

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 21 FEBRUARY 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Ben Hood, Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner (arrived at 6:01p.m.), Cr Sonya Mezinec

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mr D Barber
	General Manager City and Community Growth	- Mrs S La Greca
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Manager Organisational Development	- Mrs R Datta
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Ms M Brookes
	Manager Library and Community Development	- Mrs G Davison
	Executive Administrator	- Ms T Chant

1 ACKNOWLEDGEMENT OF COUNTRY

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

Cr Jenner arrived at 6:01pm

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

Item 10 was heard and minuted earlier in the meeting.

10 DEPUTATIONS

10.1 DEPUTATION - MR JOHN SCHRODER - TREE CONCERNS - COMMERCIAL STREET

Mr John Schroder presented to Members regarding his tree concerns in Commercial Street.



4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/18

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

That the minutes of the Ordinary Council meeting held on 24 January 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - FEBRUARY 2023

- Meeting with Jason Wallace – ac.care
- Limestone Coast Radiation Treatment Working Group Meeting
- Australia Day Breakfast and Awards Ceremony
- Citizenship Ceremony
- 2023 Mount Gambier Sub Section – Naval Association – Annual Dinner
- Liberty Church – City Wide Churches Celebration
- SAROC & GAROC Meeting with Federal Local Government Minister Kristy McBain MP
- Grassroots Community Listening Tour with Shadow Cabinet
- Elected Member Briefing – RACT Board
- Elected Member Briefing – Mandatory Finance Induction
- Tour of The Riddoch Arts and Cultural Centre
- Limestone Coast Radiation Treatment Working Group Meeting
- Meeting with EO of LCLGA
- Introductory Meeting with CEO with Sam Bradbrook, ABC
- Elected Member Briefing – Presentation by LGFA
- Elected Member Briefing – Sustainability
- Confidential Elected Member Briefing
- Audit and Risk Committee Meeting
- LCLGA Board AGM/GM – DC Robe
- SA Police Band Community Concert and Law Enforcement Torch Run (LETR)
- Mount Gambier Lions Club 60th Anniversary – Dinner – Her Excellency the Governor of SA in attendance
- ABC Radio Interview – re Presidency of LCLGA
- ABC Radio Interview – re Public Bus Service
- Small Cultural Ceremony – Valley Lake/Ketla Malpi Public Amenity Construction



- Mount Gambier Lions Club 60th Anniversary – Commemorative Tree Planting – Elizabeth Knight Reserve
- Elected Member Briefing – Update on Long Term Financial Plan
- Elected Member Briefing – Regional Planning Session Two

RESOLUTION 2023/19

Moved: Mayor Lynette Martin

Seconded: Cr Paul Jenner

That the Mayoral report made on 21 February 2023 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Josh Lynagh Australia Day Breakfast and Awards Ceremony, Citizenship Ceremony, Women's Health @ Hawkins Health Clinic opening.

Cr Ben Hood Australia Day, City-wide Combined Church Service – Liberty Church, Shadow Cabinet Forum at Wulanda.

Cr Paul Jenner Australia Day Breakfast and Awards Ceremony, Citizenship Awards Ceremony, Borderline Speedway – Kings Challenge, Volunteer Mandatory Training Session 3, Mount Gambier Autistic and Autism Communities Forum, Mount Gambier Library Market, Riddoch Arts and Cultural Trust AGM, Public Lighting Working Group meeting, February Markets and Farmers Market, SA Police Band Community Concert, District Council of Grant Council meeting, GTE Board meeting, Shadow Cabinet Learn and Listen meeting, Switch the Headspace – Mental Health Football Game at McDonald Park.

Cr Sonya Meziniec Australia Day Breakfast and Awards, Community Forum with Shadow Cabinet, Exhibition Opening – Experimenta Life Forms Riddoch Arts and Cultural Centre, last meeting of Wulanda Project Control Group, Mount Gambier Health Advisory Council, meeting with Adam Box, Education Director re Lifelong Learning, Riddoch Arts and Cultural Trust 1st AGM.

Cr Frank Morello Community listening tour with Shadow Cabinet, Australia Day Breakfast and Awards Ceremony.

RESOLUTION 2023/20

Moved: Cr Kate Amoroso

Seconded: Cr Ben Hood

That the reports made by Councillors on 21 February 2023 be received.

CARRIED



7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE – CIVIC CENTRE UPGRADE

Cr Paul Jenner asked the following Question with Notice:

Question:

Can an update be provided regarding the maintenance of the Civic Centre Building?

