

**MINUTES OF CITY OF MOUNT GAMBIER ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 15 AUGUST 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Mark Lovett,
Cr Max Bruins, Cr Paul Jenner, Cr Sonya Meziniec, Cr Jason Virgo

OFFICERS IN ATTENDANCE:

Chief Executive Officer	- Mrs S Philpott
General Manager City Infrastructure	- Ms B Cernovskis
General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
Manager Governance and Property	- Mr M McCarthy
Manager Financial Services	- Mrs J Scoggins
Manager Development Services	- Mrs T Tzioutziouklaris
Project Manager	- Ms T McPherson
Media and Communications Coordinator	- Ms S McLean
Communications Officer	- Ms M Brookes
Councillor Support Officer	- Mrs M Telford

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.

2 APOLOGIES

RESOLUTION 2023/163

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

That the apology from Cr Kate Amoroso be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/164

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

That the minutes of the Ordinary Council meeting held on 18 July 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

5.1 MAYORAL REPORT - AUGUST 2023

- Attendance at SAROC Committee Meeting
- Audit and Risk Committee Meeting
- Recognition of World Scout Day
- Elected Member Briefing – Crater Lakes Activation Plan
- Elected Member Briefing – Crater Lakes Trails Draft Plan Update
- Elected Member Briefing – Valley Lakes Fishing Stock Proposal
- Confidential Elected Member Briefing – Unsolicited Proposal
- Limestone Coast Jobs and Skills Showcase
- Introductory Meeting – Founder and CEO WomenCanAustralia
- Vietnam Vets Vigil – Carinya Gardens
- Assistance at Blood Bank
- Meeting with representatives from Royal Australian College of GPs
- Preliminary Final – OneFortyOne Pioneers
- Radio Interview 5GTR-FM
- Meeting with Hon Ben Hood MLC
- Meeting with Erika Vickery OAM
- Meeting with Acting EO of LCLGA
- Attendance at Connecting Expo at Wulanda
- Mandatory Elected Member Training
- LCLGA Mayors Meeting – Virtual
- Meeting with Mayor of DC Grant
- LCLGA Board Meeting – Naracoorte Lucindale Council

RESOLUTION 2023/165

Moved: Mayor Lynette Martin

Seconded: Cr Mark Lovett

That the Mayoral report made on 15 August 2023 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Max Bruins

Meeting with Ben Hood MLC and Hon David Spears MP regarding Public Transport, Meeting with Ben Hood MLC, Hon David Speirs MP and young business leaders, Meeting Hon Peter Malinauskas MP - Premier of South Australia to tour Wulanda Recreation and Convention Centre, ac.care Support Homeless Luncheon, Windfarm Consultation Meetings.



- Cr Paul Jenner ac.care Support Homeless Luncheon, Meeting with Department of Infrastructure and Transport regarding roundabouts at Jubilee Highway West, 2023 Mount Gambier Classic and Vintage Motorcycle Show, Immersive Storytelling at the Mount Gambier Library, Local and Family History Help, Public Drop-in Session Southern Ocean Offshore Wind Zone Consultation, Pioneers Basketball Women's Preliminary Final, Pioneers Basketball Men's Preliminary Final, Friends of the Library Annual Book Sale, Mount Gambier Re-Use Market, Opening of Total Tools, National Science Week at the Mount Gambier Library with Dr Harry James Gaffney.
- Cr Josh Lynagh Public Drop-in Session - Southern Ocean Offshore Wind Zone Consultation, Mount Gambier Eisteddfod - Vocal and Music
- Cr Sonya Meziniec Cocktail Party Opening of Ladies Bronze Plate Tournament hosted by Blue Lake Golf Club, Limestone Coast Local Health Network Annual HAC Conference Working Party, ac.care Homelessness Luncheon, Mount Gambier Community RSL 106th Anniversary Annual Luncheon, Riddoch Arts and Cultural Trust Meeting, Mount Gambier and Districts Health Advisory Council Meeting, Pride in your State March co-ordinated by Ruby's Uniting Communities, Christmas Parade Advisory Group Meeting.
- Cr Frank Morello Pioneers Basketball Preliminary Final, ac.care Homelessness Luncheon.

RESOLUTION 2023/166

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

That the reports made by Councillors on 15 August 2023 be received.

CARRIED



7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

8.1 QUESTION WITHOUT NOTICE - WULANDA RECREATION AND CONVENTION CENTRE CONTRACTUAL AGREEMENT

Question:

The following question was received from Councillor Paul Jenner.

Can the Chief Executive Officer provide an explanation on the Wulanda Recreation and Convention Centre contractual and operational relationship with Belgravia Leisure.

Response:

The City of Mount Gambier has a three year contract with Belgravia for the management and operation of Wulanda. It is not a lease or licence and is a contract for management of the facility for and on behalf of Council.

The contract includes a range of services, including staffing and resource, WHS, customer service and programs, maintaining the facility in an orderly fashion, optimising and promoting the facility. For clarity, staffing matters and matters of WHS are the responsibility of Belgravia under the contract. Belgravia must meet or exceed a number of KPIs which are reported to Council, either daily (for immediate or urgent issues), monthly, quarterly and annually. Operational meetings are held monthly and additional meetings as required.

