

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 16 NOVEMBER 2021 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Paul Jenner, Cr Frank Morello

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Acting General Manager Community Wellbeing	- Mrs G Davison
	Manager Governance and Property	- Mr M McCarthy
	Manager Waste and ReUse	- Mr M McDonald
	Manager Finance	- Ms J Scoggins
	Manager Organisational Development	- Ms R Datta
	Media and Communications Coordinator	- Ms S McLean
	Executive Administrator City Infrastructure	- Ms S Wilson
	Executive Administrator City Growth	- 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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

RESOLUTION 2021/327

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

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

CARRIED

3 LEAVE OF ABSENCE

RESOLUTION 2021/328

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

That leave of absence from Cr Ben Hood be received and accepted.

CARRIED



4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/329

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 19 October 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - NOVEMBER 2021

- Citizenship Ceremony
- LC Wine Show LCLGA Trophy Dinner – Presentation of Colin Kidd Trophy
- Monthly LCLGA Mayor’s Virtual Meeting
- Tour of Wulanda with Premier Marshall
- Lunch Meeting with Senior Executive, Elected Members and Premier Marshall
- Generations in Jazz – Launch of Strategy Plan and Benefactor
- Radio Interview with Llew Jones – 5GTR-FM
- Funeral of Jack Hopgood OAM
- Elected Members Workshop – Next Stage – Committee Structures
- Wulanda Media Site Tour
- Regional Mayor’s Roundtable – Adelaide
- 2021 LGA Conference – Adelaide
- 2021 LGA AGM and LGFA AGM – Adelaide
- Presentation with CEO to Shadow Country Cabinet – Mount Gambier
- Economic and Environment Committee Meeting
- Elected Member Workshop – Budget Process and LTFP
- 25 Year Anniversary – Kevin Paisley Fashion Eyewear
- Official Opening – St Martin’s Lutheran College – Stage 2 Building
- Meeting with Mayor Erika Vickery OAM
- Photos with Lions Ladies – decorating of Christmas Tree in front of Old Town Hall
- UniSA Alumni & Networking Event
- Mount Gambier Science Fair
- Kmart Wishing Tree Appeal Launch
- Introductory Meeting – CEO and Peter Gandolfi – The Border Watch
- Citizenship Ceremony at District Council of Grant



RESOLUTION 2021/330

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Meziniec

That the Mayoral report made on 16 November 2021 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Sonya Meziniec Lunchtime meeting with Premier Mr Stephen Marshall, Presentation to Mount Gambier High School students, Wulanda media site tour, Remembrance Day celebrations, Mount Gambier and Districts Health Advisory Committee AGM, Opening two Exhibitions Riddoch Arts and Cultural Centre, Christmas Pageant Advisory Committee.

Cr Paul Jenner Lunchtime meeting with State Premier - Stephen Marshall, Boundary Roads Advisory Group meeting with District Council of Grant, Country Cabinet - Labor in City Hall, Blue Lake Sports Park meeting on Open Space and Recreation Masterplan.

Cr Frank Morello Meeting with Premier Marshall, Presentation to Mount Gambier High School students.

Cr Max Bruins Exhibition opening at Riddoch (12/11/2021).

RESOLUTION 2021/331

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That the reports made by Councillors on 16 November 2021 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

Nil



12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOPS FROM 15/10/2021 TO 11/11/2021

RESOLUTION 2021/332

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

That the Record of Proceedings for the listed Workshops be received and noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 19/10/2021

RESOLUTION 2021/333

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Council Report No. AR21/42564 titled 'Council Action Items - 19/10/2021' as presented on 16 November 2021 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

15.1 MINUTES OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 1 NOVEMBER 2021

RESOLUTION 2021/334

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

That the Minutes of the Economic and Environment Committee meeting held on 1 November 2021 as attached be noted.

CARRIED



15.2 STRATEGIC SUSTAINABILITY REPORT – REPORT NO. AR21/62236

RESOLUTION 2021/335

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR21/62236 titled 'Strategic Sustainability Report' as presented on 01 November 2021 be noted.
2. That a Strategic Sustainability briefing be scheduled for Council to discuss opportunities and prioritise key result areas.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Sonya Mezinec disclosed a material conflict of interest in Item 15.3:

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

In accordance with Section 74 of the Local Government Act 1999 Cr Mezinec did not participate in the meeting for Item 15.3.

