

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 16 AUGUST 2022 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Mezinec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner

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	- Mr T Coote
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Ms M Brookes
	Team Leader Revenue	- Ms J Scheidl
	Manager Economy, Strategy and Engagement	- Ms B Shearing
	Tourism Officer	- Ms A Stevens
	Executive Administrator	- Ms T Chant

1 ACKNOWLEDGEMENT OF COUNTRY

Mr Tim Brennan to conduct Welcome of Country at 6:00 pm

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.

2 APOLOGIES

RESOLUTION 2022/105

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

That the apology(ies) from Cr Ben Hood and Cr Frank Morello be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2022/106

Moved: Cr Sonya Mezinec



Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 19 July 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - AUGUST 2022

- Meeting with CEO and GM City and Community Growth with Mr Tim Whetstone MP, Shadow Minister Police and Community Safety and Mr Troy Bell MP, Member for Mount Gambier
- Audit and Risk Committee Workshop and Meeting
- Elected Member Briefing – Update: CEO RDALC and EO LGLGA
- Housing for All Forum at Mount Gambier and Community RSL
- Meeting with CEO, Hon Nicola Centofanti MLC and Hon Laura Curran MLC
- Library Strategic Planning – Community Engagement Workshop
- Meeting with CEO and representatives from LCLHN
- Fortnightly LCLGA Mayors Meeting – Virtual
- Opening of Thumb Print Exhibition – Riddoch Arts and Cultural Centre
- 105th Annual Formal Mount Gambier Community RSL Luncheon
- With CEO, Meeting with Hon Geoff Brock MP, Minister for Local Government
- Recognition of World Scout Day
- With CEO, Meeting with Mr Troy Bell MP, Member for Mount Gambier
- User Group Wulanda Meeting
- With CEO and GM City and Community Growth, virtual meeting with Allan Sommerville – Qantas
- Pride in Your Stride Walk 2022 – Homelessness Week
- Meetings facilitated by LCLGA with CEO and Mayor from Naracoorte Lucindale Council and Glenelg Shire Council
- Illuminate Adelaide – Official Opening of Digital Garden
- Elected Member Briefing – Hardwaste / Waste Service Charge
- Elected Member Briefing – Confidential re Wulanda
- Uni SA Leaders in Industry Luncheon
- Meeting with Mr Troy Bell MP, Member for Mount Gambier, re Illuminate
- With CEO and GM City and Community Growth, meeting with Mr John Gardner MP, Deputy Leader of the Opposition
- With CEO, attendance at LCLGA Board Meeting at Kingston District Council
- Panel Member – Judging: Skylight Mental Health Art and Craft and Youth and General Photography Exhibition
- Official Opening of Skylight Mental Health Art and Craft and Youth and General Photography Exhibition with Ms Trudi Shelton – Founder of Four Reason's Why



RESOLUTION 2022/107

Moved: Mayor Lynette Martin
Seconded: Cr Christian Greco

That the Mayoral report made on 16 August 2022 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

RESOLUTION 2022/108

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

That the reports made by Councillors on 16 August 2022 be received.

CARRIED

Cr Max Bruins	Riddoch Gallery Opening – Ann Newmarch exhibition, Mount Gambier Classic and Vintage Motorcycle Show, Pioneers match against Ballarat Miners, Illuminate Adelaide light show, Art market.
Cr Paul Jenner	Skylight mental health BBQ – Mount Gambier Library, NAIDOC Week flag raising ceremony, Disability Inclusion Collective Mount Gambier Showcase, G.I.E Strategic planning day, Mount Gambier Classic and Vintage Motorcycle Club display at City Hall, Wulanda Recreation and Convention Centre CRG meeting, Illuminate Adelaide at Cave Gardens, City Hall and outside of Library market, walk through at Wulanda Recreation and Convention Centre.
Cr Sonya Meziniec	Attended meeting of Riddoch Arts and Cultural Trust, opening of Thumbprint exhibition, Wulanda Community Reference Group meeting, Mount and Districts Health Advisory Council meeting.
Cr Christian Greco	Mount Gambier Eisteddfod.

7 QUESTIONS WITH NOTICE

7.1 NO STOPPING ZONE ON BAY ROAD FOR USERS OF THE RAIL TRAIL

REPORT RECOMMENDATION

That the response to the question regarding a No Stopping Zone on Bay Road for users of the Rail Trail raised by Councillor Sonya Meziniec be received and noted.

8 QUESTIONS WITHOUT NOTICE

Question:

What is the update and progress on the hardwaste collection?



Answer:

Taken on notice for September Council meeting.

MOTION

RESOLUTION 2022/109

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

That the question 'What is the update and progress on the hardwaste collection?' and the answer be recorded in the minutes.

