

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 17 MARCH 2020 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Communications Officer	- Mrs A Watson
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Mrs F McGregor

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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

RESOLUTION 2020/75

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

That the request received from Cr Kate Amoroso for Leave of Absence be granted.

CARRIED

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2020/76

Moved: Mayor Lynette Martin

Seconded: Cr Steven Perryman

That the minutes of the Ordinary Council meeting held on 18 February 2020 and the Special Council meeting held on 3 March 2020 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

- With CEO attendance at 2020 Superloop Adelaide 500
- Official handover of Cheque, Council Donation to RFDS Patient Transfer Facility
- Meeting with representatives from Mount Gambier Chamber of Commerce
- First Budget Workshop
- Planet Youth Limestone Coast Community Information Session
- Meeting with representatives from Borg Manufacturing
- Meeting with DFAT State Director and Deputy Director
- WiBRD 2020 Cocktail Event Launch and Hall of Fame
- Classic Masters Event – McNamara Park
- With CEO Meeting re Masters Games
- Economic and Environment Committee
- CEO Performance Review Committee
- Special Meeting of Council
- WiBRD International Women’s Day Breakfast
- Community Celebration Barbecue – 34 Years of the Mount Gambier Aquatic Centre
- With CEO meeting with DC Grant Mayor and CEO
- With CEO Introduction and discussion with ac.care CEO
- Junior Sports Assistance Fund Committee Meeting
- RDALC - CSIRO Transit Report Launch
- Meeting with Colby Ind regarding his attendance at the National Plastic Summit in Canberra

RESOLUTION 2020/77

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the Mayoral report made on 17 March 2020 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Greco	BLSP Working Group
Cr Hood	Aquatic Centre Barbeque
Cr Jenner	Ceremony for Keeping Australia Beautiful – 2020 Grand Finalist, RSL Prostate Cancer Evening, RDALC - CSIRO Transit Report Launch on Rail, Meeting with Colby Ind regarding his attendance at the National Plastic Summit in Canberra with Scouts.
Cr Meziniec	Legacy Bowls Day, WiBRD launch & Hall of Fame
Cr Morello	Planet Youth Limestone Coast, Community Information Session

RESOLUTION 2020/78

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec



That the reports made by Councillors on 17 March 2020 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 REQUEST FOR UPDATE - WIN TV NEGOTIATIONS

REPORT RECOMMENDATION

Question

“Can the CEO advise Council on the progress of negotiations with WIN TV regarding the access to historical footage for use by the City of Mount Gambier for community benefit.”

Response

The Chief Executive Officer has followed up with WINTV recently and they have advised that the tapes have been safely transported from Mount Gambier to Ballarat, where they are now stored in an appropriate environment.

Downloading from the tapes has commenced. The equipment is old and has had to be repaired a couple of times when the technicians have the time, given this is not an operational priority for WINTV. The volume of material (from a number of stations) means that this will be a slow process, but it has commenced. I am aware the local manager has been provided with some clips from this process.

The relevant General Manager has also been in touch with NF&SA, but at this time the Chief Executive Officer is unsure as to the outcome of those discussions.

Question not resolved by Council.

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

10.1 DEPUTATION - LIMESTONE COAST REGIONAL SPORTING ACADEMY

REPORT RECOMMENDATION

1. That Council Report No. AR20/16018 titled ‘Deputation - Limestone Coast Regional Sporting Academy’ as presented on 17 March 2020 be noted.

Deputation cancelled by Mayor Martin.



11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBERS WORKSHOPS HELD FROM 19 FEBRUARY 2020 TO 13 MARCH 2020

RESOLUTION 2020/79

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council Report No. AR20/13214 titled 'Elected Members Workshops held from 19 February 2020 to 13 March 2020' as presented on 17 March 2020 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

