

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 24 JANUARY 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Ben Hood, Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Mark Lovett, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Mezinec

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mr D Barber
	Acting General Manager City and Community Growth	- Mrs G Davison
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Ms M Brookes
	Project Manager	- Ms T McPherson
	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

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/1

Moved: Cr Sonya Mezinec

Seconded: Cr Kate Amoroso

That the minutes of the Ordinary Council meeting held on 13 December 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

5.1 MAYORAL REPORT - JANUARY 2023

- Assistance with Final Meal for the 2022 Year at the Sunset Kitchen
- Limestone Coast Landscape Board Meeting
- Meeting with James Morrison
- Elected Members Bus Tour of Council Area / Sites / Projects
- Tour of Wulanda with Member for Barker
- Blue Lake Carols
- SAROC Induction Meeting - Virtual
- Opening Ceremony and Function – SA Country Swimming Championships
- Meeting with EO, LCLGA
- With CEO, Meeting with Office of the Member for Barker, Member for Mount Gambier, Mayor and CEO of DC Grant
- Elected Member Briefing – Regional Planning Preparation (1)
- SAROC Committee Meeting
- Meeting with Minister Picton’s Adviser and Member for Mount Gambier
- Australia Day Awards at Government House
- Site Visit – Badger Australia

RESOLUTION 2023/2

Moved: Mayor Lynette Martin
Seconded: Cr Max Bruins

That the Mayoral report made on 24 January 2023 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Josh Lynagh	Assistance with Christmas meal - Sunset Kitchen, bus tour of Council assets.
Cr Ben Hood	Landscape Board Meeting, Wulanda Opening, Blue Lake Carols, SA Country Swimming Championships.
Cr Paul Jenner	Sunset Kitchen, Elected Members bus tour of Council area and sites, Limestone Coast Landscape Board.
Cr Sonya Mezinec	Attended opening days of Wulanda Recreation and Convention Centre.
Cr Frank Morello	Bus tour of Council area, Blue Lake Carols.

RESOLUTION 2023/3

Moved: Cr Frank Morello
Seconded: Cr Ben Hood

That the reports made by Councillors on 24 January 2023 be received.

CARRIED



7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - RAINWATER TANKS

Cr Max Bruins asked the following Question with Notice:

Question:

Can Council please be advised whether properties constructed after July 2006 are permitted to remove rainwater tanks post construction, or if a rainwater tank plumbed to the premises remains an ongoing homeowner obligation for the life of the property under current legislation?

Answer:

Since 2006 as part of any Building Consent and Development Approval, a dwelling must be provided with an additional water supply collected in a rainwater tank that is to be plumbed to a toilet, hot water service or the laundry cold water tap.

The removal of this additional water supply (rainwater tank) would be a breach of the Building Consent and Development Approval. Council has the ability to undertake enforcement action to correct the breach of the approval and there are a number of pathways we could follow in relation to the enforcement action. We would recommend a soft approach in the first instance by contacting the customer directly and if there is no action would formally write a letter to the property owner.

7.2 QUESTION WITH NOTICE - EV CHARGING STATIONS

Cr Max Bruins asked the following Question with Notice:

Question:

Noting the TBW article from 13 January 2023 regarding the installation of the first of the RAA/State Govt EV charging stations:

- (a) Did COMG have any input into the location of the charging stations, and if so, why was the first charging station selected to be installed at a private business outside the CBD when there are 6 Tesla Superchargers nearby at On The Run?
- (b) Have the sites for the remaining chargers to be installed in Mt Gambier been finalised? If so, how many of these are within the CBD?
- (c) When is work anticipated to be finalised on the remaining sites?

Answer:

There was a tender released by State Government for the installation of EV charging stations in which the RAA have been appointed to deliver the program.

Council has identified sites of interest for the placement of EV charging stations and have been liaising with RAA regarding installation of a charger at the Wulanda Recreation and Convention Centre. We are currently working through some issues with this site location due to the Community Land Management Plan and investigation is underway to identify other possible sites within the CBD, such as Commerce Place that the RAA can consider.

Council is not aware of the number of other sites identified nor the process undertaken for RAA for site selection in Mount Gambier nor when the works will be completed.



