

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 15 OCTOBER 2019 AT 6.03 P.M.**

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

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mr A Meddle
	General Manager City Growth	- Dr J Nagy
	General Manager City Infrastructure	- Mr N Serle
	Library Manager	- Mrs G Davison
	Communications Officer	- Mrs A Watson
	Executive Administration Officer	- Mrs F McGregor

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

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2019/259

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

That the minutes of the Ordinary Council meeting held on 17 September 2019 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

September

- Mayoral Luncheon - Host Mayor Elizabeth Fricker, Town of Walkerville - Guest Hon Stephan Knoll MP
- Meeting with Jared Wilson - Landscape Architect City Design, City of Unley
- Meeting with Jason Wallace ac.Care – re local services
- Meeting with Mark Bolton – Telstra Regional GM for SA
- Illuminart's Travelling Light Show - Animated Projections at the Mount Gambier Railway Lands (SA Living Artists Festival - SALA)
- Welcome to 50th Australian Bias Bowls National Championships
- Tour of Great South Coast Sporting Academy Visit at Uni SA
- Opening Ceremony 50th Australian Indoor Bias Bowls National Championship
- Presentation to winners - Criterium - 30 laps - Tour of the Great South Coast - Stage One
- Presentation to winners – Road Race - Tour of the Great South Coast – Stage Two
- Members Briefing – Event Support
- Introductory Meeting with Senator Alex Antic
- Magistrate Teresa Anderson's Farewell
- Mayor's Christmas Appeal Briefing
- Closing Ceremony - 50th Australian Indoor Bias Bowls National Championships - present COMG sponsored event medals
- Tour of the Great South Coast VIP Event in Portland
- Launch of Child Protection Week at Mount Gambier Library
- Economic and Environment Committee Meeting
- With CEO, meeting with Mr Bill DeGaris
- Members Briefing - Solid Waste Levy impact and waste management options
- With CEO, meeting with Superintendent Hoff and Inspector Hill, SAPOL
- Meeting with Sue Roberts – Mayor's Christmas Appeal
- 10 Year Anniversary, The Junction
- Mayor's Christmas Appeal Meeting
- LCLGA CEO's and Mayors Dinner - Coonawarra
- LCLGA Strategy Workshop – Coonawarra
- Welcome and Official Launch of GovHack
- With CEO, Meeting with Hon Corey Wingard MP, Minister for Recreation Sport and Racing, Member for Mount Gambier Mr Troy Bell MP, Mr David Brown, CEO Department of Correctional Services and Deputy Mayor and Acting CEO from DC Grant – re Release of Prisoners
- Official Opening Limestone Coast Red Cross Branch 11th Zone Conference
- Luncheon meeting with His Excellency Dr Geoffrey Shaw, Australian High Commissioner to Pakistan (facilitated by RDALC and TradeStart)
- Health Performance Council: Limestone Coast Regional Leaders' Dinner and Round-Table Discussion
- Out of the Shadows Community Breakfast
- Mount Gambier Bowls Club Inc – Opening Day

October

- Brick Gambier 2019 - VIP Night
- Presentations at Inside Line Giant Adelaide State Series Round 6 Mount Gambier
- People and Place Committee Meeting



- Meeting with RAAF Representatives - Centenary of Air Force 2021 - Mount Gambier Engagement Tour
- Official Opening Youth Film Festival – Mental Health Week 2019
- Changes Places Facility Opening
- Informal Dinner with Victoria's Cross Border Commissioner
- LCLGA General Meeting – DC Grant Hosting
- Mayoral Reception - District Convention - Lions Club of Mount Gambier
- Mount Gambier Chamber of Commerce 2019 Outstanding Business Awards Evening
- Launch of Community Hearts Project

