

## **MINUTES OF ORDINARY COUNCIL MEETING**

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Tuesday, 21 November 2017 at 6.00 p.m.

**PRESENT**

Mayor Andrew Lee  
Cr Christian Greco  
Cr Mark Lovett  
Cr Josh Lynagh  
Cr Sonya Meziniec  
Cr Frank Morello  
Cr Hanna Persello  
Cr Penny Richardson  
Cr Ian Von Stanke

**COUNCIL OFFICERS**

Chief Executive Officer	-	Mr M McShane
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Infrastructure	-	Mr N Serle
Manager Governance and Property	-	Mr M McCarthy
Media and Communications Coordinator	-	Ms S McLean
Administrative Officer Executive Support	-	Mrs F McGregor

**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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

### **1. APOLOGIES**

Apologies received from Cr Des Mutton and Cr Steven Perryman.

That the apology from Cr Des Mutton and Cr Steven Perryman be received.

Moved: Cr Morello

Seconded: Cr Lovett

Carried

### **2. LEAVE OF ABSENCE**

Nil



### 3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 17 October 2017.

That the minutes of the Ordinary Council meeting held on 17 October 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Mezinec

Seconded: Cr Greco

Carried

Permission was given from Mayor Lee for a presentation from Council Officer Jessica Porter, Planning Officer regarding the Planning Institute Awards. The presentation to Elected Members of three Awards was given, acknowledging Council's first place in the categories Great Place, Plan to Place and the Planning Minister's Award for the Rails Lands Development.

### 4. MAYORAL REPORT - Ref. AF11/881

That the Mayoral report made on 21 November 2017 be received.

- Presentation to Operation Flinders
- Meeting with South Australian Libraries Board
- SEGRA National Conference in Port Augusta
- Launch of 2017 Christmas Appeal
- Meeting with COTA SA Chief Executive
- Lower South East Legacy Widows Afternoon Tea
- MacDonal Park Primary School Students Chamber Visit
- Cross Border Joint Council Dinner Meeting, hosted by District Council of Grant
- 34<sup>th</sup> Birthday Celebration – Pine City Twirlers
- Presentation at Public Hearing in Murray Bridge – House of Representatives Select Committee on Regional Development and Decentralisation
- Citizenship Ceremony
- Presentation of 2017 Seniors Awards
- Meeting with NBN Representatives
- Reidy Park Primary School Students Chamber Visit
- Meeting with Attorney General in Adelaide re Community Legal Services
- Attendance and Wreath Laying at Remembrance Day Ceremony
- Strategic Standing Committee Meeting
- Operational Standing Committee Meeting
- Morning Tea and discussion with residents at Woodlands Retirement Village
- 2017 LGA Conference and AGM in Adelaide
- 2017 Mount Gambier Christmas Parade
- Welcome to Lions Brass Band Festival in Cave Gardens
- Morning Tea and discussion with residents at Hallmont Estate Retirement Village
- St Martins Lutheran College Valedictory Service

Moved: Cr Richardson

Seconded: Cr Von Stanke

Carried



## 5. REPORTS FROM COUNCILLORS - Ref. AF11/882

Cr Josh Lynagh Christmas Parade

Cr Sonya Mezinec Joint Council's Dinner Meeting, Opening of Art Exhibition at Chapel Suttontown, WIRBD Breakfast – Encouraging Women nominate for next LG Elections, Country Arts Season 2018 Launch, Remembrance Day Service at St Marys

Cr Frank Morello Public Art Selection Panel – Percy Street and Ripley Arcade

Cr Hanna Persello Meals on Wheels AGM and Awards Dinner, Reconciliation Action Plan Focus Group, Remembrance Day Service – Vansittart Park, Suicide Survivor Day Memorial Reflective Garden, Mental Health Network/Suicide Prevention Network Meeting, Uniting Care Christmas Appeal (Target), launched by Troy Bell.

Cr Penny Richardson HAC AGM, Committee to choose Public Art, WIRBD Breakfast Meeting

Cr Morello left the meeting at 6.16 p.m. and returned at 6.18 p.m.

That the reports made by Councillors on 21 November 2017 be received.

Moved: Cr Lovett

Seconded: Cr Greco

Carried

## 6. QUESTIONS

### 6.1. With Notice

Nil submitted.

### 6.2. Without Notice

Nil Recorded.

## 7. PETITIONS

Nil

## 8. DEPUTATIONS

Mayor Lee has granted his permission for a presentation by Willie Van Niekerk, General Manager Green Triangle and Anne Kerr, Sustainability & Corporate Affairs Manager of OneFortyOne Plantations.