7.3 QUESTION WITH NOTICE - FREW PARK PICKET FENCE AND SEATING

Cr Frank Morello asked the following Question with Notice:

Question:

Given the picket fence and seating around Frew Park are in poor condition and require repair, are there plans to update/repair this infrastructure?

Answer:

Council plans to undertake minor repairs and improvements to this infrastructure and are aware of the condition they are currently in. However, there are issues with management of stormwater that is a major contributor to the damage being caused to not only the picket fence but the broader area. There are also behavioural issues at this site causing damage to the infrastructure and grounds.

Council will continue to work with the Department for Planning and Infrastructure to resolve the stormwater issue. While we acknowledge this location needs improvement, the core issues need to be addressed in order to efficiently address these issues moving forward.

8 QUESTIONS WITHOUT NOTICE

Nil resolved

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 14/12/2022 TO 19/01/2023

RESOLUTION 2023/4

Moved: Cr Sonya Meziniec

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/2468 titled 'Elected Member Information/Briefing Sessions from 14/12/2022 to 19/01/2023' as presented on 24 January 2023 be noted.

CARRIED



13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 13/12/2022

RESOLUTION 2023/5

Moved: Cr Mark Lovett

Seconded: Cr Ben Hood

1. That Council Report No. AR23/3385 titled 'Council Action Items - 13/12/2022' as presented on 24 January 2023 be noted.

CARRIED

Cr Frank Morello left the meeting at 6:17 pm.

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

Nil

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE

A verbal update was provided by Barbara Cernovskis, General Manager City Infrastructure on the construction progress of the Wulanda Recreation and Convention Centre.

Cr Frank Morello returned to the meeting at 6:20 pm.



RESOLUTION 2023/6

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/1378 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 24 January 2023 be noted.

CARRIED

19.2 CRATER LAKES BUSHFIRE RESPONSE / RECOVERY UPDATE

RESOLUTION 2023/7

Moved: Cr Ben Hood
Seconded: Cr Josh Lynagh

1. That Council Report No. AR22/8149 titled 'Crater Lakes Bushfire Response / Recovery Update' as presented on 24 January 2023 be noted.
2. That the longer term rehabilitation plan of the Crater Lakes Precinct be presented to Council with associated budgetary implications.
3. That Council notes the informal "emergency" budgetary reporting in response to the fire (provided via the 'Friday Edition') will cease as further actions will be subject to specific budget allocations.

CARRIED

19.3 CREATIVE ARTS FUND - UPDATE

MOTION

Moved: Cr Paul Jenner
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/3197 titled 'Creative Arts Fund - Update' as presented on 24 January 2023 be noted.
2. The resolution 2022/231 titled Creative Arts Fund 2022/23 Applications that was passed on 13 December 2022 be amended as follows:
 - Parts 1-2 of the resolution remain unchanged:
 - Part 3 of the resolution be amended to reflect the correct name of the applicant for the Point of Impact project:
 - from MOD – University of Adelaide,
 - to MOD – University of South Australia.
 - Parts 4-6 of the resolution remain unchanged.



AMENDMENT

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR23/3197 titled 'Creative Arts Fund - Update' as presented on 24 January 2023 be noted.
2. The resolution 2022/231 titled Creative Arts Fund 2022/23 Applications that was passed on 13 December 2022 be amended as follows:
 - Parts 1-2 of the resolution remain unchanged:
 - Part 3 of the resolution be amended to reflect the correct name of the applicant for the Point of Impact project:
 - from MOD – University of Adelaide,
 - to MOD – University of South Australia.
 - Parts 4-6 of the resolution remain unchanged.
3. That due to delay in approval of 2022/2023 Creative Arts Fund and therefore the ability for MOD University of South Australia to complete their original project by the deadline, MOD University of South Australia be granted approval to commission a Mount Gambier artist to produce a new work to be delivered in Mount Gambier by 2024.

The Amendment was put and

CARRIED

The Amendment became the Motion

RESOLUTION 2023/8

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR23/3197 titled 'Creative Arts Fund - Update' as presented on 24 January 2023 be noted.
2. The resolution 2022/231 titled Creative Arts Fund 2022/23 Applications that was passed on 13 December 2022 be amended as follows:
 - Parts 1-2 of the resolution remain unchanged:
 - Part 3 of the resolution be amended to reflect the correct name of the applicant for the Point of Impact project:
 - from MOD – University of Adelaide,
 - to MOD – University of South Australia.
 - Parts 4-6 of the resolution remain unchanged.
3. That due to delay in approval of 2022/2023 Creative Arts Fund and therefore the ability for MOD University of South Australia to complete their original project by the deadline, MOD University of South Australia be granted approval to commission a Mount Gambier artist to produce a new work to be delivered in Mount Gambier by 2024.

