

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

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello (entered the meeting at 6:01pm), Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Sonya Meziniec, 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
	Acting Manager Governance and Property	- Mrs A Pasquazzi
	Manager Financial Services	- Mrs K Rolton
	Media and Communications Coordinator	- Ms S McLean
	Executive Administrator	- Miss 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 2024/172

Moved: Cr Jason Virgo

Seconded: Cr Kate Amoroso

That the apology(ies) from Cr Mark Lovett and Cr Paul Jenner be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2024/173

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

That the minutes of the Ordinary Council meeting held on 16 July 2024 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



Cr Frank Morello entered the meeting at 6:01pm

5 MAYORAL REPORT

5.1 MAYORAL REPORT - AUGUST 2024

- SAROC Meeting (Adelaide)
- Tour of Eastern Regions Alliance (with SAROC) – hosted by LGA
- Radio interview with Llew Jones – 5GTR FM
- Mayoral Welcome to Mount Gambier morning tea with Tenison Woods College Japanese Exchange Students
- Meeting with Peter Gandolfi – Mount Gambier Education and Training Precinct – request for letter of support
- CEO Performance Review Committee Meeting
- Morning tea with the Probus Club and 100th birthday celebration for Isobel Phillips
- LCLGA Special Board Meeting
- Tour of Englebrecht Cave
- Elected Member Briefing with Ben Hood MLC, Shadow Assistant Minister for Regional South Australia
- Elected Member Briefing with Member for Barker, Tony Pasin MP
- Radio interview – ABC
- Introductory meeting with Craig Chatterton, Pique Global
- Meeting with Deb Brokenshire, LCLGA interim EO
- LGA Mayors and CEO's Forum – networking dinner and drinks and forum
- Meeting with Lucy Bonnin (local artist) – request for letter of support
- Internal meeting to discuss Mayor's Christmas Appeal
- Audit and Risk Committee Meeting
- Interview – Music SA live music announcement – The Border Watch
- Story Time at the Mount Gambier Library
- Prerecord radio interview – Southern Cross Austereo – State of the States Report
- Elected Member Briefing – Draft Strategic Plan 2024-2028
- Confidential Elected Member Briefing – Operational Update
- Radiation Therapy Working Group Meeting with Limestone Coast Local Health Network
- Radiation Therapy Working Group Meeting
- Funeral of Rosemary McCourt
- Meeting with Deb Brokenshire, LCLGA interim EO – LCLGA Meeting Agenda
- LCLGA Mayor's catch-up (virtual)
- Meeting with Bernadette O'Connor, Australian Renewables Academy



- Meeting with Deb Brokenshire, LCLGA interim EO
- Meeting with Sarah Philpott, CEO, and Deb Brokenshire, LCLGA interim EO
- Funeral of Joan Tremelling
- Official Book Launch – The Alex Campbell Story
- Elected Member Briefing – New Agenda Management System
- Elected Member Briefing – Council Chamber AV
- Elected Member Briefing – s92 Code of Practice, Discretionary Procedures and r6 Code of Practice
- Minister for Health and Wellbeing visit to Limestone Coast – Mount Gambier Hospital announcement and sod turning
- Minister for Health and Wellbeing meeting with Radiation Therapy Working Group
- Meeting regarding Old Mitre 10 Site
- District Council of Grant Citizenship Ceremony
- LCLGA General Meeting (hosted by District Council of Grant)
- Mount Gambier Horse Trials Presentations
- Meeting with Brigadier Tim Orders
- Elected Member Briefing – Council's Strategic Plan 2024-2028 Workshop 1
- Elected Member Briefing (with Audit and Risk Committee) – Waste Financial Modelling
- Audit and Risk Committee Meeting
- LCLGA Mayor's catch-up (virtual)
- Radiotherapy Working Group Meeting
- Vietnam Veteran's Day – wreath laying
- Meeting with Minister Nat Cook, Minister for Human Services – Updated City of Mount Gambier Partnership Priorities and Advocacy 2024-2025
- George the Farmer Concert – National Forestry Day

RESOLUTION 2024/174

Moved: Cr Jason Virgo

Seconded: Cr Max Bruins

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

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Josh Lynagh Mount Gambier Eisteddfod vocal division, Mount Gambier Eisteddfod music division, Pioneers men semi-final, Pioneers women prelim-final, Science Week activities.