Cr Lovett left the meeting at 6.27 p.m. and returned at 6.29 p.m.

**9. NOTICE OF MOTION TO RESCIND**

Nil

**10. ELECTED MEMBERS WORKSHOPS (INFORMAL GATHERINGS) - Ref. AF15/83**

23/10/2017	Tennis SA Presentation
6/11/2017	Bentley Effect

That the Record of Proceedings for the Tennis SA Presentation Workshop held 23/10/2017 and the Bentley Effect Workshop held 6/11/2017 respectively be received and the contents noted.

Moved: Cr Richardson

Seconded: Cr Meziniec

Carried

**11. ELECTED MEMBER TRAINING AND DEVELOPMENT - Ref. AF11/903**

Nil submitted.

**12. COUNCIL ACTION ITEMS - Ref. AF17/225, AF17/228**

Items referred to the Council Meeting held 17 October 2017.

That the Action Items referred to the Council Meeting held 17 October 2017 be received.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried



### 13. COMMITTEE MINUTES AND RECOMMENDATIONS

#### 13.1. Minutes of Strategic Standing Committee – 13 November 2017

That the minutes of the Strategic Standing Committee meeting held 13 November 2017 be noted.

Moved: Cr Lynagh

Seconded Cr Mezinec

Pursuant to Division 3 - Conflict of Interest, Section 75 of the Local Government Act 1999, Cr Lovett disclosed an actual conflict of interest in Item 13.2:

*“Being a descendant to one of the apical ancestors and a signed applicant with the Native Title Claim of the First Nations of the South East”.*

In accordance with Section 75A of the Local Government Act 1999 Cr Lovett dealt with the Conflict of Interest by not participating in the meeting and left the room at 6.44 p.m.

#### 13.2. First Nations of the South East Native Title Claim - Report No. AR17/43714

- (a) That Strategic Standing Committee Report No. AR17/43714 titled ‘*First Nations of the South East Native Title Claim*’ and represented to the Council on 21 November 2017 be noted with the change on page 2 “tabled with the Aboriginal Elders Group for information” not “This matter has also been raised with the Reconciliation Action Plan Focus Group for information”.
- (b) That Council engage Norman Waterhouse Lawyers to represent Council in conjunction with the other Limestone Coast Councils on matters relating to the First Nations of the South East Native Title Claim.
- (c) That Council Register to become a party to proceedings if the First Nations of the South East’s Native Title Claim (No 1) is registered by the National Native Title Tribunal and that the Chief Executive Officer and Mayor be authorised to execute any documentation necessary to give effect to this resolution.

Moved: Cr Lynagh

Seconded: Cr Mezinec

Carried

Cr Lovett returned to the meeting at 6.45 p.m.



### 13.3. Olympic Park Tennis Proposal - Report No. AR17/43678

- (a) That Strategic Standing Committee Report No. AR17/43678 titled '*Olympic Park Tennis Proposal*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That Council commits a \$400,000 financial contribution toward the Olympic Park Tennis Redevelopment Proposal to be funded from Council's Cash Advance Debenture facility and/or capital budget over the 2018/2019 and/or 2019/2020 financial years conditional upon the proponents securing full funding commitments for the estimated \$1,200,000 proposal.
- (c) The Chief Executive Officer and Mayor be authorised to negotiate and execute funding, development and land tenure agreements for the proposed development of the Olympic Park Tennis Facilities.

Moved: Cr Lynagh

Seconded: Cr Meziniec

Carried

### 13.4. Governance Review of Confidentiality Orders - Report No. AR17/42663

- (a) That Strategic Standing Committee Report No. AR17/42663 titled '*Governance Review of Confidentiality Orders*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the following Confidential Orders, having been reviewed by Council, remain in operation on the grounds provided within Attachment 1 to Report AR17/42663:
  - i. Council 20/09/2016 – Corporate and Community Services Committee 12/03/2016 – Item 12 DEVELOPMENT CONTROL - Development Applications - Environment Resources Development (ERD) Court Actions – Ref. AF12/246.
  - ii. Council 18/10/2016 – Operational Services Committee 11/10/2016 – Item 10 FINANCIAL MANAGEMENT - Caroline Landfill - Economic Analysis - Ref. AF16/159.
  - iii. Council 18/10/2016 – Operational Services Committee – 11/10/2016 - Item 13 OPERATIONAL SERVICES REPORT NO. 7/2016 - Tender AF16/277 - Caroline Landfill Development (Stage 3) Construction of Cell 3 (B & C) and Leachate Pond 4.
  - v. Council (Special) 31/01/2017 – Item 1 Allegations regarding Mayor Andrew Lee to be referred to ICAC – Ref. AF13/275.