CARRIED



19.4 PROPOSED ITEMS OF BUSINESS 2023 LGA ORDINARY GENERAL MEETING

RESOLUTION 2023/9

Moved: Cr Paul Jenner
Seconded: Cr Kate Amoroso

- (a) That Council Report No. AR22/87446 titled 'Proposed Items of Business 2023 LGA Ordinary General Meeting' as presented on 24 January 2023 be noted.
- (b) That an item of business be prepared and submitted for consideration by SAROC for the purpose of a motion to the 2023 LGA Ordinary General Meeting (OGM) on the following matters:
 1. Compulsory Swimming Lessons (pending outcome of Notice of Motion AR23/2231, as contained in Council Meeting agenda dated 24 January 2023).
 2. Regionalisation (as contained in the 21 June 2022 Council meeting, report no. AR22/40057) as follows: "This LGA Annual General Meeting calls on the South Australian Government to establish and appropriately resource effective implementation of the regionalisation agenda through strengthening regional centres, and to work closely with Federal Government on regionalisation initiatives."
 3. The LGA liaise with Minister for Local Government and the Electoral Commissioner on reviewing the provisions under the Local Government Act and Election Regulations, which govern the local government election process and prevent the display or notification of nominations for local government member positions prior to the close of nominations.

CARRIED

19.5 ALGA JUNE 2023 NATIONAL GENERAL ASSEMBLY - CALL FOR MOTIONS

RESOLUTION 2023/10

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinac

1. That Council Report No. AR23/2652 titled 'ALGA June 2023 National General Assembly - Call for Motions' as presented on 24 January 2023 be noted.
2. That draft motions for the June 2023 ALGA NGA be prepared and presented to Council on the following issues relevant to the work of local government nationally:
 - (i) Given the increasing, devastating impact that natural disasters are having on Local Government infrastructure and public amenity a formal request that there be bipartisan agreement to commit to the ongoing provision of SLRP and LRCI funding.

CARRIED



Pursuant to Section 75 of the Local Government Act 1999, Cr Mark Lovett disclosed a material conflict of interest in Item 19.6:

"I am a signed applicant on the First Nations South East Claim Group."

In accordance with Section 75C of the Local Government Act 1999 Cr Lovett did not participate in the meeting for Item 19.6.

Cr Mark Lovett left the meeting at 6:50 pm.

19.6 FIRST NATIONS OF THE SOUTH EAST NATIVE TITLE CLAIM NO.1 - UPDATE

RESOLUTION 2023/11

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/2738 titled 'First Nations of the South East Native Title Claim No.1 - Update' as presented on 24 January 2023 be noted.
2. That the progress of the First Nations of the South East Native Title Claim (No 1) be noted.
3. That Native Title and the interests of our Traditional Owners are further embedded as a primary consideration in relation to matters associated with the management of Crown Land.

CARRIED

Cr Mark Lovett returned to the meeting at 6:51 pm

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Meziniec disclosed a general conflict of interest in Item 19.7:

"I am the Council Representative on the Riddoch Arts and Cultural Trust Inc."

In accordance with Section 75B of the Local Government Act 1999 Cr Meziniec did not participate in the meeting for Item 19.7.

Cr Sonya Meziniec left the meeting at 6:52 pm.

19.7 RIDDOCH ARTS AND CULTURAL TRUST (RACT) INCORPORATED - ANNUAL GENERAL MEETING

RESOLUTION 2023/12

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/4430 titled 'Riddoch Arts and Cultural Trust (RACT) Incorporated - Annual General Meeting' as presented on 24 January 2023 be noted.
2. That Council waive the 21 days notice for the first Annual General Meeting of the Riddoch Arts and Cultural Trust, noting that the Riddoch Arts and Cultural Trust Board must coordinate and hold an Annual General Meeting by 19 February 2023.

3. That future Annual General Meetings be coordinated and held by the Riddoch Arts and Cultural Trust Board in accordance with the Constitution.

