

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 18 JULY 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Max Bruins, Cr Paul Jenner,
Cr Sonya Meziniec

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
	Manager Governance and Property	- Mr M McCarthy
	Project Manager	- Ms T McPherson
	Media and Communications Coordinator	- Ms S McLean
	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 2023/135

Moved: Cr Paul Jenner
Seconded: Cr Sonya Meziniec

That the apologies from Cr Jason Virgo, Cr Josh Lynagh, Cr Mark Lovett and Cr Kate Amoroso be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/136

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

That the minutes of the Ordinary Council meeting held on 20 June 2023, the Special Council meeting held on 20 June 2023 and the Special Council meeting held on 27 June 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

5.1 MAYORAL REPORT - JULY 2023

- LCLGA Board/CEO Review of Strategic Priorities – Virtual
- Junior Sports Assistance Fund Meeting
- Budj Bim Cultural Landscape Bus Tour
- MJ Dance Debutante Ball
- Radio Interview with 5GTR-FM
- Luncheon Meeting with RDALC, Member for Barker and Hon Angus Taylor MP, Shadow Treasurer
- Special Council Meeting – Adopt Annual Business Plan and Budget
- CEO Performance Review Committee Meeting
- Dinner Meeting with PIRSA CE, Professor Mehdi Doroudi PSM
- Fortnightly LCLGA Mayor’s Virtual Meeting
- NAIDOC Week – Mayoral Reception, Smoking Ceremony, March to Pangula Mannamurna and Family Fun Day event
- EM Briefing – Stand Like Stone
- EM Briefing - Draft Blue Lake Sports Park Master Plan
- Volunteer Shift at Mount Gambier Toy Library
- Introductory Meeting with National Leasing Manager, Eureka Group Holdings
- Fortnightly LCLGA Mayor’s Virtual Meeting
- Meeting with Hon Ben Hood MLC and Mr Adrian Pederick MP
- Closing Speech at Mount Gambier Eisteddfod
- Citizenship Ceremony
- UniSA Mount Gambier Scholarship Awards and Grants Dinner

RESOLUTION 2023/137

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Mezinec

That the Mayoral report made on 18 July 2023 be received.

CARRIED



6 REPORTS FROM COUNCILLORS

Cr Frank Morello	Budj Bim Cultural Landscape Tour, NAIDOC Week Flag Raising Ceremony
Cr Paul Jenner	Budj Bim Cultural Landscape Tour (into Victoria), NAIDOC Week Smoking Ceremony, Snapshot Pro for SA Councils (via Zoom) - Ironbark, Riddoch Arts and Cultural Centre 'Winter Wonder Room', NAIDOC Week - Elders, GTE Board Meeting, Road Safety Forum for Seniors - Wulanda, District Council of Grant meeting, Regional Assessment Panel meeting.
Cr Max Bruins	SEAS Exhibition Opening, Lifeline 40 th Anniversary Luncheon.
Cr Sonya Mezinec	Meeting with National Accreditation Surveyors conducting accreditation audit of Mount Gambier Health Service, Day Field Trip to Budj Bim Cultural Lands on Gunditjmarra Country, participated in judging panel for LCLHA Health Awards, NAIDOC Week Celebrations - Mayoral Reception, Smoking Ceremony, march to Pangula Mannamurna and NAIDOC Awards Ceremony, Theatrical Adaptation of Craitbul story presented by Aunty Michelle and Year 3/4 students from Reidy Park, Mount Gambier Health Advisory Council meeting, Limestone Coast Symphony Orchestra concert, SE Art Society Open Art Awards.

RESOLUTION 2023/138

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

That the reports made by Councillors on 18 July 2023 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - BUDGET - RECRUITMENT

7.2 QUESTION WITH NOTICE - ELECTED MEMBERS CATERING EXPENSES

7.3 QUESTION WITH NOTICE - COUNCIL BUSINESS

Question:

The following question on notice was received from Councillor Paul Jenner .

Does the City of Mount Gambier or the Limestone Coast LGA have any current dealings or association with international company Price Waterhouse and Cooper (PwC Australia)?

