

**MINUTES OF CITY OF MOUNT GAMBIER  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 17 OCTOBER 2023 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Mark Lovett, Cr Max Bruins, Cr Paul Jenner (entered the meeting at 6:01 pm), Cr Jason Virgo

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	Acting General Manager City Infrastructure	- Mr K Manarangi
	Manager Financial Services	- Mrs J Scoggins
	Communications Officer	- Ms M Brookes
	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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

**2 APOLOGIES**

**RESOLUTION 2023/219**

Moved: Cr Kate Amoroso

Seconded: Cr Frank Morello

That the apology from Cr Sonya Meziniec be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

**RESOLUTION 2023/220**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

That the minutes of the Ordinary Council meeting held on 19 September 2023 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**



## **5 MAYORAL REPORT**

Cr Paul Jenner entered the meeting at 6:01 pm

### **5.1 MAYORAL REPORT - OCTOBER 2023**

- EO Recruitment Panel - LCLGA
- SAROC Committee Meeting
- SA CFS – Region 5 Council CEO and Mayor Briefing in Coonawarra
- Official Opening of Lower South East Bowls Season 2023-2024
- Radio Interview 5GTR-FM
- Disability Inclusion Training – Virtual
- Radio Interview ABC
- Elected Member Briefing – Presentation by Nathan Paine CEO – SA Forest Products Assoc
- UniSA Destination Australia Scholarship Video Project
- Fortnightly LCLGA Mayor's Meeting – Virtual
- Presentation to Year 5 - Tenison Woods College
- South Australia State Brand – Forum/Discussion with Kantar Public
- National Police Remembrance Day 2023 – Wreath Laying
- Meeting with representatives from Keolis Downer and Link SA
- SAROC Annual Business Plan Workshop
- South Australians Lead the Way Presentation
- Panel Interviews EO - LCLGA
- Citizenship Ceremony
- Valley Lake Climate Watch Trail Launch
- Ray White Real Estate - Fifth Birthday Celebration
- Radio Interview – Triple M
- Meeting re Christmas Parade
- Elected Member Briefing – RDALC and LCLGA
- Elected Member Briefing – Strategic Plan Update
- Meeting with Hon Ben Hood, MLC
- Information Session - Planning DC Grant
- Official Opening – Uniting Communities Mount Gambier Hub Site
- Friendship Force Rose Planting – Northland/Wairapa NZ
- LCLGA Board Meeting – Kingston District Council
- With CEO, Meeting in Naracoorte re Roads



**RESOLUTION 2023/221**

Moved: Mayor Lynette Martin

Seconded: Cr Jason Virgo

That the Mayoral report made on 17 October 2023 be received.

**CARRIED**

**6 REPORTS FROM COUNCILLORS**

Cr Josh Lynagh           Citizenship Ceremony, Valley Lake Climate Watch Trail Launch.

Cr Paul Jenner           Public Lighting Working Group Sub Committee meeting, Citizenship Ceremony, Valley Lakes Climate Watch Trail Launch, Mount Gambier Choral Society 90<sup>th</sup> Birthday Celebrations, Meeting with Damian Buckley of the Mount Gambier Cycling Club, GTE AGM and Board meeting.

Cr Max Bruins           Opening of UC Hub, Ray White 5<sup>th</sup> Birthday Celebrations.

**RESOLUTION 2023/222**

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

That the reports made by Councillors on 17 October 2023 be received.

**CARRIED**

**7 QUESTIONS WITH NOTICE**

**Question:**

The following question was received from Councillor Max Bruins.

Following on from the announcement that the state government has recently awarded an 8 year contract for the public bus services in Mount Gambier with no increase to the current grossly inadequate service levels currently provided, what future strategic and advocacy work is planned to continue to push this issue on behalf of Mount Gambier ratepayers?

**Response:**

The bus service has been contracted to LinkSA part of the Keolis Downer group. LinkSA provide bus services to several areas across the state. The contract retains the current level of service and does not increase services nor change routes. As Council is aware, the current service is demonstrably inadequate, with the service not reviewed for 30 years, and the comparative expenditure more appropriate to a community of around 3,000 to 6,000 people, rather than a regional capital of around 28,000.

