

# MINUTES

## Ordinary Council Meeting

Tuesday 18 February 2025



**Minutes of City of Mount Gambier Ordinary Council Meeting held at:**

**Time:** 6:00 pm  
**Date:** Tuesday 18 February 2025  
**Location:** Council Chamber - Civic Centre  
10 Watson Terrace, Mount Gambier

**PRESENT:** Mayor Lynette Martin (OAM)  
Cr Kate Amoroso  
Cr Paul Jenner  
Cr Mark Lovett  
Cr Josh Lynagh  
Cr Sonya Meziniec  
Cr Frank Morello  
Cr Jason Virgo

<b>OFFICERS IN</b>	Chief Executive Officer	- Mrs S Philpott
<b>ATTENDANCE:</b>	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager People, Place and Liveability	- Mr Chris White
	Manager Operations Infrastructure	- Mr K Manarangi
	Team Leader Community Events	- Mrs X Keding
	Media and Communications Coordinator	- Ms S McLean
	Executive Administrator	- Miss T Chant

**1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2 APOLOGIES**

**RESOLUTION OCM 2025/1**

Moved: Cr Kate Amoroso  
Seconded: Cr Sonya Meziniec

That the apology from Cr Max Bruins be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

**4.1 CONFIRMATION OF COUNCIL MINUTES**

**RESOLUTION OCM 2025/2**



Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

That the minutes of the Ordinary Council Meeting held on 21 January 2025 be confirmed as an accurate record of the proceedings of the meeting, with the below amendment to Item 18.1 - Grants and Sponsorship Program 2024/2025 - Pioneers Basketball Club and Generations in Jazz:

Update Table to include Total figures for 2029/2030

<b>Financial Year</b>	<b>2025/2026</b>	<b>2026/2027</b>	<b>2027/2028</b>	<b>2028/2029</b>	<b>2029/2030</b>
Pioneers Basketball	\$50,000 + CPI  Up to \$15k In-Kind Up to \$48k In-kind Game Night expenses	\$50,000 + CPI  Up to \$15k In-Kind Up to \$48k In-kind Game Night expenses	\$50,000 + CPI  Up to \$15k In-Kind Up to \$48k In-kind Game Night expenses	\$50,000 + CPI  Up to \$15k In-Kind Up to \$48k In-kind Game Night expenses	\$50,000 + CPI  Up to \$15k In-Kind Up to \$48k In-kind Game Night expenses
Generations in Jazz	\$35,000 + CPI  Up to \$15,000 In-kind	\$35,000 + CPI  Up to \$15,000 In-kind	2026/2027 amount + CPI  Up to \$15,000 In-kind	2027/2028 amount + CPI  Up to \$15,000 In-kind	2028/2029 amount + CPI  Up to \$15,000 In-kind
<b>TOTAL</b>	<b>\$85,000 +CPI</b>	<b>\$85,000 +CPI</b>	<b>Circa \$85,000 +CPI</b>	<b>Circa \$85,000 +CPI</b>	<b>Circa \$85,000 + CPI</b>

**CARRIED**

## 5 MAYORAL REPORT

### 5.1 MAYORAL REPORT - FEBRUARY 2025

- Weekly meetings with CEO
- Regular meetings with General Managers
- Meeting with Liberal State Team
- Policy Announcement by Liberal State Team
- Citizenship Ceremony
- LGA Board of Directors Meeting (virtual)

- Australia Day Breakfast and Citizen of the Year Awards
- Introductory Meeting with CEO, Sarah Philpott and G4S General Manager, Simon Berg
- Lifeblood Volunteer Lunch
- LGA Board Nominations Committee Meeting
- Elected Member Briefing – Strategic Land Use Update
- Elected Member Briefing – Rating Review
- Elected Member Briefing – Introductory Meeting with Lauren Oxlade (RDALC)
- Mayor's Christmas Appeal Photo
- Information / Briefing Session – Audit and Risk Committee – Update on Budget Preparation
- Audit and Risk Committee Meeting
- LCLGA Meeting with DIT – Road and Transport issues
- Meeting with Sekina Castignani following presentation of petition to Council
- Introductory Meeting with CEO, Sarah Philpott and Liz Wheeler – Limestone Coast Veterans Hub & Nancy Wake Memorial Ride
- CEO Performance Review Committee Meeting
- Elected Member Briefing with Kelledy Jones Lawyers – Public Interest Disclosure
- Elected Member Briefing with Kelledy Jones Lawyers – By-Law Review
- Photo with new Flinders University Medical students
- LCLGA Mayors Catch Up (virtual)
- LCLGA AGM and General Meeting (Wulanda Recreation & Convention Centre)
- Event at Mount Gambier Regional Airport – Qantas Q400 Arrival, with CEO, Sarah Philpott

