

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 13 DECEMBER 2022 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Ben Hood, Cr Frank Morello, Cr Josh Lynagh,
Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Meziniec

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mr D Barber
	Acting General Manager City and Community Growth	- Mrs G Davison
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Mrs S Dohnt
	Executive Administrator	- Ms T Chant

1 ACKNOWLEDGEMENT OF COUNTRY

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

DECLARATION OF OFFICE - AREA COUNCILLORS

The following Elected Members read out their respective Declarations of Office:

Cr Sonya Meziniec

Cr Paul Jenner

Cr Frank Morello

2 APOLOGIES

RESOLUTION 2022/214

Moved: Cr Kate Amoroso

Seconded: Cr Ben Hood

That the apology from Cr Mark Lovett be received.

CARRIED



3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2022/215

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

That the minutes of the Ordinary Council meeting held on 29 November 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - DECEMBER 2022

- Citizenship Ceremony
- Elected Member Induction – Council Administration
- Attendance at VALO Adelaide with Manager Economy, Strategy and Engagement
- Smoking Ceremony - Wulanda
- 2022 Graduation Ceremony – Independent Learning Centre
- Pre-Tour of Wulanda - PCG
- Library Volunteers Christmas Lunch
- Audit and Risk Committee Meeting
- Elected Member Induction – Annual Program / Strategic Framework
- Grant High School Presentation Evening
- Pre-Tour of Wulanda – Community Reference Group
- Introductory Meeting Chairman of Belgravia Leisure
- Meeting with Robyn Campbell – Burrandies
- Pre-Tour of Wulanda – COMG Elected Members
- SA Forest Products Function
- Follow Up Meeting – Radiation Treatment Centre for Mount Gambier
- Elected Member Induction – Annual Program / Strategic Framework Part 2
- LCLGA Board Meeting – Wattle Range Council
- Pre-Tour of Wulanda – District Council of Grant
- Mount Gambier High School Presentation Evening
- Tenison Woods College – Middle School Awards Ceremony
- We are all aware of the tragic death of two Police Officers and a civilian in Queensland overnight.



As a show of support for our Police community and in a show of solidarity for SAPOL, Council will be illuminating the VIC Brig and the Riddoch Arts and Cultural Centre in blue from tonight until the end of the week.

We all appreciate the role they play in keeping our communities safe and this should never happen as they go about their duty. They have the right to go to work and return home safe.

RESOLUTION 2022/216

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Meziniec

That the Mayoral report made on 13 December 2022 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Josh Lynagh	Citizenship Ceremony, Pre-tour of Wulanda, Twilight Markets at Mount Gambier Show Grounds
Cr Frank Morello	Tour of Wulanda – Smoking Ceremony
Cr Ben Hood	Tour of Wulanda – Smoking Ceremony, SAFPA Christmas Drinks, Radiotherapy Meeting with Tony Pasin
Cr Paul Jenner	High Wheeler Buggies at Red Carpet Inn, Planning Systems Review – Community Consultation Event, Twilight Markets at Mount Gambier Showgrounds, GTE Board Meeting
Cr Sonya Meziniec	Circular Economy Opportunities Limestone Coast Presentation, WIBRD AGM Breakfast Meeting, LCFVAG No to Violence Breakfast, Judging of Mount Gambier Christmas Parade, Wulanda Construction Handover Cultural Ceremony, Riddoch Arts and Culture Trust Board Meeting, Christmas Parade Advisory Group Meeting – Debriefing Session

RESOLUTION 2022/217

Moved: Cr Ben Hood

Seconded: Cr Paul Jenner

That the reports made by Councillors on 13 December 2022 be received.

CARRIED



7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - GARBAGE COLLECTION SERVICE

Cr Paul Jenner asked the following Question with Notice:

Question:

Can Council please explain why over the last couple of months the garbage collection service around Mount Gambier has had delays?

Also, what preventative measures are being put in place to help stop this from occurring again and is there any strategic or budgetary measures Councillors can consider to help?

