

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 17 SEPTEMBER 2019 AT 6.00 P.M.**

PRESENT: Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Acting General Manager Council Business Services	- Mr J Zwijnenburg
	Communications Officer	- Mrs A Watson
	Manager Development Services	- Mrs T Tzioutziouklaris
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Ms A Lavia

The Deputy Mayor took the chair for the meeting.

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

RESOLUTION 2019/203

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the apology(ies) from Mayor Lynette Martin, Cr Christian Greco and Cr Ben Hood be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2019/204

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 20 August 2019 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

Nil

6 REPORTS FROM COUNCILLORS

Cr Sonya Meziniec	Chamber of Commerce and Tourism Mount Gambier AGM's, Farewell of Magistrate Anderson, Limestone Coast Choral and Vocal Showcase, Tour of the Great South Coast VIP even in Portland, senior best and fairest count Mount Gambier Netball Association, launch of GovHack event, junior presentations Mount Gambier Netball Association, Out of the Shadows event Mount Gambier Suicide Prevention Network, Limestone Coast Football Association Steeline Grand Final, One Night Stand Lucindale.
Cr Kate Amoroso	Public Lighting Working Group meeting, Tour of the Great South Coast, Xmas Parade Committee meeting.
Cr Steven Perryman	Mount Gambier Chamber of Commerce and Tourism Mount Gambier AGM, Blue Lake Sports Park users & tenants meeting, Triple J One Night Stand Lucindale, Heritage Tourism Workshop conducted by SATIC.
Cr Paul Jenner	Mount Gambier Chamber of Commerce AGM, Tourism Mount Gambier AGM, L.E.D Public Lighting Working Group meeting, Planning SA meeting in Adelaide, Tour of the Great South Coast Cycling, 10 year anniversary of The Junction, Group Training Employment board meeting.
Cr Max Bruins	Planning Reform webinar, Chamber of Commerce AGM, Tourism Mount Gambier AGM.

RESOLUTION 2019/205

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

That the reports made by Councillors on 17 September 2019 be received.

CARRIED

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil



10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOPS (INFORMAL GATHERINGS)

RESOLUTION 2019/206

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/48042 titled 'Elected Member Workshops (Informal Gatherings)' as presented on 17 September 2019 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

13.1 MEMBER TRAINING REQUEST - NATIONAL LOCAL GOVERNMENT COUNCILLORS MENTAL HEALTH CONFERENCE

RESOLUTION 2019/207

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/48752 titled 'Member Training Request - National Local Government Councillors Mental Health Conference' as presented on 17 September 2019 be noted.
2. That, having considered the cost and benefit to Council, support the attendance of Cr Amoroso to attend the National Local Government Councillors Mental Health Conference in Melbourne on 11 October 2019 with all associated travel costs to be borne by Council.
3. Attendees at the National Local Government Councillors Mental Health Conference submit a report for presentation at the Member Reports agenda item at the November 2019 Council meeting, in accordance with Council Policy M500.

CARRIED



13.2 MEMBER TRAINING REQUEST - L.E.D. STREET LIGHTING

RESOLUTION 2019/208

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

1. That Council Report No. AR19/49083 titled 'Member Training Request - L.E.D. Street Lighting' as presented on 17 September 2019 be noted.
2. That, having considered the cost and benefit to Council, support the attendance of Cr Jenner to attend L.E.D. Street Lighting training in Adelaide on 29 October 2019 with expenses associated with car parking only to be borne by Council.
3. Attendees at the L.E.D. Street Lighting training submit an Evaluation Pro-Forma for circulation on the Member Extranet, in accordance with Council Policy M500.

CARRIED

13.3 MEMBER TRAINING REQUEST - LOCAL GOVERNMENT ASSOCIATION STATE ANNUAL CONFERENCE

RESOLUTION 2019/209

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

1. That Council Report No. AR19/49084 titled 'Member Training Request - Local Government Association State Annual Conference' as presented on 17 September 2019 be noted.
2. That, having considered the cost and benefit to Council, support the attendance of Cr Jenner to attend the Local Government Association State Annual Conference in Adelaide on 30-31 October 2019 with expenses associated with car parking only to be borne by Council.
3. Attendees at the Local Government Association State Annual Conference submit an Evaluation Pro-Forma for circulation on the Member Extranet, in accordance with Council Policy M500.