- (c) The following confidential order having been reviewed by Council be released immediately following the Council meeting on 21 November 2017
- iv. Council (Special) 5/12/2016 – Item 1 STRATEGIC MANAGEMENT – Best People Best Community – Council’s Organisation Structure – Ref. AF16/185.

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried

**13.5. Leasing - Blue Lake Golf Course - Report No. AR17/41635**

- (a) That Strategic Standing Committee Report No. AR17/41635 titled '*Leasing – Blue Lake Golf Course*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the Chief Executive be authorised to commence public consultation on a proposed lease and licence areas for the Blue Lake Golf Course and Driving Range allotments shown as Areas “A”, “B” and “C” in the plans attached to Report No. AR17/41635 on ‘community terms’ for a period to 31 October 2035.
- (c) A further report to be presented for Council to consider any submissions received on the proposed leases of the Blue Lake Golf Course and whether to grant leases to the Queen Elizabeth Park Trust.
- (d) In the event that no submissions are received or no submissions are received objecting to the proposal, the Chief Executive Officer be authorised to negotiate, have prepared and to affix the Council seal to any documents necessary to give effect to a lease and licence for the Blue Lake Golf Course and Driving Range allotments located on Grant Avenue and shown as Areas “A”, “B” and “C” in the plans attached to Report No. AR17/41635 on Grant Avenue to the Queen Elizabeth Park Trust.

Moved: Cr Lynagh

Seconded: Cr Von Stanke

Carried

**13.6. Governance – Council / Strategic Standing Committee Meeting Arrangements for January 2018 - Report No. AR17/43492**

- (a) That Strategic Standing Committee Report No. AR17/43492 titled '*Governance – Council / Strategic Standing Committee Meeting Arrangements for January 2018*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.



- (b) The Strategic Standing Committee meeting scheduled for 8 January 2018 be cancelled and all items referred directly to the full Council meeting in January 2018 with agenda items closing on Friday 5 January 2018.
- (c) That the Council meeting calendar be prepared to reflect this resolution.

Moved: Cr Lynagh

Seconded: Cr Meziniec

Carried

**13.7. Precinct Activation Model for Prioritised Strategic Projects - Report No. AR17/45449**

- (a) That Strategic Standing Committee Report No. AR17/45449 titled 'Precinct Activation Model for Prioritised Strategic Projects' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That Council endorse the proposed precinct activation model and the proposed Strategic Planning Precinct Implementation Program contained in 'Strategic Standing Committee Report No. AR17/45449 - Precinct Activation Model for Prioritised Strategic Projects.'

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried

**13.8. Initial Public Wi-Fi Project - Report No. AR17/37775**

- (a) That Operational Standing Committee Report No. AR17/37775 titled '*Initial Public Wi-Fi Project*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That Council accept the quotation from TDRS and proceed with the proposed installation of the Wi-Fi hardware at the Blue Lake, Umpherston Sinkhole and Railway Lands.

Moved: Cr Lynagh

Seconded: Cr Meziniec

Carried





**13.9. Quarter One Budget Review for Financial Year Ending 30 June 2018 - Report No. AR17/44973**

- (a) That Strategic Standing Committee Report No. AR17/44973 titled '*Quarter One Budget Review for Financial Year Ending 30 June 2017*' as represented to the Council Meeting on 21 November 2017 be noted with the change "Item 14.03 *Mount Gambier Community RSL Discretionary Rate Rebate* has resulted in a \$14,000 increase to Rate Rebates for 2017/2018" from "Item 14.03 *Mount Gambier Community RSL Discretionary Rate Rebate* has resulted in a \$14,000 reduction to Rate Rebates for 2017/2018".
- (b) That Council adopts the Quarter One Budget Review (BR1) for the financial year 1 July 2017 to 30 June 2018 as detailed in Attachment 1 of the report titled '*Quarter One Budget Review for the Financial Year Ending 30 June 2018*' and dated 5 November 2017 which reflects a \$533,500 forecast deficit. Council notes that majority of the movement is largely attributable to the SA Government Grants Commission's 50% forward payment actually received in late June of the 2016/17 financial year. This forward payment resulted in an actual operating surplus in the 2016/17 financial year and subsequently a forecast deficit in the 2017/18 financial year. An adjustment of approximately \$960,000 is reflected in BR1 for 2017/18. If the SA Government Grants Commission's 50% forward payment had been received in the 2017/18 financial year, BR1 would result in an estimated operating surplus of \$426,500.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried

