

**MINUTES OF CITY OF MOUNT GAMBIER ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 18 FEBRUARY 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

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
	Manager Development Services	- Mrs T Tzioutziouklaris
	Communications Officer	- Mrs A Watson
	Manager Executive Administration	- Mr M McCarthy
	Executive Administration Officer	- Mrs M Telford

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 2020/18

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

That the apologies from Cr Steven Perryman and Cr Kate Amoroso be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2020/19

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 21 January 2020 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

- 100th Birthday Celebration for Mr Jack Hopgood at the RSL
- Afternoon Tea with residents of Boandik St Mary's
- Library Summer Reading Club Party
- Australia Day Celebrations
- Citizenship Ceremony
- McDonald Park School Lead Learners Presentation
- Members Briefings - Art Collaboration / Strategic Plan
- Members Briefings - Landfill Gate and Waste Transfer Station Fees / Weed Control
- People and Place Committee Meeting
- Presentation of Long Service Awards to Employees at Department for Correctional Services
- Flinders University Rural Health SA - 2020 Rural Health Placements Welcome Function
- Meeting re Generations in Jazz
- Guides of Mount Gambier Celebration Evening - Mayor to present Awards
- Elected Members - Strategic Plan Workshop
- Telstra 5G Launch
- With Mayor Richard Sage, Mondelez's Suttontown Factory Site Tour and Briefing
- Opening Ceremony - Wellness and Wellbeing Festival
- Official Opening SA Volunteer Fire Fighters Museum in Naracoorte
- With CEO, Meeting at Wattle Range Council - Discussion regarding Waste

RESOLUTION 2020/20

Moved: Mayor Lynette Martin
Seconded: Cr Ben Hood

That the Mayoral report made on 18 February 2020 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Jenner	Australia Day Breakfast and Awards Ceremony, Citizenship Ceremony, Chronic Illness Support Group Limestone Coast - Wellness and Wellbeing Festival, National Tidy Towns Sustainable Communities Judging Day Lunch, Green Triangle Employment Board Meeting
Cr Greco	Blue Lake Sports Park Meeting
Cr Hood	Australia Day Breakfast and Awards Ceremony, Funds for our Furies, New Years Eve Thank you Dinner
Cr Mezinec	Mount Gambier Pacing Gold Cup Official Opening of upgraded Track Lighting, Friends for Furies Fun Day, Limestone Coast Local Government Association
Cr Morello	Australia Day Breakfast and Awards Ceremony

RESOLUTION 2020/21

Moved: Cr Christian Greco
Seconded: Cr Paul Jenner

That the reports made by Councillors on 18 February 2020 be received.

CARRIED



7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

11.1 NOTICE OF RESCISSION/AMENDMENT - CAROLINE LANDFILL GATE AND WASTE TRANSFER FEES

RESOLUTION 2020/22

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR20/7276 titled 'Notice of Rescission/Amendment - Caroline Landfill Gate and Waste Transfer Fees' as presented on 18 February 2020 be noted.
2. That parts 2, 3 and 4 of resolution 2019/300 titled "*Review of Caroline Landfill Gate and Waste Transfer Station Fees*" that was passed at Council meeting on 19 November 2019 be rescinded as follows:
 - "2. That Council adopt recommended gate price for Caroline Landfill of \$190 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.
 3. That Council adopt a decrease of 40% Waste Transfer Station fees effective from 1 January 2020 and authorise administration to:
 - (a) Notify the public who may use the facility; and
 - (b) Update the fees and charges register.
 4. A further report be written for Council's consideration on implementing a separation of waste charge on Council's rate notices for 2020/2021."

Cr Greco called a division.

The declaration was set aside.

Voting by division being:

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

Against: Cr Christian Greco

The Mayor declared the motion

CARRIED 5/1



12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOP 22/01/2020 - 13/02/2020

RESOLUTION 2020/23

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

1. That Council Report No. AR20/8937 titled 'Elected Member Workshop 22/01/2020 - 13/02/2020' as presented on 18 February 2020 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 ACTION ITEMS FROM 21/01/2020

RESOLUTION 2020/24

Moved: Cr Frank Morello

Seconded: Cr Christian Greco

1. That Council Report No. AR20/8938 titled 'Action Items from 21/01/2020' as presented on 18 February 2020 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 3 FEBRUARY 2020

RESOLUTION 2020/25

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

That the Minutes of the People and Place Committee meeting held on 3 February 2020 as attached be noted.