13.1 MEMBER TRAINING REQUEST - CR PAUL JENNER - PARKS AND LEISURE AUSTRALIA CONFERENCE SA/NT

RESOLUTION 2020/80

Moved: Cr Paul Jenner
Seconded: Cr Christian Greco

1. That Council Report No. AR20/16649 titled 'Member Training Request - Cr Paul Jenner - Parks and Leisure Australia Conference SA/NT' as presented on 17 March 2020 be noted.
2. That, having considered the cost and benefit to Council and having determined that attendance at the Parks and Leisure Australia Conference is directly or closely related to the performance or discharge of the roles or duties of a Member of Council;
 - (a) Council support the attendance of Cr Paul Jenner at the Parks and Leisure Australia Conference in Clare on Friday 17 April 2020.
 - (b) Costs associated with registration (\$250+GST), travel and accommodation for attendance be reimbursed/borne by Council up to the value of \$600.
 - (c) Cr Paul Jenner submit a report for presentation at the Member Reports agenda item at the May 2020 Council meeting, in accordance with Council Policy M500.

CARRIED



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS FROM 18 FEBRUARY 2020

RESOLUTION 2020/81

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That Council Report No. AR20/13211 titled 'Council Action Items from 18 February 2020' as presented on 17 March 2020 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

15.1 MINUTES OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 2 MARCH 2020

RESOLUTION 2020/82

Moved: Cr Christian Greco
Seconded: Cr Max Bruins

That the Minutes of the Economic and Environment Committee meeting held on 2 March 2020 as attached be noted.

CARRIED

15.2 DEPUTATION - LIMESTONE COAST PROSTATE CANCER SUPPORT GROUP – REPORT NO. AR20/12751

RESOLUTION 2020/83

Moved: Cr Christian Greco
Seconded: Cr Paul Jenner

1. That Economic and Environment Committee Report No. AR20/12751 titled 'Deputation - Limestone Coast Prostate Cancer Support Group' as presented on 02 March 2020 be noted.

CARRIED



15.3 PUBLIC OPEN SPACE SERVICE LEVELS – REPORT NO. AR20/10721

RESOLUTION 2020/84

Moved: Cr Christian Greco
Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR20/10721 titled 'Public open space service levels' as presented on 02 March 2020 be noted.
2. Council supports the improvement measures contained in report AR20/10721.
3. That a report on the 2020/2021 peak weed season be brought back to Council in March 2021, updating Council on the impact of the proposed improvements.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Jenner disclosed a material conflict of interest in Item 15.4:

"CAP Member".

In accordance with Section 74 of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 15.4.

Cr Jenner left the meeting at 6.18 p.m.

15.4 COUNCIL ASSESSMENT PANEL FEES AND RECRUITMENT UPDATE – REPORT NO. AR20/10875

RESOLUTION 2020/85

Moved: Cr Christian Greco
Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR20/10875 titled 'Council Assessment Panel Fees and Recruitment Update' as presented on 02 March 2020 be noted.

CARRIED

Cr Jenner returned to the meeting at 6.19 pm

Pursuant to Section 75A of the Local Government Act 1999, Cr Jenner disclosed a perceived conflict of interest in Item 15.5:

"CAP Member".

Cr Jenner informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 15.5 as follows:*



- *Leaving the Chamber*"

In accordance with Section 75A of the Local Government Act 1999 Cr Jenner left the room for Item 15.5.

Cr Jenner left the meeting at 6.20 p.m.

15.5 JOINT PLANNING BOARD FOR THE LIMESTONE COAST REGION – REPORT NO. AR20/10881

RESOLUTION 2020/86

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR20/10881 titled 'Joint Planning Board for the Limestone Coast Region' as presented on 02 March 2020 be noted.
2. That Council endorses the draft Joint Planning Board Agreement (at attachment 1) and agrees that the Mayor and Chief Executive Officer execute the agreement on behalf of the City of Mount Gambier.
3. That the Mayor be the City of Mount Gambier representative on the Joint Planning Board, with the Deputy Mayor appointed as a proxy.

CARRIED

Cr Jenner returned to the meeting at 6.20 p.m.

15.6 INQUIRY INTO LOCAL GOVERNMENT COSTS AND EFFICIENCY – REPORT NO. AR20/11623

RESOLUTION 2020/87

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

1. That Economic and Environment Committee Report No. AR20/11623 titled 'Inquiry into Local Government Costs and Efficiency' as presented on 02 March 2020 be noted.