CARRIED

Cr Sonya Meziniec returned to the meeting at 6:53 pm.

20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - MERGING OF UNISA AND THE UNIVERSITY OF ADELAIDE

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 20.1:

"I work for Hon. Clare Scriven with the motion recommending a letter be sent to all local members, which includes Clare Scriven."

Cr Lynagh informed the meeting of the manner in which they intend to deal with the general conflict of interest in Item 20.1 as follows:

"I intend to stay in the meeting and vote on the matter. I will not be engaging in discussion or debate on the matter."

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 20.1.

RESOLUTION 2023/13

Moved: Cr Ben Hood

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/85206 titled 'Notice of Motion - Merging of UniSA and the University of Adelaide' as presented on 24 January 2023 be noted.
2. That Council note the currently media reports around discussions of merging UniSA and the University of Adelaide into a single Adelaide University.
3. That Council note the great opportunities and educational pathways that the Mount Gambier UniSA campus currently provide our community.
4. That the Council write to the Premier Peter Malinauskas, Minister for Education Blair Boyer, University of Adelaide Vice Chancellor Peter Hoj, UniSA Vice Chancellor David Lloyd requesting that, in any discussions of the future of university education in South Australia through a proposed merger, consider decentralising courses into the regions and that an expansion of tertiary courses and campus footprint in Mount Gambier be a priority to encourage more students to study in the region and for students from inter- and intra-state to make Mount Gambier their base for higher education.
5. That copies of the letter be sent to Independent Member for Mount Gambier Troy Bell, The Hon. Clare Scriven, Federal Member for Barker Tony Pasin MP, Leader of the Opposition David Speirs MP and Shadow Minister for Education John Gardner.

CARRIED

Having participated in the meeting for Item 20.1 under Section 75B Cr Lynagh voted in favour of the motion.



20.2 NOTICE OF MOTION - COMPULSORY SWIMMING LESSONS

RESOLUTION 2023/14

Moved: Cr Paul Jenner
Seconded: Cr Ben Hood

1. That Council Report No. AR23/2231 titled 'Notice of Motion - Compulsory Swimming Lessons' as presented on 24 January 2023 be noted.
2. Council write to the Premier - Peter Malinauskas MP, Minister for Education, Training and Skills - Blair Boyer MP, Minister for Police, Emergency Services and Correctional Services - Joe Szakacs MP, Minister for Human Services - Nat Cook MP, Minister for Health and Wellbeing - Chris Picton MP, Minister for Recreation, Sport and Racing - Katrine Hildyard MP and Member for Mount Gambier, Troy Bell MP requesting:
 - (a) that an additional sports voucher for each child from 6 months of age be provided to support families with the cost of swimming lessons
 - (b) that swimming lessons are made compulsory through the education system at both public and private schools.

CARRIED

20.3 NOTICE OF MOTION - MOUNT GAMBIER MOUNTAIN BIKE CLUB

RESOLUTION 2023/15

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/3454 titled 'Notice of Motion - Mount Gambier Mountain Bike Club' as presented on 24 January 2023 be noted.
2. That Mount Gambier Mountain Bike Association president Shane de Jong be invited to brief Council on the condition of the Crater Lakes trails, safety considerations, maintenance priorities and the club's future plans.
3. That the briefing occurs before April 2023.
4. That the Crater Lakes Trails audit be circulated to members before the briefing.

CARRIED

21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



23 NEW CONFIDENTIAL ITEMS

23.1 ANIMAL POUND AND SHELTER SERVICES – REPORT NO. AR22/79574

RESOLUTION 2023/16

Moved: Cr Sonya Mezinec

Seconded: Cr Kate Amoroso

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, D Barber, G Davison, J Scoggins, J McDonald, M Brookes, T McPherson and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR22/79574 Animal Pound and Shelter Services.

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 it relates to a proposed tender that is yet to be finalised, released and determined.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To further discuss Item 23.1.

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

Meeting Procedures were suspended at 7:25 pm.

Cr Kate Amoroso left the meeting at 7:30 pm.

Cr Kate Amoroso returned to the meeting at 7:33 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 7:41 pm.



RESOLUTION 2023/17

Moved: Cr Max Bruins
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 23.1 AR22/79574 Animal Pound and Shelter Services and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 15 January 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 7:41 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 February 2023.

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PRESIDING MEMBER

