

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 21 NOVEMBER 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Max Bruins, Cr Paul Jenner,
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
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Manager Economy, Strategy and Engagement	- Mrs B Shearing
	Media and Communications Coordinator	- Ms S McLean
	Executive Administrator	- Ms S Wilson

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES

RESOLUTION 2023/225

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

That the apology from Cr Kate Amoroso, Cr Josh Lynagh and Cr Mark Lovett be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/226

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 17 October 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

5.1 MAYORAL REPORT - NOVEMBER 2023

- Interview – LCLGA EO Position
- With CEO Meeting at Flinders University Mount Gambier – Professor and Executive Dean, College of Medicine and Public Health
- With CEO meeting with Deputy Premier Hon Susan Close MP
- With CEO meeting with CEO of SATC
- LGA AGM Networking Event
- LGA AGM
- Green Triangle Timber Industry Awards
- Mayor's Christmas Appeal Meeting
- Post Referendum Yarning Circle – Pangula Mannamurna
- Audit and Risk Committee – Confidential Information Briefing
- Audit and Risk Committee
- Introductory Meeting on site at Foodbank
- Mandatory Elected Member Training
- Official Opening of new Centacare Office Mount Gambier
- With CEO – LCLGA Connected and Active Communities
- Introductory Meeting with Managing Director Times News Group
- With CEO – Meeting with Proprietor – Foodland Mount Gambier
- Grand Opening – Mount Gambier Head to Health
- Radiation Treatment Working Party Meeting
- With CEO – Meeting with Property Developers
- With CEO – Meeting with Hon Katrina Hildyard MP – Minister for Recreation, Sport and Racing
- Attendance at Full Circle : A Collaborative Exhibition
- Grand Opening – IAC / International Soccer Club
- Meeting with Destination Development Officer LCLGA
- Elected Member Briefing Dog and Cat Management Plan
- Confidential Elected Member Briefing – Cyber Security
- Elected Member Briefing – Finance Process and Budget Review 1 Update
- Fortnightly Virtual LCLGA Mayor's Meeting
- Attendance Compassionate Community Conversation
- With CEO – site tour BioGro
- Elected Member Briefing – Introduction of Services: Focus One Health Limestone Coast
- Confidential Elected Member Briefing – Regional Plan – Land Use Planning
- SAROC Meeting – Mid Murray Council



- Mount Gambier Christmas Parade
- Mount Gambier Horse Trials – Present Class Rug
- City of Mount Gambier Junior Basketball Tournament - U18 Medal Presentations
- Senior Schools Awards Ceremony – Tenison Woods College

RESOLUTION 2023/227

Moved: Mayor Lynette Martin

Seconded: Cr Jason Virgo

That the Mayoral report made on 21 November 2023 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Paul Jenner AGM Riddoch Art Gallery, Christmas Pageant, Party in the Park and talking to community about Strategy to 2035, City of Mount Gambier Basketball Competition (with 120 teams)

Cr Max Bruins Remembrance Day, Toy Run, Hillclimb Legends of the Lake

Cr Sonya Meziniec 2023 Regional Health Advisory Council Conference at Wulanda, Mount Gambier and Districts Health Advisory Council October and November (my term on HAC as LG Member has ended), International Rural Women's Day Breakfast, Post Referendum Yarning Circle at Pangula Mannamurna, Centacare Launch new premises, Head to Health grand opening, Exhibition Opening at Little Blue Wren - Recycling Week, Riddoch Arts and Cultural Trust AGM, Remembrance Day Service, Christmas Parade, Party in the Park - Community Engagement re Mount Gambier 2035.

Cr Frank Morello: Briefing - Focus on Health, Briefing - Regional Plan: Land Use Planning, Party in the Park

RESOLUTION 2023/228

Moved: Cr Paul Jenner

Seconded: Cr Jason Virgo

That the reports made by Councillors on 21 November 2023 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - KNOWLEDGE MANAGEMENT

Question:

The following question was received from Councillor Paul Jenner.

What strategies is the City of Mount Gambier using to safeguard and preserve the accumulated skills and knowledge of staff, ensuring that organisational intelligence is retained and not lost?