RESOLUTION 2023/167

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

That the response to the question regarding Wulanda Recreation and Convention Centre Contractual Agreement raised by Councillor Paul Jenner be received and noted

CARRIED

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil



12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 15/07/2023 TO 10/08/2023

RESOLUTION 2023/168

Moved: Cr Josh Lynagh
Seconded: Cr Sonya Mezinac

1. That Council Report No. AR23/50533 titled 'Elected Member Information/Briefing Sessions from 15/07/2023 to 10/08/2023' as presented on 15 August 2023 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 18/07/2023

RESOLUTION 2023/169

Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

1. That Council Report No. AR23/44829 titled 'Council Action Items - 18/07/2023' as presented on 15 August 2023 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 31 JULY 2023

RESOLUTION 2023/170

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

That the Minutes of the Audit and Risk Committee meeting held on 31 July 2023 as attached be noted.

CARRIED



16.2 WORK HEALTH SAFETY AND WELLBEING MANAGEMENT – REPORT NO. AR23/43765

RESOLUTION 2023/171

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinec

1. That Audit and Risk Committee Report No. AR23/43765 titled 'Work Health Safety and Wellbeing Management' as presented on 31 July 2023 be noted.

CARRIED

16.3 RISK MANAGEMENT REPORT JUNE 2023 – REPORT NO. AR23/43768

RESOLUTION 2023/172

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR23/43768 titled 'Risk Management Report June 2023' as presented on 31 July 2023 be noted.

CARRIED

16.4 REVIEW OF COUNCIL POLICIES - UPDATE – REPORT NO. AR23/44652

RESOLUTION 2023/173

Moved: Cr Paul Jenner
Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR23/44652 titled 'Review of Council Policies - Update' as presented on 31 July 2023 be noted.

CARRIED

16.5 RISK MANAGEMENT REPORT JUNE 2023 - RISK MATRIX

RESOLUTION 2023/174

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That the Audit and Risk Committee note the ongoing work underway and planned review of the risk matrix and ratings in conjunction with the LGRS and the development of a risk appetite statement in conjunction with Council.

CARRIED



17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 STRATEGIC PLAN ANNUAL UPDATE AND FOURTH QUARTER REPORT ON ANNUAL BUSINESS PLAN 2022/2023

RESOLUTION 2023/175

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/51271 titled 'Strategic Plan Annual Update and Fourth Quarter Report on Annual Business Plan 2022/2023' as presented on 15 August 2023 be noted.

CARRIED

19.2 OUTCOME OF EXPRESSION OF INTEREST PROCESS - ANIMAL POUND AND REHOMING SERVICES

RESOLUTION 2023/176

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/51490 titled 'Outcome of Expression of Interest Process - Animal Pound and Rehoming Services' as presented on 15 August 2023 be noted.
2. That Council resolves:
 - (a) Not to progress any further with the procurement process for Animal Pound and Rehoming services;
 - (b) That the Administration continue with current operating arrangements for the provision of Animal Pound and Rehoming Services in accordance with this report; and
 - (c) To endorse the proposed Council Policy - Animal Management - Unclaimed Dogs as attached to Report No. AR23/51490.

CARRIED



19.3 POLICY REVIEWS

RESOLUTION 2023/177

Moved: Cr Mark Lovett

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/48656 titled 'Policy Reviews ' as presented on 15 August 2023 be noted.
2. The updated policies as attached to Council Report No. AR23/48656 be endorsed:
 - A515 Animal Control - Dogs
 - A520 Animal Control
 - C700 Corporate Branding and Identity
 - D150 Building and Swimming Pool Inspections
 - F125 City Burning
 - F135 Flammable Undergrowth
 - F500 Footways and Council Land - Removal of Objects
 - F505 Footways and Council Land - Sale of Commodities
 - F510 Inspectoral - Footways and Council Land - Fundraising and Promotion
 - Illumination of Assets
 - L230 Licensed Premises
 - P135 Entertainment Venues
 - P155 Privacy
 - W115 Waste Management - Receiving of Waste - Caroline Landfill

CARRIED

19.4 POLICY REVIEW - S92 CODE OF PRACTICE FOR ACCESS TO MEETINGS & DOCUMENTS

RESOLUTION 2023/178

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/48679 titled 'Policy Review - s92 Code of Practice for Access to Meetings & Documents' as presented on 15 August 2023 be noted.
2. That Council adopt the Draft substitute '*Conduct of Meetings (s92 Code of Practice) Policy*' attached to Council Report No. AR23/48679 (Attachment 2) for public consultation purposes.
3. That public consultation be conducted on the draft substitute '*Conduct of Meetings (s92 Code of Practice) Policy*' as attached to Council Report No. AR23/48679 (Attachment 2).
4. That Council supports the development of a Council Determined Meeting Procedures Policy.