CARRIED

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 19/07/2022 TO 11/08/2022

RESOLUTION 2022/110

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/71020 titled 'Elected Member Information/Briefing Sessions from 19/07/2022 to 11/08/2022' as presented on 16 August 2022 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 19/07/2022

RESOLUTION 2022/111

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That Council Report No. AR21/71039 titled 'Council Action Items - 19/07/2022' as presented on 16 August 2022 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess.

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess.

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

Nil

18 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

18.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 25 JULY 2022

RESOLUTION 2022/112

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

That the Minutes of the Audit and Risk Committee meeting held on 25 July 2022 as attached be noted.

CARRIED

18.2 CORRESPONDENCE RECEIVED – REPORT NO. AR22/49236

RESOLUTION 2022/113

Moved: Cr Sonya Mezinec
Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/49236 titled 'Correspondence Received' as presented on 25 July 2022 be noted.

CARRIED



18.3 RISK REPORT - JULY 2022 – REPORT NO. AR22/33762

RESOLUTION 2022/114

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR22/33762 titled 'Risk Report - July 2022' as presented on 25 July 2022 be noted.

CARRIED

18.4 WORK HEALTH, SAFETY AND WELLBEING - JULY 2022 – REPORT NO. AR22/33764

RESOLUTION 2022/115

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/33764 titled 'Work Health, Safety and Wellbeing - July 2022' as presented on 25 July 2022 be noted.

CARRIED

18.5 INTERNAL CONTROLS POLICY – REPORT NO. AR22/46763

RESOLUTION 2022/116

Moved: Cr Sonya Meziniec
Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/46763 titled 'Internal Controls Policy' as presented on 25 July 2022 be noted.
2. That the Internal Controls Policy as attached to Report No. AR22/46763 having been reviewed by the Audit and Risk Committee on 25 July 2022 be adopted with minor editorial changes.

CARRIED

18.6 ASSET ACCOUNTING POLICY REVIEW – REPORT NO. AR22/49260

RESOLUTION 2022/117

Moved: Cr Sonya Meziniec
Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/49260 titled 'Asset Accounting Policy Review' as presented on 25 July 2022 be noted.
2. That the Asset Accounting Policy as attached to Report No. AR22/49260 having been reviewed by the Audit and Risk Committee on 25 July 2022 be adopted.

CARRIED



18.7 EXTERNAL AUDIT ATTENDANCE – REPORT NO. AR22/46762

RESOLUTION 2022/118

Moved: Cr Sonya Meziniec
Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/46762 titled 'External Audit Attendance' as presented on 25 July 2022 be noted.

CARRIED

18.8 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR22/46765

RESOLUTION 2022/119

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/46765 titled 'External Audit Management Report' as presented on 25 July 2022 be noted.

CARRIED

19 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

20 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

21 COUNCIL REPORTS

21.1 STRATEGIC PLAN MIDWAY REVIEW

RESOLUTION 2022/120

Moved: Cr Paul Jenner
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/54389 titled 'Strategic Plan Midway Review' as presented on 16 August 2022 be noted.

CARRIED

21.2 COMMUNITY LAND MANAGEMENT PLAN - BLUE LAKE/WARWAR

RESOLUTION 2022/121

Moved: Cr Paul Jenner



Seconded: Cr Max Bruins

1. That Council Report No. AR22/52140 titled 'Community Land Management Plan - Blue Lake/Warwar' as presented on 16 August 2022 be noted.

CARRIED

21.3 CARRY FORWARD 2021/22 CAPITAL WORK IN PROGRESS AND GRANTS/SPONSORSHIPS BUDGETS

RESOLUTION 2022/122

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR22/46766 titled 'Carry Forward 2021/22 Capital Work In Progress and Grants/Sponsorships Budgets' as presented on 16 August 2022 be noted.
2. That Council approves the proposed total carry forwards of \$97.8k for grants/sponsorships and \$2.4m for capital works as at 30 June 2022 and revised net budget deficit (net borrowing) of \$11.2m.
3. That Council adopts the revised capital expenditure budget for the year ending 30 June 2023.

CARRIED

21.4 REGIONAL ACTIVATORS ALLIANCE

RESOLUTION 2022/123

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR22/43591 titled 'Regional Activators Alliance' as presented on 16 August 2022 be noted.
2. That the City of Mount Gambier join the Regional Australia Institute Regional Activators Alliance.

CARRIED

21.5 NOMINATIONS FOR LGA PRESIDENT

RESOLUTION 2022/124

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/54348 titled 'Nominations for LGA President' as presented on 16 August 2022 be noted.
2. Council supports the nomination of Mayor Erika Vickery OAM as the LGA President for the 2022-2024 term.