Cr Max Bruins Launch of Alex Campbell Biography.



Cr Sonya Meziniec	Exhibition Openings at Riddoch Arts and Cultural Centre – Creating Dreams, Island Welcome, Finding the Fab Five
Cr Frank Morello	CEO Performance Review meeting, Assessment Panel meeting – Grants and Sponsorship, Waste Financial Modelling meeting.

RESOLUTION 2024/175

Moved: Cr Frank Morello

Seconded: Cr Kate Amoroso

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

CARRIED

7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - COUNCIL SYSTEMS

The following question on notice was received from Councillor Max Bruins.

Question

Following recent events in Wattle Range Council, which saw cybercriminals hack into Council systems and obtain sensitive data which has begun to be released online, what safeguards does the City of Mount Gambier have in place to prevent similar attacks on our systems, and have our systems been audited or reviewed following the Wattle Range incident to ensure we do not have the same vulnerabilities?

Response

General Manager Corporate and Regulatory Services provided the following response:

When we were made aware of the Cyber Security Breach at Wattle Range we quickly identified that the attack targeted their legacy servers. Our team immediately conducted a thorough check of all our systems.

City of Mount Gambier holds no legacy servers as we operate within a Managed Service Provider environment, Our MSP undertakes regular penetration testing to identify vulnerabilities.

As part of our Business Systems Unlocking strategic project, all software and system procurement has been centralized, allowing our iServices team to conduct cyber security analyses and risk assessments on any new software or systems before they are introduced. Only products that meet our security standards are procured.

In 2023, an internal audit reviewed our software systems and staff access levels, identifying areas where security could be tightened to limit unnecessary access and reduce the risk of data breaches through employee logins.

Additionally, our Team Leader of iServices has been working with all departments to assess and reduce the amount of historical and personal data stored in our systems. This ongoing project aims to minimise unnecessary data retention and lower the risk of information exposure while still ensuring compliance with legislative requirements regarding data retention.

Through these proactive measures, the City of Mount Gambier continues to prioritise cyber security by maintaining robust systems, tightening access controls, and minimising data retention. These efforts help safeguard our organisation from potential cyber threats and ensure compliance with data protection standards.



7.2 QUESTION WITH NOTICE - ERBIUM LASER TREATMENT

The following question on notice was received from Councillor Max Bruins.

Question

Following the response from the Limestone Coast Local Health Network to Council's letter to the possibility of Erbium Laser facilities being provided in the region to alleviate the need for skin cancer patients to travel to Adelaide, has any follow up been undertaken with the health professionals it was suggested that Council reach out to on this issue?

Response

Mayor Lynette Martin provided the following response:

Letters were written to two health professionals in response to the suggestion from the then Limestone Coast Local Health Network Chair person, Mr King. Those letters were sent on 14th August.

One doctor has responded to the letter, with advice that he does not believe this equipment would be a useful purchase for the hospital at this moment. He explains that the treatment is more commonly used in private dermatology/cosmetic clinics, and unless there was a specialist dermatologist who could find time in a busy dermatology clinic to use this, he does not think there would be any use for this in the hospital setting.

This doctor advised he also discussed the viability of an Erbium laser with the head of surgery, who also felt that it was unlikely this laser would be of benefit to the hospital at this time.

We are awaiting a reply from the other health professional.

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

11.1 AGENDA MANAGEMENT SYSTEM AND IMPLEMENTATION

RESOLUTION 2024/176

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR24/57321 titled 'Agenda Management System and Implementation' as presented on 20 August 2024 be noted.