Response:

To ensure we retain corporate knowledge, strategies include:

- Regular project de-briefs and reviews are conducted to capture insights, lessons learned, and best practices.
- Documented plans and records detailing project history, methodologies, and outcomes.
- Documentation of processes and procedures.
- Development of frameworks to provide a structured approach and standard process. Currently documenting a HR Framework.
- Cross-collaboration is encouraged among different departments and teams, facilitating the exchange of ideas and expertise.
- We are planning on investing in technology to integrate systems, streamline processes, and enhance overall efficiency, contributing to the preservation and accessibility of organisational knowledge.
- Exit interviews are conducted to gather insights from departing staff members, helping identify areas for improvement and capturing valuable knowledge before individuals leave the organisation.
- A comprehensive training and cross-training program is implemented to ensure that multiple staff members possess knowledge about critical roles, reducing dependency on individual expertise.
- Workforce planning commencing next financial year to assessing current and future skills needs, identifying gaps, and implementing strategies to address these gaps - through recruitment, training, and development.

To ensure we retain our staff:

- We foster a culture of continuous learning and knowledge sharing by investing in our staff. This includes providing opportunities for professional development, training programs, and encouraging a mindset of lifelong learning. Examples include:
 - Support to obtain professional accreditation in specialised field.
 - Formalised professional development and study agreements with 'return on investment and clawback clauses'.
 - Recognition (within ombudsman guidelines) that support and acknowledge long tenure.
- Staff are given opportunities for personal and professional growth through acting and secondment opportunities.
- Generous Enterprise Agreement, including an extra 3 days leave, 1% super and income protection insurance.
- We have flexible work arrangements to promote work-life balance and enhance overall job satisfaction.
- We are involving staff in the strategic planning process, ensuring an inclusive vision that aligns with the organisation's goals and values.
- Investing in technology.
- We conduct regular pulse surveys to gauge employee engagement and satisfaction. We use this information to make improvements where possible.



7.2 QUESTION WITH NOTICE - STATUS OF RAILWAY STATION BUILDING

Question:

The following question was received from Councillor Frank Morello.

Can Council please receive an update on the status of the Railway Station building?

Response:

Ongoing work includes:

- Direct promotion of the opportunity through Adelaide based business development contacts held by Council, including SATC and real estate/property development operators with pre-existing working relationships with Council.
- Administration have conducted informal discussions with the area manager for Coopers in the Limestone Coast and provided a copy of the application invitation for consideration and dissemination amongst their networks.
- Briefing SA Tourism Commission - destination development/investment team.
- Received 1 letter from the National Trust with 'ideas of site' and when requested for a business plan and further detail, we have not received anything further from the applicant.
- Through a targeted approach, staff have familiarised a number of local businesses and potential business operators through the site.
- Regular contact with Complete Real Estate - local commercial real estate agent.
- Met with local builder who is actively working with developers for sites across SA, but in particular here in Mount Gambier.

Outcome:

- A consortia (Melbourne and Mount Gambier) with interest to open a whisky/steak bar.
- Company from Adelaide with interest in brewing.

Next steps:

- Install signage at the site over summer to leverage the higher use of Railway Lands to capture minds with a QR Code linking back to the landing page www.mountgambier.sa.gov.au/stationbuilding.
- Review the strategic approach.
- Create a holistic investment prospectus for Mount Gambier.

8 QUESTIONS WITHOUT NOTICE

Nil

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 14/10/2023 TO 17/11/2023

RESOLUTION 2023/229

Moved: Cr Frank Morello
Seconded: Cr Sonya Mezinec

1. That Council Report No. AR23/44823 titled 'Elected Member Information/Briefing Sessions from 14/10/2023 to 17/11/2023' as presented on 21 November 2023 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 17/10/2023

RESOLUTION 2023/230

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR23/44832 titled 'Council Action Items - 17/10/2023' as presented on 21 November 2023 be noted.

CARRIED

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

15.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 8 NOVEMBER 2023

RESOLUTION 2023/231

Moved: Cr Sonya Mezinec
Seconded: Cr Paul Jenner

That the Minutes of the Junior Sports Assistance Fund meeting held on 8 November 2023 as attached be noted.

