

**MINUTES OF CITY OF MOUNT GAMBIER  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 17 MAY 2022 AT 6.00 P.M.**

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

<b>OFFICERS IN ATTENDANCE:</b>	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	- Mrs A Watson
	Executive Administrator	- Mrs A Pasquazzi

**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 2022/16**

Moved: Cr Max Bruins  
Seconded: Cr Paul Jenner

That the apology from Cr Kate Amoroso be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

**RESOLUTION 2022/17**

Moved: Cr Ben Hood  
Seconded: Cr Sonya Meziniec

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

**CARRIED**



## 5 MAYORAL REPORT

### 5.1 MAYORAL REPORT - MAY 2022

- Awards Presentation – Mount Gambier Easter Show Jumping Carnival
- With GM City and Community Growth, meeting with Senator the Hon Don Farrell
- Welcome to Delegates of LGA and Legatus Group of Councils to CWMS (Community Wastewater Management System) Conference
- CEO Performance Review Committee Meeting
- Elected Member Briefing – Wulanda – Treasury & Project Update
- Anzac Accolade – Wreath Laying and Speech
- With CEO, Meeting with Hon Clare Scriven MLC, Minister for Regional Development
- Official Ceremony, Mount Gambier Netball Association 2022 Season Launch
- Anzac Day Dawn Service – Wreath Laying
- Anzac Day mid-morning March and Ceremony – Speech and Wreath Laying
- Elected Member Briefing – Development Industry Representatives
- Elected Member Briefing – Blue Lake Sports Park Master Plan
- Elected Member Briefing – Signage Implementation Plan
- InHome Hospice Reception – Masonic Charities Cheque Presentation
- National Day to Remember Victims of Domestic Violence Vigil
- UniSA Graduation Luncheon, Ceremony and Afternoon Tea
- Flag Raising – World Red Cross Day
- LG Reconciliation Industry Network Group Meeting
- Audit and Risk Committee Workshop and Meeting
- Regions Rising South Australia Event
- Elected Member Briefing – EO LCLGA
- Elected Member Briefing – Waste
- Regional Australia Regions Rising Breakfast Meeting and Forum
- CEO Performance Review Committee Meeting
- Mount Gambier Mosque Open Day
- Presentations at Mount Gambier RSL Bowling Club Men’s 2 Day Fours Competition
- With GM City and Community Growth, meeting with representatives from Department of Home Affairs

#### **RESOLUTION 2022/18**

Moved: Mayor Lynette Martin

Seconded: Cr Frank Morello

That the Mayoral report made on 17 May 2022 be received.

**CARRIED**



## 6 REPORTS FROM COUNCILLORS

Cr Christian Greco Anzac Day

Cr Sonya Meziniec Mount Gambier & District Health Advisory Council April meeting, Graduation In Home Hospice Care Volunteers, Anzac Day Dawn Services, Meeting with Hon David Speirs MP deputising for the Mayor, Masonic Charities presentation to In Home Hospice Care, Candle Lighting Ceremony remembering those that have died as a result of violence and Mount Gambier & District Health Advisory Council May meeting

Cr Ben Hood Anzac Day Dawn Service

Cr Paul Jenner Anzac Accolade at Salvation Army Church, Medieval Fantasy Fair, Anzac Day mid-morning march and ceremony, Public Lighting Working Group meeting, SLRP application review meeting LCLGA, Health and Aged Care forum with Senator Karen Grogen and 175<sup>th</sup> Anniversary of First Government Land Grant-Library

Cr Frank Morello Anzac Day March

Cr Max Bruins Anzac Day Dawn Service

### RESOLUTION 2022/19

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

That the reports made by Councillors on 17 May 2022 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 INFORMATION/BRIEFING SESSIONS FROM 20/04/2022 TO 10/05/2022**

#### **RESOLUTION 2022/20**

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR21/71017 titled 'Elected Member Information/Briefing Sessions from 20/04/2022 to 10/05/2022' as presented on 17 May 2022 be noted.

**CARRIED**

## **13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

## **14 COUNCIL ACTION ITEMS**

### **14.1 COUNCIL ACTION ITEMS - 19/04/2022**

#### **RESOLUTION 2022/21**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/71033 titled 'Council Action Items - 19/04/2022' as presented on 17 May 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 COUNCIL ASSESSMENT PANEL MINUTES**

### **17.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 17 MARCH 2022**

#### **RESOLUTION 2022/22**

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 17 March 2022 as previously circulated be noted.

