

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 21 MAY 2024 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Mark Lovett,
Cr Max Bruins, Cr Paul Jenner, 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 |
| | Manager Financial Services | - Mrs J Scoggins |
| | Manager Economy, Strategy and Engagement | - Mrs B Shearing |
| | Manager Operations Infrastructure | - Mr K Manarangi |
| | Manager Waste, ReUse and Environment | - Mr J Martin |
| | Manager Engineering, Design & Assets | - Mr A Mahmud |
| | Manager Organisational Development | - Ms L Little |
| | Media and Communications Coordinator | - Ms S McLean |
| | Executive Administrator | - Ms T Chant |

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

RESOLUTION 2024/93

Moved: Cr Frank Morello
Seconded: Cr Mark Lovett

That the apology(ies) from Cr Kate Amoroso and Cr Sonya Meziniec be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2024/94

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh



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

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - MAY 2024

- Meeting with Adrian Maywald – Executive Officer, LCLGA
- Mount Gambier 2035 – Meeting with Hon Ben Hood MLC, CEO Sarah Philpott and Manager Strategic Projects, Tegan McPherson
- Meeting with Mr Andrew van den Hurk – Mount Gambier & District Tennis Association, Tony Pasin MP, and CEO Sarah Philpott
- ANZAC Accolade – Wreath Laying Ceremony
- Meeting with Minister Scriven and CEO, Sarah Philpott
- Citizenship Ceremony
- LCLGA General Meeting & Strategic Planning Workshop
- Radio Interview with Llew Jones – 5GTR FM
- Meeting with Doug Mullen – Active8 Complex, and GMCRS Jane Fetherstonhaugh
- Photo opportunity with Troy Bell MP – Before the Bounce
- Meeting with Minister Koutsantonis MP (virtual)
- Meeting with Aboriginal Community Controlled Organisations
- Elected Member Briefing – Unsolicited Proposal
- Elected Member Briefing - Mount Gambier 2035 Update
- Meeting with Adrian Maywald – Executive Officer, LCLGA
- ANZAC Day Dawn Service, March and Wreath Laying Ceremony
- Meeting with Wayne Henry and Duncan Lock of Evergreen Built and CEO Sarah Philpott
- Mount Gambier History Group – Unveiling of Plaque of Carl Gustav Adolph Seigmund – designer of the Centenary Tower
- Meeting with Brad Shannon – Ramsay Avenue Traffic Management
- District Council of Grant Citizenship Ceremony
- Meeting with Enel Green Power
- Elected Member Briefing – Annual Business Plan and Budget Workshop 3
- Meeting with Basketball Mt Gambier, CEO Sarah Philpott, GMCI Barbara Cernovskis and GMCRS Jane Fetherstonhaugh
- Limestone Coast Family Violence Action Group Vigil
- Adelaide University Regional Engagement & Delivery Hubs Online Workshop (virtual)
- LCLGA Mayors Special Meeting (virtual)
- UniSA Graduation Ceremony



- Mount Gambier 2035 – Community Panel Session 1
- Generations in Jazz – National Stage Awards and Vocal Ensemble Awards, VIP Gala Dinner, Awards Ceremony and Concert
- Meeting with Adrian Maywald – Executive Officer, LCLGA
- Elected Member Briefing – Long Term Financial Plan and Infrastructure Asset Management Plans
- LCLGA Executive Officer Performance Review discussion with LCLGA Mayors
- Flag Raising Ceremony – World Red Cross Day
- LCLGA Mayors Catch up (virtual)
- Hype Dance 2024 Debutante Ball
- Mount Gambier 2035 Community Panel Session 2
- Meeting with Lauren Oxlade and Evan Flint – RDALC and CEO Sarah Philpott
- Confidential Elected Member Briefing – Budget and Waste Update
- Elected Member Briefing – Elector Representation Review
- Elected Member Briefing – Crater Lakes Trails Plan Update
- LGA Constitution Review Phase 2 Mayors Consultation – with LCLGA
- Special LCLGA Board meeting
- SAROC Meeting
- Volunteers Morning Tea
- Engagement meeting with ESCOSA
- Launch of RAA Charging Station
- Follow up meeting with Minister Koutsantonis
- Confidential Elected Member Briefing – Native Title Update

RESOLUTION 2024/95

Moved: Mayor Lynette Martin

Seconded: Cr Jason Virgo

That the Mayoral report made on 21 May 2024 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Josh Lynagh Citizenship Ceremony

Cr Jason Virgo Men's Shed cluster, Community Panel 2035.