Council will continue to advocate to State Government for an improvement in services. The Mayor has already written to Minister Koutsantonis to this end. Advocacy will continue with local members of parliament, including Troy Bell MP. The Mayor, CEO and team have met with LinkSA who are keen to work with Council to determine if there can be some adjustments to the routes within the envelope of their current contract. In addition, it is understood that the State Government is to conduct a Regional Transport Review in the new calendar year. Council will make submissions to that Review, and in the meantime, LinkSA have expressed their willingness to work alongside Council to identify the potential models of future service delivery, to inform that submission.



**8 QUESTIONS WITHOUT NOTICE**

Nil

**9 PETITIONS**

Nil

**10 DEPUTATIONS**

The Mayor sought and was granted leave of the meeting for Mr Kym Steer, President of the South Australian Athletic League to present his deputation in relation to Sponsorship of Mount Gambier Gift Carnival virtually.

**11 NOTICE OF MOTION TO RESCIND OR AMEND**

Nil

**12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS**

**12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 16/09/2023 TO 13/10/2023**

**RESOLUTION 2023/223**

Moved: Cr Frank Morello

Seconded: Cr Mark Lovett

1. That Council Report No. AR23/44822 titled 'Elected Member Information/Briefing Sessions from 16/09/2023 to 13/10/2023' as presented on 17 October 2023 be noted.

**CARRIED**

**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

**14 COUNCIL ACTION ITEMS**

**14.1 COUNCIL ACTION ITEMS - 19/09/2023**

**RESOLUTION 2023/224**

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

1. That Council Report No. AR23/44831 titled 'Council Action Items - 19/09/2023' as presented on 17 October 2023 be noted.

**CARRIED**



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

Nil

**16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

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

Nil

**18 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil

**19 COUNCIL REPORTS**

Pursuant to Section 74 of the Local Government Act 1999, Cr Frank Morello disclosed a general conflict of interest in Item 19.1.

In accordance with Section 75B Cr Frank Morello informed the meeting:

Nature of Interest:

*I was a member of the creative arts fund selection panel.*

Intention to Participate:

*I intend to stay in the meeting and vote on the matter. I will not move or second the motion.*

Reason for Participating:

*The action that I am taking is sufficient to address and deal with my conflict adequately by not moving or seconding the motion.*

In accordance with Section 75B of the Local Government Act 1999 Cr Frank Morello remained in the meeting for Item 19.1.

**19.1 CREATIVE ARTS FUND 2023/2024 APPLICATIONS**

**RESOLUTION 2023/225**

Moved: Cr Kate Amoroso

Seconded: Cr Mark Lovett

1. That Council Report No. AR23/52928 titled 'Creative Arts Fund 2023/2024 Applications' as presented on 17 October 2023 be noted.
2. That Council notes the total funding request from applicants was \$85,613 and shortlisted applicants was \$32,503, which is under the budgeted amount of \$50,000 for the 2023/2024 grant round.
3. That \$32,503.00 be endorsed for distribution for the 2023/2024 Creative Arts Fund as follows:

<u>Project Name</u>	<u>Applicant</u>	<u>Requested</u>	<u>Approved</u>
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UP	Lucy Bonnin	\$18,893	\$ 18,893*
Sea Weave: A Community Weaving Project	Tabitha Williams	\$13,610	\$13,610

\*Includes \$193.00 Planning SA lodgement fee for Development Application

4. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:

- all necessary land holder and development approvals being obtained; and
- all works being completed in accordance with all relevant legislative and compliance standards.

5. That unspent funds (\$17,497) from the 2023/2024 Creative Arts Fund be allocated to the delivery of the Mount Gambier Beacon Art Project, and reflected in Budget Review 1.

6. Prior to the 2024/2025 round of funding a workshop be held to review the qualifying criteria and selection process.

**CARRIED**

Having participated in the meeting for 19.1 Cr Frank Morello voted in favour of the motion.