5. That Council supports the development of a Reg 6 Code of Practice (Varied Procedures).
6. That a Member information/briefing session be convened to discuss the potential Council Determined Procedures / Varied Procedures to be developed in policy under resolution 4.
7. That, following public consultation on the proposed draft substitute '*Conduct of Meetings (s92 Code of Practice) Policy*', a further report (or reports) be brought back to Council to:
 - consider any submissions to the public consultation on the s92 Code of Practice
 - consider whether to adopt the substitute s92 Code of Practice in place of the current Council Policy C410, and the relevant effective date.
 - consider a draft '*Conduct of Meetings Council Determined Procedures*' policy
 - consider a draft '*Conduct of Meetings (r6 Code of Practice – Varied Procedures)*' policy.

CARRIED

Resolution 2023/178 was passed by a 2/3 majority.

19.5 PARKLETS - 40 COMMERCIAL STREET EAST, MOUNT GAMBIER

RESOLUTION 2023/179

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/52714 titled 'Parklets - 40 Commercial Street East, Mount Gambier' as presented on 15 August 2023 be noted.
2. Council rescind parking resolution 3.3.198 in respect to the four (4) carparking spaces on Commercial Street East, Mount Gambier directly adjacent to Jen's Hotel at 40 Commercial Street East, Mount Gambier
3. Council Officer's investigate and develop design options to create a pedestrian friendly space directly adjacent to Jen's Hotel at 40 Commercial Street East, Mount Gambier.
4. A public consultation and community engagement plan be developed.

CARRIED

19.6 OFFSHORE WIND ZONES - SOUTHERN OCEAN REGION

RESOLUTION 2023/180

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

1. That Council Report No. AR23/53250 titled 'Offshore Wind Zones - Southern Ocean Region' as presented on 15 August 2023 be noted.
2. That Council writes to Nathan Kimber of the South Eastern Professional Fishermen's Association Inc., Chris Carrison of the Southern Coast Ocean Care Committee and the District Council of Grant advising of Council's intent to support his request that Council make a submission to the Commonwealth's current consultation on the area proposed for future offshore renewable energy projects, in the Southern Ocean Region, that the Southern Ocean offshore wind zone, concludes at the Victorian and South Australian border.



3. That Council confirms in-principle it is not averse to renewable energy projects where appropriate locality, value proposition and whole of life impact to the environment and communities mitigated can be sufficiently demonstrated.
4. Approves the CEO, or delegate, to make a submission to the current consultation on the area proposed for future offshore renewable energy projects in the Southern Ocean Region, highlighting the relevant concerns in support of the SEPFA's intent that the Southern Ocean offshore renewable energy region, concludes at the Victorian and South Australian border.
5. That Council authorises Mayor Lynette Martin and/or the Chief Executive Officer to advocate on this issue, consistent with Councils resolution, with relevant government authorities.

CARRIED

20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - CBD ACTIVATION (WATSON TERRACE)

RESOLUTION 2023/181

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/50504 titled 'Notice of Motion - CBD Activation (Watson Terrace)' as presented on 15 August 2023 be noted.
2. That investigations be undertaken as to the viability of a trial closure of Watson Terrace for the purposes of CBD activation (i.e. food trucks, live entertainment etc) in the months of November and December 2023 and January 2024.
3. That a report be brought back to Council in September 2023 outlining any issues or concerns identified in (2) above.

CARRIED

20.2 NOTICE OF MOTION - REPRESENTATIVE ON PUBLIC LIGHTING WORKING GROUP

RESOLUTION 2023/182

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

1. That Council Report No. AR23/52339 titled 'Notice of Motion - Representative on Public Lighting Working Group' as presented on 15 August 2023 be noted.
2. That Cr Paul Jenner continue as Councils representative on the SAPN/LGA Public Lighting Working Group.

CARRIED



21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

22.1 CONFIDENTIAL ITEMS OF THE AUDIT AND RISK COMMITTEE HELD ON 31 JULY 2023

22.2 PHRIENDLY PHISHING REPORT – REPORT NO. AR23/36674

RESOLUTION 2023/183

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 S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, T McPherson, J Scoggins, S McLean, M Brookes and M Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 22.2 AR23/36674 Phriendly Phishing Report.

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

- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person

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 to be considered relates to the security of Council information systems.

CARRIED

RESOLUTION 2023/184

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

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 6.1 AR23/36674 Phriendly Phishing Report and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (e) be kept confidential and not available for public inspection until further order of Council.



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 NEW CONFIDENTIAL ITEMS

23.1 EVENT SPONSORSHIP REQUEST – REPORT NO. AR23/54583

RESOLUTION 2023/185

Moved: Cr Max Bruins
Seconded: Cr Jason Virgo

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 S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, T McPherson, J Scoggins, S McLean, M Brookes and M Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/54583 Event Sponsorship Request.

The Council is satisfied that, pursuant to section 90(3) (g) and (j) 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
- information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

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 Pending State Government announcement of financial support.

CARRIED



RESOLUTION 2023/186

Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

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 AR23/54583 Event Sponsorship Request 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 (j) be kept confidential and not available for public inspection until a public announcement on the proposal has been made by the proponent.
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 7.04 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 September 2023.

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PRESIDING MEMBER

