

**MINUTES OF CITY OF MOUNT GAMBIER ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 17 DECEMBER 2019 AT 6.00 P.M.**

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

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	Manager Development Services	- Mrs T Tzioutziouklaris
	Communications Officer	- Mrs A Watson
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Mrs M Telford
	Executive Administration Officer	- Mrs E Solly

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

RESOLUTION 2019/358

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

That the apology(ies) from Cr Steven Perryman be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2019/359

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

That the minutes of the Ordinary Council meeting held on 19 November 2019, the Special Council meeting held on 21 November 2019 and the Special Council meeting held on 3 December 2019 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

- Premier's Reading Challenge at McDonald Park School
- James Morrison Academy End of Year Concert
- White Ribbon Breakfast, Sunset Kitchen
- Round Table Panel - 2019 Personal Learning Plan at Mount Gambier High School
- Assist at Mayor's Christmas Appeal Sausage Sizzle
- Welcome at Mount Gambier Family Truck Show
- Welcome to Riders - Great Victorian Bike Ride - in Millicent before they head into Mount Gambier
- ABC Broadcast - Welcome to Great Victorian Bike Ride into Mount Gambier
- Selection Citizen of the Year
- Public Meeting - Limestone Coast Local Health Network Governing Board
- Members Briefing - Spare Ya Change and Collaborative Arts Hub
- Christmas Parade Presentation Night
- Grant High School Presentation Evening - presentation of Leadership Awards
- Members Briefing on CEO KPI Update and Probation
- Special Meeting of Council
- Bedford Cottage Official Opening
- Site visit to Blue Lake Golf Club
- Official Opening at Baptist Care 2019 - Limestone Coast Toy Run
- Lakes Rotary Blue Lake Fun Run - Accept donation for Disadvantaged Youth Sport
- Library Volunteers Christmas Lunch
- People and Place Committee Meeting
- International Day of People with Disability - presentation of Awards (Minda)
- Special Meeting of Council
- Mayors Leadership Forum
- LGA Briefing - Enhanced Public Speaking and Presenting for Elected Members
- Site Visit Aldi Store
- Members Briefing and Regional Sport and Recreation Centre Committee Meeting
- Launch of Completed Artworks in the Civic Centre - Painting on Pillars and Sound Installation - Sir Robert Helpmann Theatre
- Volunteers Dinner - St Vincent de Paul Society
- LCLGA General Meeting and Christmas Lunch - Tatiara
- Inaugural Pump Track Event
- Blue Lake Carols

RESOLUTION 2019/360

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Meziniec

That the Mayoral report made on 17 December 2019 be received.

CARRIED



6 REPORTS FROM COUNCILLORS

Cr Amoroso	Pump Track Opening, Truck Show, Mount Gambier Gift
Cr Bruins	Mount Gambier High School PLP Presentations, Toy Run, Pump Track Opening
Cr Hood	Site visit to Blue Lake Golf Club, Metro Change Day, Pump Track World Championships, Blue Lake Carols, 10 th Birthday of Library
Cr Jenner	Riddoch Art Gallery Exhibition – As far as the eye can see, Mount Gambier Family Truck Show, Great Victorian Bike Ride, Christmas Parade Presentation night, South East Art Society, Public Lighting Working Group Meeting, Bedford Cottage Official Opening, Site visit to Blue Lake Golf Club, Blue Lake Fun Run, International Day of People with Disability, Mount Gambier Gold Cup, Mount Gambier Gift, GTE Board Meeting, Red Bull Pump Track World Championships, Blue Lake Carols
Cr Mezinec	PLP Roundtable Panels - Mount Gambier High School, Middle School Presentations – St Martins Lutheran College, Year 12 Graduation – Tenison Woods College, Treasuring Life ATSI Suicide Prevention Launch, Mount Gambier Gold Cup, Blue Lake Y Swim Club Carnival Opening, Mount Gambier Gift, Junior School Presentation – St Martins College
Cr Morello	Independent Learning Centre Graduation, Tenison Woods College Senior School Awards, Mount Gambier Gift, Blue Lake Carols, Pump Track Opening, Spare Ya Change

RESOLUTION 2019/361

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

That the reports made by Councillors on 17 December 2019 be received.