RESOLUTION 2019/260

Moved: Mayor Lynette Martin

Seconded: Cr Kate Amoroso

That the Mayoral report made on 15 October 2019 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Kate Amoroso	ABRES Conference, Local Government National Mental Health Conference
Cr Max Bruins	Youth Ops Graduation, McNamara Park Motorcycle Races, Chamber of Commerce Outstanding Business Awards
Cr Christian Greco	Chamber of Commerce Outstanding Business Awards
Cr Ben Hood	Mount Gambier Pony Club Presentation representing the Mayor, ABRES Conference, First Lego League as guest judge, Chamber of Commerce Outstanding Business Awards
Cr Paul Jenner	ABRES Regional Outlook Conference, Mount Gambier Netball Grand Finals, South East Art Society Open Day, LCLGA Bi Monthly meeting at Port MacDonnell, Chamber of Commerce Outstanding Business Awards, Green Triangle Employment Board Meeting, LED Lighting Public Meeting, Green Triangle Employment AGM
Cr Mezinec	Mainstreet Regeneration Making Places Where People Want To Be Uni SA – Andrew Wallace, Police Remembrance Day, Afternoon tea welcoming delegates to Lions District 201 C2 Convention, Lions District Convention Opening night, Gov Hack Awards Presentation
Cr Perryman	SEAWL 1000 Paws Walk at the Rail lands



RESOLUTION 2019/261

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

That the reports made by Councillors on 15 October 2019 be received.

CARRIED

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBERS WORKSHOPS

RESOLUTION 2019/262

Moved: Cr Sonya Mezinac

Seconded: Cr Christian Greco

1. That Council Report No. AR19/54584 titled 'Elected Members Workshops' as presented on 15 October 2019 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS

RESOLUTION 2019/263

Moved: Cr Frank Morello
Seconded: Cr Christian Greco

1. That Council Report No. AR19/54579 titled 'Council Action Items' as presented on 15 October 2019 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE PEOPLE AND PLACE COMMITTEE HELD ON 8 OCTOBER 2019

RESOLUTION 2019/264

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

That the Minutes of the People and Place Committee meeting held on 8 October 2019 as attached be noted.

CARRIED

FORMAL MOTION

RESOLUTION 2019/265

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinac

Cr Max Bruins moved the Item 16.11 be discussed before Item 16.2

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Hood disclosed a material conflict of interest in Item 16.11:

"Director on Board of Stand Like Stone".

In accordance with Section 74 of the Local Government Act 1999 Cr Hood did not participate in the meeting for Item 16.11.



Cr Hood left the Chamber at 6.23 p.m.

16.11 PROPERTY - 9 PENOLA ROAD, 1-3 LAWRENCE STREET – REPORT NO. AR19/48305

MOTION

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

2. That the Chief Executive Officer be instructed to liaise with the Stand Like Stone Foundation to discuss if they are interested in occupying the building as per their "Expression of Interest" dated 13 January 2019 on the basis of a peppercorn lease for a period of five years;
3. That the Chief Executive Officer write to the other six organisations who responded to the Expressions of Interest advising them of the offer to the Stand Like Stone Foundation;
4. That a lease to the Stand Like Stone Foundation include the following conditions:
 - a) Tenant to be fully responsible for the day to day operation and management of the building, including all building maintenance and upkeep;
 - b) Tenant responsibility for buildings and contents insurance and all outgoings, including any taxes, utilities or service costs incurred by Council;
 - c) The building management and use must accommodate other local community and / or Not For Profit organisations; and
 - d) Fees for other organisations to be nominal to cover administration for building management co-contribution towards taxes, utilities or service costs incurred.
5. That the Chief Executive Officer seek a report in relation to future access points to the Commerce Place car park should a second storey be considered appropriate by the Council in future years. The report should focus on whether the existing access to the northern side of the carpark from Lawrence Street could be adapted to provide access to a second storey car park should this be developed in future years, or whether the properties situated at 1 & 3 Lawrence Street would be better suited to provide a more cost effective and efficient access to any future carpark development.

LOST

Cr Hood resumed the meeting at 6.36 p.m.

