

**MINUTES OF CITY OF MOUNT GAMBIER  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 19 SEPTEMBER 2023 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Meziniec, Cr Jason Virgo

<b>OFFICERS IN ATTENDANCE:</b>	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
	Manager Financial Services	- Mrs J Scoggins
	Manager Operations Infrastructure	- Mr K Manarangi
	Media and Communications Coordinator	- Ms S McLean
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Ms T Chant

**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 2023/187**  
Moved: Cr Kate Amoroso  
Seconded: Cr Max Bruins  
That the apology(ies) from Cr Mark Lovett be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

**RESOLUTION 2023/188**  
Moved: Cr Sonya Meziniec  
Seconded: Cr Jason Virgo  
That the minutes of the Ordinary Council meeting held on 15 August 2023 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**



## **5 MAYORAL REPORT**

### **5.1 MAYORAL REPORT - SEPTEMBER 2023**

- Meeting with Senator Kerryne Liddle
- Radiation Therapy Working Group Meeting
- Attend 2023 Mount Gambier Science and Engineering Challenge
- Interview – ABC Radio re CBD Parklets
- With CEO and Cr Jenner, meeting with representatives from MFS
- Vietnam Veterans Day Ceremony and Wreath Laying
- 2023 Business Awards
- Virtual Meeting re RDALC Regional Growth Strategy
- UniSA Leaders in Industry Luncheon
- Elected Member Briefing – Discussion on Government Relationships/Political Neutrality Policy
- Elected Member Briefing – Cost Benefit Analysis/Business Case – PLEC and LED Lighting
- Book Week – Reading at McDonald Park School
- With Deputy Mayor, Meeting with Hon Connie Bonaros MLC
- Fortnightly Virtual LCLGA Mayors Meeting
- Elected Member Briefing – Member Behavioural Standards / Support Policy
- Mount Gambier Netball Association – Junior & Senior Presentation evening
- Welcome Speech at Mount Gambier Science Fair
- Radio Interview 5GTR-FM
- Memorial Service for Robyn Campbell
- Dog and Cat Management Plan Consultation
- Morning Tea at Eureka Village
- Elected Member Briefing – Local Affordable Housing Plan Toolkit and Affordable Housing Strategy
- With CEO Meeting with Representatives from Flinders University – Launch of Allied Health Degree Programs in Mount Gambier 2024
- Visit to Council by Year 4 Students – McDonald Park School
- Recognition of International Overdose Awareness Day at Rail Lands
- Pioneers Basketball Club Presidents Lunch
- NBL Pre Season Game
- LGA Principal Member Mandatory Training
- Radiation Therapy Working Group Meeting
- Regional Growth Strategy Meeting – RDALC - Virtual
- Elected Member Briefing – Landscape SA – Karst Springs Presentation
- Elected Member Briefing – SA Council of Social Service (SACOSS) Presentation



- Elected Member Briefing – Operational Matters – Australia Day Breakfast and Awards Ceremony / Contractual Matters
- Mount Gambier Migrant Resource Centre – Connecting Settlement and Community Services Stakeholders Forum
- Introductory meeting with acCare and Melissa Clarke – re Mount Gambier Indigenous Voice to Parliament Forum
- With CEO Meeting with Hon Zoe Bettison MP
- Fifth Birthday Celebrations – Nourish Nook
- Presentations at Grand Final Day – Mount Gambier Netball Association
- With CEO Meeting with representatives from SEAWL
- Special Audit and Risk Committee Meeting
- LCLGA Team Meeting
- Mandatory Elected Member Training Session
- Virtual LGA Principal Member Mandatory Training Session – Behaviour – Public Speaking
- Introductory Meeting with Kate Thomas from Scouts
- LCLGA Mayors Meeting - Virtual
- Rapid Relief Team / Stand Like Stone – Handover New Cool Room Trailer
- LCLGA Audit and Risk Committee Meeting – Virtual
- Open Day Mount Gambier Gem Club
- Business Network Roundtable

**RESOLUTION 2023/189**

Moved: Mayor Lynette Martin  
Seconded: Cr Max Bruins

That the Mayoral report made on 19 September 2023 be received.