Answer:

There are some uncontrollable influences, including international supply in terms of asset replacement and sourcing vehicle parts required to maintain our current fleet. This is a problem across the board and is not unique to just councils.

The Plant and Equipment Asset management plan will inform the Long Term Financial Plan and Budget that will be presented to Council for consideration.

I can assure the Elected Members and the community if you leave your bins out they will be collected.



7.2 QUESTION WITH NOTICE - FUTURE LEASING AND MASTER PLAN OF OLYMPIC PARK, THE OLD OLYMPIC PARK SWIMMING POOL AND REIDY PARK CENTRE

Cr Paul Jenner asked the following Question with Notice:

Question:

Can a verbal update be provided on Olympic Park, the old Olympic swimming pool and Reidy Park Centre with regards to all future leasing and master planning of the area?

Answer:

The General Manager Corporate and Regulatory Services stated:

7.3 includes a question in relation the future of the Reidy Park Tennis courts. I intend addressing the leasing issue as part of this question and the Acting General Manager Community and City Growth will address the remainder of that question.

On 15th September 2020 Council resolved:

Resolution 2020/281

2. *That Council commit to a strategic approach to property management issues, guided by a Sport, Recreation and Open Space Plan and associated site/ precinct/ property category master plans including Tourism Assets Master Plan and Blue Lake Sports Park Master Plan.*

Resolution 2020/283

2. *That, in light of the proposed conduct of a Sports, Recreation and Open Space Plan and progression of the Community and Recreation Hub, the Wehl Street Theatre and Reidy Park Centre leases be allowed to continue on a monthly tenancy basis until further notice.*
3. *That Council will reconsider the leasing arrangements and operating models for the Wehl Street Theatre/ Centrestage and Reidy Park Centre in a broader strategic context when a Sports, Recreation and Open Space Plan and Community and Recreation Hub projects have been completed.*

Olympic Park, old Olympic Park Swimming Pool and Reidy Park Centre are all captured by these resolutions and pending actions.

The Mount Gambier and District Netball Association are currently month to month on an expired lease and licence for the Olympic Park courts and clubrooms, and the Mount Gambier and District Tennis Association have a lease/ licence agreement for the Olympic Park Courts and Clubrooms due to expire on 30/04/2023, to coincide with the anticipated completion of the Wulanda Project.

Future leasing of the facilities in the precinct will be guided by Council's strategic direction.

Precinct planning in line with the Mount Gambier Sport and Recreation and Open Space Strategy (SROSS) will now commence in 2023.

Communication is ongoing with the Reidy Park tennis club and the club precinct is currently on a month to month lease. Whilst tennis isn't being played there the club has indicated they wish to continue the lease at this stage (storage). We have reminded the club of their obligations to maintain the site whilst their lease is active.



7.3 QUESTION WITH NOTICE - FUTURE OF TENNIS IN MOUNT GAMBIER

Cr Paul Jenner asked the following Question with Notice:

Question:

Can a verbal update be provided following on the negotiations with the Mount Gambier & Districts Tennis Association with regards to the leases, future growth opportunities, upgrades to the courts and any planning with Tennis SA before their current lease runs out (commenced in 2014)?

Has there been an impact from Centrals and Reidy Tennis clubs now using Olympic Park Tennis courts?

What is the future of Reidy Tennis club rooms and courts going forward, as it has been suggested that the courts are condemned?

Answer:

The lease question has been answered by the General Manager Corporate and Regulatory Services as part of 7.2.

Tennis SA is working with the Association on a Strategic Plan which we haven't received yet, we will work with them to ensure it is aligned with the SROSS.

Future growth opportunities will be explored as part of the Olympic Park Guiding Principles development.

The use of Olympic Park by Centrals and Reidy Park Tennis clubs activates the courts when they wouldn't otherwise be activated.

This increase in training and game fixtures will likely accelerate court surface degradation but is unlikely to have any serious impact on the substructure which has previously been identified for reconstruction. Maintenance and capital renewal of sports surfaces is the club/ association/ tenants responsibility.