**13.10. Local Government Professionals Australia Rural Management Challenge - 12 October 2017 - Report No. AR17/45241**

- (a) That Strategic Standing Committee Report No. AR17/45241 titled '*Local Government Professionals Australia Rural Management Challenge - 12 October 2017*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Meziniec

Carried



**13.11. Update on Tourism Mount Gambier - Report No. AR17/45556**

- (a) That Council Report No. AR17/45556 titled '*Update on Tourism Mount Gambier*' as presented to Council on 21 November 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Lovett

Carried

**13.12. Policy Review - E135 Encroachments / Protection of Public during Building / Maintenance Work over Public Places - Report No. AR17/44080**

- (a) That Strategic Standing Committee Report No. AR17/44080 titled '*Policy Review - E135 Encroachments / Protection of Public during Building / Maintenance Work over Public Places*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*Policy Review - E135 Encroachments / Protection of Public during Building / Maintenance Work over Public Places*' as attached to the Strategic Standing Committee Report No. AR17/44080 be adopted.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried

**13.13. Policy Review - R270 Road Pavement Excavation and Reinstatement Of - Report No. AR17/34513**

- (a) That Strategic Standing Committee Report No. AR17/34513 titled '*Policy Review - R270 Road Pavement Excavation and Reinstatement Of*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*R270 Road Pavement Excavation and Reinstatement Of*' as attached to the Strategic Standing Committee Report No. AR17/34513 be adopted.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried



**13.14. Policy Review - W115 Waste Management - Receival of Waste - Caroline Landfill - AR17/45432**

- (a) That Strategic Standing Committee Report No. AR17/45432 titled '*Policy Review - W115 Waste Management - Receival of Waste - Caroline Landfill*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*Policy Review - W115 Waste Management - Receival of Waste - Caroline Landfill*' as attached to the Strategic Standing Committee Report No. AR17/45432 be adopted.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried

**13.15. Policy Review – R180 Administration – Records Management - Report No. AR17/37214**

- (a) That Strategic Standing Committee Report No. AR17/37214 titled '*Policy Review – R180 – Administration – Records Management*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*R180 Administration – Records Management*' be adopted as attached to Strategic Standing Committee Report No. AR17/37214.

Moved: Cr Lynagh

Seconded: Cr Lovett

Carried

**13.16. Policy Review - E240 Expiation Notice - Cancellation and Waiver - Report No. AR17/45051**

- (a) That Strategic Standing Committee Report No. AR17/45051 titled '*Policy Review - E240 Expiation Notice - Cancellation and Waiver*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*E240 Expiation Notice - Cancellation and Waiver*' as attached to the Strategic Standing Committee Report No. AR17/45051 be adopted.

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried



**13.17. Policy Review - A170 Advertising and Signage - Report No. AR17/45074**

- (a) That Strategic Standing Committee Report No. AR17/45074 titled '*Policy Review – A170 Advertising and Signage*' as presented to the Strategic Standing Committee on 13 November 2017 be noted.
- (b) That the updated Council Policy '*A170 Advertising and Signage*' as attached to the Strategic Standing Committee Report No. AR17/45074 be adopted.

Moved: Cr Lynagh

Seconded: Cr Lovett

Carried

**13.18. Minutes of Operational Standing Committee – 14 November 2017**

That the minutes of the Operational Standing Committee meeting held 14 November 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

**13.19. Minutes of Environmental Sustainability Sub-Committee - 7 November 2017**

That the minutes of the Environmental Sustainability Sub-Committee meeting held 7 November 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Mezinec

Carried

**13.20. Sustainable Developments and Efficient Homes Project 2015-2016 - Report No. AR17/39555**

- (a) That Environmental Sustainability Sub-Committee Report No. AR17/39555 titled '*Sustainable Developments and Efficient Homes Project 2015-2016*' as presented to the Environmental Sustainability Sub-Committee on 7 November 2017 be noted.
- (b) That Council staff further investigate the possibility of influencing developments to go beyond the minimum requirements of the building code.
- (c) That the Efficient Homes Project be continued.
- (d) That the matter be presented to the LCLGA Climate Change Adaption Committee via Council representative.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried



**13.21. Environmental Sustainability Sub-Committee Terms of Reference Update - Report No. AR17/39477**

- (a) That Environmental Sustainability Sub-Committee Report No. AR17/39477 titled '*Environmental Sustainability Sub-Committee Terms of Reference Update*' as presented to the Environmental Sustainability Sub-Committee on 7 November 2017 be noted.
- (b) That the Environmental Sustainability Sub-Committee Terms of Reference section 5.1 be updated to comprise four (4) City of Mount Gambier Elected Members.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried

**13.22. ReUse Market Update - October 2017 - Report No. AR17/39533**

- (a) That Environmental Sustainability Sub-Committee Report No. AR17/39533 titled '*ReUse Market Update*' as presented to the Environmental Sustainability Sub-Committee on 7 November 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

**13.23. Caroline Landfill Waste to Energy Pre-Feasibility Study - Report No. AR17/43576**

- (a) That Environmental Sustainability Sub-Committee Report No. AR17/43576 titled '*Caroline Landfill Waste to Energy Pre-Feasibility Study*' as presented to the Environmental Sustainability Sub-Committee on 7 November 2017 be noted.
- (b) That Council staff keep a watching brief on the waste to energy sector, with particular attention to options that may become feasible for the City of Mount Gambier.

Moved: Cr Von Stanke

Seconded: Cr Morello

Carried

**13.24. Minutes of Heritage Sub-Committee - 25 October 2017**

That the minutes of the Heritage Sub-Committee meeting held 25 October 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried



**13.25. Heritage Advisor Report - September 2017 - Report No. AR17/43013**

(a) That Heritage Sub-Committee Report No. AR17/43013 titled 'Heritage Advisory Report - September 2017 as presented to the Heritage Sub-Committee on 25 October 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

**13.26. Governance - Heritage Committee - Development of Work Plan - Ref. AF17/294**

That the following items form the basis of the Heritage Sub-Committee work plan to be further developed and prioritised for implementation:

- Lake Terrace Cemetery Preservation
- Social History Exhibitions (e.g. projection of historical civic leaders on screens)
- Oral history project (with students)
- Acquire and preserve WIN TV film archive
- Preserve Old School - Sturt Street
- Celebrate 175 years of Mount Gambier - 10 May 2022
- List history resources available
- Women's history of Mount Gambier
- Celebrate Bi centenary of SA - 2036
- Host Stakeholder group meeting
  - City of Mount Gambier Heritage and Library
  - Heritage Group
  - National Trust
  - RSL
  - Stakeholder - group meeting
- Promote Sir Robert Helpmann
- Extend historic bollards
- Identify and promote Boandik sites of cultural significance
- Establish a Pioneer Walk: (e.g. buy a brick)
- Writing history classes
- Establish long term heritage action plan
- Street names signage historical list (update digitalising and make available online)
- Preserve Moorak Station (Tenison Woods)
- Migrant History

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried



**13.27. Governance - Heritage Committee - Rook Walk Celebration - Verbal Report - Ref. AF17/294**

- (a) That Council recognise the 100 year anniversary of the establishment of Rook Walk and support the development of an event or series of events to bring together and engage the community in celebrating the milestone.
- (b) The Heritage Sub-Committee will develop the structure of the event/s and the associated budget for further consideration by Council.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried

**13.28. Minutes of Junior Sports Assistance Committee - 4 October 2017**

That the minutes of the Junior Sports Assistance Committee meeting held 4 October 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

**13.29. Statement of Revenue and Expenditure for Year Ended 30/06/2017 - Report No. AR17/36963**

- (a) That Junior Sports Assistance Fund Committee Report No. AR17/36963 titled '*Statement of Revenue and Expenditure for Year Ended 30/06/2017*' dated 12 September 2017 as presented to the Junior Sports Assistance Fund Committee on 4 October 2017 be noted.
- (b) The Statement of Income and Expenditure for period ended 30 June, 2017 detailing payments to or payments from the Fund with a 30 June 2017 cash balance of \$76,612.79 be received.