16.2 PROPOSED MEETING DATES FOR THE PEOPLE AND PLACE COMMITTEE FOR 2019/20 – REPORT NO. AR19/51179

RESOLUTION 2019/266

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That People and Place Committee Report No. AR19/51179 titled 'Proposed Meeting Dates for the People and Place Committee for 2019/20' as presented on 08 October 2019 be noted.
2. That its meeting schedule for 2019/20, be as set out in Attachment 1 to this report.

CARRIED



**16.3 WORK PROGRAM FOR THE PEOPLE AND PLACE COMMITTEE FOR 2019/20 –
REPORT NO. AR19/51178**

RESOLUTION 2019/267

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR19/51178 titled 'Work Program for the People and Place Committee for 2019/20' as presented on 08 October 2019 be noted.
2. That the following items comprise the Committee's work program for the remainder of the 2019/20 municipal year:
 - (a) Community events
 - (b) Visual arts
 - (c) Public art
 - (d) CBD activation and enhancement
 - (e) Tourism (strategy as opposed to assets)
 - (f) Place making and shaping
 - (g) Land use or transport planning policy matters
 - (h) Joint Planning Board matters
 - (i) Sports facilities and participation

CARRIED

**16.4 TERMS OF REFERENCE OF THE PEOPLE AND PLACE COMMITTEE – REPORT NO.
AR19/51185**

RESOLUTION 2019/268

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

1. That People and Place Committee Report No. AR19/51185 titled 'Terms of Reference of the People and Place Committee' as presented on 08 October 2019 be noted.
2. That this is a prescribed Committee for the purposes of payments as required by the SA Remuneration Tribunal.

CARRIED

**16.5 POLICY REVIEW - C410 CONDUCT OF MEETINGS AND M265 MEMBER
COMPLAINTS HANDLING PROCEDURE – REPORT NO. AR19/47797**

RESOLUTION 2019/269

Moved: Cr Frank Morello

Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR19/47797 titled 'Policy Review - C410 Conduct of Meetings and M265 Member Complaints Handling Procedure' as presented on 08 October 2019 be noted.



2. Having reviewed the policy provisions Council re-adopts the following policies as attached to People and Place Committee Report No. AR19/47797:

- (a) Policy C410 Conduct of Meetings
- (b) Policy M265 Member Complaints Handling Procedure

CARRIED

16.6 MOUNT GAMBIER GIFT SPONSORSHIP REQUEST – REPORT NO. AR19/51127

RESOLUTION 2019/270

Moved: Cr Frank Morello

Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR19/51127 titled 'Mount Gambier Gift Sponsorship Request' as presented on 08 October 2019 be noted.
2. That Council endorse sponsorship for the Mount Gambier Gift to the value of \$7,500 cash and \$1,000 in kind, for the 2019/2020 financial year only.

CARRIED

16.7 EMPLOYMENT ENGAGEMENT SURVEY 2019 UPDATE – REPORT NO. AR19/45340

RESOLUTION 2019/271

Moved: Cr Frank Morello

Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR19/45340 titled 'Employment Engagement Survey 2019 Update' as presented on 08 October 2019 be noted.

CARRIED

16.8 ADMINISTRATIVE PRINCIPLES RELATING TO THE ENFORCEMENT OF UNLAWFUL DEVELOPMENT AND UNSIGHTLY PREMISES – REPORT NO. AR19/52752

RESOLUTION 2019/272

Moved: Cr Frank Morello

Seconded: Cr Sonya Mezinac

1. That People and Place Committee Report No. AR19/52752 titled 'Administrative Principles relating to the Enforcement of Unlawful Development and Unsightly Premises' as presented on 08 October 2019 be noted.