CARRIED



15.7 INFORMATION LEAFLET - VARIABLE MESSAGE DISPLAY UNITS TO BE USED AS A TEMPORARY ADVERTISING DISPLAY – REPORT NO. AR20/12496

RESOLUTION 2020/88

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR20/12496 titled 'Information Leaflet - Variable Message Display Units to be used as a temporary advertising display' as presented on 02 March 2020 be noted.
2. The draft wording and plan for the information leaflet identifying where the Variable Message Display Units and that this will be subject to graphic design prior to publication be noted.

CARRIED

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 MARCH 2020

RESOLUTION 2020/89

Moved: Cr Ben Hood

Seconded: Cr Christian Greco

That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 10 March 2020 as attached be noted.

CARRIED

17.2 COMMUNITY AND RECREATION HUB DEVELOPMENT APPLICATION UPDATE – REPORT NO. AR20/14297

RESOLUTION 2020/90

Moved: Cr Ben Hood

Seconded: Cr Paul Jenner

1. That Regional Sport and Recreation Centre Committee Report No. AR20/14297 titled 'Community and Recreation Hub Development Application Update' as presented on 10 March 2020 be noted.

CARRIED



17.3 COMMUNITY AND RECREATION HUB PROCUREMENT PROCESS – REPORT NO. AR20/14298

RESOLUTION 2020/91

Moved: Cr Ben Hood

Seconded: Cr Christian Greco

1. That Regional Sport and Recreation Centre Committee Report No. AR20/14298 titled 'Community and Recreation Hub Procurement Process' as presented on 10 March 2020 be noted.

CARRIED

17.4 COMMUNITY AND RECREATION HUB - TENANCIES UPDATE – REPORT NO. AR20/14510

RESOLUTION 2020/92

Moved: Cr Ben Hood

Seconded: Cr Max Bruins

1. That Regional Sport and Recreation Centre Committee Report No. AR20/14510 titled 'Community and Recreation Hub - Tenancies Update' as presented on 10 March 2020 be noted.
2. Further advice will be provided to Council at the conclusion of the capital works component of the endorsed arrangements.

CARRIED

18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 20 FEBRUARY 2020

RESOLUTION 2020/93

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the Minutes of the Council Assessment Panel meeting held on 20 February 2020 as previously circulated be noted.

CARRIED



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

Pursuant to Section 75A of the Local Government Act 1999, Cr Perryman disclosed a perceived conflict of interest in Item 19.1:

"I am the President of Basketball Mount Gambier which is a member of the fund.

Cr Perryman informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 19.1 as follows:*

- Stay in the Chamber, debate and vote"

In accordance with Section 75A of the Local Government Act 1999 Cr Perryman stayed in the Chamber for Item 19.1.

19.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 11 MARCH 2020

RESOLUTION 2020/94

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

That the Minutes of the Junior Sports Assistance Fund meeting held on 11 March 2020 as attached be noted.

CARRIED

Having participated in the meeting in relation to the matter Cr Perryman voted in favour of Item 19.1.

Pursuant to Section 75A of the Local Government Act 1999, Cr Perryman disclosed a perceived conflict of interest in Item 19.2:

"I am the President of Basketball Mount Gambier which is a member of the fund.

Cr Perryman informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 19.2 as follows:*

- Stay in the Chamber, debate and vote"

In accordance with Section 75A of the Local Government Act 1999 Cr Perryman stayed in the Chamber for Item 19.2.



19.2 CORRESPONDENCE RECEIVED – REPORT NO. AR19/66243

RESOLUTION 2020/95

Moved: Cr Christian Greco
Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR19/66243 titled 'Correspondence Received' as presented on 11 March 2020 be noted.

CARRIED

Having participated in the meeting in relation to the matter Cr Perryman voted in favour of Item 19.2.

Pursuant to Section 75A of the Local Government Act 1999, Cr Perryman disclosed a perceived conflict of interest in Item 19.3:

"I am the President of Basketball Mount Gambier which is a member of the fund.

Cr Perryman informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 19.3 as follows:*

- Stay in the Chamber, debate and vote"

In accordance with Section 75A of the Local Government Act 1999 Cr Perryman stayed in the Chamber for Item 19.3.