**CARRIED**

**6 REPORTS FROM COUNCILLORS**

- |                  |   |
|------------------|---|
| Cr Frank Morello | Business Network Roundtable, UniSA Leaders Industry Luncheon, LGA Principal Member Mandatory Training   |
| Cr Paul Jenner   | Public Lighting Working Group meeting, DIT – Jubilee Highway Roundabout Upgrade forum, meeting with Mayor, CEO, Mr Woods and Adrian Puust (MFS), Chamber of Commerce and Women in Business Awards night, Pioneers Presidents Luncheon 2023 with Grant Kelley from 36ers, NBL Pre-season at Wulanda/Adelaide 36ers V SEM Phoenix, Public forum – Dog and Cat Management Plan at the Public Library, special board meeting of Group Training Employment, Purple Orange Limestone Coast Disability Inclusion Training. |
| Cr Max Bruins    | Meeting with Connie Bonaros, Business Network Roundtable with Ben Hood MLC, Pioneers season launch lunch, Chamber of Commerce business awards.  |



Cr Sonya Mezinec 2023 Business Awards, LCLHN Annual HAC Conference Working Group meeting, Memorial Service for Robyn Campbell, Out of the Shadows Breakfast World Suicide Prevention Day, Exhibition Opening Margaret Worth and Barbara Hanrahan, Christmas Parade Advisory meeting, Recycled Runway – Come Fly Away With Me.

**RESOLUTION 2023/190**

Moved: Cr Frank Morello

Seconded: Cr Josh Lynagh

That the reports made by Councillors on 19 September 2023 be received.

**CARRIED**

**7 QUESTIONS WITH NOTICE**

**7.1 QUESTION WITH NOTICE - CRATER LAKES FIRE MANAGEMENT**

**Question:**

The following question was received from Councillor Paul Jenner.

Can Council please be provided with an update on the Crater Lakes Bushfire Management and strategy for the remediation work required to be undertaken?

**Response:**

**At a Strategic Planning and Prevention Level**

The following is being/ been undertaken:

- Council's Manager Operations Infrastructure has a background in emergency management and has been a member of the Local Government Functional Support Group (LGFSG) attending major disaster events as an LG Incident Leader, LG Coordinator and Liaison Officer, and is helping to review current response processes and protocols.
- Bushfire Management Committee – this area has been submitted as a Council asset under environment, this takes into account current treatment options for the area and if other mitigation strategies could be deployed.
- Operations staff have been working through the iResponda process and procedure.
- Council staff continue to develop and foster close relationships with both the MFS and the CFS.
- CFS are to run some bushfire education and information sessions targeted at locals but also tourists.
- Council staff to check in with neighbouring businesses and schools to ensure bushfire plans are in place.
- Rehabilitation project is still in the planning and development phase, however it will have a focus on sustainable mitigation solutions and strategies as part of the project.

**At a Practical Level – Works on Ground**

The following is being/been undertaken:

- 105F notices are to be sent out prior to the fire season.
- The vehicular access tracks are being well maintained throughout the whole lakes precinct.
- These tracks also act as strategic fire breaks in the event of a bushfire.



- Council's water trucks have the attachments so they can connect to both MFS, CFS and CFA trucks.
- Staff and contractors will ensure fire breaks are well maintained throughout the season.
- Parks and Gardens staff will be undertaking regular mowing of the Valley Lake areas and the surrounds.
- The removal of pest trees has also helped reduce the fuel load in some areas of the precinct.
- Council has engaged a contractor to slash grass at the top of Tenison Drive.
- Parks and Gardens staff are looking at alternate methods to help with fuel reduction along the Tenison Drive interface, however this may need to be addressed as part of the rehabilitation process for the south western face.

## 8 QUESTIONS WITHOUT NOTICE

Nil

## 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 12/08/2023 TO 15/09/2023

#### RESOLUTION 2023/191

Moved: Cr Sonya Meziniec  
Seconded: Cr Max Bruins

1. That Council Report No. AR23/44820 titled 'Elected Member Information/Briefing Sessions from 12/08/2023 to 15/09/2023' as presented on 19 September 2023 be noted.

