council 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 Instrument of Delegation contained in Appendix 33 are hereby delegated this Tuesday, 20th June 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 Instrument of Delegation.

Local Nuisance and Litter Control Act 2016 (Appendix 33).

- (d) That Council acknowledges 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.
- (e) That Council 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.
- (f) That Council 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.

Moved: Cr Greco

Seconded: Cr Richardson

Carried

#### **14.15 Ryder Cheshire - Withdrawal of Guarantee - Report No. AR17/21077**

- (a) That Operational Standing Committee Report No. AR17/21077 titled '*Ryder Cheshire - Withdrawal of Guarantee*' dated 6 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That the Guarantee/Mortgage over the Ryder Cheshire property at Willow Avenue be discharged and the Chief Executive Officer and Mayor be authorised to execute any necessary documentation.

Moved: Cr Greco

Seconded: Cr Mezinec

Carried

#### **14.16 Aquatic Centre - Proposed Entrance Fees 2017/2018 - Report No. AR17/21402**

- (a) That Operational Standing Committee Report No. AR17/21402 titled '*Aquatic Centre - Proposed Entrance Fees 2017/2018*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That Council endorse the Mount Gambier Aquatic Centre Administration Fees and Charges for the 2017/2018 swimming season as proposed by Innovative Leisure Management.
- (c) That Council's Schedule of Fees and Charges 2017/2018 be updated to reflect the Aquatic Centre Admission Fees and Charges for 2017/2018.



Moved: Cr Greco

Seconded: Cr Lovett

Carried

**14.17 7 Eucalypt Drive - Commercial Lease - Report No. AR17/21014**

- (a) That Operational Standing Committee Report No. AR17/21014 titled '*7 Eucalypt Drive - Commercial Lease*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That subject to a further report being presented and endorsed by Council for the lease amount, the lease be granted for 7 Eucalypt Drive on commercial terms for waste management stream purposes and the Chief Executive Officer and Mayor be authorised to execute any necessary documentation.

Moved: Cr Greco

Seconded: Cr Meziniec

Carried

**14.18 Request from Food Bank for Council Funding - Report No. AR17/22204**

- (a) That Operational Standing Committee Report No. AR17/22204 titled '*Request from Food Bank for Council Funding*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That Council allocate the \$42,750 from the 2016/2017 Budget.
- (c) That should the purchase and upgrade of Food Bank's property in Cave Road (in accordance with their plans) not be completed by 30<sup>th</sup> June 2018, the funds must be returned to Council.
- (d) That the Manager Governance & Property prepare the appropriate agreements to be executed by the Mayor and/or Chief Executive Officer.

Moved: Cr Greco

Seconded: Cr Perryman

Carried

**14.19 Request from Lake City Taxi's - Reinstatement of Bay Road Taxi Stand - Report No. AR17/21598**

- (a) That Operational Standing Committee Report No. AR17/21598 titled '*Request from Lake City Taxi's - Reinstatement of Bay Road Taxi Stand*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That a further information report on this matter be presented to the Operational Standing Committee within two months.

Moved: Cr Greco

Seconded: Cr Lynagh

Carried



Mayor Lee called for a Division

The declaration was then set aside

Voting by Division being:

For:

Cr Greco

Cr Meziniec

Cr Persello

Cr Lovett

Cr Lynagh

Against:

Cr Von Stanke

Cr Richardson

Cr Perryman

The Motion was put and

Carried

**14.20 Tender AF17/77 - In-Service Safety Inspection and Testing of Electrical Equipment - 1 July 2017 to 30 June 2019 - Report No. AR17/21610**

- (a) That Operational Standing Committee Report No. AR17/21610 titled '*Tender - In-Service Safety Inspection and Testing of Electrical Equipment (1 July 2017 to 30 June 2019)*' dated 6 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That Council accept the tender of Testel Australia Pty Ltd for the In-Service Safety Inspection and Testing of Electrical Equipment in accordance with tender submission AF17/61 (for the period 1 July 2017 to 30 June 2019) at the following tendered rates:

	<b>UNIT RATE</b>
Single phase plug-in, Multiphase plug-in, Non fixed RDCs, Fixed RCD's	3.00
Minimum Invoice Charge, ONLY applies when less than 50 items are tested	150.00

Moved: Cr Greco

Seconded: Cr Lovett

Carried

**14.21 Tender AF17/134 - Supply and Delivery of Concrete Pavers for City Centre - Report No. AR17/21300**

- (a) That Operational Standing Committee Report No. AR17/21300 titled '*Tender AF17/134 - Supply and Delivery of Concrete Pavers for City Centre*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That Council accepts the tender submitted by APC Mount Gambier for the Supply and Delivery of Concrete Pavers for Elizabeth Street, Helen Street and