**CARRIED**



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

Nil

**19 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS**

**19.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 9 MAY 2022**

**RESOLUTION 2022/23**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That the Minutes of the Audit and Risk Committee meeting held on 9 May 2022 as attached be noted.

**CARRIED**

**19.2 RISK REPORT – REPORT NO. AR22/21574**

**RESOLUTION 2022/24**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Audit and Risk Committee Report No. AR22/21574 titled 'Risk Report' as presented on 09 May 2022 be noted.

**CARRIED**

**19.3 WORK HEALTH, SAFETY AND WELLBEING – REPORT NO. AR22/21639**

**RESOLUTION 2022/25**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Audit and Risk Committee Report No. AR22/21639 titled 'Work Health, Safety and Wellbeing' as presented on 09 May 2022 be noted.

**CARRIED**



**19.4 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR22/25001**

**RESOLUTION 2022/26**

Moved: Cr Sonya Meziniec  
Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/25001 titled 'External Audit Management Report' as presented on 09 May 2022 be noted.

**CARRIED**

**19.5 ANNUAL BUSINESS PLAN AND BUDGET, LONG TERM FINANCIAL AND ASSET MANAGEMENT PLANS UPDATE – REPORT NO. AR22/30476**

**RESOLUTION 2022/27**

Moved: Cr Sonya Meziniec  
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR22/30476 titled 'Annual Business Plan and Budget, Long Term Financial and Asset Management Plans Update' as presented on 09 May 2022 be noted.

**CARRIED**

**20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS**

**20.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 11 MAY 2022**

**RESOLUTION 2022/28**

Moved: Cr Paul Jenner  
Seconded: Cr Frank Morello

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 11 May 2022 as attached be noted.

**CARRIED**

**21 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil



## 22 COUNCIL REPORTS

### 22.1 BUDGET REVIEW 3 2021/22

#### RESOLUTION 2022/29

Moved: Cr Max Bruins  
Seconded: Cr Paul Jenner

1. That Council Report No. AR22/21398 titled 'Budget Review 3 2021/22' as presented on 17 May 2022 be noted.
2. That Council adopts the revised budget for the year ending 30 June 2022 as at 31 March 2022 (Budget Review 3) as attached to Report No. AR22/21398.

**CARRIED**

### 22.2 DRAFT ASSET MANAGEMENT PLANS (AMPS) 2023-2032 FOR PUBLIC CONSULTATION

#### RESOLUTION 2022/30

Moved: Cr Paul Jenner  
Seconded: Cr Christian Greco

1. That Council Report No. AR22/28339 titled 'Draft Asset Management Plans (AMPs) 2023-2032 for Public Consultation' as presented on 17 May 2022 be noted.
2. That Council endorse the Draft Asset Management Plans 2023-2032 as attached to Report No. AR22/28339 for community consultation.
3. Authorises the Chief Executive Officer to make any necessary changes to the draft Asset Management Plan 2023-32 documents arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

**CARRIED**

### 22.3 DRAFT LONG TERM FINANCIAL PLAN FOR PUBLIC CONSULTATION

#### RESOLUTION 2022/31

Moved: Cr Sonya Meziniec  
Seconded: Cr Christian Greco

1. That Council Report No. AR22/25000 titled 'Draft Long Term Financial Plan for Public Consultation' as presented on 17 May 2022 be noted.
2. That Council endorse the Draft Long Term Financial Plan 2023-2032 as attached to Report No. AR22/25000 for community consultation.
3. Authorises the Chief Executive Officer to make any necessary changes to the draft Long Term Financial Plan 2023-32 document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

**CARRIED**



## **22.4 DRAFT 2022/2023 ANNUAL BUSINESS PLAN AND BUDGET FOR PUBLIC CONSULTATION**

### **RESOLUTION 2022/32**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/24978 titled 'Draft 2022/2023 Annual Business Plan and Budget for Public Consultation' as presented on 17 May 2022 be noted.
2. That Council endorse the 2022/2023 Draft Annual Business Plan and Budget for public consultation as attached to Report No. AR22/24978.
3. That Council authorises the Chief Executive Officer to make any necessary changes to the draft 2022/2023 Annual Business Plan and Budget document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.
4. That Council notes that a Special Council meeting has been scheduled for Tuesday 14 June 2022 at 5:30pm at which members of the public may ask questions and make submissions on the draft 2022/2023 Annual Business Plan and Budget as part of its public consultation activities.

