

MINUTES OF ORDINARY COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 17 April 2018 at 6.00 p.m.

PRESENT

Mayor Andrew Lee
Cr Christian Greco
Cr Josh Lynagh
Cr Sonya Mezinec
Cr Frank Morello
Cr Des Mutton
Cr Steven Perryman
Cr Hanna Persello
Cr Ian Von Stanke

COUNCIL OFFICERS

Chief Executive Officer	-	Mr M McShane
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Growth	-	Dr J Nagy
General Manager City Infrastructure	-	Mr N Serle
Manager Governance and Property	-	Mr M McCarthy
Manager Development Services	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Communications Officer	-	Mrs A Watson
Manager Finance and Customer Service	-	Mr J Zwijnenburg
Management Accountant	-	Ms K Rolton
Administrative Officer - Executive Support	-	Ms A Lavia

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

1. APOLOGY(IES)

Apology received from Cr Mark Lovett.

That the apology from Cr Mark Lovett be received.

Moved: Cr Morello

Seconded: Cr Greco

Carried

2. LEAVE OF ABSENCE

Nil



3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 20 March 2018.

That the minutes of the Ordinary Council meeting held on 20 March 2018 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

4. MAYORAL REPORT - Ref. AF11/881

- Official Flag Off – All British Car Club Tour
- Community Meeting – Indoor Sport and Recreation Facility
- Presentation of Trophies – Australian Street Rod Federation
- Indoor Sport and Recreation Facility Working Party Meeting x 2
- Youth Opportunities Presentations – Mount Gambier High School
- Youth Opportunities Community Development Launch
- 2018 Support Homeless People Luncheon

That the Mayoral report made on 17 April 2018 be received.

Moved: Cr Mutton

Seconded: Cr Persello

Carried

5. REPORTS FROM COUNCILLORS - Ref. AF11/882

Cr Meziniec	HAC Public Meeting, ac.care Homeless Lunch
Cr Lynagh	Uni SA HPV Super Series at McNamara Park, Loud in the Library
Cr Morello	Mount Gambier Fringe, Support Homeless People Luncheon
Cr Persello	Welcome Reception – Rotary District Conference, Indoor Recreation Facility Working Group Meetings, LGA Next Practice Conference and Ordinary General Meeting – Adelaide
Cr Von Stanke	LGA Showcase and OGM, Health Advisory Council Forum, LCLGA meeting

That the reports made by Councillors on 17 April 2018 be received.

Moved: Cr Meziniec

Seconded: Cr Morello

Carried



6. QUESTIONS

6.1. With Notice

Nil submitted.

6.2. Without Notice

Nil submitted.

7. PETITIONS

Nil

8. DEPUTATIONS

Nil

9. NOTICE OF MOTION TO RESCIND

Nil

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

03/04/2018	Mobile Food Vendors Amendment Act 2017 / Budget 2018/2019
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That the Record of Proceedings for the Mobile Food Vendors Amendment Act 2017 / 2018/2019 Budget Workshop held 3 April 2018 be received and the contents noted.

Moved: Cr Meziniec

Seconded: Cr Morello

Carried

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

Nil submitted.

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

Items referred to the Council Meeting held 20 March 2018.

That the Action Items referred to the Council Meeting held 20 March 2018 be received.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried



13. COMMITTEE MINUTES AND RECOMMENDATIONS

13.1. Minutes of Strategic Standing Committee – 9 April 2018

That the minutes of the Strategic Standing Committee meeting held 9 April 2018 be noted.

Moved: Cr Morello

Seconded: Cr Mezinec

Carried

13.2. Local Government (Mobile Food Vendors) Amendment Act 2017 - Report No. AR18/13171

- (a) Strategic Standing Committee Report No. AR18/13171 titled '*Local Government (Mobile Food Vendors) Amendment Act 2017*' as presented to the Strategic Standing Committee on 13 March 2018 be noted.
- (b) That Council adopt the Location Rules as attached to this report.
- (c) That the Permit to use Public Road for Mobile Food Vendor template be updated to accommodate the amendments to the Local Government Act and the adoption of the Location Rules.
- (d) The Mobile Food Vendor Permit fee be charged on the following basis:
 - (i) \$820 annually; or
 - (ii) \$100 monthly.
- (e) The Mobile Food Vendor Permit and Location Rules be referred to Council within 6 months of operation for a review.

Moved: Cr Morello

Seconded: Cr Greco

Carried

13.3. Planning Development and Infrastructure Act 2016 - Accredited Professional Scheme - Discussion Paper - Report No. AR18/13020

- (a) That Strategic Standing Committee Report No. AR18/13020 titled '*Planning Development and Infrastructure Act 2016 – Accredited Professional Scheme – Discussion Paper*' as presented to the Strategic Standing Committee on 9 April 2018 be noted.
- (b) That Council provide a submission generally supporting the accreditation scheme, however concern be raised regarding the requirement for Assessment Panel Members to have a:
 - Relevant planning degree or qualification in an allied field (e.g. architecture, engineering, environmental management, law)



- 2 years full time or equivalent experience considered appropriate
- PIA Full of Associate Member or accreditation in a recognised allied field.