19.3 COMMITTEE APPOINTMENTS – REPORT NO. AR19/64728

RESOLUTION 2020/96

Moved: Cr Christian Greco
Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR19/64728 titled 'Committee Appointments' as presented on 11 March 2020 be noted.

CARRIED

Having participated in the meeting in relation to the matter Cr Perryman voted in favour of Item 19.3.

Pursuant to Section 75A of the Local Government Act 1999, Cr Perryman disclosed a perceived conflict of interest in Item 19.4:

"I am the President of Basketball Mount Gambier which is a member of the fund.

Cr Perryman informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 19.4 as follows:*

- Stay in the Chamber, debate and vote"

In accordance with Section 75A of the Local Government Act 1999 Cr Perryman stayed in the Chamber for Item 19.4.



**19.4 STATEMENT OF REVENUE AND EXPENSES - 1/10/2019 - 29/02/2020 – REPORT
NO. AR20/15047**

RESOLUTION 2020/97

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR20/15047 titled 'Statement of Revenue and Expenses - 1/10/2019 - 29/02/2020 as presented on 11 March 2020 be noted.
2. The financial statement of the Fund as 29 February 2020 be received, noting a cash balance of \$108,023.

CARRIED

Having participated in the meeting in relation to the matter Cr Perryman voted in favour of Item 19.4.

Pursuant to Section 74 of the Local Government Act 1999, Cr Perryman disclosed a material conflict of interest in Item 19.5:

"I am the President of Basketball Mount Gambier which is a Member of the fund and members of the basketball association are recipients under this item".

In accordance with Section 74 of the Local Government Act 1999 Cr Perryman did not participate in the meeting for Item 19.5.

Cr Perryman left the meeting at 6.26 p.m.

**19.5 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS AND PAYMENTS
FROM THE FUND FROM 01/09/2019 TO 29/02/2020 – REPORT NO. AR20/15392**

RESOLUTION 2020/98

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR20/15392 titled 'Applications for Financial Assistance for Juniors and Payments from the Fund from 01/09/2019 to 29/02/2020' as presented on 11 March 2020 be noted.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Perryman disclosed a material conflict of interest in Item 19.6:

"I am the President of Basketball Mount Gambier which is a Member of the fund and members of the basketball association are recipients under this item".

In accordance with Section 74 of the Local Government Act 1999 Cr Perryman did not participate in the meeting for Item 19.6.



19.6 ROTARY CLUB OF MOUNT GAMBIER LAKES - DONATION TO FINANCIALLY DISADVANTAGED JUNIOR SPORTSPERSONS – REPORT NO. AR19/66198

RESOLUTION 2020/99

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR19/66198 titled 'Rotary Club of Mount Gambier Lakes - Donation to Financially Disadvantaged Junior Sportspersons' as presented on 11 March 2020 be noted.
2. The following applications/funding be made available to the Member Organisation named below to assist the identified junior(s) 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 (funded from some of the proceeds from the 2018 Blue Lake Fun Run) and to be used strictly in accordance with their respective confidential application:
 - (i) Basketball Mount Gambier - \$900

CARRIED

Cr Perryman returned to the meeting at 6.28 p.m.

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

The Chief Executive Officer, Andrew Meddle declared a Material Conflict and left the Chamber at 6.28 p.m.

21.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 3 MARCH 2020

RESOLUTION 2020/100

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 3 March 2020 as attached be noted.

CARRIED



21.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE TERMS OF REFERENCE – REPORT NO. AR20/9108

RESOLUTION 2020/101

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

1. That Chief Executive Officer Performance Review Committee Report No. AR20/9108 titled 'Chief Executive Officer Performance Review Committee Terms of Reference' as presented on 03 March 2020 be noted.
2. That the Chief Executive Officer Performance Review Committee endorse the Terms of Reference.

CARRIED

The Chief Executive Officer, Andrew Meddle returned to the meeting at 6.31 p.m.