**CARRIED**

## 13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

## 14 COUNCIL ACTION ITEMS

### 14.1 COUNCIL ACTION ITEMS - 15/08/2023

#### RESOLUTION 2023/192



Moved: Cr Max Bruins  
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/44830 titled 'Council Action Items - 15/08/2023' as presented on 19 September 2023 be noted.

**CARRIED**

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

Nil

## **16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS**

### **16.1 MINUTES OF THE SPECIAL AUDIT AND RISK COMMITTEE HELD ON 11 SEPTEMBER 2023**

#### **RESOLUTION 2023/193**

Moved: Cr Paul Jenner  
Seconded: Cr Frank Morello

That the Minutes of the Special Audit and Risk Committee meeting held on 11 September 2023 as attached be noted.

**CARRIED**

### **16.2 REVIEW OF COUNCIL POLICIES - UPDATE – REPORT NO. AR23/59098**

#### **RESOLUTION 2023/194**

Moved: Cr Paul Jenner  
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR23/59098 titled 'Review of Council Policies - Update' as presented on 11 September 2023 be noted.
2. That Council note the recommendation of the Audit and Risk Committee as contained in their meeting minutes dated 11 September 2023, and reproduced in the Council agenda for this meeting.
3. That Council note the policies amended in accordance with the Audit and Risk Committee feedback are presented for adoption at item 19.15 in the Council agenda for this meeting.

**CARRIED**

### **16.3 INFRASTRUCTURE VALUATION – REPORT NO. AR23/60163**



**RESOLUTION 2023/195**

Moved: Cr Paul Jenner  
Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR23/60163 titled 'Infrastructure Valuation' as presented on 11 September 2023 be noted.

**CARRIED**

**17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

**18 BUILDING FIRE SAFETY COMMITTEE MINUTES**

**18.1 MINUTES OF THE BUILDING FIRE SAFETY COMMITTEE HELD ON 11 AUGUST 2023**

**RESOLUTION 2023/196**

Moved: Cr Paul Jenner  
Seconded: Cr Sonya Meziniec

That the Minutes of the Building Fire Safety Committee meeting held on 11 August 2023 as previously circulated be noted.

**CARRIED**

**19 COUNCIL REPORTS**

**19.1 CBD ACTIVATION**

**RESOLUTION 2023/197**

Moved: Cr Max Bruins  
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/61998 titled 'CBD Activation' as presented on 19 September 2023 be noted.
2. That Council endorse the CBD Activation (Watson Terrace) guidelines and a budget allocation of up to \$20k to enable activation activities during the 24 November 2023 – 28 January 2024 period.
3. That Council be provided with a monthly activity report including budget update.

**CARRIED**



## 19.2 CRATER LAKES ACTIVATION PLAN

### RESOLUTION 2023/198

Moved: Cr Sonya Meziniec  
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/62025 titled 'Crater Lakes Activation Plan' as presented on 19 September 2023 be noted.
2. That the Crater Lakes Activation Plan Vision, Guiding Principles & Engagement Framework be endorsed.

**CARRIED**

## 19.3 EVENT SPONSORSHIP ROTARY DISTRICT 9780 CONFERENCE

### RESOLUTION 2023/199

Moved: Cr Max Bruins  
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/61191 titled 'Event Sponsorship Rotary District 9780 Conference' as presented on 19 September 2023 be noted.
2. That provision of funding support for this unbudgeted proposal will deplete the contingency budget allocation for the financial year 2023.2024 inhibiting Councils capacity to consider future applications.
3. That Council endorse the following funding option to retain events contingency capacity for the remainder of the 2023.24 financial year:

\$14,820 + in-kind of \$180 additional budget allocation requested as part of Budget Review.

