

**MINUTES OF CITY OF MOUNT GAMBIER  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,  
MOUNT GAMBIER ON TUESDAY, 15 DECEMBER 2020 AT 6.00 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

<b>OFFICERS IN ATTENDANCE:</b>	Acting Chief Executive Officer	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	Media and Communications Coordinator	- Ms S McLean
	Manager Governance and Property	- Mr M McCarthy
	Manager Development Services	- Ms T Tzioutziouklaris
	Finance Manager	- Mr J Zwijnenburg
	Library Manager	- Ms G Davison
	Executive Administration Officer	- Mrs M J 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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

**2 APOLOGIES**

Nil

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

**RESOLUTION 2020/377**

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 17 November 2020 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

**5 MAYORAL REPORT**

- Screen Print of T-Shirt for Clothesline Project – 16 Days of Activism
- LGFSG Virtual Operational Briefing re COVID-19 State Lock Down
- COMG Virtual COVID-19 Update to Elected Members re State Lock Down
- LGFSG Virtual Operational Briefing



- Weekly LCLGA Mayor's Virtual Meeting
- Sky News Interview re State Lock Down
- LGFSG Virtual Operational Briefing
- LGFSG Virtual Operational Briefing – State Lock Down Update (Sat 21 Nov)
- Virtual Stand Like Stone Community Grant Ceremony
- LGFSG Virtual Operational Briefing
- Photo with Santa – Lifestyle Magazine
- Guest Speaker at Lioness Club Dinner Meeting
- GTE Cheque Handover – Mayor's Christmas Appeal
- Julian Mattay Cheque Handover – Mayor's Christmas Appeal
- With Acting CEO, meeting re Ryder Cheshire Home
- Promotion – Big, Small, Support Us All Campaign
- Weekly LCLGA Mayor's Virtual Meeting
- Lifeline – Donation of Toys – Mayor's Christmas Appeal
- Australia Day Advisory Group Meeting - Selection
- With Acting CEO, meeting with representatives Pioneer Basketball
- 2020 Limestone Coast Local Health Network (LCLHN) Annual Public Meeting
- Gambier City Lions - Dinner Meeting - Drawing of Children's Cancer Foundation Raffle
- Presentation to Select Committee on Regional Australia Inquiry into Regional Australia, via Teleconference
- Weekly LCLGA Mayor's Virtual Meeting
- Official Launch of the Book, The GTE Story
- People and Place Committee Meeting
- Tenison Woods College, Middle School Awards Ceremony
- LGA General Board Meeting and Christmas Lunch

**RESOLUTION 2020/378**

Moved: Mayor Lynette Martin

Seconded: Cr Kate Amoroso

That the Mayoral report made on 15 December 2020 be received.

**CARRIED**

**6 REPORTS FROM COUNCILLORS**

- |            |   |
|------------|---|
| Cr Hood    | Project Control Group – Site Tour and Meeting<br>Blue Lake Carols   |
| Cr Jenner  | LCLGA Roads and Transport Management Group Meeting<br>Group Training Employment Official Book Launch – The<br>Group Training Employment Story<br>Group Training Employment Board Meeting  |
| Cr Mezinac | Riddoch Arts and Cultural Centre Board Induction<br>Riddoch Arts and Cultural Centre Board<br>Senior Awards Presentation Tenison Woods College<br>Santa's Boulevard<br>Transport in the Limestone Coast Zoom Meeting with<br>Members of the Limestone Coast Leadership Program<br>Transport Group |



**RESOLUTION 2020/379**

Moved: Cr Christian Greco  
Seconded: Cr Paul Jenner

That the reports made by Councillors on 15 December 2020 be received.

**CARRIED**

**7 QUESTIONS WITH NOTICE**

Nil

**8 QUESTIONS WITHOUT NOTICE**

Nil

Regulation 15 (3) Cr Perryman sought and was granted leave of the meeting to make a personal explanation in relation to his request to video record meetings.

**9 PETITIONS**

Nil

**10 DEPUTATIONS**

Nil

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

Nil

**12 ELECTED MEMBERS WORKSHOPS**

**12.1 ELECTED MEMBER WORKSHOPS HELD 16 NOVEMBER 2020 TO 11 DECEMBER 2020**

**RESOLUTION 2020/380**

Moved: Cr Sonya Mezinec  
Seconded: Cr Frank Morello

1. That Council Report No. AR20/25154 titled 'Elected Member Workshops held 16 November 2020 to 11 December 2020' as presented on 15 December 2020 be noted.

