

**MINUTES OF CITY OF MOUNT GAMBIER ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 21 SEPTEMBER 2021 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman (arrived at 6.02 p.m.)

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
	Procurement Officer	- Mrs L Hinton
	Manager Waste and Reuse	- Mr M McDonald
	Manager Finance	- Mrs J Scoggins
	Media and Communications Coordinator	- Ms S McLean
	Councillor Support Officer	- Mrs M Telford
	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 2021/253

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

That the apology from Cr Sonya Meziniec be received.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Ben Hood disclosed a material conflict of interest in Item 3.1 Notice of Motion - Request for Leave of Absence - Cr Ben Hood:

"depending on the outcome of the consideration of the matter at the meeting".

In accordance with Section 74 of the Local Government Act 1999 Cr Ben Hood did not participate in the meeting for Item 3.1.

Cr Hood left the meeting at 6.00 p.m.



3 LEAVE OF ABSENCE

3.1 NOTICE OF MOTION - REQUEST FOR LEAVE OF ABSENCE - CR BEN HOOD

RESOLUTION 2021/254

Moved: Mayor Lynette Martin

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/53311 titled 'Notice of Motion - Request for Leave of Absence - Cr Ben Hood' as presented on 21 September 2021 be noted.
2. Noting the provisions of section 55A of the Local Government Act 1999, it be noted that:
 - (a) section 55A of the Local Government Act 1999 is expected to apply to Cr Ben Hood in relation to the 2022 State Election.
 - (b) Cr Ben Hood has sought a leave of absence from Council for the period 1 October 2021 until the public declaration of the March 2022 State Election result.
 - (c) Cr Ben Hood will not accept a Members Allowance during a leave of absence period.
 - (d) Cr Ben Hood has resigned from the Wulanda Recreation and Convention Centre Committee until further notice.
3. That Council grant Cr Ben Hood a leave of absence commencing 1 October 2021 until the date section 55A applies in relation to candidacy for the March 2022 State Election, on the following conditions:
 - (a) For the duration of the leave of absence:
 - (i) the leave be extended to all offices held by Cr Ben Hood as a member of the Council or by virtue of being a Member of the Council, including any externally appointed positions held as a representative or nominee of Council, and;
 - (ii) Cr Ben Hood not receive any allowances, sitting fees, reimbursement of expenses, or access to any benefits, facilities or support provided by Council including under Council Policy M405 Members – Allowances and Benefits and Council Policy M500 Members Training and Development, and;
 - (iii) Cr Ben Hood not perform or discharge, and not be considered as performing or discharging, any official functions or duties of the office of a member of Council, and;
 - (iv) All engagement with Council, Council Members or Council Officers including any enquiries or requests be considered as being in a private capacity.
 - (b) Noting that, notwithstanding the conditions of the grant of leave in 3(a) and subject to the exception to submitting a Register of Interest during the application of section 55A, Cr Ben Hood must still comply with Council Member obligations that arise during the period of leave including those in the Code of Conduct for Council Members.
4. That an update be provided to Council confirming the status of Cr Ben Hood as a Council Member following the result of the March 2022 State Election.

CARRIED

Cr Perryman arrived at 6.02 p.m.

Cr Hood returned to the meeting at 6.02 p.m.



4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/255

Moved: Cr Max Bruins
Seconded: Cr Ben Hood

That the minutes of the Ordinary Council meeting held on 17 August 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - SEPTEMBER 2021