**CARRIED**

## 19.4 EVENT SPONSORSHIP CMCA 37TH NATIONAL RALLY

### RESOLUTION 2023/200

Moved: Cr Kate Amoroso  
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/61405 titled 'Event Sponsorship CMCA 37th National Rally' as presented on 19 September 2023 be noted.
2. That Council decline the invitation to attend the 36<sup>th</sup> National Rally in Dalby in October 2023, however, provide pre-promotional material to the value of \$300, from within existing budget, to the Campervan & Motorhome Club of Australia towards the 37<sup>th</sup> National Rally announcement in October 2023.
3. That Council support the application as follows:  
FY 2023.24 - \$300 to be absorbed within the current budget, and  
FY 2024.25 - \$20, 000 Cash + \$2,500 in-kind to be included in the budget.

**CARRIED**





**19.5 26 JANUARY EVENT AND AWARDS CEREMONY**

**RESOLUTION 2023/201**

Moved: Cr Max Bruins  
 Seconded: Cr Paul Jenner

1. That Council Report No. AR23/62557 titled ‘26 January Event and Awards Ceremony ’ as presented on 19 September 2023 be noted.
2. That Council continue to hold an Australia Day event in 2024, and explores modified programming for 2024 and ensures more inclusive programming that celebrates our intergenerational and diverse community, including our multicultural and First Nations peoples.
3. That Council hold its Citizenship Ceremony on Wednesday 24th January 2024 at 2pm in City Hall, prior to Australia Day to enable those who are becoming citizens to undertake this process prior to the Australia Day breakfast and associated activities.
4. That Council continue to facilitate the Citizen of Year Awards on Australia Day for 2024.
5. That a review be conducted post Australia Day 2024 to determine if it is more appropriate to continue to hold the Citizen of the Year Award Ceremony on Australia day or if it moves the Award Ceremony in conjunction with Volunteer Week 2025.

**CARRIED**

**19.6 2023 MOUNT GAMBIER CHRISTMAS PARADE TEMPORARY ROAD CLOSURES**

**RESOLUTION 2023/202**

Moved: Cr Sonya Meziniec  
 Seconded: Cr Max Bruins

1. That Council Report No. AR23/61632 titled ‘2023 Mount Gambier Christmas Parade temporary road closures’ as presented on 19 September 2023 be noted.
2. That Council be notified that, pursuant to Section 33 of the Road Traffic Act 1961 and Instrument of Delegation, the Minister of Transport has made the order to close the following roads on Saturday, 18 November 2023:

<b>STREET CLOSURES</b>	
<b>COMMERCIAL STREET EAST</b>	<ul style="list-style-type: none"> <li>- Davison Street to Crouch Street closed 8:00am to 12:30pm</li> <li>- N/S (North/South) Anthony Street closed 10:00am to 12:30pm</li> <li>- N/S Crouch Street closed 10:45am to 12:30pm</li> </ul>
<b>COMMERCIAL STREET EAST</b>	<ul style="list-style-type: none"> <li>- Crouch Street to Bay Road closed 8:30am – 2:00pm</li> <li>- N/S Crouch Street closed 10:45am – 12:30pm</li> <li>- N/S Krummel Street closed 10:00am – 12:30pm</li> <li>- N/S Compton Street closed 10:00am – 2:00pm</li> <li>- N/S Ferrers Street closed 8:30am – 2:00pm</li> <li>- N/S Bay Road closed 10:55am – 12:30pm</li> </ul>



WATSON TERRACE	<ul style="list-style-type: none"> <li>- N/S Watson Terrace closed 6:30am – 5:00pm</li> <li>- E/W Watson Terrace Bay Road closed 8:00am – 12:30pm</li> </ul>
COMMERCIAL STREET WEST	<ul style="list-style-type: none"> <li>- Bay Road to Wehl Street closed 8:30am – 2:00pm</li> <li>- N/S Bay Road closed 10:55am – 12:30pm</li> <li>- N/S Gray closed 10:55am – 2:00pm</li> <li>- N/S Elizabeth closed 10:55am – 2:00pm</li> <li>- N/S Wehl closed 10:30am – 2:00pm</li> </ul>
COMMERCIAL STREET WEST	<ul style="list-style-type: none"> <li>- Wehl Street to Bertha Street closed 10:00am – 2:00pm</li> </ul>
VICTORIA TERRACE	<ul style="list-style-type: none"> <li>- Ellis Street to Jubilee Highway West 10:00am – 2:00pm</li> </ul>

