

**MINUTES OF CITY OF MOUNT GAMBIER ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 14 DECEMBER 2021 AT 6.00 PM**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner, Cr Frank Morello

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Manager Governance and Property	- Mr M McCarthy
	Manager Finance	- Ms J Scoggins
	Media and Communications Coordinator	- Ms S McLean
	Councillor Support Officer	- Mrs M Telford
	Executive Administrator City Growth	- Miss 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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

RESOLUTION 2021/387

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

That the apology from Cr Perryman be received.

CARRIED

3 LEAVE OF ABSENCE

RESOLUTION 2021/388

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

That leave of absence from Cr Ben Hood be received and accepted.

CARRIED



4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/389

Moved: Cr Sonya Mezinac

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 16 November 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - DECEMBER 2021

- Personal Learning Plan – Round Table Panel – Mount Gambier High School
- Celebration Mass – 100 Year Anniversary St Vincent de Paul
- Radio Interview with 5GTR-FM
- Elected Members Workshop – Sport and Recreation Open Spaces
- Visit to Boandik Lodge
- Meeting with CEO – RDALC Roadshow Agency Representatives
- With CEO – RDALC Roadshow
- Introductory Meeting (virtual) with CEO and David Coltman (TAFE SA)
- With GM City Growth, meeting with Member for Mount Gambier and Seb Packer
- Citizenship Ceremony
- Limestone Coast Family Violence Action Group ‘Say “NO” to Violence Breakfast
- Senior School Awards Ceremony – Tension Woods College
- Virtual LCLGA Mayor’s Meeting
- Presentation of Sashes – Mount Gambier Gift Carnival
- Reading a Lesson at the Festival of Carols Service – Christ Church
- LCLHN Governing Board – Annual Public Meeting
- Confidential Elected Member Briefing – re Mental Health Services
- Elected Members Workshop – Communication
- Independent Learning Centre Graduation Ceremony
- Australia Day Nominations Meeting
- Virtual LGA COVID-19 Sector Briefing with SA Health and SAPOL
- Chamber of Commerce Christmas Mix and Mingle
- Limestone Coast Inclusion Reference Group – International Day of People with Disabilities
- Virtual LCLGA Mayor’s Meeting
- Confidential Elected Member Workshop – Regional Suicide Prevention Plan
- Middle School Awards Ceremony – Tension Woods College
- Men’s Shed – Christmas Appeal Promotion
- Library Volunteers Christmas Lunch
- Confidential Elected Members Workshop – SA Ambulance



- LCLGA Board Meeting and Christmas Lunch – District Council of Robe
- Riddoch Arts and Cultural Centre – 10th Birthday Celebration
- 2 x Citizenship Ceremonies
- Confidential Elected Members Briefing with Minister for Health and Wellbeing Hon Stephen Wade MLC – Drug and Alcohol Services

RESOLUTION 2021/390

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the Mayoral report made on 14 December 2021 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Max Bruins	Santa's Boulevard - Mayor's Christmas Appeal Collection, Breakfast with the Governor
Cr Paul Jenner	Public Lighting Working Group Meeting, Citizenship Ceremony, Limestone Coast Family Action Group "Say No To Violence' Breakfast - Sunset Kitchen, Limestone Coast Local Health Network Governing Board Public Meeting, Disabilities Expo - City Hall, Christmas Pageant - Santa's Boulevard, Group Training Employment Board Meeting, Blue Lake Carols - Virtual, Riddoch Arts and Culture Centre 10th Anniversary
Cr Sonya Meziniec	Santa's Boulevard Run Through, Limestone Coast Family Violence Action Group 'Say No To Violence' Breakfast, Limestone Coast Local Health Network Government Board Annual General Meeting, Chamber of Commerce Mix and Mingle.
Cr Frank Morello	Riddoch Arts and Culture Centre 10th Birthday Celebration, Santa's Boulevard, Breakfast with the Governor.

RESOLUTION 2021/391

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

That the reports made by Councillors on 14 December 2021 be received.

CARRIED



7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - USE OF WULANDA RECREATION AND CONVENTION CENTRE

REPORT RECOMMENDATION

That the response to the question regarding use and entry to Wulanda Recreation and Convention Centre raised by Councillor Paul Jenner be received and noted.