Cr Paul Jenner Citizenship Ceremony – City Hall, Public Lighting Working Group, Makers and Farmers Market – Cave Gardens, ANZAC Day dawn service – Vansittart Park,



Boer War Memorial – Bay Road, Community Panel 2035 – City Hall – Session 2 – Morning, Alex Roberts 100 Mile Road Race – Cycling from Millard Street, saw cars in the RAA charging station today using the Sturt Street facility, Volunteers Morning Tea in City Hall.

Cr Max Bruins Men's Shed cluster gathering.

RESOLUTION 2024/96

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

That the reports made by Councillors on 21 May 2024 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - STRATEGIC PROJECTS

The following question on notice was received from Councillor Paul Jenner.

Question

A lot of work has been made on putting the budget together and Council acknowledges the three strategic projects – Asset Management Plan, Business System and Workforce Plans.

Please update the chamber on how these projects will benefit both Council and the community.

Response

General Manager Corporate and Regulatory Services provided the following response:

1. Asset Management Plan

- The Asset Management Plan (AMP) provides a comprehensive framework for managing council assets, leading to more informed and strategic decision-making.
- By maintaining and managing assets proactively, the AMP helps reduce long-term costs associated with repairs and maintenance
- The plan identifies potential risks and outlines mitigation strategies, ensuring that assets are safe and reliable.
- Efficient asset management means better maintained public facilities, roads, parks, and utilities, enhancing the overall quality of life.
- Regular maintenance and timely upgrades reduce the risk of asset failures, ensuring public safety.
- The community benefits from increased transparency regarding how public funds are used to maintain and improve local infrastructure.

2. Business System

- The business systems project will streamline internal processes, reducing paperwork and manual tasks, and improving overall productivity.
- Enhanced data collection and analysis capabilities will support better planning and resource allocation.
- An integrated business system ensures that various departments can work seamlessly together, using one source of truth.



- A modern business system can offer improved online services, making it easier for residents to access information and perform transactions with the council.
- Enhanced data analytics will enable the council to identify and address community needs more swiftly and effectively.

3. Workforce Plans

- The Workforce planning and service review will ensure that services align with the council's strategic goals and long-term vision, supporting sustainable development and growth
- It will ensure that the right number of employees with the appropriate skills are in place, optimizing staffing levels and reducing unnecessary labor costs.
- Succession planning by preparing for future leadership needs will ensure continuity and stability within the council.
- Reviews can introduce innovative practices and technologies, improving overall service efficiency and effectiveness.

In summary, these strategic projects are critical in driving efficiency, improving service delivery, and ensuring sustainable development, ultimately benefiting both the Council and the community.

7.2 QUESTION WITH NOTICE – SA WATER

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

Question

Have SA Water put a pause on all new major subdivision / development work in the City of Mount Gambier due to the sewer system being at capacity?

If so, when were council informed of this and what is being done to fix the issue which will have massive impacts on future growth of the city and the building industry.

Response

Chief Executive Officer provided the following response:

On receipt of the question on notice for the agenda, I contacted SA Water about the issue being raised by developers.

The advice which SA Water has provided is that Finger Point Wastewater Treatment Plan continues to safely accept and treat sewage from business and homes in Mount Gambier. They flagged that there is a high volume of wastewater applications not only in Mount Gambier but across the State and that, while development applications continue to be received and reviewed, their capacity to process applications has been impacted by that high volume. Further, SA Water advises that they are also underway on a Master Plan for Mount Gambier which considers growth scenarios for the next 30 years.

In relation to specifics, SA Water reports that there are some applications on the edges of the existing network, and require new infrastructure to provide water and waste water services. Some existing approvals may require an assessment if the nature of the development changes over time, or if the network usage has changed since initial pre-approval discussions.

Until this issue was raised, the Executive Team was unaware of the concerns, however, we started to receive informal communication about the concerns around the same time, including receiving an email documenting the concerns. We will continue to liaise with SA Water about the general issue and also the specifics where appropriate. We will keep in touch with the Office of Troy Bell as well given his advocacy for the same issue. We have also been in discussions with the new Housing Infrastructure Planning Development Unit, who are also working on behalf of the state to support underlying infrastructure for housing.



