

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 20 JUNE 2023 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

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager City and Community Growth	- Mrs S La Greca
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Ms S McLean
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Mrs S Dohnt

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

3.1 CR MARK LOVETT - CESSATION OF LEAVE OF ABSENCE

RESOLUTION 2023/103

Moved: Cr Max Bruins
Seconded: Cr Kate Amoroso

1. That Council Report No. AR23/34103 titled 'Cr Mark Lovett - Cessation of Leave of Absence' as presented on 20 June 2023 be noted.

CARRIED



4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/104

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

That the minutes of the Ordinary Council meeting held on 16 May 2023 and the Special Council meeting held on 23 May 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - JUNE 2023

- National Volunteer Week Celebration
- With CEO and GM City and Community Growth, Introductory Meeting with representatives of Asset Point
- Interim EO – Resumes Shortlist LCLGA
- Mount Gambier Chamber of Commerce – Ask The Chamber Anything Event
- LCLGA Mayors Virtual Meeting
- Award Presentation – Matthew Byrne
- With CEO, Meeting with Professor Robyn Aitken – Flinders University Dean Rural and Remote Health SA/NT
- Morning Tea and Australian Sports Medal Presentation – Amechai Bawden
- Radio Interview – 5 GTR-FM
- LCLGA Interim EO Interview
- Women in Business – Empowering Women Breakfast Meeting
- Masonic Charities Presentation to In Home Hospice Care
- EM Briefing – anglicareSA – StandBy Support After Suicide
- EM Briefing – Update on Proposed Municipal Collection Changes
- EM Briefing – Confidential - Belgravia
- Special Council Meeting – Draft ABP
- EM Briefing – Confidential Scoping the Future with Basketball Mount Gambier
- EM Briefing – Grants and Sponsorship Review
- EM Briefing – Council Briefing Requests and Procedures
- CEO Performance Review Committee
- LCLGA Mayors Virtual Meeting
- Mabo Day Function
- Grand Opening Foodland, Mount Gambier Central



- Virtual Meeting DC Grant and Qantas regarding Mount Gambier Regional Airport
- Mayoral Reception – Gordon McNally – Rotary International President Elect
- Rotary International Dinner with new International President Elect
- With CEO, Meeting with Hon Clare Scriven MLC, Minister for Primary Industries & Regional Development
- EM Briefing – Confidential - Federal Member for Barker, Mr Tony Pasin MP
- EM Briefing – Rail Trail Community Planning Project/Volunteer Management
- With CEO, Dinner Meeting with Representatives from Natural Resources Committee
- With CEO, Meeting with Premier Malinauskas
- EM Briefing – Strategic and Social Media Strategy
- Medical Radiation Working Group Meeting
- With GM City and Community Growth, meeting with representatives of SE Art Society
- SAFPA June Members Meeting
- LCLGA Mayors Virtual Meeting
- With CEO and GM City and Community Growth, Meeting with Anthony Peluso - CEO Country Arts SA
- LCLGA General Meeting – Tatiara District Council
- With CEO, meeting with representatives of Ryder Cheshire Foundation
- Special Council Meeting, Public Submissions on the Annual Business Plan

RESOLUTION 2023/105

Moved: Mayor Lynette Martin

Seconded: Cr Frank Morello

That the Mayoral report made on 20 June 2023 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Sonya Meziniec Rotary Says No to Domestic and Family Violence Dinner – Guest Speaker, DV Survivor Simone O’Brien, LCLHN Annual HAC Conference Working Group, St John’s Cadets Award Presentations – presented Mayoral Trophy on behalf of Mayor, Mount Gambier Health Advisory Council, Riddoch Arts and Cultural Trust meeting

Cr Paul Jenner Extended an Aloha to all

RESOLUTION 2023/106

Moved: Cr Sonya Meziniec

Seconded: Cr Jason Virgo

That the reports made by Councillors on 20 June 2023 be received.

CARRIED



7 QUESTIONS WITH NOTICE

7.1 CITY OF MOUNT GAMBIER SURVEILLANCE CAMERAS

Cr Amoroso asked the following Question with Notice:

Question:

How many City of Mount Gambier surveillance cameras do we currently have in operation?

Do the City of Mount Gambier cameras have facial recognition?

Does City of Mount Gambier currently have 5g small cells?

If the answer is no:

Supplementary question

Is there any plans to introduce these in the future?