Crouch Street South urban realm projects at a per unit rate of \$59.95/m<sup>2</sup> - approximately \$215,820 exc GST.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

**14.22 Tender AF17/59 - Receival of Recyclable Materials - 1 July 2017 to 30 June 2022**

- (a) That Operational Standing Committee Report No. AR17/21420 titled '*Tender - Receival of Recyclable Materials - 1 July 2017 to 30 June 2022*' dated 7 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That Council accept the tender of Green Triangle Recyclers (Weber Management Pty Ltd as trustee for Weber Family Trust) for the contract price of \$118/tonne subject to annual CPI increases and also adjustments in relation to any future changes to landfill gate charges.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

**14.23 Tender AF17/61 - Supply and Delivery of Fuel - 1 July 2017 to 30 June 2019 - Report No. AR17/21419**

- (a) That Operational Standing Committee Report No. AR17/21419 titled '*Tender - Supply and Delivery of Fuel (1 July 2017 to 30 June 2019)*' dated 6 June 2017 as presented to the Operational Standing Committee on 13 June 2017 be noted.
- (b) That Council accept the tender of Caltex for the supply and delivery of fuels to the City of Mount Gambier as per tender submission AF17/61 for the period 1 July 2017 to 30 June 2019.

Moved: Cr Greco

Seconded: Cr Lovett

Carried



## **15. DEVELOPMENT ASSESSMENT PANEL MINUTES**

### **15.1 Minutes of Development Assessment Panel**

Meeting held 18<sup>th</sup> May 2017

That the minutes of the Council Development Assessment Panel meeting held 18<sup>th</sup> May 2017 be noted.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

### **15.2 Minutes of Development Assessment Panel**

Meeting held 15<sup>th</sup> June 2017

That the minutes of the Council Development Assessment Panel meeting held 15<sup>th</sup> June 2017 be noted.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried



## 16. COUNCIL REPORTS

### 16.1 Council Report - Tender AF17/218 - Demolition of Building at 3 Lawrence Street (former CWA building) and 46 Penola Road (former SA Ambulance building) Report No AR17/22765

- (a) That Council Report No. AR17/22765 titled '*Tender AF17/218 - Demolition of Building at 3 Lawrence Street (former CWA Building) and 46 Penola Road (former SA Ambulance Building)*' dated 14 June 2017 as presented to the Council on 20 June 2017 be noted.

Moved: Cr Greco

Seconded: Cr Lovett

Carried

### 16.2 Council Report - Report No AR17/22189 - Decision Making Structure - Sub-Committees - dated 13 June 2017

- (a) That Council Report No. AR17/22189 titled '**Decision Making Structure – Sub-Committees**' dated 13 June 2017 as presented to the Council on 20 June 2017 be noted.
- (b) That the existing Sub-Committees comprising:
- a. Community Engagement and Social Inclusion, and
  - b. Environmental Sustainability
- be affirmed as part of Council's Decision Making Structure reporting to Council through the Operational Standing Committee.
- (c) That the Sub-Committees affirmed at resolution (b) shall have no delegation to act with all recommendations being considered and presented through the Operational Standing Committee to Council for final decision and resolution.
- (d) That the Sub-Committees affirmed at resolution (b) review their Terms of Reference for presentation through the Operational Standing Committee to Council for consideration.
- (e) That ordinary and/or special meetings of the Sub-Committees affirmed at resolution (b) be scheduled taking into account the availability and convenience of Members of the Sub-Committees.
- (f) That the Councillor Membership of the Sub-Committees affirmed at resolution (b) shall remain as they are currently.
- (g) That the Community Membership of the Sub-Committees affirmed at resolution (b) be reviewed by the Sub-Committees for the presentation of recommendations to the Operational Standing Committee and Council to address the filling of vacant positions.
- (h) That the Lifelong Learning Sub-Committee be wound-up effective immediately and past Community Members be thanked for their contribution to the work of this Sub-Committee.





Moved: Cr Lynagh

Seconded: Cr Persello

Carried

**16.3 Council Report - Report No AR17/22190 Decision Making Structure – Mount Gambier Cemetery Trust**

- (a) That Council Report No. AR17/22190 titled '*Decision Making Structure – Mount Gambier Cemetery Trust*' dated 13 June 2017 as presented to the Council on 20 June 2017 be noted.
- (b) That the Mount Gambier Cemetery Trust Section 41 Committee be wound-up effective immediately and Members be thanked for their contribution to the work of this Committee.
- (c) That all operations of the cemeteries be administered as ordinary business under delegation with any matters necessitating a formal decision to be presented through the relevant Standing Committee to Council for consideration.
- (d) That the operating funds of the cemeteries continue to be quarantined in a reserve account separate from other cash balances pending a strategic review of cemetery operations.
- (e) Council acknowledges the current and past volunteer members of the Mount Gambier Cemetery Trust over its long history and thanks them for their contribution.