**CARRIED**

**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil



## 14 COUNCIL ACTION ITEMS

### 14.1 ACTION ITEMS 17 NOVEMBER 2020

#### RESOLUTION 2020/381

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Council Report No. AR20/25204 titled 'Action Items 17 November 2020' as presented on 15 December 2020 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 7 DECEMBER 2020

#### RESOLUTION 2020/382

Moved: Cr Frank Morello

Seconded: Cr Sonya Mezinec

That the Minutes of the People and Place Committee meeting held on 7 December 2020 as attached be noted.

**CARRIED**

### 16.2 PROPERTY MANAGEMENT - HASTINGS CUNNINGHAM RESERVE SHEDS – REPORT NO. AR20/73556

#### MOTION

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR20/73556 titled 'Property Management - Hastings Cunningham Reserve Sheds' as presented on 07 December 2020 be noted.
2. That, noting Council's commitment to a strategic approach to property management issues guided by a Sport, Recreation and Open Space Plan and precinct master plans at the September 2020 meeting, Council defer seeking expressions of interest from local community groups interested in occupying Shed No. 14 until after it has these planning processes to provide strategic direction for the occupation of sheds at Hastings Cunningham Reserve.



**AMENDMENT**

Moved: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/73556 titled 'Property Management - Hastings Cunningham Reserve Sheds' as presented on 07 December 2020 be noted.
2. Council readvertise to the public to seek interest in the use of the shed (14) at Hastings Cunningham Reserve and bring forward a report for March 2021 meeting.

The Amendment was

**WITHDRAWN**

**MOTION**

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR20/73556 titled 'Property Management - Hastings Cunningham Reserve Sheds' as presented on 07 December 2020 be noted.
2. That, noting Council's commitment to a strategic approach to property management issues guided by a Sport, Recreation and Open Space Plan and precinct master plans at the September 2020 meeting, Council defer seeking expressions of interest from local community groups interested in occupying Shed No. 14 until after it has these planning processes to provide strategic direction for the occupation of sheds at Hastings Cunningham Reserve.

The motion was put and

**LOST**

Cr Perryman called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Sonya Meziniec, Max Bruins and Frank Morello

Against: Crs Kate Amoroso, Christian Greco, Ben Hood, Paul Jenner and Steven Perryman

The PRESIDING MEMBER declared the motion

**LOST 3/5**

**16.3 CONSULTATION DRAFT REGIONAL PUBLIC HEALTH PLAN 2021-2026 – REPORT NO. AR20/77671**

**RESOLUTION 2020/383**

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/77671 titled 'Consultation Draft Regional Public Health Plan 2021-2026' as presented on 07 December 2020 be noted.
2. Council endorse the updated Draft Regional Public Health Plan (as attached to 15 December 2020 Council Agenda) for the purpose of public consultation, in accordance with the public consultation section of the report.
3. The Chief Executive Officer be authorised to make minor textual changes to correct typos and errors of fact.

**CARRIED**



## 16.4 UNREASONABLE CONDUCT POLICY – REPORT NO. AR20/78760

### MOTION

Moved: Cr Frank Morello  
Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR20/78760 titled 'Unreasonable Conduct Policy' as presented on 07 December 2020 be noted.
2. That, having considered the sound organisational reasoning for an Unreasonable Conduct Policy, the draft policy as attached to Report No. AR20/78760 be adopted and implemented.

### AMENDMENT

Moved: Cr Jenner  
Seconded: Cr Amoroso

1. That People and Place Committee Report No. AR20/78760 titled 'Unreasonable Conduct Policy' as presented on 07 December 2020 be noted.
2. Council is to be presented copies of a variety of other Councils Unreasonable Conduct Policies.
3. Council gets a full list of SA Councils that have this Policy in use.

The Amendment was put and lost.

### AMENDMENT

Moved: Cr Hood  
Seconded: Cr Greco

1. That People and Place Committee Report No. AR20/78760 titled 'Unreasonable Conduct Policy' as presented on 07 December 2020 be noted.
2. That, having considered the sound organisational reasoning for an Unreasonable Conduct Policy, the draft policy as attached to Report No. AR20/78760 be adopted and implemented including that a review of all active and closed cases within a quarterly period comes to Council as a confidential report.