Moved: Cr Von Stanke

Seconded: Cr Lovett

Carried



**13.30. General Developments of the Fund since Thirty First Annual Meeting - Report No. AR17/36975**

- (a) That Junior Sports Assistance Fund Committee Report No. AR17/36975 titled '*General Developments of the Fund since Thirty First Annual Meeting*' dated 12 September 2017 as presented to the Junior Sports Assistance Fund Committee on 4 October 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Mezinec

Carried

**13.31. Members Organisation Contributions 2017/2018 - Report No. AR17/37006**

- (a) That Junior Sports Assistance Fund Committee Report No. AR17/37006 titled '*Member Organisations Contributions 2017/2018*' dated 12 September 2017 as presented to the Junior Sports Assistance Fund Committee on 4 October 2017 be noted.
- (b) The Member Organisation contributions for the 2017/2018 financial year continue to be based on the funding formula as adopted at the Annual Meeting of Members held on 2<sup>nd</sup> August 2005 and as attached to this agenda (in respect of the required 2017/2018 contributions).
- (c) The "previous five (5) year annual average" be interpreted and calculated on a rolling basis i.e. the previous five (5) year annual average include the then financial year just ended so that the Member Organisation contributions reflect the most current figures and the minimum payment of \$400 and the maximum payment of \$800 apply for the 2017/2018 financial year.

Moved: Cr Von Stanke

Seconded: Cr Persello

Carried

**13.32. Minutes of Mount Gambier Building Fire Safety Committee - 3 November 2017**

That the minutes of the Mount Gambier Building Fire Safety Committee meeting held 3 November 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried





**13.33. Works in Progress - City Infrastructure - Report No. AR17/44839**

- (a) That Operational Standing Committee Report No. AR17/44839 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 14 November 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

**13.34. Governance - Council / Operational Standing Committee Meeting Arrangements for January 2018 - Report No. AR17/43415**

- (a) That Operational Standing Committee Report No. AR17/43415 titled '*Governance - Operational Standing Committee Meeting Arrangements for January 2017*' as presented to the Operational Standing Committee on 13 November 2017 be noted.
- (b) The Operational Standing Committee meeting scheduled for 9 January 2018 be cancelled and all items referred directly to the full Council meeting in January 2018 with agenda items closing on Friday 5 January 2018.
- (c) That the Council meeting calendar be prepared / updated to reflect this resolution.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

**13.35. Junior Sports Assistance Fund Secretary - Report No. AR17/43897**

- (a) That Operational Standing Committee Report No. AR17/43897 titled '*Junior Sports Assistance Fund Secretary*' as presented to the Operational Standing Committee on 14 November 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Lovett

Carried



Pursuant to Division 3 - Conflict of Interest, Section 75 of the Local Government Act 1999, Cr Morello disclosed actual conflict of interest in Item 13.36:

*“Employed with Country Arts SA, co-owner of the Civic Centre building”.*

In accordance with Section 75A of the Local Government Act 1999 Cr Morello dealt with the Conflict of Interest by not participating in the meeting and left the room at 7.09 p.m.

**13.36. Design and Construction of Civic Centre Flytower Façade - Project Completion - Report No. AR17/43690**

- (a) That Operational Standing Committee Report No. AR17/43690 titled *‘Design and Construction of Civic Centre Flytower Façade - Project Completion’* as presented to the Operational Standing Committee on 14 November 2017 be noted.
- (b) That Council authorise the Chief Executive Officer to amend the contract with Dycer Construction for the Civic Centre Flytower Upgrade to a final contract amount of \$1,386,000 (plus GST) including contingencies and professional fees.
- (c) That Country Arts SA be invoiced for 50% of the works, including professional fees.
- (d) That Council refer the estimated shortfall of \$8,000 between its current budget allocation (\$685,000, 16/17 and 17/18) and the final contract price including professional fees to a future budget review, with the view that the increased costs be offset by reductions in expenditure within the Capital Works Program (resulting in a nil impact on the budget).

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

Cr Morello returned to the meeting at 7.11 p.m.

**13.37. Drift Challenge Australia - King of the Hill National Drift Event 2018 - Valley Lake - 16/02/2018 - 18/02/2018 - Report No. AR17/44158**

- (a) That Operational Standing Committee Report No. AR17/44158 titled *‘Drift Challenge Australia - King of the Hill National Drift Event 2018 - Valley Lake - 16/02/2018 - 18/02/2018’* as presented to the Operational Standing Committee on 14 November 2017 be noted.
- (b) That Council approve the closure of the Valley Lake precinct from Thursday, 15 February 2018 to Monday, 19 February 2018 inclusive to allow for the event to be held.



- (c) That Council provide in-kind support up to the value of \$2,000 to assist with closure of the Valley Lake precinct, track sweeping, waste management, grandstands and fencing.
- (d) That approval is conditional upon an appropriate Risk, Safety and Traffic Management plan, receipt of a Certificate of Currency for Public Liability insurance to be provided at least two months prior to the event and all approvals received from relevant authorities.