CARRIED

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil



10 DEPUTATIONS

10.1 DEPUTATION FROM WATTLE RANGE COUNCIL

RESOLUTION 2019/362

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Council Report No. AR19/68403 titled 'Deputation from Wattle Range Council' as presented on 17 December 2019 be noted.

CARRIED

22.5 CAROLINE LANDFILL GATE AND WASTE TRANSFER STATION FEES

MOTION

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Council Report No. AR19/66026 titled 'Caroline Landfill Gate and Waste Transfer Station Fees' as presented on 17 December 2019 be noted.
2. That Council endorse the pricing schedule laid out in Table 1, as presented in this report, effective from 1 January 2020 and authorise administration to:
 - (a) Notify all known regular users of the facility; and
 - (b) Update the fees and charges register.

AMENDMENT

RESOLUTION 2019/363

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

1. That Council Report No. AR19/66026 titled 'Caroline Landfill Gate and Waste Transfer Station Fees' as presented on 17 December 2019 be noted.
2. That implementation of updated pricing be deferred pending a workshop on this matter, to be held before the end of January 2020.

The amendment became the motion and was put and

CARRIED

RESOLUTION 2019/364

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

1. That Council Report No. AR19/66026 titled 'Caroline Landfill Gate and Waste Transfer Station Fees' as presented on 17 December 2019 be noted.
2. That implementation of updated pricing be deferred pending a workshop on this matter, to be held before the end of January 2020.

CARRIED



Cr Greco called a division.

The declaration was then set aside.

Voting by division being:

In Favour: Crs Sonya Meziniec, Max Bruins, Ben Hood and Frank Morello

Against: Crs Kate Amoroso, Christian Greco and Paul Jenner

The Mayor declared the motion

CARRIED 4/3

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOPS

RESOLUTION 2019/365

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council Report No. AR19/65713 titled 'Elected Member Workshops' as presented on 17 December 2019 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 19/11/2019

RESOLUTION 2019/366

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR19/66861 titled 'Council Action Items - 19/11/2019' as presented on 17 December 2019 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil



16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE PEOPLE AND PLACE COMMITTEE HELD ON 2 DECEMBER 2019

RESOLUTION 2019/367

Moved: Cr Frank Morello
 Seconded: Cr Sonya Mezinec

That the Minutes of the People and Place Committee meeting held on 2 December 2019 as attached be noted.

CARRIED

16.2 SPORT AND RECREATION MAJOR CAPITAL WORKS PROGRAM 2019/2020 - APPLICATIONS - REPORT NO. AR19/60773

RESOLUTION 2019/368

Moved: Cr Frank Morello
 Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR19/60773 titled 'Sport and Recreation Major Capital Works Program 2019/2020 - Applications' as presented on 02 December 2019 be noted.
2. That \$100,000 be endorsed for distribution for the 2019/2020 Sport and Recreation Major Capital Works Program as follows:

<u>Applicant</u>	<u>Priority</u> (Score)	<u>Requested</u>	<u>Approved</u>
East Gambier Cricket Club	5	\$ 11,000.00	\$ 11,000.00
Blue Lake Golf Club	4	\$ 48,690.00	\$ 14,965.00
South Gambier Football Club	6	\$ 27,800.00	\$ 10,467.00
West Gambier Football Club	8	\$ 13,102.50	\$ 13,102.00
Mount Gambier Cycling Club*	3	\$ 1,061.07	\$ 1,061.00
North Gambier Football / Netball Club	7	\$ 32,000.00	\$ 10,467.00
West Gambier Netball Club	1	\$ 32,958.50	\$ 19,469.00
Mount Gambier Netball Association	2	\$ 34,761.00	\$ 19,469.00
Mount Gambier Croquet Club**	9	\$ 25,000.00	-
		\$ 226,112.00	\$ 100,000.00