CARRIED

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS

RESOLUTION 2019/210

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR19/48043 titled 'Council Action Items' as presented on 17 September 2019 be noted.

CARRIED



15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

15.1 MINUTES OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 2 SEPTEMBER 2019

RESOLUTION 2019/211

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

That the Minutes of the Economic and Environment Committee meeting held on 2 September 2019 as attached be noted.

CARRIED

15.2 PROPOSED MEETING DATES FOR THE ECONOMIC AND ENVIRONMENT COMMITTEE FOR 2019/20 – REPORT NO. AR19/45836

RESOLUTION 2019/212

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR19/45836 titled 'Proposed Meeting Dates for the Economic and Environment Committee for 2019/20' as presented on 02 September 2019 be noted.
2. That its meeting schedule for 2019/20, be as set out in Attachment 1 to this report.

CARRIED

15.3 TERMS OF REFERENCE OF THE ECONOMIC AND ENVIRONMENT COMMITTEE – REPORT NO. AR19/45837

RESOLUTION 2019/213

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR19/45837 titled 'Terms of Reference of the Economic and Environment Committee' as presented on 02 September 2019 be noted.
2. That this is a prescribed Committee for the purposes of payments as required by the SA Remuneration Tribunal.

CARRIED



15.4 UPDATE ON PROGRESS TO ESTABLISH A TRI-PARTY AGREEMENT WITH KPIS BETWEEN THE CITY OF MOUNT GAMBIER, DISTRICT COUNCIL OF GRANT AND THE SOUTH EAST ANIMAL WELFARE LEAGUE – REPORT NO. AR19/45977

RESOLUTION 2019/214

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR19/45977 titled 'Update on progress to establish a tri-party agreement with KPIS between the City of Mount Gambier, District Council of Grant and the South East Animal Welfare League' as presented on 02 September 2019 be noted and endorsed with the exception of item 4 for a temporary period.
2. That the Chief Executive Officer be authorised to sign the tri-party agreement on behalf of the City of Mount Gambier, subject to it being consistent with the contents of Table 1 forming part of this report.

CARRIED

15.5 LAKES ROTARY CLUB WORKS PROPOSAL – REPORT NO. AR19/45839

RESOLUTION 2019/215

Moved: Cr Max Bruins

Seconded: Cr Steven Perryman

1. That Economic and Environment Committee Report No. AR19/45839 titled 'Lakes Rotary Club Works Proposal' as presented on 02 September 2019 be noted.
2. That Council congratulate the Lakes Rotary Club on their initiative in raising this as a necessary and worthwhile project within the Crater lakes Precinct and
 - (a) That Council provides in principle support for the development of this project for the restoration of the existing walking trail between the Valley Lakes and Leg of Mutton Lake (from Keegan Drive through to Marks Lookout):
 - (i) with Council staff providing the necessary assistance to prepare design details, liaising with the QEPT in relation to proposed effluent management systems and seek the relevant development approvals; and
 - (ii) Lakes Rotary Club to undertake the physical works and provide the necessary materials for the first stage; and
 - (iii) Any further commitment from council be subject to future budget allocations.

CARRIED



15.6 PROPOSED ROAD CLOSING - 11-13 PEAKE STREET – REPORT NO. AR19/43466

RESOLUTION 2019/216

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

1. That Economic and Environment Committee Report No. AR19/43466 titled 'Proposed Road Closing - 11-13 Peake Street' as presented on 02 September 2019 be noted.
2. A Road Process be commenced for the closure of portions of Peake Street marked 'Part A' and 'Part B' on the Preliminary Plan attached to Report No. AR19/43466 to be amalgamated with the adjoining Allotments 52 & 53.
3. The Road Process envisaged at recommendation (2) be at the full cost of the applicant including the engagement of surveying and conveyancing services and the re-imbursement of any out of pocket expenses incurred by Council including stamp duty.
4. That consideration for the land associated with the road closing and transfer be, subject to the making of a Road Order and registration by the Registrar General, \$8,000 +GST.
5. A further report be presented to Council to consider any objections and the making of a Road Process Order;
6. in the event that no objections are received, the Chief Executive Officer and Mayor be authorised to make a Road Process Order and prepare a Final Plan to close and transfer any part or portion of Peake Street as shown on the Preliminary Plan attached to Report No. AR19/43466 to adjoining owners for amalgamation with the adjoining Allotments 52 and 53 for consideration as specified in recommendation (4).
7. A Road Authorisation be granted for a period not exceeding 5 years for occupation, fencing and other minor works to the road area marked 'Part A' and 'Part B' in the preliminary plan attached to Report No. AR19/43466.
8. The Chief Executive Officer and Mayor be authorised to affix the Common Seal to any documentation necessary to give effect to the road closure and road authorisation in recommendations (1), (6) and (7).