CARRIED

16.2 YERKALAPATA - A RECONCILIATION ACTION PLAN FOR THE CITY OF MOUNT GAMBIER – REPORT NO. AR20/3865

RESOLUTION 2020/26

Moved: Cr Frank Morello

Seconded: Cr Sonya Mezinec

1. That People and Place Committee Report No. AR20/3865 titled 'Yerkalapata - A Reconciliation Action Plan for the City of Mount Gambier' as presented on 03 February 2020 be noted.
2. That Council endorse the Yerkalapata - Reconciliation Action Plan (RAP) 2020-2022 for the City of Mount Gambier.
3. That, in collaboration with our Aboriginal and Torres Strait Islander community, there be a public launch of the Yerkalapata - Reconciliation Action Plan (RAP) 2020-2022.

CARRIED

16.3 FIRST DRAFT OF THE STRATEGIC PLAN 2020-2024 – REPORT NO. AR20/5444

RESOLUTION 2020/27

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

1. That People and Place Committee Report No. AR20/5444 titled 'First Draft of the Strategic Plan 2020-2024' as presented on 03 February 2020 be noted.
2. That the People and Place Committee note the report and that a final draft for public consultation will be presented to Council.

CARRIED



Pursuant to Section 75A of the Local Government Act 1999, Cr Max Bruins disclosed a perceived conflict of interest in Item 16.4:

“One of the applicants is a friend of mine and my parents are the subject of one of the photos in the exhibition.”

Cr Max Bruins informed the meeting of the manner in which he intended to deal with the perceived conflict of interest in Item 16.4 as follows:

“Remain in the chamber and vote on the matter”.

Pursuant to Section 75A of the Local Government Act 1999, Cr Frank Morello disclosed a perceived conflict of interest in Item 16.4:

“I was a member of the selection panel”.

Cr Morello informed the meeting of the manner in which he intended to deal with the perceived conflict of interest in Item 16.4 as follows:

“There is no material, or otherwise, benefit to me or my direct family, so I plan to take part in discussions and vote”.

16.4 CREATIVE ARTS FUND 2019/2020 APPLICATIONS – REPORT NO. AR19/67241

RESOLUTION 2020/28

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

1. That People and Place Committee Report No. AR19/67241 titled ‘Creative Arts Fund 2019/2020 Applications’ as presented on 03 February 2020 be noted.
2. That \$25,000 be endorsed for distribution for the 2019/2020 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
Shine in the South East	Justin Clarke	\$ 8,800	\$ 8,800
The Locals	Kate Hill	\$ 6,345	\$ 6,200
City Band Hall Mural	Mount Gambier City Band	\$ 13,000	\$ 10,000
		\$ 28,145	\$ 25,000

3. That 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.
4. To thank the panel for its work in making its recommendations.
5. That the funds not be released for the project Shine in the South East until a final concept design is received and endorsed by Council at its meeting on 17 March 2020.

CARRIED

In accordance with Section 75A of the Local Government Act 1999 Cr Max Bruins remained in the chamber and voted in favour of the motion for Item 16.4.

In accordance with Section 75A of the Local Government Act 1999 Cr Morello remained in the chamber and voted in favour of the motion for Item 16.4.



16.5 STATE GOVERNMENT CONSULTATIONS ON CREATIVE INDUSTRIES AND THE HI-TECH SECTOR – REPORT NO. AR20/3819

RESOLUTION 2020/29

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/3819 titled 'State Government Consultations on Creative Industries and the Hi-Tech Sector' as presented on 03 February 2020 be noted.
2. That the Chief Executive Officer respond to the consultation in line with the final paragraphs of the Creative Industries Consultation and Hi-Tech Sector Consultation sections of this report.

CARRIED

Pursuant to Section 75A of the Local Government Act 1999, Cr Jenner disclosed a perceived conflict of interest in Item 16.6:

"I am a CAP Member".

Cr Jenner informed the meeting of the manner in which he intended to deal with the perceived conflict of interest in Item 16.6 as follows:

I intend to remain in the chamber for discussion and to vote".

16.6 PLANNING AND DESIGN CODE UPDATE – REPORT NO. AR20/3815

RESOLUTION 2020/30

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/3815 titled 'Planning and Design Code Update' as presented on 03 February 2020 be noted.
2. That Council note that the Council Administration will supply a technical response to the consultation on the Planning and Design Code addressing perceived inconsistencies and errors in the drafting of the Planning and Design Code for the City of Mount Gambier.