**CARRIED**

## **22.5 GRANTS OF EASEMENT - SA POWER NETWORK - OLYMPIC PARK PRECINCT, MARGARET STREET**

### **RESOLUTION 2022/33**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR21/16912 titled 'Grants of Easement - SA Power Network - Olympic Park Precinct, Margaret Street' as presented on 17 May 2022 be noted.
2. Consent is given under section 201(2)(d) of the Local Government Act 1999 to grant easements for electricity purposes to SA Power Networks as shown in the attachments to Report No. AR21/16912 over:
  - Allotments 36 and 37 in Deposited Plan 2150 contained in Certificate of Title Volume 5802 Folio 765
  - Allotments 23 in Deposited Plan 2150 contained in Certificate of Title Volume 5874 Folio 335
  - Allotments 24 in Deposited Plan 2150 contained in Certificate of Title Volume 1369 Folio 191
3. The Chief Executive Officer and Mayor be authorised to execute and affix the common seal of Council to any documentation necessary to give effect to the easements in resolution (2).

**CARRIED**





## 22.6 CAROLINE LANDFILL - REVOCATION OF COMMUNITY LAND CLASSIFICATION

### RESOLUTION 2022/34

Moved: Cr Sonya Meziniec  
Seconded: Cr Frank Morello

1. That Council Report No. AR22/6083 titled 'Caroline Landfill - Revocation of Community Land Classification' as presented on 17 May 2022 be noted.
2. That, in accordance with Section 194(3)(b) of the Local Government Act 1999, the Community Land classification of the land identified as Caroline Landfill, Kain Road, Yahl being Allotment 101 in Deposited Plan 45751, Crown Record Volume 5586 Folio 233, be revoked.
3. The Chief Executive Officer and Mayor be authorised to execute and affix the Common Seal of the Council to any documentation necessary to give effect to resolution 2.

**CARRIED**

## 22.7 PARTIAL EXTINGUISHMENT - EASEMENT - RIGHT OF WAY - 51 JOHN WATSON DRIVE, MOUNT GAMBIER

### RESOLUTION 2022/35

Moved: Cr Paul Jenner  
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/26101 titled 'Partial Extinguishment - Easement - Right of Way - 51 John Watson Drive, Mount Gambier' as presented on 17 May 2022 be noted.
2. The Chief Executive Officer and Mayor be authorised to execute and affix the Common Seal of the Council to any documentation necessary to give effect to the partial extinguishment of the right of way easement over portion of the Lake Terrace Cemetery being Section 78, Hundred 420200 contained in Certificate of Title Volume 6246 Folio 496 and marked B in **Attachment 1** to Report No. AR22/26101.

**CARRIED**

## 22.8 INSTALL A NO PARKING ZONE ON DAVISON STREET (EASTERN SIDE)

### RESOLUTION 2022/36

Moved: Cr Max Bruins  
Seconded: Cr Ben Hood

1. That Council Report No. AR22/30388 titled 'Install a No Parking Zone on Davison Street (Eastern Side)' as presented on 17 May 2022 be noted.
2. That Council endorse the Traffic Impact Statement as attached to Report No. AR22/30388.
3. That the City of Mount Gambier, pursuant to Ministerial delegation resolves the following:
  - Prohibited Area
  - No Parking

- 1.2.074
- Davison Street (Eastern Side) - from 10 metres to 115 metres north of the of the intersection with Commercial Street East
- To apply at all times

**CARRIED**

## **22.9 INSTALL A NO STOPPING ZONE ON WEHL STREET SOUTH (WESTERN AND EASTERN SIDES)**

### **RESOLUTION 2022/37**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR22/30467 titled 'Install a No Stopping Zone on Wehl Street South (Western and Eastern Sides)' as presented on 17 May 2022 be noted.
2. That Council endorse the Traffic Impact Statement as attached to Report No. AR22/30467.
3. That the City of Mount Gambier, pursuant to Ministerial delegation resolves the following
  - Prohibited Area
  - No Stopping
  - 1.1.513
  - Wehl Street South (Western and Eastern Sides) - From 28 metres to 60 metres south of the intersection with William Street.
  - To apply at all times

