

**MINUTES OF CITY OF MOUNT GAMBIER  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 18 JUNE 2019 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

<b>OFFICERS IN ATTENDANCE:</b>	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
	Manager Development Services	- Mrs T Tzioutziouklaris
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Ms A Lavia

**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 2019/140**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

That the apology(ies) from Cr Frank Morello and Cr Steven Perryman be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

**RESOLUTION 2019/141**

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

That the minutes of the Ordinary Council meeting held on 21 May 2019 and the Special Council meeting held on 3 June 2019 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**



## 5 MAYORAL REPORT

- Cancer Council Australia's Biggest Morning Tea
- Volunteer Week Morning Tea
- Welcome new CEO Andrew Meddle
- Workshop – Architects Sport and Recreation Centre
- Welcome to Works Depot Staff new CEO Andrew Meddle
- Reconciliation Week Barbecue
- Celebration of National Reconciliation Week 2019 – Grounded in Truth – Walk Together in Courage
- Stand Like Stone Celebration
- 50 Year Anniversary Celebrations – McDonald Park School
- Celebration of 10 Year Anniversary – Sunset Community Kitchen
- Introductory Meeting CEO – DC Grant
- Special Council Meeting – Sport and Recreation Centre
- Introductory Speech Gambier City Lions Club Meeting
- Guest Speaker WiBRD Breakfast
- Site Visit to Mount Gambier MFS Station
- Introductory Meeting CEO – RDALC
- Introductory Meeting CEO – Migrant Resource Centre
- Official Opening 70th Anniversary Highland Dancing Festival and Southern States Championship
- Introductory meeting with representatives from CARA
- Strategic Standing Committee Meeting
- Operational Standing Committee Meeting
- Meeting with Country Arts SA
- Country Arts SA - Sir Robert Helpmann Theatre Masterplan Conversation
- Judge - Venture Dorm Semester One Limestone Coast Graduation
- LCLGA General Meeting – Wattle Range Council
- MJ Dance Debutante Ball
- Meeting with Regional Engagement Officer UniSA

### RESOLUTION 2019/142

Moved: Mayor Lynette Martin

Seconded: Cr Kate Amoroso

That the Mayoral report made on 18 June 2019 be received.

**CARRIED**

## 6 REPORTS FROM COUNCILLORS

- |                   |   |
|-------------------|---|
| Cr Kate Amoroso   | Youth Advisory Group meeting, Christmas Pageant Group meeting, What is Yiayia book launch in the library, Country Arts information session.                           |
| Cr Ben Hood       | Stand Like Stone sponsor night, Airport Strategy Committee, eNVision launch and venture dorm winners, Sir Robert Helpmann workshop, Tenison Woods College, MFS visit. |
| Cr Sonya Meziniec | Paint the town read relay - library, Sir Robert Helpmann Theatre workshop - community, WIBRD breakfast, MFS visit.  |



- |                |  |
|----------------|--|
| Cr Paul Jenner | Sir Robert Helpmann Theatre with Country Arts SA, Metropolitan Fire Service meeting, LCLGA meeting in Millicent. |
| Cr Max Bruins  | Meet and greet - Andrew Meddle, QEPT meeting.  |

**RESOLUTION 2019/143**

Moved: Cr Kate Amoroso

Seconded: Cr Christian Greco

That the reports made by Councillors on 18 June 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**

**11.1 NOTICE OF RESCISSION/AMENDMENT - ENVIRONMENTAL SUSTAINABILITY AND COMMUNITY ENGAGEMENT AND SOCIAL INCLUSION COMMITTEES**

**MOTION**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That resolution (2) associated with Item 11.2 titled '*Notice of Rescission/Amendment – Section 41 Committees*' passed on 21 May 2019:
  2. *That the following Committees:*
    - *Environmental Sustainability Sub-Committee*
    - *Community Engagement and Social Inclusion Sub-Committee**be re-instated.*
- be revoked.
2. That resolution (f) associated with Item 24 titled '*Section 41 Committees*' that was passed on 22 November 2019 (as amended by resolution (1) associated with Item 11.2 passed on 21 May 2019), be amended from:



- (f) *That the following Sub-Committees be placed in recess pending consideration of their necessity by Council:*

- *Environmental Sustainability Sub-Committee*
- *Community Engagement and Social Inclusion Sub-Committee*
- *Heritage Sub-Committee*

to instead read:

- (f) *That the following Sub-Committees be placed in recess pending consideration of their necessity by a Councillor Workshop, to held before the end of July 2019:*

- *Environmental Sustainability Sub-Committee*
- *Community Engagement and Social Inclusion Sub-Committee*

Cr Kate Amoroso called for a Division

The declaration was then set aside.