*Contribution supports compliance with Building Fire Safety Regulations ** Ineligible Application

3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always 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



16.3 LOCAL HERITAGE RESTORATION FUND 2019/2020 - CONSIDERATION OF APPLICATIONS AND DISTRIBUTION OF FUNDS - REPORT NO. AR19/61062

RESOLUTION 2019/369

Moved: Cr Frank Morello

Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR19/61062 titled 'Local Heritage Restoration Fund 2019/2020 - Consideration of applications and distribution of funds' as presented on 02 December 2019 be noted.
2. That the Heritage Restoration Fund Grants for 2019/2020 be endorsed and funds distributed as noted in number 2 in the agenda.

CARRIED

16.4 BLUE LAKE SPORTS PARK - REPORT NO. AR19/62088

RESOLUTION 2019/370

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR19/62088 titled 'Blue Lake Sports Park' as presented on 02 December 2019 be noted.
2. That Council note the formation of the Blue Lake Sports Park Advisory Group (BLSPAG), together with its membership, Terms of Reference and aspirations.
3. That Council appoint the following as its member and proxy to support the work of this Group
 - (a) Member - Cr Greco
 - (b) Proxy - Cr Perryman and Cr Amoroso
4. Amount of \$50,000 be referred to the 2020/21 budget for consideration. The Blue Lake Sports Park Advisory Group be advised of same, noting that this amount is not an actual allocation but a referral to be considered as part of Council's normal budgetary processes.

CARRIED



16.5 MOUNT GAMBIER OUT OF SCHOOL HOURS CARE FUNDING FOR A PLAY STRUCTURE IN THE RAILWAY LANDS - REPORT NO. AR19/62091

RESOLUTION 2019/371

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

1. That People and Place Committee Report No. AR19/62091 titled 'Mount Gambier Out of School Hours Care funding for a Play Structure in the Railway Lands' as presented on 02 December 2019 be noted.
2. That Council accept the offer from Mount Gambier Out of School Hours Care of approximately \$150,000 towards a play structure to be delivered in the Railway Lands.
3. That the Council appropriately commemorate the contribution made by Mount Gambier Out of School Hours Care to the project.
4. That the Chief Executive Officer advise Mount Gambier Out of School Hours Care of Council's decision, and express Council's deep appreciation for its very generous gift to the residents of Mount Gambier.

CARRIED

16.6 REQUEST FOR FINANCIAL SUPPORT FOR THE ANGLICAN PASTORAL DISTRICT OF MOUNT GAMBIER RELATING TO THE PARISH CHURCH BELL TOWER - REPORT NO. AR19/62164

RESOLUTION 2019/372

Moved: Cr Frank Morello

Seconded: Cr Sonya Mezinac

1. That People and Place Committee Report No. AR19/62164 titled 'Request for Financial Support for the Anglican Pastoral District of Mount Gambier relating to the Parish Church Bell Tower' as presented on 02 December 2019 be noted.
2. That Council contribute 50% of the costs of repairs to the bell tower at the Mount Gambier Parish Church, up to a maximum contribution by Council of \$8,000.
3. That the Anglican Pastoral District Council of Mount Gambier provide an acquittal for the works demonstrating the total cost of repairs to the bell tower, within three months of completion of the same.

