

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 23 JANUARY 2024 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Mezinec, Cr Jason Virgo

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Manager Strategic Projects	- Ms T McPherson
	Manager Development Services	- Mrs T Tzioutziouklaris
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Mrs A Pasquazzi

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 2024/1

Moved: Cr Jason Virgo

Seconded: Cr Kate Amoroso

That the apology from Cr Mark Lovett be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2024/2

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

That the minutes of the Ordinary Council meeting held on 12 December 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

5.1 MAYORAL REPORT - JANUARY 2024

- Junior Sports Assistance Fund Committee Meeting
- With CEO, introductory meeting with new SAPOL Superintendent
- With CEO, meeting with Peter Gandolfi re Research, Education and Training Precinct
- Blue Lake Carols
- With CEO, meeting with Interim EO, LCLGA
- Community Christmas Lunch
- Meeting with EO, LCLGA
- Welcome to LCLHN Medical Interns
- Mount Gambier 2035 – Morning Tea at Eureka Village
- SAROC Meeting in Adelaide
- Radio Interview 5GTR-FM

RESOLUTION 2024/3

Moved: Cr Frank Morello

Seconded: Cr Jason Virgo

That the Mayoral report made on 23 January 2024 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

- | | |
|------------------|---|
| Cr Josh Lynagh | Cycling for Mental Health finish line event, New Years Eve celebration at Cave Gardens, Kings Challenge at Borderline Speedway. |
| Cr Paul Jenner | Public Lighting Working Group - Smart Lighting Sub Group, Kings Challenge at Borderline Speedway. |
| Cr Sonya Mezinec | 2035 consultations - Blue Lake Carols, Meeting re community engagement and strategy for Riddoch Arts and Cultural Trust. |

RESOLUTION 2024/4

Moved: Cr Jason Virgo

Seconded: Cr Max Bruins

That the reports made by Councillors on 23 January 2024 be received.

CARRIED



7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - DISABILITY WORKFORCE POLICY

The following question was received from Cr Kate Amoroso:

Question

Can an update be provided on how our disability workforce policy is going?

Response

General Manager Corporate and Regulatory Services provided the following response:

The organisation conducted an internal review in 2022 for Traineeship, Apprentice and Supported workers and paused all programs while we implemented strategies that would provide robust and structured framework that provided a better induction, support, training for the participants

As a result of this we have committed to prepare a Trainee/ Apprenticeship/supported worker framework.

This framework will serve as a structured guideline for the recruitment, onboarding, training, and overall development of trainees and supported workers within the City of Mount Gambier, aligning with the relevant Australian standards.

This work is well progressed and will be endorsed by the ELT and presented at an Elected Member Briefing once finalised. This will hopefully be completed before the end of March

We also look for opportunities in our contracts – for example the Library Café, “Bookmarked by Kefi”, is run by a Social Enterprise which provides opportunities for vulnerable people and people with a disability.

7.2 QUESTION WITH NOTICE - LIMESTONE COAST ROAD TOLL

The following question was received from Cr Kate Amoroso:

Question

How is our Council actively engaging with the state government to advocate for improved road infrastructure and maintenance on behalf of our community, with the goal of reducing the alarming and devastating road toll in South Australia?

Response

Mayor Lynette Martin provided the following response:

Thank you for your question Cr Amoroso and of course road safety and the road toll is of concern to us all. I can tell you that the Limestone Coast Local Government Association has been meeting with the Department for Infrastructure & Transport on a regular basis, the most recent meeting was held in October 2023 and will be ongoing on a six monthly basis.

These meetings provide the opportunity for councils to address matters of concern and of course road safety is discussed.



We all acknowledge the condition of the road network is a factor, but unfortunately also to be taken into account is human error.

South Australian councils manage 11% or 75,000 kms of Australia's local road network and we know we can influence road safety by improving safety on roads.

We need to keep advocating for more state and federal funding to maintain a safe road network. In addition City of Mount Gambier wrote to Minister Koutsantonis in September 2022 and again in October 2023 as a result of council resolutions, pointing out the deterioration in DIT roads and inviting him to visit Mount Gambier.