Response

Contract negotiations with the operator are underway. Once the contract is in place, specific negotiations with sports will proceed. Details of entry prices, numbers of attendees will be determined over coming months.

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

11.1 NOTICE OF AMENDMENT - SPORT AND RECREATION CAPITAL WORKS PROGRAM 2021/2022

MOTION

1. That Council Report No. AR21/76497 titled 'Notice of Amendment - Sport and Recreation Capital Works Program 2021/2022' as presented on 14 December 2021 be noted.
2. That part 2 of resolution 2021/365 titled Sport and Recreation Capital Works Program 2021/2022 - Applications that was passed on 16 November of meeting be amended from:
 2. That \$100,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 0
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00
Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00
Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00

North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 100,000.00

To:

- That \$113,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 13,000.00
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00
Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00
Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00
North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 113,000.00

That the additional \$13,000 be reconciled in budget review two

Item lapsed.

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOP FROM 15/11/2021 TO 14/12/2021

RESOLUTION 2021/392

Moved: Cr Sonya Mezinac

Seconded: Cr Max Bruins

- That Council Report No. AR21/1616 titled 'Elected Member Workshop from 15/11/2021 to 14/12/2021' as presented on 14 December 2021 be noted.

CARRIED



13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 16/11/2021

RESOLUTION 2021/393

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/1599 titled 'Council Action Items - 16/11/2021' as presented on 14 December 2021 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 COUNCIL ASSESSMENT PANEL MINUTES

Nil

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

Nil

19 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



22 COUNCIL REPORTS

Pursuant to Section 75A of the Local Government Act 1999, Cr Sonya Mezinec disclosed a perceived conflict of interest in Item 22.1:

"I am a member (Council Representative) of the Riddoch Arts and Cultural Trust."

Cr Sonya Mezinec informed the meeting of the manner in which they intend to deal with the perceived conflict of interest in Item 22.1 as follows:

"I will stay in the Chamber and vote"

In accordance with Section 75A of the Local Government Act 1999 Cr Sonya Mezinec for Item 22.1.

22.1 REGISTRATION OF RIDDOCH ARTS AND CULTURAL TRUST

RESOLUTION 2021/394

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR21/75885 titled 'Registration of Riddoch Arts and Cultural Trust' as presented on 14 December 2021 be noted.
2. That, in accordance with The Riddoch Arts and Cultural Trust Constitution, Council appoints the following persons for their areas of professional knowledge and expertise as Council Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:
 - *Tim Coote*
 - *Georgina Davison*
 - *Michael McCarthy*The Riddoch Arts and Cultural Trust Board be notified of the Board Observer appointments at their next available Board meeting.
3. That Council continue to support the establishment of The Riddoch Arts and Cultural Trust and that further reports be presented to update Council on progress of the establishment of the Trust and Board in accordance with previous resolutions.

CARRIED

Cr Mezinec voted in favour of the item.

Pursuant to Section 74 of the Local Government Act 1999, Cr Max Bruins disclosed a material conflict of interest in Item 22.2:

"I am a current board member of the Queen Elizabeth Park Trust".

In accordance with Section 74 of the Local Government Act 1999 Cr Max Bruins did not participate in the meeting for Item 22.2.

Cr Bruins left the meeting at 6.22 p.m.



Pursuant to Section 74 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 22.2:

"I have a relative who is a Board Member"

In accordance with Section 74 of the Local Government Act 1999 Mayor Martin did not participate in the meeting for Item 22.2.

Mayor Martin left the meeting at 6.23 p.m.

Cr Christian Greco as Deputy Mayor took the Chair for Item 22.2.

22.2 QUEEN ELIZABETH PARK TRUST (QEPT) CONSTITUTION

RESOLUTION 2021/395

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/75886 titled 'Queen Elizabeth Park Trust (QEPT) Constitution' as presented on 14 December 2021 be noted.
2. That Council endorse proposed changes to the Queen Elizabeth Park Trust Incorporated Constitution, to:

amend 10(a) to read:

"Ordinary meetings of the Trust shall be held at times and places appointed by the Chairperson. But there must be at least one ordinary meeting in each year."

insert new 10(h):

"A meeting of the Trust may be held with one or more of the Trustees taking part by telephone, video link or other similar technologies. Such attendees are regarded as being present at the meeting only whilst all attendees are able to hear the proceedings of the entire meeting and to be heard by all others attending the meeting."