The Future will be covered off as part of the development of Hastings Cunningham Reserve Guiding Principles planned to commence in March.

8 QUESTIONS WITHOUT NOTICE

Nil resolved

9 PETITIONS

Nil

10 DEPUTATIONS

Nil



11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

Nil

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 29/11/2022

RESOLUTION 2022/218

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

1. That Council Report No. AR21/71044 titled 'Council Action Items - 29/11/2022' as presented on 13 December 2022 be noted.

CARRIED

15 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 6 DECEMBER 2022

RESOLUTION 2022/219

Moved: Cr Sonya Mezinec
Seconded: Cr Ben Hood

That the Minutes of the Audit and Risk Committee meeting held on 6 December 2022 as attached be noted.

CARRIED



16.2 CORRESPONDENCE RECEIVED – REPORT NO. AR22/72224

RESOLUTION 2022/220

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR22/72224 titled 'Correspondence Received' as presented on 06 December 2022 be noted.

CARRIED

16.3 RISK REPORT - SEPTEMBER 2022 – REPORT NO. AR22/68368

RESOLUTION 2022/221

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Audit and Risk Committee Report No. AR22/68368 titled 'Risk Report - September 2022' as presented on 06 December 2022 be noted.

CARRIED

16.4 WORK HEALTH, SAFETY AND WELLBEING - SEPTEMBER 2022 – REPORT NO. AR22/68371

RESOLUTION 2022/222

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

1. That Audit and Risk Committee Report No. AR22/68371 titled 'Work Health, Safety and Wellbeing - September 2022' as presented on 06 December 2022 be noted.

CARRIED



16.5 REVIEW OF AUDIT AND RISK COMMITTEE TERMS OF REFERENCE – REPORT NO. AR22/65115

Cr Ben Hood left the meeting at 6:33 pm

Cr Ben Hood returned to the meeting at 6:34 pm

RESOLUTION 2022/223

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR22/65115 titled 'Review of Audit and Risk Committee Terms of Reference' as presented on 06 December 2022 be noted.
2. That the Audit Committee:
 - (a) Authorises the General Manager Corporate and Regulatory Services in liaison with the Presiding Member to make any minor amendments to the draft Audit and Risk Committee Terms of Reference that the Committee identifies and to then finalise the document; and
 - (b) Recommend to Council that the draft Audit and Risk Committee Terms of Reference be adopted.

CARRIED

16.6 SELF-ASSESSMENT OF PERFORMANCE AUDIT AND RISK COMMITTEE – REPORT NO. AR22/77367

RESOLUTION 2022/224

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Audit and Risk Committee Report No. AR22/77367 titled 'Self-assessment of Performance Audit and Risk Committee' as presented on 06 December 2022 be noted.
2. That the Audit and risk committee:
 - (a) Authorise the General Manager Corporate and Regulatory Services in liaison with the Presiding Member to make any minor amendments to the attached draft Audit and Risk Committee Self-Assessment Annual Report 2021/2022 that the Committee identifies and to then finalise the document; and
 - (b) Recommend to Council that the Audit and risk committee's Self-Assessment Report for 2021/2022 be adopted.

CARRIED



**16.7 AUDIT AND RISK COMMITTEE WORK PROGRAM & MEETING SCHEDULE 2023 –
REPORT NO. AR22/77371**

RESOLUTION 2022/225

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Audit and Risk Committee Report No. AR22/77371 titled 'Audit and Risk Committee Work Program & Meeting Schedule 2023' as presented on 06 December 2022 be noted.
2. That recommended meeting months (below) supplied by the Audit and Risk Committee be adopted by council, noting that the meeting dates are subject to change, including if an additional meeting is required:
 - (a) February 2023;
 - (b) March 2023;
 - (c) May 2023;
 - (d) July 2023;
 - (e) October 2023; and
 - (f) November 2023.
3. That the draft work program as reviewed by the Audit and Risk Committee for the calendar year 2023 (attached) be adopted, noting the meeting months and schedule are subject to change, including if an additional meeting is required.