This correspondence has been provided to members via the Friday Edition. The CEO and I have a meeting with Minister Koutsantonis on 13 March to discuss matters of concern.

7.3 QUESTION WITH NOTICE - VALLEY LAKES PUBLIC TOILETS CLEANING

The following question was received from Cr Paul Jenner:

Question

What council regularly does with cleaning of the Valley Lakes Public Toilets, is it recorded, why some were closed for a short period over the Christmas break and what Council actioned.

Response

General Manager City Infrastructure provided the following response:

The Valley Lakes Toilets get a full clean once a day and the high use areas are inspected a second time (usually in the afternoon) - if they require a full clean or a part clean upon inspection, they are cleaned, if they don't need cleaning they are just topped up with toilet paper and hand towels.

Yes, time and date of the clean is recorded on a cleaning register in the toilets.

Councillors would be aware that we did have a couple of days over Christmas where some of the toilets were unable to be used. This was due to vandalism, with toilets blocked with rocks/stones and also with paper towel. We could not fix it ourselves as they were too badly blocked and had to wait for the contractor. Some toilets were closed and signage put up.

7.4 QUESTION WITH NOTICE - HASTINGS CUNNINGHAM RESERVE DOG PARK

The following question was received from Cr Paul Jenner:

Question

Recently, I've heard that at Hastings Cunningham Reserve's dog park, members of the general public have been putting up their own structures. According to a Facebook post by the Mount Gambier and District Residents and Ratepayers Association, numerous individuals have reportedly lodged complaints with the Council regarding these matters.

Could the Council provide a detailed account of the complaints received over the past 18 months and the resolutions, if any, that were implemented in response to these concerns within the community?



Response

General Manager Corporate and Regulatory Services provided the following response:

Council records including customer requests and correspondence received indicate that there were 43 requests from July 2022 to December 2023:

Replacement of Dog Bags in dispenser	20
Drainage	5
Mowing request	5
Weeds	3
Bins	2
Dog incident	2
Dog Injury	1
Maintenance of the access track	1
General maintenance issues	1
Request for upgrade of facilities	1
Shelter maintenance	1
Tree maintenance	1
Grand Total	43

Most requests have been resolved with the exception of the drainage, access track and upgrade of facilities.

In regards to drainage, the infrastructure team have come up with a solution and will be endeavouring to do this as soon as they are able. The access track is planned to be re gravelled and rolled before winter.

Any upgrades will be considered as part of the Master Planning for the park, in conjunction with users of the facility. This work is due to commence next financial year.

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

Nil

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 12/12/2023

RESOLUTION 2024/5

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/81528 titled 'Council Action Items - 12/12/2023' as presented on 23 January 2024 be noted.

CARRIED

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

15.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 13 DECEMBER 2023

RESOLUTION 2024/6

Moved: Cr Josh Lynagh
Seconded: Cr Kate Amoroso

That the Minutes of the Junior Sports Assistance Fund meeting held on 13 December 2023 as attached be noted.

CARRIED



15.2 ROTARY CLUB OF MOUNT GAMBIER LAKES - DONATION TO FINANCIALLY DISADVANTAGED JUNIOR SPORTSPERSONS - SECOND CALL FOR 2023 – REPORT NO. AR23/80893

RESOLUTION 2024/7

Moved: Cr Josh Lynagh
Seconded: Cr Sonya Mezinec

1. That Junior Sports Assistance Fund Report No. AR23/80893 titled 'Rotary Club of Mount Gambier Lakes - Donation to Financially Disadvantaged Junior Sportspersons - Second Call for 2023' as presented on 13 December 2023 be noted.
2. The funding be made available to the Member Organisations named below to assist the identified juniors to achieve their fullest participation with the specific purpose donation from the Rotary Club of Mount Gambier Lakes - Donations to Financially Disadvantaged Junior Sportspersons initiative, to be used in accordance with their respective confidential application:
 - (a) Mount Gambier and Districts Pony Club \$300
 - (b) Mount Gambier Cycling Club \$300
 - (c) Mount Gambier Swimming Club \$300
 - (d) Blue Lake Y Swim Club \$600
3. The additional \$300 be funded from the Junior Sports Assistance Fund.
4. A cheque handover presentation be co-ordinated with Members of the Rotary Club of Mount Gambier Lakes to show the Funds appreciation for their ingoing support to the Disadvantaged Junior Program.

