

**MINUTES OF CITY OF MOUNT GAMBIER  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 15 FEBRUARY 2022 AT 6.00 P.M.**

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

<b>OFFICERS IN ATTENDANCE:</b>	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mr D Barber
	General Manager City and Community Growth	- Mr T Coote
	Manager Governance and Property	- Mr M McCarthy
	Manager Finance	- Mrs J Scoggins
	Manager Libraries and Community Development	- Mrs G Davison
	Strategic Development and Engagement Coordinator	- Mr B Kilsby
	Executive Administrator	- Ms S Wilson

<b>OFFICERS AS OBSERVERS:</b>	Chief Executive Officer ( <i>virtual</i> )	- Mrs S Philpott
	Media and Communications Coordinator ( <i>virtual</i> )	- Ms S McLean

**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**

**RESOLUTION 2022/16**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

That leave of absence from Cr Ben Hood be noted.

**CARRIED**



## 4 CONFIRMATION OF COUNCIL MINUTES

### RESOLUTION 2022/17

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 18 January 2022 and the Special Council meeting held on 8 February 2022 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

## 5 MAYORAL REPORT

### 5.1 MAYORAL REPORT - FEBRUARY 2022

- Weekly Virtual LCLGA Mayor's Meeting
- Radio Interview with Ewan Grant - Australia Day Awardees
- Meeting with Ash Salardini - Chief Economist & General Manager Trade, and Caroline Rhodes - CEO of Primary Producers SA re National Farmers Federation Regional Development
- Recording for Summer Reading Club (SRC) Finale Party
- Radio Interview with 5GTR-FM
- Australia Day Awards Ceremony
- Citizenship Ceremony
- With CEO, Barbecue Lunch with Members of the Men's Shed
- Weekly Virtual LCLGA Mayor's Meeting
- Radio Interview with Ewan Grant re Crater Lakes Fire
- Elected Member Briefing - Dual Naming Policy
- In Confidence Elected Member Briefing - Crater Lakes Project Proposal
- Weekly Virtual LCLGA Mayor's Meeting
- Interview with Lifestyle 1
- Installation of Pastor Mitchell Kitson - St Martin's Lutheran College
- Special Council Meeting
- Elected Member Briefing - Budget Workshop 1
- With CEO, Meeting with Adrian Puust, Mount Gambier Metropolitan Fire Service
- LCLGA Board Strategic Planning Workshop and Dinner
- LCLGA AGM & GM



**RESOLUTION 2022/18**

Moved: Mayor Lynette Martin  
Seconded: Cr Christian Greco

That the Mayoral report made on 15 February 2022 be received.

**CARRIED**

**6 REPORTS FROM COUNCILLORS**

- Cr Sonya Mezinac Annual Dinner of Mount Gambier Sub Section of the Naval Association of Australia, Mount Gambier Health Advisory Council.
- Cr Paul Jenner Limestone Coast Regional Roads and Transport Management Meeting.
- Cr Frank Morello Elected Member Briefing - Dual Naming Policy, Elected Member Briefing - Budget Workshop 1.

**RESOLUTION 2022/19**

Moved: Cr Steven Perryman  
Seconded: Cr Frank Morello

That the reports made by Councillors on 15 February 2022 be received.

**CARRIED**

**7 QUESTIONS WITH NOTICE**

Nil

**8 QUESTIONS WITHOUT NOTICE**

Nil

**9 PETITIONS**

Nil

**10 DEPUTATIONS**

**10.1 DEPUTATION - MR DIRK VERSCHURE - GENERAL MEDICAL SERVICES IN MOUNT GAMBIER**

**REPORT RECOMMENDATION**

1. That Council Report No. AR22/638 titled 'Deputation - Mr Dirk Verschure - General Medical Services in Mount Gambier' as presented on 15 February 2022 be noted.



**11 NOTICE OF MOTION TO RESCIND OR AMEND**

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

**RESOLUTION 2022/20**

Moved: Cr Paul Jenner

Seconded: Cr Steven Perryman

1. That Council Report No. AR21/82252 titled 'Notice of Amendment - Sport and Recreation Capital Works Program 2021/2022' as presented on 15 February 2022 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 (Score)</u>	<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:

2. 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 3.

