

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 19 JANUARY 2021 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman (arrived at 6.16 p.m.)

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager Shared Services	- Mr D Barber
	Media and Communications Coordinator	- Ms S McLean
	Manager Governance and Property	- Mr M McCarthy
	Manager Organisational Development	- Ms T McPherson
	Executive Administration Officer	- Mrs F McGregor

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 2021/1

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

That the apology(ies) from Cr Ben Hood be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/2

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Meziniec



That the minutes of the Ordinary Council meeting held on 15 December 2020 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

- 2020 End of Year Men's Shed BBQ
- End of Year Celebration – South East Junction
- Weekly LCLGA Mayor's Virtual Meeting
- Official Opening OTR Convenience Store and Krispy Kreme Factory
- Attendance at Graduation Ceremony at Lifeline
- CEO Recruitment Committee Meeting
- Meeting with Kevin Douglas – 2020 Volunteers Christmas Luncheon
- Meeting with Member for Barker
- Elected Members Workshop – Public Bus Service Review
- Weekly LCLGA Mayor's Virtual Meeting
- Elected Member – Roles and Responsibilities Training (LGRS)
- Commissioning of Transperineal Biopsy Machine at Mount Gambier Hospital

RESOLUTION 2021/3

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

That the Mayoral report made on 19 January 2021 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Greco	OTR and Krispy Kreme opening, Re-Use Market/Waste Transfer Visit, Outer Space and Blue Lake Sports Park Group Meeting.
Cr Mezinec	Opening of OTR and Krispy Kreme Factory, Opening of 2 Exhibitions – Jam Factory Icon Angela Valamanesh – the Blue Exhibition from the Riddoch Collection.
Cr Jenner	Opening of On the Run and Krispy Kreme Factory.
Cr Perryman	Member Workshop on Local Government Mutual Liability WHS Shared Scheme etc.

RESOLUTION 2021/4

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

That the reports made by Councillors on 19 January 2021 be received.

CARRIED



7 QUESTIONS WITH NOTICE

Nil

Cr Perryman arrived at 6.16 p.m.

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 WORKSHOP FROM 14/12/2020 TO 14/01/2021

RESOLUTION 2021/5

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR20/84230 titled 'Elected Member Workshop from 14/12/2020 to 14/01/2021' as presented on 19 January 2021 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS FROM 15/12/2020

RESOLUTION 2021/6

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

1. That Council Report No. AR20/84231 titled 'Council Action Items from 15/12/2020' as presented on 19 January 2021 be noted.

CARRIED



15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 COUNCIL ASSESSMENT PANEL MINUTES

Nil

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 14 DECEMBER 2020

RESOLUTION 2021/7

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That the Minutes of the Audit Committee meeting held on 14 December 2020 as attached be noted.

CARRIED

20.2 AUDIT COMMITTEE WORKS PROGRAM – REPORT NO. AR20/82143

RESOLUTION 2021/8

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Audit Committee Report No. AR20/82143 titled 'Audit Committee Works Program' as presented on 14 December 2020 be noted.

CARRIED



20.3 AUDIT COMMITTEE - SITTING FEES – REPORT NO. AR20/17419

RESOLUTION 2021/9

Moved: Cr Sonya Meziniec
Seconded: Cr Christian Greco

1. That Audit Committee Report No. AR20/17419 titled 'Audit Committee - sitting fees' as presented on 14 December 2020 be noted.
2. That Council amend as follows:
 - (a) The sitting fees for the ordinary meetings of the Audit Committee be increased to:
 - i. Independent Presiding Member \$300.00
 - ii. Other Independent Members \$200.00
 - (b) The sitting fees for any special meeting of the Audit Committee be increased to:
 - iii. Independent Presiding Member \$200.00
 - iv. Other Independent Members \$100.00

CARRIED

20.4 SELF-ASSESSMENT OF PERFORMANCE AUDIT COMMITTEE – REPORT NO. AR20/82682

RESOLUTION 2021/10

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR20/82682 titled 'Self-assessment of performance Audit Committee' as presented on 14 December 2020 be noted.
2. That the audit committee record that it is satisfied that its performance is meeting Council and other relevant Authority's standards and expectations.
3. That the audit committee's Terms of reference are updated from:
'The size of the committee shall be three (3) members.'
To
'The size of the committee shall be between three (3) and 5 members (inclusive).'
4. That the audit committee's Terms of reference will include the following:
'A vacancy in the membership of the audit committee will not invalidate any decisions of the audit committee, provided a quorum is maintained during meetings.'

CARRIED



20.5 AUDIT ENGAGEMENT FY2022 - FY2025 – REPORT NO. AR20/82148

RESOLUTION 2021/11

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR20/82148 titled 'Audit Engagement FY2022 - FY2025' as presented on 14 December 2020 be noted.
2. That Council considers the following matters as part of the tender process for the external audit service provider:
 - provision of potential improvement opportunities
 - inclusion of Audit Engagement Plans

CARRIED

20.6 ANNUAL REPORT 2019-20 – REPORT NO. AR20/82431

RESOLUTION 2021/12

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Audit Committee Report No. AR20/82431 titled 'Annual Report 2019-20' as presented on 14 December 2020 be noted.

CARRIED

20.7 EMERGENCY MANAGEMENT AND RISK MANAGEMENT – REPORT NO. AR20/82729

RESOLUTION 2021/13

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Audit Committee Report No. AR20/82729 titled 'Emergency Management and Risk Management' as presented on 14 December 2020 be noted.