CARRIED

15.3 ROTARY CLUB OF MOUNT GAMBIER LAKES - FINANCIALLY DISADVANTAGED JUNIOR SPORTSPERSONS PROGRAM - RENAMING OF PROGRAM 2024 – REPORT NO. AR23/83867

RESOLUTION 2024/8

Moved: Cr Josh Lynagh
Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR23/83867 titled 'Rotary Club of Mount Gambier Lakes - Financially Disadvantaged Junior Sportspersons Program - Renaming of Program 2024' as presented on 13 December 2023 be noted.
2. That, subject to the concurrence of the Rotary Club of Mount Gambier Lakes, the 2024 Rotary funded Junior Sports Assistance Fund Program be renamed to:

Rotary Club of Mount Gambier Lakes Youth Empowerment Sports Program

CARRIED

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil



17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 DOG AND CAT MANAGEMENT PLAN 2024 - 2028

RESOLUTION 2024/9

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council Report No. AR24/464 titled 'Dog and Cat Management Plan 2024 - 2028' as presented on 23 January 2024 be noted.
2. That Council approve the Dog and Cat Management Plan 2024 - 2028 as presented for submission to the Dog and Cat Management Board for approval, with Appendix A to be amended as per item 4 below.
3. That Council adopt the final version of the Dog and Cat Management Plan 2024 - 2028, including any minor amendments as required by the Dog and Cat Management Board.
4. That Council, pursuant to the power contained in section 246(3)(e) of the *Local Government Act 1999* and Clause 9.1 of By-law No. 5 – Dogs 2018, declare the following areas of local government land and public places as dog on-leash areas:
 - (a) Cave Gardens/ Thugi,
 - (b) Engelbrecht Cave,
 - (c) Lady Nelson,
 - (d) Olympic Park,
 - (e) Rail Lands Walking Track, and
 - (f) Valley Lake / Ketla Malpi Crater area.
 - (g) Umpherston Sinkhole
 - (h) Vansittart Park
5. Maps geographically highlighting the on- leash areas and off-leash areas as per the Dog and Cat Management Plan 2024 - 2028 be added to Councils website as soon as practicable.
6. Pursuant to the power contained in section 246(3)(e) of the Local Government Act 1999, the Council resolves that, clause 10.2 of By-law No. 5 – Dogs 2018 regarding dog prohibited areas, apply to:
 - (a) All sporting fields and ovals at Blue Lakes Sports Park.

CARRIED



MOTION

RESOLUTION 2024/10

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

Cr Jenner requested his questions and answers be included in the minutes of this meeting.

CARRIED

Question

On Page 37 of the agenda, in the first sentence, it states; a supporting implementation plan will be developed to ensure actions are delivered in accordance with the proposed timeframes. What is the timeframe for development of this plan?

Response

General Manager Corporate and Regulatory Services provided the following response:

The implementation plan will be developed by June 2024 as part of our annual strategic workplan process. Delivery of the projects will occur over the life of the plan.

Question

Has either the South East Animal Welfare League or the Mount Gambier & District Residents and Ratepayers Association put forward in the an appropriate way either positive or negative comments or correspondence to do with helping construct the new Dog and Cat policy for the City of Mount Gambier. If so what did they do please?

Response

General Manager Corporate and Regulatory Services provided the following response:

I am aware that individual members or the two groups participated in the first round of consultation, including the public forums held at the library. This feedback was used to inform the draft plan. No written submissions were received on the draft plan which was promoted though Council's Have Your Say website and Facebook page, distributed to a wide range of stakeholders and promoted through the local media.

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 19.2.

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

Nature of Interest:

This item relates to advocacy with different levels of government, and I work for State Minister Clare Scriven.

Intention to Participate:

I intend to stay in the meeting and vote on the matter. I will not move or second the motion, nor will I be engaging in discussion 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 19.2.