CARRIED



16.7 VALLEY LAKE CONSERVATION AREA SUPPORT - REPORT NO. AR19/62286

RESOLUTION 2019/373

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That People and Place Committee Report No. AR19/62286 titled 'Valley Lake Conservation Area Support' as presented on 02 December 2019 be noted.
2. That Council maintain (and where possible grow) its current annual budget allocations for the maintenance of the Valley Lake Conservation Area (VLCA) and that this be considered as part of the Annual Business Plan and Budget setting process;
3. That Council allocate a further \$5,000 per year in the current year for project work at the VLCA and where the project work can vary from year to year;
4. That Council initiate a formal strategic relationship with Cleland Wildlife Park the desire of which is to seek access to research opportunities, fauna for the Park and other efforts that might provide mutual benefits to the parties, but at no material cost to Cleland;
5. That Council consider a special one off allocation that would enable a study of the form and content of:
 - An educational/schools resource kit on the opportunities to learn about the Park
 - The use of mobile phone technology to enable visitors to understand as they explore the Park
 - Naming plates at specific plants featured in the Parkand that this be considered as part of the Annual Business Plan and Budget setting process;
6. That Council actively encourage the achievement of all of the matters detailed in this Discussion Paper through inclusion in the Council's Strategic Plan Review.
7. That Council express its deep gratitude to the volunteers of the Valley Lake Conservation Area Support Group for their contribution and maintenance to the area.

CARRIED

16.8 STREET NAMING - PROMINENT WOMEN AND MIGRANTS - REPORT NO. AR19/63081

RESOLUTION 2019/374

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR19/63081 titled 'Street Naming - Prominent Women and Migrants' as presented on 02 December 2019 be noted.
2. That Council endorse that in situations where new street names require consideration Councils Policy - S135 - Streets - Naming is to be used to provide guidance on the selection of street names.
3. That Council note the list of names for migrants of Mount Gambier and prominent women of Mount Gambier be noted.

CARRIED



16.9 WINTV UPDATE - REPORT NO. AR19/63609

RESOLUTION 2019/375

Moved: Cr Frank Morello
Seconded: Cr Ben Hood

1. That People and Place Committee Report No. AR19/63609 titled 'WINTV Update' as presented on 02 December 2019 be noted.
2. That Council grant of a long form right of way in favour of WINTV to their site, over a portion of the Lake Terrace Cemetery (being Section 78, Hundred 420200 contained in Certificate of Title Volume 5836 Folio 64) at no cost to the City of Mount Gambier.
3. The Chief Executive Officer be authorised to negotiate, have prepared, and to affix the Council Seal to any documents necessary to give effect to the right of way referred to in 2 above.
4. The cost of the right of way to be valued at \$8,500 and transactional and legal costs required to give effect to 2 and 3 above be at no cost to Council.
5. That negotiations continue in good faith with WINTV to secure a non-exclusive licence from WINTV, at no cost to the City of Mount Gambier, to utilise any footage that is archived at the NFSA in perpetuity (or set time to be reviewed periodically).

CARRIED

**16.10 REQUEST TO INSTALL MEMORIAL SEAT AND PLAQUE AT "ARCHERY PARK" -
REPORT NO. AR19/64352**

RESOLUTION 2019/376

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR19/64352 titled 'Request to install memorial seat and plaque at "Archery Park"' as presented on 02 December 2019 be noted.
2. That Council;
 - (a) approve the installation of a memorial seat and plaque at "Archery Park" with the cost of the seat and installation being met by Council and the cost of the memorial plaque to be met by Ms Vicki Maney.
3. Council may at its discretion remove or relocate the seat and plaque.

CARRIED



**16.11 NOTICE OF MOTION - WRAPPING OF FLEET VEHICLES - REPORT NO.
AR19/62587**

RESOLUTION 2019/377

Moved: Cr Frank Morello
Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR19/62587 titled 'Notice of Motion - Wrapping of Fleet Vehicles' as presented on 02 December 2019 be noted.
2. Council endorse the 'wrapping' all fleet vehicles as they are replaced.
3. Costs to be incorporated into budget estimates for vehicles from the 2020/2021 year.
4. A further 2 designs be developed, in addition to the existing 2 developed for the mobile tourism vehicles, along the same theme of activities to do in Mount Gambier.