A greater degree of flexibility should be available when appointing Assessment Panel Members, recognising the accreditation and role of assessment managers in supporting the Assessment Panel.

Moved: Cr Morello

Seconded: Cr Mutton

Carried

13.4. Minutes of Operational Standing Committee – 10 April 2018

That the minutes of the Operational Standing Committee meeting held 10 April 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Mutton

Carried

13.5. Minutes of Community Engagement and Social Inclusion Sub-Committee - 15 March 2018

That the minutes of the Community Engagement and Social Inclusion Sub-Committee meeting held 15 March 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

13.6. Governance - Community Engagement and Social Inclusion Sub-Committee - Vulnerable Families - Report No. AF17/432

(a) That a Community Day be hosted in the North West area of Mount Gambier in the 2018/2019 financial year.

(b) That Council host a 4th year Uni SA social work student to design a pathway tool for consumers to access community services.

Moved: Cr Von Stanke

Seconded: Cr Lynagh

Carried

13.7. Minutes of Heritage Sub-Committee - 28 March 2018

That the minutes of the Heritage Sub-Committee meeting held 28 March 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried



13.8. Heritage Adviser Report - February 2018 - Report No. AR18/11618

- (a) That Heritage Sub-Committee Report No. AR18/11618 titled '*Heritage Advisor Report - February*' as presented to the Heritage Sub-Committee on 28 March 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Mutton

Carried

13.9. Heritage Committee - Further Development of Work Plan - Ref. AF17/294

- (a) That the attached project plans for:
- Rook Walk 100 Year Anniversary
 - 150th Celebration of the Lake Terrace Cemetery
 - Railway Station Building
- be endorsed by Council and funded as per presented plans.
- (b) That additional funding required for subsequent stages are to be separately endorsed.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried

13.10. Works in Progress - City Infrastructure - Report No. AR18/12120

- (a) That Operational Standing Committee Report No. AR18/12120 titled '*Works in Progress - City Infrastructure*' as presented to the Operational Standing Committee on 10 April 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Mutton

Carried

13.11. Strategic Projects - Report No. AR18/12097

- (a) That Operational Standing Committee Report No. AR18/12097 titled '*Strategic Projects*' as presented to the Operational Standing Committee on 10 April 2018 be noted.
- (b) That Strategic Project reports be presented to the Operational Standing Committee every two months.

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried



13.12. Delegation of Powers - Update - Report No. AR18/12833

- (a) That Operational Standing Committee Report No. AR18/12833 titled '*Delegation of Powers - Update*' as presented to the Operational Standing Committee on 10 April 2018 be noted.
- (b) The Council hereby revokes its previous delegations to its Chief Executive Officer of those powers and functions under the Expiation of Offences Act to take effect from 30 April 2018.
- (c) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 5 and 36 (annexed to Operational Standing Committee Report No. AR18/12833 titled '*Delegation of Powers – Update*' as indicated below are hereby delegated this 17th day of April 2018 to the person occupying the office of Chief Executive Officer of the Council to take effect from 30th April 2018 subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation:
- Expiation of Offences Act 1996 (Appendix 5)
 - Fines Enforcement and Debt Recovery Act 2017 (Appendix 36).
- (d) The powers and functions may be further delegated by Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
- (e) For the purpose of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- (f) For the purpose of these delegations, all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.

Moved: Cr Von Stanke

Seconded: Cr Mutton

Carried

13.13. First Nations of the South East Native Title Claim - Report No. AR18/12710

- (a) That Operational Standing Committee Report No. AR18/12710 titled '*First Nations of the South East Native Title Claim*' as presented to the Operational Standing Committee on 10 April 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Meziniec

Carried



14. COUNCIL REPORTS

14.1. Community Plan - Quarterly Summary KPI Report - Report No. AR18/13068

COUNCIL RESOLUTION

- (a) Strategic Standing Committee Report No. AR18/13068 titled '*Community Plan - Quarterly Summary KPI Report - March 2018*' as presented to the Council on 17 April 2018 be noted.
- (b) The March 2018 Quarterly Summary KPI report be received and endorsed by Council.

Moved: Cr Morello

Seconded: Cr Greco

Carried

14.2. Draft 2018/2019 Annual Business Plan and Budget - Report No. AR18/13766

COUNCIL RESOLUTION

- (a) That Council Report No. AR18/13766 titled '*Draft 2018/2019 Annual Business Plan and Budget*' as presented to the Council on 17 April 2018 be noted.
- (b) That Council endorse the Draft 2018/2019 Annual Business Plan including the Community Consultation approach for public consultation purposes as detailed in Attachment 1 of this report titled '*Draft 2018/2019 Annual Business Plan and Budget*' which reflects a \$351,000 operating surplus.