Answer:

Council Officers have regular meetings with Country Arts as co-owners of the space. A structural review has been undertaken and we are meeting to prioritise works required to be budgeted and undertaken.

7.2 QUESTION WITH NOTICE – WORKFORCE PLANNING

Cr Kate Amoroso asked the following Question with Notice:

Question:

Can the CEO please provide an update on our succession planning processes and workforce planning especially in relation to retention, attraction and the supported worker review?

Answer:

Success and talent planning includes opportunities for higher duties, secondment and acting arrangements as well as leadership, training and development.

Recruitment processes are inclusive and merit based, with inclusion training sessions held on disability inclusion as well as an active program of work health and safety and health and wellbeing programs.

Organisational workforce induction and onboarding processes are undergoing review, and additional first aid and work health safety support is being pursued. A number of critical leadership positions within City Infrastructure are also being filled. Sources of funding for traineeships and a business case for a structured supported wage program and traineeship program is being developed for 23/24.

8 QUESTIONS WITHOUT NOTICE

MOTION

RESOLUTION 2023/21

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

That the question 'What options does Council have to undertake a holistic review of Tree Management?' and the answer be recorded in the minutes.

CARRIED

Cr Paul Jenner asked the following Question with Notice:

Question:

What options does Council have to undertake a holistic review of Tree Management?



Answer:

Council undertake periodic reviews of its policy however, in light of new information or legislative changes reviews can be brought forward.

9 PETITIONS

Nil

10 DEPUTATION

10.1 DEPUTATION - MR JOHN SCHRODER - TREE CONCERNS - COMMERCIAL STREET

Item 10.1 was considered and minuted earlier in the meeting (see minutes following Item 3).

10 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

11 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 20/01/2023 TO 16/02/2023

RESOLUTION 2023/22

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/6834 titled 'Elected Member Information/Briefing Sessions from 20/01/2023 to 16/02/2023' as presented on 21 February 2023 be noted.

CARRIED

12 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

13 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 24/01/2023

RESOLUTION 2023/23

Moved: Cr Sonya Mezinec

Seconded: Cr Ben Hood

1. That Council Report No. AR23/9332 titled 'Council Action Items - 24/01/2023' as presented on 21 February 2023 be noted.

CARRIED



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

Nil

15 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 9 FEBRUARY 2023

RESOLUTION 2023/24

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

That the Minutes of the Audit and Risk Committee meeting held on 9 February 2023 as attached be noted.

CARRIED

16.2 COUNCIL INVESTMENTS AND BORROWINGS – REPORT NO. AR22/60852

RESOLUTION 2023/25

Moved: Cr Sonya Mezinec

Seconded: Cr Kate Amoroso

1. That Audit and Risk Committee Report No. AR22/60852 titled 'Council Investments and Borrowings' as presented on 09 February 2023 be noted.

CARRIED

16.3 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR23/5855

RESOLUTION 2023/26

Moved: Cr Sonya Mezinec

Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR23/5855 titled 'External Audit Management Report' as presented on 09 February 2023 be noted.

CARRIED

16 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



18 COUNCIL REPORTS

19.1 CASUAL VACANCY IN OFFICE OF COUNCILLOR

RESOLUTION 2023/27

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/9160 titled 'Casual Vacancy in Office of Councillor' as presented on 21 February 2023 be noted.
2. That the casual vacancy arising from 24 January 2023 in the position of City of Mount Gambier area councillor formerly occupied by Mark Lovett, be noted.
3. That the Member Allowance overpaid to Mark Lovett be pursued, as a debt owed to Council, with recovery action deferred until any appeal processes have been exhausted, with recovery if Mark Lovett is not returned to office on a pro-rata basis from 24 January 2023.

CARRIED

19.2 JUNIOR SPORTS ASSISTANCE FUND - PRESIDING MEMBER VACANCY

MOTION

RESOLUTION 2023/28

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

That Item 19.2 'Junior Sports Assistance Fund – Presiding Member Vacancy' lie on the table until the Ex-Officio status of the Mayor is confirmed.

CARRIED

Item 19.2 'Junior Sports Assistance Fund – Presiding Member Vacancy' was resumed.

RESOLUTION 2023/29

Moved: Cr Max Bruins
Seconded: Cr Ben Hood

1. That Council Report No. AR23/10029 titled 'Junior Sports Assistance Fund - Presiding Member Vacancy' as presented on 21 February 2023 be noted.
2. That Mayor Martin as Ex-Officio member of the committee assume the role as presiding member until such time as a determination is made around former Cr Mark Lovett.