Response:

The City of Mount Gambier does not have current dealings or association with PwC. The Limestone Coast LGA have also confirmed that they have no dealings with PwC either.



7.4 QUESTION WITH NOTICE - ANIMAL POUND AND SHELTER SERVICES

Question:

The following question on notice was received from Councillor Paul Jenner.

Can Council please be advised of the process that has been undertaken over the past 12 months with regards to the Expression of Interest for Animal Pound and Shelter Services and any clarifications in regards to the requirements listed in the Expression of Interest.

Response:

Key Points and Events Regarding the Expression of Interest (EOI) Process for Animal Pound and Shelter Services:

Council had a tripartite agreement with DC Grant and SEAWL from July 2014, which expired on June 30, 2022, and was renewed for 12 months.

During the second half of 2022, Council conducted a review to explore models and opportunities for animal pound and shelter services.

SEAWL was engaged during the review process, and their President was briefed that we were going to Council for guidance on next steps so they would have sufficient time to prepare in the event for changes to the terms of the original agreement and Council's process of following correct procurement principles.

On 24 January 2023, Council resolved that, in accordance with its Procurement Policy, a tender, for a five-year contract term, for the provision of animal pound and shelter services on behalf of Council, be issued, in conjunction with DC Grant.

It was agreed that we would proceed with an EOI process in the first instance to get a better feel for the market.

As it was unlikely we would have an outcome from the EOI process by the expiration of the existing agreement on 30 June 2023, on 18 April 2023 Council resolved to extend the existing agreement with the current terms and conditions up to a further 12 months, or as deemed necessary.

On 20 April 2023, Council officers met with SEAWL, offering them an extension until 28 February 2024. However, SEAWL declined the extension on 15 May 2023, and the agreement with them expired on 30 June 2023. During this meeting, SEAWL were also advised and invited to participate in the EOI process but have stated publicly that they have chosen not to.

Given SEAWL's decision not to extend the agreement, Council initiated interim arrangements for impounded dogs using our 72-hour impounding kennels approved by the Dog and Cat Management Board. In addition, arrangements have been put in place to support subsequent rehoming/fostering after the mandatory 72-hour hold period.

On 5 June 2023, SEAWL staff submitted an informal proposal for surrendering impounded dogs for rehoming post the 72-hour holding period. However, after consultation with their President and board, on 27 June 2023 SEAWL declined to enter into a surrender arrangement with Council or accept any impounded dogs.

In the meantime, the interim arrangements in place will continue. Since the 1 July 2023, 17 dogs have been found wandering at large, and 16 of those were returned to their families without having been impounded. One puppy, Hector, has been fostered until he can be rehomed.



Clarification of Expressions of Interest Service Specifications:

The EOI process included a comprehensive list of services in the Service Specifications. These specifications were designed to meet the expectations and requirements of the community and also address the legislative obligations of Council under the Dog and Cat Management Act.

During the EOI process, SEAWL has made various public statements regarding these requirements, and in particular they have interpreted “effective management of the length of stay of animals in care to ensure there is adequate capacity for incoming Council impounds all year round” as a requirement to euthanise animals in order to create space for incoming Council animals.

Council has a legislative obligation to seize and detain dogs under the Dog and Cat Management Act, and this obligation may extend to cats in the future. Therefore, the service specification included the need for adequate holding capacity to meet this obligation. However, it does not require animals to be euthanised or forcibly removed to make space for incoming Council animals.

The service provider, as the incumbent, has discretion in determining their euthanasia policy. As long as the policy complies with the requirements of the Dog and Cat Management Act and is under the advice of a registered veterinarian, the specific approach to euthanasia is at their discretion. In most cases, dogs are either reunited with their owners within the 72-hour period or subsequently rehomed. This is not dissimilar to the arrangements that were previously in place with SEAWL.

The EOI specified that the incumbent should accept deceased dogs or cats delivered by Authorised Persons. This requirement was misinterpreted to mean accepting roadkill. However, the intent behind this provision is to enable scanning of the deceased animal's microchip to determine if there is an owner. The owner can then be notified and given the option to collect the body for cremation or burial.