22 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

23 COUNCIL REPORTS

23.1 BUDGET REVIEW QUARTER 2 FY2019-20

RESOLUTION 2020/102

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR20/9615 titled 'Budget Review Quarter 2 FY2019-20' as presented on 17 March 2020 be noted.
2. That the YTD Quarter 2 Budget Review revisions be adopted for the FY2019/20 financial year, reflecting:
 - a \$264,000 forecast operating deficit (BR1: \$48,000), representing a \$103,000 improvement from the original budget operating deficit of \$367,000 (this is taking into account the \$125,000 operating carry over);
 - a \$156,000 forecast net deficit (BR1: \$157,000 net surplus), representing a \$313,000 decrease from the original budget net surplus of \$157,000;
 - A \$1,495,000 impairment expense within Other Comprehensive expenses related to the Aquatic Centre and Olympic Park assets which will be impaired with their closure and removal with the build of the CaRH;
 - A \$11,746,000 forecast capital expenditure, representing a \$1,219,000 change from the original budget capital expenditure of \$12,695,000, including a Budget revision carry over to 2020/21 of \$1,655,000;



with all the above original budget amounts including taking into account a \$125,000 operating carry over and a \$2,201,000 capital carry over per the Economic and Environment Committee 2 September 2019 resolution Work in Progress budget carry overs from 2018/19 – Report No. AR19/41788.

CARRIED

23.2 PUBLIC TRANSPORT TRIALS

RESOLUTION 2020/103

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR20/12896 titled 'Public Transport Trials' as presented on 17 March 2020 be noted.
2. That a further report be brought before Council, once the relevant information has been provided from the State Government.

CARRIED

23.3 RENEWABLE ENERGY PROVISION AT ADELAIDE CITY COUNCIL

RESOLUTION 2020/104

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Council Report No. AR20/12897 titled 'Renewable Energy Provision at Adelaide City Council' as presented on 17 March 2020 be noted.
2. That a further report be brought before Council, once the relevant information has been provided from Adelaide City Council.

CARRIED

Pursuant to Section 75A of the Local Government Act 1999, Cr Morello disclosed a perceived conflict of interest in Item 23.4:

“part of selection panel.

Cr Morello informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 23.4 as follows:*

- Contribute to discussion and vote”

In accordance with Section 75A of the Local Government Act 1999 Cr Morello stayed in the Chamber and voted for Item 23.4.



23.4 CREATIVE ARTS FUND - APPROVAL OF CONCEPT - SHINE IN THE SOUTH EAST

RESOLUTION 2020/105

Moved: Cr Ben Hood

Seconded: Cr Frank Morello

1. That Council Report No. AR20/15104 titled 'Creative Arts Fund - Approval of Concept - Shine in the South East' as presented on 17 March 2020 be noted.
2. That the funds be released for the project Shine in the South East and the concept design as provided by the artist Justin Clarke be endorsed.
3. That the provision and acquittal of these grant funds be subject to:
 - all necessary land holder and development approvals being obtained; and
 - all works being completed in accordance with all relevant legislative and compliance standards.

CARRIED

Having participated in the meeting in relation to the matter Cr Morello voted in favour of Item 23.4.

23.5 GUARANTEE REQUEST - MOUNT GAMBIER NETBALL ASSOCIATION - REFINANCING OF ORIGINAL GUARANTEED LOAN

RESOLUTION 2020/106

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Council Report No. AR20/16408 titled 'Guarantee Request - Mount Gambier Netball Association - Refinancing of Original Guaranteed Loan' as presented on 17 March 2020 be noted.
2. That Council agree to provide the Mount Gambier Netball Association with a further guarantee to the relevant financial institution for \$50,000;
3. That the Mayor and Chief Executive Officer be authorised to sign and seal any loan guarantee documentation with the relevant financial institution;
4. That the Mount Gambier Netball Association be advised of this Council resolution.

CARRIED

Pursuant to Section 75A of the Local Government Act 1999, Cr Hood disclosed an actual conflict of interest in Item 23.6:

"Board Member of Stand Like Stone.

Cr Hood informed the meeting of the manner in which they intend to deal with the *actual conflict of interest in Item 23.6* as follows:

- Leave meeting"

In accordance with Section 75A of the Local Government Act 1999 Cr Hood left the Chamber for Item 23.6.

Cr Hood left the meeting at 6.41 p.m.