**CARRIED**

**12 ELECTED MEMBERS WORKSHOPS**

**12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 19/01/2022 TO 10/02/2022**

<p><b>RESOLUTION 2022/21</b></p> <p>Moved: Cr Max Bruins                  Seconded: Cr Sonya Meziniec</p> <p>1. That Council Report No. AR21/71013 titled 'Elected Member Information/Briefing Sessions from 19/01/2022 to 10/02/2022' as presented on 15 February 2022 be noted.</p> <p style="text-align: right;"><b>CARRIED</b></p>
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**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

**14 COUNCIL ACTION ITEMS**

**14.1 COUNCIL ACTION ITEMS - 18/01/2022**

<p><b>RESOLUTION 2022/22</b></p> <p>Moved: Cr Sonya Meziniec                  Seconded: Cr Steven Perryman</p> <p>1. That Council Report No. AR21/71029 titled 'Council Action Items - 18/01/2022' as presented on 15 February 2022 be noted.</p> <p style="text-align: right;"><b>CARRIED</b></p>
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**15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS**

Committee in Recess

**16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS**

Committee in Recess

**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**

**22.1 DUAL NAMING POLICY**

**RESOLUTION 2022/23**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR21/83599 titled 'Dual Naming Policy' as presented on 15 February 2022 be noted.
2. That the Dual Naming Policy be adopted as attached to Council Report No. AR21/83599
3. That Council administration commences work on the implementation of the Dual Naming of local sites of cultural significance, as per the Dual Naming Policy.

**CARRIED**

**22.2 2022 LOCAL GOVERNMENT ELECTION - COUNCIL VOTERS ROLL**

**RESOLUTION 2022/24**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR22/4634 titled '2022 Local Government Election - Council Voters Roll' as presented on 15 February 2022 be noted.

**CARRIED**



### 22.3 LOCAL GOVERNMENT REFORM UPDATE

#### RESOLUTION 2022/25

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/5937 titled 'Local Government Reform Update' as presented on 15 February 2022 be noted.
2. That the commencement of local government reform changes and actions be noted.

**CARRIED**

### 22.4 LOCAL AFFORDABLE HOUSING PLAN TOOLKIT

#### RESOLUTION 2022/26

Moved: Cr Sonya Meziniec  
Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/5088 titled 'Local Affordable Housing Plan Toolkit' as presented on 15 February 2022 be noted.

**CARRIED**

### 22.5 BUDGET REVIEW 2 2021/22

#### RESOLUTION 2022/27

Moved: Cr Paul Jenner  
Seconded: Cr Steven Perryman

1. That Council Report No. AR22/7344 titled 'Budget Review 2 2021/22' as presented on 15 February 2022 be noted.
2. That Council adopts the attached revised budget for the year ending 30 June 2022 as at 31 December 2021 (Budget Review 2).

**CARRIED**

### 22.6 REQUEST FOR INTERNAL REVIEW OF COUNCIL DECISION

#### MOTION

Moved: Cr Sonya Meziniec  
Seconded: Cr Paul Jenner

1. That Council Report No. AR22/6009 titled 'Request for Internal Review of Council Decision' as presented on 15 February 2022 be noted.



2. That, having received a request under section 270 of the Local Government Act 1999 for a review of Council's June 2021 decision in Resolution 2021/154 relating to the Mitchell Street trees:
  - (a) the Chief Executive Officer (or delegate) engage an external provider to conduct a review under section 270 of the process and decision associated with Resolution 2021/54;
  - (b) the reviewer present a preliminary and final report to Council for consideration, having undertaken a natural justice phase;
  - (c) the review also consider and make recommendations on appropriate action regarding alleged nuisance associated with the Mitchell Street trees.
3. If a reviewer engaged under (2) is unable to perform the step in (2)(c), that the preparation of a separate report addressing matters of alleged nuisance associated with the Mitchell Street trees be deferred until Council has considered the report(s) in (2)(b).

### **AMENDMENT**

Moved: Cr Perryman  
Seconded: Cr Greco

1. That Council Report No. AR22/6009 titled 'Request for Internal Review of Council Decision' as presented on 15 February 2022 be noted.
2. That consideration of this matter be deferred until the April meeting of Council.
3. That the Chief Executive Officer provide further information to Elected Members on the potential impacts of decision making processes for an internal review request.