CARRIED

15.7 1 HOUR PARKING ZONE STURT STREET (NORTHERN SIDE) – REPORT NO. AR19/46048

RESOLUTION 2019/217

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR19/46048 titled '1 Hour Parking Zone Sturt Street (Northern Side)' as presented on 02 September 2019 be noted.
2. The Traffic impact statement attached to the Economic and Environment Committee Report No. AR19/46048 be endorsed by Council.
3. That City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
 - (a) Prohibited Area 1 HOUR PARKING
3.3.210



STURT STREET (NORTHERN SIDE) - from 10 metres to 97 metres east of the intersection with Compton Street to apply between 8.00 am and 5.00 pm. Monday to Friday and 8.00 am to 12 noon Saturdays.

- (b) To be effective on the installation of appropriate signage.

CARRIED

**15.8 POLICY REVIEW - O110 ORDER MAKING AND C305 CARETAKER POLICY –
REPORT NO. AR19/43867**

RESOLUTION 2019/218

Moved: Cr Max Bruins

Seconded: Cr Steven Perryman

1. That Economic and Environment Committee Report No. AR19/43867 titled 'Policy Review O110 Order Making and C305 Caretaker Policy' as presented on 02 September 2019 be noted.
2. That, having conducted public consultation in accordance with the provisions of the Local Government Act 1999 and in the absence of any enquiries or submissions, the following draft policies now be adopted and added to Council's Policy Index:

Order Making Policy O110
3. Caretaker Policy C305 be amended to remove paragraph 6.6 and the CEO be delegated authority to review the policy and make changes as necessary to other clauses in order to ensure the policy is not compromised by the removal of paragraph 6.6 in isolation.
4. Council proceed to a second round of consultation on the amended Caretaker Policy C305.

CARRIED

15.9 WINTV RIGHT OF WAY / EASEMENT UPDATE – REPORT NO. AR19/45842

The Presiding Member 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 item 15.9.

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

Meeting Procedures were suspended at 06:45 PM.

The Presiding Member 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 06:56 PM



RECOMMENDATION

1. That Economic and Environment Committee Report No. AR19/45842 titled 'WINTV Right of Way / Easement Update' as presented on 02 September 2019 be noted.
2. That a right of way be granted, in long form, in favour of the WINTV site over portion of the Lake Terrace Cemetery being Section 78 Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64, for a consideration amount of \$8,500 and with the applicant responsible for all associated costs.
3. The Chief Executive Officer and Mayor be authorised to affix the Council Seal to any documentation necessary to give effect to the grant of right of way in accordance with resolution (2).
4. That Council work in partnership with WINTV to:
 - a) develop an exhibit of archival footage that is of interest to the Mount Gambier community around regional sporting activities and achievements, which may be of value in the Regional Sport and Recreation Centre.
 - b) lobby the National Sound and Film Archive to prioritise their take-up of WINTV (Mount Gambier) archival footage into the national archive.

MOTION LAPSED FOR WANT OF A MOVER

15.10 WORK IN PROGRESS BUDGET CARRY OVERS FROM 2018/2019 – REPORT NO. AR19/41788

RESOLUTION 2019/219

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR19/41788 titled 'Work in Progress Budget Carry Overs from 2018/2019' as presented on 02 September 2019 be noted.
2. That the Work in Progress Budget carry overs from 2018/2019 of \$2,326k be endorsed and reflected in the 2019/20 budget.

