

**MINUTES OF CITY OF MOUNT GAMBIER  
ORDINARY COUNCIL MEETING  
HELD VIRTUALLY FROM THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,  
MOUNT GAMBIER  
ON TUESDAY, 18 JANUARY 2022 AT 6.00 P.M.**

**VIRTUAL MEETING WAS AVAILABLE FOR LIVE STREAMING,  
<https://www.youtube.com/user/CityOfMountGambier/live>**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

<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
	Media and Communications Coordinator	- Ms S McLean
	iServices Systems Administrator	- Mr A Myers
	Executive Administrator	- 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**

Nil

## **3 LEAVE OF ABSENCE**

### **3.1 REQUEST FOR LEAVE OF ABSENCE - CR STEVEN PERRYMAN**

#### **REPORT RECOMMENDATION**

1. That Council Report No. AR22/2913 titled 'Request for Leave of Absence - Cr Steven Perryman' as presented on 18 January 2022 be noted.
2. That the request from Cr Steven Perryman for a leave of absence from Council for the period 14 January to 24 January 2022 be granted.

**LAPSED FOR WANT OF A MOVER**

#### **RESOLUTION 2022/1**

Moved: Cr Kate Amoroso

Seconded: Cr Steven Perryman

That leave of absence from Cr Ben Hood be noted.

**CARRIED**

#### **4 CONFIRMATION OF COUNCIL MINUTES**

##### **RESOLUTION 2022/2**

Moved: Cr Max Bruins  
Seconded: Cr Sonya Meziniec

That the minutes of the Ordinary Council meeting held on 26 December 2021 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

Cr Paul Jenner entered the meeting at 6:08 pm.

#### **5 MAYORAL REPORT**

##### **5.1 MAYORAL REPORT - JANUARY 2022**

- Visit by Her Excellency the Honourable Frances Adamson AC, Governor of South Australia
- Elected Members Workshop – Sport and Recreation Open Space – Draft Strategy
- Limestone Coast Landscape Board Meeting
- Radio Interview with 5GTR-FM
- With CEO, Virtual Meeting re Limestone Coast Veteran Services Hub
- Limestone Coast Prostate Cancer Support Group – Fundraiser Barbecue
- Elected Members Workshop – Virtual – CBD Activation Guiding Principles with representatives from Chamber of Commerce, Women in Business, RDALC and LCLGA
- Weekly LCLGA Mayors Virtual Meeting

##### **RESOLUTION 2022/3**

Moved: Mayor Lynette Martin  
Seconded: Cr Sonya Meziniec

That the Mayoral report made on 18 January 2022 be received.

**CARRIED**

#### **6 REPORTS FROM COUNCILLORS**

##### **RESOLUTION 2022/4**

Moved: Cr Christian Greco  
Seconded: Cr Frank Morello

That the reports made by Councillors on 18 January 2022 be received.

**CARRIED**



## **7 QUESTIONS WITH NOTICE**

Nil

Cr Perryman left the meeting at 6:12 pm.

Item 8 was considered and is minuted after Item 14 on page 4.

## **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 14/12/2021 TO 18/01/2022**

#### **RESOLUTION 2022/5**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/71011 titled 'Elected Member Information/Briefing Sessions from 14/12/2021 to 18/01/2022' as presented on 18 January 2022 be noted.

**CARRIED**

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

Nil

## **14 COUNCIL ACTION ITEMS**

### **14.1 COUNCIL ACTION ITEMS - 14/12/2021**

#### **RESOLUTION 2022/6**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/71028 titled 'Council Action Items - 14/12/2021' as presented on 18 January 2022 be noted.

**CARRIED**



Cr Perryman returned to the meeting at 6:14 pm.

**8 QUESTIONS WITHOUT NOTICE**

Nil

Cr Perryman left the meeting at 6:18pm and did not return.

**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 16 DECEMBER 2021**

**RESOLUTION 2022/7**

Moved: Cr Paul Jenner  
Seconded: Cr Kate Amoroso

That the Minutes of the Council Assessment Panel meeting held on 16 December 2021 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**

Nil

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

Nil

**21 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil



## 22 COUNCIL REPORTS

### 22.1 DRAFT SPORT, RECREATION AND OPEN SPACE STRATEGY

#### RESOLUTION 2022/8

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR21/80906 titled 'Draft Sport, Recreation and Open Space Strategy' as presented on 18 January 2022 be noted.
2. Council endorses the draft 'Mount Gambier Sport, Recreation and Open Space Strategy' and the 'Mount Gambier Sport, Recreation and Open Space Strategy - Background and Needs Analysis Report'.
3. Council endorses the commencement of the community consultation period. Community consultation is to commence on Thursday 20 January 2022 and close at 5:00pm Tuesday 8 February 2022.

**CARRIED**

### 22.2 LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM - CONTRACTUAL ARRANGEMENTS

#### RESOLUTION 2022/9

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR21/83745 titled 'Local Government Infrastructure Partnership Program - Contractual Arrangements' as presented on 18 January 2022 be noted.
2. That the Chief Executive Officer and Mayor be authorised to sign and affix the Common Seal of the Council to the Local Government Infrastructure Partnership Program project funding deed and any necessary documentation associated with the LGIPP Shared Use Path Solar Lighting Project.

**CARRIED**

### 22.3 POLICY REVIEW - ELECTION CARETAKER POLICY

#### RESOLUTION 2022/10

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR21/84668 titled 'Policy Review - Election Caretaker Policy' as presented on 18 January 2022 be noted.
2. That the Caretaker Policy as attached to Report No. AR21/84668 (Attachment 2) with the removal of item 4.3-4.5, based on the LGA model policy and incorporating the commencement date on which public consultation was conducted in 2019, be adopted.