CARRIED



**16.9 REFORMING LOCAL GOVERNMENT IN SOUTH AUSTRALIA - DISCUSSION PAPER
– REPORT NO. AR19/47773**

RESOLUTION 2019/273

Moved: Cr Frank Morello

Seconded: Cr Sonya Mezinec

1. That People and Place Committee Report No. AR19/47773 titled 'Reforming Local Government in South Australia - Discussion Paper' as presented on 08 October 2019 be noted.
2. That Council generally supports the position of the Local Government Association on each of the 72 local government reform proposals and further supports the additional 12 reform proposals contained in the August 2019 Discussion Paper.
3. That the establishment of a new (member) conduct management framework as a combination of Models 1 & 2 presented in the August 2019 Discussion Paper is supported.
 - Model 1 – the clarification of current legislation
 - Model 2 – using governance committees

Council does not support the establishment of another body to oversight local government, unless established and managed for the sector by the Local Government Association.

4. That Council implore the State Government in progressing local government reform to focus on outcomes that:
 - provide community benefit without increasing administrative burden;
 - are not so prescriptive, but adaptable to suit needs of different communities;
 - are simple to understand and administer without the need for legal interpretation;

and consistent with Reform Area 4 – Simpler Regulation, contribute toward cutting rather than creating red-tape which diverts Council resources from beneficial community services.

5. That Council seek further engagement on a Draft Amendment Bill, with an explanatory paper if necessary, prior to any of the proposed reforms becoming law.

CARRIED

**16.10 COUNCIL ASSESSMENT PANEL RECRUITMENT AND TRAINING – REPORT NO.
AR19/53262**

RESOLUTION 2019/274

Moved: Cr Frank Morello

Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR19/53262 titled 'Council Assessment Panel Recruitment and Training' as presented on 08 October 2019 be noted.
2. That Council authorise the Chief Executive Officer to undertake a recruitment process to seek interest in filling an independent member role on the Council Assessment Panel, with a report brought back to Council to consider any nominations.
3. That, at that time, Council consider whether to appoint a proxy Elected Member to the Council Assessment Panel and whether to appoint a further independent member to act as a proxy.



4. That Council authorise the Chief Executive Officer to formulate and deliver a training program for the Council Assessment Panel and staff to meet some or all of the needs of those affected by the Accredited Professionals elements of the Planning, Development and Infrastructure Act 2016 and for this to be offered to other councils in the region.

CARRIED

17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 19 SEPTEMBER 2019

RESOLUTION 2019/275

Moved: Cr Paul Jenner
Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 19 September 2019 as previously circulated be noted.

CARRIED

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

19.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 9 OCTOBER 2019

RESOLUTION 2019/276

Moved: Cr Christian Greco
Seconded: Cr Kate Amoroso

That the Minutes of the Junior Sports Assistance Fund Annual General Meeting held on 9 October 2019 as attached be noted.

CARRIED



**19.2 STATEMENT OF REVENUE AND EXPENDITURE - YEAR ENDED 30/06/2019 –
REPORT NO. AR19/42151**

RESOLUTION 2019/277

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR19/42151 titled 'Statement of Revenue and Expenditure - Year Ended 30/06/2019' as presented on 09 October 2019 be noted.
2. The Statement of Income and Expenditure for period ended 30 June, 2019 detailing payments to or payments from the Fund with a 30 June 2019 cash balance of \$95,240.74 be received.

CARRIED

**19.3 GENERAL DEVELOPMENTS OF THE FUND SINCE THE THIRTY-THIRD ANNUAL
GENERAL MEETING – REPORT NO. AR19/42177**

RESOLUTION 2019/278

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/42177 titled 'General Developments of the Fund Since the Thirty-Third Annual General Meeting' as presented on 09 October 2019 be noted.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Perryman disclosed a material conflict of interest in Item 19.4 and 19.5

"I am the President of Basketball Mount Gambier which is a member of the Fund".

In accordance with Section 74 of the Local Government Act 1999 Cr Perryman did not participate in the meeting for Items 19.4 and 19.5.

Cr Perryman left the Chamber at 6.53 p.m.