CARRIED

In accordance with Section 75A of the Local Government Act 1999 Cr Jenner remained in the chamber and voted in favour of the motion for Item 16.6.

Pursuant to Section 74 of the Local Government Act 1999, Cr Jenner disclosed a material conflict of interest in Item 16.7:

"I am a CAP Member".

In accordance with Section 74 of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 16.7.

Cr Jenner vacated the meeting at 6.54 p.m.



16.7 COUNCIL ASSESSMENT PANEL - MEETING PROCEDURES – REPORT NO. AR20/3785

RESOLUTION 2020/31

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

1. That People and Place Committee Report No. AR20/3785 titled 'Council Assessment Panel - Meeting Procedures' as presented on 03 February 2020 be noted.
2. That Council endorse the City of Mount Gambier Council Assessment Panel Meeting Procedures, as attached this report.
3. That the Council Assessment Panel consider the Meeting Procedures and recently updated Terms of Reference.
4. That following endorsement by the Council Assessment Panel, the meeting procedures are made public on the relevant Council Assessment Panel part of the Council's website, alongside the Terms of Reference.

CARRIED

Cr Jenner resumed the meeting at 6.55 p.m.



**16.8 THE USE OF VARIABLE MESSAGE DISPLAY UNITS FOR TEMPORARY
ADVERTISING SIGNAGE ASSOCIATED WITH EVENTS – REPORT NO. AR20/1840**

RESOLUTION 2020/32

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That People and Place Committee Report No. AR20/1840 titled 'The use of variable message display units for temporary advertising signage associated with events' as presented on 03 February 2020 be noted.
2. Council support the placement of the Visual Message Display Units at the following locations:
 - I. Frew Park; Penola Road Frontage
 - II. The Visitor Centre, Jubilee Highway West;
 - III. The Information Bay, Jubilee Highway West (Millicent Road);
 - IV. Crater Lakes Round about, Bay Road;
 - V. The Information Bay, Jubilee Highway East (Adjacent Blue Lake Sports Park);
 - VI. The Rail Lands, Bay Road frontage;
 - VII. The Information Bay, Penola Road (adjacent Kalganyi Caravan Park); and
 - VIII. The Civic Centre carpark (adjacent Sturt Street)
3. Council endorse Development Applications being prepared and submitted for Variable Message Display Units at the locations as identified in (2) as above subject to the following requirements:
 - I. The advertising display of the Variable Message Display Unit does not exceed 4.6 square metres.
 - II. No landscaping shall be damaged during the placement and removal of the Variable Display Message Unit.
 - III. The Variable Message Display Unit shall be located on the subject site no longer than seven days before an event and must be removed within one day after the event to which it is associated.
 - IV. Any damage to Council's infrastructure, such as the kerb and/or footpaths, during the placement and removal of the Variable Message Display Unit shall be made good to the satisfaction of Council.
4. A leaflet be prepared which can be provided to the community identifying where the Variable Message Display Units can be located upon the determination of the Development Applications, and a draft to be supplied to Council for endorsement.

CARRIED



16.9 REQUEST FROM REIDY PARK PRIMARY SCHOOL TO REDUCE THE SIZE OF THE BUS ZONE ON O'HALLORAN TERRACE AND INSTALL A NO PARKING ZONE – REPORT NO. AR20/3880

RESOLUTION 2020/33

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR20/3880 titled 'Request from Reidy Park Primary School to reduce the size of the Bus Zone on O'Halloran Terrace and install a No Parking Zone' as presented on 03 February 2020 be noted.
2. The Traffic impact statement attached to the People and Place Committee Report No. be endorsed by Council.
3. That City of Mount Gambier, pursuant to Ministerial delegation resolves the following:

Amend Prohibited Area BUS ZONE
2.1.075

O'HALLORAN TERRACE (NORTHERN HALF)- From 208.0 metres east of the T- intersection with Wehl Street South to 283.3 metres east of the said intersection. To apply between 8.00am and 9.30am / 2.30pm and 4.00pm, Monday to Friday.

Prohibited Area NO PARKING
1.2.073

O'HALLORAN TERRACE (NORTHERN HALF)- From 144.4 metres east of the T- intersection with Wehl Street South to 205.0 metres east of the said intersection. To apply between 8.00am and 9.30am / 2.30pm and 4.00pm, Monday to Friday

To be effective on the installation of appropriate signage

CARRIED

16.10 POPULATION HEALTH PROFILE FOR THE CITY OF MOUNT GAMBIER – REPORT NO. AR20/3906

RESOLUTION 2020/34

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/3906 titled 'Population Health Profile for the City of Mount Gambier' as presented on 03 February 2020 be noted.
2. That Council note the provision of this report and endorse it being placed on the Council's website.