Meetings / Commitments

- Vietnam Veterans Day - Ceremony and Wreath Laying
- Junior Sports Assistance Fund Committee Meeting
- Junior Sports Assistance Fund Committee Special Meeting - Virtual
- Weekly LCLGA Mayor's Virtual Meeting
- Member for Mount Gambier - Launch of Future Mount Gambier
- UniSA - Mount Gambier Campus Industry Luncheon
- 2021 Limestone Coast Local Health Network (LCLHN) Awards Judging Panel - Virtual
- Weekly LCLGA Mayor's Virtual Meeting
- COVID-19 Vaccination Roll Out Briefing - SA Government - Virtual
- Interview with Students - Entrepreneurial Program - Mount Gambier High School
- Weekly LCLGA Mayor's Virtual Meeting
- Presentation at PIRSA/State Government Executive Excellence Program
- Welcome Speech at ANZ Tennis Hot Shots Carnival
- 2021 Limestone Coast Local Health Network (LCLHN) Awards Judging Panel (2) - Virtual
- Economic and Environment Committee
- Elected Members workshop - Country Arts SA
- Virtual Presentation to Year 3 / 4 Students at McDonald Park School
- Opening of Red Cross Zone Conference
- Cheque Handover - Junior Sports 2020 Exceptional Junior Award
- Opening of Supporting Vulnerable Children in our Community Public Forum (ac.care)
- Weekly LCLGA Mayor's Virtual Meeting
- Ac.care Wine and Cheese Night - Southern Country Alliance - Limestone Coast Homelessness Service
- Elected Members Workshop - Waste
- Wulanda Recreation and /convention Centre Committee Meeting
- Quarterly Members Briefing with Member for Mount Gambier
- Limestone Coast Leadership Program Graduation Event
- Weekly LCLGA Mayor's Virtual Meeting
- Citizenship Ceremony
- Opening of Season - RSL Bowls Club



RESOLUTION 2021/256

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

That the Mayoral report made on 21 September 2021 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Max Bruins Riddoch Arts and Cultural Centre - Exhibition Opening - Close to Home , Domestic Arts

Cr Paul Jenner Public Lighting Working Group LED Meeting, Future Smart City Lighting Opportunities, LGLCA Waste Management Meeting, LCLGA Roads Regional Meeting

Cr Frank Morello Creative Arts Fund Panel

RESOLUTION 2021/257

Moved: Cr Frank Morello

Seconded: Cr Steven Perryman

That the reports made by Councillors on 21 September 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 15/08/2021 TO 18/09/2021

RESOLUTION 2021/258

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

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 - 17/08/2021

RESOLUTION 2021/259

Moved: Cr Steven Perryman
Seconded: Cr Paul Jenner

1. That Council Report No. AR21/42549 titled 'Council Action Items - 17/08/2021' as presented on 21 September 2021 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

15.1 MINUTES OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 6 SEPTEMBER 2021

RESOLUTION 2021/260

Moved: Cr Christian Greco
Seconded: Cr Frank Morello

That the Minutes of the Economic and Environment Committee meeting held on 6 September 2021 as attached be noted.

CARRIED

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil



17 WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 14 SEPTEMBER 2021

RESOLUTION 2021/261

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

That the Minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 14 September 2021 as attached be noted.

CARRIED

18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 19 AUGUST 2021

RESOLUTION 2021/262

Moved: Cr Paul Jenner
Seconded: Cr Ben Hood

That the Minutes of the Council Assessment Panel meeting held on 19 August 2021 as previously circulated be noted.

CARRIED

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

19.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 18 AUGUST 2021

RESOLUTION 2021/263

Moved: Cr Christian Greco
Seconded: Cr Max Bruins

That the Minutes of the Junior Sports Assistance Fund meeting held on 18 August 2021 as attached be noted.

CARRIED



19.2 COMMERCIAL CLUB INC. - ANNUAL DONATIONS - EXCEPTIONAL JUNIOR PROGRAM 2020 – REPORT NO. AR21/48295

RESOLUTION 2021/264

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR21/48295 titled 'Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2020' as presented on 18 August 2021 be noted.
2. For the 2020 year the following junior received the Commercial Club Inc. donation to assist that junior to advance in their chosen sport and to achieve their potential:
Awardee: Emily Lynch, Mount Gambier and District Little Athletics
3. The presentation of the Commercial Club Inc. donation take place at a time convenient to the recipient, member organisation and a representative of the Commercial Club Inc.
4. The media be invited to attend the presentation.

CARRIED

19.3 MINUTES OF THE SPECIAL JUNIOR SPORTS ASSISTANCE FUND HELD ON 19 AUGUST 2021

RESOLUTION 2021/265

Moved: Cr Christian Greco

Seconded: Cr Ben Hood

That the Minutes of the Special Junior Sports Assistance Fund meeting held on 19 August 2021 as attached be noted.

