

**MINUTES OF CITY OF MOUNT GAMBIER  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 20 FEBRUARY 2024 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Mark Lovett, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Mezinec, 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
	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**

Nil

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

**RESOLUTION 2024/23**

Moved: Cr Max Bruins  
Seconded: Cr Sonya Mezinec

That the minutes of the Ordinary Council meeting held on 23 January 2024 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

Mayor Lynette Martin sought leave of the meeting to bring forward Item 10.1 and allow representatives to speak for 10 minutes.

**LEAVE GRANTED**



**10.1 DEPUTATION - MAYOR KYLIE BOSTON - DISTRICT COUNCIL OF GRANT - MOUNT GAMBIER DISTRICTS LIVESTOCK 2030 TRANSFORMATION PROJECT**

**RESOLUTION 2024/24**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR24/3242 titled 'Deputation - Mayor Kylie Boston - District Council of Grant - Mount Gambier Districts Livestock 2030 Transformation Project' as presented on 20 February 2024 be noted.

**CARRIED**

**5 MAYORAL REPORT**

**5.1 MAYORAL REPORT - FEBRUARY 2024**

- Australian Citizenship Ceremony
- 2024 Australia Day Breakfast and Citizen of the Year Awards
- Regular LCLGA Mayor's Informal Meeting - Virtual
- 2024 Naval Club Annual Dinner
- Presentation of Awards – LCLGA Sporting Academy Athletes from 2023
- With CEO, Meeting with Chair of Residents and Ratepayers Association
- Elected Member Briefing – Finance Update – Budget Review 2, LTFP and Asset Management Plans
- Meeting with Peter Gandolfi re TAFE Precinct
- Half Day Elected Member Workshop – Mount Gambier 2035 Strategic Planning Session
- With CEO, Meeting re Disability Access
- With CEO, Meeting with Ronald McDonald House Charity
- Elected Member Site Visit – Foodbank
- Regular LCLGA Mayor's Informal Meeting – Virtual
- LCLGA AGM & GM – Wattle Range Council

**RESOLUTION 2024/25**

Moved: Mayor Lynette Martin

Seconded: Cr Jason Virgo

That the Mayoral report made on 20 February 2024 be received.

**CARRIED**



## 6 REPORTS FROM COUNCILLORS

Cr Josh Lynagh	Citizenship Ceremony, Australia Day Awards and Breakfast, visit to Foodbank.
Cr Paul Jenner	Fine Lines Exhibition at Little Blue Wren, GTE Board Meeting, Foodbank.
Cr Sonya Mezinac	Australia Day Breakfast and Citizen of the Year Awards, site visit Foodbank, walk through RACC with Director.
Cr Frank Morello	Strategic Planning Day.
Cr Max Bruins	Mount Gambier 2035 Strategic Planning Workshop, site visit Foodbank.

### RESOLUTION 2024/26

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

That the reports made by Councillors on 20 February 2024 be received.

**CARRIED**

## 7 QUESTIONS WITH NOTICE

### 7.1 QUESTION WITH NOTICE - COUNCIL MEETINGS - QUESTIONS FROM COMMUNITY MEMBERS IN THE CHAMBER

The following question on notice was received from Councillor Kate Amoroso.

#### Question

Can we be provided with information about how Council might go about adding a section in the Council agenda that allows members of the community to ask questions in the Chamber, and some examples of how other councils do this in terms of the process for asking such questions?

#### Response

*Chief Executive Officer provided the following response:*

Council may consider whether to add a section in to Council's meeting procedures to accommodate members of the community asking questions in the Chamber, which would then be additional to the mechanism which is already available, namely deputations. Council could attend to this in those meeting procedures or by way of separate policy.

Council is currently underway with a process to review its discretionary meeting procedures, and in line with a number of recent workshops, and Council reports, this matter could be referred to those discussions rather than being dealt with as a stand-alone matter.