The Amendment was put and

**CARRIED**

The Amendment became the Motion

### RESOLUTION 2020/384

Moved: Cr Ben Hood  
Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR20/78760 titled 'Unreasonable Conduct Policy' as presented on 07 December 2020 be noted.
2. That, having considered the sound organisational reasoning for an Unreasonable Conduct Policy, the draft policy as attached to Report No. AR20/78760 be adopted and implemented including that a review of all active and closed cases within a quarterly period comes to Council as a confidential report.

**CARRIED**



Pursuant to Section 74 of the Local Government Act 1999, Cr Paul Jenner disclosed a material conflict of interest in Item 16.5:

*"I am a member of the Council Assessment Panel".*

In accordance with Section 74 of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 16.5.

Cr Paul Jenner left the meeting at 6:53 pm

## **16.5 COUNCIL / REGIONAL ASSESSMENT PANEL – REPORT NO. AR20/78763**

### **MOTION**

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR20/78763 titled 'Council / Regional Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council approach the District Councils of Grant and Robe and Wattle Range Council seeking to participate in the formation of a Regional Assessment Panel.
3. Council endorse the Memorandum of Understanding based upon Option B being the preferred constitution.

### **AMENDMENT**

Moved: Cr Steven Perryman

1. That Council Report No. AR20/63299 titled 'Regional Assessment Panel Memorandum of Understanding' as presented on 20 October 2020 be noted.
2. Council continue on with its own Council Assessment Panel.
3. Council advises the other 3 Councils it no longer wishes to be a part of the Regional Assessment Panel.
4. Council review the Terms of Reference of the Council Assessment Panel to reflect the operations of the future Council Assessment Panel.

### **POINT OF ORDER**

Cr Morello raised a point of order that Cr Perryman's proposed amendment is a variation.

The Mayor ruled that the proposed amendment was in fact a variation and could not be accepted as an amendment.

### **RESOLUTION 2020/385**

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR20/78763 titled 'Council / Regional Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council approach the District Councils of Grant and Robe and Wattle Range Council seeking to participate in the formation of a Regional Assessment Panel.
3. Council endorse the Memorandum of Understanding based upon Option B being the preferred constitution.

**CARRIED**



Cr Perryman called a division.

The declaration was set aside.  
Voting by division being:

In Favour: Crs Sonya Meziniec, Max Bruins, Ben Hood and Frank Morello

Against: Crs Kate Amoroso, Christian Greco and Steven Perryman

Abstained: Cr Lynette Martin

The PRESIDING MEMBER declared the motion

**CARRIED 4/3**

Cr Paul Jenner returned to the meeting at 7:09 pm

Pursuant to Section 74 of the Local Government Act 1999, Cr Paul Jenner disclosed a material conflict of interest in Item 16.6:

*"I am a member of the Council Assessment Panel, I could have a pecuniary interest with this".*

In accordance with Section 74 of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 16.6.

Cr Paul Jenner left the meeting at 7:10 pm

#### **16.6 REVIEW - COUNCIL ASSESSMENT PANEL – REPORT NO. AR20/79655**

##### **RESOLUTION 2020/386**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

1. That People and Place Committee Report No. AR20/79655 titled 'Review - Council Assessment Panel' as presented on 07 December 2020 be noted.
2. That Council endorses the continuation of the Council Assessment Panel in its current form and membership until superseded by the Regional Assessment Panel when established.

**CARRIED**

Cr Paul Jenner returned to the meeting at 7:12 pm





**16.7 LOCAL HERITAGE RESTORATION FUND 2020/2021 - CONSIDERATION OF APPLICATIONS AND DISTRIBUTION OF FUNDS – REPORT NO. AR20/76850**

**RESOLUTION 2020/387**

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/76850 titled ‘Local Heritage Restoration Fund 2020/2021 - Consideration of applications and distribution of funds’ as presented on 07 December 2020 be noted.
2. That the Heritage Restoration Fund Grants for 2020/2021 be endorsed and funds distributed as follows:

PROPERTY	DESCRIPTION OF WORK	RECOMMENDED VALUE OF GRANT
85-87 Gray Street	Painting and repairs of external windows and chimney. Painting and repairs to verandah.	1,700
17 Jardine Street	Replacement of damaged window	1,800
65 Bay Road	Repairs and update the verandah, replace existing timbers with new timber	1,800
1/29 Ferrers Street	Roofing and repairs	1,800
12 Wehl Street South	Re-roofing and exterior painting Demolition of lean-to, construction of dwelling additions, addition works do NOT meet the Criteria	1,800
9 Jardine Street	Restoration of and painting of front fence and verandah floor	300
1 Jardine Street	Replace rotten posts, bearers and decking on front verandah	1,700
45 Crouch Street North	Restore verandah	1,700
58 Bay Road	Roof and gutter repairs. Repair and paint 4 windows	1,700
81 Bay Road	Repair and repaint exterior of building	1,800
30 Power Street	Removal and replacement of front fence (including painting)	1,800
36 Margaret Street	Replacement and rebuilding of deck on rail lands side of building	1,800
<b>TOTAL</b>		<b>20,000</b>

3. That Council Officers advise successful applicants of the outcome of their applications.

**CARRIED**



## **17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS**

### **17.1 MINUTES OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 8 DECEMBER 2020**

#### **RESOLUTION 2020/388**

Moved: Cr Ben Hood  
Seconded: Cr Max Bruins

That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 8 December 2020 as attached be noted.

**CARRIED**

### **17.2 COMMUNITY AND RECREATION HUB - NAME CONSULTATION – REPORT NO. AR20/78193**

#### **MOTION**

Moved: Cr Ben Hood  
Seconded: Cr Frank Morello

1. That Regional Sport and Recreation Centre Committee Report No. AR20/78193 titled 'Community and Recreation Hub - Name Consultation ' as presented on 08 December 2020 be noted.
2. The following name for the Community and Recreation Hub be presented to Council for endorsement:
  - (a) Wulanda
3. The following suffix (extended title) for the Community and Recreation Hub be presented to Council for endorsement:
  - (a) Recreation and Convention Centre

#### **AMENDMENT**

Moved: Cr Jenner  
Seconded: Cr Greco

1. That Regional Sport and Recreation Centre Committee Report No. AR20/78193 titled 'Community and Recreation Hub - Name Consultation ' as presented on 08 December 2020 be noted.
2. The following name for the Community and Recreation Hub be presented to Council for endorsement:
  - (a) Mount Gambier CORE
3. The following suffix (extended title) for the Community and Recreation Hub be presented to Council for endorsement:
  - (a) Recreation and Convention Centre

The Amendment was put and

**LOST**



**RESOLUTION 2020/389**

Moved: Cr Ben Hood  
Seconded: Cr Frank Morello

1. That Regional Sport and Recreation Centre Committee Report No. AR20/78193 titled 'Community and Recreation Hub - Name Consultation ' as presented on 08 December 2020 be noted.
2. The following name for the Community and Recreation Hub be presented to Council for endorsement:
  - (a) Wulanda
3. The following suffix (extended title) for the Community and Recreation Hub be presented to Council for endorsement:
  - (a) Recreation and Convention Centre

**CARRIED**

**18 COUNCIL ASSESSMENT PANEL MINUTES**

**18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 3 DECEMBER 2020**

**RESOLUTION 2020/390**

Moved: Cr Paul Jenner  
Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 3 December 2020 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 DECEMBER 2020**

**RESOLUTION 2020/391**

Moved: Cr Christian Greco  
Seconded: Cr Ben Hood

That the Minutes of the Junior Sports Assistance Fund meeting held on 9 December 2020 as attached be noted.