Cr Mezinec left the meeting at 6:17 pm.

15.3 REGISTRATION OF RIDDOCH ARTS AND CULTURAL TRUST – REPORT NO. AR21/52752

RECOMMENDATION

1. That Economic and Environment Committee Report No. AR21/52752 titled 'Registration of Riddoch Arts and Cultural Trust' as presented on 01 November 2021 be noted.
2. That, in accordance with The Riddoch Arts and Cultural Trust Constitution, Council appoints the following persons for their areas of professional knowledge and expertise as Council Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:
 - *Tim Coote*
 - *Georgina Davison*
 - *Michael McCarthy*

The Riddoch Arts and Cultural Trust Board be notified of the Board Observer appointments at their next available Board meeting.

3. That Council continue to support the establishment of The Riddoch Arts and Cultural Trust and that further reports be presented to update Council on progress of the establishment of the Trust and Board in accordance with previous resolutions.

Motion lapsed due to lack of quorum

Cr Mezinec returned to the meeting at 6:18 pm.



15.4 RAIL CORRIDOR LICENCE – REPORT NO. AR21/67626

RESOLUTION 2021/336

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

1. That Economic and Environment Committee Report No. AR21/67626 titled 'Rail Corridor Licence' as presented on 01 November 2021 be noted.
2. That the Chief Executive Officer (or representative) finalise documentation with the Department for Infrastructure and Transport as is necessary to secure tenure of the railway corridor lands listed in Attachment 1 for shared use path purposes, and the Mayor and Chief Executive Officer be authorised to affix the Common Seal to such documentation.
3. That, in accordance with section 193(4) of the Local Government Act 1999 the railway corridor lands listed in Attachment 1 to Report No. AR21/67626 be excluded from classification as community land.

CARRIED

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

"I am a current member of Council Assessment Panel".

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

"I believe this does not have any conflict of interest but just doing so for safety. I will stay in the meeting".

In accordance with Section 75A of the Local Government Act 1999 Cr Jenner remained in the meeting for Item 15.5.

15.5 JOINT PLANNING BOARD – REPORT NO. AR21/68151

RESOLUTION 2021/337

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR21/68151 titled 'Joint Planning Board' as presented on 01 November 2021 be noted.

CARRIED

Having participated in the meeting for Item 15.5 under s75A Cr Jenner voted in favour of the motion.



16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 COUNCIL ASSESSMENT PANEL MINUTES

17.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 21 OCTOBER 2021

RESOLUTION 2021/338

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the Minutes of the Council Assessment Panel meeting held on 21 October 2021 as previously circulated be noted.

CARRIED

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

18.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 27 OCTOBER 2021

RESOLUTION 2021/339

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

That the Minutes of the Junior Sports Assistance Fund meeting held on 27 October 2021 as attached be noted.

CARRIED

18.2 PAYMENT TO MEMBER ORGANISATIONS – REPORT NO. AR21/48591

RESOLUTION 2021/340

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR21/48591 titled 'Payments to Member Organisations' as presented on 27 October 2021 be noted.
2. That the allocation be calculated based on 10% of the total cost of the principle event and capped at \$200 minimum and \$500 maximum.
3. That in the event of extenuating circumstances the determination will be at the discretion of the Committee.

CARRIED



**18.3 STATEMENT OF REVENUE AND EXPENDITURE - YEAR ENDED 30/06/2021 –
REPORT NO. AR21/48595**

RESOLUTION 2021/341

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR21/48595 titled 'Statement of Revenue and Expenditure - Year Ended 30/06/2021' as presented on 27 October 2021 be noted.
2. The Statement of Income and Expenditure for period ended 30 June, 2021 detailing payments to or payments from the Fund with a 30 June 2021 cash balance of \$112,036.64 be received.

CARRIED

**18.4 MEMBER ORGANISATION CONTRIBUTIONS 2021/2022 – REPORT NO.
AR21/48602**

RESOLUTION 2021/342

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR21/48602 titled 'Member Organisation Contributions 2021/2022' as presented on 27 October 2021 be noted.
2. Members Organisations be advised that to continue assist its members during the COVID-19 crisis, member contributions to the Junior Sports Assistance Fund for the 2021/2022 financial year be waived.