2. That, having considered Council Report No. AR24/57321 as a report submitted by the Chief Executive Officer under regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013*, Council Resolution dated 16 October 2018, as follows:
- (a) *Coinciding with the InfoCouncil project that Standing Committee and Council Agendas be prepared in such a way that all reports and correspondence pertaining to the items are included as attachments to said Agendas.*
- (b) *An opt in system be made available to Councillors to collect a hard copy of the full Agenda.*
- be revoked.

CARRIED

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 15/07/2024 TO 16/08/2024

RESOLUTION 2024/177

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/81518 titled 'Elected Member Information/Briefing Sessions from 15/07/2024 to 16/08/2024' as presented on 20 August 2024 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 16/07/2024

RESOLUTION 2024/178

Moved: Cr Sonya Meziniec
Seconded: Cr Kate Amoroso

1. That Council Report No. AR23/81544 titled 'Council Action Items - 16/07/2024' as presented on 20 August 2024 be noted.

CARRIED



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

15.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 7 AUGUST 2024

RESOLUTION 2024/179

Moved: Cr Josh Lynagh

Seconded: Cr Jason Virgo

That the Minutes of the Junior Sports Assistance Fund meeting held on 7 August 2024 as attached be noted.

CARRIED

15.2 COMMERCIAL CLUB INC. - ANNUAL DONATIONS - EXCEPTIONAL JUNIOR PROGRAM – REPORT NO. AR24/55423

RESOLUTION 2024/180

Moved: Cr Josh Lynagh

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR24/55423 titled 'Commercial Club Inc. - Annual Donations - Exceptional Junior Program' as presented on 07 August 2024 be noted.
2. To assist with awarding an additional nominee funding for the Exceptional Junior Program the Junior Sports Assistance Fund will match the contribution from the Commercial Club and provide a \$1,500 donation;
2. The following juniors receive the Commercial Club Inc. donation to assist them to advance in their chosen sport and to achieve their potential:
Awardees: Kai Arbery, Mount Gambier Cycling
Bree Ridding, Mount Gambier and District Baseball League
3. The presentation of the Commercial Club Inc. donation take place at a time convenient to the recipients, member organisations, representatives of the Commercial Club Inc. and the Junior Sports Assistance Fund.
4. The media be invited to attend the presentation.

CARRIED

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 29 JULY 2024

RESOLUTION 2024/181

Moved: Mayor Lynette Martin

Seconded: Cr Jason Virgo



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

CARRIED

16.2 CORRESPONDENCE RECEIVED – REPORT NO. AR24/43693

RESOLUTION 2024/182

Moved: Mayor Lynette Martin
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR24/43693 titled 'Correspondence Received' as presented on 29 July 2024 be noted.

CARRIED

16.3 INTERNAL AUDIT - PAYROLL AND REMUNERATION – REPORT NO. AR24/29749

RESOLUTION 2024/183

Moved: Mayor Lynette Martin
Seconded: Cr Sonya Mezinec

1. That Audit and Risk Committee Report No. AR24/29749 titled 'Internal Audit - Payroll and Remuneration' as presented on 29 July 2024 be noted.
2. That it be noted that progress achieved on the actions resulting from the Internal Audit - Payroll and Remuneration will be reported in future internal audit updates.

CARRIED

16.4 INTERNAL AUDIT - PDI ACT - POST IMPLEMENTATION AUDIT – REPORT NO. AR24/29750

RESOLUTION 2024/184

Moved: Mayor Lynette Martin
Seconded: Cr Frank Morello

1. That Audit and Risk Committee Report No. AR24/29750 titled 'Internal Audit - PDI Act - Post Implementation Audit' as presented on 29 July 2024 be noted.
2. That it be noted that progress achieved on the actions resulting from the Internal Audit - PDI Act - Post Implementation Audit will be reported in future internal audit updates.
1. That the Audit and Risk Committee note the importance of recommendation 5 – *“Reintroduce regular, re-current scheduled meetings between Development Services and Operations & Engineering teams and other stakeholders”* and the significance of these meetings in fostering collaboration, ensuring effective communication, and enhancing the overall efficiency and coordination of development projects.