Answer:

1. **How many City of Mount Gambier surveillance cameras do we currently have in operation?**
There are 24 places where the CCTV cameras are in operation, however, some places have multiple cameras (i.e. Cave Garden, Old Laundry etc.)
2. **Do the City of Mount Gambier cameras have facial recognition?**
No.
3. **Does City of Mount Gambier currently have 5g small cells?**
No.
4. **Is there any plans to introduce these in the future?**
Not according to any current plan.



8 QUESTIONS WITHOUT NOTICE

8.1 ADDITIONAL BORROWING CAPACITY

Question

Cr Jenner asked the following question:

Can Council receive an update on how the additional borrowing capacity approved by Council in 2022 of \$1.5million (for the purposes of Wulanda) is treated within the Annual Business Plan and Budget and Long Term Financial Plan, and how that borrowing capacity will be used?

Response

The borrowings number included in the Draft ABP and Budget and the LTFP reflects the expected year-end borrowings position (as shown on the balance sheet).

To ensure that we are able to manage our cash flow adequately, we ensure that we have access to borrowings or “borrowing capacity” that means that Council is able to pay its bills monthly whilst we await the payment of rates quarterly or in some cases the payment of grant revenue which may arise after the completion of works and associated spend.

In the Draft ABP the year-end borrowings position is \$40.1m expected as at 30 June 2024 with an expected debt capacity of \$44.7m to manage the ups and downs of cash flow.

It is worth noting that we do not “ringfence” borrowings for specific purposes as shown in the extract from Council’s Treasury Management Policy.

The other way to consider the debt is to use the analogy of “redraw” on a home loan, however, the main reasons that we drew down the additional \$1.5m is as follows:

- **Short Term Cash Flow** - We were concerned about the timing of the Wulanda grant payments (\$2.0m), FAGs and other grants, plus at that stage there didn’t appear to be many carry forwards so we decided to apply for this CAD to ensure that we had access to adequate funds.
- **LGFA Process** - It is also worth noting that we had to provide the LGFA with our draft LTFP and a cashflow forecast for the last 2 months of the year to support the CAD.
- **Term of \$1.5m CAD** - Firstly, it should be noted that the \$1.5m CAD recognises a relatively short term requirement of Council and expires in June 2025 (i.e. is a facility for 2 years) and as such only provides the additional capacity for that period of time.
- **Further Debt Capacity** - As we pay down debt our overall debt capacity and the amount that we need to hold in CADs will also reduce. For example when the library loan balloon is due in mid-June we have predicted that we will not refinance the loan, but instead use current capacity to fund the debt.

Cr Kate Amoroso left the meeting at 6:17 pm

RESOLUTION 2023/107

Moved: Cr Paul Jenner



Seconded: Cr Max Bruins

That the response to the question regarding additional borrowing capacity raised by Councillor Paul Jenner be received and noted.

CARRIED

Cr Kate Amoroso returned to the meeting at 6:20 pm



8.2 COMMERCIAL STREET TREES

Question

Cr Jenner asked the following question:

Can Council be provided an update on the Commercial Street West trees following a deputation presented at the February Council meeting?

Response

Commercial Street trees have been pruned and there were (at the time) only 3 remaining trees that needed to be pruned and they were nearer the centre of Commercial Street.

Council Officers have followed up and checked the tree, and have since spoken with the shop owner and provided him an update advising that, given there was no formal resolution of Council to action, the Commercial Street trees will continue to be maintained in accordance with our Tree Policy and the Australian Standards.

8.3 CIVIC CENTRE BUILDING MAINTENANCE

Question

Cr Jenner asked the following question:

Can Council please be provided an update on the Civic Centre building maintenance issues?

Response

- Visual Condition assessment undertaken in July 2022
- The roof has been identified as a priority focus
- There are issues with roof leaks when it rains and our Building Maintenance Team are continuing to do repairs as identified. Last week new flashing was installed above staircase of theatre (eastern side). This will be inspected to make sure no further issues once the water has dried out.
- Anchor points have been updated on north eastern side of building which will allow safety harnesses to be used and box gutters to be cleaned. Box gutter sump currently being costed for fixing/replacement
- Continuing inspections are being undertaken of the roof to try and identify where the major leaks are coming
- Roof above the Council Chambers currently being inspected
- Elevator - Elevator Direction (consultants) are preparing a tender scope for replacement of the Civic Centre lift and attended onsite last week to take measurements. Council will be undertaking the procurement process and commence this as soon as the tender scope is finalised, aiming for July. Note that once tenders are received and a contractor accepted, there could be an approximate 26 weeks lead time (for parts to be ordered and shipped) and then 4-6 weeks for installation. Country Arts SA and Council will make equal contribution towards the lift replacement. It is planned for this to be undertaken in 2023/2024 financial year.