Voting by division being:

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

Against: Crs Kate Amoroso, Christian Greco and Paul Jenner

**TIED VOTE**

Being a tied vote the Mayor voted in favour of the Motion

The Mayor declared the Motion

**CARRIED**

## **12 ELECTED MEMBERS WORKSHOPS**

### **12.1 ELECTED MEMBER WORKSHOPS (INFORMAL GATHERINGS)**

#### **RESOLUTION 2019/144**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Council Report No. AR19/29548 titled 'Elected Member Workshops (Informal Gatherings)' as presented on 18 June 2019 be noted.

**CARRIED**



## **13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

### **13.1 ELECTED MEMBER TRAINING AND DEVELOPMENT**

#### **RESOLUTION 2019/145**

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

The verbal report from Cr Paul Jenner on his attendance at a session on implementation of the Planning, Development and Infrastructure Act as presented on 18 June 2019 be noted

**CARRIED**

## **14 COUNCIL ACTION ITEMS**

### **14.1 COUNCIL ACTION ITEMS - 21/05/2019**

#### **RESOLUTION 2019/146**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR19/29535 titled 'Council Action Items - 21/05/2019' as presented on 18 June 2019 be noted.

**CARRIED**

## **15 STRATEGIC STANDING COMMITTEE MINUTES AND RECOMMENDATIONS**

### **15.1 MINUTES OF THE STRATEGIC STANDING COMMITTEE HELD ON 11 JUNE 2019**

#### **RESOLUTION 2019/147**

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

That the Minutes of the Strategic Standing Committee meeting held on 11 June 2019 as attached be noted.

**CARRIED**



**15.2 STRATEGIC STANDING COMMITTEE - TERMS OF REFERENCE – REPORT NO. AR19/26668**

**RESOLUTION 2019/148**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Strategic Standing Committee Report No. AR19/26668 titled 'Strategic Standing Committee - Terms of Reference' as presented on 11 June 2019 be noted.
2. The updated Terms of Reference for the Strategic Standing Committee as attached to Report No. AR19/26668 be adopted.

**CARRIED**

**16 OPERATIONAL STANDING COMMITTEE MINUTES AND RECOMMENDATIONS**

**16.1 MINUTES OF THE OPERATIONAL STANDING COMMITTEE HELD ON 11 JUNE 2019**

**RESOLUTION 2019/149**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

That the Minutes of the Operational Standing Committee meeting held on 11 June 2019 as attached be noted.

**CARRIED**

**16.2 SUPPLY AND DELIVERY OF FUEL – REPORT NO. AR19/27131**

**RESOLUTION 2019/150**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Operational Standing Committee Report No. AR19/27131 titled 'Supply and Delivery of Fuel' as presented on 11 June 2019 be noted.
2. That Council accept the tender of Tenderer 1 for the supply and delivery of bulk fuel to the City of Mount Gambier as per tender submission AF18/420 for the period 1 July 2019 to 30 June 2021.

**CARRIED**



**16.3 PROPERTY MANAGEMENT - HASTINGS CUNNINGHAM SHEDS – REPORT NO. AR19/26426**

**RESOLUTION 2019/151**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Operational Standing Committee Report No. AR19/26426 titled 'Property Management - Hastings Cunningham Sheds' as presented on 11 June 2019 be noted.
2. That Shed No. 11 at Hastings Cunningham Reserve be retained as vacant pending any emerging matters that would benefit from the availability of the shed as a tenancy solution.

**CARRIED**

**16.4 COMMUNITY ENGAGEMENT AND SOCIAL INCLUSION SUB-COMMITTEE - TERMS OF REFERENCE AND MEMBERSHIP – REPORT NO. AR19/26431**