CARRIED

17 REGIONAL SPORT AND RECREATION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil



18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 16 JANUARY 2020

RESOLUTION 2020/35

Moved: Cr Paul Jenner
Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 16 January 2020 as previously circulated be noted.

CARRIED

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

Nil

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

20.1 MINUTES OF THE AUDIT COMMITTEE HELD ON 20 JANUARY 2020

RESOLUTION 2020/36

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

That the Minutes of the Audit Committee meeting held on 20 January 2020 as attached be noted.

CARRIED

20.2 INTERNAL FINANCIAL CONTROLS - IMPROVEMENT TASK UPDATE – REPORT NO. AR19/43570

RESOLUTION 2020/37

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR19/43570 titled 'Internal Financial Controls - Improvement Task Update' as presented on 20 January 2020 be noted.

CARRIED



20.3 QUARTERLY BUDGET REVIEWS - AUDIT COMMITTEE UPDATE – REPORT NO. AR19/66430

RESOLUTION 2020/38

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR19/66430 titled 'Quarterly Budget Reviews - Audit Committee Update as presented on 20 January 2020 be noted.

CARRIED

20.4 CRISIS MANAGEMENT ARRANGEMENTS UPDATE – REPORT NO. AR19/66672

RESOLUTION 2020/39

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Audit Committee Report No. AR19/66672 titled 'Crisis management arrangements update' as presented on 20 January 2020 be noted.

CARRIED

Cr Ben Hood vacated the meeting at 7:05 pm

20.5 ANNUAL REPORT 2018-2019 – REPORT NO. AR19/68392

RESOLUTION 2020/40

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR19/68392 titled 'Annual Report 2018-2019' as presented on 20 January 2020 be noted.

CARRIED

Cr Ben Hood resumed the meeting at 7:06 pm



20.6 AUDIT COMMITTEE SELF-ASSESSMENT OF PERFORMANCE – REPORT NO. AR19/68407[V1]

RESOLUTION 2020/41

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR19/68407 titled 'Audit Committee self-assessment of performance' as presented on 20 January 2020 be received subject to the inclusion of the performed Works Program and the dates and attendance of the Audit Committee meetings for 2018/19.
2. That the Audit Committee record that it is satisfied that its performance is meeting Council and other relevant Authority's standards and expectations.
3. That the Audit Committee includes an 'Annual report to Council by the Presiding member of the Audit Committee' to its Works Program.
4. The Audit Committee recommends that each Audit Committee agenda include a standard agenda item for the review of progress against the works program.

CARRIED

20.7 REVIEW OF EXTERNAL AUDITOR'S PERFORMANCE AND OVERALL EFFECTIVENESS – REPORT NO. AR19/68411

RESOLUTION 2020/42

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Audit Committee Report No. AR19/68411 titled 'Review of external auditor's performance and overall effectiveness' as presented on 20 January 2020 be noted.
2. That Audit Committee note the inclusion of the IT Audit and Project Costing controls testing and that additional controls will be included for testing into the 2019/20 External Audit Plan.

CARRIED



20.8 AUDIT RELATED POLICY REVIEWS – REPORT NO. AR19/68420

RESOLUTION 2020/43

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR19/68420 titled 'Audit Related Policy Reviews' as presented on 20 January 2020 be noted.
2. That the Audit Committee endorses the following updated Council Policies as attached to the Audit Committee Report No. AR19/68420 to be adopted by Council:
 - (a) Budget Framework Policy B300
 - (b) Fraud and Corruption Prevention Policy F225
 - (c) Treasury Management Policy T150

CARRIED

20.9 REFORMING LOCAL GOVERNMENT IN SOUTH AUSTRALIA – REPORT NO. AR19/70460

RESOLUTION 2020/44

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Audit Committee Report No. AR19/70460 titled 'Reforming Local Government in South Australia' as presented on 20 January 2020 be noted.

CARRIED

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



22 COUNCIL REPORTS

22.1 REVIEW OF CAROLINE LANDFILL GATE AND WASTE TRANSFER STATION FEES

RESOLUTION 2020/45

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR20/8599 titled 'Review of Caroline Landfill Gate and Waste Transfer Station Fees' as presented on 18 February 2020 be noted.
2. That Council adopt recommended gate price for Caroline Landfill of \$190 as presented in this report effective from 1 March 2020 and authorise administration to:
 - (a) Notify all known regular users of the facility; and
 - (b) Update the fees and charges register.