As part of each submission, interested parties have been asked to respond to each of the Service Specifications to outline their capacity to deliver each item (i.e. whether they can deliver the whole or part of the specification) and their proposed method of delivery for consideration.

The EOI process has closed, and evaluation of the submissions is currently underway.

Council is not considering that evaluation tonight. Council may choose to enter directly into an arrangement with a proponent from the EOI process or may undertake a further procurement process if required.

7.5 QUESTION WITH NOTICE - UMPHERSTON SINKHOLE / BALUMBUL

Question:

The following question on notice was received from Councillor Paul Jenner.

Can Council please be provided with an update on the activities being undertaken at Umpherston Sinkhole / Balumbul?

Response:

Work undertaken:

LRCI Ph 2 – Landscaping and lighting project included landscaping improvements, pathway lighting from carpark to sinkhole, clearing of overgrown vegetation (including the hanging ivy) to regenerate the grass and garden beds within the sinkhole.



Accessibility: undertaken for the stairs, a daily risk inspection is undertaken that determines access (or otherwise), additional safety signage has been installed.

Fence: undertaken on the perimeter fencing of the sinkhole, the ivy (a feature of the heritage area) is heavily integrated within the fence. Safety has not been identified as an issue however, there will be some challenges with heritage to renew the fencing due to the volume of ivy.

Future work:

SROSS identifies the strategic context of the site and will guide the masterplan scope.

Masterplan for Umpherston Sinkhole will include a new toilet block, carpark extension, landscaping, fence renewal and compliant access solutions.

Masterplan will be included in our Asset Management plans and LTFP to support resourcing, budgeting and implementation.

7.6 QUESTION WITH NOTICE - OUTDOOR PLAY AREA - WULANDA RECREATION AND CONVENTION CENTRE

Question:

The following question on notice was received from Councillor Paul Jenner.

Can Council please be updated on any installations that have been planned or budgeted for the outdoor play area at Wulanda Recreation and Convention Centre?

Response:

During the design process the outdoor play area at Wulanda Recreation and Convention Centre was raised with Elected Members. Installation of outdoor play equipment, artwork or an interactive art piece were discussed but not resolved and further discussion deferred. In the interim the water overflow issues in the said area have been fixed and turf has been laid. At this stage nothing further has been planned or budgeted for this area.

8 QUESTIONS WITHOUT NOTICE

8.1 DEVELOPMENT AT 11 WEHL STREET SOUTH, MOUNT GAMBIER

Question:

The following question was received from Councillor Paul Jenner.

Can an update be provided regarding the Development at 11 Wehl Street South, Mount Gambier.

Response:

This is the subject of a Development Application and being considered by the Regional Assessment Panel tonight.

The following information was extracted from the agenda which is publicly available on councils website.

- *This application is for a change of use of the site from an office to short term supported accommodation.*
- *This therapeutic service will focus on those recovering from alcohol and other drug dependency.*
- *It is a drug-free, voluntary program to help promote behaviour change*
- *It is a highly structured program*
- *It is not a dry-out centre or boarding house*



- *There is no medical detoxing*
- *Participants are pre-screened before joining the program.*
- *Uniting Communities believe that the service will add no additional risk for neighbours or community with the facility being staffed 24 hours a day*
- *Strict no visitor policy*
- *Previous use of site was deemed higher risk due to people access the site who were still actively using for services such as clean needle exchange with no incident or impact to the local community.*
- *Uniting Communities are registered under the National Principles for Child Safe Organisations and are required to adhere to and provide rigorous auditing and internal policies and procedures to ensure the organisation is compliant with this including the training of staff in Child Safe Environments*
- *All participants in the program will sign a residential agreement*

Question:

Should the funding expire in the future what does that mean for the change of zoning as there is a whole lot of pain for the residents at the moment appealing at the Regional Assessment Panel meeting in the City Hall.

Response:

This question was taken on notice by General Manager Corporate and Regulatory Services.

RESOLUTION 2023/139

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the response to the questions regarding Development at 11 Wehl Street South, Mount Gambier raised by Councillor Paul Jenner be received and noted.