#### **RESOLUTION OCM 2025/3**

Moved: Mayor Lynette Martin

Seconded: Cr Mark Lovett

That the Mayoral Report be received.

**CARRIED**

## **6 REPORTS FROM COUNCILLORS**

### **6.1 REPORTS FROM COUNCILLORS**

Cr Josh Lynagh	Citizenship Ceremony, Australia Day Breakfast and Awards, Netball Border Challenge
Cr Jason Virgo	Australia Day Awards Ceremony, Webinar: Development of the new Biodiversity Act
Cr Paul Jenner	Meeting with Members of the State Opposition Liberal Team, Policy announcement by Liberal State Team at Wulanda, Citizenship Ceremony, Emerge 25 - Exhibition Opening at Riddoch Arts & Cultural Centre, GTE Board Meeting
Cr Max Bruins	Exhibition Opening – Riddoch Arts and Cultural Centre - Guy Detot: Memoire D'un Danseur and Harbingers: Care or Catastrophe



**RESOLUTION OCM 2025/4**

Moved: Cr Jason Virgo

Seconded: Cr Josh Lynagh

That the reports made by Councillors be received.

**CARRIED**

**7 QUESTIONS WITH NOTICE**

Cr Max Bruins gave notice of his intention for Cr Paul Jenner to ask the following questions:

**7.1 QUESTION – MYLOCALSERVICES APP**

Given the popularity of the MyLocalServices app and it's increasing ability to integrate with council systems, are we aware of any future IT developments planned which may enable ratepayers to utilise the app to review their outstanding balances owed and potentially integrate an online payment platform to enable them to use the app to make their quarterly or annual payments? If not, is this something that can be raised with them either directly or through the LCLGA so if system upgrades are required to enable such functionality it is included in any planned IT upgrades for council systems?

**Answer:**

The MyLocalServices app is primarily an information and notification platform, designed to promote community events, consultations, and facilities, while also allowing residents to report issues. However, it does not directly integrate with Civica Authority, and any reports submitted require manual processing by the CX Team.

As part of Councils Business Systems unlocking project we are looking to introduce a more seamless and efficient user experience through a new program called Citizen Central which will replace the current eServices portal.

Citizen Central is designed to be the single source of truth for resident interactions and provides 24/7 self-service access to key council functions, including rate payments, permit requests, and service requests. Importantly, it integrates directly with Council's CRM system, eliminating double handling and streamlining processes.

The timing of the implementation is expected to be towards the end of the project (12 to 18 months) due to the sequencing required for each stage.

In the interim, we are able to provide a link from the My Local Service App to the relevant page of our website where ratepayers are currently able to go online, view their balance and make payments.





## **7.2 QUESTION – REQUEST FOR UPDATE – RETAINING WALL – LAKE TERRACE WEST**

Can an update please be provided in relation to the collapsed retaining wall on Lake Terrace West which is part of the “Comfort Inn” complex? This wall has been collapsed for some time and is not only an eyesore, but limits pedestrian access on the south side of the street. Is council pursuing all legal options to have the owner rectify the damage to the wall in a timely manner?

**Answer:**

Council Officers have investigated and confirmed the retaining wall in question is on private property and not Council’s responsibility. However, we understand there was damage caused from a burst SA Water pipe and this is affecting the additional tiers of retaining wall on the footpath that are Council’s responsibility.

Council Officers are further investigating this matter and will advise Elected Members of progress.

## **8 QUESTIONS WITHOUT NOTICE**

### **8.1 QUESTION/S TAKEN ON NOTICE FROM PREVIOUS MEETING**

Nil resolved.