CARRIED

22.2 REVIEW OF VALUATION AND RATING SYSTEM 2020/2021

RESOLUTION 2020/46

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council Report No. AR20/1352 titled 'Review of Valuation and Rating System 2020/2021' as presented on 18 February 2020 be noted.
2. That the rating assumptions and directions referred to in this Report be used to prepare Council's draft Annual Business Plan and draft Budget for 2020/2021 for Council's future consideration.

CARRIED

22.3 CONSULTATION DRAFT OF THE STRATEGIC PLAN 2020-2024

RESOLUTION 2020/47

Moved: Cr Ben Hood

Seconded: Cr Frank Morello

1. That Council Report No. AR20/8162 titled 'Consultation Draft of the Strategic Plan 2020-2024' as presented on 18 February 2020 be noted.
2. That Council endorse the draft Strategic Plan (**Attachment 1**) for the purposes of public consultation, in accordance with the Public Consultation section of this report.
3. That the Chief Executive Officer be authorised to make minor textual changes to correct typos and errors of fact and to update the Mayoral Message if required in consultation with the Mayor;
4. That the Statement of Commitment to Aboriginal and Torres Strait Islander Communities be updated to be consistent with the Reconciliation Action Plan, by the CEO, in conjunction with the Mayor, subject to the endorsement of the Reconciliation Action Plan.
5. That Council note the Implementation Plan as being a live document and needing to be updated annually in tandem with the Annual Business Plan and Budget.

CARRIED



22.4 BOOKMARK CAFE - INTERIM UPGRADE WORKS

RESOLUTION 2020/48

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

1. That Council Report No. AR20/3432 titled 'Bookmark Cafe - Interim Upgrade Works ' as presented on 18 February 2020 be noted.
2. That Council undertake stage 1 immediate upgrade works in conjunction with the preferred operator for the Bookmark Café within existing budget allocation.
3. Council refer further Bookmark Café upgrade works to 2020/21 budget deliberations, to be informed by discussion with the preferred operator and their Business Plan.

CARRIED

22.5 ELECTED MEMBER PARTICIPATION WHEN NOT PHYSICALLY PRESENT

RESOLUTION 2020/49

Moved: Cr Ben Hood
Seconded: Cr Christian Greco

1. That Council Report No. AR20/3787 titled 'Elected Member Participation When Not Physically Present' as presented on 18 February 2020 be noted.
2. Council staff prepare a report on current teleconferencing technologies to be presented at an informal gathering of Council.
3. That Council develop a clear policy around teleconferencing.

CARRIED

22.6 USE OF CAVE GARDEN FLAG POLES - FRINGE 2020

RESOLUTION 2020/50

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Council Report No. AR20/7275 titled 'Use of Cave Garden Flag Poles - Fringe 2020' as presented on 18 February 2020 be noted.
2. That Fringe Mount Gambier be granted approval to use the special occasion flag poles in the Cave Garden Courtyard as anchor points to hang fairy lights from Tuesday 17 March to Sunday 22 March 2020, subject to:
 - (a) The poles facing Watson Terrace not being used for such purpose, to enable the Aboriginal and Torres Strait Island flags to continue to be flown daily during the period.
 - (b) The consent of the Mount Gambier RSL being obtained for the use of the RSL pole.
 - (c) Such conditions as the Chief Executive Officer (or delegate) consider appropriate to indemnify and release Council from any claim or loss arising from the use of the poles.

CARRIED



22.7 COUNCIL EXECUTIVE STRUCTURE

RESOLUTION 2020/51

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council Report No. AR20/7640 titled 'Council Executive Structure' as presented on 18 February 2020 be noted.