CARRIED

Cr Bruins resumed the meeting at 6.23 p.m.

Mayor Martin resumed the meeting at 6.23 p.m. and resumed the Chair.

22.3 REVIEW OF COUNCIL DELEGATION UPDATES - DECEMBER 2021

RESOLUTION 2021/396

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/63064 titled 'Review of Council Delegation Updates - December 2021' as presented on 14 December 2021 be noted..
2. That Council grants the delegation of powers and functions of the Council as provided for in the tables referenced in Council Report No. AR21/63064 (Attachment 1) to the identified delegate(s) pursuant to section 44 of the Local Government Act 1999, excepting that the functions and powers of the Council:



- (a) as an administering agency under the Environment Protection Act 1993 are delegated pursuant to section 18C of the Environment Protection Act,
- (b) set out in Division 8, Part 4 of the Fire and Emergency Services Act 2005 are delegated pursuant to section 93 of the Fire and Emergency Services Act.

3. The delegations granted pursuant to:

- (a) the Local Government Act to the Council's Chief Executive Officer (CEO), in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act,
- (b) the Fire and Emergency Services Act,

may be further sub-delegated by the Chief Executive Officer or delegate, noting delegations under the Fire and Emergency Services Act are only permitted to a Fire Prevention Officer.

Note: no sub-delegation is permitted under the Environment Protection Act.

4. Planning, Development and Infrastructure Act Delegations

- (a) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment 2 annexed to the Report No. AR21/63064 titled Instrument A) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- (b) In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the Instrument of Delegation (Attachment 2 annexed to Report No. AR21/63064 and titled Instrument B) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- (c) Such powers and functions delegated in resolution 4 (a) and (b) may be further sub-delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 and Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the relevant Instrument of Delegation;

5. Road Traffic Act Sub-Delegations and Authorisations

Pursuant to the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961 (Act), Council:

- (a) authorises the employees of the Council named in the tables attached to Council Report No. AR21/63064 (Attachment 3) to exercise the powers under sections 17 and 20 of the Road Traffic Act as conferred on or delegated to the Council by the Minister for Transport and Infrastructure, subject to:
 - (i) the conditions set out in the Instrument of General Approval and Delegation.
 - (ii) the making of a written instrument of authorisation approved by the Chief Executive Officer on behalf of Council.



- (b) is of the opinion that the following person(s) as referenced in the table attached to Council Report No. AR21/63064 (Attachment 3) is (or are) experienced traffic engineering practitioners and are hereby authorised for the purpose of preparing and endorsing a Traffic Impact Statement in accordance with Clause A.7 of the Instrument of General Approval and Delegation.
- Abdullah Mahmud
- (c) is of the opinion that the following person(s) as referenced in the table attached to Council Report No. AR21/63064 (Attachment 3) has (or have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans for the purpose of Clause A.7 of the Instrument of General Approval and Delegation:
- Abdullah Mahmud.
- (d) sub-delegates to any person occupying or acting in the position Chief Executive Officer the power under section 33(1) of the Road Traffic Act to declare an event to be an event to which section 33 of the Road Traffic Act applies and make orders directing:
- (i) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the delegate, should be closed for the purpose of the event) be closed to traffic for a specified period; and
- (ii) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the following provisions of the Australian Road Rules:
- rule 221: using hazard warning lights;
 - rule 230: crossing a road – general;
 - rule 231 crossing a road at pedestrian lights;
 - rule 232: crossing a road at traffic lights;
 - rule 234: crossing a road on or near a crossing for pedestrians;
 - rule 237: getting on or into a moving vehicle (provided that the speed of the vehicle does not exceed 5 km/h);
 - rule 238: pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
 - rule 250: riding on a footpath or shared path;
 - rule 264: wearing of seat belts by drivers (provided that the speed of the vehicle does not exceed 25 km/h);
 - rule 265: wearing of seat belts by passengers 16 years old or older (provided that the speed of the vehicle does not exceed 25 km/h);
 - rule 266: wearing of seat belt by passengers under 16 years old (provided that the speed of the vehicle does not exceed 25 km/h);
 - rule 268: how persons must travel in or on a motor vehicle; (provided that the speed of the vehicle does not exceed 25 km/h)
 - rule 269: opening doors and getting out of a vehicle etc (provided that the speed of the vehicle does not exceed 5 km/h); and
 - rule 298: driving with a person in a trailer (provided that the speed of the vehicle does not exceed 25 km/h).
- (i) The sub-delegation granted in this instrument is subject to the conditions set out in Clause G of the General Approval, including:

- *all conditions imposed on Council under Clause G in relation to the closure of a road or the grant of an exemption for an event; and,*
- *not directing the closure of a road or granting an exemption for an event on a road that runs into, intersects, or is otherwise likely to affect traffic on a road that is under the care, control and management of another Council or the Commissioner for Highways; and,*
- *no other person may be authorised to exercise the powers conferred on Council pursuant to Clause G; and,*
- *the power delegated to Council pursuant to Clause G may not be further delegated to a person or position other than the Chief Executive Officer.*

6. General

The delegations granted in resolutions (2) to (5) above are subject to the following conditions and limitations:

- (a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
 - (b) the delegate must exercise a delegated function or power in accordance with and due regard to:
 - (i) applicable legislative and other legal requirements; and
 - (ii) relevant policies and guidelines adopted by the Council;
 - (c) in regard to the following delegations under the Local Government Act:
 - (i) section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;
 - (ii) section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council and the sub-delegation financial limitations set by the Chief Executive Officer;
 - (iii) section 143(1): the power to write off debts is limited to debts not exceeding \$5,000;
 - (iv) section 188(3): the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c).
 - (d) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
 - (e) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
 - (f) These delegations will come into operation on Wednesday 15 December 2021 and remain in force until varied or revoked by resolution of the Council.
 - (g) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 15 December 2021.
7. The Chief Executive Officer and Administration be authorised to update Council endorsed policies to reflect amended position titles and department names consistent with the Council organisational re-structure.

CARRIED



22.4 LOCAL GOVERNMENT REFORM - (INFORMAL GATHERING) INFORMATION AND BRIEFING SESSIONS / ELECTRONIC ATTENDANCE AT MEETINGS.

RESOLUTION 2021/397

Moved: Cr Kate Amoroso

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/63493 titled 'Local Government Reform - (Informal Gathering) Information and Briefing Sessions / Electronic Attendance at Meetings.' as presented on 14 December 2021 be noted.
2. That Council Policy C410 be adopted as contained in Attachment 2 to Report No. AR21/63493.

CARRIED

22.5 ADOPTION OF 2022-2032 LONG TERM FINANCIAL PLAN

RESOLUTION 2021/398

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Council Report No. AR21/74087 titled 'Adoption of 2022-2032 Long Term Financial Plan' as presented on 14 December 2021 be noted.
2. That Council notes the public submission on the draft Long Term Financial Plan as provided in Attachment 2.
3. That Council adopt the Long Term Financial Plan 2022-2032 as included in Attachment 1.
4. That Council authorises the Chief Executive Officer to make any necessary changes to the Long Term Financial Plan 2022-2032 document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

CARRIED

22.6 MOUNT GAMBIER RAILWAY STATION - TENANCY

RESOLUTION 2021/399

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR21/74906 titled 'Mount Gambier Railway Station - Tenancy' as presented on 14 December 2021 be noted.
2. That Council resolves to initiate a market sounding process for the tenancy and ongoing activation of the Mount Gambier Railway Station in the first quarter of 2022.

CARRIED



22.7 PARTNERSHIP PRIORITIES AND ADVOCACY

RESOLUTION 2021/400

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinec

1. That Council Report No. AR21/78852 titled 'Partnership Priorities and Advocacy' as presented on 14 December 2021 be noted.
2. That Council endorse the City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document as at 14 December 2021, with minor amendments as required.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Paul Jenner disclosed a material conflict of interest in Item 22.8:

"The item relates to printing expenses for myself".

In accordance with Section 74 of the Local Government Act 1999 Cr Paul Jenner did not participate in the meeting for Item 22.8.

Cr Jenner Left the meeting 6.58 p.m.