## **9 PETITIONS**

Nil

## **10 DEPUTATIONS**

Nil

## **11 NOTICE OF MOTION TO REVOKE OR AMEND**

Nil

## **12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS**

### **RESOLUTION OCM 2025/5**

Moved: Cr Josh Lynagh

Seconded: Cr Frank Morello

That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

**CARRIED**

## **13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**



Nil

## **14 AUDIT AND RISK COMMITTEE**

### **14.1 MINUTES OF AUDIT AND RISK COMMITTEE HELD ON 5 FEBRUARY 2025**

#### **RESOLUTION OCM 2025/6**

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

That the minutes of the Audit and Risk Committee meeting held on 5 February 2025 be noted.

**CARRIED**

### **14.2 STRATEGIC RISK REGISTER**

#### **RESOLUTION OCM 2025/7**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That the Audit and Risk Committee report titled 'Strategic Risk Register' as presented on Wednesday 5 February 2025 be noted.

**CARRIED**

### **14.3 WORK HEALTH SAFETY (WHS) AND WELLBEING QUARTERLY REPORT - OCTOBER - DECEMBER 2024**

#### **RESOLUTION OCM 2025/8**

Moved: Cr Paul Jenner

Seconded: Cr Jason Virgo

1. That the Audit and Risk Committee report titled 'Work Health Safety (WHS) and Wellbeing Quarterly Report - October - December 2024' as presented on Wednesday 5 February 2025 be noted.

**CARRIED**



#### **14.4 BUDGET FRAMEWORK POLICY B300**

##### **RESOLUTION OCM 2025/9**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That the Audit and Risk Committee report titled 'Budget Framework Policy B300' as presented on Wednesday 5 February 2025 be noted.
2. That having been reviewed by the Audit and Risk Committee on 5 February 2025, the reviewed and amended Budget Policy be endorsed.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the Budget 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**

#### **14.5 REVIEW OF TERMS OF REFERENCE**

##### **RESOLUTION OCM 2025/10**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Audit and Risk Committee report titled 'Review of Terms of Reference' as presented on Wednesday 5 February 2025 be noted.
2. That the updated Audit and Risk Committee Terms of Reference having been reviewed by the Audit and Risk Committee at its meeting on 5 February 2025, be endorsed and recommended to Council for adoption.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the Terms of Reference 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**





## **14.6 AUDIT AND RISK COMMITTEE MEETING REPORT**

### **RESOLUTION OCM 2025/11**

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee report titled 'Audit and Risk Committee Meeting Report' as presented on Wednesday 5 February 2025 be noted.
2. That Council write to the Minister for Local Government to seek clarity and guidelines of the intention and requirements of Section 126(8)(a) Local Government Act 1999.

**CARRIED**

## **15 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE**

### **15.1 MINUTES OF CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 11 FEBRUARY 2025**

#### **RESOLUTION OCM 2025/12**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That the minutes of the Chief Executive Officer Performance Review Committee meeting held on 11 February 2025 be noted.

**CARRIED**

### **15.2 CHIEF EXECUTIVE PERFORMANCE REVIEW PROCESS 2025**

#### **RESOLUTION OCM 2025/13**

Moved: Cr Mark Lovett

Seconded: Cr Sonya Meziniec

1. That Chief Executive Officer Performance Review Committee report titled 'Chief Executive Performance Review Process 2025' as presented on Tuesday 11 February 2025 be noted.
2. The process for the 2025 Chief Executive Officer Performance Review Committee be noted.



3. The procurement process for engaging an 'Independent Specialist Support' to conduct a transparent and impartial performance evaluation of the Chief Executive Officer be approved.