CARRIED

Cr Hood left the meeting 6:46pm



19.3 REVIEW OF COUNCIL DELEGATION UPDATES - FEBRUARY 2023

RESOLUTION 2023/30

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR22/62797 titled 'Review of Council Delegation Updates - February 2023' as presented on 21 February 2023 be noted.
2. That Council grants the delegation of powers and functions of the Council as provided for in the tables referenced in Council Report No. AR22/62797 (Attachment 1) to the person occupying or acting in the office of Chief Executive Officer of the Council pursuant to section 44 of the Local Government Act 1999
3. The delegations granted in resolution (2) above pursuant to:
 - (a) the Local Government Act to the Council's Chief Executive Officer, in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act,

may be further sub-delegated by the Chief Executive Officer or delegate.
4. Planning, Development and Infrastructure Act Delegations
 - (a) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment 1 annexed to the Report No. AR22/62797 titled SA Instrument A) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
 - (b) Such powers and functions delegated in resolution 4 (a) may be further sub-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 the relevant Instrument of Delegation;
5. General

The delegations granted in resolutions (2) to (4) above are subject to the following conditions and limitations:

 - (a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
 - (b) the delegate must exercise a delegated function or power in accordance with and due regard to:
 - (i) applicable legislative and other legal requirements; and
 - (ii) relevant policies and guidelines adopted by the Council.
 - (c) in regard to the following delegations under the Local Government Act:
 - (i) section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;

- (ii) section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council and the sub-delegation financial limitations set by the Chief Executive Officer;
- (iii) section 143(1): the power to write off debts is limited to debts not exceeding \$5,000;
- (iv) section 188(3): the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c).
- (d) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
- (e) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
- (f) These delegations will come into operation on Wednesday 22 February 2023 and remain in force until varied or revoked by resolution of the Council.
- (g) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 22 February 2023.

CARRIED

Cr Hood returned to the meeting 6:48pm

19.4 SECOND QUARTER REPORT ON ANNUAL BUSINESS PLAN 2022/2023 ANNUAL OBJECTIVES

RESOLUTION 2023/31

Moved: Cr Sonya Mezinec
Seconded: Cr Frank Morello

1. That Council Report No. AR23/9006 titled 'Second Quarter Report on Annual Business Plan 2022/2023 Annual Objectives' as presented on 21 February 2023 be noted.

CARRIED

19.5 BUDGET REVIEW 2 2022/2023

RESOLUTION 2023/32

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/7656 titled 'Budget Review 2 2022/2023' as presented on 21 February 2023 be noted.
2. That Council adopts the attached revised budget for the year ending 30 June 2023 as at 31 December 2022 (Budget Review 2).

CARRIED



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

"I'm a current board member of the Queen Elizabeth Park Trust, as wind-up is still in process".

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

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

"A member of my family is a board member of the QEPT".

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

Cr Hood as Deputy Mayor took the Chair for Item 19.6.

19.6 QUEEN ELIZABETH PARK TRUST - WINDING UP

RESOLUTION 2023/33

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That Council Report No. AR23/8917 titled 'Queen Elizabeth Park Trust - Winding Up' as presented on 21 February 2023 be noted.
2. That the correspondence from the Queen Elizabeth Park Trust Board notifying Council of its winding up be noted.
3. That the past and present Board Members/Trustees of the Queen Elizabeth Park Trust be thanked for their service in building and maintaining what have become valuable assets for Mount Gambier within the crater lakes precinct.

CARRIED

Cr Bruins returned to the meeting at 6:54p.m.

Mayor Martin returned to the meeting at 6:54p.m. and resumed the Chair.

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Meziniec disclosed a general conflict of interest in Item 19.7:

"I am Council representative on the Riddoch Arts and Cultural Trust".

In accordance with Section 74 of the Local Government Act 1999 Cr Meziniec did not participate in the meeting for Item 19.7.

19.7 RIDDOCH ARTS AND CULTURAL TRUST - 2022-2023 PLAN

RESOLUTION 2023/34

Moved: Cr Frank Morello

Seconded: Cr Josh Lynagh



1. That Council Report No. AR22/85966 titled 'Riddoch Arts and Cultural Trust - 2022-2023 Plan' as presented on 21 February 2023 be noted.
2. That the Riddoch Arts and Cultural Trust 2022-2023 Plan as attached to Council Report No. AR22/85966 be endorsed.
3. That the requisite budget amount of \$46,500 (including \$20,000 in-kind support) to support the Riddoch Arts and Cultural Trust 2022-2023 Plan, and an allocation for external audit in the order of \$10k-\$15k, be included in Council's Draft 2023-2024 financial year operating budget, noting there are various nominal in kind contributions/expenditure necessary to support the work of the Riddoch Arts and Cultural Trust Board and Association in this establishment phase.