CARRIED

**17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND
RECOMMENDATIONS**

**17.1 MINUTES OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE
HELD ON 10 DECEMBER 2019**

RESOLUTION 2019/378

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

That the Minutes of the Regional Sport and Recreation Centre Committee meeting held on 10 December 2019 as attached be noted.

CARRIED



**17.2 COMMUNITY AND RECREATION HUB TENANCIES - 1ST MOUNT GAMBIER
SCOUT GROUP - REPORT NO. AR19/66180**

RESOLUTION 2019/379

Moved: Cr Ben Hood

Seconded: Cr Christian Greco

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66180 titled 'Community and Recreation Hub Tenancies - 1st Mount Gambier Scout Group' as presented on 10 December 2019 be noted.
2. That, noting the impact of the Community and Recreation Hub Project on and necessity to amend the lease area and storage arrangements associated with the lease to Scouts Association of Australia SA Branch, Council endorse for the amendment of the lease with Scouts:
 - (a) Provision of a temporary storage solution comprising a container located at the Scouts Margaret Street site (or similar storage solution at an alternate location) for a potential period up to 31 January 2022 (or such additional period as may be necessary associated with the works period associated with the Community and Recreation Hub Project), including expenditure of up to \$4,000+gst to purchase a Council owned container.
 - (b) The progression of formal correspondence and documentation for the amendment of the existing lease area for the Margaret Street premises at Olympic Park.

CARRIED



17.3 COMMUNITY AND RECREATION HUB TENANCIES - OPEN DOOR BAPTIST CHURCH - REPORT NO. AR19/66239

RESOLUTION 2019/380

Moved: Cr Ben Hood

Seconded: Cr Sonya Mezinac

1. That Regional Sport and Recreation Centre Committee Report No. AR19/66239 titled 'Community and Recreation Hub Tenancies - Open Door Baptist Church' as presented on 10 December 2019 be noted.
2. That, having agreement for an interim relocation arrangement for the Open Door Baptist Church at 42 James Street, Council endorse for the relocation of the Open Door Baptist Church:
 - (a) Salvage rights for (non-structural) building materials, fixtures and fittings located within the O'Halloran Terrace building currently occupied by the group, at their own arrangement and cost and under appropriate supervision for the works to be undertaken.
 - (b) Relocation assistance up to the value of \$1,500 +gst (provided in-kind or at cost) to relocate items to 42 James Street or an identified storage location.
 - (c) Storage of salvaged items at a Council location for a licence period up to 31 January 2021 (or such additional period as may be negotiated to suit their relocation plans), including expenditure of up to \$5,000 +gst to purchase a Council owned container.
 - (d) The serving of formal notices and documentation for the relocation and termination and surrender of the existing licence for the O'Halloran Terrace premises at Olympic Park.

CARRIED

18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 21 NOVEMBER 2019

RESOLUTION 2019/381

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 21 November 2019 as previously circulated be noted.

CARRIED

Cr Ben Hood vacated the meeting at 7:07 pm



18.2 MINUTES OF THE SPECIAL COUNCIL ASSESSMENT PANEL HELD ON 4 DECEMBER 2019

RESOLUTION 2019/382

Moved: Cr Paul Jenner
Seconded: Cr Christian Greco

That the Minutes of the Special Council Assessment Panel meeting held on 4 December 2019 as previously circulated be noted.

CARRIED

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

Nil

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

Cr Ben Hood resumed the meeting at 7:09 pm

22 COUNCIL REPORTS

22.1 REVIEW OF DELEGATIONS

RESOLUTION 2019/383

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That Council Report No. AR19/61092 titled 'Review of Delegations' as presented on 17 December 2019 be noted.