**CARRIED**

### **15.3 TERMS OF REFERENCE - PERIODICAL REVIEW**

#### **RESOLUTION OCM 2025/14**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Audit and Risk Committee report titled 'Terms of Reference - Periodical Review' as presented on Tuesday 11 February 2025 be noted.
2. That the updated Chief Executive Officer Performance Review Committee Terms of Reference having been reviewed by the Chief Executive Officer Performance Review Committee at its meeting on 10 February 2025, be adopted.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the Terms of Reference 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**

### **16 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE**

Nil

### **17 BUILDING FIRE SAFETY COMMITTEE**

Nil

### **18 COUNCIL REPORTS**

#### **18.1 REQUEST FOR REMOVAL OF TREES - COUNCIL RESERVE - CORNER OF NORTH TERRACE AND KENNEDY AVENUE, MOUNT GAMBIER**

#### **RESOLUTION OCM 2025/15**

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec



1. That Council report titled 'Request for Removal of Trees - Council Reserve - Corner of North Terrace and Kennedy Avenue, Mount Gambier' as presented on Tuesday 18 February 2025 be noted.
2. That Council Officers undertake the following:
  - (a) Continue to monitor the remaining tree near the adjacent property
  - (b) Review the status of the two trees located near the road at the time of undertaking schedule civil repair works, and progress any action that may be required in accordance with Councils' Tree Policy
3. That council convenes a workshop to review policy T120 by June 2025, before making any further determination about the removal or retention of the Lemon Scented Gum tree and two Mahogany Gum trees.
4. That a letter be sent to the owner of 130 North Terrace, Mount Gambier, advising of this outcome.

**CARRIED**

## **18.2 GRANTS AND SPONSORSHIP PROGRAM 2024/2025 - MOUNT GAMBIER EISTEDDFOD AND MOUNT GAMBIER 100 MILE CYCLING CLASSIC AND STATE KERMESSE CHAMPIONSHIP**

Pursuant to Section 75 of the Local Government Act 1999, Cr Josh Lynagh disclosed a material conflict of interest in Item 18.2.

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

Nature of Interest:

Members of my immediate family regularly compete and win in categories of the Mount Gambier Eisteddfod music and vocal divisions.

I have also sponsored a trophy in the past which I hope to do again in the future.

Intention to Participate:

Not to participate in the meeting in relation to the matter.

In accordance with Section 75B of the Local Government Act 1999 Cr Josh Lynagh left the meeting at 6:32pm.

Pursuant to Section 74 of the Local Government Act 1999, Cr Frank Morello disclosed a general conflict of interest in Item 18.2.

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

Nature of Interest:

I am employed by Country Arts SA, which administers the Sir Robert Helpmann Theatre, the venue where the Eisteddfods are staged.

Intention to Participate:

Not to participate in the meeting in relation to the matter.

In accordance with Section 75B of the Local Government Act 1999 Cr Frank Morello left the meeting at 6:32pm.

Cr Josh Lynagh and Cr Frank Morello returned to the meeting at 6:33pm.

**RESOLUTION OCM 2025/16**

Moved: Cr Mark Lovett

Seconded: Cr Paul Jenner

1. That Council report titled 'Grants and Sponsorship Program 2024/2025 - Mount Gambier Eisteddfod and Mount Gambier 100 Mile Cycling Classic and State Kermesse Championship' as presented on Tuesday 18 February 2025 be noted.
2. That Council allocate \$15,574.17 cash and up to \$1,100.00 in-kind support from the 2024/2025 Grants and Sponsorship Program to support the Mount Gamber 100 Mile Cycling Classic and State Kermesse Championship.
3. That Council allocate \$5,000.00 cash support from the 2024/2025 Grants and Sponsorship Program to support the Mount Gambier Eisteddfod.

**CARRIED**

**18.3 GRANTS AND SPONSORSHIP PROGRAM - FRINGE BERRIN INC**

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 discuss Item 18.3.

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

Meeting Procedures were suspended at 6:55pm.

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 7:01pm.

**RESOLUTION OCM 2025/17**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council report titled 'Grants and Sponsorship Program - Fringe Berrin Inc' as presented on Tuesday 18 February 2025 be noted.
2. That Council note the significant contribution to the local economy of Fringe Berrin Inc. of approx. \$1.5m per year.
3. That Council authorises the Chief Executive Officer to enter into a multi-year partnership agreement with Fringe Berrin Inc. of:
  - 2025/2026, \$51,500 and (up to) \$7,000 in-kind
  - 2026/2027, \$53,045 and (up to) \$7,500 in-kind
  - 2027/2028, \$56,000 and (up to) \$8,000 in-kind
4. That, prior to the consideration of any future funding requests, Fringe Berrin Inc provide Council with a report, detailing the following:
  - (a) Evidence that Council's financial support has been acknowledged during the multi-year partnership agreement 2025/26 – 2027/28 and has been instrumental in leveraging additional commercial and public sector sponsorship opportunities for Fringe Berrin Inc; and
  - (b) Evidence that Council's financial support has assisted in the growth of the Fringe festival and increased community participation.