3. That Council be notified that, SAPOL has granted exemption for persons taking part in the Parade from the following Australian Road Rules and Conditions:

### ROAD RULES & CONDITIONS ON EXEMPTIONS FROM AUSTRALIAN ROAD RULES

*Persons taking part in the Parade are **exempt** from the following Road Rules when on closed roads:*

Rule 221	Using hazard warning lights
Rule 230	Crossing a road – general
Rule 231	Crossing a road at pedestrian lights
Rule 232	Crossing a road at traffic lights
Rule 234	Crossing a road on or near a crossing for pedestrians
Rule 238	Pedestrians travelling along a road (except in or on a wheeled recreational device or toy)
Rule 264 <i>Condition on Exemption:</i>	Wearing of seat belts by drivers <i>provided the speed of the vehicle does NOT exceed 25km/h</i>
Rule 265 <i>Condition on Exemption:</i>	Wearing of seat belts by passengers 16 years old or older <i>provided the speed of the vehicle does NOT exceed 25km/h</i>
Rule 266 <i>Condition on Exemption:</i>	Wearing of seat belts by passengers under 16 years old <i>provided the speed of the vehicle does NOT exceed 25km/h</i>
Rule 268 <i>Condition on Exemption:</i>	How persons must travel in or on a motor vehicle <i>provided the speed of the vehicle does NOT exceed 25km/h</i>
Rule 269 <i>Condition on Exemption:</i>	Opening doors and getting out of a vehicle etc. <i>provided the speed of the vehicle does NOT exceed 5km/h</i>
Rule 298	Driving with a person in a trailer



<i>Condition on Exemption:</i>	<i>provided the speed of the vehicle does NOT exceed 25km/h</i>
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**CARRIED**

**19.7 SPORT AND RECREATION CAPITAL WORKS PROGRAM 2023/2024 - APPLICATIONS**

**RESOLUTION 2023/203**

Moved: Cr Max Bruins  
 Seconded: Cr Paul Jenner

- That Council Report No. AR23/55209 titled ‘Sport and Recreation Capital Works Program 2023/2024 - Applications’ as presented on 19 September 2023 be noted.
- That \$100,000 be endorsed for distribution for the 2023/2024 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
North Gambier Football/Netball Club	12	\$ 15,000	\$ 14,500
Mount Gambier RSL & District Bowling Club	17	\$ 26,000	\$ 25,000
South Gambier Football Netball Club	14	\$ 13,000	\$ 12,500
The Trustee for the Old Y Complex Trust	12	\$ 26,633	-
Apollo Football Club	13	\$ 50,000	\$ 48,000
		\$ 130,633	\$ 100,000

- All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
  - all necessary land holder and development approvals being obtained; and
  - all works being completed in accordance with all relevant legislative and compliance standards.
- That a workshop be held to discuss and review the criteria for the Sport and Recreation Capital Works Program.

**CARRIED**

**19.8 CARRY FORWARD 2022/2023 CAPITAL WORK IN PROGRESS, OPERATING PROJECTS AND GRANTS/SPONSORSHIPS BUDGETS**

**RESOLUTION 2023/204**

Moved: Cr Sonya Mezinec  
 Seconded: Cr Paul Jenner

- That Council Report No. AR23/36346 titled ‘Carry Forward 2022/2023 Capital Work In Progress, Operating Projects and Grants/Sponsorships Budgets’ as presented on 19 September 2023 be noted.



2. That Council approves the proposed total operating project and grants/sponsorship program carry forwards of \$320.7k and \$4.3m for capital works as at 30 June 2023 and revised annual net impact to financing activities of (\$6.4m).
3. That Council adopts the revised operating and capital expenditure budgets for the year ending 30 June 2024.