CARRIED

Cr Max Bruins vacated the meeting at 7:43 pm

Cr Max Bruins resumed the meeting at 7:45 pm

23 MOTIONS WITH NOTICE

23.1 NOTICE OF MOTION - REGIONAL CABINET

RESOLUTION 2020/52

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

1. That Council Report No. AR20/8673 titled 'Notice of Motion - Regional Cabinet' as presented on 18 February 2020 be noted.
2. Council write to the Premier of South Australia, Hon. Steven Marshall, and invite the Cabinet to hold a Cabinet meeting in Mount Gambier during 2020, and as part of a regional Cabinet meeting arrange meetings with relevant Ministers on to be identified council and community issues; council host a formal function and networking opportunity for COMG, DCG, Cabinet, and community leaders.
3. Council write to the Leader of the Opposition, Mr Peter Malinauskis MP, and invite the Shadow Cabinet to hold a Shadow Cabinet meeting in Mount Gambier during 2020, and as part of a regional Shadow Cabinet meeting arrange meetings with relevant Ministers on to be identified council and community issues; council host a formal function and networking opportunity for COMG, DCG, Cabinet, and community leaders.
4. The District Council of Grant be invited to co-host any visit arranged as part of part 1 & 2 of the motion.

CARRIED



23.2 NOTICE OF MOTION - JOINT COUNCIL FUNCTION

RESOLUTION 2020/53

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Council Report No. AR20/8676 titled 'Notice of Motion - Joint Council Function' as presented on 18 February 2020 be noted.
2. Council invites the Elected Members, CEO and Senior Officers of the District Council of Grant to an informal networking opportunity (eg a BBQ or casual dinner) to provide Councillors to meet their fellow Councillors from our neighbouring council.
3. The above be scheduled before the end of April 2020.
4. Costs of this important networking function be covered by the City of Mount Gambier.

CARRIED

24 URGENT MOTIONS WITHOUT NOTICE

MOTION – MOUNT GAMBIER HAY RUN

RESOLUTION 2020/54

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

That the City of Mount Gambier invite representatives of the Mount Gambier Hay Run to an informal gathering along with representatives of the District Council of Grant to seek more information on how the two Councils may be able to assist.

CARRIED

25 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



26 NEW CONFIDENTIAL ITEMS

26.1 BOOKMARK CAFE - EXPRESSIONS OF INTEREST – REPORT NO. AR20/3205

RESOLUTION 2020/55

Moved: Cr Christian Greco

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 and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, T Tzioutziouklaris, A Watson, M McCarthy, M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR20/3205 Bookmark Cafe - Expressions of Interest.

The Council is satisfied that, pursuant to section 90(3) (a), (b), (d) 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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- 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
- 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 information provided with the Expression of Interest submissions includes business and financial information of individual and business respondents that has been provided to Council in-confidence and the public consideration and release of which would be an unreasonable disclosure of personal and confidential information that could confer a commercial advantage on a 3rd party or jeopardise the commercial position of Council in the negotiation of arrangements for an operator of the Bookmark Cafe.

CARRIED



RESOLUTION 2020/56

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 26.1 AR20/3205 Bookmark Cafe - Expressions of Interest 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) (a), (b), (d) and (g) be kept confidential and not available for public inspection until 6 years have elapsed, or 1 year after the expiry of an operating arrangement entered into in association with this Expression of Interest process, whichever is the later. To be reviewed once in every year in accordance with s91(9).

The name of the successful operator, and the value of any amount payable by the Council under any associated contractual agreement, to be released immediately following execution of agreement documentation.

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 RIDDOCH ART GALLERY CRATE LOADER – REPORT NO. AR19/62327

RESOLUTION 2020/57

Moved: Cr Christian Greco
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 and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, T Tzioutziouklaris, A Watson, M McCarthy, M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR19/62327 Riddoch Art Gallery Crate Loader.

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



- 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 matter to be considered includes proposed budget amount associated with a tender process that has yet to be commenced. The disclosure of this information prior to or during a tender process could confer an advantage on potential tenderers and prejudice the commercial position of the Council.

CARRIED

RESOLUTION 2020/58

Moved: Cr Max Bruins
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 26.2 AR19/62327 Riddoch Art Gallery Crate Loader 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 a contract has been entered into for the proposed Crate Loader.
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 NOTICE OF MOTION - COMMUNITY AND RECREATION HUB PROJECT CONTROL GROUP – REPORT NO. AR20/8677

RESOLUTION 2020/59

Moved: Cr Sonya Meziniec

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, M Bruins, C Greco, B Hood, P Jenner and F Morello and Council Officers A Meddle, B Cernovskis, N Serle, J Nagy, T Tzioutziouklaris, A Watson, M McCarthy, M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR20/8677 Notice of Motion - Community and Recreation Hub Project Control Group.

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 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 2020/60

Moved: Cr Christian Greco

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 26.3 AR20/8677 Notice of Motion - Community and Recreation Hub Project Control Group 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



27 MEETING CLOSE

The Meeting closed at 8.20 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 March 2020.

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PRESIDING MEMBER