23.6 REQUEST FOR A DISCRETIONARY RATE REBATE FOR 9 PENOLA ROAD WHILST OCCUPIED BY THE STAND LIKE STONE FOUNDATION

RESOLUTION 2020/107

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

1. That Council Report No. AR20/16434 titled 'Request for a Discretionary Rate Rebate for 9 Penola Road whilst occupied by the Stand Like Stone Foundation' as presented on 17 March 2020 be noted.
2. That Council grant a 50% discretionary rate rebate for 9 Penola Road, Mount Gambier whilst it is occupied by the Stand Like Stone Foundation.
3. The Chief Executive Officer be requested to write to the Stand Like Stone Foundation advising them of the Council's decision.

CARRIED

Cr Ben Hood returned to the meeting at 6.50 p.m.

24 MOTIONS WITH NOTICE

24.1 NOTICE OF MOTION - DOMESTIC VIOLENCE

RESOLUTION 2020/108

Moved: Cr Sonya Mezinac

Seconded: Cr Steven Perryman

1. That Council Report No. AR20/16449 titled 'Notice of Motion - Domestic Violence' as presented on 17 March 2020 be noted.
2. The Council write to the Premier, Mr Steven Marshall MP, Minister for the Status of Women, Michelle Lensink MLC, The Prime Minister the Hon Scott Morrison MP and the Minister for Women, Senator the Hon Marise Payne requesting the following:
 - (a) The 5 urgent actions as detailed in the AWAVA and Fair Agenda letter to Women's Safety Ministers dated 5 March 2020 be implemented immediately.
 - (b) Increase the annual funding allocation for domestic violence specialist workers in the Limestone Coast Region to enable domestic violence services provide more effective services and supports to women residing in rural and more remote areas of the Limestone Coast Region.
3. The City of Mount Gambier writes to the Limestone Coast Local Government Association requesting this issue is added to the agenda for their next meeting requesting that member Councils write to the Premier, Mr Steven Marshall MP, Minister for the Status of Women, Michelle Lensink MLC, The Prime Minister the Hon Scott Morrison MP, The Federal Member for Barker Mr Tony Pasin MP, State Member for Mount Gambier Mr Troy Bell MP and the Minister for Women, Senator the Hon Marise Payne advocating for the immediate implementation of the 5 urgent actions detailed in the AWAVA and Fair Agenda letter and an increase in annual funding allocation for domestic violence specialist workers in the Limestone Coast Region.

CARRIED



24.2 NOTICE OF MOTION - NEWSTART ALLOWANCE

RESOLUTION 2020/109

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Council Report No. AR20/16450 titled 'Notice of Motion - Newstart Allowance' as presented on 17 March 2020 be noted.
2. The City of Mount Gambier writes to the Prime Minister the Hon Scott Morrison MP and the relevant Federal Government Ministers advocating for an increase to the Newstart Allowance.
3. The City of Mount Gambier writes to the Limestone Coast Local Government Association requesting this issue is added to the agenda for their next meeting requesting that member Councils write to the Prime Minister the Hon Scott Morrison MP, The Federal Member for Barker Mr Tony Pasin MP and the relevant Federal Government Ministers advocating for an increase to the Newstart Allowance.

CARRIED

24.3 NOTICE OF MOTION - CLOSURE OF AQUATIC CENTRE

RESOLUTION 2020/110

Moved: Mayor Lynette Martin
Seconded: Cr Ben Hood

1. That Council Report No. AR20/16482 titled 'Notice of Motion - Closure of Aquatic Centre' as presented on 17 March 2020 be noted;
2. That the closure of the Aquatic Centre to accommodate the construction phase of the Community and Recreation Hub project be noted;
3. That the work of Peter Collins in the operation of the Aquatic Centre be acknowledged and that the Mayor send a letter of thanks.

CARRIED

Cr Christian Greco left the meeting at 7.01 p.m. and did not return.

25 MOTIONS WITHOUT NOTICE

Nil



26 CONFIDENTIAL ITEMS OF COMMITTEES

26.1 CONFIDENTIAL ITEMS OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 2 MARCH 2020

26.2 PRESENTATION BY BEACH ENERGY – REPORT NO. AR20/8188

RESOLUTION 2020/111

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

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 Mayor L Martin, Councillors S Meziniec, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, J Nagy, N Serle, A Watson and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR20/8188 Presentation by Beach Energy.