2. Revocation

2.1. That Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- 2.1.1. Development Act 1993 and Development Act Regulations 2008
- 2.1.2. Electricity Act 1996
- 2.1.3. Local Government Act 1999
- 2.1.4. Planning, Development and Infrastructure Act 2016



3. Delegations under the Local Government Act 1999

3.1. 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 3, 14, 21, 35, 37, 38 and 39 (attached to Council Report No. AR19/61092) are hereby delegated this 17 December 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

3.1.1. Electricity Act 1996 (Appendix 3)

3.1.2. Local Government Act 1999 (Appendix 14)

3.1.3. Planning, Development and Infrastructure 2017 (Appendix 35)

3.1.4. Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (Appendix 37)

3.1.5. State Records Act 1997 (Appendix 38)

3.1.6. Gas Act 1997 (Appendix 39)

3.2. Such powers and functions may be further delegated by the 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.

3.3. For the purposes of these delegations all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.

3.4. For the purposes 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.

4. Delegations made under Development Act 1993

4.1. In exercise of the power contained in Section 20 and 34 (23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in Instrument of Delegation (Appendix 21) are hereby delegated this 17 December 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

4.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

4.3. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.

4.4. For the purposes 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.

CARRIED



22.2 CHIEF EXECUTIVE OFFICER ABSENCE ARRANGEMENTS

RESOLUTION 2019/384

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That Council Report No. AR19/61923 titled 'Chief Executive Officer Absence Arrangements' as presented on 17 December 2019 be noted.
2. That, having consulted with the Council, it is noted that the Chief Executive Officer appoints General Manager Community Wellbeing, Ms Barbara Cernovskis to act in the position of Chief Executive Officer during any planned or unplanned leave or absence of the Chief Executive Officer.
3. That the appointment in resolution (2) shall apply until Council has been consulted and notified of any alternative appointment.

CARRIED

22.3 2020 STREET TREE PROGRAM

RESOLUTION 2019/385

Moved: Cr Christian Greco
Seconded: Cr Paul Jenner

1. That Council Report No. AR19/64687 titled '2020 Street Tree Program' as presented on 17 December 2019 be noted.
 - (a) That Council approves the proposed schedule of trees that have been selected for removal to allow for uniformity in the 2020 Street Tree Program as outlined in policy T120 (Tree Policy).
 - (b) That Council notifies all residents and utilities affected by the plantings, and invite comment on same (in accordance with Councils Public Consultation Policy).
 - (c) That Council adopts the 2020 Street Tree Program as outlined in the discussion so that the proposed species of trees selected may be pre-ordered.

CARRIED

22.4 RAIL CORRIDOR LAND TENURE

RESOLUTION 2019/386

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinec

1. That Council Report No. AR19/63945 titled 'Rail Corridor Land Tenure' as presented on 17 December 2019 be noted.
2. Council endorse the Chief Executive Officer to enter into negotiations with the Department of Planning, Transport & Infrastructure for the potential lease or purchase of portions of land contained in Certificate of Title Volume 5962 Folio 699.



3. As part of negotiations with the Department of Planning, Transport & Infrastructure Council seek the full disclosure of historical land use and tenure information associated with the land parcels contained in CT5962/699, including copies of all relevant historical documentation held or assessable by the department that pertain to the condition (including any contamination) of the subject land.
4. That any 'market value' envisaged for the lease or purchase of the land parcels contained in CT5962/699 be as assessed by an independent valuer taking into account the condition (including any contamination) of the subject land, any development constraints associated with the physical attributes and location of the subject land, and the intended holding and use of the subject land by Council as community land.
5. The Chief Executive Officer be authorised to engage the services of suitably qualified contractors and consultants to research or review any information considered prudent and necessary to ensure an appropriate level of due diligence with regard to the subject land.
6. A further report be presented to the People and Place Committee regarding the outcomes of the negotiation prior to any lease or purchase being authorised.

CARRIED

Item 22.5 consideration was moved to follow the deputation at Item 10.

