

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 17 AUGUST 2021 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 (entered at 6:03 pm)

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Finance Manager	- Mrs J Scoggins
	Manager Governance and Property	- Mr M McCarthy
	Media and Communications Coordinator	- Ms S McLean
	Executive Administrator City Infrastructure	- 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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/232

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

That the minutes of the Ordinary Council meeting held on 20 July 2021 and the Special Council meeting held on 12 August 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

5.1 MAYORAL REPORT - AUGUST 2021

- Introductory Meeting (Virtual) – Representatives from Borg Manufacturing
- State Government Information Session (Virtual) – COVID-19 Vaccination Roll Out
- Weekly LCLGA Mayor's Virtual Meeting
- Radio Interview 5GTR-FM
- Elected Members Workshop – CBD Strategy
- Weekly LCLGA Mayor's Virtual Meeting
- People and Place Committee Meeting
- Citizenship Ceremony
- Elected Members Workshop – Discussion re Committee Structures
- Members Informal Briefing - CEO Observations
- Weekly LCLGA Mayor's Virtual Meeting
- Site Visit and Introduction with CEO and GM City Growth – Mondelez International
- Elected Members Workshop – Review Works Program
- Wulanda Recreation and Convention Centre Committee Meeting
- Special Confidential Meeting of Council : Wulanda Recreation and Convention Centre Loan Structure
- LCLGA General Meeting – City of Mount Gambier Hosting

RESOLUTION 2021/233

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

That the Mayoral report made on 17 August 2021 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Steven Perryman entered the meeting at 6:03 pm

Cr Sonya Mezinac

Pride in Your Stride - Walk for Homelessness Week, MG&DHAC Meeting, Christmas Parade Advisory Group

Cr Frank Morello

Elected Members Workshop - Committee Structures, Members Informal Briefing - CEO Observations

RESOLUTION 2021/234

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

That the reports made by Councillors on 17 August 2021 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

11.1 NOTICE OF RESCISSION/AMENDMENT - WEHL STREET THEATRE AND REIDY PARK CENTRE LEASES

MOTION

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/36403 titled 'Notice of Rescission/Amendment - Wehl Street Theatre and Reidy Park Centre Leases' as presented on 17 August 2021 be noted.
2. Noting Parts 2 and 3 of Resolution 2020/283 associated with Report No AR20/56190 titled 'CentreStage and Reidy Park Centre Constitutions' that were passed on 15 September 2020 as follows:

"2. That, in light of the proposed conduct of a Sports, Recreation and Open Space Plan and progression of the Community and Recreation Hub, the Wehl Street Theatre and Reidy Park Centre leases be allowed to continue on a monthly tenancy basis until further notice.

3. That Council will reconsider the leasing arrangements and operating models for the Wehl Street Theatre/Centrestage and Reidy Park Centre in a broader strategic context when a Sports, Recreation and Open Space Plan and Community and Recreation Hub projects have been completed."

that Parts 2 and 3 be rescinded and replaced with:

"2. That the Wehl Street Theatre be offered a 2 year lease on the same terms and conditions as their expired arrangements.

3. That, in light of current development of a Sports, Recreation and Open Space Plan and progression of the Wulanda Recreation and Convention Centre, the Reidy Park Centre lease be allowed to continue on a monthly tenancy until the Wulanda Recreation and Convention Centre is completed and the Recreation and Open Space Plan is adopted by Council.

LOST



11.2 NOTICE OF RESCISSION/AMENDMENT - ADVERTISING SIGNAGE

RESOLUTION 2021/235

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Council Report No. AR21/48302 titled 'Notice of Rescission/Amendment - Advertising Signage ' as presented on 17 August 2021 be noted.
2. The resolution 2021/71 titled Council Advertising and Signage Policy A170 that was passed on 16 March 2021 be amended as follows:
 - Parts 1-3 of the resolution remain:
 1. That Council Report No. AR21/9953 titled 'Council Advertising and Signage Policy A170' as presented on 16 March 2021 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, except for signage that requires development approval.
 - Parts 4 and 5 of the resolution be amended, from:
 4. Council administration to assess any proposals for the installation of signage that require building rules consent.
 5. That a policy be developed for the granting of landowner consent for those signs that require development approval.to:
 4. that the Chief Executive Officer (or sub-delegate):
 - a) assess and exercise relevant delegated authority to grant conditional lessor consent to any proposals for the installation of signage by community and sporting lessees occupying land owned by Council that require development approval.
 - b) refer to Council any proposals for the installation of signage on Council owned or controlled land for which consent is required but has not been granted or the applicant has not accepted the conditions imposed, under resolution 4(a), including the reasons for not granting consent and/or the proposed conditions and reasoning for their imposition.
 5. That a policy be developed for the granting of landowner consent for future signage on Council property, following resolution of all current unapproved signs located on Council land requiring development approval.
 - The following Parts 6-7 of the resolution:
 6. That for the purpose of clarity Council does not consent to any sponsorship signage logos being placed on fences gates or other structures so as to face externally to the leased land or in the view of Council being so as to view externally to the leased land.