CARRIED



16.5 QUARTERLY INTERNAL AUDIT UPDATE REPORT – REPORT NO. AR24/46781

RESOLUTION 2024/185

Moved: Mayor Lynette Martin
Seconded: Cr Sonya Meziniec

1. That Audit and Risk Committee Report No. AR24/46781 titled 'Quarterly Internal Audit Update Report' as presented on 29 July 2024 be noted.
2. That a revised Internal Audit Plan including a reassessment of risk for each proposed internal audit be presented to the Audit and Risk Committee at its meeting scheduled for 25 November 2024.

CARRIED

16.6 LEASE AND LICENCE UPDATE - JULY 2024 – REPORT NO. AR24/49333

RESOLUTION 2024/186

Moved: Mayor Lynette Martin
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR24/49333 titled 'Lease and Licence Update - July 2024' as presented on 29 July 2024 be noted.
2. That an update on Leases and Licences be presented to the Audit and Risk Committee at its meeting scheduled for 25 November 2024.

CARRIED

16.7 COUNCIL POLICY UPDATE – REPORT NO. AR24/49733

RESOLUTION 2024/187

Moved: Mayor Lynette Martin
Seconded: Cr Jason Virgo

1. That Audit and Risk Committee Report No. AR24/49733 titled 'Council Policy Update' as presented on 29 July 2024 be noted.
2. That an update on Council Policies including a timeline for review of each policy and the approach to be taken for timely policy reviews be presented to the Audit and Risk Committee at its meeting scheduled for 25 November 2024.

CARRIED



16.8 2023/2024 EXTERNAL AUDIT INTERIM MANAGEMENT REPORT – REPORT NO. AR24/50401

RESOLUTION 2024/188

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR24/50401 titled '2023/2024 External Audit Interim Management Report' as presented on 29 July 2024 be noted.
2. That having been reviewed by the Audit and Risk Committee on 29 July 2024, the 2023/2024 External Audit Interim Management Report be adopted.
3. That the Audit and Risk Committee commend the administration on the work undertaken to reduce the actions / recommendations from the prior year's interim audit management report.

CARRIED

16.9 AUDIT AND RISK COMMITTEE MEETING REPORT – REPORT NO. AR24/29752

RESOLUTION 2024/189

Moved: Mayor Lynette Martin

Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR24/29752 titled 'Audit and Risk Committee Meeting Report' as presented on 29 July 2024 be noted.

CARRIED

16.10 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 14 AUGUST 2024

RESOLUTION 2024/190

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Mezinec

That the Minutes of the Audit and Risk Committee meeting held on 14 August 2024 as attached be noted.

CARRIED



**16.11 CAROLINE LANDFILL 2023/2024 POST CLOSURE PROVISION UPDATE –
REPORT NO. AR24/57290**

RESOLUTION 2024/191

Moved: Mayor Lynette Martin

Seconded: Cr Frank Morello

1. That Audit and Risk Committee Report No. AR24/57290 titled 'Caroline Landfill 2023/2024 Post Closure Provision update ' as presented on 14 August 2024 be noted.
2. That it be noted that a workshop providing detailed progress on Caroline Landfill including financial modelling, accounting treatment and associated financial impacts was held 14 August 2024.
3. The Audit and Risk Committee support the methodology of the financial model and acknowledge the extensive work in the modelling undertaken to date.
4. Acknowledges the requirement to continuously review and update financial modelling annually and ensure reflected in Long Term Financial Plan and Asset Management Plans. And that financial impacts relevant to the 2024/2025 financial year will be included in future budget revisions.