In doing so, Council would turn its mind to the Guiding Principles in Regulation 4 which deal with openness and transparency, encouraging appropriate community participation in the affairs of Council, reflecting appropriate levels of formality appropriate to the responsibilities to be exercised at a meeting and be sufficiently certain to give community and decision makers confidence in deliberations at the meeting.

In terms of the approach of other Councils, that does vary. In our research to date, some Councils have a specific time limit, ranging from 10 minutes to 30 minutes on the agenda. Questions are frequently required to be provided in advance of the meeting to the Council. A determination may

be made to accept or reject the question with either the Presiding Member or CEO being provided with the absolute discretion to do so.

Maximum questions per person may apply (e.g. one or two per meeting). Matters raised (question and answer) are generally recorded in the minutes, however if insufficient time has been allowed for a more comprehensive response, responses may be provided later (either via minutes or at the next meeting). Procedures may include that no debate is to be entered into on the question or answers.

There are generally documented procedures that apply to address underlying behavioural expectations, including not personalising questions, not criticising individual staff or Council members, avoiding defamatory remarks and vexatious questions, being respectful and not causing a disturbance at the meeting.

It would be essential for Council to consider these and other issues if it chose to proceed with public questions from the Gallery so as to ensure the Presiding Member can still manage the meeting effectively and with the level of formality outlined under the Guiding Principles in the Regulations.

## **8 QUESTIONS WITHOUT NOTICE**

Nil

## **9 PETITIONS**

Nil

## **10 DEPUTATIONS**

Item - 10.1 Deputation - Mayor Kylie Boston - District Council of Grant - Mount Gambier Districts Livestock 2030 Transformation Project - has been moved to another part of the document.

## **11 NOTICE OF MOTION TO RESCIND OR AMEND**

Nil

## **12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS**

### **12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 21/01/2024 TO 16/02/2024**

#### **RESOLUTION 2024/27**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/81508 titled 'Elected Member Information/Briefing Sessions from 21/01/2024 to 16/02/2024' as presented on 20 February 2024 be noted.

**CARRIED**



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

### **13.1 LGA ENHANCED PUBLIC SPEAKING AND PRESENTING FOR ELECTED MEMBERS TRAINING**

#### **RESOLUTION 2024/28**

Moved: Cr Sonya Mezinec

Seconded: Cr Mark Lovett

1. That Council Report No. AR24/11962 titled 'LGA Enhanced Public Speaking and Presenting for Elected Members Training' as presented on 20 February 2024 be noted.
2. Expressions of interest for the LGA Enhanced Public Speaking and Presenting for Elected Members Training be forwarded to the Councillor Support Officer by close of business Friday 23 February 2024.
3. Once training is confirmed, interested Elected Members be registered to attend the LGA Enhanced Public Speaking and Presenting for Elected Members Training, with all associated costs to be met by Council.

**CARRIED**

## **14 COUNCIL ACTION ITEMS**

### **14.1 COUNCIL ACTION ITEMS - 23/01/2024**

#### **RESOLUTION 2024/29**

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/81531 titled 'Council Action Items - 23/01/2024' as presented on 20 February 2024 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 AUDIT AND RISK COMMITTEE HELD ON 29 JANUARY 2024**

#### **RESOLUTION 2024/30**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

That the Minutes of the Audit and Risk Committee meeting held on 29 January 2024 as attached be noted.

**CARRIED**



**16.2 CORRESPONDENCE RECEIVED – REPORT NO. AR23/73375**

**RESOLUTION 2024/31**

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Audit and Risk Committee Report No. AR23/73375 titled 'Correspondence Received' as presented on 29 January 2024 be noted.

**CARRIED**

**16.3 QUARTERLY INTERNAL AUDIT UPDATE REPORT – REPORT NO. AR24/3283**

**RESOLUTION 2024/32**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinec

1. That Audit and Risk Committee Report No. AR24/3283 titled 'Quarterly Internal Audit Update Report' as presented on 29 January 2024 be noted.