22.8 REIMBURSEMENT OF PRINTING EXPENSES - VIRTUAL ATTENDANCE AT 20 JULY 2021 COUNCIL MEETING - CR PAUL JENNER

MOTION

Moved: Cr Kate Amoroso
Seconded: Cr Christian Greco

1. That Council Report No. AR21/78958 titled 'Reimbursement of Printing Expenses - Virtual Attendance at 20 July 2021 Council Meeting - Cr Paul Jenner' as presented on 14 December 2021 be noted.
2. Having considered the relevant legislative and regulatory provisions relating to reimbursement of Member expenses Council does consider the printing expense of \$12.70 incurred by Cr Jenner in association with his virtual attendance at the 20 July 2021 Council meeting as an expense falling within the ambit of Regulation 6(a).

Accordingly, Council does approve the reimbursement to Cr Paul Jenner of \$12.70.

LOST

Cr Jenner resumed the meeting at 7.03 p.m.



22.9 INSTALLATION OF A NO PARKING AREA - HEDLEY STREET (WESTERN SIDE)

RESOLUTION 2021/401

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/76192 titled 'Installation of a No Parking Area - Hedley Street (Western Side)' as presented on 14 December 2021 be noted.
2. That the Traffic Impact Statement to this report be endorsed by Council
3. That the City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
Prohibited Area - No Parking 1.2.073
Hedley Street (Western Side) - From 10 metres south of the intersection with Jardine Street to 75 metres south of the said intersection
To apply at all times

CARRIED

23 MOTIONS WITH NOTICE

23.1 NOTICE OF MOTION - QUESTION STYLE EVENT FOR STATE ELECTION CANDIDATES

MOTION

1. That Council Report No. AR21/76495 titled 'Notice of Motion - Question style event for state election candidates' as presented on 14 December 2021 be noted.
2. That Council explores options for a Question style event for the State Election candidates early in 2022.

Item lapsed.

23.2 NOTICE OF MOTION - WORKSHOP - OPENING OF WULANDA RECREATION AND CONVENTION CENTRE

RESOLUTION 2021/402

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Council Report No. AR21/79817 titled 'Notice of Motion - Workshop - Opening of Wulanda Recreation and Convention Centre' as presented on 14 December 2021 be noted.
2. That a workshop (or workshops if required) be conducted in January or February for Councillors to discuss and contribute ideas towards the opening of the Wulanda Recreation and Convention Centre.

CARRIED



24 MOTIONS WITHOUT NOTICE

Nil

25 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

26 NEW CONFIDENTIAL ITEMS

26.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/72835

RESOLUTION 2021/403

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

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 OAM L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, J Scoggins, S McLean, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR21/72835 Sale of Land for Non-Payment of Rates.

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

- 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 principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED

Cr Kate Amoroso left the meeting at 7.08 p.m.

RESOLUTION 2021/404

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 26.1 AR21/72835 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
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



Cr Kate Amoroso returned to the meeting at 7.10 p.m.

26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/79179

RESOLUTION 2021/405

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

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 OAM L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, J Scoggins, S McLean, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR21/79179 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) 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

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 the negotiation and execution of a contract between Council and a contractor associated with the operation and management of the Wulanda Recreation and Convention Centre which is subject to an existing confidentiality order. 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 on behalf of the community.

CARRIED

RESOLUTION 2021/406

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

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 26.2 AR21/79179 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until a further order of Council to release.
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

**26.3 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #13 - AS AT 07/12/2021
– REPORT NO. AR21/79587**

RESOLUTION 2021/407

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

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 OAM L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, J Scoggins, S McLean, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR21/79587 Project Control Group (PCG) Progress Report #13 - As at 07/12/2021.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) 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

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 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

RESOLUTION 2021/408

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 26.3 AR21/79587 Project Control Group (PCG) Progress Report #13 - As at 07/12/2021 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) 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

26.4 MICROMOBILITY DEVICE PROPOSAL – REPORT NO. AR21/73765

RESOLUTION 2021/409

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

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 OAM L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, J Scoggins, S McLean, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.4 AR21/73765 Micromobility Device Proposal.



The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) 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

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 attachment and information regarding mobility devices contain commercial information of a confidential nature provided to Council in confidence, and the consideration of which if conducted in open could prejudice the position of Council or the party that provided the information or confer a commercial advantage on a third party.

CARRIED

RESOLUTION 2021/410

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 26.4 AR21/73765 Micromobility Device Proposal and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until an agreement has been entered into in relation to the matter and Council has been released from its duty of confidence.
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



27 MEETING CLOSE

The Meeting closed at 7.39 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 December 2021.

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PRESIDING MEMBER