CARRIED

**18.5 GENERAL DEVELOPMENTS OF THE FUND SINCE THE THIRTY-FIFTH ANNUAL
GENERAL MEETING – REPORT NO. AR21/48596**

RESOLUTION 2021/343

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR21/48596 titled 'General Developments of the Fund Since the Thirty-Fifth Annual General Meeting' as presented on 27 October 2021 be noted.

CARRIED



18.6 COMMITTEE APPOINTMENTS – REPORT NO. AR21/48607

RESOLUTION 2021/344

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR21/48607 titled 'Committee Appointments' as presented on 27 October 2021 be noted.

CARRIED

18.7 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 27 OCTOBER 2021

RESOLUTION 2021/345

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

That the Minutes of the Junior Sports Assistance Fund meeting held on 27 October 2021 as attached be noted.

CARRIED

18.8 CORRESPONDENCE RECEIVED – REPORT NO. AR21/63251

RESOLUTION 2021/346

Moved: Cr Frank Morello
Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR21/63251 titled 'Correspondence Received' as presented on 27 October 2021 be noted.

CARRIED

18.9 STATEMENT OF REVENUE AND EXPENSES - 01/05/2021 - 30/09/2021 – REPORT NO. AR21/63255

RESOLUTION 2021/347

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR21/63255 titled 'Statement of Revenue and Expenses - 01/05/2021 - 30/09/2021' as presented on 27 October 2021 be noted.
2. The financial statement of the Fund as 30 September 2021 be received, noting a cash balance of \$126,036.64.

CARRIED



18.10 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS AND PAYMENTS FROM THE FUND - 01/05/2021 TO 30/09/2021 – REPORT NO. AR21/66259

RESOLUTION 2021/348

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR21/66259 titled 'Applications for Financial Assistance for Juniors and Payments from the Fund - 01/05/2021 to 30/09/2021' as presented on 27 October 2021 be noted.

CARRIED

18.11 DISADVANTAGED JUNIOR PROGRAM 2021

RESOLUTION 2021/349

Moved: Cr Paul Jenner
Seconded: Cr Sonya Meziniec

1. The Program for 2021 be amended allowing Member Organisations to submit more than two applications to be accepted at the discretion of the Committee.

CARRIED

19 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

19.1 MINUTES OF THE AUDIT COMMITTEE HELD ON 8 NOVEMBER 2021

RESOLUTION 2021/350

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

That the Minutes of the Audit Committee meeting held on 8 November 2021 as attached be noted.

CARRIED

19.2 CORRESPONDENCE RECEIVED – REPORT NO. AR21/71204

RESOLUTION 2021/351

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Audit Committee Report No. AR21/71204 titled 'Correspondence Received' as presented on 08 November 2021 be noted.

CARRIED



19.3 SELF-ASSESSMENT OF PERFORMANCE AUDIT COMMITTEE – REPORT NO. AR21/62432

RESOLUTION 2021/352

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Audit Committee Report No. AR21/62432 titled 'Self-assessment of Performance Audit Committee' as presented on 08 November 2021 be noted.
2. That the Audit Committee:
 - (a) Authorise the General Manager Shared Services in liaison with the Presiding Member to make any minor amendments to the attached draft Audit Committee Self-Assessment Annual Report 2020/2021 that the Committee identifies and to then finalise the document; and
 - (b) Recommend to Council that the Audit Committee's Self-Assessment Report for 2020/21 be adopted.

CARRIED

19.4 POLICY REVIEW - B300 BUDGET FRAMEWORK – REPORT NO. AR21/62434

RESOLUTION 2021/353

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/62434 titled 'Policy Review - B300 Budget Framework' as presented on 08 November 2021 be noted.
2. That the Audit Committee:
 - (a) Determine if it wishes to make any adjustments to the draft revised policy.
 - (b) Recommend to Council that Council adopts the proposed revised B300 Budget Framework Policy.
3. That Council Policy B300 - Budget Framework be adopted as attached to Report No. AR21/62434 with the Chief Executive Officer authorised to make any immaterial text changes that do not alter the policy intentions as presented.