**CARRIED**



**19.2 COACHING CLINIC PROGRAM 2020 – REPORT NO. AR20/78671**

**RESOLUTION 2020/392**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

1. That Junior Sports Assistance Fund Report No. AR20/78671 titled 'Coaching Clinic Program 2020' as presented on 09 December 2020 be noted.
2. The following funding be made available to the Member Organisation named below to assist in the conduct of specialised coaching clinics in accordance with the guidelines for such Clinics:
  - (i) Basketball Mount Gambier - \$2,000
  - (ii) Blue Lake Y Swim Club - \$2,000
  - (iii) Mount Gambier Cycling Club - \$1,000

**CARRIED**

**19.3 COMMERCIAL CLUB INC. - ANNUAL DONATIONS - EXCEPTIONAL JUNIOR PROGRAM 2019 – REPORT NO. AR20/80402**

**RESOLUTION 2020/393**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR20/80402 titled 'Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2019' as presented on 09 December 2020 be noted.
2. For the 2019 year the following junior receive the Commercial Club Inc. donation to assist that junior to advance in their chosen sport and to achieve their potential:  
Awardee: Tess Wight
3. The presentation of the Commercial Club Inc. donation take place at a time convenient to the recipient, member organisation and a representative of the Commercial Club Inc.
4. The media be invited to attend the presentation.

**CARRIED**

**20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil



**22 CHIEF EXECUTIVE OFFICER SELECTION PANEL COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**23 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil

**24 COUNCIL REPORTS**

**24.1 COUNCIL ADVERTISING AND SIGNAGE POLICY A170**

**MOTION**

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR20/78297 titled 'Council Advertising and Signage Policy A170' as presented on 15 December 2020 be noted.
2. That, having considered its position on the erection of advertising and sponsorship signage on leased properties, Council hereby revokes Advertising and Signage Policy A170.
3. That Council grants 'deemed consent' for the installation of signage by community and sporting lessees occupying land owned by Council.

For clarity, 'deemed consent' applies only to occupants with exclusive possession, and does not apply to licensees, permit holders, casual users, or any occupants of Crown Land.

4. That Council noting the requirements for development assessment of signs in certain circumstances provide reasonable support to lessees to lodge development assessment applications.

**AMENDMENT**

Moved: Cr Steven Perryman

Seconded: Cr Christian Greco

1. That Economic and Environment Committee Report No. AR20/71013 titled 'Review of Advertising and Signage Policy A170' as presented on 02 November 2020, and Report No. AR20/78297 be received and noted.
2. Council write to occupants of all council owned properties and provide a copy of Council's Advertising and Signage Policy A170, and where relevant, provide a list which includes a description and image of each non-complying sign located on the land tenanted by that occupant.
3. Council also inform each occupant that:
  - a) As an occupant of Council land, Council is the Landlord and therefore Council consent is required to erect any signage on such land.
  - b) Council has undertaken an audit of signage on council owned land and found that across the council area there are a number of signs that do not comply with Council's Policy A170.



- c) Council wishes to work with all occupants of council owned land to ensure compliance with Policy A170.
- d) Council requires the removal of all non-complying signs at the end of their existing sponsorship period, and in any case prior to 01 December 2021.
- e) Council requires the occupant to advise Council in writing not later than 15 February 2021 of the expiry date of any sponsorship agreements that exist as of 15 February 2021 which relate non-complying signs.
- f) Advise that if a response is not received by 15 February 2021, Council will remove the offending signs.
- g) In addition to requiring Council approval to erect advertising signage, occupants may require Development Approval under Development Act.
- h) Council Planning staff are available by appointment, to meet on-site with club representatives to work through these matters and provide advice regarding compliance with the Development Act.

The Amendment was put and

**CARRIED**

The Amendment became the Motion

#### **RESOLUTION 2020/394**

Moved: Cr Steven Perryman

Seconded: Cr Christian Greco

1. That Economic and Environment Committee Report No. AR20/71013 titled 'Review of Advertising and Signage Policy A170' as presented on 02 November 2020, and Report No. AR20/78297 be received and noted.
2. Council write to occupants of all council owned properties and provide a copy of Council's Advertising and Signage Policy A170, and where relevant, provide a list which includes a description and image of each non-complying sign located on the land tenanted by that occupant.
3. Council also inform each occupant that:
  - a) As an occupant of Council land, Council is the Landlord and therefore Council consent is required to erect any signage on such land.
  - b) Council has undertaken an audit of signage on council owned land and found that across the council area there are a number of signs that do not comply with Council's Policy A170.
  - c) Council wishes to work with all occupants of council owned land to ensure compliance with Policy A170.
  - d) Council requires the removal of all non-complying signs at the end of their existing sponsorship period, and in any case prior to 01 December 2021.
  - e) Council requires the occupant to advise Council in writing not later than 15 February 2021 of the expiry date of any sponsorship agreements that exist as of 15 February 2021 which relate non-complying signs.
  - f) Advise that if a response is not received by 15 February 2021, Council will remove the offending signs.