RESOLUTION 2023/108

Moved: Cr Paul Jenner
Seconded: Cr Sonya Meziniec

That the response to the question regarding Commercial Street trees and the Civic Centre building maintenance raised by Councillor Paul Jenner be received and noted.

CARRIED

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 16/05/2023 TO 15/06/2023

RESOLUTION 2023/109

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Council Report No. AR23/31732 titled 'Elected Member Information/Briefing Sessions from 16/05/2023 to 15/06/2023' as presented on 20 June 2023 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 16/05/2023

RESOLUTION 2023/110

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/37723 titled 'Council Action Items - 16/05/2023' as presented on 20 June 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 AUDIT AND RISK COMMITTEE HELD ON 5 JUNE 2023

RESOLUTION 2023/111

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

That the Minutes of the Audit and Risk Committee meeting held on 5 June 2023 as attached be noted.

CARRIED

16.2 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR23/34119

RESOLUTION 2023/112

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinac

1. That Audit and Risk Committee Report No. AR23/34119 titled 'External Audit Management Report' as presented on 05 June 2023 be noted.
2. That it be noted the Audit and Risk Committee request that a progress report regarding leases/licences and mandatory policies be brought back every 6 months.

CARRIED



**16.3 INTERNAL FINANCIAL CONTROLS 2022-2023 - SELF ASSESSMENT – REPORT
NO. AR23/32434**

RESOLUTION 2023/113

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinec

1. That Audit and Risk Committee Report No. AR23/32434 titled 'Internal Financial Controls 2022-2023 - Self Assessment' as presented on 05 June 2023 be noted.

CARRIED

**16.4 2023/2024 DRAFT ANNUAL BUSINESS PLAN AND BUDGET – REPORT NO.
AR23/33287**

RESOLUTION 2023/114

Moved: Cr Paul Jenner

Seconded: Cr Jason Virgo

1. That Audit and Risk Committee Report No. AR23/33287 titled '2023/2024 Draft Annual Business Plan and Budget' as presented on 05 June 2023 be noted.
2. That the Audit and Risk Committee feedback on Council's Draft 2023/2024 Draft Annual Business Plan and Budget and/or the associated processes and risks, as follows:
 - Consideration should be given of the potential implications of Adelaide CPI (March 2023) in its final Annual Business Plan and Budget considerations.
 - Note the feedback regarding how to represent the total rate revenue increase.
 - Page 11 - update the Capital table to reconcile the Expenditure summary on page 6.
 - Consideration should be given to Federal assistance grants and local roads and community infrastructure timing and impact on both the Budget Review 3 2022/2023 and draft 2023/2024 Annual Business Plan and Budget.
 - That Council convey to the Valuer-General the Audit and Risk Committee recommendation for the earlier receipt of property valuation data for 2024/2025.

be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on the 27 June 2023 for consideration of the adoption of the Draft 2023/2024 Annual Business Plan and Budget.

CARRIED



16.5 DRAFT LONG TERM FINANCIAL PLAN 2024-2033 – REPORT NO. AR23/33289

RESOLUTION 2023/115

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR23/33289 titled 'Draft Long Term Financial Plan 2024-2033' as presented on 05 June 2023 be noted.
2. That the Audit and Risk Committee feedback on Council's Draft Long Term Financial Plan 2024-2033 and/or the associated processes and risks, as follows:
 - That a note be applied to the Long Term Financial Plan and also to the Interim Asset Management Summary that the asset allocations are indexed in the Long Term Financial Plan but not in the Interim Asset Management Summary.
 - Audit and Risk Committee notes that Council has raised questions with ESCOSA about the cost and value of the new ESCOSA process and concur with those questions.
 - Notes that financial sustainability is the key focus of the draft LTFP.
 - Once Asset Management Plans are completed, the Audit and Risk Committee recommends a more comprehensive review of the rating strategy.
 - Note that Asset revaluations and condition assessments may impact the operating surplus ratio and investment in asset renewal expenditure.

be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on 27 June 2023 for consideration of the adoption of the Draft Long Term Financial Plan 2024-2033.