CARRIED

19.4 ADDITIONAL FUNDING FOR EXCEPTIONAL JUNIOR PROGRAM 2020 - GENERAL FUND – REPORT NO. AR21/52486

RESOLUTION 2021/266

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR21/52486 titled 'Additional Funding for Exceptional Junior Program 2020 - General Fund' as presented on 19 August 2021 be noted.
2. For the 2020 year the Junior Sports Assistance Fund (to be funded in 2021) will match the Commercial Club Inc. donation to assist an additional junior to advance in their chosen sport and to achieve their potential:
Awardee: Elwood Geary, Mount Gambier & District Cricket Association
3. The media be invited to attend the presentation.

CARRIED



20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

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

Nil

22 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



23 COUNCIL REPORTS

23.1 SA MASTERS GAMES 2024

MOTION

Moved: Cr Kate Amoroso

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/51917 titled 'SA Masters Games 2024' as presented on 21 September 2021 be noted.
2. That Council will examine the economic cost against benefit of hosting the SA Masters Games in a report to be presented back to Council to inform the preparation of a bid due in October 2022 for Sport SA to decide the host for the 2024 SA Master Games.
3. That Council refer SA Masters Games to budget deliberation for the 2022/23 and 2023/24 financial years in anticipation of future budget allocations.

AMENDMENT

Moved: Cr Steven Perryman

Seconded: Cr Max Bruins

1. That Council Report No. AR21/51917 titled 'SA Masters Games 2024' as presented on 21 September 2021 be noted.
2. That Council will examine the economic cost against benefit of hosting the SA Masters Games in a report to be presented back to Council to inform the preparation of a bid due in October 2022 for Sport SA to decide the host for the 2024 SA Master Games.
3. Council notes that the preparedness of local sports associations and clubs to coordinate and administer various sports is critical, and writes to all Associations, Leagues and Clubs in Mount Gambier and District informing them that Council is undertaking initial investigations into hosting the 2024 SA Masters Games. Council also advise that no decision has been made to apply to host the games, but should Council decide at some future time to move in this direction, Council would seek expressions of interest from local sporting organisations open to being involved in supporting the event.
4. That Council refer SA Masters Games to budget deliberation for the 2022/23 and 2023/24 financial years in anticipation of future budget allocations.

The Amendment was put and

CARRIED

The Amendment became the motion

RESOLUTION 2021/267

Moved: Cr Steven Perryman

Seconded: Cr Max Bruins

1. That Council Report No. AR21/51917 titled 'SA Masters Games 2024' as presented on 21 September 2021 be noted.
2. That Council will examine the economic cost against benefit of hosting the SA Masters Games in a report to be presented back to Council to inform the preparation of a bid due in October 2022 for Sport SA to decide the host for the 2024 SA Master Games.



3. Council notes that the preparedness of local sports associations and clubs to coordinate and administer various sports is critical, and writes to all Associations, Leagues and Clubs in Mount Gambier and District informing them that Council is undertaking initial investigations into hosting the 2024 SA Masters Games. Council also advise that no decision has been made to apply to host the games, but should Council decide at some future time to move in this direction, Council would seek expressions of interest from local sporting organisations open to being involved in supporting the event.
4. That Council refer SA Masters Games to budget deliberation for the 2022/23 and 2023/24 financial years in anticipation of future budget allocations.

CARRIED

23.2 CCTV AND SECURITY WITHIN THE CITY CENTRE AND OPPORTUNITIES FOR FURTHER UPGRADE

RESOLUTION 2021/268

Moved: Cr Kate Amoroso

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/52622 titled 'CCTV and Security within the City Centre and Opportunities for Further Upgrade' as presented on 21 September 2021 be noted.
2. That following the notification of outcome of the Safer Communities Fund – Infrastructure Grants, an update be provided to Council.

CARRIED

23.3 COMMENCEMENT OF MEMBER BEHAVIOUR FRAMEWORK

RESOLUTION 2021/269

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR21/52781 titled 'Commencement of Member Behaviour Framework' as presented on 21 September 2021 be noted.
2. That the Local Government Association be advised that the preference of the City of Mount Gambier is for the new behavioural management framework for Council Members to commence:
 - prior to the November 2022 local government elections, with deferred commencement from the conclusion of the elections to apply immediately to the new Council term.

CARRIED



23.4 LOCAL GOVERNMENT REFORM - UPDATE

RESOLUTION 2021/270

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR21/55283 titled 'Local Government Reform - Update' as presented on 21 September 2021 be noted.

CARRIED

Cr Steven Perryman left the meeting at 6.46 p.m.