**RECOMMENDATION**

1. That Operational Standing Committee Report No. AR19/26431 titled 'Community Engagement and Social Inclusion Sub-Committee - Terms of Reference and Membership' as presented on 11 June 2019 be noted.
2. That the Terms of Reference for the Community Engagement and Social Inclusion Sub-Committee as attached to Report No. AR19/26434 be endorsed with the following inclusions:
  - Clause 6.8 – insert 'that must be an Elected Member of the Sub-Committee. Only an Elected Member of the Sub-Committee may act in the position of Presiding Member.'
  - Clause 10.3 (new clause) – Notwithstanding clauses 10.1 and 10.2, a quorum will only be achieved at a meeting of the Sub-Committee where at least one Elected Member of the Sub-Committee is present and presiding over the meeting.
3. That membership of the Community Engagement and Social Inclusion Sub-Committee shall be:
  - Cr Kate Amoroso
  - To be determined by CouncilAnd the terms of reference to reflect 2 Elected Members of Council, 3 Community Members and the Mayor as ex-officio member.
4. That previous Community Members of the Community Engagement and Social Inclusion Sub-Committee be approached to confirm their continued interest and involvement with the Committee until the expiry of their appointment in November 2020.
5. That a public expression of interest be conducted seeking nominations from interested community members to fill any vacancies on the Community Engagement and Social Inclusion Sub-Committee.
6. That ordinary meetings of the Community Engagement and Social Inclusion Sub-Committee be scheduled, following the re-appointment of community members, quarterly on a Tuesday commencing at 5:30 pm.
7. Council after a period of 12 months review the operation of the Community Engagement and Social Inclusion Sub-Committee.

**ITEM 16.4 LAPSED FOR WANT OF A MOVER**



**16.5 ENVIRONMENTAL SUSTAINABILITY SUB-COMMITTEE - TERMS OF REFERENCE  
AND MEMBERSHIP – REPORT NO. AR19/26434**

**RECOMMENDATION**

1. That Operational Standing Committee Report No. AR19/26434 titled 'Environmental Sustainability Sub-Committee - Terms of Reference and Membership' as presented on 11 June 2019 be noted.
2. That the Environmental Sustainability Sub-Committee be placed into recess.

**ITEM 16.5 LAPSED FOR WANT OF A MOVER**

**16.6 SPONSORED EVENTS - CONTRIBUTION TO ECONOMIC DEVELOPMENT – REPORT  
NO. AR19/26573**

**RESOLUTION 2019/152**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Operational Standing Committee Report No. AR19/26573 titled 'Sponsored Events - Contribution to Economic Development' as presented on 11 June 2019 be noted.
2. This item be referred to the Operational Standing Committee meeting in July 2019.

**CARRIED**

**16.7 OPERATIONAL STANDING COMMITTEE - TERMS OF REFERENCE – REPORT NO.  
AR19/26665**

**RESOLUTION 2019/153**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Operational Standing Committee Report No. AR19/26665 titled 'Operational Standing Committee - Terms of Reference' as presented on 11 June 2019 be noted.
2. The updated Terms of Reference for the Operational Standing Committee as attached to Report No. AR19/26665 be adopted.

**CARRIED**





## **16.8 WORKS IN PROGRESS – REPORT NO. AR19/27224**

### **RESOLUTION 2019/154**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Operational Standing Committee Report No. AR19/27224 titled 'Works In Progress' as presented on 11 June 2019 be noted.

**CARRIED**

## **16.9 REVOCATION OF COMMUNITY LAND CLASSIFICATION - MATHEW FLINDERS WAY AND WOODLANDS GROVE - MR VINCE VERSACE – REPORT NO. AR19/27937**

### **RESOLUTION 2019/155**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Operational Standing Committee Report No. AR19/27937 titled 'Revocation of Community Land Classification - Mathew Flinders Way and Woodlands Grove - Mr Vince Versace' as presented on 11 June 2019 be noted.
2. The Section 194 Report prepared for the purpose of conducting public consultation on the community land revocation and transfer proposal for portions of Allotment 204 (Reserve) in deposited Plan 933848 and Allotment 1107 (Reserve) in deposited Plan 82423 as attached to Report No. AR19/19977 be endorsed.
3. A further report be presented for Council to consider any submissions received on the revocation of community land classification and transfer proposal for the reserves associated with Mathew Flinders Way and Woodlands Grove, and whether to submit a report seeking the minister's approval for the revocation.
4. In the event that no submissions are received (or no submissions are received objecting to the proposal), the Chief Executive Officer be authorised to submit a report seeking the Minister's approval for the revocation, and a further report be presented for Council to consider the Minister's response including, if favourable, consideration to the making of a resolution to revoke the classification of the subject lands as community land.
5. Further discussions be undertaken with the applicant (Mr Vince Versace) and the applicants representative (Cameron Lock Surveying) in relation to the value of the land to be transferred in association with the revocation proposal and the cost to Council of undertaking the transfer of land, with a view towards an understanding on suitable compensation being paid to Council and all costs and arrangement of documentation being the responsibility of the applicant or their representative including re-imbursement of any advertising, legal, conveyancing, surveying or any other expenses incurred by Council associated with the revocation process and any subsequent transfer.
6. Council consideration, endorsement and execution and settlement of any subsequent agreement anticipated by resolution (5) be subject to and subsequent to the Ministers approval of the community land revocation proposal (if granted) and a Council resolution to formally revoke the community land classification of the subject lands.