CARRIED

16.8 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR22/77370

RESOLUTION 2022/226

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR22/77370 titled 'External Audit Management Report' as presented on 06 December 2022 be noted.

CARRIED



16.9 ASSET ACCOUNTING POLICY REVIEW – REPORT NO. AR22/82159

RESOLUTION 2022/227

Moved: Cr Sonya Mezinec

Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/82159 titled 'Asset Accounting Policy Review' as presented on 06 December 2022 be noted.
2. That the Asset Accounting Policy as attached to Report No. AR22/82159 having been reviewed by the Audit and Risk Committee on 6 December 2022 be adopted.

CARRIED

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 SELECTION OF DEPUTY MAYOR

RESOLUTION 2022/228

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

1. That Council Report No. AR22/82893 titled 'Selection of Deputy Mayor' as presented on 13 December 2022 be noted.
2. That Council accepts the nomination from Cr Ben Hood for the position of Deputy Mayor.
3. That Cr Ben Hood be declared appointed to the position of Deputy Mayor for 2 years.

CARRIED

Cr Ben Hood made a personal statement regarding selection as Deputy Mayor.



19.2 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE

A verbal update was provided by Barbara Cernovskis, General Manger City Infrastructure on the construction progress of the Wulanda recreation and convention centre.

RESOLUTION 2022/229

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council Report No. AR22/77851 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 13 December 2022 be noted.

CARRIED

19.3 LIBRARY CAFE SOCIAL ENTERPRISE

RESOLUTION 2022/230

Moved: Cr Josh Lynagh

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/74901 titled 'Library Cafe Social Enterprise' as presented on 13 December 2022 be noted.
2. That Council note the direction being taken that the Library Café be operated as a Social Enterprise.

CARRIED

19.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PROGRAM - PHASE 3 - VARIATIONS TO APPROVED WORKS SCHEDULE

Item 19.4 considered and minuted later in the meeting (see minutes following item 23.2).

19.5 CREATIVE ARTS FUND 2022/2023 APPLICATIONS

MOTION

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/72720 titled 'Creative Arts Fund 2022/2023 Applications' as presented on 13 December 2022 be noted.
2. That Council notes the total funding request from applicants was \$60,464.78 and shortlisted applicants was \$33,250.00 which is under the budgeted amount of funding available.
3. That \$33,250.00 be endorsed for distribution for the 2022/2023 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
DOG.	Meghan Amoroso	\$ 8,000.00	\$ 8,000.00

Point of Impact	MOD – University of Adelaide	\$ 13,250.00	\$ 13,250.00
Mount Gambier Mural	Uniting Communities	\$12,000.00	\$ 12,000.00*
		\$ 33,250.00	\$ 33,250.00

*Includes \$184.00 Planning SA lodgement fee for Development Application

4. That the remaining funds from 2021/2022 and 2022/2023, be re-allocated to the Beacon Arts Project.
5. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

AMENDMENT

Moved: Cr Max Bruins
 Seconded: Cr Ben Hood

1. That Council Report No. AR22/72720 titled ‘Creative Arts Fund 2022/2023 Applications’ as presented on 13 December 2022 be noted.
2. That Council notes the total funding request from applicants was \$60,464.78 and shortlisted applicants was \$33,250.00 which is under the budgeted amount of funding available.
3. That \$33,250.00 be endorsed for distribution for the 2022/2023 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
DOG.	Meghan Amoroso	\$ 8,000.00	\$ 8,000.00
Point of Impact	MOD – University of Adelaide	\$ 13,250.00	\$ 13,250.00
Mount Gambier Mural	Uniting Communities	\$12,000.00	\$ 12,000.00*
		\$ 33,250.00	\$ 33,250.00

*Includes \$184.00 Planning SA lodgement fee for Development Application

4. That the remaining funds from 2021/2022 and 2022/2023, \$16,250.00 be re-allocated to the Beacon Arts Project and \$5,000.00 be re-allocated to the Sport and Recreation Capital Works Program.
5. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.