CARRIED



15.2 PAYMENTS TO MEMBER ORGANISATIONS – REPORT NO. AR23/67414

RESOLUTION 2023/232

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR23/67414 titled 'Payments to Member Organisations' as presented on 08 November 2023 be noted.
2. Allocations are calculated based on 10% of the total cost of the principle event and capped at \$200 minimum and \$500 maximum.
3. That in the event of extenuating circumstances the determination will be at the discretion of the Committee.

CARRIED

15.3 STATEMENT OF REVENUE AND EXPENDITURE - YEAR ENDED 30/06/2023 – REPORT NO. AR23/67416

RESOLUTION 2023/233

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR23/67416 titled 'Statement of Revenue and Expenditure - Year Ended 30/06/2023' as presented on 08 November 2023 be noted.
2. The Statement of Income and Expenditure for period ended 30 June, 2023 detailing payments to or payments from the Fund, with a 30 June 2023 cash balance of \$128,394.38 be received.

CARRIED

15.4 MEMBER ORGANISATION CONTRIBUTIONS – REPORT NO. AR23/67417

RESOLUTION 2023/234

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR23/67417 titled 'Member Organisation Contributions' as presented on 08 November 2023 be noted.
2. Members Organisations be advised that the Junior Sports Assistance Fund has the financial capacity to continue to assist members following the COVID-19 crisis and as such member contributions to the Junior Sports Assistance Fund for the 2023/2024 financial year be waived.

CARRIED



15.5 GENERAL DEVELOPMENTS OF THE FUND SINCE THE THIRTY SEVENTH ANNUAL GENERAL MEETING – REPORT NO. AR23/67419

RESOLUTION 2023/235

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR23/67419 titled 'General Developments of the Fund since the Thirty Sixth Annual General Meeting' as presented on 08 November 2023 be noted.

CARRIED

15.6 COMMITTEE APPOINTMENTS – REPORT NO. AR23/67420

RESOLUTION 2023/236

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR23/67420 titled 'Committee Appointments' as presented on 08 November 2023 be noted.
2. The committee appointments to approve applications to the Junior Sports Fund Assistance Fund as referenced in Report No. AR23/67420 titled 'Committee Appointments' be adopted.

CARRIED

15.7 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 8 NOVEMBER 2023

RESOLUTION 2023/237

Moved: Cr Sonya Meziniec

Seconded: Cr Jason Virgo

That the Minutes of the Junior Sports Assistance Fund meeting held on 8 November 2023 as attached be noted.

CARRIED



15.8 CORRESPONDENCE RECEIVED – REPORT NO. AR23/76138

RESOLUTION 2023/238

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR23/76138 titled 'Correspondence Received' as presented on 08 November 2023 be noted.

CARRIED

**15.9 STATEMENT OF REVENUE AND EXPENSES - AS AT 31 OCTOBER 2023 –
REPORT NO. AR23/76139**

RESOLUTION 2023/239

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR23/76139 titled 'Statement of Revenue and Expenses - as at 31 October 2023' as presented on 08 November 2023 be noted.
2. The financial statement of the Fund as at 31 October 2023 be received, noting a cash balance of \$115,393.90.

CARRIED

**15.10 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIOR AND PAYMENTS
FROM THE FUND - 01/06/2023 - 31/10/2023 – REPORT NO. AR23/76140**

RESOLUTION 2023/240

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR23/76140 titled 'Applications for Financial Assistance for Junior and Payments from the Fund - 01/06/2023 - 31/10/2023' as presented on 08 November 2023 be noted.

CARRIED



15.11 RESIGNATION OF COMMITTEE REPRESENTATIVES – REPORT NO. AR23/76352

RESOLUTION 2023/241

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR23/76352 titled 'Resignation of Committee Representatives' as presented on 08 November 2023 be noted.
2. Following receipt of written advice, the formal resignation of Mrs Jeanette Elliott and Mrs Karen Cunningham be accepted to take effect immediately following the close of the General Meeting of the Junior Sports Assistance Fund scheduled to be held following the Annual General Meeting on 8 November 2023.
3. A letter of thanks and appreciation be extended to Mrs Jeanette Elliott and Mrs Karen Cunningham for the dedicated and loyal service to the Junior Sports Assistance Fund over many years.