CARRIED

Cr Josh Lynagh left the meeting at 6:38 pm



16.6 DRAFT INTERIM ASSET MANAGEMENT SUMMARY 2024-2033 – REPORT NO. AR23/34812

Cr Josh Lynagh returned to the meeting at 6:40 pm

RESOLUTION 2023/116

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Audit and Risk Committee Report No. AR23/34812 titled 'Draft Interim Asset Management Summary 2024-2033' as presented on 05 June 2023 be noted.
2. That the Audit and Risk Committee feedback on Council's Draft Interim Asset Management Summary 2024-2033 and/or the associated processes and risks, as follows:
 - Give consideration to useful lives and service levels as asset information is received.
 - Audit and Risk Committee note the iterative process to improving Council's Asset approach, and that the next round of planning will be informed more completely by valuations, condition data and useful lives, with a suite of asset classes with an overarching summary document.
 - Note that the current market conditions are placing additional pressure on unit rates for asset maintenance and replacement.
 - Note the asset data will help to inform the examination of use and purpose of Council's buildings as part of the Strategic Property Management Review.

be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on 27 June 2023 for consideration of the adoption of the Draft Interim Asset Management Summary 2024-2033.

CARRIED

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 31 MAY 2023

RESOLUTION 2023/117

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 31 May 2023 as attached be noted.

CARRIED

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



19 COUNCIL REPORTS

19.1 BLUE LAKE GOLF CLUB - CAR PARK EXTENSION

Pursuant to Section 74 of the Local Government Act 1999, Cr Mark Lovett disclosed a general conflict of interest in Item 19.1.

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

Nature of Interest:

‘Being a Native Title holder e.g. T.O.’

Intention to Participate:

‘As a person that’s a T.O. doesn’t deem to nothing as general conflict and my decision to stay would not change either way’.

Reason for Participating:

‘As a person that’s a T.O. doesn’t deem to nothing as general conflict and my decision to stay would not change either way’.

In accordance with Section 75B of the Local Government Act 1999 Cr Lovett remained in the meeting for Item 19.1.

RESOLUTION 2023/118

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/28939 titled ‘Blue Lake Golf Club - Car Park Extension’ as presented on 20 June 2023 be noted.
2. The Blue Lake Golf Club car park proposal be considered as part of the Crater Lakes Activation Plan preparation and review/amendment of the Crater Lakes Community Land Management Plan and associated stakeholder (including landowner and native title holder) engagement and community consultation, to determine whether there is broader support for the proposal on community land.
3. That Council Staff work in partnership with the Blue Lake Golf Club to mutually assess the extent, methodology, and expenses involved in the advancement of their proposed project.
4. The Blue Lake Golf Club be responsible for covering any costs related to obtaining legal or professional advice on their behalf subject to their agreement and acknowledgement of the costs associated with the advice before proceeding.

CARRIED

Having participated in the meeting for 19.1 Cr Lovett voted in favour of the motion.



19.2 DRAFT SAROC ANNUAL BUSINESS PLAN - COUNCIL FEEDBACK

Pursuant to Section 75 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 19.2.

In accordance with Section 75C Mayor Martin informed the meeting:

Nature of Interest:

"I am a board member of the SAROC and have a material conflict of interest".

In accordance with Section 75C of the Local Government Act 1999 Mayor Martin left the meeting at 6:45 PM.

Cr Max Bruins as Deputy Mayor took the Chair for item 19.2

RESOLUTION 2023/119

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR23/34346 titled 'Draft SAROC Annual Business Plan - Council Feedback' as presented on 20 June 2023 be noted.
2. That Council adopts the draft response attached to this report, for submission in response to the "Draft SAROC Annual Business Plan" with the following additions/amendments:
 - Road funding should be raised in the priority order
 - Waste management should be raised in the priority order
 - Removing parental income test for regional and remote students in relation to youth allowance should be added to the submission
 - Concur with the feedback of LCLGA in relation to focusing the areas of advocacy
3. That the Mayor and/or CEO be authorised to provide Council's response on the "Draft SAROC Annual Business Plan" to the LGA

CARRIED

Mayor Martin returned to the meeting at 6:54 PM and resumed the Chair.