6. Following a period of public exhibition, Megan Amoroso is granted permission to offer her works for sale via a silent auction detailed in her grant application with proceeds to be distributed to South East Animal Welfare League.

The Amendment was put and

CARRIED

The Amendment became the Motion

RESOLUTION 2022/231

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR22/72720 titled 'Creative Arts Fund 2022/2023 Applications' as presented on 13 December 2022 be noted.
2. That Council notes the total funding request from applicants was \$60,464.78 and shortlisted applicants was \$33,250.00 which is under the budgeted amount of funding available.
3. That \$33,250.00 be endorsed for distribution for the 2022/2023 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
DOG.	Meghan Amoroso	\$ 8,000.00	\$ 8,000.00
Point of Impact	MOD – University of Adelaide	\$ 13,250.00	\$ 13,250.00
Mount Gambier Mural	Uniting Communities	\$12,000.00	\$ 12,000.00*
		\$ 33,250.00	\$ 33,250.00

*Includes \$184.00 Planning SA lodgement fee for Development Application

4. That the remaining funds from 2021/2022 and 2022/2023, \$16,250.00 be re-allocated to the Beacon Arts Project and \$5,000.00 be re-allocated to the Sport and Recreation Capital Works Program.
5. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.
6. Following a period of public exhibition, Megan Amoroso is granted permission to offer her works for sale via a silent auction detailed in her grant application with proceeds to be distributed to South East Animal Welfare League.

CARRIED



19.6 SPORT AND RECREATION CAPITAL WORKS PROGRAM 2022/2023 - APPLICATIONS

RESOLUTION 2022/232

Moved: Cr Max Bruins
 Seconded: Cr Ben Hood

1. That Council Report No. AR22/68449 titled 'Sport and Recreation Capital Works Program 2022/2023 - Applications' as presented on 13 December 2022 be noted.
2. That \$105,000 be endorsed for distribution for the 2022/2023 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Mount Gambier Golf Club	14	\$15,000.00	\$11,000.00
Apollo Football Club	10	\$8,510.00	\$4,000.00
North Gambier Football Club	13	\$19,369.49	\$8,000.00
Mount Gambier Tennis Club	14	\$11,635.00	\$11,000.00
West Gambier Netball Club Inc	16	\$25,763.75	\$25,000.00
Basketball Mount Gambier	13	\$35,515.40	\$8,000.00
Lower South East Hockey Association	15	\$22,282.00	\$22,000.00
West Gambier Cricket Club	15	\$31,000.00	\$16,000.00
		\$196,777.64	\$105,000.00

3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

CARRIED

19.7 BUDGET REVIEW 1 2022/2023

RESOLUTION 2022/233

Moved: Cr Frank Morello
 Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/77364 titled 'Budget Review 1 2022/2023' as presented on 13 December 2022 be noted.
2. That Council adopts the attached revised budget for the year ending 30 June 2023 as at 30 September 2022 (Budget Review 1).

CARRIED



19.8 FIRST QUARTER REPORT ON ANNUAL BUSINESS PLAN 2022/2023 ANNUAL OBJECTIVES

RESOLUTION 2022/234

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/79062 titled 'First Quarter Report on Annual Business Plan 2022/2023 Annual Objectives' as presented on 13 December 2022 be noted.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Meziniec disclosed a general conflict of interest in Item 19.9:

"I am a Board Member of the Riddoch Arts and Culture Trust to which the matter relates".

In accordance with Section 74 of the Local Government Act 1999 Cr Sonya Meziniec did not participate in the meeting for Item 19.4.

