

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 16 MAY 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Sonya Meziniec, Cr Jason Virgo

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager City and Community Growth	- Mrs Sue La Greca
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Ms S Wilson

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

RESOLUTION 2023/75

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

That the apology from Cr Paul Jenner be received.

CARRIED

3 LEAVE OF ABSENCE

RESOLUTION 2023/76

Moved: Cr Kate Amoroso

Seconded: Cr Jason Virgo

That leave of absence from Cr Mark Lovett be noted.

CARRIED



4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/77

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

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

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - MAY 2023

- Anzac Accolade – Salvation Army
- With CEO Site Visit to McDonnell Industries
- With CEO Meeting with Hon Ben Hood MLC
- Radio Interview – 5 GTR-FM
- Kapyong Day Service
- Anzac Day Dawn Service – Vansittart Park
- Anzac Day March and Service – Vansittart Park
- Radiation Treatment LC Working Party Meeting
- Virtual Meeting with CEO and Rebecca Abley – Crime Stoppers SA
- EM Briefing – Budget Workshop 4
- Meeting with EO LCLGA – Strategic Plan
- EM Briefing – RACT Board Membership (Vacancies)
- EM Briefing – RACC Structure
- EM Briefing – Tourism and Economic Development Websites Progress and Visitor Satisfaction
- Official Launch of Wirringka Student Services Mount Gambier Study Centre and Kinyera Warui/Yacca Path & Nyina ba Kalawa / Yarning Circle – Uni SA
- Uni SA Graduation Luncheon
- Uni SA Graduation Ceremony
- Mount Gambier Netball Association Season Opening
- Volunteer at Red Cross Blood Bank
- CEO Performance Review Committee Meeting
- Meeting with Nathan Paine, CEO, SA Forest Products Association
- Visit to Boandik St Mary's to speak to Residents
- Introductory Meeting with representatives from Limestone Estate
- Maiden Speech – Hon Ben Hood MLC
- Launch of GIJ 2023



- Launch of the Feast of Vesak
- Generations in Jazz – Chairman’s Dinner
- Generations in Jazz – Finale Concert and Awards
- Flag Raising Ceremony – World Red Cross Day
- Audit and Risk Committee Workshop
- Audit and Risk Committee Meeting
- With CEO, Meeting with Independent Chair – Steering Committee Education and Training Precinct
- EM Briefing with Hon Ben Hood MLC
- EM Briefing – Budget Workshop 5 and Long Term Financial Plan
- Reception at Government House, Celebration of the Coronation of Their Majesties King Charles III & Queen Camilla
- SAROC Meeting – Kimba
- Mayor and CEO Meeting with SA Cross Border Commissioner

RESOLUTION 2023/78

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Meziniec

That the Mayoral report made on 16 May 2023 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Josh Lynagh Red Shield Appeal Concert, Audit and Risk Committee Workshop.

Cr Jason Virgo Anzac Day, ac.care Showcase - Shane Maddocks and Jess Wilkin.

Cr Frank Morello Anzac Day Dawn Service, Uni SA Graduation Ceremony.

Cr Sonya Meziniec Anzac Day Dawn Service, Anzac Day Parade and Service, LCLHN Annual HAC Conference Working Group, Exhibition Opening Riddoch Art Gallery - Tom Moore Jam Factory Icon - Abundant Wonder, Renewal - Thumbprint (local artists), Annual Vigil - Remembering those who have died due to domestic and family violence, Mount Gambier and Districts Health Advisory Council.

RESOLUTION 2023/79

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

That the reports made by Councillors on 16 May 2023 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 INFORMATION BRIEFING SESSIONS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 14/04/2023 TO 12/05/2023

RESOLUTION 2023/80

Moved: Cr Sonya Mezinec

Seconded: Cr Frank Morello

1. That Council Report No. AR23/26803 titled 'Elected Member Information/Briefing Sessions from 14/04/2023 to 12/05/2023' as presented on 16 May 2023 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 18/04/2023

RESOLUTION 2023/81

Moved: Cr Josh Lynagh

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR23/29303 titled 'Council Action Items - 18/04/2023' as presented on 16 May 2023 be noted.

CARRIED



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

Nil

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 8 MAY 2023

RESOLUTION 2023/82

Moved: Mayor Lynette Martin
Seconded: Cr Max Bruins

That the Minutes of the Audit and Risk Committee meeting held on 8 May 2023 as attached be noted.