**19.2 RIDDOCH ARTS AND CULTURAL TRUST - ANNUAL GENERAL MEETING, CONSTITUTION, SERVICE LEVEL AGREEMENT AND MEMBERSHIP**

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 19.2.

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

Meeting Procedures were suspended at 6:37 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 6:48 pm.

**RESOLUTION 2023/226**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR23/67765 titled 'Riddoch Arts and Cultural Trust - Annual General Meeting, Constitution, Service Level Agreement and Membership' as presented on 17 October 2023 be noted.
2. That the release of an Expression of Interest and Prospectus for Riddoch Arts and Cultural Trust Board membership be noted.
3. That Cr Sonya Mezinec be endorsed as the Council Member on the Riddoch Arts and Cultural Trust Board for a further term of appointment for continuity purposes.



4. That Council notes that the Chief Executive Officer as Councils representative under the constitution, will endorse the proposed amendments to the Constitution at the upcoming Annual General Meeting.
5. That Council notes the draft Service Level ‘Heads of Agreement’ and the Mayor and Chief Executive Officer be authorised to execute Agreement’ as attached to Report No. AR23/67765.
6. That the Mayor and Chief Executive Officer be authorised to affix the Council Seal to any documents necessary to give effect to the actions and set out in Report No. AR23/67765.
7. That further reports be presented to Council to consider the Riddoch Arts and Cultural Trust Board membership and draft Business Plan and Budget for the 2024/2025 year.

**CARRIED**

### 19.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 4 - PROJECT NOMINATIONS

#### RESOLUTION 2023/227

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council Report No. AR23/66435 titled ‘Local Roads and Community Infrastructure Program Phase 4 - Project Nominations’ as presented on 17 October 2023 be noted.
2. That Council endorse the below project nominations for Phase 4 of the Local Roads and Community Infrastructure Program (LRCI) grant funding:

Description	Problem being addressed	Commence	Complete	Total project cost	LRCI Program Funding Allocation
Frew Park Upgrade	Upgrading facility which is due for renewal.	January 2024	June 2025	AUD \$486,995	100%
Road Reconstruction - Boandik Terrace (Crouch Street to Warren Street)	Road section to be renewed due to its existing condition.  As per our forward works program.	July 2024	June 2025	AUD \$280,909	100%

3. That the Chief Executive Officer and/or General Manager City Infrastructure be authorised to submit the above projects for LRCI Phase 4 to the Commonwealth (represented by the Department of Infrastructure, Transport, Regional Development and Communications).
4. That the budget be updated to include the grant revenue in Budget Review 1 for 2023/2024.

**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 19.4.

In accordance with Section 75B Cr Josh Lynagh informed the meeting:

Nature of Interest:

*I work for Claire Scriven MLC who is Minister for Forestry.*



Intention to Participate:

*I intend to stay in the meeting and vote on the matter. I will not move or second the motion, nor will I be engaging in discussion or debate on the matter.*

Reason for Participating:

*The action that I am taking is sufficient to address and deal with my conflict adequately by not moving or seconding the motion or speaking to the motion. I intend to vote and represent the community with my vote as I feel that is important.*

In accordance with Section 75B of the Local Government Act 1999 Cr Josh Lynagh remained in the meeting for Item 19.4.

#### **19.4 SOUTH AUSTRALIAN FOREST PRODUCTS ASSOCIATION (SAFPA) - AFFILIATE MEMBERSHIP**

##### **RESOLUTION 2023/228**

Moved: Cr Kate Amoroso

Seconded: Cr Jason Virgo

1. That Council Report No. AR23/67000 titled 'South Australian Forest Products Association (SAFPA) - Affiliate Membership as presented on 17 October 2023 be noted.
2. That Council does not become an affiliate member of the South Australian Forest Products Association (SAFPA) however, reiterates Council's ongoing support and recognition of the contribution to economic, environmental and community outcomes of the forest industry in Mount Gambier and the Limestone Coast.

**CARRIED**

Cr Kate Amoroso called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Frank Morello, Kate Amoroso, Mark Lovett and Jason Virgo

Against: Crs Josh Lynagh, Max Bruins and Paul Jenner

The MAYOR declared the motion

**CARRIED 4/3**

Having participated in the meeting for 19.4 Cr Josh Lynagh voted in favour of the motion.