Cr Sonya Meziniec left the meeting at 7:16 pm

19.9 RIDDOCH ARTS AND CULTURAL TRUST (RACT) INCORPORATED - REPLACEMENT BOARD OBSERVER

RESOLUTION 2022/235

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council Report No. AR22/82894 titled 'Riddoch Arts and Cultural Trust (RACT) Incorporated - Replacement Board Observer' as presented on 13 December 2022 be noted.
2. In accordance with the power in clause 22.2 of the Constitution of the Riddoch Arts and Cultural Trust Incorporated the Council, as sole and founding member, resolves (and such resolution shall constitute a Member resolution) that:
 - (a) the appointed Board Observer for the Riddoch Arts and Cultural Trust (in addition to the positions of Gallery Director and Council Representative named in the Constitution) be:
 - General Manager City and Community Growth (or nominated representative)

CARRIED

Cr Sonya Meziniec returned to the meeting at 7:18 pm



19.10 PERIODIC REVIEW OF CONFIDENTIAL ITEMS - DECEMBER 2022

RESOLUTION 2022/236

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR22/34295 titled 'Periodic Review of Confidential Items - December 2022' as presented on 13 December 2022 be noted.
2. That the following Confidential Orders as specified in Attachment 1 to Report AR22/34295, having been reviewed by Council, be amended to alter their duration and release conditions:

Nil

3. That the following Confidential Orders as specified in Attachment 1 to Report AR22/34295, having been reviewed by Council, be released as soon as practicable following the Council meeting on 13 December 2022:

Date	Item	Element to be Released
18/01/2022	ITEM 26.3 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR22/1582	Full Release
14/12/2021	ITEM 26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/79179	Full Release
16/11/2021	ITEM 26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/71835	Full Release
19/10/2021	ITEM 26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/64857	Full Release
20/04/2021	ITEM 27.6 WULANDA RECREATION AND CONVENTION CENTRE BRANDING – REPORT NO. AR21/19990	Full Release
17/11/2020	Item 27.4 MOUNT GAMBIER COMMUNITY AND RECREATION HUB PROJECT BUDGET – REPORT NO. AR20/73063	Resolutions Only

4. That all Confidential Orders as specified in Attachment 1 to Report AR22/34295, excluding those amended or released in resolutions (2) and (3) above, having been reviewed by Council remain in operation on the grounds and release conditions specified.

CARRIED



19.11 POLICY REVIEW - S140 STREET NUMBERING POLICY

RESOLUTION 2022/237

Moved: Cr Ben Hood
Seconded: Cr Paul Jenner

1. That Council Report No. AR22/66685 titled 'Policy Review - S140 Street Numbering Policy' as presented on 13 December 2022 be noted.
2. That Council hereby adopt the revised Council Policy S140 - Street Numbering, as attached to this report.

CARRIED

19.12 POLICY REVIEW - REVOCATION OF E240 - EXPIATION NOTICES - CANCELLATION OR WAIVER

RESOLUTION 2022/238

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Council Report No. AR22/71046 titled 'Policy Review - Revocation of E240 - Expiation Notices - Cancellation or Waiver' as presented on 13 December 2022 be noted.
2. That Council Policy E240 - Expiation Notices - Cancellation or Waiver as attached to Report No. AR21/18417 be revoked.

CARRIED

20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - BLUE LAKE GOLF CLUB CARPARK EXTENSION

RESOLUTION 2022/239

Moved: Cr Max Bruins
Seconded: Cr Ben Hood

1. That Council Report No. AR22/83537 titled 'Notice of Motion - Blue Lake Golf Club Carpark Extension' as presented on 13 December 2022 be noted.
2. That council undertake the following actions regarding the area of land marked "A" on the attached concept plan:
 - a) Crown Land consultation (as landowner) noting the State Heritage nature of the precinct, to determine if the landowner would be willing to increase the area of land leased to the Blue Lake Golf Club and if there would be any conditions Crown Lands/State Heritage require in order to do so.
 - b) Investigate and confirm the Native Vegetation status of the land and possible Crown (Native Vegetation) consents.