19.2 PARTNERSHIP PRIORITIES AND ADVOCACY 2024 - 2025

RESOLUTION 2024/11

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That Council Report No. AR24/718 titled 'Partnership Priorities and Advocacy 2024 - 2025' as presented on 23 January 2024 be noted.
2. That Council endorse the City of Mount Gambier Partnership Priorities and Advocacy 2024 - 2025 document as attached to Report No. AR24/718.

CARRIED

Having participated in the meeting for 19.2 Cr Josh Lynagh voted in favour of the motion.

19.3 CBD ACTIVATION UPDATE

RESOLUTION 2024/12

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR24/2166 titled 'CBD Activation Update' as presented on 23 January 2024 be noted.

CARRIED

19.4 POLICY REVIEWS

RESOLUTION 2024/13

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/81491 titled 'Policy Reviews' as presented on 23 January 2024 be noted.
2. The updated policies as attached to Council Report No. AR23/81491 be endorsed:
 - M205 Members - Mayor - Anniversary Messages
 - E115 Elections - Council Entitlement to Vote
3. That M225 Members - Service Recognition Policy be deferred for further discussion.



4. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policy 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

19.5 POLICY REVIEW - F140 FLAG PROTOCOL

RESOLUTION 2024/14

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/64148 titled 'Policy Review - F140 Flag Protocol' as presented on 23 January 2024 be noted.
2. That Council endorses the reviewed and updated Flag Protocol Policy F140 as attached to Council Report No. AR23/64148 (Attachment 1).
3. That Council notes and endorses the relocation, subject to any necessary approvals for installation of additional flag poles, of the Aboriginal and Torres Strait Islander Flags from their current position in the Cave Garden Precinct, to be flown together with the Australian, State and Mount Gambier Flags adjacent the Civic Centre (opposite the Library entrance), and in any event in accordance with the Prime Minister's Flag Flying Protocols and:
 - (a) Retaining the community/special occasion flagpoles in the Cave Garden Precinct (near the Commercial Street East / Watson Terrace intersection – opposite Jens Hotel)
 - (b) Retaining the existing RSL flagpole in the Cave Garden Precinct, facing Commercial Street East (adjacent the Gardiner fountain)
4. That Council notes and supports the review, in consultation with our local first nations community and cultural authority, the flying of the Aboriginal and Torres Strait Islander flags at other Council business locations and, where supported by cultural feedback, to add flagpoles at supported locations in accordance with the Council Flag Protocol Policy and the Prime Minister's Flag Flying Protocols.

The implementation of any such changes/additions to occur over time, in conjunction with any associated facility planning activities, and pending any necessary approvals and budget allocations for purchase and installation.

5. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policy 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



19.6 POLICY REVIEW - S92 CODE OF PRACTICE FOR ACCESS TO MEETINGS AND DOCUMENTS

RESOLUTION 2024/15

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

1. That Council Report No. AR24/2726 titled 'Policy Review - s92 Code of Practice for Access to Meetings and Documents' as presented on 23 January 2024 be noted.
2. That, having considered the results of public consultation and to ensure continuity of existing meeting procedures whilst more comprehensive Council determined meeting procedures are being considered, Council hereby adopts the following policies:
 - (a) (Substitute) '*Section 92 Code of Practice for Access to Meetings and Documents*' (Attachment 1)
 - (b) (Interim) '*Council Determined Meeting Procedures Policy*' (Attachment 2)as attached to Council Report No. AR24/2726.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policy 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

19.7 INFORMATION SECURITY POLICY

RESOLUTION 2024/16

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR24/1061 titled 'Information Security Policy' as presented on 23 January 2024 be noted.
2. That the Information Security Policy as attached to Report No. AR24/1061 be adopted.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policy 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



19.8 SUBMISSION - LOCAL GOVERNMENT ELECTION / PARTICIPATION REVIEW

RESOLUTION 2024/17

Moved: Cr Jason Virgo
Seconded: Cr Frank Morello

1. That Council Report No. AR24/2729 titled 'Submission - Local Government Election / Participation Review' as presented on 23 January 2024 be noted.
2. That, having considered the Office of Local Government Local Government Participation / Elections Review Discussion Paper and Local Government Association SA Review Discussion Paper and Consultation Paper, the draft submission paper attached to Council Report No. AR24/2729 (Attachment 1) be endorsed for submission to the Local Government Association SA and Office of Local Government.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the submission 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