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

- 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

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 Future operational plans discussed which are in the planning stages.

CARRIED

RESOLUTION 2020/112

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.2 AR20/8188 Presentation by Beach Energy and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (d) be kept confidential



and not available for public inspection until After operational plans are released by Beach Energy.

2. Further that Council delegates the power to review, revoke, but not extension of 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



26.3 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 MARCH 2020

26.4 CONFIDENTIALITY, ACTIVITIES AND THE COMMUNITY AND RECREATION HUB – REPORT NO. AR20/15651

RESOLUTION 2020/113

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

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 Mayor L Martin, Councillors S Meziniec, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, J Nagy, N Serle, A Watson and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.4 AR20/15651 Confidentiality, Activities and the Community and Recreation Hub.

The Council is satisfied that, pursuant to section 90(3) (f) 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 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
- 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 of legislative provisions that prohibit the disclosure of information of the kind to be provided in a verbal report by the Chief Executive Officer.

CARRIED

RESOLUTION 2020/114

Moved: Cr Sonya Meziniec
Seconded: Cr Ben Hood

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 26.4 AR20/15651 Confidentiality, Activities and the Community and Recreation Hub and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2)



& (3) (f) and (g) be kept confidential and not available for public inspection until the end of this term of Council when the 2022 local government elections have concluded.

2. Further that Council delegates the power to review, revoke, but not extension of 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

27 NEW CONFIDENTIAL ITEMS

27.1 BLUE LAKE GOLF CLUB - KPI REPORT DECEMBER QUARTER 2019 – REPORT NO. AR20/15109

RESOLUTION 2020/115

Moved: Cr Max Bruins
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 Mayor L Martin, Councillors S Meziniec, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, J Nagy, N Serle, A Watson and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.1 AR20/15109 Blue Lake Golf Club - KPI Report December Quarter 2019.

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

- 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 matters to be received and discussed include commercial information relating to the operations of the Blue Lake Golf Club provided in-confidence to Council for review purposes creating a duty of confidence, and the disclosure of which could reasonably be expected to confer a commercial advantage on a 3rd party and prejudice the commercial position of the Blue Lake Golf Club.

CARRIED



RESOLUTION 2020/116

Moved: Cr Max Bruins
Seconded: Cr Ben Hood

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 27.1 AR20/15109 Blue Lake Golf Club - KPI Report December Quarter 2019 and its attachments, the discussion and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (d) and (g) be kept confidential and not available for public inspection until two years have passed or the Blue Lake Golf Club has ceased operating, whichever is the earlier.
2. Further that Council delegates the power to review, revoke, but not extension of 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



27.2 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 3 MARCH 2020

27.3 SELECTION OF PROFESSIONAL SUPPORT FOR THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW – REPORT NO. AR20/9109

RESOLUTION 2020/117

Moved: Cr Steven Perryman

Seconded: Cr Max Bruins

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 Mayor L Martin, Councillors S Mezinac, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy, B Cernovskis, J Nagy, N Serle, A Watson and F McGregor be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.3 AR20/9109 Selection of professional support for the Chief Executive Officer's Performance Review.

The Council is satisfied that, pursuant to section 90(3) (b) and (k) 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

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.

- 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 the information to be considered includes offers for the supply of services, the disclosure of which prior to the making of a procurement decision could reasonably be expected to confer an advantage on a third part or prejudice the commercial position of the Council negotiations.

CARRIED

The Chief Executive Officer, Andrew Meddle declared a Material Conflict, left the Chamber at 7.23 p.m. and did not return.



RESOLUTION 2020/118

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

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 27.3 AR20/9109 Selection of professional support for the Chief Executive Officer's Performance Review and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (k) be kept confidential and not available for public inspection until 2 years have elapsed. The name and contract value of the selected service provider be released immediately upon execution of a service contract.
2. Further that Council delegates the power to review, revoke, but not extension of 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

28 MEETING CLOSE

The Meeting closed at 7.26 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 April 2020.

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PRESIDING MEMBER