**CARRIED**

#### **18.4 BUDGET FRAMEWORK POLICY B300**

##### **RESOLUTION OCM 2025/18**

Moved: Cr Mark Lovett

Seconded: Cr Frank Morello

1. That the Council report titled 'Budget Framework Policy B300' as presented on Tuesday 18 February 2025 be noted.
2. That having been reviewed by the Audit and Risk Committee on 5 February 2025, the reviewed and amended Budget Policy be adopted.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the Budget 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**

## **18.5 AUDIT AND RISK COMMITTEE - REVIEW OF TERMS OF REFERENCE**

### **RESOLUTION OCM 2025/19**

Moved: Cr Mark Lovett

Seconded: Cr Frank Morello

1. That Council report titled 'Audit and Risk Committee - Review of Terms of Reference' as presented on Tuesday 18 February 2025 be noted.
2. That the updated Audit and Risk Committee Terms of Reference having been reviewed by the Audit and Risk Committee at its meeting on 5 February 2025, be adopted.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the Terms of Reference 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**

## **18.6 PROPOSED ITEMS OF BUSINESS - 2025 LGA ORDINARY GENERAL MEETING**

### **RESOLUTION OCM 2025/20**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council report titled 'Proposed Items of Business - 2025 LGA Ordinary General Meeting' as presented on Tuesday 18 February 2025 be noted.
2. That in light of Council's previous determination to submit an item of business to the 2025 ALGA National General Assembly which is of national relevance, and bearing in mind Council has previously proposed multiple items of relevance to the LGA meetings on the issues contained within Council's Partnership Priorities and Advocacy document, Council determines not to submit any items of business to the 2025 LGA Ordinary General Meeting.

**CARRIED**

## **18.7 DELEGATIONS UPDATE - FEBRUARY 2025**

### **RESOLUTION OCM 2025/21**

Moved: Cr Mark Lovett



Seconded: Cr Josh Lynagh

1. That Council report titled 'Delegations Update - February 2025' as presented on Tuesday 18 February 2025 be noted.
2. That Council grants the delegation of powers and functions of the Council as provided for in the tables at **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 the Local Government Act 1999 to the Council's Chief Executive Officer, in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act may, unless indicated by resolution or in the tables accompanying the within council report, be further sub-delegated by the Chief Executive Officer or delegate.
4. Noting: no sub-delegation is permitted under the Environment Protection Act 1993.
5. Planning, Development and Infrastructure Act 2016 Delegations:
  - a) 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 1** accompanying report titled 'Delegations update October 2024') are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
  - b) Such powers and functions delegated in resolution 4 (a) may be further subdelegated 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.
6. General: The delegations granted in resolution 2 above are subject to the following conditions and limitations:
  - a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
  - b) the delegate must exercise a delegated function or power in accordance with and due regard to:
    - (i) applicable legislative and other legal requirements; and
    - (ii) relevant policies and guidelines adopted by the Council.
  - c) in regard to the following delegations under the Local Government Act:
    - (i) section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act
    - (ii) section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the

- council and the financial sub-delegation limitations set by the Chief Executive Officer;
- (iii) section 143(1): the power to write off debts is limited to debts not exceeding \$5,000;
  - (iv) section 188(3): the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c);
- d) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
  - e) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
  - f) These delegations will come into operation on Wednesday 19 February 2025 and remain in force until varied or revoked by resolution of the Council.
  - g) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 19 February 2025.

**CARRIED**

## **19 MOTIONS WITH NOTICE**

### **19.1 Motion with Notice - Surplus DIT Land (Rail Corridor)**

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 19.1.

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

Nature of Interest:

I am employed casually under Clare Scriven MLC who is to also receive a copy of this letter.