Cr Steven Perryman returned to the meeting at 6.50 p.m.

23.5 WULANDA RECREATION AND CONVENTION CENTRE - PRESIDING MEMBER

RESOLUTION 2021/271

Moved: Cr Paul Jenner
Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/58339 titled 'Wulanda Recreation and Convention Centre - Presiding Member' as presented on 21 September 2021 be noted.
2. That, with the construction of the Wulanda Recreation and Convention Centre now well progressed and adequately managed by the administration, the function of the Wulanda Recreation and Convention Centre Committee be considered as having been completed and the Committee cease operation in accordance with clause 15 of its Terms of Reference.
3. That all future matters associated with the Wulanda Recreation and Convention Centre items be presented directly to Council monthly to ensure an appropriate level of oversight of the project is maintained.
4. Cr Meziniec be the Council representative on the project control group.

CARRIED

24 MOTIONS WITH NOTICE

Pursuant to Section 75A of the Local Government Act 1999, Cr Paul Jenner disclosed a perceived conflict of interest in Item 24.1 Notice of Motion - Hospital Upgrades:

"I am a volunteer with Country Health Connect in the Emergency Department".

Cr Jenner informed the meeting of the manner in which he intended to deal with the perceived conflict of interest in Item 24.1 as follows:

" I will participate in the debate"

In accordance with Section 75A of the Local Government Act 1999 Cr Jenner remained in the meeting for Item 24.1



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

Purpose of the Suspension: To discuss Item 24.1 Notice of Motion - Hospital Upgrades.

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

Meeting Procedures were suspended at 7.07 p.m.

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 7.14 p.m.

24.1 NOTICE OF MOTION - HOSPITAL UPGRADES

RESOLUTION 2021/272

Moved: Cr Paul Jenner

Seconded: Cr Steven Perryman

1. That Council Report No. AR21/59538 titled 'Notice of Motion - Hospital Upgrades' as presented on 21 September 2021 be noted.

2. Council write to:

- Hon Steven Marshall MP, Premier of South Australia
- Mr Peter Malinauskas MP, Leader of the Opposition of South Australia
- Hon Stephen Wade MLC, South Australian Minister of Health and Wellbeing
- Mr Chris Picton MP, South Australian Shadow Minister for Health and Wellbeing
- Mr Troy Bell, Member for Mount Gambier
- Mr Nick McBride MP, Member for MacKillop
- Ms Clare Scriven MLC, South Australian Shadow Minister for Industry and Skills - Forestry
- Mr Grant King, Limestone Coast Local Health Network Governing Board

seeking a commitment to the upgrade of the Mount Gambier and Districts Hospital and Emergency Department and COVID facilities and further staffing requirements, consistent with upgrades occurring in Adelaide and the greater metropolitan area. Some of these hospitals are being upgraded in the Emergency Departments for COVID ventilation and air conditioning.

3. Council facilitate an urgent member workshop with the Chair of the Limestone Coast Local Health Network Governing Board.

CARRIED

Having participated in the meeting for Item 24.1 under s75A Cr Jenner voted in favour of the motion.

24.2 NOTICE OF MOTION - STATE PREMIER INVITATION

MOTION

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Council Report No. AR21/59539 titled 'Notice of Motion - State Premier Invitation' as presented on 21 September 2021 be noted.

2. Council invites the Hon Steven Marshall MP, State Premier to Mount Gambier as a matter of urgency to address issues in our community;
- (a) Mount Gambier Bus Routes Funding
 - (b) Mount Gambier MFS Fire Appliance
 - (c) Mount Gambier Hospital Upgrade
 - (d) State Budget 2021/2022 not having any major new funding for Mount Gambier
 - (e) Mount Gambier Waste Management planning
 - (f) Mount Gambier's 14 acres of unused Railway Land by Hasting Cunningham Reserve & Rail Trail
 - (g) Mount Gambier Ambulance Service
 - (h) DIT Roads in and around Mount Gambier

LOST

24.3 NOTICE OF MOTION - REPRESENTATIVE ON PUBLIC LIGHTING WORKING GROUP

RESOLUTION 2021/273

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR21/59654 titled 'Notice of Motion - Representative on Public Lighting Working Group' as presented on 21 September 2021 be noted.
2. That Cr Paul Jenner be endorsed as City of Mount Gambier representative on the SAPN/LGA Public Lighting Working Group.