#### **19.5 LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION (LCLGA) CHARTER**

##### **RESOLUTION 2023/229**

Moved: Cr Paul Jenner

Seconded: Cr Jason Virgo

1. That Council Report No. AR23/66855 titled 'Limestone Coast Local Government Association (LCLGA) Charter' as presented on 17 October 2023 be noted.





2. That the updated Limestone Coast Local Government Association Charter as attached to Report No. AR23/66855 be endorsed.
3. In endorsing the Charter, the City of Mount Gambier writes to the Limestone Coast Local Government Association noting the importance of timely governance and reporting activities, and delivery of priority projects.

**CARRIED**

#### **19.6 REVIEW OF DECEMBER 2023 / JANUARY 2024 COUNCIL MEETING DATES**

##### **RESOLUTION 2023/230**

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/1241 titled 'Review of December 2023 / January 2024 Council Meeting Dates' as presented on 17 October 2023 be noted.
2. That the December 2023 meeting be held one week earlier on the 2<sup>nd</sup> Tuesday of the month, being 12 December 2023, to avoid the week leading into Christmas.
3. That the January 2024 meeting be held one week later on the 4<sup>th</sup> Tuesday of the month, being 23 January 2024, providing more opportunity for agenda preparation to occur after the Christmas / New Year period.

**CARRIED**

#### **19.7 VOLUNTEER MANAGEMENT PLAN AND POLICY**

##### **RESOLUTION 2023/231**

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Council Report No. AR23/68821 titled 'Volunteer Management Plan and Policy' as presented on 17 October 2023 be noted.
2. That the City of Mount Gambier Volunteer Management Plan as attached to Report No. AR23/68821 be endorsed to progress to implementation planning.
3. That the proposed Volunteer Management Policy as attached to Report No. AR23/68821 be endorsed.

**CARRIED**

#### **19.8 PERIODIC REVIEW OF CONFIDENTIAL ITEMS - OCTOBER 2023**

##### **RESOLUTION 2023/232**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR23/66920 titled 'Periodic Review of Confidential Items - October 2023' as presented on 17 October 2023 be noted.



2. That the following Confidential Orders as specified in Attachment 1 to Report AR23/66920, having been reviewed by Council, be amended to alter their duration and release conditions:
  - 19/09/2023 – Item 23.2 – Contracted Cleaning Services – Report No. AR23/63952

Duration of confidentiality order to be amended  
from:  
*“until the Deed of Termination for Pickwick Group Pty Ltd has been executed and alternate service delivery option implemented.”*

to read:  
*“until further Order at least two (2) years after any activities associated with the subject matter described in Report No. AR23/63952 have been finalised.”*
3. That the following Confidential Orders as specified in Attachment 1 to Report AR23/66920, having been reviewed by Council, be released as soon as practicable following the Council meeting on 17 October 2023:

Nil
4. That all Confidential Orders as specified in Attachment 1 to Report AR23/66920, excluding those amended or released in resolutions (2) and (3) above, having been reviewed by Council remain in operation on the grounds and release conditions specified.

**CARRIED**

## 20 MOTIONS WITH NOTICE

### 20.1 NOTICE OF MOTION - CENTRELINK RESOURCING

#### **RESOLUTION 2023/233**

Moved: Cr Max Bruins  
Seconded: Cr Mark Lovett

1. That Council Report No. AR23/68264 titled ‘Notice of Motion - Centrelink Resourcing’ as presented on 17 October 2023 be noted.
2. That council write to The Federal Social Services Minister – The Hon. Amanda Rishworth MP and the Federal Member for Barker – The Hon. Tony Pasin MP seeking an urgent review of resourcing in relation to the processing of Age Pension applications to prevent further social disadvantage to certain members of our community.