**CARRIED**



## **16.10 METROPOLITAN FIRE SERVICE LIAISON**

### **RESOLUTION 2019/156**

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

1. Council writes to the Minister of Emergency Services, the Premier, the Commissioner of Metropolitan Fire Service (MFS) and Member for Mount Gambier, Mr Troy Bell MP regarding:
  - (a) Urgent consideration be given for replacement of the MFS Volvo pumper / rescue unit in the upcoming financial year as we are South Australia's second largest city and that new MFS vehicles are commissioned to provincial cities first.
  - (b) That Council request that the MFS investigate a model for staffing of a 24/7 Mount Gambier station and still utilising the retained staff.

**CARRIED**

## **17 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil

## **18 COUNCIL ASSESSMENT PANEL MINUTES**

### **18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 22 MAY 2019**

#### **RESOLUTION 2019/157**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

That the Minutes of the Council Assessment Panel meeting held on 22 May 2019 as previously circulated be noted.

**CARRIED**

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

Nil

## **20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

## **21 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil



## **22 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS**

### **22.1 MINUTES OF THE AUDIT COMMITTEE HELD ON 4 JUNE 2019**

#### **RESOLUTION 2019/158**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

That the Minutes of the Audit Committee meeting held on 4 June 2019 as attached be noted.

**CARRIED**

### **22.2 CQR CYBER SECURITY ASSESSMENT - UPDATE – REPORT NO. AR19/24222**

#### **RESOLUTION 2019/159**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Audit Committee Report No. AR19/24222 titled 'CQR Cyber Security Assessment - Update' as presented on 04 June 2019 be noted.
2. That the measures to mitigate the 'moderate' risks identified in the CQR Cyber Risk Assessment report be addressed by the Administration and an update be provided to the Audit Committee.

**CARRIED**

### **22.3 EXTERNAL AUDITOR'S AUDIT ENGAGEMENT PLAN – REPORT NO. AR19/24220**

#### **RESOLUTION 2019/160**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Audit Committee Report No. AR19/24220 titled 'External Auditor's Audit Engagement Plan' as presented on 04 June 2019 be noted.

**CARRIED**



**22.4 DRAFT 2019/2020 ANNUAL BUSINESS PLAN AND BUDGET – REPORT NO. AR19/24224**

**RESOLUTION 2019/161**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Audit Committee Report No. AR19/24224 titled 'Draft 2019/2020 Annual Business Plan and Budget' as presented on 04 June 2019 be noted.
2. That the Audit Committee provides the following feedback on the Council's Draft 2019/2020 Annual Business Plan and Budget:
  - (a) Update wording describing Council's contribution to the Community and Recreation Hub project budget and Council's contribution in 2019/2020 of \$2.5 M.
  - (b) For 2020/2021 update the Annual Business Plan and Budget format and its content to include explanation of material changes from the current budget year to the draft budget year.

**CARRIED**

**22.5 REGISTERS OF PROCESS IMPROVEMENT, SERVICE REVIEWS AND PROJECTS – REPORT NO. AR19/26804**

**RESOLUTION 2019/162**

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

1. That Audit Committee Report No. AR19/26804 titled 'Registers of Process Improvement, Service Reviews and Projects' as presented on 04 June 2019 be noted.

**CARRIED**

**23 COUNCIL REPORTS**

**23.1 WINTV REQUEST FOR RIGHT OF WAY**

**MOTION**

Moved: Cr Ben Hood

Seconded: Cr Paul Jenner

1. That Council Report No. AR19/26415 titled 'WINTV Request for Right of Way' as presented on 18 June 2019 be noted.

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

Purpose of the Suspension: To discuss WINTV's requests

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

Meeting Procedures were suspended at 06:48 PM



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

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

The Period of Suspension came to an end and Meeting Procedures resumed at 06:56 PM

## **AMENDMENT**

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

1. That Council Report No. AR19/26415 titled 'WINTV Request for Right of Way' as presented on 18 June 2019 be noted.
2. That Council agrees to the Chief Executive Officer negotiating a settlement with WINTV regarding:

(a) The right of way (for which there is in principle support)

(b) Digitised archival footage

(c) Financial arrangements

And to provide a report on these negotiations to Council at a later date.