**CARRIED**

## 19.9 EMPLOYEE BEHAVIOURAL STANDARDS - UPDATE

### RESOLUTION 2023/205

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR23/62861 titled 'Employee Behavioural Standards - Update' as presented on 19 September 2023 be noted.
2. That Council note the delegation granted to the Chief Executive Officer to prepare and adopt '*employee behavioural standards*' in compliance with section 120A of the *Local Government Act 1999*, and the Chief Executive Officers responsibilities (including under sections 103, 104 or 107 of the *Local Government Act 1999*) to manage council employees in the workplace such as under a separate and existing '*Code of Conduct*'.

**CARRIED**

Pursuant to Section 75 of the Local Government Act 1999, Cr Virgo disclosed a material conflict of interest in Item 19.10.

In accordance with Section 75B Cr Virgo informed the meeting:

Nature of Interest:

*I own property adjacent Council land and desire to build fence in future.*

In accordance with Section 75C(1)(b) of the Local Government Act 1999 Cr Virgo left the meeting at 06:46 PM.

## 19.10 POLICY REVIEWS

### RESOLUTION 2023/206

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/59956 titled 'Policy Reviews' as presented on 19 September 2023 be noted.
2. The updated policies as attached to Council Report No. AR23/59956 be endorsed:
  - C120 Cemeteries - Carinya Gardens and Lake Terrace Cemetery
  - C355 Council Land - Irrigation Policy
  - E135 Encroachments - Protection of Public During Building and Maintenance Works
  - F110 Fencing Costs - Contributions by Council
  - F175 Footways and Crossovers

- F190 Footways - Paving in City Centre Zone
- R270 Road Pavement - Excavation and Reinstatement Of
- S115 Fencing of Stormwater Retention Basins
- S120 Street Signs - Directional, Tourist and Other Scenic Facility Signs

3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policies arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.

**CARRIED**

Cr Virgo returned to the meeting at 06:49 PM.

### **19.11 LOCAL GOVERNMENT ASSOCIATION - 2023 CONFERENCE AND ANNUAL GENERAL MEETING**

#### **RESOLUTION 2023/207**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/61008 titled 'Local Government Association - 2023 Conference and Annual General Meeting' as presented on 19 September 2023 be noted.
2. That the Mayor be noted as Council's authorised delegate to represent Council at the 2023 LGA Conference and Annual General Meeting to be held in Adelaide on the evening of Wednesday 25 October 2023 and Thursday 26 October 2023 accompanied by the CEO, with all associated costs to be met by Council.
3. That the Deputy Mayor be confirmed as proxy delegate to represent Council, should the Mayor not be able to attend.
4. Subject to the final meeting agenda being released and a determination being made by the Presiding Member and CEO that the content is relevant to the attendance of a non-voting delegate, that Cr Sonya Meziniec be registered to attend the 2023 LGA Conference and Annual General Meeting in Adelaide on the evening of Wednesday 25 October 2023 and Thursday 26 October 2023 with all associated costs to be met by Council.
5. That SAROC's receipt of Council's proposed item of business relating to Youth Allowance Eligibility be noted, and the Local Government Association be advised Council does not wish to submit any further notice of motion.

**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Cr Lynagh disclosed a general conflict of interest in Item 19.12.

In accordance with Section 75B Cr Lynagh informed the meeting:

Nature of Interest:

*I work for Clare Scriven MLC who is a local member of Parliament.*

Intention to Participate:

*I intend on voting on the motion but not participate in discussion..*



Reason for Participating:

*The action that I am taking is sufficient to address and deal with my conflict adequately by not moving or seconding the motion or speaking to it I intend to vote and represent the community with my vote as I feel that is important..*

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 19.12.

## 19.12 POLITICAL NEUTRALITY AND GOVERNMENT RELATIONS POLICY

### RESOLUTION 2023/208

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/58117 titled 'Political Neutrality and Government Relations Policy' as presented on 19 September 2023 be noted.
2. That Council Policy - Political Neutrality and Government Relations as attached to Report No. AR23/58117 be adopted.
3. Council notes that the Policy section 4.1 final paragraph will be amended to reflect section 90A rather than section 91A of the Local Government Act, 1999.

**CARRIED**

Having participated in the meeting for 19.12 Cr Lynagh voted in favour of the motion.