CARRIED

15.11 WORK PROGRAM FOR THE ECONOMIC AND ENVIRONMENT COMMITTEE FOR 2019/20 – REPORT NO. AR19/46229

RESOLUTION 2019/220

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR19/46229 titled 'Work Program for the Economic and Environment Committee for 2019/20' as presented on 02 September 2019 be noted.
2. That the following items comprise the Committee's work program for the remainder of the 2019/20 municipal year:



- a) Budget process and preparations
- b) Environmental Sustainability
- c) Council funding for tourism
- d) Economic Development
- e) Future of Council owned tourism assets
- f) PLEC
- g) Waste Management
- h) Land Acquisition

CARRIED

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

Pursuant to Section 75A of the Local Government Act 1999, Cr Steven Perryman disclosed a perceived conflict of interest in Item 17.1:

"I am a Board member of Basketball Mount Gambier which is an organisation that has representation on the Community Reference Group."

Cr Steven Perryman informed the meeting of the manner in which he *intends to deal with the perceived conflict of interest in Item 17.1 as follows:*

- *"Stay in the meeting, debate and vote"*

In accordance with Section 75A of the Local Government Act 1999 Cr Steven Perryman participated in the meeting for Item 17.1.

17.1 MINUTES OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 SEPTEMBER 2019

RESOLUTION 2019/221

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 10 September 2019 as attached be noted.

CARRIED

Having participated in the meeting in relation to the matter Cr Steven Perryman voted in favour of Item 17.1.



Pursuant to Section 75A of the Local Government Act 1999, Cr Steven Perryman disclosed a perceived conflict of interest in Item 17.2:

"I am a Board member of Basketball Mount Gambier which is an organisation that has representation on the Community Reference Group."

Cr Steven Perryman informed the meeting of the manner in which he *intends to deal with the perceived conflict of interest in Item 17.2 as follows:*

- *"Stay in the meeting, debate and vote"*

In accordance with Section 75A of the Local Government Act 1999 Cr Steven Perryman participated in the meeting for Item 17.2.

17.2 PROPOSED MEETING DATES FOR THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE FOR 2019/20 – REPORT NO. AR19/47392

RESOLUTION 2019/222

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Regional Sport and Recreation Centre Committee Report No. AR19/47392 titled 'Proposed Meeting Dates for the Regional Sport and Recreation Centre Committee for 2019/20' as presented on 10 September 2019 be noted.
2. That its meeting schedule for 2019/20, be as set out in Attachment 1 to this report.

CARRIED

Having participated in the meeting in relation to the matter Cr Steven Perryman voted in favour of Item 17.2.

Pursuant to Section 75A of the Local Government Act 1999, Cr Steven Perryman disclosed a perceived conflict of interest in Item 17.3:

"I am a Board member of Basketball Mount Gambier which is an organisation that has representation on the Community Reference Group."

Cr Steven Perryman informed the meeting of the manner in which he *intends to deal with the perceived conflict of interest in Item 17.3 as follows:*

- *"Stay in the meeting, debate and vote"*

In accordance with Section 75A of the Local Government Act 1999 Cr Steven Perryman participated in the meeting for Item 17.3.



17.3 TERMS OF REFERENCE OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE – REPORT NO. AR19/47390

RESOLUTION 2019/223

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

1. That Regional Sport and Recreation Centre Committee Report No. AR19/47390 titled 'Terms of Reference of the Regional Sport and Recreation Centre Committee' as presented on 10 September 2019 be noted.
3. That this is not a prescribed Committee for the purposes of payments as required by the SA Remuneration Tribunal.

CARRIED

Having participated in the meeting in relation to the matter Cr Steven Perryman voted in favour of Item 17.3.

Pursuant to Section 75A of the Local Government Act 1999, Cr Steven Perryman disclosed a perceived conflict of interest in Item 17.4:

"I am a Board member of Basketball Mount Gambier which is an organisation that has representation on the Community Reference Group."

Cr Steven Perryman informed the meeting of the manner in which he *intends to deal with the perceived conflict of interest in Item 17.4 as follows:*

- *"Stay in the meeting, debate and vote"*

In accordance with Section 75A of the Local Government Act 1999 Cr Steven Perryman participated in the meeting for Item 17.4.

17.4 COMMUNITY AND RECREATION HUB - PROJECT UPDATE – REPORT NO. AR19/47843

RESOLUTION 2019/224

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Regional Sport and Recreation Centre Committee Report No. AR19/47843 titled 'Community and Recreation Hub - Project Update' as presented on 10 September 2019 be noted.

CARRIED

Having participated in the meeting in relation to the matter Cr Steven Perryman voted in favour of Item 17.4.