Moved: Cr Lynagh

Seconded: Cr Perryman

Carried

**16.4 Council Report - Report No AR17/22191 Decision Making Structure - Heritage Sub-Committee**

- (a) That Council Report No. AF17/22191 titled '*Decision Making Structure - Heritage Sub-Committee*' dated 13 June 2017 as presented to the Council on 20 June 2017 be noted.
- (b) That a Heritage Sub-Committee be established as part of Council's Decision Making Structure reporting to Council through the Operational Standing Committee.
- (c) That the Heritage Sub-Committee shall have no delegation to act with all recommendations being considered and presented through the Operational Standing Committee to Council for final decision and resolution.
- (d) That the Mayor have ex officio status on the Heritage Sub-Committee.
- (e) That the Membership of the Heritage Sub-Committee include at least three (3) Councillor Members comprising:



- (f) That an initial meeting of the Heritage Sub-Committee be convened with agenda items including:
- a Appointment of Presiding Member
  - b Drafting of Sub-Committee Terms of Reference, including:
    - Sub-Committee focus and defined purpose/objective and operating period
    - Community Membership
    - Frequency and time of ordinary/special meetings
- (g) That draft Heritage Sub-Committee Terms of Reference be presented to Council through the Operational Services Standing Committee for consideration and endorsement.

Moved: Cr Lynagh

Seconded: Cr Perryman

#### AMENDMENT

Cr Richardson moved

- (a) That Council Report No. AF17/22191 titled '*Decision Making Structure - Heritage Sub-Committee*' dated 13 June 2017 as presented to the Council on 20 June 2017 be noted.
- (b) That a Heritage Sub-Committee be established as part of Council's Decision Making Structure reporting to Council through the Operational Standing Committee.
- (c) That the Mayor have ex officio status on the Heritage Sub-Committee.
- (d) That the Membership of the Heritage Sub-Committee include at least two (2) Councillor Members comprising:
  - a. Cr Richardson
  - b. Cr Lovett
- (e) That an initial meeting of the Heritage Sub-Committee be convened to draft a Heritage Sub-Committee Terms of Reference
- (f) That the current members of the Heritage Advisory Group be invited to participate in this initial meeting
- (g) That the draft Sub-Committee Terms of Reference be presented to the August meeting Council through the Operational Services Standing Committee for consideration and endorsement.

Seconded Cr Greco



**(Procedures at Meetings) Regulation 20—Short-term suspension of proceedings**

*Mayor Lee sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:*

*Purpose of the Suspension: Decision Making Structure - Heritage Sub-Committee*

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

*Meeting Procedures were suspended at 7.10 p.m.*

**End of Period of Suspension**

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

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

*The Period of Suspension came to an end and Meeting Procedures resumed at 7.13 p.m.  
The Amendment was put and Carried*

And became the motion and was put

Carried

**16.5 Council Report - Report No AR17/23196 - Queen Elizabeth Park Trust Board Membership**

- (a) That Council Report No. AR17/23196 titled 'Queen Elizabeth Park Trust Board Membership' dated 15 June 2017 as presented to the Council on 20 June 2017 be noted.
- (b) That nominations be sought from suitably interested persons for the vacant board member positions on the Queen Elizabeth Park Trust by a public notice in The Border Watch and on Council's website.

Moved: Cr Lynagh

Seconded: Mayor Lee

Carried



**16.6 Council Report - Report No AR17/23178 - Dog Registration Fees - Proposed Amendments to Fees for 2017/2018**

- (a) That Council Report No. AR17/23178 titled '*Dog Registration Fees – Proposed Amendments to Fees for 2017/2018*' dated 14 June 2017 as presented to the Council on 20 June 2017 be noted.
- (b) That Council endorse the amendments to the Dog Registration Fees and Charges for 2017/2018 as proposed.
- (c) That Council's Schedule of Fees and Charges 2017/2018 be updated to reflect the amendments to the Dog Registration Fees and Charges for 2017/2018.

Moved: Cr Lynagh

Seconded: Cr Lovett

Carried



**17 MOTION(S)**

**17.1 With Notice**

Nil Submitted

**17.2 Without Notice**

Nil

**18 CONFIDENTIAL ITEMS**

Confidential Items commence on next page



## 18.1 Consideration for Exclusion of the Public

### Item 18.2

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 Mayor A Lee, Councillors - C Greco, I Von Stanke, S Perryman, P Richardson, J Lynagh, S Mezinac and M Lovett and Council Officers - M McShane, P Lee, J Nagy, N Serle, M McCarthy and F McGregor) be excluded from the meeting in order for the Agenda Item (Mount Gambier Cemetery Trust - Tenders And Contracts - Supply and Delivery of Bronze Memorial Plaques - 1 July 2017 to 30 June 2022 - Ref. AF17/80) to be considered in confidence.