19.4 MEMBER ORGANISATION CONTRIBUTIONS 2019/2020 – REPORT NO. AR19/42209

RESOLUTION 2019/279

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Council Report No. AR19/42209 titled 'Member Organisation Contributions 2019/2020' as presented on 09 October 2019 be noted.
2. The Member Organisation contributions for the 2019/2020 financial year continue to be based on the funding formula as adopted at the Annual Meeting of Members held on 2nd August 2005 and as attached to this agenda.
3. The "previous five (5) year annual average" be interpreted and calculated on a rolling basis i.e. the previous five (5) year annual average include the then financial year just ended so that the Member Organisation contributions reflect the most current figures and the minimum payment of \$400 and the maximum payment of \$800 apply for the 2019/2020 financial year.

CARRIED

19.5 COMMITTEE APPOINTMENTS – REPORT NO. AR19/42226

RESOLUTION 2019/280

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR19/42226 titled 'Committee Appointments' as presented on 09 October 2019 be noted.

CARRIED

19.6 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 9 OCTOBER 2019

RESOLUTION 2019/281

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

That the Minutes of the Junior Sports Assistance Fund ordinary meeting held on 9 October 2019 as attached be noted.

CARRIED



19.7 GUIDELINES - JUNIOR SPORTS ASSISTANCE FUND – REPORT NO. AR19/42128

RESOLUTION 2019/282

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR19/42128 titled 'Guidelines - Junior Sports Assistance Fund ' as presented on 09 October 2019 be noted.
2. The Committee endorse the Guidelines as a reference document to assist with decision making.

CARRIED

Cr Perryman resumed the meeting at 6.55 pm

19.8 JUNIOR SPORTS ASSISTANCE FUND - MEMBERSHIP – REPORT NO. AR19/49200

RESOLUTION 2019/283

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR19/49200 titled 'Junior Sports Assistance Fund - Membership ' as presented on 09 October 2019 be noted.

CARRIED

19.9 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS AND PAYMENTS FROM THE FUND FROM 22/06/2019 TO 31 AUGUST 2019 – REPORT NO. AR19/45969

RESOLUTION 2019/284

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR19/45969 titled 'Applications for Financial Assistance for Juniors and Payments from the Fund from 22/06/2019 to 31 August 2019' as presented on 09 October 2019 be noted.

CARRIED



**19.10 STATEMENT OF REVENUE AND EXPENSES - 1/6/2019 TO 30/09/2019 – REPORT
NO. AR19/45971**

RESOLUTION 2019/285

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR19/45971 titled 'Statement of Revenue and Expenses - 1/6/2019 to 30/09/2019 as presented on 09 October 2019 be noted.
2. The financial statement of the Fund as at 30 September, 2019 be received noting a cash balance of \$86,530.78.

CARRIED

19.11 COACHING CLINIC FUNDING 2019/2020 – REPORT NO. AR19/45978

RESOLUTION 2019/286

Moved: Cr Christian Greco

Seconded: Cr Ben Hood

1. That Junior Sports Assistance Fund Report No. AR19/45978 titled 'Coaching Clinic Funding 2019/2020 ' as presented on 09 October 2019 be noted;
2. The Junior Sports Assistance Fund provide \$5,000 to enable the 2019/2020 Coaching Clinic Program to proceed; and
3. The Secretary and a Member of the Committee Cr Greco endeavour to commence work to source a new funding partner for the 2020/2021 Coaching Clinic Program.

CARRIED

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



22 COUNCIL REPORTS

22.1 FREEDOM OF INFORMATION APPLICATION - RELEASE OF INMATES FROM MOUNT GAMBIER PRISON

RESOLUTION 2019/287

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

1. That Council Report No. AR19/52969 titled 'Freedom of Information Application - release of inmates from Mount Gambier Prison' as presented on 15 October 2019 be noted.
2. Council accept and thank Minister Wingard for his response to Council's concerns regarding the processes for release of inmates from Mount Gambier Prison
3. Council revoke resolution part (3) associated with Resolution 2019/197 of 20 August 2019 instructing the Chief Executive Officer to lodge a Freedom of Information request.
4. Keep on engaging with local State Member Troy Bell MP to keep the pressure on the Minister and the Department for Correctional Services.