Moved: Cr Von Stanke

Seconded: Cr Lynagh

Carried

**13.38. 2018 Local Government Election Update - Report No. AR17/43713**

- (a) That Operational Standing Committee Report No. AR17/43713 titled '*2018 Local Government Election Update*' as presented to the Operational Standing Committee on 14 November 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

**13.39. Exhibition - Ancient Rome: The Empire that Shaped the World - Report No. AR17/45747**

- (a) That Operational Standing Committee Report No. AR17/45747 titled '*Exhibition - Ancient Rome: The Empire that Shaped the World*' as presented to the Operational Standing Committee on 14 November 2017 be noted.
- (b) That Council support the proposal as presented for '*Ancient Rome: The Empire that Shaped the World*' for the period 16 August 2019 - 10 November 2019 be supported and the 2018-2019 and 2019-2020 budget incorporate both the expenditure and anticipated income.
- (c) That Council, once costs have been recovered for *Ancient Rome: The Empire that Shaped the World*, allocate surplus revenue to support future exhibition and programming for the Riddoch Art Gallery.

Moved: Cr Von Stanke

Seconded: Cr Meziniec

Carried



Pursuant to Division 3 - Conflict of Interest, Section 75 of the Local Government Act 1999, Cr Morello disclosed a perceived conflict of interest in Item 13.40:

*“There may be a perception that I or my employer Country Arts SA will benefit by Council’s decision.*

*I intend to deal with the perceived conflict of interest in the following transparent and accountable way:*

*- I intend to stay in the Chamber and vote”*

In accordance with Section 75A of the Local Government Act 1999 Cr Morello participated in the meeting for Item 13.40.

**13.40. 2018 Mount Gambier Fringe Festival - Report No. AR17/45777**

- (a) That Operational Standing Committee Report No. AR17/45777 titled ‘2018 Mount Gambier Fringe Festival’ as presented to the Operational Standing Committee on 14 November 2017 be noted.
- (b) That Council approve to progress a 2018 Mount Gambier Fringe event with the funding secured by Country Arts SA via Arts SA.
- (c) That Council representatives be involved in the planning and delivery of the event to support the cultural development of local artists.

Moved: Cr Von Stanke

Seconded: Cr Lynagh

Carried

Cr Morello voted in the affirmative

Pursuant to Division 3 - Conflict of Interest, Section 75 of the Local Government Act 1999, Cr Morello disclosed an actual conflict of interest in Item 13.41:

*“I’m employed with Country Arts SA, which is seeking a council contribution towards arts activities in 2018”.*

In accordance with Section 75A of the Local Government Act 1999 Cr Morello dealt with the Conflict of Interest by not participating in the meeting and left the room at 7.15 p.m.

**13.41. Country Arts 25 Years Celebration - Report No. AR17/45790**

- (a) That Operational Standing Committee Report No. AR17/45790 titled ‘Country Arts 25 Years Celebration’ as presented to the Operational Standing Committee on 14 November 2017 be noted.



- (b) That Council support the proposal as presented for '*Country Arts 25 Years Celebration*' to the value of \$15,000 to be paid as follows:
- First instalment of \$7,000 from 2017-2018 budget (GL 6350.0805).
  - Second instalment of \$8,000 be allocated to GL 6350.0805 in the 2018-2019 budget preparation.

Moved: Cr Von Stanke

Seconded: Cr Meziniec

Carried

Cr Morello returned to the Chamber 7.16 pm

#### **13.42. Minutes of Development Assessment Panel – 19 October 2017**

That the minutes of the Council Development Assessment Panel meeting held 19 October 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

### **14. COUNCIL REPORTS**

#### **14.1. City of Mount Gambier Annual Report 2016/2017 - Report No. AR17/44366**

##### **COUNCIL RECOMMENDATION**

- (a) That Council Report No. AR17/44366 titled '*City of Mount Gambier Annual Report 2016/2017*' dated 30 October 2017 as presented to the Council on 21 November 2017 be noted.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried



## 15. MOTION WITH NOTICE

### 15.1. SOCIAL, CULTURAL AND COMMUNITY SERVICES - Advice - Aboriginal and Indigenous Advice and Information – Ref. AF11/1595

At the October 2017 Council Meeting I raised a Question Without Notice regarding the custodianship of the “Out of the Dark” fibreglass castings created by Kelvin Smibert, currently stored at the Old Stables. Councillors will recall a workshop earlier this year attended by Kelvin, regarding his work and Aboriginal Rock Art, prompted by an earlier Council resolution on the matter. The importance to this region, and to the Boandik people of Aboriginal Rock Art and the extensive work by Kelvin Smibert (and others) cannot be overestimated.