- c) Investigate and confirm the Native Title status, and any existence of Native Title of the land accordance with Section 22(5)(a) of the Crown Land Management Act 2009.
 - d) Liaise with Susan Close, Minister for Climate, Environment and Water to discuss whether ministerial approval of the additional proposed lease area due to proposed development (within the meaning of the Planning, Development and Infrastructure Act 2016) in accordance with Section 22(5)(b) of the Crown Land Management Act 2009 would likely be forthcoming if there were no issues raised from items (a) to (c) above.
 3. That a report be brought back to council no later than June 2023 detailing the results of the investigation into the above.
 4. That the concept plan for the Blue Lake Golf Club carpark extension be included as a public submission and be considered as part of the Crater Lakes Precinct Activation Plan when work begins said plan.
- CARRIED**

20.2 NOTICE OF MOTION - VOLUNTEER GROUPS

Cr Kate Amoroso left the meeting at 7:36 pm

RESOLUTION 2022/240

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

1. That Council Report No. AR22/83961 titled 'Notice of Motion - Volunteer Groups' as presented on 13 December 2022 be noted.
2. That Council calls for a report that considers the establishment of volunteer group(s) with specific focus on gardens and beautification of the city, similar to the many successful "Friends of Botanic Gardens" groups throughout the country, and that:
 - (a) Consideration should be given to how such a group might contribute to key sites such as the Crater Lakes, and that;
 - (b) The report consider how other regional councils facilitate such groups and issues such as volunteer support and supervision, incorporation or other governance structures for such a group, and any resourcing requirements to enable such a program and;
 - (c) That on completion of the report, a workshop be scheduled with councillors to consider the recommendations.

CARRIED

21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



23 NEW CONFIDENTIAL ITEMS

23.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #23 & #24 - AS AT 06/12/2022 – REPORT NO. AR22/83941

RESOLUTION 2022/241

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Mrs S Philpott, Ms B Cernovskis, Mr D Barber, Mrs G Davison, Mr M McCarthy, Mrs J Scoggins, Mr J McDonald, Ms M Brookes, Mrs S Dohnt and Ms T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR22/83941 Project Control Group (PCG) Progress Report #23 & #24 - As at 06/12/2022.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (h) of the Act, the information to be received, discussed or considered in relation to the 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; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

CARRIED



Cr Kate Amoroso returned to the meeting at 7:38 pm

Cr Max Bruins left the meeting at 7:40 pm

Cr Max Bruins returned to the meeting at 7:41 pm

RESOLUTION 2022/242

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR22/83941 Project Control Group (PCG) Progress Report #23 & #24 - As at 06/12/2022 and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) and (h) be kept confidential and not available for public inspection until 12 months after completion of the project.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

23.2 AF22/295 TENDER - PROCUREMENT - TENDER FOR VALLEY LAKES AMENITIES UPGRADE – REPORT NO. AR22/83421

RESOLUTION 2022/243

Moved: Cr Frank Morello

Seconded: Cr Josh Lynagh

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Mrs S Philpott, Ms B Cernovskis, Mr D Barber, Mrs G Davison, Mr M McCarthy, Mrs J Scoggins, Mr J McDonald, Ms M Brookes, Mrs S Dohnt and Ms T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR22/83421 AF22/295 Tender - Procurement - Tender For Valley Lakes Amenities Upgrade.

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 the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works



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 tenders for the: supply of goods, or the provision of services, or the carrying out of works..

CARRIED

The Mayor 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 Item 23.2 – AF22/295 Tender – Procurement – Tender for Valley Lakes Amenities Upgrade

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

Meeting Procedures were suspended at 7:53 PM

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

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

The Period of Suspension came to an end and Meeting Procedures resumed at 8:38 PM

FORMAL MOTION -

RESOLUTION 2022/244

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

That the question be adjourned until after Item 19.4 had been dealt with.