CARRIED

23 MOTIONS WITH NOTICE

23.1 NOTICE OF MOTION - WINTV NON-EXCLUSIVE LICENCE AND RIGHT OF WAY

MOTION

Moved: Cr Ben Hood

Seconded: Cr Steven Perryman

1. That Council Report No. AR19/54129 titled 'Notice of Motion - WINTV Non-Exclusive Licence and Right of Way' as presented on 15 October 2019 be noted.
2. That Council instruct the Chief Executive Officer to reopen discussions with WINTV, with the intent to:
 - (a) Request a non-exclusive licence from WINTV, at no cost to the City of Mount Gambier, to utilise any footage that is archived at the NFSA in perpetuity (or set time to be reviewed periodically); and
 - (b) Grant of a long form right of way in favour of WINTV to their site, over a portion of the Lake Terrace Cemetery (being Section 78, Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64) at no cost to the City of Mount Gambier.

AMENDMENT

Moved: Cr Frank Morello

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR19/54129 titled 'Notice of Motion - WINTV Non-Exclusive Licence and Right of Way' as presented on 15 October 2019 be noted.



2. That Council instruct the Chief Executive Officer to reopen discussions with WINTV, with the intent to:
 - (a) Grant of a long form right of way in favour of WINTV to their site, over a portion of the Lake Terrace Cemetery (being Section 78, Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64) at no cost to the City of Mount Gambier.

LOST

RESOLUTION 2019/288

Moved: Cr Ben Hood

Seconded: Cr Steven Perryman

1. That Council Report No. AR19/54129 titled 'Notice of Motion - WINTV Non-Exclusive Licence and Right of Way' as presented on 15 October 2019 be noted.
2. That Council instruct the Chief Executive Officer to reopen discussions with WINTV, with the intent to:
 - (a) Request a non-exclusive licence from WINTV, at no cost to the City of Mount Gambier, to utilise any footage that is archived at the NFSA in perpetuity (or set time to be reviewed periodically);
 - (b) Grant of a long form right of way in favour of WINTV to their site, over a portion of the Lake Terrace Cemetery (being Section 78, Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64) at no cost to the City of Mount Gambier.

CARRIED

24 URGENT MOTIONS WITHOUT NOTICE

Nil



25 CONFIDENTIAL ITEMS OF COMMITTEES

25.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 8 OCTOBER 2019

25.2 PROPERTY - 9 PENOLA ROAD, 1-3 LAWRENCE STREET – REPORT NO. AR19/48305

RESOLUTION 2019/289

Moved: Cr Christian Greco

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 Mayor L Martin OAM, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, J Nagy, G Davison, N Serle, A Watson and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street.

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

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered includes independent market valuations of property that the Council is considering for potential rental or sale, the public disclosure of which to potential market participants could reasonably be considered to prejudice the Council (and therefore communities) interest in obtaining the highest rental or sale result in the event that the Council determines to proceed with such activities for the subject properties, being land excluded from classification as community land.

CARRIED



RESOLUTION 2019/290

Moved: Cr Christian Greco
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 7.1 AR19/48305 Property - 9 Penola Road, 1-3 Lawrence Street having been considered by the Council in confidence under Section 90(2) & (3) (b) be kept confidential and not available for public inspection until the Council has settled sales transaction(s) in relation to the subject properties, being land excluded from classification as community land.
2. Further that Council delegates the power to review, revoke, but not extension of 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 NEW CONFIDENTIAL ITEMS

Nil

27 MEETING CLOSE

The Meeting closed at 7.50 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 November 2019.

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PRESIDING MEMBER