19.9 REVIEW OF COUNCIL DELEGATION UPDATES - JANUARY 2024

RESOLUTION 2024/18

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That Council Report No. AR24/193 titled 'Review of Council Delegation Updates - January 2024' as presented on 23 January 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. AR24/193 (**Attachment 1**) 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 Actmay, unless indicated by resolution or in the tables accompanying Council Report No. AR24/193, be further sub-delegated by the Chief Executive Officer or delegate.
4. Planning, Development and Infrastructure Act Delegations
 - (a) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (**Attachment 2** accompanying Report No. AR24/193 titled '*Instrument A*') are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.



(b) In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the Instrument of Delegation (**Attachment 2** accompanying Report No. AR24/193 and titled '*Instrument B*') are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

(c) Such powers and functions delegated in resolution 4 (a) and (b) may be further sub-delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 and Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the relevant Instrument of Delegation;

5. General

The delegations granted in resolutions (2) to (4) above are subject to the following conditions and limitations:

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

(b) the delegate must exercise a delegated function or power in accordance with and due regard to:

- (i) applicable legislative and other legal requirements; and
- (ii) relevant policies and guidelines adopted by the Council.

(c) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.

(d) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.

(e) These delegations will come into operation on Wednesday 24 January 2024 and remain in force until varied or revoked by resolution of the Council.

(f) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 24 January 2024.

CARRIED

20 MOTIONS WITH NOTICE

Nil

21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



23 NEW CONFIDENTIAL ITEMS

Pursuant to Section 74 of the Local Government Act 1999, Cr Frank Morello disclosed a general conflict of interest in Item 23.1.

In accordance with Section 75B Cr Frank Morello informed the meeting:

Nature of Interest:

Employed by Country Arts SA, Co-owner of the subject land with City of Mount Gambier.

In accordance with Section 75B of the Local Government Act 1999 Cr Frank Morello left the meeting at 6:59 pm.

23.1 RAA EV CHARGING STATION PROJECT – REPORT NO. AR24/2636

RESOLUTION 2024/19

Moved: Cr Max Bruins

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) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR24/2636 RAA EV Charging Station Project.

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

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



The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter to be considered relates to a proposal that Council has already considered and kept confidential creating a duty of confidence, actions associated with which are yet to be formally implemented that will partially release information which is of a commercially sensitive nature. The premature disclosure, including discussion in public forum, could reasonably be expected to prejudice or benefit 3rd parties, including Council in its commercial negotiations which would on balance be contrary to the public interest in achieving commercial arrangements and good community outcomes associated with the proposed use of Council land.

CARRIED

RESOLUTION 2024/20

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 23.1 AR24/2636 RAA EV Charging Station Project and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until 36 months have elapsed since the proponents last dealings with Council on the proposal, or 12 months after an agreement and any renewal or extended term has expired and not been renewed, whichever is the later, with the resolutions to be released upon the execution by all parties of an agreement and a joint public announcement having been made on the proposal.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Cr Frank Morello returned to the meeting at 7:05 pm.

23.2 AUDIT AND RISK COMMITTEE - INDEPENDENT MEMBER APPOINTMENT - REPORT NO. AR24/1084

RESOLUTION 2024/21

Moved: Cr Paul Jenner
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) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR24/1084 Audit and Risk Committee - Independent Member Appointment.



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

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the subject matter includes information concerning the personal affairs of the expression interest applicants the disclosure of which would be an unreasonable disclosure of personal affairs information.

CARRIED

RESOLUTION 2024/22

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinac

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 AR24/1084 Audit and Risk Committee - Independent Member Appointment 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 appointments of the Audit and Risk Committee members have been confirmed. The attachments to the report be kept confidential and that confidentiality be reviewed annually.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

24 MEETING CLOSE

The Meeting closed at 7:10 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 February 2024.

.....
PRESIDING MEMBER