CARRIED

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 16/06/2023 TO 14/07/2023

RESOLUTION 2023/140

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/44816 titled 'Elected Member Information/Briefing Sessions from 16/06/2023 to 14/07/2023' as presented on 18 July 2023 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 20/06/2023

RESOLUTION 2023/141

Moved: Cr Sonya Mezinec

Seconded: Cr Frank Morello

1. That Council Report No. AR23/44826 titled 'Council Action Items - 20/06/2023' as presented on 18 July 2023 be noted.

CARRIED

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

15.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 21 JUNE 2023

RESOLUTION 2023/142

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the Minutes of the Junior Sports Assistance Fund meeting held on 21 June 2023 as attached be noted.

CARRIED



15.2 CORRESPONDENCE RECEIVED – REPORT NO. AR23/33110

RESOLUTION 2023/143

Moved: Mayor Lynette Martin
Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR23/33110 titled 'Correspondence Received' as presented on 21 June 2023 be noted.

CARRIED

15.3 STATEMENT OF REVENUE AND EXPENSES - AS AT 31 MAY 2023 – REPORT NO. AR23/35781

RESOLUTION 2023/144

Moved: Mayor Lynette Martin
Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR23/35781 titled 'Statement of Revenue and Expenses - as at 31 May 2023' as presented on 21 June 2023 be noted.
2. The financial statement of the Fund as at 31 May 2023 be received, noting a cash balance of \$137,593.90.

CARRIED

15.4 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIOR AND PAYMENTS FROM THE FUND - 01/02/2023 - 31/05/2023 – REPORT NO. AR23/35782

RESOLUTION 2023/145

Moved: Mayor Lynette Martin
Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR23/35782 titled 'Applications for Financial Assistance for Junior and Payments from the Fund - 01/02/2023 - 31/05/2023' as presented on 21 June 2023 be noted.

CARRIED



**15.5 CASUAL VACANCIES AND REPLACEMENT OF COMMITTEE REPRESENTATIVES
– REPORT NO. AR23/35787**

RESOLUTION 2023/146

Moved: Mayor Lynette Martin

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR23/35787 titled 'Casual Vacancies and Replacement of Committee Representatives' as presented on 21 June 2023 be noted.
2. The City of Mount Gambier Junior Sports Assistance Fund authorise Mrs Sue La Greca to action the replacement of Mrs Jeanette Elliott and Mrs Karen Cunningham to the Junior Sports Assistance Fund.
3. A report be prepared for the next meeting of the Junior Sports Assistance Fund to formally accept the resignation of Mrs Jeanette Elliott and Mrs Karen Cunningham and provide details of the replacement Committee Members for appointment.

CARRIED

15.6 COACHING CLINIC APPLICATIONS - ANNUAL CALL – REPORT NO. AR23/37010

RESOLUTION 2023/147

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR23/37010 titled 'Coaching Clinic Applications - Annual Call ' as presented on 21 June 2023 be noted.
2. The following funding be made available to the Member Organisation named below to assist in the conduct of specialised coaching clinics in accordance with the guidelines for such Clinics:

(i) Blue Lake Y Swimming Club	\$2500
(ii) Basketball Mount Gambier	\$2230
(iii) Mount Gambier Swimming Club	\$2500
(iv) Mount Gambier Cycling Club	\$1500
3. A second call for Specialised Coaching Clinic Funding be advertised in October 2023 to give consideration to Member Organisations that are operational in the summer months.

CARRIED



15.7 ROTARY CLUB OF MOUNT GAMBIER LAKES - DONATION TO FINANCIALLY DISADVANTAGED JUNIOR SPORTSPERSONS – REPORT NO. AR23/37868

RESOLUTION 2023/148

Moved: Mayor Lynette Martin

Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR23/37868 titled 'Rotary Club of Mount Gambier Lakes - Donation to Financially Disadvantaged Junior Sportspersons' as presented on 21 June 2023 be noted.
2. The funding be made available to the Member Organisations named below to assist the identified juniors to achieve their fullest participation with the specific purpose donation from the Rotary Club of Mount Gambier Lakes - Donations to Financially Disadvantaged Junior Sportspersons initiative, to be used in accordance with their respective confidential application:
 - (a) Mount Gambier Netball Association (2 applicants) \$600
 - (b) Basketball Mount Gambier (2 applicants) \$600
 - (c) South Gambier Football Club (2 applicants) \$600
- (c) A second round of funding be advertised in October to accommodate Member Organisations operating in the summer months and utilise the remainder of the funding provided by the Rotary Club of Mount Gambier Lakes.
- (d) A cheque handover presentation be held immediately following the meeting with representatives of the Rotary Club of Mount Gambier Lakes to show the Funds appreciation for their ingoing support to the Disadvantaged Junior Program.