- g) In addition to requiring Council approval to erect advertising signage, occupants may require Development Approval under Development Act.
- h) Council Planning staff are available by appointment, to meet on-site with club representatives to work through these matters and provide advice regarding compliance with the Development Act.

**.CARRIED**

#### **24.2 LOCAL GOVERNMENT ASSOCIATION - 2021 SHOWCASE AND ORDINARY GENERAL MEETING**

##### **RESOLUTION 2020/395**

Moved: Mayor Lynette Martin

Seconded: Cr Ben Hood

1. That Council Report No. AR20/78757 titled 'Local Government Association - 2021 Showcase and Ordinary General Meeting' as presented on 15 December 2020 be noted.
2. That the Mayor be confirmed as the delegate to represent Council at the 2021 LGA Showcase and Ordinary General Meeting to be held in Adelaide on Thursday 29 April and Friday 30 April 2021 accompanied by the CEO, with all associated costs to be met by Council.
3. That the Deputy Mayor be confirmed as proxy delegate to represent Council, should the Mayor not be able to attend.

**CARRIED**

#### **24.3 BULKY WASTE COLLECTION UPDATE**

##### **RESOLUTION 2020/396**

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR20/78824 titled 'Bulky Waste Collection Update' as presented on 15 December 2020 be noted.

**CARRIED**

Cr Kate Amoroso left the meeting at 8:10 pm

#### **24.4 FOGO SERVICE UPDATE**

##### **RESOLUTION 2020/397**

Moved: Cr Sonya Meziniec

Seconded: Cr Steven Perryman

1. That Council Report No. AR20/78936 titled 'FOGO Service Update' as presented on 15 December 2020 be noted.

**CARRIED**



Cr Kate Amoroso returned to the meeting at 8:13 pm

#### **24.5 TENURE OF BLUE LAKE PERIMETER**

##### **RESOLUTION 2020/398**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR20/80940 titled 'Tenure of Blue Lake Perimeter' as presented on 15 December 2020 be noted.
2. A further report be presented when tenure of the Blue Lake area has been confirmed.
3. Council write to the Minister for Tourism, Hon. Steven Marshall Premier, the Minister for Crown Land, the Attorney General, Minister for Environment and Water and the local Member regarding the application for joint custodianship of the outer perimeter of the Blue Lake highlighting the important tourism and economic contribution that the Blue Lake makes to the local and the state economy and requesting their assistance to expedite the approval of the joint custodianship application.

**CARRIED**

#### **24.6 DEPUTY MAYOR - EXPIRY OF 2 YEAR TERM**

##### **RESOLUTION 2020/399**

Moved: Mayor Lynette Martin

Seconded: Cr Steven Perryman

1. That Council Report No. AR20/81322 titled 'Deputy Mayor - Expiry of 2 Year Term' as presented on 15 December 2020 be noted.
2. That nominations be sought for the position of Deputy Mayor for the period until the 2022 local government elections.
3. That, having received more than one nomination for the position of Deputy Mayor, a secret ballot be conducted forthwith without debate in accordance with Council Policy C410 Meeting Code of Practice. The Chief Executive Officer (or any other Senior Officer present) shall be the Returning Officer to declare the result and draw lots (if/as necessary) and the following shall apply:
  - Any Member present at the meeting may be nominated.
  - The Mayor does not vote on the question of the appointment of Deputy Mayor.
  - A Member not in his or her seat at the meeting does not vote.
  - The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared the Deputy Mayor.
  - A division cannot be called for when a vote on the question of appointing a Deputy Mayor is taken.
  - The Mayor may (but is not required to) accept a motion to endorse the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the result of the secret ballot.

**CARRIED**





Councillor Greco and Cr Meziniec nominated for the position of Deputy Mayor.

A secret ballot was conducted and the Acting Chief Executive Officer counted the votes with the results being: Cr Greco 4 / Cr Meziniec 4

Due to an equality of votes the Acting Chief Executive Officer drew the candidates names from a lot with the first name drawn, Cr Greco.

The Acting Chief Executive Officer declared Cr Greco to be the successful candidate for the position of Deputy Mayor.