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 engage in discussion or debate on the matter.

Reason for Participating:

The action that I am taking is sufficient to address and deal with my conflict adequately by not moving or seconding the motion or speaking to the motion. I intend to vote and represent the community with my vote as I feel that is important.

In accordance with Section 75B of the Local Government Act 1999 Cr Josh Lynagh remained in the meeting for Item 19.1.

Having participated in the meeting for Item 19.1 Cr Josh Lynagh voted in favour for the motion.

**RESOLUTION OCM 2025/22**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That the motion from Cr Paul Jenner as presented on Tuesday 18 February 2025 be noted.
2. That Council writes to the Premier and DIT regarding the 7 parcels of land owned by State Government adjacent to Hastings Cunningham Reserve requesting that the State Government prioritise contamination assessment/investigations of the said parcels, in order that the highest and best use of those parcels can be determined for the future.
3. That a copy of this correspondence is sent to Minister for Planning – Nick Champion MP, Clare Scriven MLA - Minister for Primary Industries and Regional Development, Troy Bell MP and Ben Hood MLA.

**CARRIED**

**19.2 Motion with Notice - MFS Appliances at Mount Gambier Station**

The motion associated with Item 19.2 was withdrawn.

**19.3 Motion with Notice - State Owned Highways and Roads**

The motion associated with Item 19.3 was withdrawn.

**20 URGENT MOTIONS WITHOUT NOTICE**

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

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

Nature of Interest:

I am employed casually under Clare Scriven MLC who is set to also receive a copy of this letter.

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 20.1.

Having participated in the meeting for 20.1 Cr Josh Lynagh voted in favour of the motion.

Cr Kate Amoroso left the meeting at 7:19pm.

Cr Kate Amoroso returned to the meeting at 7:21pm.

### **RESOLUTION OCM 2025/23**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That the motion from Cr Paul Jenner as presented on Tuesday 18 February 2025 be noted.
2. That Council write to Emily Bourke MLC, Minister for Emergency Services and Correctional Services, and Mr Jeff Swan, MFS Chief Officer, seeking confirmation that the new appliances for the MFS recently announced, will include at least one new vehicle for the Mount Gambier MFS, rather than a reconditioned Appliance, in addition to the anticipated new rural fire fighting appliance.
3. That in that correspondence, we also seek a copy of the Asset Management Plan for Rural/Regional appliances in order to understand the MFS's intentions regarding the provision of adequate equipment for the Mount Gambier Station, given the acknowledged issues which have occurred in the past with reconditioned vehicles.
4. Mayor Lynette Martin OAM, CEO Sarah Philpott and Cr. Paul Jenner have an urgent meeting either face to face or virtual with Minister for Emergency Services and Correctional Services Emily Bourke MLC, CEO of SAFECOM Julia Waddington-Powell RN MIPH MHM GAICD, MFS Chief Officer Jeff Swan, Secretary of the United Firefighters Union of SA Max Adlam and Local full time representative.
5. A copy of the correspondence is sent to Julia Waddington-Powell RN MIPH MHM GAICD the CEO of SAFECOM, Clare Scriven MLC Minister of Primary Industries and Regional Development, Member for Mount Gambier Troy Bell MP and Member for McKillop Nick McBride MP.

**CARRIED**



## **Rationale**

Council last year met with the new MFS chief Officer Jeff Swann, Minister for Emergency Services (at that time) Joe Szakas MP, Minister for Primary Industries and Regional Development Clare Scriven MLC and office Manager for Member for Mount Gambier Troy Bell, Travis Fatchen.

At the Meeting Council raised several concerns about the firefighting appliances in Mount Gambier over the years and how the local station kept on getting second hand reconditioned appliances from Adelaide.

We talked about the out-dated Rural appliance ROSA, the 27 year old Scania no 2 Appliance and the CAPA that was going back for a major service.

The MFS chief officer announced with the local Media late last year The Mount Gambier Station would get a new rural appliance to replace the old ROSA and also get a new Main Rescue Appliance. That was all quoted in the media, and the 27 year old Scania would be going back to Adelaide. Why does Mount Gambier who has numerous large industries to protect keep on getting second hand rubbish.