The Amendment was put and

**CARRIED**

The Amendment became the Motion

### **RESOLUTION 2022/28**

Moved: Cr Steven Perryman  
Seconded: Cr Christian Greco

1. That Council Report No. AR22/6009 titled 'Request for Internal Review of Council Decision' as presented on 15 February 2022 be noted.
2. That consideration of this matter be deferred until the April meeting of Council.
3. That the Chief Executive Officer provide further information to Elected Members on the potential impacts of decision making processes for an internal review request.

**CARRIED**





## 23 MOTIONS WITH NOTICE

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

#### RESOLUTION 2022/29

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR21/82255 titled 'Notice of Motion - Question style event for state election candidates' as presented on 15 February 2022 be noted.
2. Council provides support for State Election Candidate Question and Answer events, in the form of a subsidy or fee waiver on the City Hall as a venue for these events (provided that they are open to all candidates to attend).

**CARRIED**

## 24 MOTIONS WITHOUT NOTICE

Nil

## 25 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

## 26 NEW CONFIDENTIAL ITEMS

### 26.1 EPA NOTICE – REPORT NO. AR22/7711

#### RESOLUTION 2022/30

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

#### 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 Council Officers B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, G Davison, S Philpott (*virtual - observer*) and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR22/7711 EPA Notice.

The Council is satisfied that, pursuant to section 90(3) (g), (h) and (i) 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
- information relating to:
  - actual litigation, or
  - litigation that the Council or Council committee believes on reasonable grounds will take place,
  - involving the Council or an employee of the Council

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 due to legal considerations.

**CARRIED**

### **RESOLUTION 2022/31**

Moved: Cr Max Bruins

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 26.1 AR22/7711 EPA Notice 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) (g), (h) and (i) be kept confidential and not available for public inspection until negotiations and subsequent actions arising from those negotiations have concluded.
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**

### **26.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #14 - AS AT 01/02/2022 – REPORT NO. AR22/7779**

#### **RESOLUTION 2022/32**

Moved: Cr Frank Morello

Seconded: Cr Kate Amoroso

#### **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 Council Officers B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, G Davison, S Philpott (*virtual - observer*) and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR22/7779 Project Control Group (PCG) Progress Report #14 - As at 01/02/2022.

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 2022/33**

Moved: Cr Max Bruins  
Seconded: Cr Christian Greco

### **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 AR22/7779 Project Control Group (PCG) Progress Report #14 - As at 01/02/2022 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**



### 26.3 CRATER LAKES PROJECT PROPOSAL – REPORT NO. AR22/8597

#### RESOLUTION 2022/34

Moved: Cr Max Bruins  
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 Council Officers B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, G Davison, S Philpott (*virtual - observer*) and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR22/8597 Crater Lakes Project 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 the attachment and information regarding Crater Lakes Project Proposal 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.

The public interest in disclosure is considered to be outweighed by the community benefit arising from the proposal.

**CARRIED**



**RESOLUTION 2022/35**

Moved: Cr Paul Jenner  
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 AR22/8597 Crater Lakes Project 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 two years after the expiry of an agreement entered into in relation to the matter or two years after the proposal has been abandoned and Council has been released from its duty of confidence, whichever is the later.
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 AUDIT AND RISK COMMITTEE APPOINTMENT OF INDEPENDENT MEMBERS –  
REPORT NO. AR22/8463**

**RESOLUTION 2022/36**

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 the Mayor, Councillors and Council Officers B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, G Davison, S Philpott (*virtual - observer*) and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.4 AR22/8463 Audit and Risk Committee Appointment of Independent Members.

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 of personal information contained in the report as part of the application process.

**CARRIED**



**RESOLUTION 2022/37**

Moved: Cr Sonya Meziniec  
Seconded: Cr Steven Perryman

**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 AR22/8463 Audit and Risk Committee Appointment of Independent Members, 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 appointments of the audit committee members have been confirmed.  
  
The attachments to the report be kept confidential and that confidentiality be reviewed annually.
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 8.15 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 March 2022.

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**PRESIDING MEMBER**