CARRIED



19.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PROGRAM - PHASE 3 - VARIATIONS TO APPROVED WORKS SCHEDULE

RESOLUTION 2022/245

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/83944 titled 'Local Roads and Community Infrastructure (LRCI) Program - Phase 3 - Variations to Approved Works Schedule' as presented on 13 December 2022 be noted.
2. That Council approve removal of the Frew Park public amenities project from the current approved work schedule.
3. That Council endorse the below updated work schedule for phase 3 of the Local Roads and Community Infrastructure Program:

Description	Problem being addressed	Commence	Complete	Total project cost	LRCI Program Funding Required
<p>New Valley Lakes Public Amenities</p> <p>Design and construction of new public amenities facility that will be located adjacent to the community playground and bbq area.</p> <p>The scope of this project also includes demolition of two existing old non-compliant toilet blocks.</p>	<p>This will improve safety for children as they currently must cross internal access roads and public car parking areas to access amenities.</p> <p>The new toilets will be designed to increase accessibility for people with disabilities or impairment.</p>	Aug 22	Jun 23	\$750,000	\$750,000
<p>Shade Sail Structure for 50 metre Outdoor Pool</p> <p>This project is for the design, manufacture and installation of a shade sail structure for the outdoor 50 metre pool at Wulanda.</p> <p>The scope of this project also includes electrical access point.</p>	<p>The previous shade structure in the outdoor aquatic area were removed from site and have been assessed as unsuitable to be refurbished to an accredited standard.</p>	Jul 22	Dec 22	\$133,990	\$133,990
<p>Margaret Street Service Road</p>	<p>These works will improve drainage, service road access and carparking for the</p>	Jan 23	Apr 23	\$55,000	\$55,000



Drainage, access road and carparking improvements.	Scout Building and Meals on Wheels.				
Margaret Street Service Road Minor landscaping.	This is a minor landscaping package to improve the Wulanda service road amenity for the abutting community groups and local residents.	Dec 22	Mar 23	\$20,000	\$20,000
O'Halloran Terrace Sinkhole Rejuvenation work.	Rejuvenation of the O'Halloran Terrace Sinkhole complements the remediation work to be undertaken as part of the O'Halloran Terrace PLEC program.	Jan 23	Mar 23	\$15,000	\$15,000
				TOTAL	\$973,990

CARRIED

Item 23.2 resumed

RESOLUTION 2022/246

Moved: Cr Max Bruins
 Seconded: Cr Ben Hood

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR22/83421 AF22/295 Tender - Procurement - Tender For Valley Lakes Amenities Upgrade and its attachments, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 12 months after the completion of the tender works, with the name of the successful tenderer and the tender contract value to be disclosed following execution of a contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



23.3 SECTION 270 - INTERNAL REVIEW – REPORT NO. AR22/77592

RESOLUTION 2022/247

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Mrs S Philpott, Ms B Cernovskis, Mr D Barber, Mrs G Davison, Mr M McCarthy, Mrs J Scoggins, Mr J McDonald, Ms M Brookes, Mrs S Dohnt and Ms T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.3 AR22/77592 Section 270 - Internal Review.

The Council is satisfied that, pursuant to section 90(3) (g) and (h) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter for consideration includes associated legal advice obtained in relation to the nuisance matters being associated with the subject matter of the report, and attachments to the Internal Review report contain 3rd party information for which Council has no express or implied licence to publish and so disclosure could reasonably be expected to breach a law or duty of confidence in relation to that content.

CARRIED

RESOLUTION 2022/248

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.3 AR22/77592 Section 270 - Internal Review and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (g) and (h) be kept confidential and not available for public inspection until the matter has been considered by Council, with covering Report No. AR22/77592 and Resolutions/Minutes to be released immediately following consideration by Council, the legal advice (Attachment 2) be retained in confidence until further Order of Council to release pending further review of associated matters by Council, and the Internal Review Report (Attachment 1) be retained in confidence with the Chief Executive Officer expressly authorised to release the Internal Review Report in a redacted form with only such



information that is considered to not fall within the scope of the grounds in s90(3)(g) of the Local Government Act 1999.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

24 MEETING CLOSE

The Meeting closed at 8:50 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 January 2023.

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PRESIDING MEMBER