8 QUESTIONS WITHOUT NOTICE

Nil resolved

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 15/04/2024 TO 17/05/2024

RESOLUTION 2024/97

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/81513 titled 'Elected Member Information/Briefing Sessions from 15/04/2024 to 17/05/2024' as presented on 21 May 2024 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 16/04/2024

RESOLUTION 2024/98

Moved: Cr Frank Morello

Seconded: Cr Mark Lovett

1. That Council Report No. AR23/81539 titled 'Council Action Items - 16/04/2024' as presented on 21 May 2024 be noted.

CARRIED



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

Nil

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 16 APRIL 2024

RESOLUTION 2024/99

Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 16 April 2024 as attached be noted.

CARRIED

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 BUDGET REVIEW 3 2023/2024

RESOLUTION 2024/100

Moved: Cr Max Bruins
Seconded: Cr Jason Virgo

1. That Council Report No. AR24/31602 titled 'Budget Review 3 2023/2024' as presented on 21 May 2024 be noted.
2. That Council adopts the revised budget for the year ending 30 June 2024 as at 31 March 2024 (Budget Review 3) as attached to Report No. AR24/31602.

CARRIED

19.2 DRAFT 2024/2025 ANNUAL BUSINESS PLAN AND BUDGET FOR PUBLIC CONSULTATION

RESOLUTION 2024/101

Moved: Cr Paul Jenner



Seconded: Cr Mark Lovett

1. That Council Report No. AR24/31975 titled 'Draft 2024/2025 Annual Business Plan and Budget for Public Consultation' as presented on 21 May 2024 be noted.
2. That Council endorse the 2024/2025 Draft Annual Business Plan and Budget for public consultation as attached to Report No. AR24/31975.
3. That Council authorises the Chief Executive Officer to make any necessary changes to the draft 2024/2025 Annual Business Plan and Budget document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.
4. That a Special Council meeting be scheduled for Tuesday 18 June 2024 at 5:00pm at which members of the public may ask questions and make submissions on the draft 2024/2025 Annual Business Plan and Budget as part of its public consultation activities.

CARRIED

19.3 DRAFT LONG TERM FINANCIAL PLAN FOR PUBLIC CONSULTATION

RESOLUTION 2024/102

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR24/32051 titled 'Draft Long Term Financial Plan for Public Consultation' as presented on 21 May 2024 be noted.
2. That Council endorse the Draft Long Term Financial Plan 2025-2034 as attached to Report No. AR24/32051 for community consultation.
3. Authorises the Chief Executive Officer to make any necessary changes to the draft Long Term Financial Plan 2025-2034 document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

CARRIED

19.4 DRAFT ASSET MANAGEMENT PLANS (AMPS) 2025-2034 FOR PUBLIC CONSULTATION

RESOLUTION 2024/103

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR24/32627 titled 'Draft Asset Management Plans (AMPS) 2025-2034 for Public Consultation' as presented on 21 May 2024 be noted.
2. That Council endorse the following Draft Asset Management Plans 2025-2034 for community consultation:
 - Draft Asset Management Summary 2025-2034
 - Draft Infrastructure Asset Management Plan 2025-2034
 - Draft Plant and Equipment Asset Management Plan 2025-2034
 - Draft Buildings and Structures Asset Management Plan 2025-2034



3. That Council authorises the Chief Executive Officer to make any necessary changes to the draft Asset Management Plans 2025-2034 documents arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

CARRIED

Cr Mark Lovett left the meeting at 7:05 pm

19.5 ADOPTION OF SCHEDULE OF FEES AND CHARGES 2024/2025

RESOLUTION 2024/104

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR24/20873 titled 'Adoption of Schedule of Fees and Charges 2024/2025' as presented on 21 May 2024 be noted.
2. Council notes there are three fee authority categories: Statutory, Delegation and Council.
3. Council adopts the fees and charges set by Council included in the Schedule of Fees and Charges (Attachment 1)
4. Council notes the fees and charges set under delegation included in the Schedule of Fees and Charges (Attachment 1)
5. Council notes that the 12 new fees and charges for the Institute Building and 1 new fee for dog adoption as included in the Schedule of Fees and Charges (Attachment 1) will be effective immediately.
6. Council notes the fees and charges set by statute as contained in the Schedule of Fees and Charges (Attachment 1). These fees will be updated once gazetted.
7. That Council authorises the Chief Executive Officer or Delegate to make any necessary changes to the Schedule of Fees and Charges 2024/2025 arising from this meeting, together with any editorial amendments and changes that do not materially alter the integrity of the document.
8. That a further workshop be held on the Schedule of Fees and Charges before the end of this Calendar Year.