CARRIED

15.12 APPOINTMENT OF NEW COMMITTEE REPRESENTATIVES – REPORT NO. AR23/76141

RESOLUTION 2023/242

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR23/76141 titled 'Appointment of new Committee Representatives' as presented on 08 November 2023 be noted.
2. That the nominations of Di Gould and Andrew Matheson as new committee representatives to the Junior Sports Assistance Fund be endorsed in accordance with the Terms of Reference to take effect from the commencement of the next ordinary meeting of the Junior Sports Assistance Fund.

CARRIED



15.13 UPDATED COMMITTEE APPOINTMENTS – REPORT NO. AR23/76794

RESOLUTION 2023/243

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR23/76794 titled 'Updated Committee Appointments' as presented on 08 November 2023 be noted.
2. The updated committee appointments to approve applications to the Junior Sports Fund Assistance Fund effective from the commencement of the next general meeting of the Fund as referenced in Report No. AR23/76794 titled 'Updated Committee Appointments' be adopted.

CARRIED

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 30 OCTOBER 2023

RESOLUTION 2023/244

Moved: Cr Paul Jenner
Seconded: Cr Jason Virgo

That the Minutes of the Audit and Risk Committee meeting held on 30 October 2023 as attached be noted.

CARRIED

16.2 DRAFT 2022/2023 FINANCIAL STATEMENTS – REPORT NO. AR23/37466

RESOLUTION 2023/245

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR23/37466 titled 'Draft 2022/2023 Financial Statements' as presented on 30 October 2023 be noted.
2. That the Audit and Risk Committee advises Council that in accordance with Section 126 (4) (a) of the Local Government Act 1999, it has reviewed the draft annual financial statements of Council for the financial year 2023 and 'they present fairly the state of affairs of the council'.
3. That having been reviewed by the Audit and Risk Committee on 30 October 2023, the Audit Completion Report and Management Representations Letter as attached to Report No. AR23/37466 be noted.

CARRIED



**16.3 COMPARISON OF ACTUAL TO BUDGET FOR THE YEAR ENDING 30 JUNE 2023 –
REPORT NO. AR23/37476**

RESOLUTION 2023/246

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Audit and Risk Committee Report No. AR23/37476 titled 'Comparison of Actual to Budget for the year ending 30 June 2023' as presented on 30 October 2023 be noted.
2. That the estimates comparison for the financial year ending 30 June 2023 as contained in Attachment 1 to Report No. AR23/37476 be adopted.

CARRIED

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

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 CRATER LAKES TRAILS PLAN

RESOLUTION 2023/247

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/74878 titled 'Crater Lakes Trails Plan' as presented on 21 November 2023 be noted.
2. That Council endorse the Crater Lakes Trails Plan, Crater Lakes Park – Trails Sign Plan and the Crater Lakes Trails – Quick Reference Guide as attached to Report AR23/47878.
3. That the Mayor and the Chief Executive Officer (or delegate) be authorised to execute any documentation necessary to obtain development approval and any other regulatory or statutory process required to progress formal recognition of the trail network and implementation of the recommended signage upgrades.

CARRIED



19.2 WAYFINDING STRATEGY & DESIGN OF SIGNAGE SUITE

RESOLUTION 2023/248

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/77778 titled 'Wayfinding Strategy & Design of Signage Suite' as presented on 21 November 2023 be noted.
2. That Council endorse the Wayfinding Strategy & Design of Signage Suite as attached.
3. That a phased implementation plan be developed for inclusion in the Asset Management Plan and Long Term Financial Plan.

CARRIED

19.3 WASTE & RESOURCE RECOVERY STRATEGY

RESOLUTION 2023/249

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

1. That Council Report No. AR23/77140 titled 'Waste & Resource Recovery Strategy' as presented on 21 November 2023 be noted.
2. That the Chief Executive Officer, or her delegate, be authorised to make minor grammatical and apply graphic design changes in finalising the strategy.
3. Council adopt the Waste & Resource Recovery Strategy, as presented with Report No. AR23/77140.

CARRIED

19.4 CBD ACTIVATION UPDATE

RESOLUTION 2023/250

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/76112 titled 'CBD Activation Update' as presented on 21 November 2023 be noted.