CARRIED



21.6 CARPARK PROPOSAL - BLUE LAKE GOLF CLUB

RESOLUTION 2022/125

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Council Report No. AR22/53879 titled 'Carpark Proposal - Blue Lake Golf Club' as presented on 16 August 2022 be noted.
2. A copy of the report be provided to the Blue Lake Golf Club.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 5 minutes:

Purpose of the Suspension: Discussion on item 21.7

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

Meeting Procedures were suspended at 06:52 pm

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 06:58 pm

21.7 LOCAL GOVERNMENT ELECTION SIGNS - COUNCIL DETERMINATION

RESOLUTION 2022/126

Moved: Cr Paul Jenner
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/53892 titled 'Local Government Election Signs - Council Determination' as presented on 16 August 2022 be noted.
2. The Approval to display local government election signs, set out in Attachment 1 to this Report No. as presented on 16 August 2022 is endorsed.
3. Council write to the LGA to request a State review before the next election.

CARRIED

21.8 POLICY REVIEW - REVOCATION OF S175 - SAFE ENVIRONMENT

RESOLUTION 2022/127

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner



1. That Council Report No. AR22/54668 titled 'Policy Review - Revocation of S175 - Safe Environment' as presented on 16 August 2022 be noted.
2. That Council Policy S175 - Safe Environment as attached to Report No. AR21/18417 be revoked.

CARRIED

22 MOTIONS WITH NOTICE

22.1 NOTICE OF MOTION - REPORTS AND PLANS

RESOLUTION 2022/128

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/41065 titled 'Notice of Motion - Reports and Plans' as presented on 16 August 2022 be noted.
2. That a Council Workshop be organised to review outstanding plans, reports and policies in readiness for the incoming Council.

CARRIED

22.2 NOTICE OF MOTION - CREATIVE ARTS FUND 2021/2022

RESOLUTION 2022/129

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR22/54975 titled 'Notice of Motion - Creative Arts Fund 2021/2022' as presented on 16 August 2022 be noted.
2. The Portrait Project be allocated an additional \$500 from the 2021/2022 Creative Arts Fund for additional unexpected costs due to unforeseen environmental damages to the works.
3. That funds not allocated in the Creative Arts Fund 2021/2022 be redirected to the 2022/2023 Creative Arts Fund.

CARRIED

22.3 NOTICE OF MOTION - WULANDA RECREATION AND CONVENTION CENTRE

RESOLUTION 2022/130

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/54982 titled 'Notice of Motion - Wulanda Recreation and Convention Centre' as presented on 16 August 2022 be noted.
2. That the administration provides a report to Council on the confidential items for the Wulanda Recreation and Convention Centre and when the information will be released to the public.



3. That the General Manager City Infrastructure provides a verbal report in open Council on the Wulanda Recreation and Convention Centre construction progress each month.

CARRIED

23 MOTIONS WITHOUT NOTICE

Nil

24 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

25 NEW CONFIDENTIAL ITEMS

25.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR22/50187

RESOLUTION 2022/131

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 the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.1 AR22/50187 Sale of Land for Non-Payment of Rates.

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

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 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED

RESOLUTION 2022/132

Moved: Cr Christian Greco

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 25.1 AR22/50187 Sale of Land for Non-Payment of Rates 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) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.

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

25.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR22/50219

RESOLUTION 2022/133

Moved: Cr Christian Greco

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 the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR22/50219 Sale of Land for Non-Payment of Rates.

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

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 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED

RESOLUTION 2022/134

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

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 25.2 AR22/50219 Sale of Land for Non-Payment of Rates 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) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.



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

25.3 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR22/50246

RESOLUTION 2022/135

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 the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.3 AR22/50246 Sale of Land for Non-Payment of Rates.

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

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 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED

MOTION

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 25.3 AR22/50246 Sale of Land for Non-Payment of Rates 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) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
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*.



25.4 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR22/50270

RESOLUTION 2022/136

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 the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR22/50270 Sale of Land for Non-Payment of Rates.

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

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 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED

MOTION

Moved: Cr Sonya Meziniec
Seconded: Cr Kate Amoroso

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 25.4 AR22/50270 Sale of Land for Non-Payment of Rates 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) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
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*.

**25.5 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #20 - AS AT 02/08/2022
– REPORT NO. AR22/52001**

RESOLUTION 2022/137



Moved: Cr Paul Jenner
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 the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.5 AR22/52001 Project Control Group (PCG) Progress Report #20 - As at 02/08/2022.

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 Council's position in obtaining best value project delivery on behalf of the community.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 30 minutes:

Purpose of the Suspension: To discuss item 25.5

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

Meeting Procedures were suspended at 07:55 pm

Cr Amoroso left the meeting at 8:32 pm and did not return.



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 08:34 pm

RESOLUTION 2022/138

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinec

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 25.5 AR22/52001 Project Control Group (PCG) Progress Report #20 - As at 02/08/2022 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), (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

26 MEETING CLOSE

The Meeting closed at 8:40 PM.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 September 2022.

.....
PRESIDING MEMBER