CARRIED

25 URGENT MOTIONS WITHOUT NOTICE

Nil



26 CONFIDENTIAL ITEMS OF COMMITTEES

26.1 CONFIDENTIAL ITEMS OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 6 SEPTEMBER 2021

26.2 COMMUNITY HEALTH INFORMATION – REPORT NO. AR21/51525

RESOLUTION 2021/274

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, G Davison, S McLean, M McCarthy, L Hinton, M McDonald, J Scoggins, M Telford and T Chant and be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR21/51525 Community Health Information.

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

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.

- 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

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.

- 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 includes third party commercial information provided to Council in-confidence which, if released, could confer an advantage or prejudice the commercial position of a third party and breach a duty of confidence.

CARRIED

RESOLUTION 2021/275

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 AR21/51525 Community Health Information 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 is made by Council, to be reviewed at least once every 12 months.
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 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/53732

RESOLUTION 2021/276

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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, S McLean, M McCarthy, L Hinton, M McDonald, J Scoggins, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR21/53732 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 2021/277

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 5.2 AR21/53732 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

26.4 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/53765

RESOLUTION 2021/278

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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, S McLean, M McCarthy, L Hinton, M McDonald, J Scoggins, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.4 AR21/53765 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 2021/279

Moved: Cr Christian Greco
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 5.3 AR21/53765 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

26.5 CONFIDENTIAL ITEMS OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 14 SEPTEMBER 2021

26.6 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #10 - AS AT 07/09/2021 – REPORT NO. AR21/57494

RESOLUTION 2021/280

Moved: Cr Max Bruins
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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, S McLean, M McCarthy, L Hinton, M McDonald, J Scoggins, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.6 AR21/57494 Project Control Group (PCG) Progress Report #10 - As at 07/09/2021.

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

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.



- 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

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.

- 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 2021/281

Moved: Cr Ben Hood
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 AR21/57494 Project Control Group (PCG) Progress Report #10 - As at 07/09/2021 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



26.7 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR21/57503

RESOLUTION 2021/282

Moved: Cr Max Bruins

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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, S McLean, M McCarthy, L Hinton, M McDonald, J Scoggins, M Telford, T Chant and Mark Booth of BRM Advisory be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.7 AR21/57503 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

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.

- 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

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.

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

CARRIED

RESOLUTION 2021/283

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 AR21/57503 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



27 NEW CONFIDENTIAL ITEMS

27.1 LEGAL ADVICE – REPORT NO. AR21/58597

RESOLUTION 2021/284

Moved: Cr Christian Greco

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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, S McLean, M McCarthy, L Hinton, M McDonald, J Scoggins, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.1 AR21/58597 Legal Advice.

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

- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice
- information relating to:
 - actual litigation, or
 - litigation that the Council or Council committee believes on reasonable grounds will take place,
 - involving the Council or an employee of the Council
- information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

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 includes, primarily, legal advice that is subject to legal and common privilege and relates to litigation that it is reasonably considered will take place and that involved information of a confidential nature conveyed by a public authority.

CARRIED



RESOLUTION 2021/285

Moved: Cr Paul Jenner
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 27.1 AR21/58597 Legal Advice 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), (h), (i) and (j) be kept confidential and not available for public inspection until further Order of Council, to be reviewed at least once in every year..
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

27.2 PINEHALL AVENUE / O'LEARY ROAD UPGRADE – REPORT NO. AR21/53178

RESOLUTION 2021/286

Moved: Cr Christian Greco
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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, S McLean, M McCarthy, L Hinton, M McDonald, J Scoggins, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/53178 Pinehall Avenue / O'Leary Road Upgrade.

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

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

- information relating to:
 - actual litigation, or
 - litigation that the Council or Council committee believes on reasonable grounds will take place,
 - involving the Council or an employee of the Council

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered relates to the valuation and compulsory acquisition of land for road opening purposes for which the owner is yet to engage in negotiations and it is reasonably considered will result in litigation.