CARRIED



19.5 POLICY REVIEW - T150 - TREASURY MANAGEMENT – REPORT NO. AR21/62435

RESOLUTION 2021/354

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/62435 titled 'Policy Review - T150 - Treasury Management' as presented on 08 November 2021 be noted.
2. That the Audit Committee:
 - (a) Determine if it wishes to make any adjustments to Council with regard to the updated policy.
 - (b) Recommend to Council that Council adopts the updated Treasury Management Policy as presented.
3. That Council Policy T150 - Treasury Management be adopted as attached to Report No. AR21/62435 with the Chief Executive Officer authorised to make any immaterial text changes that do not alter the policy intentions as presented.

CARRIED

19.6 COUNCIL INVESTMENTS & BORROWINGS – REPORT NO. AR21/71874

RESOLUTION 2021/355

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Audit Committee Report No. AR21/71874 titled 'Council Investments & Borrowings' as presented on 08 November 2021 be noted.

CARRIED

**19.7 REVIEW OF DRAFT AUDIT AND RISK COMMITTEE TERMS OF REFERENCE –
REPORT NO. AR21/67856**

RESOLUTION 2021/356

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/67856 titled 'Review of Draft Audit and Risk Committee Terms of Reference' as presented on 08 November 2021 be noted.
2. That the Audit Committee:
 - (a) Authorises the General Manager Shared Services in liaison with the Presiding Member to make any minor amendments to the draft Audit and Risk Committee Terms of Reference that the Committee identifies and to then finalise the document; and
 - (b) Recommend to Council that the draft Audit and Risk Committee Terms of Reference be adopted.



3. That the Audit and Risk Committee Terms of Reference be adopted as attached to Report No. AR21/67856 with the Chief Executive Officer authorised to make any immaterial text changes that do not alter the policy intentions as presented.

CARRIED

20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the meeting at 6:36 pm.

20.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 9 NOVEMBER 2021

RESOLUTION 2021/357

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Mezinac

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 9 November 2021 as attached be noted.

CARRIED

Mrs Philpott returned to the meeting at 6:37 pm.

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

22 COUNCIL REPORTS

22.1 2022/23 ANNUAL BUSINESS PLAN PROCESS

RESOLUTION 2021/358

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR21/62437 titled '2022/23 Annual Business Plan Process' as presented on 16 November 2021 be noted.
2. That Council:
 - (a) Note the 2022/23 Annual Business Plan process as outlined in this report.
 - (b) Note the budget information to be provided to Council Members illustrated in this report.
 - (c) Note the key milestones and meeting dates included in this report.

CARRIED



22.2 2020/2021 CITY OF MOUNT GAMBIER ANNUAL REPORT

RESOLUTION 2021/359

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR21/64554 titled '2020/2021 City of Mount Gambier Annual Report' as presented on 16 November 2021 be noted.
2. That the City of Mount Gambier 2020/2021 Annual Report as tabled be adopted.
3. That the Chief Executive Officer be authorised to make any non-material changes as considered necessary prior to publication.
4. That copies of the City of Mount Gambier be distributed to the bodies/persons referred to in Section 131 of the *Local Government Act 1999*.

CARRIED

22.3 REVIEW OF COMMITTEE / DECISION MAKING STRUCTURE

RESOLUTION 2021/360

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR21/70507 titled 'Review of Committee / Decision Making Structure' as presented on 16 November 2021 be noted.
2. That Council adopt a committee / decision-making structure comprising the following components:
 - (a) Monthly Council meetings on 3rd Tuesday of the month commencing at 6:00 pm.
 - (b) The following statutory committees:
 - (i) Audit (and Risk) Committee
 - (ii) Council Assessment Panel (until replaced by a Regional Assessment Panel)
 - (iii) Building Fire Safety Committee
 - (c) The following special purpose committees:
 - (i) Chief Executive Officer Performance Review Committee
 - (ii) Junior Sports Assistance Fund
 - (d) Information and briefing sessions to be held wherever possible on other Tuesday evenings (*or other evening as determined by Council*) commencing at 5:30 pm, held in accordance with section 90A (except where section 90A does not apply).
3. That Terms of Reference, membership and meeting dates and times for the committees referenced in resolution (2) remain unchanged until reviewed/amended by Council.
4. That the committee / decision -making structure in resolution (2) take effect as follows:
 - (a) New committees commence from a first meeting date in the first quarter 2022.
 - (b) Any demised committees (i.e. not referenced in resolution 2) be placed into recess forthwith.