18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 14 AUGUST 2019

RESOLUTION 2019/225

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

That the Minutes of the Council Assessment Panel meeting held on 14 August 2019 as previously circulated be noted.

CARRIED

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

Nil

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

20.1 MINUTES OF THE AUDIT COMMITTEE HELD ON 2 SEPTEMBER 2019

RESOLUTION 2019/226

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

That the Minutes of the Audit Committee meeting held on 2 September 2019 as attached be noted.

CARRIED

20.2 ANNUAL FINANCIAL STATEMENTS FOR 2018/19 – REPORT NO. AR19/45358

RESOLUTION 2019/227

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Audit Committee Report No. AR19/45358 titled 'Annual Financial Statements for 2018/19' as presented on 02 September 2019 be noted.
2. That in accordance with Section 126 (4) (a) of the Local Government Act 1999, the Audit Committee advises that it has reviewed the draft annual financial statements of Council for the financial year 2018/19 and is satisfied 'they present fairly the state of affairs of the council'.
3. That for the financial year ended 30 June 2019:
 - (a) Council adopts the annual financial statements as presented at the meeting held 2 September 2019 as final subject to the following minor amendments to Note 1 item 12 for updated lease values and Note 17 for reference to Community and Recreation Hub project.

(b) The Chief Executive Officer and the Mayor of the City of Mount Gambier be authorised to certify the financial statements.

4. That the Presiding Member of the Audit Committee and the Chief Executive Officer of the City of Mount Gambier be authorised to sign Council's *Certification of Auditor Independence Statement* that will accompany the financial statements for the financial year ended 30 June 2019.
5. That the Auditor's representative, Mr Tim Muhlhausler's verbal report providing an overview of the audit report as presented to the Audit Committee Meeting on 2 September 2019 be noted.

CARRIED

20.3 NON-QUARANTINING OF CEMETERY FUNDS – REPORT NO. AR19/45811

RESOLUTION 2019/228

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR19/45811 titled 'Non-quarantining of cemetery funds' as presented on 02 September 2019 be noted.
2. That the fourth part of the resolution (part(d)) from the Report 'Decision Making Structure – Mount Gambier Cemetery Trust' – 20 June 2017 – AR17/22190 be amended
from:
“(d) that the operating funds of the cemeteries continue to be quarantined in a reserve account separate from other cash balances pending a strategic review of cemetery operations.”
to:
“(d) that a cemeteries reserve will be accounted for as a separate reserve account within Council's equity and that a strategic review of cemetery operations and its reserve build-up will be performed at a later date.”

CARRIED

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



22 COUNCIL REPORTS

22.1 ATTENDANCE AT 2019 LGA CONFERENCE AND ANNUAL GENERAL MEETING

RESOLUTION 2019/229

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Council Report No. AR19/41002 titled 'Attendance at 2019 LGA Conference and Annual General Meeting' as presented on 17 September 2019 be noted.
 - (a) That the Mayor be appointed as the delegate to represent Council at the 2019 LGA Conference and Annual General Meeting to be held in Adelaide on Wednesday 30 October 2019 and Thursday 31 October 2019 at the Adelaide Oval, accompanied by the CEO, with all associated costs to be met by Council.
 - (b) Deputy Mayor Cr Sonya Meziniec be appointed proxy delegate to represent Council should the Mayor not be able to attend.
 - (c) The Local Government Association be advised Council does not wish to submit any notice of motions.
 - (d) Councillor Cr Sonya Meziniec be registered to attend the 2019 LGA Conference and Annual General Meeting, with all associated costs to be met by Council.

CARRIED

22.2 UPDATE ON SIGNAGE STRATEGY

RESOLUTION 2019/230

Moved: Cr Steven Perryman
Seconded: Cr Frank Morello

1. That Council Report No. AR19/24989 titled 'Update on Signage Strategy' as presented on 17 September 2019 be noted.
2. That all matters relating to determination of appropriate policies, implementation plans and resourcing for the Council Signage Strategy be referred to the upcoming Council Strategy workshop for assessment as part of master plan development by the end of October 2019.

CARRIED

22.3 POLICY REVIEW - C320 - COUNCIL CHAMBER AND RECEPTION AREA - USE OF

MOTION

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council Report No. AR19/41140 titled 'Policy Review - C320 - Council Chamber and Reception Area - Use Of' as presented on 17 September 2019 be noted.
2. That Policy C320 - Council Chamber and Reception Area - Use Of be revoked.