CARRIED

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

**17.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW
COMMITTEE HELD ON 22 JULY 2024**

RESOLUTION 2024/192

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 22 July 2024 as attached be noted.

CARRIED

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 STRATEGIC PLAN ANNUAL UPDATE

RESOLUTION 2024/193

Moved: Cr Sonya Mezinec



Seconded: Cr Max Bruins

1. That Council Report No. AR24/57233 titled 'Strategic Plan Annual Update ' as presented on 20 August 2024 be noted.
2. That Council Report No. AR24/57233 titled 'Strategic Plan Annual Update be acknowledged as the final update for the City of Mount Gambier Strategic Plan 2020 – 2024.
3. That Council notes that the process to develop a new strategic plan for the next four years, scheduled for completion by November 2024, is now underway.

CARRIED

19.2 FINAL QUARTER REPORT ON ANNUAL BUSINESS PLAN 2023/2024 ANNUAL OBJECTIVES

RESOLUTION 2024/194

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

1. That Council Report No. AR24/10207 titled 'Final Quarter Report on Annual Business Plan 2023/2024 Annual Objectives' as presented on 20 August 2024 be noted.

CARRIED

Pursuant to Section 75 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 19.3.

In accordance with Section 75B Mayor Lynette Martin informed the meeting:

Nature of Interest:

I am president of the Association and a member of the Board.

Intention to Participate:

I will be leaving the meeting room such that I cannot view or hear any discussion (including questions) or voting at the meeting.

In accordance with Section 75B of the Local Government Act 1999 Mayor Lynette Martin left the meeting at 06:26 PM.

Cr Max Bruins as Deputy Mayor took the chair for Item 19.3.

19.3 LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION (LCLGA) BUSINESS PLAN 2024/2025

RESOLUTION 2024/195

Moved: Cr Sonya Mezinac

Seconded: Cr Josh Lynagh

1. That Council Report No. AR24/49057 titled 'Limestone Coast Local Government Association (LCLGA) Business Plan 2024/2025' as presented on 20 August 2024 be noted.
2. That Council support the Limestone Coast Local Government Association (LCLGA) Budget and Business Plan for the 2024/2025 financial year.
3. That an Elected Member Briefing be convened for the purpose of discussing future directions and priorities of the Limestone Coast Local Government Association (LCLGA).

CARRIED

Mayor Lynette Martin resumed the meeting at 06:28 pm and resumed the Chair.

19.4 2024 LGA ANNUAL GENERAL MEETING - ITEMS OF BUSINESS

RESOLUTION 2024/196

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council Report No. AR24/58438 titled '2024 LGA Annual General Meeting - Items of Business' as presented on 20 August 2024 be noted.
2. That Council endorse the following items of business as presented, for submission to the 2024 LGA Annual General Meeting (AGM):
 - (a) Ability to Raise Interim Rates.
 - (b) SA Water and Infrastructure to Support Housing.

CARRIED

19.5 FOOD BUSINESS ORGANICS COLLECTION TRIAL - FINAL REPORT

RESOLUTION 2024/197

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

1. That Council Report No. AR23/14990 titled 'Food Business Organics Collection Trial - Final Report' as presented on 20 August 2024 be noted.
2. That Council acknowledge the successful diversion of over 200 tonnes of food waste away from landfill to a commercial composting business that directly supports the local circular economy and provides sound environmental benefits for our community.

CARRIED

19.6 MOUNT GAMBIER AND DISTRICT SALEYARDS UPDATE

RESOLUTION 2024/198

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR24/54866 titled 'Mount Gambier and District Saleyards Update' as presented on 20 August 2024 be noted.
2. That Council reiterates it's in principle support for the Mount Gambier Districts Livestock 2030 Transformation Project, and continues to advocate for the project as appropriate.
3. That Council notes that the allocation of funding of \$38,500 for 2024/25 will not be required, and will be removed at Budget Review 1.
4. That Council notes that the details of any future application for funding or changes to scope will be presented to Council for consideration.