- (c) Council meetings commence at 6:00 pm from the January 2022 Ordinary meeting.
 - (d) The Economic and Environment and People and Place Committees no longer be considered prescribed committees.
5. That amendments to Presiding Member allowances and/or sitting fees arising from committee / decision-making structure changes be noted.
6. That the Presiding Members and Members of demised committees be thanked for their contributions over the course of the committees operation.

CARRIED

22.4 COUNCIL AND COMMITTEE MEETING ARRANGEMENTS FOR DECEMBER 2021 / JANUARY 2022

RESOLUTION 2021/361

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/44964 titled 'Council and Committee Meeting Arrangements for December 2021 / January 2022' as presented on 16 November 2021 be noted.
2. That the December 2021 Ordinary Council meeting be held on Tuesday 14 December 2021 commencing at 6:00 pm rather than on the 3rd Tuesday of the month.
3. The Council meeting calendar be updated / prepared reflecting the changes in resolution 2, and appropriate notification be given of meeting dates.

CARRIED

22.5 LOCAL GOVERNMENT REFORM - MOBILE FOOD VENDORS

RESOLUTION 2021/362

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/69573 titled 'Local Government Reform - Mobile Food Vendors' as presented on 16 November 2021 be noted.
2. That, notwithstanding the repeal of the legislative provisions relating to mobile food vending business and location rules, that location rules for mobile food vendors endorsed in 2018 and published on the Council website be updated to reflect legislative amendments (repeal) and be retained for the purpose of permit terms and conditions.

CARRIED



22.6 LOCAL GOVERNMENT REFORM - ROUND 2 REGULATIONS - FEEDBACK

RESOLUTION 2021/363

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR21/64930 titled 'Local Government Reform - Round 2 Regulations - Feedback' as presented on 16 November 2021 be noted.
2. That Council supports the position of the Local Government Association on the round 2 local government reform draft regulations as set out in the Discussion Paper referenced in Report No. AR21/64930.
3. That the City of Mount Gambier support an amendment to Regulation 4 of the Local Government (General) (Annual Report) Variation Regulations 2021 to include in the definition of 'prescribed interstate travel' an exemption for a council with a boundary that is 'proximate in distance' to a State Border, noting that the City of Mount Gambier boundary is located only some 20 kilometres from the Victorian State border.
4. The decision of Council (resolution 3) be conveyed to Member for Mount Gambier Troy Bell MP.

CARRIED

22.7 LOCAL GOVERNMENT REFORM - ROUND 2 COMMENCEMENT

RESOLUTION 2021/364

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/69834 titled 'Local Government Reform - Round 2 Commencement' as presented on 16 November 2021 be noted.

CARRIED

22.8 SPORT AND RECREATION CAPITAL WORKS PROGRAM 2021/2022 - APPLICATIONS

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/68825 titled 'Sport and Recreation Capital Works Program 2021/2022 – Applications' as presented on 16 November 2021 be noted.
2. That \$100,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 0
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00

Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00
Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00
North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 100,000.00

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.

AMENDMENT

Moved: Cr Paul Jenner

1. That Council Report No. AR21/68825 titled 'Sport and Recreation Capital Works Program 2021/2022 - Applications' as presented on 16 November 2021 be noted.
2. That a one of increased amount of \$113,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 13,000.00
East Gambier Cricket Club	14	\$ 5,307.00	\$ 5,000.00
Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00
Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00
North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 113,000.00

3. That the additional \$13,000 be reconciled in budget review two.
4. 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.

Motion lapsed for want of a seconder



The motion was put and

CARRIED

Cr Paul Jenner called a division.

The declaration was set aside.

Voting by division being:

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

Against: Cr Paul Jenner

The Mayor declared the motion

CARRIED 3/1

RESOLUTION 2021/365

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/68825 titled 'Sport and Recreation Capital Works Program 2021/2022 – Applications' as presented on 16 November 2021 be noted.
2. That \$100,000 be endorsed for distribution for the 2021/2022 Sport and Recreation Capital Works Program as follows:

<u>Applicant</u>	<u>Priority (Score)</u>	<u>Requested</u>	<u>Approved</u>
Blue Lake Golf Club Incorporated	12	\$ 21,993.00	\$ 0
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Mount Gambier Bowls Inc	15	\$ 14,000.00	\$ 14,000.00
Mount Gambier Gun Club	15	\$ 17,915.00	\$ 14,000.00
Mount Gambier RSL & District Bowling Club	11	\$ 3,950.00	\$ 2,000.00
North Gambier Football / Netball Club	11	\$ 35,000.00	\$ 25,000.00
South Gambier Football Club Inc	14	\$ 25,000.00	\$ 18,000.00
South Gambier Netball Club Incorporated	14	\$ 9,431.00	\$ 9,000.00
West Gambier Football Club Incorporated	9	\$ 13,150.00	\$ 13,000.00
		\$ 145,747.00	\$ 100,000.00

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



The Mayor foreshadowed a conflict of interest in the next item and sought an Acting Presiding Member in the absence of the Deputy Mayor.