## 19.13 CROWN LAND DEDICATION - PORTION OF LAKE TERRACE CEMETERY

### RESOLUTION 2023/209

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/49678 titled 'Crown Land Dedication - Portion of Lake Terrace Cemetery' as presented on 19 September 2023 be noted.
2. That the historical anomaly associated with the non-dedication of a portion of the Lake Terrace Cemetery (Section 412 – Hundred of Blanche) to the City of Mount Gambier be noted.
3. That the proposed conditions of dedication of Section 412, Hundred of Blanche to the City of Mount Gambier for cemetery purposes be accepted.
4. That the Chief Executive Officer and Mayor be authorised to execute any documentation necessary documentation to accept and give effect to a dedication of Section 412 – Hundred of Blanche to the City of Mount Gambier for cemetery purposes.

**CARRIED**

## 19.14 MEMBER BEHAVIOURAL MANAGEMENT - REVIEW

### RESOLUTION 2023/210

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR23/63046 titled 'Member Behavioural Management - Review' as presented on 19 September 2023 be noted.
2. That, having met the requirement of section 262B of the *Local Government Act 1999* to review the operation of it's Member Behavioural Management Policy, no amendments to Council's Member Behavioural Management Policy are proposed at this time;
3. That Council confirms its April 2023 decision not to prepare and adopt a Member Behavioural Support Policy (or policies) at this time;
4. That a further report (or reports) be presented if any substantial changes are made to the Local Government Association model policies to enable consideration of any amendments to Council's Member Behavioural Support Policy and/or the preparation and adoption of a Member Behavioural Support Policy (or policies).
5. That Council notes it will be required to further consider the operation of it's Member Behavioural Management Policy, and whether (or not) to prepare and adopt a Member Behavioural Support Policy (or policies), following the November 2026 local government elections.

**CARRIED**

#### **19.15 ACCOUNTING POLICIES**

##### **RESOLUTION 2023/211**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/63869 titled 'Accounting Policies' as presented on 19 September 2023 be noted.
2. The updated policies as referenced below and as attached to Report No. AR23/63869 having been reviewed by the Audit and Risk Committee on 11 September 2023 be adopted:
  - (a) P415 - Prudential Management Policy;
  - (b) Asset Accounting Policy; and
  - (c) Internal Controls Policy.
3. The new draft policy as referenced below and as attached to Report No. AR23/63869 having been reviewed by the Audit and Risk Committee on 11 September 2023 be adopted:
  - (a) External Grant Funding Policy.

**CARRIED**

#### **19.16 NOTICE OF RESCISSION - INSTALLATION OF A DISABLED PERMIT PARKING ONLY ZONE - PERCY STREET, MOUNT GAMBIER**

##### **RESOLUTION 2023/212**

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh



1. That Council Report No. AR23/63887 titled 'Notice of Rescission - Installation of a Disabled Permit Parking Only Zone - Percy Street, Mount Gambier' as presented on 19 September 2023 be noted.
  2. The below resolution 2023/61 titled Installation of a Disabled Permit Parking Only Zone on Percy Street, Mount Gambier that was passed on 21 March 2023 be rescinded:
    - “1. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map as attached to Report No. AR23/14450.
    2. That Council, in accordance with the power delegated by the Minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following:  
  
**Prohibited Area Disabled Permit Parking Only**  
  
Ref No. 2.3.106  
  
*PERCY STREET (SOUTHERN HALF) - from 10 metres to 18 metres east of the intersection with Penola Road*  
  
*To apply at all times.”*
  3. That Council note installation of Seniors Only Parking signage is a viable alternate carpark solution at this location that allows both elderly and disabled customers access to parking at Westpac Bank.
- CARRIED**

## 20 MOTIONS WITH NOTICE

Pursuant to Section 74 of the Local Government Act 1999, Cr Lynagh disclosed a general conflict of interest in Item 20.1.