23 MOTIONS WITH NOTICE

23.1 NOTICE OF MOTION - 125 YEAR ANNIVERSARY OF WOMEN'S SUFFRAGE IN SOUTH AUSTRALIA

RESOLUTION 2019/387

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

1. That Council Report No. AR19/67994 titled 'Notice of Motion - 125 Year Anniversary of Women's Suffrage in South Australia' as presented on 17 December 2019 be noted.
2. That Council acknowledges:
 - (a) The 125th anniversary of the passing of the Adult Suffrage Bill on 18 December 1894, that enabled women in South Australia - for the first time anywhere in Australia - to vote in general elections and to stand as members of Parliament.
 - (b) The hard work of the Women Suffrage League, the Women's Temperance Union and key suffragists including Mary Lee, Catherine Helen Spence, Elizabeth Webb Nicholls, Mary Colton, Serena Thorn Lake, Rose Birks and Augusta Zadow who campaigned to achieve this goal.
 - (c) Susan Grace Benny who was the first woman politician to be elected to any level of Government in Australia when on 22 December 1919, she was elected as a Councillor for the Seaclyff Ward on Brighton Council.

CARRIED



24 URGENT MOTIONS WITHOUT NOTICE

Nil

25 CONFIDENTIAL ITEMS OF COMMITTEES

25.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 2 DECEMBER 2019

25.2 CONDITION OF THE PROPERTY - REPORT NO. AR19/62472

RESOLUTION 2019/388

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

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 Mezinec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, T Tzioutziouklaris, A Watson, M McCarthy, M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR19/62472 Condition of the property.

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

- 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
- legal advice
- information relating to:
 - actual litigation, or
 - litigation that the Council or Council committee believes on reasonable grounds will take place,
 - involving the Council or an employee of the Council

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 This reports is the commencement of legal action pursuant to the Local Nuisance and Litter Control Act 2016.

CARRIED



RESOLUTION 2019/389

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 8.1 AR19/62472 Condition of the property 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) (g), (h) and (i) be kept confidential and not available for public inspection until This should be reviewed at the completion of action before the Environment, Resources and Development Court.
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



25.3 CONFIDENTIAL ITEMS OF THE REGIONAL SPORT AND RECREATION CENTRE COMMITTEE HELD ON 10 DECEMBER 2019

25.4 COMMUNITY AND RECREATION HUB TENANCIES - 42 JAMES STREET, MOUNT GAMBIER - REPORT NO. AR19/66240

RESOLUTION 2019/390

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

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, K Amoroso, M Bruins, C Greco, B Hood, P Jenner and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, T Tzioutziouklaris, A Watson, M McCarthy, M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier.

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter to be discussed relates to building quotations and budget for works that Council is considering to be undertaken, the release of which during the contractor quotation period could influence and jeopardise the Councils negotiating position to obtain best value and best outcomes for the community.

CARRIED



RESOLUTION 2019/391

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

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 7.1 AR19/66240 Community and Recreation Hub Tenancies - 42 James Street, Mount Gambier 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) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each stage of the proposed works, or until 12 months have elapsed, whichever is the earlier.
Resolutions 1 and 2((d), (e) and (f) to be released immediately upon determination of the matter by Council.
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

25.5 COMMUNITY AND RECREATION HUB TENANCIES - MOUNT GAMBIER AND DISTRICT NETBALL ASSOCIATION - REPORT NO. AR19/66183

RESOLUTION 2019/392

Moved: Cr Max Bruins
Seconded: Cr Kate Amoroso

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, T Tzioutziouklaris, A Watson, M McCarthy, M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.5 AR19/66183 Community and Recreation Hub Tenancies - Mount Gambier and District Netball Association.

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter to be discussed relates to demolition and civil works and associated budget that Council is considering to be undertaken, the release of which during the contractor quotation period could influence and jeopardise the Council's negotiating position to obtain best value and best outcomes for the community.

CARRIED

RESOLUTION 2019/393

Moved: Cr Max Bruins

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 7.2 AR19/66183 Community and Recreation Hub Tenancies - Mount Gambier and District Netball Association 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) be kept confidential and not available for public inspection until the Council has considered the proposed works, adopted a budget and engaged a contractor for each component of the proposed works, or until 12 months have elapsed, whichever is the earlier.