Moved: Cr Morello

Seconded: Cr Mezinec

FORMAL MOTION

This matter be adjourned for a Special Meeting of Council for further consideration pending the expression of interest decision on the Federal Grant Application to be made by Council on the 24th of April, 2018.

Moved: Cr Perryman

Seconded: Cr Greco

As the motion was put and the voting was 4 In Favour and 4 Against Tied Vote

The Mayor exercised his right to a casting vote and voted against the Formal Motion

The Formal Motion was declared

Lost

The substantive motion was put and

Carried



14.3. 2017/2018 Cultural Development Fund - Report No. AR18/14419

COUNCIL RESOLUTION

- (a) That Council Report No. AR18/14419 titled '*2017/2018 Cultural Development Fund*' as presented to the Council on 17 April 2018 be noted.
- (b) That Council approve the Cultural Development Fund submission 'Sculpture Trail' received from Ivo Tadic to the value of \$13,000
- (c) That Council approve the allocation of \$12,000 from the remaining 2017/18 Budget allocation for the Cultural Development Fund to develop a five year Public Art Strategy for the City of Mount Gambier.

Moved: Cr Morello

Seconded: Cr Mezinec

Carried

15. MOTION(S) - With Notice

Nil Submitted.

16. MOTION(S) - Without Notice

Nil Submitted.



17. CONFIDENTIAL ITEMS

17.1. Consideration for Exclusion of the Public

Item No. 17.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Lee, Councillors – C Greco, J Lynagh, S Mezinec, D Mutton, S Perryman, H Persello, I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris and A Lavia) be excluded from the meeting in order for the Agenda Item 17.2 (Surplus Government Property Notice Report No. AR18/12667) to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by or to:

Department of Environment, Water and Natural Resources

Information received in relation to the subject matter of this report has been provided on a confidential basis pending Ministerial consideration of the proposals contained therein.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the proposals to be considered provide for a public benefit that could otherwise be jeopardised if the matter were considered by Council in a place open to the public prior to Ministerial consideration and approval.

Item No.	Subject Matter	S90(3) Grounds
17.2	Surplus Government Property Notice - Report No. AR18/12667	(j)

Moved: Cr Greco

Seconded: Von Stanke

Carried



17.3. Consideration for keeping Items Confidential

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

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.2	Surplus Government Property Notice - Report No. AR18/12667	(j)	All details	Until: A public announcement has been made by the State Government on the intended manner in which the property matter is to be dealt.

Moved: Cr Persello

Seconded: Cr Greco

Carried



17.4. Consideration for Exclusion of the Public

Item No. 17.5

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Lee, Councillors - C Greco, J Lynagh, S Mezinac, D Mutton, S Perryman, H Persello, I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris and A Lavia) be excluded from the meeting in order for the Agenda Item (*Sale of Land for non-payment of Rates*) to be considered in confidence.

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 this 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), being information regarding the property of a ratepayer that Council is proposing to commence a sale process in accordance with Section 184 of the Act for the non-payment of rates.

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 by the need to keep the personal financial information and discussion confidential whilst the matter is being settled.

Item No.	Subject Matter	S90(3) Grounds
17.5	Sale of land for non-payment of Rates - Report No. PR18/2387	(a)

Moved: Cr Greco

Seconded: Cr Lynagh

Carried



17.6. Consideration for Keeping Items Confidential

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

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.5	Sale of land for non-payment of Rates - Report No. PR18/2387	(a)	All details	Until the later of:- 12 months, or the matter being settled

Moved: Cr Greco

Seconded: Cr Lynagh

Carried



17.7. Consideration for Exclusion of the Public

Item No. 17.8

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Lee, Councillors - C Greco, J Lynagh, S Mezinac, D Mutton, S Perryman, H Persello, I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris and A Lavia) be excluded from the meeting in order for the Agenda Item (**Condition of Property**) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this 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), which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

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 matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
17.8	Condition of Property - Report No. AR18/12359	(a) & (f)

Moved: Cr Greco

Seconded: Cr Mutton

Carried



17.9. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 17.8 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.8	Condition of the Property - Report No. AR18/12359	(a) & (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months To be reviewed at least once

Moved: Cr Greco

Seconded: Cr Lynagh

Carried



17.10. Consideration for Exclusion of the Public

Item No. 17.11

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor Lee, Councillors - C Greco, J Lynagh, S Mezinac, D Mutton, S Perryman, H Persello, I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy, T Tzioutziouklaris and A Lavia) be excluded from the meeting in order for the Agenda Item (Illegal Development and Intervention Order) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this 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), which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

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 matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
17.11	Illegal Development and Intervention Order - Report No. AR18/12877	(a) & (f)

Moved: Cr Von Stanke

Seconded: Cr Greco

Carried



17.12. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 17.11 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.11	Illegal Development and Intervention Order - Report No. AR18/12877	(a) & (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months To be reviewed at least once

Moved: Cr Von Stanke

Seconded: Cr Persello

Carried

Meeting closed at 6:59 pm.