CARRIED

Cr Mark Lovett returned to the meeting at 7:06 pm

19.6 GRANTS AND SPONSORSHIP POLICY

RESOLUTION 2024/105

Moved: Cr Josh Lynagh

Seconded: Cr Frank Morello

1. That Council Report No. AR24/32700 titled 'Grants and Sponsorship Policy' as presented on 21 May 2024 be noted.



2. That the Grants and Sponsorship Policy as attached to Report AR24/32700 (Attachment 1) be endorsed to take effect from 1 July 2024.
3. That Policy D230 Donations Authority to Approve Requests be rescinded.
4. That the Grants and Sponsorship Assessment Panel Terms of Reference as attached to Report AR24/32700 (Attachment 2) be endorsed.
5. That Cr. Josh Lynagh and Cr Frank Morello be appointed to the Assessment Panel which expires November 2026 in line with Local Government Council Elections.

CARRIED

19.7 COMMUNITY PARTNER PROPOSAL 2024/2025 - PIONEERS BASKETBALL CLUB

RESOLUTION 2024/106

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR24/32705 titled 'Community Partner Proposal 2024/2025 - Pioneers Basketball Club' as presented on 21 May 2024 be noted.
2. That Council only consider financial support for the current 2024 Pioneers season.
3. That Council increase the financial support for the Pioneers Basketball Club 2024 season by \$15,000 to an amount of \$40,000 out of the current budget.
4. That an Elected Member workshop be scheduled to be conducted before the end of November 2024 to discuss Councils overall contribution to the Pioneers Basketball Club sponsorship and access to Wulanda, including representatives of Pioneers and Belgravia attending as appropriate to provide Council information.

CARRIED

19.8 QUARTERLY UPDATE - CITY OPERATIONS INFRASTRUCTURE - WORKS IN PROGRESS

RESOLUTION 2024/107

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Council Report No. AR24/11518 titled 'Quarterly Update - City Operations Infrastructure - Works in Progress' as presented on 21 May 2024 be noted.

CARRIED

19.9 WASTE ACTIVITIES AND MASTER PLANNING

RESOLUTION 2024/108

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello



1. That Council Report No. AR24/33573 titled 'Waste Activities and Master Planning' as presented on 21 May 2024 be noted.

CARRIED

19.10 DRAFT LOCAL AFFORDABLE HOUSING PLAN

RESOLUTION 2024/109

Moved: Cr Josh Lynagh

Seconded: Cr Frank Morello

1. That Council Report No. AR24/29427 titled 'Draft Local Affordable Housing Plan' as presented on 21 May 2024 be noted.
2. That Council endorses the Draft Local Affordable Housing Plan as attached and the commencement of community consultation.
3. That a report be presented back to Council to consider the community feedback.

CARRIED

19.11 RAILWAY LANDS PLAY SPACE - LEARN TO RIDE SPACE

RESOLUTION 2024/110

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR24/30771 titled 'Railway Lands Play Space - Learn to Ride Space' as presented on 21 May 2024 be noted.
2. That the concept plan of the Learn to Ride space as attached to this report AR24/30771 be referred to a council briefing before the June council meeting.
3. That the Youth Space concept plan and Nature Play concept plan be referred to a future Council Meeting.
4. That Council appropriately commemorates the contribution made by Mount Gambier Out of School Hours Care to the project.

CARRIED

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

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

Nature of Interest:

The news outlet I manage, Limestone Coast Community News, is mentioned by a number of respondents in the survey.

Intention to Participate:

I intend to stay in the meeting and vote on the matter. I will not second or move the motion or engage in discussion or debate 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 19.12.

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

19.12 COMMUNICATIONS SURVEY RESULTS AND DRAFT MEDIA AND COMMUNICATIONS STRATEGY

RESOLUTION 2024/111

Moved: Cr Mark Lovett

Seconded: Cr Paul Jenner

1. That Council Report No. AR24/33742 titled 'Communications Survey Results and Draft Media and Communications Strategy' as presented on 21 May 2024 be noted.
2. That the Media and Communications Strategy, as attached to Council Report No. AR24/33742 be endorsed.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 19.13.