In accordance with Section 75B Cr Lynagh informed the meeting:

Nature of Interest:

*I work for Clare Scriven with the recommendation being that the letter be sent to her.*

Intention to Participate:

*I intend on voting on the motion but not participate in discussion.*

Reason for Participating:

*The action that I am taking is sufficient to address and deal with my conflict adequately by not moving, seconding or speaking to the motion. I intend to vote and represent the community with me vote as I feel that is important.*

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 20.1.

### 20.1 NOTICE OF MOTION - MINISTER FOR TRANSPORT

#### **RESOLUTION 2023/213**

Moved: Cr Paul Jenner





Seconded: Cr Max Bruins

1. That Council Report No. AR23/64087 titled 'Notice of Motion - Minister for Transport' as presented on 19 September 2023 be noted.
2. That Council again write to the Honourable Tom Koutsantonis, Minister for Infrastructure and Transport insisting that he visit Mount Gambier and the Limestone Coast to inspect firsthand the deterioration of the roads and drainage assets in our region.
3. That Council requests that the Department of Infrastructure and Transport provide an update to Council on the progress of actions taken from meetings between the Department, Members of Parliament and the CEOs of the Limestone Coast Local Government Association member councils, and further advises when these important meetings will recommence.
4. That Council request that appropriate State Government resources be committed to the renewal and maintenance of roads and associated assets in Mount Gambier and the Limestone Coast.
5. That a copy be sent to Premier Peter Malinauskas MP, Minister Geoff Brock – Minister for Regional Roads, The Hon Clare Scriven MLC – Minister for Primary Industries, Regional Development, Forestry, Troy Bell MP – Member for Mount Gambier, Nick McBride MP – Member for MacKillop, and the Executive Officer - Limestone Coast Local Government Association.

**CARRIED**

Having participated in the meeting for 20.1 Cr Lynagh voted in favour of the motion.

## **21 MOTIONS WITHOUT NOTICE**

Nil

## **22 CONFIDENTIAL ITEMS OF COMMITTEES**

Nil

## **23 NEW CONFIDENTIAL ITEMS**

### **23.1 CRATER LAKES UNSOLICITED PROPOSAL – REPORT NO. AR23/61873**

#### **RESOLUTION 2023/214**

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, J Scoggins, K Manarangi, S McLean, M Brookes and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/61873 Crater Lakes Unsolicited Proposal.



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
- 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 attachment and information regarding Crater Lakes Project Proposal contain commercial information of a confidential nature provided to Council in-confidence, and the consideration of which if conducted in open could prejudice the position of Council or the party that provided the information or confer a commercial advantage on a third party. The public interest in the matter being considered in open is considered to be outweighed by the public interest in ensuring the best possible outcome for the community, which may be prejudiced if the matter were considered in open.

**CARRIED**

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 the recommendation.

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

Meeting Procedures were suspended at 07:20 PM until 07:30 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 07:30 PM

**RESOLUTION 2023/215**

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**



1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR23/61873 Crater Lakes Unsolicited Proposal and its attachments, 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 two years after the expiry of an agreement entered into in relation to the matter or two years after the proposal has been abandoned and Council has been released from its duty of confidence, whichever is the later.
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**

## **23.2 CONTRACTED CLEANING SERVICES – REPORT NO. AR23/63952**

### **RESOLUTION 2023/216**

Moved: Cr Frank Morello  
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, J Scoggins, K Manarangi, S McLean, M Brookes and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/63952 Contracted Cleaning Services.

The Council is satisfied that, pursuant to section 90(3) (b) and (i) 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
- information relating to:
  - actual litigation, or
  - litigation that the Council or Council committee believes on reasonable grounds will take place,
  - involving the Council or an employee of the Council

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 discussed in this item relates to a contract between Council and the third-party. The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council or confer advantage on 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 on behalf of the community.



**CARRIED**

**RESOLUTION 2023/217**

Moved: Cr Frank Morello  
Seconded: Cr Paul Jenner

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR23/63952 Contracted Cleaning Services and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (i) be kept confidential and not available for public inspection until the Deed of Termination for Pickwick Group Pty Ltd has been executed and alternate service delivery option implemented.
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 7:32pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 October 2023.

.....  
**PRESIDING MEMBER**