CARRIED

RESOLUTION 2021/287

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 27.2 AR21/53178 Pinehall Avenue / O'Leary Road Upgrade and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b), (d) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
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

27.3 ROAD OPENING PROCESS - PINEHALL AVENUE / O'LEARY ROAD – REPORT NO. AR21/39329

RESOLUTION 2021/288

Moved: Cr Ben Hood
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, S McLean, M McCarthy, L Hinton, M McDonald, J Scoggins, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.3 AR21/39329 Road Opening Process - Pinehall Avenue / O'Leary Road.

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



- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information relating to:
 - actual litigation, or
 - litigation that the Council or Council committee believes on reasonable grounds will take place,
 - involving the Council or an employee of the Council

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered relates to the valuation and compulsory acquisition of land for road opening purposes for which the owner is yet to engage in negotiations and it is reasonably considered will result in litigation.

CARRIED

RESOLUTION 2021/289

Moved: Cr Ben Hood
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 27.3 AR21/39329 Road Opening Process - Pinehall Avenue / O'Leary Road and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b), (d) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
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



27.4 SITE STRATEGIC LAND USE ASSESSMENT – REPORT NO. AR21/52780

RESOLUTION 2021/290

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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, S McLean, M McCarthy, L Hinton, M McDonald, J Scoggins, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.4 AR21/52780 Site Strategic Land Use Assessment.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (j) 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
- information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

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 has been provided on a confidential basis by a public authority, creating a duty of confidence, and includes discussion on matters the disclosure of which could confer commercial advantage on a third party with whom Council may conduct business and prejudice the commercial position of Council and in this respect which would, on balance, be contrary to the public interest in obtaining the best value and outcomes for the community.

CARRIED

RESOLUTION 2021/291

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 27.4 AR21/52780 Site Strategic Land Use Assessment 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 (j) be kept confidential and not available for public inspection until further order of Council or determination by the Chief Executive Officer to release in part or full.
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

27.5 VALLEY LAKE ALGAL CONTROL – REPORT NO. AR21/47621

RESOLUTION 2021/292

Moved: Cr Christian Greco
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, S McLean, M McCarthy, L Hinton, M McDonald, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.5 AR21/47621 Valley Lake Algal Control.

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 this item relates to the discussion and recommendation of commercial arrangements to seek and supply technology for algal control.

CARRIED



RESOLUTION 2021/293

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 27.5 AR21/47621 Valley Lake Algal Control 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.
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

27.6 WASTE AND MATERIALS RECYCLING OPTIONS – REPORT NO. AR21/59399

RESOLUTION 2021/294

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 S Philpott, B Cernovskis, D Barber, T Coote, G Davison, S McLean, M McCarthy, L Hinton, M McDonald, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.6 AR21/59399 Waste and Materials Recycling Options.

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

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party



- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the report and matters to be discussed include information relating to the personal and commercial in-confidence affairs of parties who have supplied confidential information creating a duty of confidence, and with whom Council is, and is proposing to, conduct business.

The consideration of this matter in an open session would involve the unreasonable disclosure of personal affairs information and could reasonably be expected to provide advantage 3rd parties and prejudice the commercial position of Council, which on balance would be contrary to the public interest in obtaining best value on behalf of the community.

CARRIED

RESOLUTION 2021/295

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 27.6 AR21/59399 Waste and Materials Recycling Options and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b), (d) and (g) be kept confidential and not available for public inspection until further Order of Council or determined for release under delegation by the Chief Executive Officer.
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



**27.7 CHIEF EXECUTIVE OFFICER EMPLOYMENT AGREEMENT VARIATION
(SUPERANNUATION) – REPORT NO. AR21/57924**

RESOLUTION 2021/296

Moved: Cr Frank Morello

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, S McLean, M McCarthy, L Hinton, M McDonald, M Telford and T Chant be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.7 AR21/57924 Chief Executive Officer Employment Agreement Variation (Superannuation).

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 considered with this item relates to the personal affairs being the contract of employment arrangements of the Chief Executive Officer, Ms Sarah Philpott.

CARRIED

RESOLUTION 2021/297

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 27.7 AR21/57924 Chief Executive Officer Employment Agreement Variation (Superannuation) 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 2 years after the contract of employment of Mrs Sarah Philpot has expired and not been renewed or extended, with any change to salary, allowance or benefit information to be updated within 28 days in the Register to be maintained under section 105 of the *Local Government Act 1999*.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED



28 MEETING CLOSE

The Meeting closed at 8.25 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 October 2021.

.....
PRESIDING MEMBER