The Amendment was put and

**CARRIED**

## **RESOLUTION 2019/163**

1. That Council Report No. AR19/26415 titled 'WINTV Request for Right of Way' as presented on 18 June 2019 be noted.
2. That Council agrees to the Chief Executive Officer negotiating a settlement with WINTV regarding:

(a) The right of way (for which there is in principle support)

(b) Digitised archival footage

(c) Financial arrangements

And to provide a report on these negotiations to Council at a later date.

And as the Motion was put and

**CARRIED**



## 23.2 REVIEW OF DELEGATIONS - UPDATE

### RESOLUTION 2019/164

Moved: Cr Sonya Mezinac

Seconded: Cr Christian Greco

1. That Council Report No. AR19/26425 titled 'Review of Delegations - Update' as presented on 18 June 2019 be noted.

#### 2. Revocation

1. That Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- Liquor Licensing Act 1997
- Local Government Act 1999

#### 3. Delegations under the Local Government Act 1999

2. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 12 & 14 (attached to Council Report No. AR19/26425) are hereby delegated this 18 June 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- Liquor Licensing Act 1997 (Appendix 12)
- Local Government Act 1999 (Appendix 14)

3.1. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3.2. For the purposes of these delegations all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.

3.3. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

#### 4. Authorisation under the Road Traffic Act 1961

4.1. In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorise **ANDREW MEDDLE** pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements.

4.2. The authorisation made under this clause shall expire immediately upon:

- the termination or other cessation of the officers employment with Council;
- such authorisation being revoked by resolution of Council;
- the revocation or replacement of the statute or instrument under which the authorisation is made making the authorisation redundant.

**CARRIED**



Pursuant to Section 74 of the Local Government Act 1999, Cr Max Bruins disclosed a material conflict of interest in Item 23.3:

*"I am a QEPT board member".*

In accordance with Section 74 of the Local Government Act 1999 Cr Max Bruins did not participate in the meeting for Item 23.3.

Cr Max Bruins vacated the meeting at 6:58 pm

Pursuant to Section 74 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 23.3:

*"I have a family member who is a board member of the QEPT".*

In accordance with Section 74 of the Local Government Act 1999 Mayor Lynette Martin did not participate in the meeting for Item 23.3.

Mayor Lynette Martin vacated the meeting at 6:58 pm

The Deputy Mayor took the chair for the following item.

### **23.3 QUEEN ELIZABETH PARK TRUST - RESPONSE TO COUNCIL REQUEST**

#### **RESOLUTION 2019/165**

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

1. That Council Report No. AR19/28608 titled 'Queen Elizabeth Park Trust - Response to Council Request' as presented on 18 June 2019 be noted.
2. The letter dated 4 June 2019 advising the Queen Elizabeth Park Trusts intentions regarding the lease of the Blue Lake Holiday (Caravan) Park and its future operations be noted.
3. The Administration be authorised to conduct such preparatory activities as are considered necessary and expedient to facilitate the transfer (surrender) of the head lease arrangement for the Blue Lake Holiday (Caravan) Park to Council, and to maintain arrangements with the existing sub-lessee on essentially the same terms and conditions as their current lease.
4. The Chief Executive Officer and Mayor be authorised to execute and affix the Council Seal to any documentation necessary to give effect to the arrangements mentation
5. A further report be presented to present any significant financial or maintenance/works implications associated with Council assuming responsibility for the lease arrangements with the Blue Lake Holiday (Caravan) Park operator.
6. That Council agrees to an allocation of up to \$125,000 for the carrying out of urgent works to ensure the Council's legislative compliance within the precinct within the 2018/2019 budget as a revision item for the financial year.

**CARRIED**

Mayor Lynette Martin resumed the meeting at 7:05 pm

Cr Max Bruins resumed the meeting at 7:05 pm



Mayor Lynette Martin resumed the chair.

#### **23.4 COMMUNITY CONSULTATION ON THE DRAFT 2019/2020 ANNUAL BUSINESS PLAN AND BUDGET**

##### **RESOLUTION 2019/166**

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Council Report No. AR19/29053 titled 'Community Consultation on the Draft 2019/2020 Annual Business Plan and Budget' as presented on 18 June 2019 be noted.