The CEO has informed me of a recent meeting between Kelvin Smibert, General Manager Community Wellbeing and the CEO to discuss the ongoing storage and custodianship of the fibreglass castings. Several options were explored with one being the storage, safekeeping and ownership of the castings to be passed to Council. Kelvin Smibert was supportive of this option recognising that this provided safe and community ownership into the future and links to other institutions such as the Riddoch Art Gallery and the network of Art Galleries and museums and importantly links to the Aboriginal Community including and going beyond the RAP Advisory Group. In addition to the fibreglass castings there is additional material (photographs, interpretive signage) that may be stored in Council’s Records Management System in perpetuity.

Cr Richardson moved:

- (a) The report from Cr Richardson be received;
- (b) That the City of Mount Gambier makes a formal offer to Mr Kelvin Smibert to receive ownership of the Out of the Dark fibreglass castings of ancient Aboriginal cave art and associated material including interpretive display signage and that Council be kept informed of outcomes;
- (c) That the CEO arranges secure and appropriate storage on Council property for the fibreglass castings and other material as necessary;
- (d) That the fibreglass castings and other material be photographed and recorded in Council’s Records Management System.
- (e) That Council’s RAP Advisory Group be informed of this action along with Aboriginal corporations based in Mount Gambier.



- (f) That should this offer be accepted Council writes to Mr Kelvin Smibert acknowledging the transfer of ownership of Out of the Dark and thanking him on behalf of the community.
- (g) That Council maintains ownership of the material acknowledging the possible future display in an appropriate location / setting and facility that is sympathetic to the nature of the collection.

Seconded Cr Persello

Carried

## **16. MOTIONS WITHOUT NOTICE**

**See In Confidence Item**



## 17. CONFIDENTIAL ITEMS

### 17.1. Consideration for Exclusion of the Public

#### Item 17.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor A Lee, Councillors - C Greco, M Lovett, J Lynagh, S Mezinec, F Morello, S Perryman, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, N Serle, M McCarthy, S McLean and F McGregor) be excluded from the meeting in order for the Agenda Item (Legal Action - 1/29 Willow Avenue, Mount Gambier - EMT Holdings Pty Ltd) to be considered in confidence.

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

- Information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, between Council and 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 it involves legal action before a court.

Item No.	Subject Matter	S90(3) Grounds
17.2	Legal Action - 1/29 Willow Avenue, Mount Gambier - EMT Holdings Pty Ltd - Report No. AR17/44088	(i)

Moved: Cr Persello

Seconded: Cr Morello

Carried





### 17.3 Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 17.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.2	Legal Action - 1/29 Willow Avenue, Mount Gambier - EMT Holdings Pty Ltd - Report No. AR17/44088	(i)	All details	Until:  The matter is resolved or abandoned, to be reviewed at least once in every year.

Moved: Cr Greco

Seconded: Cr Morello

Carried



## 17.4 Consideration for Exclusion of the Public

### Item No. 17.5

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor A Lee, Councillors - C Greco, M Lovett, J Lynagh, S Mezinec, F Morello, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, N Serle, M McCarthy, S McLean and F McGregor) be excluded from the meeting in order for the Agenda Item (Report No. AR17/47214 - Surplus Government Property Notice) to be considered in confidence.

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 this Agenda Item is information the disclosure of which could reasonably be expected:

- would prejudice the commercial position of the Council.

The Agenda Item relates to potentially surplus government land that Council might wish to purchase and the consideration of which, including any information relating to proposed purchase offer amounts or conditions, would unreasonably inform the vendor and prejudice the negotiating position of the Council as a bonafide purchaser for value.

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 the Council has a responsibility to prudently manage financial resources and to achieve favourable purchase price/conditions, the achievement of which could reasonably be expected to be jeopardised and/or unduly influenced if deliberations and decisions were disclosed to the public and vendor prior to any decision being made and during any subsequent negotiations and pre-settlement activities.

Item No.	Subject Matter	S90(3) Grounds
17.5	Report No. AR17/47214 – Surplus Government Property Notice	(b)

Moved: Cr Morello

Seconded: Cr Greco

Carried



## 17.6 Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 17.5 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.5	Report No. AR17/47214 – Surplus Government Property Notice	(b)	All details	Until all resolved actions associated with the Item have been implemented.  To be reviewed once in every year if conditions for release have not been met within 12 months.

Moved: Cr Von Stanke

Seconded: Cr Mezinec

Carried

Meeting closed at 7.40 p.m.

AR17/47523