APPOINTMENT OF ACTING PRESIDING MEMBER

RESOLUTION 2021/366

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

Cr Sonya Meziniec be appointed as Acting Presiding Member for the meeting in the absence of Mayor Martin.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Max Bruins disclosed a material conflict of interest in Item 22.9:

"I am a board member of the QEPT".

In accordance with Section 74 of the Local Government Act 1999 Cr Bruins did not participate in the meeting for Item 22.9.

Pursuant to Section 74 of the Local Government Act 1999, Mayor Martin disclosed a material conflict of interest in Item 22.9:

"I have a family member who is chair of the QEPT board and therefore I will leave the meeting".

In accordance with Section 74 of the Local Government Act 1999 Mayor Martin did not participate in the meeting for Item 22.9.

Mayor Martin and Cr Max Bruins left the meeting at 7:08 pm.

Cr Sonya Meziniec took the chair for the following item.

22.9 QUEEN ELIZABETH PARK TRUST (QEPT) CONSTITUTION

REPORT RECOMMENDATION

1. That Council Report No. AR21/70516 titled 'Queen Elizabeth Park Trust (QEPT) Constitution' as presented on 16 November 2021 be noted.
2. That Council endorse proposed changes to the Queen Elizabeth Park Trust Incorporated Constitution, to:

amend 10(a) to read:

"Ordinary meetings of the Trust shall be held at times and places appointed by the Chairperson. But there must be at least one ordinary meeting in each year."

insert new 10(h):

"A meeting of the Trust may be held with one or more of the Trustees taking part by telephone, video link or other similar technologies. Such attendees are regarded as being present at the meeting only whilst all attendees are able to



hear the proceedings of the entire meeting and to be heard by all others attending the meeting.”

Motion lapsed due to lack of quorum

Mayor Martin and Cr Max Bruins returned to the meeting at 7:09 pm.

Mayor Martin resumed the chair.

22.10 ACTING ARRANGEMENTS IN ABSENCE OF CEO

RESOLUTION 2021/367

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR21/70686 titled 'Acting arrangements in absence of CEO' as presented on 16 November 2021 be noted.
2. That, having consulted with the Council in accordance with Section 102(b) of the *Local Government Act, 1999*, it is noted that, in the instance of unplanned or unanticipated urgent leave, the Chief Executive Officer (CEO) appoints Ms Barbara Cernovskis (General Manager City Infrastructure), to act in the position of Chief Executive Officer.
3. That, should the acting arrangements for unplanned or unanticipated urgent leave of the CEO, as set out in resolution 2, be unsuitable due to the absence or unavailability of Ms Barbara Cernovskis, that Mr Darren Barber (General Manager Shared Services), will be appointed to act in the position of Chief Executive Officer, and failing his availability, then Mr Tim Coote (General Manager City Growth) will be appointed to act in the position of Chief Executive Officer.
4. That it is noted that, in the instance of planned or anticipated leave by the Chief Executive Officer, the Chief Executive Officer will make an appointment from amongst the three General Manager positions, namely, the General Manager City Infrastructure, the General Manager Shared Services or the General Manager City Growth.
5. That it is intended that these arrangements remain in place, including should incumbents in the General Manager roles change (excepting short-term acting arrangements of other officers not named in resolution 3), or the executive position titles change in subsequent organisational structures, until such time as Council has been further consulted and notified of any alternative appointments.

CARRIED



22.11 BUDGET REVIEW 1 2021/22

RESOLUTION 2021/368

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR21/70386 titled 'Budget Review 1 2021/22' as presented on 16 November 2021 be noted.
2. That Council adopts the attached revised budget for the year ending 30 June 2022 as at 30 September 2021 (Budget Review 1).