CARRIED

19.7 SUBMISSION - DOG AND CAT MANAGEMENT (CAT MANAGEMENT) AMENDMENT BILL 2024

RESOLUTION 2024/199

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR24/55695 titled 'Submission - Dog and Cat Management (Cat Management) Amendment Bill 2024' as presented on 20 August 2024 be noted.
2. That the submission to the Dog and Cat Management (Cat Management) Amendment Bill 2024 as attached to Report No. AR24/55695 be approved.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the document arising from feedback given at the meeting, and to make minor typographical or formatting corrections that do not materially impact the intention of the submission.

CARRIED

19.8 BUS PARKING ZONES - WEHL STREET SOUTH

RESOLUTION 2024/200

Moved: Cr Jason Virgo

Seconded: Cr Kate Amoroso

1. That Council Report No. AR24/55376 titled 'Bus Parking Zones - Wehl Street South' as presented on 20 August 2024 be noted.

That the Traffic Impact Statements attached to Report No AR24/55376, be endorsed.

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

Ref No. 2.1.087

BUS ZONE

WEHL STREET SOUTH (Western Side) – From 44.5 metres to 66.5 metres south of the intersection with Edward Street – 8.30am to 5:00pm.

Prohibited Area

Ref No. 2.1.088

BUS ZONE

WEHL STREET SOUTH (Western Side) – From 31.5metres to 48.5 metres south of the intersection with Shepherdson Road – 8.30am to 5:00pm.

Prohibited Area

Ref No. 2.1.089

BUS ZONE



WILLIAM STREET (Northern Side) – From 5 metres to 25 metres east of the intersection with Bertha Street – 8.30am to 5:00pm.

CARRIED

19.9 NO PARKING AND 15 MINUTE PARKING ZONES - BLACKWOOD STREET

RESOLUTION 2024/201

Moved: Cr Jason Virgo

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR24/56706 titled 'No Parking and 15 Minute Parking Zones - Blackwood Street' as presented on 20 August 2024 be noted.
2. That the Traffic Impact Statement and proposed area shown on the aerial map attached to Report No AR24/56706 be endorsed.

Prohibited Area

NO PARKING

Ref No. 1.2.075

BLACKWOOD STREET (northern side) - From 51.5 metres to 73.3 metres east of the intersection with Oak Street.

To apply from 7:30am to 9:30am and 2:30pm to 4:00pm

Prohibited Area

NO PARKING

Ref No. 1.2.076

BLACKWOOD STREET (southern Side) - From 34.8 metres to 81.5 metres east of the intersection with Oak Street.

To apply from 7:30am to 9:30am and 2:30pm to 4:00pm

Prohibited Area

15 MINUTE PARKING

Ref No. 3.5.101

BLACKWOOD STREET (northern Side) - From 78 metres to 87.5 metres east of the intersection with Oak Street.

To apply from 7:30am to 9:30am and 2:30pm to 4:00pm

CARRIED

19.10 INTERNAL REVIEW OF COUNCIL ACTIONS 2023/2024

RESOLUTION 2024/202

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR24/51064 titled 'Internal Review of Council Actions 2023/2024' as presented on 20 August 2024 be noted.
2. That the background and proposal contained in Council Report No. AR24/51064 relating to Section 270 of the Local Government Act 1999 be included in Council's 2023/2024 Annual Report.