CARRIED



20.8 QUARTERLY BUDGET REVIEW 1 2020-21 – REPORT NO. AR20/82630

RESOLUTION 2021/14

Moved: Cr Sonya Meziniec
Seconded: Cr Christian Greco

1. That Audit Committee Report No. AR20/82630 titled 'Quarterly Budget Review 1 2020-21' as presented on 14 December 2020 be noted.
2. That the Audit Committee note the adoption of the following resulting from the first quarterly Budget Review for 2020-21:

YTD quarter 1 budget review (BR1) revisions for the FY2020/21 financial year reflect:

- A \$2,082,000 forecasted operating deficit, representing a \$489,000 increased deficit from the original budget operating deficit of \$1,593,000;
- A \$10,290,000 forecast net surplus, representing a \$529,000 decrease from the original budget net surplus of \$10,819,000;
- No impairment expense within Other Comprehensive expenses at BR1.
- A \$39,098,000 forecast capital expenditure, representing a \$1,301,000 change from the original budget capital expenditure of \$37,797,000, including a budget revision carry over to 2020/21 of \$1,856,000 and an anticipated carry-over to 2021/22 of \$1,600,000

CARRIED

20.9 COUNCIL BUDGET, LTFP AND AMPS REVIEW PROCESSES FOR 2021-22 – REPORT NO. AR20/82421

RESOLUTION 2021/15

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR20/82421 titled 'Council budget, LTFP and AMPS review processes for 2021-22' as presented on 14 December 2020 be noted.

CARRIED

21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

22 CHIEF EXECUTIVE OFFICER SELECTION PANEL COMMITTEE MINUTES AND RECOMMENDATIONS



23 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

24 COUNCIL REPORTS

24.1 UPDATE ON COVID-19 INITIATIVES

MOTION

Moved: Cr Sonya Meziniec
Seconded: Cr Christian Greco

1. That Council Report No. AR20/79276 titled 'Update on COVID-19 Initiatives' as presented on 19 January 2021 be noted.

AMENDMENT

Moved: Cr Paul Jenner

1. That Council Report No. AR20/79276 titled 'Update on COVID-19 Initiatives' as presented on 19 January 2021 be noted.
2. Remove Blue Lake Perimeter Path one way sign.

POINT OF ORDER

The Mayor ruled that the proposed amendment was in fact a variation and could not be accepted as an Amendment.

RESOLUTION 2021/16

Moved: Cr Sonya Meziniec
Seconded: Cr Christian Greco

1. That Council Report No. AR20/79276 titled 'Update on COVID-19 Initiatives' as presented on 19 January 2021 be noted.

CARRIED

24.2 LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM

RESOLUTION 2021/17

Moved: Cr Paul Jenner
Seconded: Cr Christian Greco

1. That Council Report No. AR20/85887 titled 'Local Government Infrastructure Partnership Program' as presented on 19 January 2021 be noted.



2. Council prepare a submission for the Local Government Infrastructure Partnership Program, seeking State Government funding to assist in the installation of solar lights along the entire shared cycle/walking rail trail and undertake completion of the Wandilo Road to TAFE, Wireless Road West shared path project.

CARRIED

24.3 OPEN SPACE AND PLACES FOR PEOPLE GRANT FUNDING 2021

RESOLUTION 2021/18

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Council Report No. AR20/86146 titled 'Open Space and Places for People Grant Funding 2021' as presented on 19 January 2021 be noted.
2. Council prepare a submission for the Open Space and Places for People Grant Funding 2021, seeking State Government funding to support to assist in the development of a Crater Lakes Precinct Activation Plan.

CARRIED

25 MOTIONS WITH NOTICE

Nil

26 MOTIONS WITHOUT NOTICE

Nil

27 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

28 NEW CONFIDENTIAL ITEMS

28.1 MOUNT GAMBIER PRIVATE HOSPITAL - FEASIBILITY STUDY STAGES 4-6 - REPORT NO. AR21/1334

RESOLUTION 2021/19

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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, D Barber, M McCarthy, S McLean, T McPherson and F McGregor be excluded from attendance at the meeting

for the receipt, discussion and consideration in confidence of Agenda Item 28.1 AR21/1334 Mount Gambier Private Hospital - Feasibility Study Stages 4-6.

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

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

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 third party commercial information provided to Council in-confidence which, if released, could confer an advantage or prejudice the commercial position of a third party and breach a duty of confidence.

CARRIED

RESOLUTION 2021/20

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

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 28.1 AR21/1334 Mount Gambier Private Hospital - Feasibility Study Stages 4-6 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) (d) and (g) be kept confidential and not available for public inspection until Council has been released from its duty of confidence, to be reviewed at least once in every 12 months.
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



28.2 NOTICE OF MOTION - INDEPENDENT CONSULTANT MEMBER OF CHIEF EXECUTIVE OFFICER SELECTION PANEL – REPORT NO. AR21/1800

RESOLUTION 2021/21

Moved: Cr Sonya Mezinec

Seconded: Cr Christian Greco

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, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, N Serle, D Barber, M McCarthy, S McLean, T McPherson and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.2 AR21/1800 Notice of Motion - Independent Consultant Member of Chief Executive Officer Selection Panel.

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
- 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

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 matter to be considered includes personal affairs information associated with a proposed nominee for the position of independent consultant member of the CEO Selection Panel including personal qualities and attributes, and suitability for the position being information that falls within the ambit of s90(3)(a) and s90(9)(a) and (b).

Further, the matter relates to the provision of consultancy services to the Council, the consideration of which could reasonable be expected to prejudice the commercial position of the Council in respect of the arrangements and could prejudice the commercial position or confer a commercial advantage of third parties.

CARRIED



RESOLUTION 2021/22

Moved: Cr Sonya Meziniec

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 28.2 AR21/1800 Notice of Motion - Independent Consultant Member of Chief Executive Officer Selection Panel 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 5 years have elapsed.
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

29 MEETING CLOSE

The Meeting closed at 7.30 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 February 2021.

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PRESIDING MEMBER