CARRIED

22.12 DRAFT LONG TERM FINANCIAL PLAN

RESOLUTION 2021/369

Moved: Cr Sonya Mezinec

Seconded: Cr Frank Morello

1. That Council note the presentation as provided by the Manager Finance, Julie Scoggins.
2. That Council adopt the Draft Long Term Financial Plan 2022-2032 (attached) for community consultation.
3. Authorises the Chief Executive Officer to make any necessary changes to the draft Long Term Financial Plan 2022-32 document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

CARRIED

22.13 CAROLINE LANDFILL - COMMUNITY LAND MANAGEMENT PLAN

RESOLUTION 2021/370

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR21/71347 titled 'Caroline Landfill - Community Land Management Plan' as presented on 16 November 2021 be noted.
2. That, having conducted the necessary consultation in accordance with section 197 of the Local Government Act 1999, Council adopt the (amended) Community Land Management Plan for Caroline Landfill presented with Report AR21/71347 as **Attachment 1**.

CARRIED



22.14 NOVEMBER 2022 LOCAL GOVERNMENT ELECTIONS

RESOLUTION 2021/371

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR21/71567 titled 'November 2022 Local Government Elections' as presented on 16 November 2021 be noted.

CARRIED

22.15 PARTNERSHIP PRIORITIES AND ADVOCACY

RESOLUTION 2021/372

Moved: Cr Sonya Mezinec

Seconded: Cr Frank Morello

1. That Council Report No. AR21/72290 titled 'Partnership Priorities and Advocacy' as presented on 16 November 2021 be noted.
2. That Council note the status of the City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document.
3. That the final City of Mount Gambier 2021/22 Partnership Priorities and Advocacy document be presented back to December Meeting of Council following further consultation with Councillors.

CARRIED

22.16 UPDATED SELF-ASSESSMENT OF PERFORMANCE AUDIT COMMITTEE

RESOLUTION 2021/373

Moved: Cr Sonya Mezinec

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/73100 titled 'Updated Self-assessment of Performance Audit Committee' as presented on 16 November 2021 be noted.
2. That Council Authorise the General Manager Shared Services in liaison with the Presiding Member to make any minor amendments to the Audit Committee Self-Assessment Annual Report 2020/2021 that the Committee identifies and to then finalise the document; and
3. That Council adopt the Audit Committee's Self-Assessment Report for 2020/21.
4. That Tim Muhlhausler and Galpins be thanked for their many years of service as Council's external auditors.

CARRIED



23 MOTIONS WITH NOTICE

23.1 NOTICE OF MOTION - MOUNT GAMBIER DEVELOPERS MEETING

RESOLUTION 2021/374

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/72659 titled 'Notice of Motion - Mount Gambier Developers Meeting' as presented on 16 November 2021 be noted.
2. Council invites Mount Gambier developers and planning consultants to a briefing session to discuss planning and development matters.
3. Council prepares an agenda and circulates to attendees in advance of the meeting.

CARRIED

23.2 NOTICE OF MOTION - COUNCIL PROVISION OF A QUESTION STYLE EVENT FOR STATE ELECTION CANDIDATES

MOTION

Moved: Cr Paul Jenner

1. That Council Report No. AR21/72687 titled 'Notice of Motion - Council provision of a question style event for state election candidates' as presented on 16 November 2021 be noted.
2. that Council explores options for a Question style event for the State Election candidates early in 2022.

Motion lapsed for want of a seconder

24 MOTIONS WITHOUT NOTICE

Nil



25 CONFIDENTIAL ITEMS OF COMMITTEES

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the meeting at 7:30 pm.

25.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 9 NOVEMBER 2021

25.2 CHIEF EXECUTIVE OFFICER - PERFORMANCE UPDATE – REPORT NO. AR21/71607

RESOLUTION 2021/375

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 the Mayor, Councillors and Council Officers B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR21/71607 Chief Executive Officer - Performance Update.

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 the information to be presented and discussed relates to the performance review of the Chief Executive Officer, the disclosure of which would be unreasonable disclosure of personal information relating to the employment of the Chief Executive Officer, Sarah Philpott.