CARRIED

19.11 POLICY REVIEWS

RESOLUTION 2024/203

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR24/44197 titled 'Policy Reviews' as presented on 20 August 2024 be noted.
2. That the following reviewed and updated policies as attached to Council Report No. AR24/44197 be endorsed:
 - U900 - Unsolicited Proposals
 - R200 - Community Land (Reserves) - Lease/Licence/Rental Arrangements
 - F225 - Fraud, Corruption, Misconduct and Maladministration Prevention Policy
 - Onsite Wastewater Systems *previously titled B150 - Building - Sewer Connections, Waste Management Control and Provision of Toilet Facilities*
3. That the following policies as attached to Council Report No. AR24/44197 be revoked:
 - D150 - Building and Swimming Pool Inspections
 - M225 - Members - Service Recognition

CARRIED

19.12 REVIEW OF COUNCIL DELEGATIONS UPDATE - AUGUST 2024

RESOLUTION 2024/204

Moved: Cr Sonya Mezinac

Seconded: Cr Frank Morello

1. That Council Report No. AR24/57775 titled 'Review of Council Delegations Update - August 2024' as presented on 20 August 2024 be noted.
2. That Council grants the delegation of powers and functions of the Council as provided for in the tables accompanying Council Report No. AR24/57775 to the person occupying or acting in the office of Chief Executive Officer of the Council pursuant to section 44 of the Local Government Act 1999.
3. The delegations granted in resolution (2) above 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

may, unless indicated by resolution or in the tables accompanying Council Report No. AR24/20938, be further sub-delegated by the Chief Executive Officer or delegate.

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 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 (Attachment 1 accompanying Report No. AR24/57775 and titled 'Delegations updates as at August 2024') 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) Such powers and functions delegated in resolution 4 (a) 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. General

The delegations granted in resolutions (2) to (4) 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) 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.
- (d) 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.
- (e) These delegations will come into operation on Wednesday 21 August 2024 and remain in force until varied or revoked by resolution of the Council.
- (f) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 21 August 2024.

CARRIED

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 Josh Lynagh informed the meeting:

Nature of Interest:

The motion asks for a letter to be sent to Claire Scriven MLC who I work for.

Intention to Participate:

I intend to stay in the meeting and vote on the matter. I will not move or second the motion, nor will I be engaging in discussion on the matter.

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 the motion. 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 Josh Lynagh remained in the meeting for Item 20.1.

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

20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - REQUEST FOR REVIEW INTO HIGH RISK INTERSECTION (BAY ROAD)

RESOLUTION 2024/205

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

1. That Council Report No. AR24/56014 titled 'Notice of Motion - Request for Review into High Risk Intersection (Bay Road)' as presented on 20 August 2024 be noted.
2. That Council write to Minister for Police, Emergency Services and Correctional Services (with responsibility for road safety), The Hon. Dan Cregan MP requesting an urgent formal review into the intersection on Bay Road and Lake Terrace high risk intersection, particularly noting the following:
 - The high number of motor vehicle accidents that occur at this intersection
 - The risk that accidents at this intersection pose to pedestrians
 - The broader impact of accidents at this intersection to the community given there is above ground electricity infrastructure situated in areas frequently damaged by motor vehicle accidents
 - The impact on residents and property owners in the vicinity of this intersection who frequently have boundary fences damaged
3. That a copy of the letter also be sent to following:
 - Troy Bell MP – Member for Mt Gambier
 - The Hon. Clare Scriven MLC - Minister for Primary Industries and Regional Development
 - The Hon. Ben Hood MLC – Shadow Minister Infrastructure and Transport Regional Roads and Government Accountability
 - The Hon. Vincent Tarzia MP – Leader of the Opposition

CARRIED

21 MOTIONS WITHOUT NOTICE

Nil



22 CONFIDENTIAL ITEMS OF COMMITTEES

CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 22 JULY 2024

22.1 INDEPENDENT REVIEW OF CHIEF EXECUTIVE OFFICER AND REMUNERATION REVIEW 2024 – REPORT NO. AR24/50717

RESOLUTION 2024/206

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, A Pasquazzi, K Rolton, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 22.2 AR24/50717 Independent Review of Chief Executive Officer and Remuneration Review 2024.

The Council is satisfied that, pursuant to section 90(3) (a) 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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- 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 subject matter includes information concerning the personal employment affairs of the Chief Executive Officer, Sarah Philpott for which a duty of confidence has been established.