The Committee 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:

- supply of goods.

The tender relates to the purchase of bronze memorial plaques.

The Trust is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered contains tender pricing.

ITEM NO.	SUBJECT MATTER	S90 (3) GROUNDS
18.2	Mount Gambier Cemetery Trust - Tenders And Contracts - Supply and Delivery of Bronze Memorial Plaques - 1 July 2017 to 30 June 2022 - Ref. AF17/80	(k)

Moved: Cr Lovett

Seconded: Cr Greco

Carried



### 18.3 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 8.2 which has been considered by the Committee on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S.90(3) Grounds	Element To Be Kept Confidential	Duration
18.2	Mount Gambier Cemetery Trust - Tenders And Contracts - Supply and Delivery of Bronze Memorial Plaques - 1 July 2017 to 30 June 2022 - Ref. AF17/80	(k)	All details (except the identity of the successful tenderer and the tender contract value)	Until 11 months have elapsed
			The identity of the successful tenderer and the contract value	Until tender outcome has been resolved by Council

*18.2 - Successful Tenderer: Arrow Bronze*

Moved: Cr Greco

Seconded: Cr Lovett

Carried



## 18.4 Consideration for Exclusion of the Public

### Item 18.5

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 (with the exception of Mayor A Lee, Councillors - C Greco, I Von Stanke, S Perryman, P Richardson, J Lynagh, S Meziniec and M Lovett and Council Officers - M McShane, P Lee, J Nagy, N Serle, M McCarthy and F McGregor) be excluded from the meeting in order for the Agenda Item (Mount Gambier Cemetery Trust - Tenders And Contracts - Supply and Delivery of Bulk LP Gas - 1 July 2017 to 30 June 2022 - Ref. AF17/79) to be considered in confidence.

The Committee 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:

- supply of goods.

The tender relates to the purchase of bulk LP gas.

The Trust is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered contains tender pricing.

ITEM NO.	SUBJECT MATTER	S90 (3) GROUNDS
18.5	Mount Gambier Cemetery Trust - Tenders And Contracts - Supply and Delivery of Bulk LP Gas - 1 July 2017 to 30 June 2022 - Ref. AF17/79	(k)

Moved: Cr Greco

Seconded: Cr Lovett

Carried





**IN-CONFIDENCE**

**18.6 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 8.5 which has been considered by the Committee on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S.90(3) Grounds	Element To Be Kept Confidential	Duration
18.5	Mount Gambier Cemetery Trust - Tenders And Contracts - Supply and Delivery of Bulk LP Gas - 1 July 2017 to 30 June 2022 - Ref. AF17/79	(k)	All details (except the identity of the successful tenderer and the tender contract value)	Until 11 months have elapsed
			The identity of the successful tenderer and the contract value	Until tender outcome has been resolved by Council

*18.5 - Successful Tenderer: Origin Energy for an annual estimated contract value of \$18,150*

Moved: Cr Greco

Seconded: Cr Perryman

Carried



## 18.7 Consideration for Exclusion of Public

moved that the following 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 - C Greco, I Von Stanke, S Perryman, P Richardson, J Lynagh, S Mezinec and M Lovett and Council Officer - M McShane) 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 pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

- S.90(3)(a) – information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer in that details person to the Chief Executive Officer will be disclosed.

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 as the matter is personal to the Chief Executive Officer.

ITEM NO.	SUBJECT MATTER	S90 (3) GROUNDS
18.8	<u>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW</u> – Discussion regarding Chief Executive Officer KPI's – Ref. PERS	(a)
18.9	<u>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW – Annual Performance Review and Remuneration Process</u> - Ref. PERS	(a)

Moved: Cr Greco

Seconded: Cr Perryman

Carried



**(Procedures at Meetings) Regulation 20—Short-term suspension of proceedings**

*Mayor Lee sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:*

*Purpose of the Suspension: To discuss the Chief Executive Officer Performance Review items*

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

*Meeting Procedures were suspended at 7.20 p.m.*

**End of Period of Suspension**

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

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

*The Period of Suspension came to an end and Meeting Procedures resumed at 7.23 p.m.*

**18.10 CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the document in relation to item 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>
18.8	<u>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW</u> – Discussion regarding Chief Executive Officer KPI's - Ref. PERS	(a)	All details	12 months
18.9	<u>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW</u> – Annual Performance Review and Remuneration Process - Ref. PERS	(a)	All details	12 months

Moved: Cr Lovett

Seconded: Cr Greco

Carried

Meeting closed at 7.30 p.m.  
FM