LOST



22.4 FINAL ANNUAL FINANCIAL STATEMENTS FOR 2018/19

RESOLUTION 2019/231

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR19/47501 titled 'Final Annual Financial Statements for 2018/19' as presented on 17 September 2019 be noted.
2. That Council notes the inclusion of the minor amendments to the annual financial statements as presented at the Audit Committee meeting held 2 September 2019 to Note 1 item 12 for updated lease values and to Note 17 for reference to the Community and Recreation Hub project in the Final Annual Financial Statements for 2018/19.

CARRIED

22.5 COMMUNITY ROAD SAFETY DAY - USE OF WASTE TRANSFER STATION

RESOLUTION 2019/232

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

1. That Council Report No. AR19/48805 titled 'Community Road Safety Day - Use of Waste Transfer Station' as presented on 17 September 2019 be noted.
2. Council approve the temporary closure of the waste transfer station on Saturday 2 November 2019 in order for the Mount Gambier and District Road Safety Group to run a road safety day.

CARRIED

22.6 BLUE LAKE GOLF CLUB - REQUEST TO PURCHASE KUBOTA MOWER PLANT NUMBER 72

RESOLUTION 2019/233

Moved: Cr Paul Jenner

Seconded: Cr Steven Perryman

1. That Council Report No. AR19/48807 titled 'Blue Lake Golf Club - Request to Purchase Kubota Mower Plant Number 72' as presented on 17 September 2019 be noted.
2. That Council resolve to:
Act at variance with Council's procurement policy and offer Kubota mower plant number 72 at an agreed price determined by an independent assessor for direct purchase to the Blue Lake Golf Club in this instance given:
 - (a) The sale is to a community/sporting group; and
 - (b) Council is receiving fair value for the plant given the independent evaluation will have occurred.

CARRIED



22.7 COMMUNITY AND RECREATION HUB - TENANCY MATTERS

RESOLUTION 2019/234

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/49074 titled 'Community and Recreation Hub - Tenancy Matters' as presented on 17 September 2019 be noted.
2. That the Chief Executive Officer and Mayor be authorised to affix the Council Seal to any documentation necessary to give effect to any tenancy arrangements arising from determinations in accordance with resolution (2) of Resolution 2019/160 associated with Report No. AR19/36022 titled 'Community and Recreation Hub – Tenancy Matters' as considered at the July 2019 Council meeting.
3. That regular updates be provided to Elected Members.
4. That any financial implications be presented to Council for inclusion in the final consideration to progress with the Community and Recreation Hub.

CARRIED

23 MOTIONS WITH NOTICE

Nil

24 URGENT MOTIONS WITHOUT NOTICE

24.1 COUNCIL POLICY C320 - COUNCIL CHAMBER AND RECEPTION AREA - USE OF

RESOLUTION 2019/235

Moved: Cr Steven Perryman

Seconded: Cr Kate Amoroso

That Council re-endorse Policy C320 Council Chamber and Reception Area - Use Of with no changes.

CARRIED



25 CONFIDENTIAL ITEMS OF COMMITTEES

25.1 CONFIDENTIAL ITEMS OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 2 SEPTEMBER 2019

25.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/40344

RESOLUTION 2019/236

Moved: Cr Paul Jenner
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 Councillors S Mezinac, K Amoroso, M Bruins, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR19/40344 Sale of Land for non-payment of Rates.

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 consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

CARRIED

RESOLUTION 2019/238

Moved: Cr Frank Morello
Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.1 AR19/40344 Sale of Land for non-payment of Rates 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) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



25.3 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/41851

RESOLUTION 2019/239

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 Councillors S Mezinac, K Amoroso, M Bruins, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.3 AR19/41851 Sale of Land for non-payment of Rates.

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 consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

CARRIED

RESOLUTION 2019/241

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.2 AR19/41851 Sale of Land for non-payment of Rates 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) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



Pursuant to Section 74 of the Local Government Act 1999, Cr Steven Perryman disclosed a material conflict of interest in Item 25.5:

"The owner of this property is a former employee of a business I own and that person's employment was recently terminated due to performance and conduct issues".

In accordance with Section 74 of the Local Government Act 1999 Cr Steven Perryman did not participate in the meeting for Item 25.5.