CARRIED

16.2 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR23/27631

RESOLUTION 2023/83

Moved: Mayor Lynette Martin
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR23/27631 titled 'External Audit Management Report' as presented on 08 May 2023 be noted.

CARRIED

16.3 WORK HEALTH SAFETY AND WELLBEING MANAGEMENT – REPORT NO. AR23/28130

RESOLUTION 2023/84

Moved: Mayor Lynette Martin
Seconded: Cr Sonya Mezinac

1. That Audit and Risk Committee Report No. AR23/28130 titled 'Work Health Safety and Wellbeing Management' as presented on 08 May 2023 be noted.

CARRIED



17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 1 MAY 2023

RESOLUTION 2023/85

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 1 May 2023 as attached be noted.

CARRIED

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORT

19.1 SOUTH AUSTRALIAN FOREST PRODUCTS ASSOCIATION (SAFPA) - AFFILIATE MEMBERSHIP

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 19.1.

In accordance with Section 75B Cr Lynagh informed the meeting:

• Nature of Interest:

"I work for Hon. Clare Scriven, the Minister for Forest Industries. SAFPA is the peak industry for Forestry."

• Intention to Participate:

"I intend to stay in the meeting and vote on the matter. I will not be engaging in discussion or debate on the matter."

• Reason for Participating:

"The result of the motion, one way or the other, has no effect on myself or my employed position in any way."

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 19.1.

Moved: Cr Max Bruins

1. That Council Report No. AR23/28646 titled 'South Australian Forest Products Association (SAFPA) - Affiliate Membership as presented on 16 May 2023 be noted.



2. That Council become an affiliate member of the South Australian Forest Products Association (SAFPA) to support the forest industry in Mount Gambier and contribute to economic, environmental and community development.
3. That Council note that the \$3,000 annual membership fee can be funded from the existing budget.

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 further discuss questions relating to Item 19.1

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

Meeting Procedures were suspended at 6:15 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 6:24 pm

The motion lapsed for want of a seconder

RESOLUTION 2023/86

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR23/28646 titled 'South Australian Forest Products Association (SAFPA) - Affiliate Membership as presented on 16 May 2023 be noted.
2. That a decision be deferred until such time that SAFPA brief Council on the benefits of affiliate membership via an Information Briefing.

CARRIED

Having participated in the meeting for Item 19.1 under Section 75B Cr Lynagh voted in favour of the motion.



19.2 REQUEST FOR TREE REMOVAL - 2 PYNE CLOSE, MOUNT GAMBIER

RESOLUTION 2023/87

Moved: Cr Max Bruins
Seconded: Cr Kate Amoroso

1. That Council Report No. AR23/26358 titled 'Request for Tree Removal - 2 Pyne Close, Mount Gambier' as presented on 16 May 2023 be noted.
2. That a further report be brought back to Council after some additional issues raised by the owner have been investigated.

CARRIED

19.3 LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION (LCLGA) BUSINESS PLAN 2023/2024

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 19.3.

Cr Lynagh informed the meeting:

- Nature of Interest:

"I work for Hon. Clare Scriven, the Minister for Regional Development. Council's membership of the LCLGA includes contribution to the RDALC."

- Intention to Participate:

"I intend to stay in the meeting and vote on the matter. I will not be engaging in discussion or debate on the matter."

- Reason for Participating:

"The result of the motion, one way or the other, has no effect on myself or my employed position in any way."

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 19.3.

RESOLUTION 2023/88

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/30253 titled 'Limestone Coast Local Government Association (LCLGA) Business Plan 2023/2024' as presented on 16 May 2023 be noted.
2. That Council support the Limestone Coast Local Government Association (LCLGA) Budget and Business Plan for the 2023/2024 financial year.

CARRIED

Having participated in the meeting for Item 19.3 under Section 75B Cr Lynagh voted in favour of the motion.



19.4 THIRD QUARTER REPORT ON ANNUAL BUSINESS PLAN 2022/2023 ANNUAL OBJECTIVES

RESOLUTION 2023/89

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/24499 titled 'Third Quarter Report on Annual Business Plan 2022/2023 Annual Objectives' as presented on 16 May 2023 be noted.

CARRIED

19.5 BUDGET REVIEW 3 2022/2023

RESOLUTION 2023/90

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/24498 titled 'Budget Review 3 2022/2023' as presented on 16 May 2023 be noted.
2. That Council adopts the attached revised budget for the year ending 30 June 2023 as at 31 March 2023 (Budget Review 3).