## **MOTION – THANKS AND APPRECIATION**

### **RESOLUTION 2020/400**

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. Council notes the results of the vote with Cr Greco being voted Deputy Mayor.
2. Council convey its thanks and appreciation to Cr Sonya Meziniec for discharging the role of Deputy Mayor over the past two years.

**CARRIED**

Cr Max Bruins left the meeting at 8:28 pm

Cr Max Bruins returned to the meeting at 8:30 pm

## **25 MOTIONS WITH NOTICE**

### **25.1 NOTICE OF MOTION - LIMESTONE COAST DESTINATION MANAGEMENT PLAN**

#### **RESOLUTION 2020/401**

Moved: Cr Steven Perryman

Seconded: Cr Ben Hood

1. That Council Report No. AR20/82434 titled 'Notice of Motion - Limestone Coast Destination Management Plan' as presented on 15 December 2020 be noted.
2. Council invites the CEO of LCLGA and the Tourism Development Manager to meet with available members of Mount Gambier Council to discuss the Limestone Coast Destination Management Plan, in particular the human resource needs to successfully activate the plan.

**CARRIED**



## 25.2 NOTICE OF MOTION - REFERRAL OF BUDGET ITEMS TO BUDGET REVIEW 2

### RESOLUTION 2020/402

Moved: Cr Steven Perryman  
Seconded: Cr Max Bruins

1. That Council Report No. AR20/82435 titled 'Notice of Motion - Referral of Budget items to Budget Review 2' as presented on 15 December 2020 be noted.
2. That the following budget items (Attachment 1) be referred to Budget Review 2 for consideration of reducing budgetary expenditure allocations.

**CARRIED**

## 25.3 NOTICE OF MOTION - FILMING AND AUDIO RECORDING DEVICES

### MOTION

Moved: Mayor Lynette Martin  
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR20/82789 titled 'Notice of Motion - Filming and Audio Recording Devices' as presented on 15 December 2020 be noted.
2. That the words:

*'Elected Members and Council Officers (with the exception of Council's Media Officers) be prohibited from taking or making audio, video or video recording or photographs during formal or informal meetings of Council and Committees without the express permission of the Council granted by resolution passed by at least two-thirds of Members.'*

be inserted at the end of Clause 12.1 'Filming and Audio Recording Devices' in [Council Policy C410](#).

### AMENDMENT

Moved: Cr Ben Hood  
Seconded: Cr Christian Greco

1. That Council Report No. AR20/82789 titled 'Notice of Motion - Filming and Audio Recording Devices' as presented on 15 December 2020 be noted.
2. That a Members Workshop be scheduled as soon as possible to consider Council Policy C410.

The Amendment was put and

**CARRIED**

The Amendment became the Motion

### RESOLUTION 2020/403

Moved: Cr Ben Hood  
Seconded: Cr Christian Greco

1. That Council Report No. AR20/82789 titled 'Notice of Motion - Filming and Audio Recording Devices' as presented on 15 December 2020 be noted.



2. That a Members Workshop be scheduled as soon as possible to consider Council Policy C410.

**CARRIED**

## **26 URGENT MOTIONS WITHOUT NOTICE**

Nil

## **27 CONFIDENTIAL ITEMS OF COMMITTEES**

### **27.1 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 8 DECEMBER 2020**

### **27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 29/11/2020 – REPORT NO. AR20/80910**

#### **RESOLUTION 2020/404**

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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR20/80910 Project Control Group (PCG) Progress Report - As at 29/11/2020.

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

- 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



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.

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because specifically, the present matter relates to the execution of a signed contract between Council and Badge for the construction of the Mount Gambier Community and Recreation Hub.

**CARRIED**

#### **RESOLUTION 2020/405**

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 27.2 AR20/80910 Project Control Group (PCG) Progress Report - As at 29/11/2020 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 (k) be kept confidential and not available for public inspection until that the item be reviewed 12 months after successful execution of the contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**



## 28 NEW CONFIDENTIAL ITEMS

Item - Consideration for Exclusion of Public - Item 28.1 - has been moved to follow Item 28.4.

Item - Consideration for Keeping Matters Item Confidential - Item 28.1 - has been moved to follow Item 28.4.