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

Nature of Interest:

I work casually for the State Minister for Regional Development and this motion relates to the Federal department of Regional Development.

Intention to Participate:

I intend to stay in the meeting and vote on the matter. I will not move or second the motion or speak 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 19.13.

Having participated in the meeting for <enter Item No> Cr Josh Lynagh voted in favour of the motion.



19.13 STANDING COMMITTEE ON REGIONAL DEVELOPMENT, INFRASTRUCTURE AND TRANSPORT NATIONAL INQUIRY INTO LOCAL GOVERNMENT SUSTAINABILITY - DRAFT SUBMISSION

RESOLUTION 2024/112

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR24/30011 titled 'Standing Committee on Regional Development, Infrastructure and Transport National Inquiry into Local Government Sustainability - Draft Submission' as presented on 21 May 2024 be noted.
2. Council approves the submission as attached to this report, with the CEO authorised to make changes to the submission arising from feedback given at the meeting, and to make minor typographical corrections that do not materially impact the intention of the submission

CARRIED

19.14 INSTALLATION OF NO PARKING ZONES ON BLACKWOOD STREET (NORTHERN AND SOUTHERN SIDES)

RESOLUTION 2024/113

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Council Report No. AR24/27329 titled 'Installation of No Parking Zones on Blackwood Street (Northern and Southern Sides)' as presented on 21 May 2024 be noted.
2. That additional information be sought regarding the parking restrictions and the extent of the zone.
3. That a further report is to be provided to Council.

.CARRIED

19.15 INSTALLATION OF 4 DISABLED PERMIT PARKING ZONES IN THE STURT STREET CARPARK (NORTHERN SIDE)

RESOLUTION 2024/114

Moved: Cr Jason Virgo

Seconded: Cr Paul Jenner

1. That Council Report No. AR24/27406 titled 'Installation of 4 Disabled Permit Parking Zones in the Sturt Street Carpark (Northern Side)' as presented on 21 May 2024 be noted.
2. That the Traffic Impact Statement attached to Report No AR24/27406, be endorsed.
3. 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. 2.3.107

DISABLED PERMIT PARKING

STURT STREET CARPARK (Northern side) - 4 Disabled Permit Parking Zones

To apply at all times

CARRIED

19.16 INSTALLATION OF A 1 HOUR PARKING ZONE ON COMMERCIAL STREET EAST (SOUTHERN SIDE)

RESOLUTION 2024/115

Moved: Cr Frank Morello

Seconded: Cr Jason Virgo

1. That Council Report No. AR24/29308 titled 'Installation of a 1 Hour Parking Zone on Commercial Street East (Southern Side)' as presented on 21 May 2024 be noted.
2. That the Traffic Impact Statement and proposed area shown on the aerial map attached to Report No AR24/29308, be endorsed.
3. 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. 3.3.210

1 HOUR PARKING

COMMERCIAL STREET EAST (Southern Side) – From 12 metres to 18 metres West of the Intersection with Krummel Street.

To apply between 8.00am and 5.00pm Monday to Friday / 8.00am and 12 noon Saturday

CARRIED

19.17 POLICY REVIEWS

RESOLUTION 2024/116

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR24/33626 titled 'Policy Reviews' as presented on 21 May 2024 be noted.
2. The policies as attached to Report No. AR24/33626 be endorsed:
 - Council Policy O110 - Order Making
 - Council Policy R180 - Records Management
3. The new Council Policy - Library Collection Development as attached to Report No. AR24/33626 be endorsed.
4. That the following policies as attached to Report No. AR24/33626 be revoked having been replaced by the new Council Policy - Library Collection Development:



- Council Policy H120 - Historical Matters - Collection
- Council Policy H125 - Historical Matters - Copyright - Les Hill Collection

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

CARRIED

19.18 REVIEW OF COUNCIL DELEGATIONS UPDATE - MAY 2024

RESOLUTION 2024/117

Moved: Cr Mark Lovett

Seconded: Cr Frank Morello

1. That Council Report No. AR24/20938 titled 'Review of Council Delegations Update - May 2024' as presented on 21 May 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. AR24/20938 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 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 table accompanying Report No. AR24/20938 titled 'Provisions - Planning 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) 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) 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 22 May 2024 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 22 May 2024.