CARRIED

Cr Mezinec returned to the meeting 7:03p.m.

19.8 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE

A verbal update was provided by Barbara Cernovskis, General Manager City Infrastructure on the construction progress of the Wulanda Recreation and Convention Centre.

RESOLUTION 2023/35

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/3721 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 21 February 2023 be noted.
2. That due to completion of the construction works at Wulanda Recreation and Convention Centre that March be the final verbal update report.

CARRIED

19.9 MITCHELL STREET TREES - ATS REPORT

RESOLUTION 2023/36

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR23/8604 titled 'Mitchell Street Trees - ATS Report' as presented on 21 February 2023 be noted.
2. That the arborists report obtained to give effect to the recommendation in the Section 270 Internal Review Report on the matter of the *Lagunaria patersonia* (Norfolk Island Hibiscus) planted along the western side of Mitchell Street, be received and noted.

CARRIED



19 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - RAIL TRAIL COMMUNITY PLANTING PROJECT

RESOLUTION 2023/37

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Council Report No. AR23/9356 titled 'Notice of Motion - Rail Trail Community Planting Project' as presented on 21 February 2023 be noted.
2. That Council Administration scope out a draft plan for a community planting project to vegetate the Rail Trail beyond the Rail Lands Precinct.
3. That the draft plan include, but not be limited to the following considerations:
 - Collaboration with and drawing on the expertise of Glenelg Nature Trust and Burrandies
 - Preference be given to indigenous and hardy plants requiring minimal maintenance
 - Division of the Rail Trail into sections with a variety of plantings along the trail
 - Scheduling a series of community planting days inviting community groups, school groups, social clubs, business and groups of residents along the trail to participate.
4. That the draft plan be presented to a workshop for Councillors in May 2023.

CARRIED

20 MOTIONS WITHOUT NOTICE

Nil

21 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

22 NEW CONFIDENTIAL ITEMS

23.1 SECTION 270 INTERNAL REVIEW - MITCHELL STREET TREES - LEGAL ADVICE - REPORT NO. AR23/10258

RESOLUTION 2023/38

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, D Barber, S La Greca, M McCarthy, J Scoggins, R Datta, J McDonald, M Brookes, G Davison and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/10258 Section 270 Internal Review - Mitchell Street Trees - Legal Advice.

The Council is satisfied that, pursuant to section 90(3) (g) and (h) 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

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 for consideration includes associated legal advice obtained in relation to the nuisance matters being associated with the subject matter of the report, and attachments to the Internal Review report contain 3rd party information for which Council has no express or implied licence to publish and so disclosure could reasonably be expected to breach a law or duty of confidence in relation to that content.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 10 minutes until 7:35p.m.:

Purpose of the Suspension: Discussion of Item 23.1

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

Meeting Procedures were suspended at 07:20 PM

The Mayor sought approval to extend the suspension for a further 5 minutes.

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

The Mayor determined that the period of suspension should be brought to an end;

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

The Period of Suspension came to an end and Meeting Procedures resumed at 07:39 PM

RESOLUTION 2023/39

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 23.1 AR23/10258 Section 270 Internal Review - Mitchell Street Trees - Legal Advice and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (g) and (h) be kept confidential and not available for public inspection until the matter has been considered by Council, with Resolutions/Minutes to be released immediately following consideration by Council, the covering report AR23/10258 and legal advice (Attachment 1) be retained in confidence and reviewed annually in accordance with the Local Government Act 1999.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

**23.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #25 - AS AT 07/02/2023
– REPORT NO. AR23/9397**

RESOLUTION 2023/40

Moved: Cr Ben Hood

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 the Mayor, Councillors and S Philpott, B Cernovskis, D Barber, S La Greca, M McCarthy, J Scoggins, R Datta, J McDonald, M Brookes, G Davison and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/9397 Project Control Group (PCG) Progress Report #25 - As At 07/02/2023.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (h) 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
- 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
- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be

expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

CARRIED

Cr Amoroso left the meeting at 7:43p.m.

Cr Amoroso returned 7:45p.m.

RESOLUTION 2023/41

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 23.2 AR23/9397 Project Control Group (PCG) Progress Report #25 - As At 07/02/2023 and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) and (h) be kept confidential and not available for public inspection until 12 months after completion of the project.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

23 MEETING CLOSE

The Meeting closed at 7:50p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 March 2023.

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PRESIDING MEMBER