CARRIED

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the meeting at 6:49pm

RESOLUTION 2024/207

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

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 22.2 AR24/50717 Independent Review of Chief Executive Officer and Remuneration Review 2024 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) and (g) 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 lapsed, to be reviewed at least once in every 12 month period, with the exception of the relevant salary register details which are to be updated within 28 days of any change in remuneration.

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

Mrs Sarah Philpott returned to the meeting at 6:51pm

CONFIDENTIAL ITEMS OF THE AUDIT AND RISK COMMITTEE HELD ON 29 JULY 2024

22.2 LEGAL/LITIGATION COST/LIABILITY (RISK) EXPOSURE – REPORT NO. AR24/43578

RESOLUTION 2024/208

Moved: Cr Sonya Mezinec

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, A Pasquazzi, K Rolton, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 22.4 AR24/43578 Legal/Litigation Cost/Liability (Risk) Exposure.

The Council is satisfied that, pursuant to section 90(3) (a), (b), (d), (f), (g), (h) 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 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

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or



- to confer a commercial advantage on a third party

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the:
 - prevention, detection, or investigation of a criminal offence, or
 - the right to a fair trial
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice
- 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 considered relates to litigation that has commenced and has been provided to Council on a strictly confidential basis.

CARRIED

RESOLUTION 2024/209

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 22.4 AR24/43578 Legal/Litigation Cost/Liability (Risk) Exposure 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), (d), (f), (g), (h) and (i) be kept confidential and not available for public inspection until further ordered by Council or released in part or full by the Chief Executive Officer under delegation, to be reviewed annually.
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 NEW CONFIDENTIAL ITEMS

23.1 UPDATE ON UNSOLICITED PROPOSAL - PROPERTY THIRD PARTY – REPORT NO. AR24/17886

RESOLUTION 2024/210

Moved: Cr Jason Virgo

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, A Pasquazzi, K Rolton, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR24/17886 Update on Unsolicited Proposal - Property Third Party.

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 includes the client details of the unsolicited proposal applicant, and the disclosure of Council's deliberations on the proposal would confer an advantage on the applicant and their client and prejudice the Council's commercial position in obtaining best value for the community from Council assets.

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 further discuss Item 23.1

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

Meeting Procedures were suspended at 06:53 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 07:11 PM

RESOLUTION 2024/211

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

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 AR24/17886 Update on Unsolicited Proposal - Property Third Party 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 further order of Council after the proposal contained in the report 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 the matter being settled, 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

23.2 CHIEF EXECUTIVE OFFICER KPI'S 2024/2025 – REPORT NO. AR24/57657

RESOLUTION 2024/212

Moved: Cr Frank Morello

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, A Pasquazzi, K Rolton, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR24/57657 Chief Executive Officer KPI's 2024/2025.

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 subject matter includes information concerning the personal employment affairs of the Chief Executive Officer, Sarah Philpott for which a duty of confidence has been established.

CARRIED

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the meeting at 7:12pm

RESOLUTION 2024/213

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 23.2 AR24/57657 Chief Executive Officer KPI's 2024/2025 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 the KPI's have been adopted 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

Mrs Sarah Philpott returned to the meeting at 7:13pm

23.3 WULANDA RECREATION AND CONVENTION CENTRE - PROJECT UPDATE - REPORT NO. AR24/56252

RESOLUTION 2024/214

Moved: Cr Sonya Meziniec
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, A Pasquazzi, K Rolton, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.3 AR24/56252 Wulanda Recreation and Convention Centre - Project Update.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (h) 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
- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Council's position in obtaining best value project delivery on behalf of the community.

CARRIED

RESOLUTION 2024/215

Moved: Cr Jason Virgo
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 23.3 AR24/56252 Wulanda Recreation and Convention Centre - Project 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) (b), (d), (g) and (h) be kept confidential and not available for public inspection until 12 months after completion of the project.
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 7:34pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 September 2024.



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PRESIDING MEMBER