**CARRIED**

**16.4 UNAUDITED BUILDINGS AND STRUCTURES VALUATION - AS AT 1 JULY 2023 – REPORT NO. AR24/3299**

**RESOLUTION 2024/33**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR24/3299 titled 'Unaudited Buildings and Structures Valuation - As at 1 July 2023' as presented on 29 January 2024 be noted.

**CARRIED**

**16.5 AUDIT AND RISK COMMITTEE MEETING REPORT 29/01/24 – REPORT NO. AR24/3322**

**RESOLUTION 2024/34**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinec

1. That Audit and Risk Committee Report No. AR24/3322 titled 'Audit and Risk Committee Meeting Report 29/01/24' as presented on 29 January 2024 be noted.

**CARRIED**



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

Nil

**18 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil

**19 COUNCIL REPORTS**

**19.1 ANIMAL MANAGEMENT UPDATE**

**RESOLUTION 2024/35**

Moved: Cr Josh Lynagh  
Seconded: Cr Sonya Mezinec

1. That Council Report No. AR24/9318 titled 'Animal Management Update' as presented on 20 February 2024 be noted.

**CARRIED**

Cr Jenner called a division.

The declaration was set aside.

Voting by division being:

In Favour: Frank Morello, Josh Lynagh, Kate Amoroso, Mark Lovett, Max Bruins, Paul Jenner, Sonya Mezinec and Jason Virgo

Against: Nil

The PRESIDING MEMBER declared the motion

**CARRIED 8/0**

**19.2 CITY INFRASTRUCTURE - ACCESSIBILITY**

**RESOLUTION 2024/36**

Moved: Cr Josh Lynagh  
Seconded: Cr Max Bruins

1. That Council Report No. AR24/8202 titled 'City Infrastructure - Accessibility' as presented on 20 February 2024 be noted.
2. That the CBD Accessibility Audit and recommendations be endorsed for inclusion in the Infrastructure Asset Management Plan.
3. That Council undertake a final round of community consultation on the draft Shared Path Masterplan.
4. That all feedback be included in the final draft of the Shared Path Masterplan to be presented to the April 2024 Council meeting.

**CARRIED**



### 19.3 REQUEST FOR TREE REMOVAL - 14 HELEN STREET, MOUNT GAMBIER

#### RESOLUTION 2024/37

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

1. That Council Report No. AR24/3045 titled 'Request for Tree Removal - 14 Helen Street, Mount Gambier' as presented on 20 February 2024 be noted.
2. That the Golden Elm tree be retained and a letter be sent to Gebhardts Real Estate and the owners of 14 Helen Street advising of this outcome.

**CARRIED**

### 19.4 PROPOSED ITEMS OF BUSINESS - 2024 ALGA NATIONAL GENERAL ASSEMBLY - 2024 LGA ORDINARY/ANNUAL GENERAL MEETINGS

#### RESOLUTION 2024/38

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR24/9130 titled 'Proposed Items of Business - 2024 ALGA National General Assembly - 2024 LGA Ordinary/Annual General Meetings' as presented on 20 February 2024 be noted.
2. That Council writes to the LGA to advise that Council is unable to submit any items of business for the May 2024 Ordinary General Meeting.
3. That draft items of business for the October/November 2024 LGA Annual General Meeting be prepared for consideration by Council at a subsequent meeting, on the following matters:
  - Ability to raise pro rata rates
4. That Council advise ALGA that Council does not intend to submit motions for the July 2024 ALGA National General Assembly, subject to confirmation that LGA SA is progressing Councils prior resolution regarding the parental income test to ALGA. If, however, LGA SA is not progressing Councils resolution to ALGA that a proposed motion be brought to the Council's March Meeting.