7. Clause 6 above is to be a key feature of the new landowner consent policy.
be rescinded.

CARRIED

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBERS WORKSHOPS FROM 17/07/2021 TO 13/08/2021

RESOLUTION 2021/236

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinec

That the Record of Proceedings for the listed Workshops be received and noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 20/07/2021

RESOLUTION 2021/237

Moved: Cr Steven Perryman
Seconded: Cr Ben Hood

1. That Council Report No. AR21/42548 titled 'Council Action Items - 20/07/2021' as presented on 17 August 2021 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 2 AUGUST 2021

RESOLUTION 2021/238

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

That the Minutes of the People and Place Committee meeting held on 2 August 2021 as attached be noted.

CARRIED

16.2 INFRASTRUCTURE PARTNERSHIP PROGRAM - SHARED PATH EXTENSION TO WIRELESS ROAD, TAFE SA PROJECT. – REPORT NO. AR21/42014

RESOLUTION 2021/239

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR21/42014 titled 'Infrastructure Partnership Program - shared path extension to Wireless Road, TAFE SA project.' as presented on 02 August 2021 be noted.
2. That Council amend the scope of the Infrastructure Partnership Program shared path extension to Wireless Road, TAFE SA project and stage the delivery.
3. That Council deliver Stage 1 - the \$1.6M solar lighting installation of the project scope as budgeted.
4. That new and amended community land management plans be prepared for public consultation purposes for the route of the proposed shared use path extension and railway corridor.
5. That a further report with completed designs and updated cost estimates be presented to Council that identifies the most suitable and cost-effective way to link the existing rail trail to the TAFE SA campus on Wireless Road.
6. That the report recommendation is aligned and integrates with Councils long term strategy and masterplans.

CARRIED

16.3 SALVAGED ROUNDHOUSE TIMBER BEAMS FROM MOUNT GAMBIER RAILYARDS – REPORT NO. AR21/45126

RESOLUTION 2021/240

Moved: Cr Frank Morello
Seconded: Cr Steven Perryman

1. That the People and Place Committee Report No. AR21/45126 titled 'Salvaged Roundhouse Timber Beams from Mount Gambier Railyards' as presented on 02 August 2021 be noted.

2. That Council keep a portion of the timber for a community related project reflecting the historical significance of our rail history and that the National Trust be consulted in the process, or other suitable purposes as determined by the Chief Executive Officer.
3. Council donate the remainder to the National Trust for the repair and restoration of the Roundhouse building at Peterborough. Delivery costs to be incurred by the National Trust.

CARRIED

16.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM EXTENSION PHASE 2 - PROJECT NOMINATION – REPORT NO. AR21/46717

RESOLUTION 2021/241

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That People and Place Committee Report No. AR21/46717 titled 'Local Roads and Community Infrastructure Program Extension Phase 2 - Project Nomination' as presented on 02 August 2021 be noted.
2. That Council endorse the below project nominations for Phase 2 of the Local Roads and Community Infrastructure Program (LRCI) grant funding:

Description	Total project cost	LRCI Program Funding Required
New Valley Lakes Public Amenities	\$490,000	\$490,000
Refurbishment of existing Public Amenities adjoining State Heritage Railway Station building	\$460,000	\$460,000
Landscaping improvements at Cave Garden and Umpherston Sinkhole Community Recreational Reserves	\$50,000	\$50,000
Umpherston Sinkhole Path Lighting	\$40,000	\$40,000

CARRIED

16.5 MOTION WITHOUT NOTICE - INSTALLATION OF A NO PARKING ZONE - HEDLEY STREET (WESTERN SIDE)

RESOLUTION 2021/242

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR21/45538 titled 'Installation of a No Parking Zone - Hedley Street (Western Side)' as presented on 02 August 2021 be noted.
2. Council write to the residents along the effected portion of Hedley Street seeking their views on the removal of carparking on the western side with a report to be brought back to Council.

CARRIED



17 WULANDA AND RECREATION AND CONVENTION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 10 AUGUST 2021

RESOLUTION 2021/243

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

That the Minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 10 August 2021 as attached be noted.

CARRIED

18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 15 JULY 2021

RESOLUTION 2021/244

Moved: Cr Paul Jenner
Seconded: Cr Ben Hood

That the Minutes of the Council Assessment Panel meeting held on 15 July 2021 as previously circulated be noted.