Cr Steven Perryman vacated the meeting at 7.43 p.m.

25.4 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43265

RESOLUTION 2019/242

Moved: Cr Frank Morello

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 Councillors S Meziniec, K Amoroso, M Bruins, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR19/43265 Sale of Land for non-payment of Rates.

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 consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

CARRIED

RESOLUTION 2019/244

Moved: Cr Frank Morello

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 7.3 AR19/43265 Sale of Land for non-payment of Rates 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) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.



2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

25.5 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43435

RESOLUTION 2019/245

Moved: Cr Frank Morello

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 Councillors S Mezinac, K Amoroso, M Bruins, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.5 AR19/43435 Sale of Land for non-payment of Rates.

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 consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

CARRIED

RESOLUTION 2019/247

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.4 AR19/43435 Sale of Land for non-payment of Rates 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) (a) be kept confidential and not available for public inspection until the later of: 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



Cr Steven Perryman resumed the meeting at 7.47 p.m.

25.6 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/43504

RESOLUTION 2019/248

Moved: Cr Kate Amoroso

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 Councillors S Mezinac, K Amoroso, M Bruins, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.6 AR19/43504 Sale of Land for non-payment of Rates.

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 consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

CARRIED

RESOLUTION 2019/250

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.5 AR19/43504 Sale of Land for non-payment of Rates 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) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



25.7 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR19/45899

RESOLUTION 2019/251

Moved: Cr Kate Amoroso
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 Councillors S Mezinac, K Amoroso, M Bruins, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.7 AR19/45899 Sale of Land for non-payment of Rates.

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 consideration of the matter in an open forum would involve the unreasonable disclosure of information concerning the personal affairs of any person.

CARRIED

RESOLUTION 2019/253

Moved: Cr Kate Amoroso
Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 7.6 AR19/45899 Sale of Land for non-payment of Rates 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) (a) be kept confidential and not available for public inspection until the later of:- 12 months, or the matter being settled.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



25.8 LEASE EXPIRY REVIEW – REPORT NO. AR19/43830

RESOLUTION 2019/254

Moved: Cr Max Bruins

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 Councillors S Mezinac, K Amoroso, M Bruins, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.8 AR19/43830 Lease Expiry Review.

The Council is satisfied that, pursuant to section 90(3) (a), (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 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.

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 lease of the subject site is to an individual whose business interests are personal affairs, the consideration of which in an open forum would be an unreasonable disclosure of the proponents personal and commercial information and could reasonably prejudice the Council's commercial position in further lease negotiations.

CARRIED



RESOLUTION 2019/255

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 7.7 AR19/43830 Lease Expiry Review 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) (a), (b) and (d) be kept confidential and not available for public inspection until 18 August 2020 or 12 months after a new lease has been entered into with the proponent, whichever is the later.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Pursuant to Section 75A of the Local Government Act 1999, Cr Steven Perryman disclosed a perceived conflict of interest in Item 25.9 (25.10):

"I am a board member of Basketball Mount Gambier an organisation which is represented on the community reference Group."

Cr Steven Perryman informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 25.9 (25.10) as follows:*

- Stay in the chamber, debate and vote"

In accordance with Section 75A of the Local Government Act 1999 Cr Steven Perryman participated in the meeting for Item 25.9 (25.10).

25.9 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 SEPTEMBER 2019

25.10 DESIGN FINALISATION AND COMMUNICATION – REPORT NO. AR19/46526

RESOLUTION 2019/256

Moved: Cr Max Bruins
Seconded: Cr Steven Perryman

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 Councillors S Meziniec, K Amoroso, M Bruins, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, J Zwijnenburg, A Watson, T Tzioutziouklaris, M McCarthy and A Lavia be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.5 AR19/46526 Design Finalisation and Communication.



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 the information to be considered includes detailed specifications and plans associated with a tender that has yet to be publically released.

CARRIED

RESOLUTION 2019/259

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 7.1 AR19/46526 Design Finalisation and Communication 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) (k) be kept confidential and not available for public inspection until the tender for the construction of the Community and Recreation Hub is released.
2. Further that Council delegates the power of review revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

26 NEW CONFIDENTIAL ITEMS

Nil

27 MEETING CLOSE

The Meeting closed at 8.00 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 October 2019.

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PRESIDING MEMBER