Cr Mark Lovett left the meeting at 6:55 pm

19.3 REVIEW OF COUNCIL DELEGATIONS

RESOLUTION 2023/120

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR21/12069 titled 'Review of Council Delegations' as presented on 20 June 2023 be noted.
2. That Council grants the delegation of powers and functions of the Council as provided in for in the published tables accompanying Council Report No. AR21/12069 to the identified delegate(s) pursuant to section 44 of the Local Government Act 1999, excepting that the functions and powers of the Council:
 - (a) set out in Division 8, Part 4 of the Fire and Emergency Services Act 2005 are delegated pursuant to section 93 of the Fire and Emergency Services Act;
 - (b) acting as an enforcement agency under the Food Act 2001 are delegated pursuant to section 91 of the Food Act;
 - (c) acting as a road manager under the Heavy Vehicle National Law are delegated pursuant to section 22B of the Heavy Vehicle National Law (South Australia) Act 2013;
 - (d) acting as a relevant authority under the Safe Drinking Water Act 2011 are delegated pursuant to section 43 of the Safe Drinking Water Act; and
 - (e) under the Supported Residential Facilities Act 1992 are delegated pursuant to section 9(2) of the Supported Residential Facilities Act.
3. The delegations granted pursuant to:
 - (a) the Local Government Act to the Council's Chief Executive Officer, in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act;
 - (b) the Fire and Emergency Services Act;
 - (c) the Food Act;
 - (d) the Heavy Vehicle National Law (South Australia) Act;
 - (e) the Safe Drinking Water Act;
 - (f) the Supported Residential Facilities Act; andmay, unless indicated by resolution or in the published tables accompanying Council Report No. AR23/12069, be further sub-delegated by the Chief Executive Officer or delegate, noting delegations under the Fire and Emergency Services Act are only permitted to a Fire Prevention Officer.

Noting: no sub-delegation is permitted under the Environment Protection Act.
4. Planning, Development and Infrastructure Act Delegations
 - (a) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (in published tables accompanying Report No. AR21/12069 and titled '*Instrument A*') are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or

limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

- (b) In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the Instrument of Delegation (in published tables accompanying Report No. AR21/12069 and titled '*Instrument B*') are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- (a) Such powers and functions delegated in resolution 4 (a) and (b) may be further sub-delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 and Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the relevant Instrument of Delegation.

5. Road Traffic Act Sub-Delegations and Authorisations

Pursuant to the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961 (Act), Council:

- (a) authorises the employees of the Council named in the published tables accompanying Council Report No. AR21/12069 titled '*Instrument of Authorisation for the purposes of the Instrument of General Approval and Delegation (dated 22 August 2013)*' to exercise the powers under sections 17 and 20 of the Road Traffic Act as conferred on or delegated to the Council by the Minister for Transport and Infrastructure, subject to:
 - (i) the conditions set out in the Instrument of General Approval and Delegation.
 - (ii) the making of a written instrument of authorisation approved by the Chief Executive Officer on behalf of Council.
- (a) is of the opinion that the following person(s) is (or are) experienced traffic engineering practitioners and are hereby authorised for the purpose of preparing and endorsing a Traffic Impact Statement in accordance with Clause A.7 of the Instrument of General Approval and Delegation.
 - Abdullah Mahmud
 - Andrew Thompson
- (b) is of the opinion that the following person(s) has (or have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans for the purpose of Clause A.7 of the Instrument of General Approval and Delegation:
 - Abdullah Mahmud
 - Andrew Thompson.
- (c) sub-delegates to any person occupying or acting in the position Chief Executive Officer the power under section 33(1) of the Road Traffic Act to declare an event to be an event to which section 33 of the Road Traffic Act applies and make orders directing:
 - (i) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the delegate, should be closed for the purpose of the event) be closed to traffic for a specified period; and



(ii) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the following provisions of the Australian Road Rules:

- 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 237: getting on or into a moving vehicle (provided that the speed of the vehicle does not exceed 5 km/h);
- rule 238: pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
- rule 250: riding on a footpath or shared path;
- rule 264: wearing of seat belts by drivers (provided that the speed of the vehicle does not exceed 25 km/h);
- rule 265: wearing of seat belts by passengers 16 years old or older (provided that the speed of the vehicle does not exceed 25 km/h);
- rule 266: wearing of seat belt by passengers under 16 years old (provided that the speed of the vehicle does not exceed 25 km/h);
- rule 268: how persons must travel in or on a motor vehicle; (provided that the speed of the vehicle does not exceed 25 km/h)
- rule 269: opening doors and getting out of a vehicle etc (provided that the speed of the vehicle does not exceed 5 km/h); and
- rule 298: driving with a person in a trailer (provided that the speed of the vehicle does not exceed 25 km/h).