**CARRIED**

### 20.2 NOTICE OF MOTION - EMERGENCY SERVICES DEDICATED PARKING

#### **RESOLUTION 2023/234**

Moved: Cr Max Bruins  
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/68689 titled ‘Notice of Motion - Emergency Services Dedicated Parking’ as presented on 17 October 2023 be noted.
2. That Council liaise with Kym Franklin from the RSL & District Bowling Club and management of the Mt Gambier station of the South Australian Ambulance Service (SAAS) to discuss

potential access issues to the bowling greens situated along Jubilee Highway East in the event of a medical emergency when there are a large number of vehicles parked along the highway.

3. Following discussions with the parties mentioned in (2) above, if SAAS are in agreeance that a dedicated emergency services parking space is warranted, that Council write to the Department of Infrastructure and Transport seeking that such a parking space be installed.

**CARRIED**

## **21 MOTIONS WITHOUT NOTICE**

### **21.1 DEPUTATION - MR KYM STEER, PRESIDENT - SOUTH AUSTRALIAN ATHLETIC LEAGUE - SPONSORSHIP OF MOUNT GAMBIER GIFT CARNIVAL**

#### **RESOLUTION 2023/235**

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

1. That Council notes the deputation provided by Mr Kym Steer on behalf of the South Australian Athletic League regarding the Mount Gambier Gift Carnival.
2. That Council approves an additional amount of up to \$5,000 contribution towards the Mount Gambier Gift Carnival for 2023/24, with the final amount allocated being dependant on the outcome of additional sponsorship with third parties, noting this would bring the total contribution to up to \$10,000 plus \$2,000 in kind.
3. That Council notes that the additional up to \$5,000 will be brought before Council in either Budget Review 1 or Budget Review 2, as the amount granted exceeds the available allocation.

**CARRIED**

## **22 CONFIDENTIAL ITEMS OF COMMITTEES**

Nil

## **23 NEW CONFIDENTIAL ITEMS**

### **23.1 UPDATE ON LEGAL MATTER – REPORT NO. AR23/68588**

#### **RESOLUTION 2023/236**

Moved: Cr Mark Lovett

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, J Fetherstonhaugh, K Manarangi, J Scoggins, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/68588 Update on Legal Matter.

The Council is satisfied that, pursuant to section 90(3) (f), (g), (h) 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 could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the:
  - prevention, detection, or investigation of a criminal offence, or
  - the right to a fair trial
- 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

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 litigation that has commenced and has been provided to Council on a strictly confidential basis.

**CARRIED**

### **RESOLUTION 2023/237**

Moved: Cr Mark Lovett  
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 23.1 AR23/68588 Update on Legal Matter and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (f), (g), (h) and (i) be kept confidential and not available for public inspection until further ordered by Council or released in part or full by the Chief Executive Officer under delegation, to be reviewed annually.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**



**23.2 UNSOLICITED PROPOSAL - PROPERTY THIRD PARTY PROPOSAL – REPORT NO. AR23/68865**

**RESOLUTION 2023/238**

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, J Fetherstonhaugh, K Manarangi, J Scoggins, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/68865 Unsolicited Proposal - Property Third Party Proposal.

The Council is satisfied that, pursuant to section 90(3) (a), (b) and (d) 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

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 received and discussed includes the client details of the unsolicited proposal applicant, and the disclosure of Council's deliberations on the proposal would confer an advantage on the applicant and their client and prejudice the Council's commercial position in obtaining best value for the community from Council assets.

**CARRIED**

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures until 7:45 pm:

Purpose of the Suspension: To discuss item 23.2

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

Meeting Procedures were suspended at 7:34 pm

Cr Jason Virgo left the meeting at 7:36 pm



Cr Jason Virgo returned to the meeting at 7:36 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 2023/239**

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR23/68865 Unsolicited Proposal - Property Third Party Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (d) be kept confidential and not available for public inspection until further order of Council after the proposal contained in the report has been settled or abandoned, with the exception of any information that is prohibited from being withheld under s91(8) being disclosed being released upon the matter being settled, or any part of the information determined by the Chief Executive Officer to be released under delegation.
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**

**24 MEETING CLOSE**

The Meeting closed at 7:46 pm.

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

.....  
**PRESIDING MEMBER**