Resolutions 1, 4, 5 and 6 to be released immediately upon determination of the matter by Council.

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 NEW CONFIDENTIAL ITEMS

26.1 NOTICE OF RESCISSION/AMENDMENT - ITEM 25.9 COUNCIL AGENDA 19/11/2019 - REPORT NO. AR19/63592

RESOLUTION 2019/394

Moved: Cr Frank Morello
Seconded: Cr Sonya Mezinec

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 Mezinec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, T Tzioutziouklaris, A Watson, M McCarthy, M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR19/63592 Notice of Rescission/Amendment - Item 25.9 Council Agenda 19/11/2019.

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

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 Notice of Motion to Rescind or Amend relates to an item previously considered by Council in-confidence that remains subject to a confidentiality order to ensure that the commercial position of the Council is not disadvantaged by third parties understanding the scale of financial delegations relating to this project..

CARRIED

RESOLUTION 2019/395

Moved: Cr Christian Greco
Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.1 AR19/63592 Notice of Rescission/Amendment - Item 25.9 Council Agenda 19/11/2019 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) be kept confidential and not available for public inspection until 31 December 2021.
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



**26.2 NOTICE OF MOTION - MOUNT GAMBIER COMMUNITY AND RECREATION HUB -
REPORT NO. AR19/65340**

RESOLUTION 2019/396

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, K Amoroso, M Bruins, C Greco, B Hood, P Jenner and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, T Tzioutziouklaris, A Watson, M McCarthy, M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR19/65340 Notice of Motion - Mount Gambier Community and Recreation Hub.

The Council is satisfied that, pursuant to section 90(3) (b), (g) 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
- 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
- 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 discussed may include detailed specifications, plans and costings associated with a tender process that has not yet closed and which are subject to existing orders to be kept confidential or should otherwise be kept confidential to ensure Councils negotiating position is not jeopardised. The discussion or release by Council of such information, prior to the finalisation of the tender process or expiry/review/release of relevant confidentiality orders, would be a breach of Council's own confidence and duty to keep confidential information subject to a confidentiality order or that should reasonably be known as information that is confidential.

CARRIED



RESOLUTION 2019/397

Moved: Cr Ben Hood
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 26.2 AR19/65340 Notice of Motion - Mount Gambier 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) (b), (g) and (k) be kept confidential and not available for public inspection until the existing confidentiality orders associated with these matters have expired or met conditions for release and/or the information is no longer reasonably considered as being confidential, with any non-confidential aspects of discussion or resolution to be released immediately upon consideration by Council.
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 BLUE LAKE GOLF CLUB - KPI REPORT SEPTEMBER QUARTER 2019 - REPORT
NO. AR19/68347**

RESOLUTION 2019/398

Moved: Cr Max Bruins
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 Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, T Tzioutziouklaris, A Watson, M McCarthy, M Telford and E Solly be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR19/68347 Blue Lake Golf Club - KPI Report September Quarter 2019.

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

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 provided for consideration has been stated as containing commercial information on the operations of the Blue Lake Golf Course the disclosure of which could prejudice the commercial position of the Golf Club and/or confer a commercial advantage on other third party competitors.

The success of the Blue Lake Golf Club public golf club operations being in the interests of the City and community of Mount Gambier it is considered that, on balance, the potential implications associated with disclosing this information would be contrary to the public interest.

CARRIED



RESOLUTION 2019/399

Moved: Cr Max Bruins
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 26.3 AR19/68347 Blue Lake Golf Club - KPI Report September Quarter 2019 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 12 months have elapsed or the Blue Lake Golf Clubs lease and operations of the Blue Lake Golf Course have ceased, 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*.
3. That the resolution be released to the Blue Lake Golf Club.

CARRIED

27 MEETING CLOSE

The Meeting closed at 8:03 pm

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

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PRESIDING MEMBER