(iii) The sub-delegation granted in this instrument is subject to the conditions set out in Clause G of the General Approval, including:

- *all conditions imposed on Council under Clause G in relation to the closure of a road or the grant of an exemption for an event; and,*
- *not directing the closure of a road or granting an exemption for an event on a road that runs into, intersects, or is otherwise likely to affect traffic on a road that is under the care, control and management of another Council or the Commissioner for Highways; and,*
- *no other person may be authorised to exercise the powers conferred on Council pursuant to Clause G; and,*
- *the power delegated to Council pursuant to Clause G may not be further delegated to a person or position other than the Chief Executive Officer.*

6. The delegations granted in resolutions (2) to (5) above are subject to the following conditions and limitations:

- (a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.



- (b) the delegate must exercise a delegated function or power in accordance with and due regard to:
 - (i) applicable legislative and other legal requirements; and
 - (ii) relevant policies and guidelines adopted by the Council;
- (c) in regard to the following delegations under the Local Government Act:
 - (i) section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;
 - (ii) section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council and the financial sub-delegation limitations set by the Chief Executive Officer;
 - (iii) section 143(1): the power to write off debts is limited to debts not exceeding \$5,000;
 - (iv) section 188(3): the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c);
- (d) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
- (e) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
- (f) These delegations will come into operation on Wednesday 21 June 2023 and remain in force until varied or revoked by resolution of the Council.
- (g) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 21 June 2023.

CARRIED

20 MOTIONS WITH NOTICE

Nil

21 MOTIONS WITHOUT NOTICE

Cr Mark Lovett returned to the meeting at 6:57 pm



21.1 MOTION WITHOUT NOTICE - COUNCIL COMMITTEE STRUCTURE

Cr Amoroso put forward the following Motion Without Notice:

MOTION

Moved: Cr Kate Amoroso

Seconded: Cr Mark Lovett

1. That a Committee of Council established pursuant to the provisions of Section 41 of the Local Government Act 1999 and Section 101A of the Development Act 1993 to be named "People and Place Committee"
2. That A Committee of Council established pursuant to the provisions of Section 41 of the Local Government Act 1999 and Section 101A of the Development Act 1993 to be named "Operational Services Committee"
3. That the Mayor has ex officio status on both Operational Services and People and Place Standing Committees
4. That neither Standing Committee has any delegation to act with all recommendations of Operational Services and People and Place Committees being considered by full Council for final decision and resolution;
5. That Membership of Operational Services and People and Place standing committees to consist of four Councillors each with all Councillors serving on one Committee each.
6. That commencing in September the two Section 41 (Standing) Committees being Operational Services and People and Place Committees shall meet in the fortnight preceding the Ordinary Council meeting with the first meetings being held in September
7. That at the first meeting of the Operational Services Committee and the People and Place Committee, each Standing Committee shall consider an item on the scheduling of that respective committee's monthly meetings. In determining the scheduling of such meetings, members of the Operational Services Committee and People and Place Committee will have regard to: (i) the availability and convenience of members of the committee; (ii) regulatory time frames for issuing of meeting notices; (iii) preparation and distribution of agendas; and (iv) Committees not meet concurrently e) In any case, committees will meet in the fortnight preceding the ordinary monthly meeting of Council.
8. Terms of Reference to be reviewed by each Committee by October 2023 and to be presented to the ordinary Council meeting held in October 2023

The motion was put and

TIED VOTE

The Mayor exercised a casting vote Against the Motion

LOST

Cr Amoroso called a division.

The declaration was set aside.

Voting by division being:



In Favour: Crs Josh Lynagh, Kate Amoroso, Mark Lovett and Jason Virgo

Against: Mayor Lynette Martin, Crs Frank Morello, Max Bruins, Paul Jenner and Sonya Mezinec

The PRESIDING MEMBER declared the motion

LOST 4/5

21.2 MOTION WITHOUT NOTICE - COUNCIL MEMBERSHIPS AND SUBSCRIPTIONS

Cr Amoroso put forward the following Motion Without Notice:

MOTION

Moved: Cr Kate Amoroso

Seconded: Cr Jason Virgo

1. That a report be prepared and presented to Councillors at the July Council meeting detailing:
 - (a) All current memberships and/or subscriptions to external bodies that the City of Mount Gambier has in place.
 - (b) What role does the City of Mount Gambier undertake with regard to any of those memberships and/or subscriptions.
 - (c) The benefits to the Council and the community of such memberships and/or subscriptions.