CARRIED



19.5 INSTALLATION OF 1 HOUR PARKING ON MARK STREET (EASTERN AND WESTERN SIDES)

RESOLUTION 2023/251

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/74468 titled 'Installation of 1 Hour parking on Mark Street (eastern and western sides)' as presented on 21 November 2023 be noted.
2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map attached to Report No. AR23/74468.
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. 3.3.209

1 HOUR PARKING

Mark Street (western side) - From 10 metres to 109.5 metres south of the intersection with Commercial Street East

Mark Street (eastern side) - From 10 metres to 100.8 metres south of the intersection with Commercial Street East

To apply at all times

CARRIED

19.6 REQUEST FOR GRANT OF EASEMENT - CALULA DRIVE RESERVE

RESOLUTION 2023/252

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/73874 titled 'Request for Grant of Easement - Calula Drive Reserve' as presented on 21 November 2023 be noted.
2. That consent be given to a grant of easement to SA Water on Allotment 40 (Reserve) in Deposited Plan 68580 contained in Certificate of Title Volume 5950 Folio 881 on Calula Drive for sewer purposes, and a Licence to Enter be granted for installation of infrastructure prior to registration of the easement on the Certificate of Title, if sought.
3. That the developer reimburses Council for expenses incurred by Council in association with administering the grant of easement. That the reimbursement include from receipt of request to registration of the grant and supervision of any installation and make good works.
4. The Chief Executive Officer and Mayor be authorised to execute and affix the common seal of Council to any necessary documentation associated with resolution (2) of Council Report AR23/73874.

CARRIED



19.7 STATEMENT OF PROTOCOL FOR BOUNDARY ROADS - CITY OF MOUNT GAMBIER AND DISTRICT COUNCIL OF GRANT

RESOLUTION 2023/253

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/77748 titled 'Statement of Protocol for Boundary Roads - City of Mount Gambier and District Council of Grant' as presented on 21 November 2023 be noted.
2. That Council endorse the Statement of Protocol for Boundary Roads between the City of Mount Gambier and District Council of Grant.
3. That the Chief Executive Officer be authorised to sign this document in conjunction with District Council of Grant.

CARRIED

19.8 BUDGET REVIEW 1 2023/2024

RESOLUTION 2023/254

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/78482 titled 'Budget Review 1 2023/2024' as presented on 21 November 2023 be noted.
2. That Council adopts the revised budget for the year ending 30 June 2024 as at 30 September 2023 (Budget Review 1) as attached to Report No. AR23/78482.

CARRIED

19.9 STATUTORY FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

RESOLUTION 2023/255

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/78432 titled 'Statutory Financial Statements for the Year Ending 30 June 2023' as presented on 21 November 2023 be noted.
2. That the audited Financial Statements for the year ending 30 June 2023 as attached to Report No. AR23/78432 be adopted (Attachment 1).
3. That the Management Representations Letter signed by the Chief Executive Officer as attached to Report No. AR23/78432 be noted (Attachment 2).
4. That the Chief Executive Officer and the Mayor of the City of Mount Gambier be authorised to certify the financial statements (Attachment 1).

CARRIED



19.10 2022/2023 CITY OF MOUNT GAMBIER ANNUAL REPORT

RESOLUTION 2023/256

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Council Report No. AR23/78253 titled '2022/2023 City of Mount Gambier Annual Report' as presented on 21 November 2023 be noted.
2. That the City of Mount Gambier 2022/2023 Annual Report as tabled be adopted.
3. That the Chief Executive Officer be authorised to make any non-material amendments as considered necessary prior to publication.
4. That copies of the City of Mount Gambier be distributed to the bodies/persons referred to in Section 131 of the *Local Government Act 1999*.
5. That the LCLGA Annual Report be added to the electronic file prior to distribution to the required bodies/persons.

CARRIED

20 MOTIONS WITH NOTICE

Nil

21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

23 NEW CONFIDENTIAL ITEMS

23.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR23/74286

RESOLUTION 2023/257

Moved: Cr Max Bruins
Seconded: Cr Jason Virgo

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, M McCarthy, J Scoggins, B Shearing and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/74286 Sale of Land for Non-Payment of Rates.

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

CARRIED

RESOLUTION 2023/258

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 AR23/74286 Sale of Land for Non-Payment of Rates 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 latter of:- 12 months, or the matter being settled.
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 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR23/74289

RESOLUTION 2023/259

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 Council Officers S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins, B Shearing and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/74289 Sale of Land for Non-Payment of Rates.