CARRIED

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 28 JUNE 2023

RESOLUTION 2023/149

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinac

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 28 June 2023 as attached be noted.

CARRIED

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



19 COUNCIL REPORTS

19.1 DRAFT BLUE LAKE SPORTS PARK MASTER PLAN

RESOLUTION 2023/150

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR23/36662 titled 'Draft Blue Lake Sports Park Master Plan' as Community Consultation Summary as presented on 18 July 2023 be noted.
2. That Council endorses Option 2 of the Blue Lake Sports Park Master Plan as attached to Report AR23/36662 to guide the future development of Blue Lake Sports Park noting detailed design and further development of the governance model is required for implementation.
3. That Council notes that the Blue Lake Sports Park Master Plan is to be considered in the Long Term financial Plan and the Asset Management Plan.

CARRIED

19.2 CUSTODIAN CONSENT - GRANTS OF EASEMENT - SA POWER NETWORK - OLYMPIC PARK PRECINCT, MARGARET STREET

RESOLUTION 2023/151

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council Report No. AR23/39986 titled 'Custodian Consent - Grants of Easement - SA Power Network - Olympic Park Precinct, Margaret Street' as presented on 18 July 2023 be noted.
2. Consent is given under section 28(2) of the Crown Land Management Act 2009 as custodian to the grant of easement for electricity purposes to SA Power Networks over areas shown as 'D' and 'E' in attachment 1 to Report No. AR23/39986 over:
 - Section 251 Hundred of Blanche contained in Crown Record Volume 5637 Folio 191.
3. The Chief Executive Officer and Mayor be authorised to execute and affix the common seal of Council to any documentation necessary to give consent to the easements in resolution (2).

CARRIED

19.3 PROPOSED ITEMS OF BUSINESS 2023 LGA ANNUAL GENERAL MEETING

RESOLUTION 2023/152

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/44245 titled 'Proposed Items of Business 2023 LGA Annual General Meeting' as presented on 18 July 2023 be noted.



2. That Council prepares an item of business for the LGA/SAROC with regard to the parental income test for regional and remote students in relation to youth allowance qualification, as an item to present at the 2023 AGM.

CARRIED

19.4 UPDATE - 2 PYNE CLOSE, MOUNT GAMBIER

RESOLUTION 2023/153

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council Report No. AR23/36336 titled 'Update - 2 Pyne Close, Mount Gambier' as presented on 18 July 2023 be noted.

CARRIED

19.5 CARRY FORWARD 2023/24 EAST GAMBIER SPORTSMEN'S CLUB COUNCIL CONTRIBUTION

RESOLUTION 2023/154

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR23/44650 titled 'Carry Forward 2023/24 East Gambier Sportsmen's Club Council Contribution' as presented on 18 July 2023 be noted.
2. That Council approves the proposed total carry forward of \$75,000 for the grant provided to East Gambier Sportsmen's Club by Council to 2023/2024, and notes that the amount will be formally included in Council's approved budget as part of the Carry Forward 2023/2024 Capital Works and Grants/Sponsorships Budgets report to be brought to Council at the September 2023 meeting.

CARRIED

19.6 HOLDING OF OPEN/CLOSED INFORMATION AND BRIEFING SESSIONS

RESOLUTION 2023/155

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/44347 titled 'Holding of Open/Closed Information and Briefing Sessions' as presented on 18 July 2023 be noted.
2. That the Chief Executive Officer's general intention to conduct information and briefing sessions attended by Parliamentarians in a place open to the public be noted.

CARRIED



19.7 FREEDOM OF INFORMATION - UPDATE - 2022/2023

RESOLUTION 2023/156

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/44235 titled 'Freedom of Information - Update - 2022/2023' as presented on 18 July 2023 be noted.