**CARRIED**

## **22.10 EXTEND THE NO PARKING ZONE ON NORTH TERRACE**

### **RESOLUTION 2022/38**

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/30477 titled 'Extend the No Parking Zone on North Terrace' as presented on 17 May 2022 be noted.
2. That Council endorse the Traffic Impact Statement as attached to Report No. AR22/30477.
3. That Council endorse the proposed area shown on the aerial map as attached to Report No. AR22/30477.
4. That Council, pursuant to ministerial delegation resolves to amend the following:
  - Prohibited Area
  - 1.2.056
  - No Parking



- North Terrace (Northern Half) - from 109.2 metres west of the intersection with Dalkeith Drive to 225 metres west of the said intersection.
- To apply from 8.00am to 9.00am and 3.00pm to 4.00pm Monday to Friday

**CARRIED**

## 22.11 DRAFT BLUE LAKE SPORTS PARK MASTER PLAN

### RESOLUTION 2022/39

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/30723 titled 'Draft Blue Lake Sports Park Master Plan' as presented on 17 May 2022 be noted.
2. That Council endorses the Draft Blue Lake Sports Park Master Plan as attached to Report No. AR22/30723 and the commencement of community consultation.

**CARRIED**

## 22.12 PERIODIC REVIEW OF CONFIDENTIAL ITEMS - MAY 2022

### RESOLUTION 2022/40

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR22/23674 titled 'Periodic Review of Confidential Items - May 2022' as presented on 17 May 2022 be noted.
2. That the following Confidential Orders as specified in Attachment 1 to Report AR22/23674, having been reviewed by Council, be amended to alter their duration and release conditions:
  - 20/07/2021 - Item 28.4 - Tender AF21/209 Supply and Delivery of Premixed Concrete - Report No. AR21/43214  
Duration of confidentiality order to be amended to:  
*'until 5 years after the expiry and non-renewal of contract.'*
  - 18/02/2020 - Item 26.1 - Riddoch Art Gallery Crate Loader - Report No. AR19/62327  
Confidentiality order to be amended to:  
*'Report, resolutions and minutes be released immediately upon reallocation of crate loader funds to other work for the Riddoch Arts and Cultural Centre as recommended in Council Report No. AR22/27265.  
Report attachment (only) be retained in confidence under grounds (d) and (g), to be released only where permission has been granted by the intellectual property holder.'*
  - 21/09/2021 - Item 27.5 - Valley Lake Algal Control - Report No. AR21/47621  
Duration of confidentiality order to be amended to:  
*'until 2 years after completion of the project.'*



3. That the following Confidential Orders as specified in Attachment 1 to Report AR22/23674, having been reviewed by Council, be released as soon as practicable following the Council meeting on 17 May 2022:

Nil

4. That all Confidential Orders as specified in Attachment 1 to Report AR22/23674, excluding those amended or released in resolutions (2) and (3) above, having been reviewed by Council remain in operation on the grounds provided.

**CARRIED**

## 22.13 REVIEW OF COUNCIL DELEGATION UPDATES - MAY 2022

### RESOLUTION 2022/41

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

1. That Council Report No. AR22/24529 titled 'Review of Council Delegation Updates - May 2022' as presented on 17 May 2022 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. AR22/24529 (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, excepting that the functions and powers of the Council:
  - (a) set out in Division 8, Part 4 of the Fire and Emergency Services Act 2005 are delegated pursuant to section 93 of the Fire and Emergency Services Act.
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,
  - (b) the Fire and Emergency Services Act,may be further sub-delegated by the Chief Executive Officer or delegate, noting delegations under the Fire and Emergency Services Act are only permitted to a Fire Prevention Officer.
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. AR22/24529 titled 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 18 May 2022 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 18 May 2022.

**CARRIED**

## **22.14 RIDDOCH ART GALLERY CRATE LOADER**

### **RESOLUTION 2022/42**

Moved: Cr Paul Jenner  
Seconded: Cr Christian Greco

1. That Council Report No. AR22/27265 titled 'Riddoch Art Gallery Crate Loader' as presented on 17 May 2022 be noted.
2. That Council note the carry-over of funds to the 2022/23 budget from previous budgets identified to design and pursue a tender process for a crate loader for the Riddoch Arts and Cultural Centre.