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

CARRIED



RESOLUTION 2023/260

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 23.2 AR23/74289 Sale of Land for Non-Payment of Rates 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 latter of:- 12 months, or the matter being settled.
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 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR23/74290

RESOLUTION 2023/261

Moved: Cr Sonya Meziniec
Seconded: Cr Jason Virgo

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, M McCarthy, J Scoggins, B Shearing and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.3 AR23/74290 Sale of Land for Non-Payment of Rates.

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

CARRIED



RESOLUTION 2023/262

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 23.3 AR23/74290 Sale of Land for Non-Payment of Rates 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 latter of:- 12 months, or the matter being settled.
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

**23.4 UPDATE ON TELSTRA CO-INVESTMENT PROPOSAL FOR MOBILE BLACKSPOTS
– REPORT NO. AR23/76480**

RESOLUTION 2023/263

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

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, M McCarthy, J Scoggins, B Shearing and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.4 AR23/76480 Update on Telstra Co-investment Proposal for Mobile Blackspots.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (j) 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
- information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered includes reports provided to Council containing commercial information creating a duty of confidence, and including information from a public authority, the premature disclosure of which could confer an advantage on third parties and prejudice the commercial position of Council in negotiations, and be contrary to the public interest in achieving optimal investment outcomes and value.

CARRIED

RESOLUTION 2023/264

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

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 23.4 AR23/76480 Update on Telstra Co-investment Proposal for Mobile Blackspots 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 (j) be kept confidential and not available for public inspection until an appropriate agreement has been executed releasing Council from its duty of confidence or Telstra provide express permission to release the information, whichever is the earlier.
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



23.5 CRATER LAKES UNSOLICITED PROPOSAL – REPORT NO. AR23/78247

RESOLUTION 2023/265

Moved: Cr Max Bruins
Seconded: Cr Jason Virgo

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, M McCarthy, J Scoggins, B Shearing and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.5 AR23/78247 Crater Lakes Unsolicited Proposal.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the attachment and information regarding Crater Lakes Project Proposal contains commercial information of a confidential nature provided to Council in-confidence, and the consideration of which if conducted in open could prejudice the position of Council or the party that provided the information or confer a commercial advantage on a third party. The public interest in the matter being considered in open is considered to be outweighed by the public interest in ensuring the best possible outcome for the community, which may be prejudiced if the matter were considered in open.

CARRIED



The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 15 minutes.

Purpose of the Suspension: To further discuss the Unsolicited Proposal.

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

Meeting Procedures were suspended at 7:05 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 7:48 pm

RESOLUTION 2023/266

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 23.5 AR23/78247 Crater Lakes Unsolicited Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until two years after the expiry of an agreement entered into in relation to the matter or two years after the proposal has been abandoned and Council has been released from its duty of confidence, whichever is the later.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

23.6 AF23/254 TENDER - PROCUREMENT - TENDER FOR CIVIC CENTRE LIFT UPGRADE – REPORT NO. AR23/79137

RESOLUTION 2023/267

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

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, M McCarthy, J Scoggins, B Shearing and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.6 AR23/79137 AF23/254 Tender - Procurement - Tender for Civic Centre Lift Upgrade.

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 2023/268

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 23.6 AR23/79137 AF23/254 Tender - Procurement - Tender for Civic Centre Lift Upgrade and its attachments, 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

23.7 QUESTION WITH NOTICE - WULANDA RECREATION AND CONVENTION CENTRE - STRATEGIC STATUS UPDATE – REPORT NO. AR23/78853

RESOLUTION 2023/269

Moved: Cr Jason Virgo
Seconded: Cr Sonya Mezinac

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins, B Shearing and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.7 AR23/78853 Question With Notice - Wulanda Recreation and Convention Centre - Strategic Status Update.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because these are matters of a contractual nature where Council is still executing a live contract.

CARRIED

RESOLUTION 2023/270

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 23.7 AR23/78853 Question With Notice - Wulanda Recreation and Convention Centre - Strategic Status 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) be kept confidential and not available for public inspection until 30 November 2024.
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 8:15 pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 12 December 2023.

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PRESIDING MEMBER