Since then there is a new Minister for Emergency Services Emily Bourke MLC, however rumours are going around the City that we will not be getting one of the new main appliances but one of the reconditioned appliances again from Adelaide.

We told the Chief when he was here Mount Gambier warrants better than second hand vehicles from Adelaide. He was aware of the troubles with very poor Appliances that kept being sent to Mount Gambier. We discussed that the last renovated appliance out of Seaford, which after being reconditioned came to Mount Gambier and after a little while was sent back to Adelaide for 7 months to be fixed up again. Same happened with a relief appliance that came down here, it was in such bad condition it had to go back to Adelaide and was written off.

The Adelaide Media just announced 4 new appliances going into Adelaide with another 9 coming soon. Will one of those be for Mount Gambier or will we again receive reconditioned vehicles? Mount Gambier staff look after their appliances and the community of Mount Gambier deserves no less of fire protection than Adelaide.

At that meeting I asked was there a Asset Management Plan for replacement of Rural Appliances and the Chief said yes. I think it is well and truly time we asked to look at that document.

The life of a fire appliance is supposed to be 15 years. Mount Gambier current no. 1 truck is 14 years old already. Mount Gambier has more call outs than many Adelaide stations, it is about time the station was recognized for that and sent a new appliance as happened 26 years ago.

Mount Gambier has an approved workshop so there is no problem getting a vehicle serviced. Because there is 9 new appliances on order sending a brand new one to Mount Gambier will not be costing either the State Government or the MFS extra money.

I commend this Notice of Motion to Council.

## **21 CONFIDENTIAL ITEMS OF COMMITTEES**

**RESOLUTION OCM 2025/24**



Moved: Cr Mark Lovett  
Seconded: Cr Frank Morello

### **CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors, S Philpott, B Cernovskis, J Fetherstonhaugh, C White, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Remuneration Tribunal Review 2024.

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

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
- (g) 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, any duty of confidence, or 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 as the subject matter to be discussed includes information concerning the employment conditions of the Chief Executive Officer outside of those required to be published under the Local Government Act 1999 and also relates to a draft report and determination of the Remuneration Tribunal.

**CARRIED**

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the meeting at 7:30pm

### **RESOLUTION OCM 2025/25**

Moved: Cr Mark Lovett  
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 Remuneration Tribunal Review 2024 and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
  - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
  - (g) 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, any duty of confidence, or other legal obligation or duty.



be kept confidential and not available for public inspection until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has lapsed, to be reviewed at least once in every 12 month period, with the exception of the relevant salary register details which are to be updated within 28 days of any change in remuneration.

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**

Chief Executive Officer, Mrs Sarah Philpott, returned to the meeting at 7:35pm

## **22 NEW CONFIDENTIAL ITEMS**

### **22.1 WULANDA RECREATION AND CONVENTION CENTRE - PROJECT UPDATE**

#### **RESOLUTION OCM 2025/26**

Moved: Cr Mark Lovett

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, S Philpott, B Cernovskis, J Fetherstonhaugh, C White, S McLean and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Wulanda Recreation and Convention Centre - Project Update.

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

- (b) information the disclosure of which -
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
  - (i) 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; and
  - (ii) would, on balance, be contrary to the public interest.
- (g) 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, any duty of confidence, or other legal obligation or duty.
- (h) legal advice.

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 contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

**CARRIED**

#### **RESOLUTION OCM 2025/27**

Moved: Cr Mark Lovett

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 Wulanda Recreation and Convention Centre - Project Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
  - (b) information the disclosure of which -
    - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
    - (ii) would, on balance, be contrary to the public interest.
  - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
    - (i) 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; and
    - (ii) would, on balance, be contrary to the public interest.
  - (g) 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, any duty of confidence, or other legal obligation or duty.
  - (h) legal advice.

be kept confidential and not available for public inspection until the latter of two years after the satisfactory resolution of any outstanding commercial contractual dispute, or two years after the conclusion of any legal proceedings, and Council has been released from its duty of confidence, with resolution/s and minutes only to be released as soon as practical following consideration by Council.

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 MEETING CLOSE**

The meeting closed at 7:48 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 March 2025.

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**MAYOR**