CARRIED

RESOLUTION 2021/376

Moved: Cr Max Bruins
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 5.1 AR21/71607 Chief Executive Officer - Performance Update 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 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has elapsed.
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 CHIEF EXECUTIVE OFFICER PROBATIONARY PERIOD – REPORT NO.
AR21/70965**

RESOLUTION 2021/377

Moved: Cr Frank Morello
Seconded: Cr Sonya Mezinac

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 B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.3 AR21/70965 Chief Executive Officer Probationary Period.

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 the information to be presented and discussed relates to the performance review of the Chief Executive Officer, the disclosure of which would be unreasonable disclosure of personal information relating to the employment of the Chief Executive Officer, Sarah Philpott.

CARRIED

RESOLUTION 2021/378

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 5.2 AR21/70965 Chief Executive Officer Probationary Period 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 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has elapsed.
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

Mrs Philpott returned to the meeting at 7:33 pm.



25.4 CONFIDENTIAL ITEMS OF THE AUDIT COMMITTEE HELD ON 8 NOVEMBER 2021

25.5 CITY OF MOUNT GAMBIER - IT ENTITY CONTROLS REVIEW 2020/21 – REPORT NO. AR21/71285

RESOLUTION 2021/379

Moved: Cr Sonya Meziniec

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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.5 AR21/71285 City of Mount Gambier - IT Entity Controls Review 2020/21.

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

- information the disclosure of which could reasonably be expected to 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.

- matters affecting the security of
 - the Council, or
 - Council Members, or
 - employees of the Council, or
 - Council property, or
 - the safety of any person
- 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 to be considered with this item relates to the security of Council property comprising information, data and information systems, including information of a commercial nature relating to Council systems, and provided on a confidential basis by Council's Auditors. The disclosure of this information would breach the

confidence of the party that provided the information and could reasonably be expected to create a security risk for Council and potential advantage to 3rd party service providers and prejudice the commercial position of Council in service negotiations. The public interest in the non-disclosure of this information lies in protecting the community from unnecessary and avoidable costs associated with managing data security.

CARRIED

RESOLUTION 2021/380

Moved: Cr Max Bruins
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 6.1 AR21/71285 City of Mount Gambier - IT Entity Controls Review 2020/21 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), (e) and (g) be kept confidential and not available for public inspection until the matters contained in the report have been satisfactorily addressed.
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 NEW CONFIDENTIAL ITEMS

26.1 AF21/68 TENDER - PROCUREMENT - CAROLINE LANDFILL - CAPPING OF CELLS 3A & B – REPORT NO. AR21/70391

RESOLUTION 2021/381

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR21/70391 AF21/68 Tender - Procurement - Caroline Landfill - Capping of Cells 3A & B.

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

- 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 relates to the consideration of a tender for works at Caroline Landfill - Capping of Cells 3A & B.

CARRIED

RESOLUTION 2021/382

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 AR21/70391 AF21/68 Tender - Procurement - Caroline Landfill - Capping of Cells 3A & B 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) (k) be kept confidential and not available for public inspection until 12 months after the completion of the tender works, with the name of the successful tenderer and the tender contract value to be disclosed following execution of a contract.
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

26.2 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/71835

RESOLUTION 2021/383

Moved: Cr Sonya Meziniec
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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR21/71835 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update.

The Council is satisfied that, pursuant to section 90(3) (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 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 contained within the report and attachments presents matters relating to the negotiation and execution of a contract between Council and a contractor associated with the operation and management of the Wulanda Recreation and Convention Centre which is subject to an existing confidentiality order. 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 on behalf of the community.

CARRIED

RESOLUTION 2021/384

Moved: Cr Max Bruins
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 26.2 AR21/71835 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update 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) and (g) be kept confidential and not available for public inspection until a further order of Council to release.
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



**26.3 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #12 - AS AT 02/11/2021
– REPORT NO. AR21/71837**

RESOLUTION 2021/385

Moved: Cr Sonya Meziniec

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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, M McCarthy, M McDonald, J Scoggins, S McLean, S Wilson and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR21/71837 Project Control Group (PCG) Progress Report #12 - As at 02/11/2021.

The Council is satisfied that, pursuant to section 90(3) (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 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 contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction 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



RESOLUTION 2021/386

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 AR21/71837 Project Control Group (PCG) Progress Report #12 - As at 02/11/2021 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) and (g) 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

27 MEETING CLOSE

The Meeting closed at 8:14 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 December 2021.

.....
PRESIDING MEMBER