3. That Council agrees to progress with scoping work to implement the matching funds to other work for the Riddoch Arts and Cultural Centre and a further report be provided to council on the scope of works to be delivered.

The Motion was put and the voting was 3 for and 3 against

**TIED VOTE**

The Mayor exercised her right to a casting vote and voted for the Motion

The Motion was declared

**CARRIED**

## **22.15 2022 FEDERAL ELECTION CAMPAIGN - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA)**

### **RESOLUTION 2022/43**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council Report No. AR22/31399 titled '2022 Federal Election Campaign - Australian Local Government Association (ALGA)' as presented on 17 May 2022 be noted.
2. That Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and
3. That Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
  - (a) express support for ALGA's funding priorities; and
  - (b) seek funding commitments from the members, candidates and their parties for these identified funding priorities.

**CARRIED**

## **22.16 PROPOSED ITEMS OF BUSINESS 2022 LGA ORDINARY GENERAL MEETING**

### **RESOLUTION 2022/44**

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

1. That Council Report No. AR22/27688 titled 'Proposed Items of Business 2022 LGA Ordinary General Meeting' as presented on 17 May 2022 be noted.
2. That a report be prepared for presentation to the 21 June 2022 Ordinary Meeting of Council with detailed recommendations on the following items of business proposed for submission to the 2022 LGA Annual General Meeting (AGM):
  - Equitable regional distribution of the EPA Solid Waste Levy
  - Regionalisation

**CARRIED**



**23 MOTIONS WITH NOTICE**

Nil

**24 MOTIONS WITHOUT NOTICE**

Nil

**25 CONFIDENTIAL ITEMS OF COMMITTEES**

**25.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 11 MAY 2022**

**25.2 CHIEF EXECUTIVE OFFICER - 12 MONTH PERFORMANCE UPDATE – REPORT NO. AR22/28319**

**RESOLUTION 2022/45**

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 Council Officers B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, A Watson and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR22/28319 Chief Executive Officer - 12 Month 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**

Sarah Philpott, Chief Executive Officer declared a conflict and left the meeting for item 25.2 and 25.3.



**RESOLUTION 2022/46**

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 5.1 AR22/28319 Chief Executive Officer - 12 Month 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 PERFORMANCE REVIEW DOCUMENTATION PRESENTATION – REPORT NO. AR22/30546**

**RESOLUTION 2022/47**

Moved: Cr Sonya Meziniec  
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 Council Officers B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, A Watson and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.3 AR22/30546 Performance Review Documentation Presentation.

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 2022/48**

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 5.2 AR22/30546 Performance Review Documentation Presentation 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**

Sarah Philpott, Chief Executive Officer returned to the meeting.

**26 NEW CONFIDENTIAL ITEMS**

**26.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #17 - AS AT 10/05/2022  
- REPORT NO. AR22/30401**

**RESOLUTION 2022/49**

Moved: Cr Ben Hood  
Seconded: Cr Max Bruins

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, A Watson and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR22/30401 Project Control Group (PCG) Progress Report #17 - As at 10/05/2022.

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 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 a period of 30 minutes:

Purpose of the Suspension: To discuss Project Control Group (PCG) Progress Report #17

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

Meeting Procedures were suspended at 7:21 pm

Cr Christian Greco left the meeting at 7:27 pm

Cr Christian Greco returned to the meeting at 7:30 pm

Cr Ben Hood left the meeting at 7:38 pm

Cr Ben Hood returned to the meeting at 7:39 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 7:45 pm



**RESOLUTION 2022/50**

Moved: Cr Sonya Meziniec  
Seconded: Cr Max Bruins

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.1 AR22/30401 Project Control Group (PCG) Progress Report #17 - As at 10/05/2022 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) 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**

**26.2 COUNCIL'S DEBT STRUCTURING – REPORT NO. AR22/31137**

**RESOLUTION 2022/51**

Moved: Cr Ben Hood  
Seconded: Cr Frank Morello

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR22/31137 Council's Debt Structuring.

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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed is subject to an existing confidentiality order of Council that remains in operation.

**CARRIED**



**RESOLUTION 2022/52**

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 26.2 AR22/31137 Council's Debt Structuring and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (g) be kept confidential and not available for public inspection until the loans have been fully amortised.
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 7:50 pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 June 2022.**

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**PRESIDING MEMBER**