**CARRIED**

#### **23.5 2019 FRINGE IN MOUNT GAMBIER EVALUATION REPORT**

##### **RESOLUTION 2019/167**

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

1. That Council Report No. AR19/29774 titled '2019 Fringe in Mount Gambier Evaluation Report' as presented on 18 June 2019 be noted.
2. That the City of Mount Gambier continue to support the growth of a sustainable model for the Fringe in Mount Gambier Festival
3. That the Fringe in Mount Gambier Festival remain a community led initiative that includes active involvement of local Fringe Ambassadors and secured funding parties.
4. That the roles and responsibilities of Council representatives in the planning and implementation of the 2020 Fringe in Mount Gambier Festival be conducive to building community capacity to encourage the ongoing cultural development of local artists, venues and businesses.

**CARRIED**

Cr Kate Amoroso vacated the meeting at 7:13 pm

#### **24 MOTIONS WITH NOTICE**

Nil

#### **25 URGENT MOTIONS WITHOUT NOTICE**

Nil





## **26 CONFIDENTIAL ITEMS OF COMMITTEES**

### **26.1 CONFIDENTIAL ITEMS OF THE STRATEGIC STANDING COMMITTEE HELD ON 11 JUNE 2019**

### **26.2 PROPERTY MANAGEMENT - LICENCE EXPIRY REVIEW – REPORT NO. AR19/26427**

#### **RESOLUTION 2019/168**

Moved: Cr Christian Greco

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 Cr S Mezinec, Cr K Amoroso, Cr M Bruins, Cr C Greco, Cr B Hood, Cr P Jenner and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, 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 26.2 AR19/26427 Property Management - Licence Expiry Review.

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

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

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 information to be considered relates to the Council and the current tenants future interests in the letting of the subject property, the disclosure of which may reasonably be considered could prejudice the Councils commercial position and be beneficial or detrimental to 3rd parties associated with any expression of interest or tender for the occupation of the subject property.

**CARRIED**



Cr Kate Amoroso resumed the meeting at 7:15 pm

**RESOLUTION 2019/170**

Moved: Cr Christian Greco

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 7.1 AR19/26427 Property Management - Licence 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) (b) and (d) be kept confidential and not available for public inspection until an agreement has been executed with a new operator, with the resolutions numbered 1-4 to be released immediately upon notification of Council's decision to the existing operator.
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**



**26.3 CONFIDENTIAL ITEMS OF THE OPERATIONAL STANDING COMMITTEE HELD ON 11 JUNE 2019**

**26.4 ENGAGEMENT OF LEGAL REPRESENTATION FOR APPEAL TO THE ENVIRONMENT RESOURCES AND DEVELOPMENT COURT - DEVELOPMENT APPLICATION 381/0334/2018 - 1 PICK AVENUE, MOUNT GAMBIER - MOUNT GAMBIER AGRICULTURAL AND HORTICULTURAL SOCIETY INC. – REPORT NO. AR19/27812**

**RESOLUTION 2019/171**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

**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 Cr S Mezinac, Cr K Amoroso, Cr M Bruins, Cr C Greco, Cr B Hood, Cr P Jenner and Council Officers A Meddle, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, 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 26.4 AR19/27812 Engagement of legal representation for appeal to the Environment Resources and Development Court - Development Application 381/0334/2018 - 1 Pick Avenue, Mount Gambier - Mount Gambier Agricultural and Horticultural Society Inc.

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

- 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
- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because This report relates to the engagement of legal representation in relation to an appeal lodged with the Environment, Resource and Development Court, by the Mount Gambier Agricultural and Horticultural Society. The appeal relates to a decision of the Council Assessment Panel made on 21 February 2019 regarding Development Application 381/0334/2018.

**CARRIED**



**RESOLUTION 2019/173**

Moved: Cr Sonya Mezinac  
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 7.1 AR19/27812 Engagement of legal representation for appeal to the Environment Resources and Development Court - Development Application 381/0334/2018 - 1 Pick Avenue, Mount Gambier - Mount Gambier Agricultural and Horticultural Society Inc. 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) (g) and (h) be kept confidential and not available for public inspection until the issue is no longer in the court system.
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**

**27 NEW CONFIDENTIAL ITEMS**

Nil

**28 MEETING CLOSE**

The Meeting closed at 7:52 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 July 2019.

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**PRESIDING MEMBER**