### 28.2 BOOKMARK CAFE UPDATE – REPORT NO. AR20/79583

#### RESOLUTION 2020/406

Moved: Cr Sonya Mezinec

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 Mayor L Martin, Councillors S Mezinec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.2 AR20/79583 Bookmark Cafe Update.

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

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 financial and other business information of the proponent that is of a commercial in-confidence nature and includes Council deliberations in relation to continued business arrangements with the proponent. The premature disclosure of this information could reasonably confer an advantage on a third party and prejudice the commercial position of the Council and the party that provided the information. Considering the Councils interest in obtaining best value for the provision of a community service from its facility it is considered that the premature disclosure of this information would, on balance, be contrary to the public interest.

**CARRIED**



**RESOLUTION 2020/407**

Moved: Cr Max Bruins  
Seconded: Cr Ben Hood

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 28.2 AR20/79583 Bookmark Cafe 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) and (d) be kept confidential and not available for public inspection until 2 years have elapsed or 12 months after the execution of an agreement with the proponent, whichever is the earlier.
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**

**28.3 BLUE LAKE GOLF CLUB - SEPTEMBER 2020 QUARTERLY KPI REPORT – REPORT NO. AR20/78759**

**RESOLUTION 2020/408**

Moved: Cr Max Bruins  
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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.3 AR20/78759 Blue Lake Golf Club - September 2020 Quarterly KPI Report.

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

- 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

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 report attachment includes commercial information relating to the operations of the Blue Lake Golf Club the premature disclosure of which could reasonably be expected to confer advantage on a 3rd party and prejudice the commercial position of the Blue Lake Golf Club.



The public interest in the disclosure of this information is considered to be outweighed by the public benefit provided by the maintenance and management of the public land on which the golf course is located which is reliant on the continued successful operations of the Blue Lake Golf Club.

**CARRIED**

**RESOLUTION 2020/409**

Moved: Cr Max Bruins  
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 28.3 AR20/78759 Blue Lake Golf Club - September 2020 Quarterly KPI Report 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) (d) be kept confidential and not available for public inspection until 2 years have passed or the Blue Lake Golf Club has ceased operating, whichever is the earlier.
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 Max Bruins left the meeting at 9.15 pm and did not return.

**28.4 STRATEGIC PROPERTY MANAGEMENT - 12 WHITE AVENUE – REPORT NO. AR20/82411**

**RESOLUTION 2020/410**

Moved: Cr Ben Hood  
Seconded: Cr Christian Greco

**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, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.4 AR20/82411 Strategic Property Management - 12 White Avenue.

The Council is satisfied that, pursuant to section 90(3) (b) 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
- 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 to be discussed relates to private property that Council may give consideration to purchasing and the disclosure of this information may reasonably be considered to prejudice the Councils negotiating position and confer an advantage on a third party.

Further, the matter is subject to an existing confidentiality order, the disclosure of which would breach that confidence.

The public interest in the non-disclosure of this information is considered to be outweighed as Council may intend to utilise community funds for any such purchase.

**CARRIED**

## **28.1 NOTICE OF MOTION - REQUEST FOR INFORMATION - COMMUNITY AND RECREATION HUB – REPORT NO. AR20/82569**

### **RESOLUTION 2020/411**

Moved: Cr Paul Jenner

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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, M McCarthy and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.1 AR20/82569 Notice of Motion - Request for Information - Community and Recreation Hub.

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

- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered includes legal advice sought in relation to the subject matter of the proposed motion and related matters.

**CARRIED**





Cr Morello suggested a suspension of meeting procedures.

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To discuss Notice of Motion – Request for Information – Community and Recreation Hub.

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

Meeting Procedures were suspended at 9:21 pm

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

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

The Period of Suspension came to an end and Meeting Procedures resumed at 9:58 pm

**RESOLUTION 2020/412**

Moved: Cr Sonya Mezinac

Seconded: Cr Frank Morello

**CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 28.1 AR20/82569 Notice of Motion - Request for Information - Community and Recreation Hub 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) (h) be kept confidential and not available for public inspection until further ordered by Council, to be reviewed at least once in every year.
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**

**29 MEETING CLOSE**

**The Meeting closed at 10.01 pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 January 2021.**

.....  
**PRESIDING MEMBER**