CARRIED

20 MOTIONS WITH NOTICE

Nil

21 MOTIONS WITHOUT NOTICE

21.1 MOTIONS WITHOUT NOTICE – SA WATER



RESOLUTION 2024/118

Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

1. That Council write to David Ryan - CEO of SA Water, seeking information as to why SA Water have provided no previous indication that the sewerage system in the City of Mt Gambier was as perilously close to reaching capacity and what emergency action are they taking to rectify the situation so as to not adversely affect the growth of the City of Mt Gambier.
2. That Council write to Premier Peter Malinauskas, Nick Champion MP – Minister for Housing & Urban Development, Housing Infrastructure and Planning and Stephen Mullighan MP - Treasurer, seeking information as to how the SA Water forward infrastructure planning could be handled so poorly that we find ourselves in the current situation which will have devastating financial implications across our city for years to come and what plans the government have to rectify the situation.
3. That the Mayor, CEO & Manager of Development Services urgently request a meeting with Mr Troy Bell MP (Member for Mt Gambier) & Mr Nick McBride (Member for MacKillop) to discuss the matter in detail and work collaboratively in forming a plan to rectify the situation.

CARRIED

22 CONFIDENTIAL ITEMS OF COMMITTEES

22.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 16 APRIL 2024

22.2 INDEPENDENT SPECIALIST SUPPORT SELECTION – REPORT NO. AR24/24508

RESOLUTION 2024/119

Moved: Cr Jason Virgo
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 Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, J Scoggins, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 22.2 AR24/24508 Independent Specialist Support Selection.

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

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.

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 relates to consideration of submissions for the provision of consultancy services which includes commercial information the disclosure of which would confer benefit on third parties and prejudice the commercial position of Council in obtaining best value on behalf of the community.

CARRIED

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 AR24/24508 Independent Specialist Support Selection 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 2 years have elapsed with the name and value of the selected supplier be released immediately upon execution of a contract.
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*.

23 NEW CONFIDENTIAL ITEMS

23.1 AF24/15 TENDER - PROCUREMENT - SUPPLY AND PLACEMENT OF BITUMEN – REPORT NO. AR24/31841

RESOLUTION 2024/120

Moved: Cr Mark Lovett
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 Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, J Scoggins, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR24/31841 AF24/15 Tender - Procurement - Supply and Placement of Bitumen.

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

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

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 tenders for the supply of goods, or the provision of services, or the carrying out of works.

CARRIED

RESOLUTION 2024/121

Moved: Cr Max Bruins

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 23.1 AR24/31841 AF24/15 Tender - Procurement - Supply and Placement of Bitumen 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 (k) be kept confidential and not available for public inspection until 12 months after the completion of the tender works, with the name of the successful tenderer and the tender contract value to be disclosed following execution of a contract.
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 AF24/16 TENDER - PROCUREMENT - SUPPLY, DELIVERY AND PLACEMENT OF ASPHALT – REPORT NO. AR24/31855

RESOLUTION 2024/122

Moved: Cr Jason Virgo
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 Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, J Scoggins, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR24/31855 AF24/16 Tender - Procurement - Supply, Delivery and Placement of Asphalt.

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

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

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 tenders for the supply of goods, or the provision of services, or the carrying out of works..

CARRIED

RESOLUTION 2024/123

Moved: Cr Mark Lovett
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 AR24/31855 AF24/16 Tender - Procurement - Supply, Delivery and Placement of Asphalt and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 12 months after the completion of the tender works, with the name of the successful tenderer and the tender contract value to be disclosed following execution of a contract.
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



23.3 AF24/8 TENDER - PROCUREMENT - ANNUAL MAINTENANCE OF AIR CONDITIONING PLANT AND EQUIPMENT – REPORT NO. AR24/32482

MOTION

Moved: Cr Mark Lovett

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 Council Officers, S Philpott, B Cernovskis, J Fetherstonhaugh, J Scoggins, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.3 AR24/32482 AF24/8 Tender - Procurement - Annual Maintenance of Air Conditioning Plant and Equipment.

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

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

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 tenders for the supply of goods, or the provision of services, or the carrying out of works.

RESOLUTION 2024/124

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 AR24/32482 AF24/8 Tender - Procurement - Annual Maintenance of Air Conditioning Plant and Equipment and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 12 months after the completion of the tender works, with the name of the successful tenderer and the tender contract value to be disclosed following execution of a contract.
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 7:48pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 June 2024.

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PRESIDING MEMBER