CARRIED

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

Nil

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

22 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



23 COUNCIL REPORTS

23.1 FREEDOM OF INFORMATION - UPDATE

RESOLUTION 2021/245

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

1. That Council Report No. AR21/11356 titled 'Freedom of Information - Update' as presented on 17 August 2021 be noted.
2. That Council Policies '*D160 – Development Act Inspection and Copying of Documents*' and '*D140 - Development Act Delegations*' be revoked, having no further application following the repeal of the Development Act 1993.

CARRIED

23.2 2022 STREET TREE PROGRAM

RESOLUTION 2021/246

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

1. That Council Report No. AR21/44369 titled '2022 Street Tree Program' as presented on 17 August 2021 be noted.
2. That Council approves the proposed schedule of trees that have been selected for removal to allow for uniformity in the 2022 Street Tree Program as outlined in Council's Street Tree Policy (T120).
3. That Council notifies all residents and utilities affected by the plantings and invite comment on same (in accordance with Council's Public Consultation Policy).
4. That Council adopts the 2022 Street Tree Program as outlined in the discussion so that the proposed species of trees may be pre-ordered.

CARRIED

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the meeting at 6:48 pm for Item 23.3 - Chief Executive Officer Performance Review Committee.

23.3 MEMBERSHIP OF CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

RESOLUTION 2021/247

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That Council Report No. AR21/47908 titled 'Membership of Chief Executive Officer Performance Review Committee' as presented on 17 August 2021 be noted.
2. That the membership provisions in clause 7 of the Chief Executive Officer Performance Review Committee Terms of Reference be amended to read as follows:

7.1 Membership of the Committee will be comprised of **five** Elected Members being the Mayor (Presiding Member), Deputy Mayor, the Presiding Members of the Economic & Environment and the People & Place Committees, **and otherwise as resolved by Council.**

7.2 Should any one or more of the positions specified in 7.1 be filled by the same Elected Member Council may appoint other Elected Members to fill up to the full membership of **five.**

3. That Crs Paul Jenner and Sonya Meziniec be appointed to the CEO Performance Review Committee.

CARRIED

Mrs Sarah Philpott returned to the meeting at 6:50 pm.

24 MOTIONS WITH NOTICE

24.1 NOTICE OF MOTION - MOUNT GAMBIER MFS ISSUES

RESOLUTION 2021/248

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Council Report No. AR21/50269 titled 'Notice of Motion - Mount Gambier MFS Issues' as presented on 17 August 2021 be noted.
2. That Council urgently write to the Minister for Police, Emergency Services and Correctional Services, Vincent Tarzia, with a copy to The Premier, Troy Bell MP, Claire Scriven MLC & The opposition spokesperson for Emergency Services the Leader of the Opposition Peter Malinauskas and United Fire Fighters Union of SA Inc with regards to the ongoing problem of the Mount Gambier Fire Station having a 22 year old pumper appliance as its main vehicle.
3. That Council invite the Minister for Police, Emergency Services and Correctional Services, Vincent Tarzia and/or the Premier to Mount Gambier to urgently provide a solution to this problem.

CARRIED

24.2 NOTICE OF MOTION - STRATEGIC SUSTAINABILITY REPORT

RESOLUTION 2021/249

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR21/50719 titled 'Notice of Motion - Strategic Sustainability Report' as presented on 17 August 2021 be noted.
2. That Council Officers prepare a report on our current strategic sustainability direction including energy efficiency initiatives and associated budget allocation.

CARRIED



25 MOTIONS WITHOUT NOTICE

Nil

26 CONFIDENTIAL ITEMS OF COMMITTEES

26.1 CONFIDENTIAL ITEMS OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 10 AUGUST 2021

26.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #9 - AS AT 03/08/2021 – REPORT NO. AR21/48748

RESOLUTION 2021/250

Moved: Cr Max Bruins

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 Mayor L Martin, Councillors S Mezinec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, S McLean, M McCarthy, J Scoggins and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR21/48748 Project Control Group (PCG) Progress Report #9 - As at 03/08/2021.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

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.



- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

CARRIED

Cr Christian Greco left the meeting at 7:19 pm and did not return.

RESOLUTION 2021/251

Moved: Cr Max Bruins
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 5.1 AR21/48748 Project Control Group (PCG) Progress Report #9 - As at 03/08/2021 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until 12 months after completion of the project.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

27 NEW CONFIDENTIAL ITEMS

Nil

28 MEETING CLOSE

The Meeting closed at 7:28 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 September 2021.

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PRESIDING MEMBER