The motion was put and

LOST

Cr Amoroso called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Kate Amoroso, Mark Lovett and Jason Virgo

Against: Crs Frank Morello, Josh Lynagh, Max Bruins, Paul Jenner and Sonya Mezinec

The PRESIDING MEMBER declared the motion

LOST 3/5



21.3 MOTION WITHOUT NOTICE - CONFIDENTIAL ITEMS RELEASED

Cr Virgo put forward the following Motion Without Notice:

MOTION

Moved: Cr Jason Virgo
Seconded: Cr Kate Amoroso

1. That at each Council meeting commencing with the July Council meeting a list detailing all confidential items released in the preceding calendar month be tabled.

FORMAL MOTION

Moved: Cr Max Bruins

That the question be put.

Motion lapsed for want of a seconder

MOTION

Moved: Cr Jason Virgo
Seconded: Cr Kate Amoroso

2. That at each Council meeting commencing with the July Council meeting a list detailing all confidential items released in the preceding calendar month be tabled.

The motion was put and

LOST

Cr Virgo called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Kate Amoroso, Mark Lovett and Jason Virgo

Against: Crs Frank Morello, Josh Lynagh, Max Bruins, Paul Jenner and Sonya Mezinec

The PRESIDING MEMBER declared the motion

LOST 3/5



21.4 MOTION WITHOUT NOTICE - CATERING EXPENSES

Cr Amoroso put forward the following Motion Without Notice:

MOTION

Moved: Cr Kate Amoroso

Seconded: Cr Jason Virgo

1. That a report be prepared and presented to Councillors at the July Council meeting analysing catering expenses divided separately into food and alcohol over the last 12 months, broken down into:
 - (a) Elected Members
 - (b) The Mayor
 - (c) CEO and Managers
 - (d) Council and Mayoral functions

2. That the breakdown be fully itemised (including 'other').

The motion was put and

LOST

Cr Amoroso called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Kate Amoroso, Mark Lovett and Jason Virgo

Against: Crs Frank Morello, Josh Lynagh, Max Bruins, Paul Jenner and Sonya Mezinec

The PRESIDING MEMBER declared the motion

LOST 3/5



21.5 MOTION WITHOUT NOTICE - RENTAL CRISIS

Cr Virgo put forward the following Motion Without Notice:

MOTION

Moved: Cr Jason Virgo
Seconded: Cr Kate Amoroso

1. That Council acknowledges the rental crisis facing many families.
2. That a report be prepared outlining measures and advocacy Council may take to assist families find affordable housing.

Cr Virgo, as mover with the consent of Cr Amoroso as seconder, sought leave of the meeting to vary the motion.

LEAVE GRANTED

RESOLUTION 2023/121

Moved: Cr Jason Virgo
Seconded: Cr Kate Amoroso

1. That Council acknowledges the rental crisis facing many families.
2. That an Elected Member Briefing discussing measures and advocacy Council may take to assist families find affordable housing be held.

CARRIED



21.6 MOTION WITHOUT NOTICE - COUNCIL BEING APOLITICAL

Cr Virgo put forward the following Motion Without Notice:

MOTION

Moved: Cr Jason Virgo

Seconded: Cr Kate Amoroso

1. That Council reaffirms it is apolitical.
2. That Council does not provide endorsements or testimonials to any candidate in State or Federal elections for the purpose of their election or preselection.
3. That a media release be released from Council within 24 hours affirming the aforementioned.

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 8:19 PM for 5 minutes.

Cr Max Bruins left the meeting at 8:20 pm

Cr Max Bruins returned to the meeting at 8:21 pm

At 8:26 PM the Mayor sought approval to extend the suspension until 8:30 PM

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

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 08:31 PM

Cr Virgo, as mover with the consent of Cr Amoroso as seconder, sought leave of the meeting to vary the motion.

LEAVE GRANTED

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 21.6.

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

Nature of Interest:

"I work for a State Politician – Minister Clare Scriven – and this item relates to all State and Federal politicians".

Intention to Participate:

"Staying in the Chamber and not discussing the matter".

Reason for Participating:



‘The motion was vague in that it involves all politicians – State or Federal’.

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 21.6.

RESOLUTION 2023/122

Moved: Cr Jason Virgo
Seconded: Cr Kate Amoroso

1. That Council reaffirms it is apolitical.
2. That Council develop a policy outlining its position on how it publicly manages its relationships with State and Federal politicians and government.

CARRIED

Having participated in the meeting for 21.6 Cr Lynagh voted in favour of the motion.

22 CONFIDENTIAL ITEMS OF COMMITTEES

22.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 31 MAY 2023

22.2 CHIEF EXECUTIVE OFFICER - 12 MONTH PERFORMANCE UPDATE – REPORT NO. AR23/31872

RESOLUTION 2023/123

Moved: Cr Mark Lovett
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 B Cernovskis, J Fetherstonhaugh, S La Greca, M McCarthy, J Scoggins, S McLean, M Brookes and S Dohnt be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 22.2 AR23/31872 Chief Executive Officer - 12 Month Performance Update.