**CARRIED**

### 19.5 BUDGET REVIEW 2 2023/2024

#### RESOLUTION 2024/39

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Council Report No. AR23/85041 titled 'Budget Review 2 2023/2024' as presented on 20 February 2024 be noted.
2. That Council adopts the revised budget for the year ending 30 June 2024 as at 31 December 2023 (Budget Review 2) as attached to Report No. AR23/85041.

**CARRIED**





**19.6 SECOND QUARTER REPORT ON ANNUAL BUSINESS PLAN 2023/2024 ANNUAL OBJECTIVES**

**RESOLUTION 2024/40**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR23/87212 titled 'Second Quarter Report on Annual Business Plan 2023/2024 Annual Objectives' as presented on 20 February 2024 be noted.

**CARRIED**

**19.7 ELECTOR REPRESENTATION REVIEW - APRIL 2024 - APRIL 2025**

**RESOLUTION 2024/41**

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

1. That Council Report No. AR24/4944 titled 'Elector Representation Review - April 2024 - April 2025' as presented on 20 February 2024 be noted.

**CARRIED**

**20 MOTIONS WITH NOTICE**

**20.1 NOTICE OF MOTION - WULANDA RECREATION AND CONVENTION CENTRE**

**RESOLUTION 2024/42**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR24/10637 titled 'Notice of Motion - Wulanda Recreation and Convention Centre' as presented on 20 February 2024 be noted.
2. That a status report be prepared for the March 2024 Council meeting on the Wulanda Recreation and Convention Centre.
3. That any items that may require a budget allocation or adjustment be costed and included in the report.

**CARRIED**



## 21 MOTIONS WITHOUT NOTICE

### MOTION - MOUNT GAMBIER DISTRICTS LIVESTOCK EXCHANGE 2030 TRANSFORMATION PROJECT - DISTRICT COUNCIL GRANT

#### RESOLUTION 2024/43

Moved: Cr Sonya Mezinec

Seconded: Cr Frank Morello

That Council requests a report be prepared for the March Council Meeting providing information necessary to enable Council to make a decision in consideration of the District Council of Grant's Mount Gambier Districts Livestock Exchange 2030 Transformation Project following the Deputation to the February Council Meeting.

**CARRIED**

## 22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

## 23 NEW CONFIDENTIAL ITEMS

### 23.1 QUESTION WITH NOTICE - CRATER LAKES UNSOLICITED PROPOSAL – REPORT NO. AR24/6182

#### RESOLUTION 2024/44

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

#### 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 and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR24/6182 Question With Notice - 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 information regarding Crater Lakes Unsolicited Proposal contains commercial information of a confidential nature provided to Council in-confidence, 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**

#### **RESOLUTION 2024/45**

Moved: Cr Max Bruins  
Seconded: Cr Jason Virgo

#### **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 AR24/6182 Question With Notice - 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 QUESTION WITH NOTICE - UNSOLICITED PROPOSAL - PROPERTY THIRD PARTY PROPOSAL – REPORT NO. AR24/6186**

#### **RESOLUTION 2024/46**

Moved: Cr Max Bruins  
Seconded: Cr Sonya Meziniec

#### **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 and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR24/6186 Question With Notice - Unsolicited Proposal - Property Third Party Proposal.

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 information to be received and discussed, if conducted in open could reveal confidential 3rd party commercial information, and confer advantage on 3rd parties, and prejudice the Council's commercial position in obtaining best value for the community.

**CARRIED**

#### **RESOLUTION 2024/47**

Moved: Cr Sonya Meziniec  
Seconded: Cr Jason Virgo

#### **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 AR24/6186 Question With Notice - Unsolicited Proposal - Property Third Party 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) (a), (b) and (d) be kept confidential and not available for public inspection until 2 years after the 3rd party proposal has been settled or abandoned, with the exception of any information that is prohibited from being withheld under s91(8) being disclosed being released upon any arrangements being fully executed by both parties, or any part of the information determined by the Chief Executive Officer to be released under delegation.
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 7:30pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 March 2024.**

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**PRESIDING MEMBER**