CARRIED

19.8 INTERNAL REVIEW OF COUNCIL ACTIONS 2022/2023

RESOLUTION 2023/157

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council Report No. AR23/41647 titled 'Internal Review of Council Actions 2022/2023' as presented on 18 July 2023 be noted.
2. That the background and proposal contained in Council Report No. AR23/41647 relating to Section 270 of the Local Government Act 1999 be included in Council's 2022/2023 Annual Report.

CARRIED

20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - OPERATING COSTS OF WULANDA

20.2 NOTICE OF MOTION - MFS

RESOLUTION 2023/158

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR23/45969 titled 'Notice of Motion - MFS' as presented on 18 July 2023 be noted.
2. That Mayor Lynette Martin, Cr Paul Jenner and Sarah Philpott, Chief Executive Officer, from the City of Mount Gambier urgently request another meeting with the Minister for Police, Emergency Services and Correctional Services - Joe Szakacs MP, Chief Executive Officer of MFS - Michael Morgan, Chief Executive Officer of SAFECOM, Member for Mount Gambier - Troy Bell MP and Minister for Primary Industries and Regional Development - Hon. Clare Scriven MLC, regarding the following:
 - (a) The replacement appliance that came to Mount Gambier as the new second hand first response unit, that was sent back to Adelaide for 7 1/2 months to get repaired and only just come back.



- (b) To consider Mount Gambier becoming a 24/7 station, so that the response time to a house, business or industrial fire is immediate.
- (c) Courses and training access for the MFS staff in Mount Gambier equal to that provided to MFS teams in Adelaide.
- (d) the Mount Gambier MFS Station has aged and outdated gym equipment that is not fit for purpose.
3. That in requesting the meeting, the Minister for Police, Emergency Services and Correctional Services - Joe Szakacs MP be asked to consider the attendance of Maxine Adlam, Secretary for United Fire Fighters Union of South Australia Inc. at the meeting.
4. That a copy of the correspondence be provided to the Premier of South Australia - Peter Malinauskas MP, Member of the Legislative Council - Hon. Ben Hood MLC and Maxine Adlam, Secretary for United Fire Fighters Union of South Australia Inc.
- CARRIED**

21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

22.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 28 JUNE 2023

22.2 INDEPENDENT REVIEW OF CHIEF EXECUTIVE OFFICER AND REMUNERATION REVIEW – REPORT NO. AR23/34047

RESOLUTION 2023/159

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, M McCarthy, T McPherson, S McLean, M Brookes and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 22.2 AR23/34047 Independent Review of Chief Executive Officer and Remuneration Review.

The Council is satisfied that, pursuant to section 90(3) (a) 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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- 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 subject matter includes information concerning the personal employment affairs of the Chief Executive Officer, Sarah Philpott for which a duty of confidence has been established.

CARRIED

Sarah Philpott, Chief Executive Officer, declared a conflict of interest and left the meeting at 6:55pm.

RESOLUTION 2023/160

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 AR23/34047 Independent Review of Chief Executive Officer and Remuneration Review 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) and (g) be kept confidential and not available for public inspection until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has lapsed, to be reviewed at least once in every 12 month period, with the exception of the relevant salary register details which are to be updated within 28 days of any change in remuneration.
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 NEW CONFIDENTIAL ITEMS

23.1 CHIEF EXECUTIVE OFFICER KPI'S 2023 – REPORT NO. AR23/42206

RESOLUTION 2023/161

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinac

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, M McCarthy, T McPherson, S McLean, M Brookes and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/42206 Chief Executive Officer KPI's 2023.

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 the subject matter includes information concerning the personal employment affairs of the Chief Executive Officer, Sarah Philpott for which a duty of confidence has been established.

CARRIED

Sarah Philpott, Chief Executive Officer, returned to the meeting at 6:59pm.

RESOLUTION 2023/162

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 23.1 AR23/42206 Chief Executive Officer KPI's 2023 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) be kept confidential and not available for public inspection until the KPI's have been adopted by Council.
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 7:06pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 August 2023.

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PRESIDING MEMBER