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

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be presented and discussed relates to the performance review of the Chief Executive Officer, the disclosure of which would be unreasonable disclosure of personal information relating to the employment of the Chief Executive Officer, Sarah Philpott.

CARRIED



Sarah Philpott, Chief Executive Officer, declared a conflict for item 22.2 and left the meeting at 8:37 PM

RESOLUTION 2023/124

Moved: Cr Mark Lovett
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 5.1 AR23/31872 Chief Executive Officer - 12 Month Performance Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has 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

Sarah Philpott, Chief Executive Officer, returned to the meeting at 8:38 PM.

23 NEW CONFIDENTIAL ITEMS

23.1 RAA EV CHARGING STATION PROJECT – REPORT NO. AR23/30191

RESOLUTION 2023/125

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

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, S La Greca, M McCarthy, J Scoggins, S McLean, M Brookes and S Dohnt be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/30191 RAA EV Charging Station Project.

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 matter to be considered includes the proponents information which is of a commercially sensitive nature. The premature disclosure, including discussion in public forum, could reasonably be expected to prejudice or benefit 3rd parties, including Council in its commercial negotiations which would on balance be contrary to the public interest in achieving commercial arrangements and good community outcomes associated with the proposed use of Council land.

CARRIED

RESOLUTION 2023/126

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinec

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 AR23/30191 RAA EV Charging Station Project 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 36 months have elapsed since the proponents last dealings with Council on the proposal, or 12 months after an agreement and any renewal or extended term has expired and not been renewed, whichever is the later, with the resolutions to be released upon the execution by all parties of an agreement and a joint public announcement having been made on the proposal.
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 UNSOLICITED PROPOSAL - TENISON WOODS COLLEGE – REPORT NO. AR23/32053

RESOLUTION 2023/127

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

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, S La Greca, M McCarthy, J Scoggins, S McLean, M Brookes and S Dohnt be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/32053 Unsolicited Proposal - Tenison Woods College.

The Council is satisfied that, pursuant to section 90(3) (b) 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

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 is expected to include discussion of potential terms, conditions and funding options for subsequent proposals associated with a shared boundary, the premature disclosure of which could benefit a third party and prejudice the Council, and thus the public interest in achieving best value for the community is considered to outweigh the interest in the matter being considered in a place open to the public.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Mezinec disclosed a general conflict of interest in Item 23.2.

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

Nature of Interest:

“My brother, David Mezinec, is Principal of Tenison Woods College”.

Intention to Participate:

“I propose not to participate in the meeting in relation to the matter”.

In accordance with Section 75B of the Local Government Act 1999 Cr Mezinec left the meeting at 8:47 PM.



RESOLUTION 2023/128

Moved: Cr Mark Lovett
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR23/32053 Unsolicited Proposal - Tenison Woods College 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) be kept confidential and not available for public inspection until an agreement has been executed with the proponent.
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

Cr Mezinec returned to the meeting at 8:51 PM.

23.3 NOTICE OF MOTION - STRATEGIC PROPERTY MANAGEMENT – REPORT NO. AR23/32078

RESOLUTION 2023/129

Moved: Cr Max Bruins
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 the Mayor, Councillors and S Philpott, B Cernovskis, J Fetherstonhaugh, S La Greca, M McCarthy, J Scoggins, S McLean, M Brookes and S Dohnt be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.3 AR23/32078 Notice of Motion - Strategic Property Management.

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
- 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 considered includes property valuation information that could benefit a 3rd party with whom Council may seek to conduct business and prejudice the Council's commercial position. the public interest in the matter being considered in a place open to the public is outweighed in the circumstances where disclosure would be likely to affect the Council's ability to get best value for the community.

CARRIED

Cr Mark Lovett left the meeting at 9:13 pm

Cr Mark Lovett returned to the meeting at 9:14 pm

RESOLUTION 2023/130

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

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 23.3 AR23/32078 Notice of Motion - Strategic Property Management 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 (d) be kept confidential and not available for public inspection until contracts have been executed and settled for all of the subject matter contained in the report and resolutions, with the resolutions/minutes only to be released immediately following consideration by Council.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

24 MEETING CLOSE

The Meeting closed at 9.25.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 July 2023.

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PRESIDING MEMBER