CARRIED

20 MOTIONS WITH NOTICE

Nil

21 MOTIONS WITHOUT NOTICE

Mayor Martin, under Regulation 12(6) of the Local Government Procedures at Meeting Regulations, refused to accept a motion without notice from Cr Virgo after taking into account the Guiding Principles.



22 CONFIDENTIAL ITEMS OF COMMITTEES

22.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 1 MAY 2023

22.2 REQUEST FOR QUOTES - INDEPENDENT SPECIALIST SUPPORT – REPORT NO. AR23/22334

RESOLUTION 2023/91

Moved: Cr Frank Morello
Seconded: Cr Sonya Mezinec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, J Fetherstonhaugh, S La Greca, M McCarthy, J Scoggins, M Brookes and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 22.2 AR23/22334 Request for Quotes - Independent Specialist Support.

The Council is satisfied that, pursuant to section 90(3) (a), (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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- 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 the information to be presented and discussed relates to the performance review of the Chief Executive Officer, the disclosure of which would be unreasonable disclosure of personal information relating to the employment of the Chief Executive Officer, Sarah Philpott and also relates to consideration of submissions for the provision of consultancy services which includes commercial information the disclosure of which would confer benefit on third parties and prejudice the commercial position of Council in obtaining best value on behalf of the community.

CARRIED

Sarah Philpott, Chief Executive Officer, declared a conflict for item 22.2 and left the meeting at 6:41 pm.

RESOLUTION 2023/92

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.1 AR23/22334 Request for Quotes - Independent Specialist Support and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b), (d) and (k) be kept confidential and not available for public inspection until 2 years after the term and any renewal term of employment of Sarah Philpott as Chief Executive Officer has ended, with the commercial information associated with expression of interest submissions to be released after 2 years and the name and value of the selected supplier be released immediately upon execution of a 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

Sarah Philpott, Chief Executive Officer, returned to the meeting at 6:42 pm.



23 NEW CONFIDENTIAL ITEMS

23.1 TELSTRA CO-INVESTMENT PROPOSAL FOR MOBILE BLACKSPOTS – REPORT NO. AR23/28946

RESOLUTION 2023/93

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 the Mayor, Councillors and S Philpott, B Cernovskis, J Fetherstonhaugh, S La Greca, M McCarthy, J Scoggins, M Brookes and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/28946 Telstra Co-investment Proposal for Mobile Blackspots.

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered includes reports provided to Council containing commercial information creating a duty of confidence, and including information from a public authority, the premature disclosure of which could confer an advantage on third parties and prejudice the commercial position of Council in



negotiations, and be contrary to the public interest in achieving optimal investment outcomes and value.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 23.1.

Cr Lynagh informed the meeting:

- Nature of Interest:

"I work for Hon. Clare Scriven, the Minister for Regional Development and Forest Industries. Both the RDALC and SAFPA are involved in this proposal."

- Intention to Participate:

"I intend to stay in the meeting and vote on the matter. I will not be engaging in discussion or debate on the matter."

- Reason for Participating:

"The result of the motion, one way or the other, has no effect on myself or my employed position in any way."

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 23.1.

Having participated in the meeting for Item 23.1 under Section 75B Cr Lynagh voted in favour of the motion.

RESOLUTION 2023/94

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR23/28946 Telstra Co-investment Proposal for Mobile Blackspots and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) and (j) be kept confidential and not available for public inspection until an appropriate agreement has been executed releasing Council from its duty of confidence or Telstra provide express permission to release the information, 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



**23.2 AF23/54 TENDER - PROCUREMENT - TENDER FOR CONSTRUCTION OF
CAROLINE CELL 4A – REPORT NO. AR23/27593**

RESOLUTION 2023/95

Moved: Cr Frank Morello
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 the Mayor, Councillors and S Philpott, B Cernovskis, J Fetherstonhaugh, S La Greca, M McCarthy, J Scoggins, M Brookes and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/27593 AF23/54 Tender - Procurement - Tender For Construction of Caroline Cell 4A.

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

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

CARRIED

RESOLUTION 2023/96

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR23/27593 AF23/54 Tender - Procurement - Tender For Construction of Caroline Cell 4A and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 12 months after the completion of the tender works, with the name of the successful tenderer and the tender contract value to be disclosed following execution of a 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



24 MEETING CLOSE

The Meeting closed at 6:51 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 June 2023.

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PRESIDING MEMBER