**CARRIED**



Pursuant to Section 75A of the Local Government Act 1999, Mayor Lynette Martin disclosed a perceived conflict of interest in Item 22.4:

*"I am an occasional attendee of the Anglican Church, but will remain in the meeting.*

Mayor Martin informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 22.4 as follows:*

*- I will remain in the meeting"*

## 22.4 LOCAL HERITAGE RESTORATION FUND 2021/2022 - CONSIDERATION OF APPLICATIONS AND DISTRIBUTION OF FUNDS

### RESOLUTION 2022/11

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/85027 titled 'Local Heritage Restoration Fund 2021/2022 - Consideration of Applications and Distribution of Funds' as presented on 18 January 2022 be noted.
2. That the Heritage Restoration Fund Grants for 2021/2022 be endorsed and funds distributed as follows:

Property	Description of Work	Recommended Value of Grant
91 Bay Road	Restoration and maintenance of property, fencing and gate	\$1,200.00
19 Penola Road	Rusted louvres and barges to be replaced as required	\$600.00
103 Commercial Street West	Replacement of gutter, rain heads and downpipes above shop 4	\$800.00
8 Wallace Street	Restoration works to exterior of the house	\$2,200.00
7 Penola Road	General maintenance of building	\$1,200.00
26 Bay Road	Repairs & restoration to stonework and belltower	\$1,200.00
26 Bay Road	Repairs to stonework and Memorial Porch	\$600.00
26 Bay Road	Repairs to stonework and timbers to Church Hall	\$800.00
26 Bay Road	Re-construction of the Lych Gate at the Bay Road entrance	\$1,200.00
96 Crouch Street South	Repainting or walls and woodwork to lounge	\$1,000.00
23 Doughty Street	Addressing of salt damp	\$1,000.00



24 Fairlie Street	New sash window, repainting of windows and frames	\$300.00
116 Crouch Street North	Repairs to gutters, re painting external walls	\$1,900.00
65 Bay Road	Repairs and replacement of roofing and gutters	\$1,200.00
45 Crouch Street North	Re-painting of iron lace, front door and surrounds, front verandah posts and front gables	\$600.00
19 Doughty Street	Repairs and repainting to roof and gables	\$1,800.00
81 Bay Road	Repairs and re-painting to exterior	\$1,800.00
35 Jubilee Highway West	Replacement of original window awnings	\$200.00
89 Bay Road	Repainting to north facing windows and external wall	\$400.00
<b>Total</b>		<b>\$20,000.00</b>

3. That Council Officers advise the applicants for the 2021/2022 Local Heritage Restoration Fund of the outcome of their applications.

**CARRIED**

In accordance with Section 75A of the Local Government Act 1999 Mayor Martin for Item 22.4. The mayor was not required to exercise a casting vote for the item.

Chief Executive Officer, Mrs Sarah Philpott, declared a conflict of interest and left the meeting at 6:35pm.

## **22.5 EXTINGUISHMENT OF EASEMENT - STAGE 7 - SPRINGVIEW ESTATE LAND DIVISION**

### **RESOLUTION 2022/12**

Moved: Cr Paul Jenner  
Seconded: Cr Max Bruins

1. That Council Report No. AR21/85035 titled 'Extinguishment of Easement - Stage 7 - Springview Estate Land Division' as presented on 18 January 2022 be noted.
2. As the stormwater infrastructure located within the easement in favour of Council as part of Stage 6 of the Springview Estate land division at 1 Wireless Road West, Suttontown is now contained within the road reserve, which is under the care and control of Council as part of Stage 7 of the Springview Estate land division the easement for drainage purposes in Stage 6 be extinguished by Council.

**CARRIED**

Mrs Sarah Philpott returned to the meeting at 6:36pm.

## **22.6 ALGA JUNE 2022 NATIONAL GENERAL ASSEMBLY - CALL FOR MOTIONS**

### **RESOLUTION 2022/13**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR22/657 titled 'ALGA June 2022 National General Assembly - Call for Motions' as presented on 18 January 2022 be noted.
2. That draft motions for the June 2022 ALGA NGA be prepared and presented to Council on the following issues of strategic national importance:
  - (i) Housing Affordability - ALGA NGA Transport and Community Infrastructure
  - (ii) Waste and Circular Economy– ALGA NGA Creating a Circular Economy
  - (iii) Regionalisation – inter governmental relations

**CARRIED**

Pursuant to Section 75A of the Local Government Act 1999, Cr Frank Morello disclosed an actual conflict of interest in Item 22.7:

*"My wife, Sandra Morello, is the Chief of Staff at the ABC.*

Cr Morello informed the meeting of the manner in which they intend to deal with the *actual conflict of interest in Item 22.7* as follows:

*- Leave the meeting and not participate in discussion or voting"*

In accordance with Section 75A of the Local Government Act 1999 Cr Morello for Item 22.7.

Cr Frank Morello left the meeting at 6:42 pm.

## **22.7 LOCAL GOVERNMENT ASSOCIATION - 2022 SHOWCASE AND ORDINARY GENERAL MEETING**

### **MOTION**

Moved: Cr Max Bruins

1. That Council Report No. AR22/2994 titled 'Local Government Association - 2022 Showcase and Ordinary General Meeting' as presented on 18 January 2022 be noted.
2. That the Mayor be confirmed as the delegate to represent Council at the 2022 LGA Showcase and Ordinary General Meeting to be held in Adelaide on Thursday 7 April and Friday 8 April 2022 accompanied by the CEO, with all associated costs to be met by Council.
3. That the Deputy Mayor be confirmed as proxy delegate to represent Council, should the Mayor not be able to attend.
4. The proposed notice of motion resolved by Council in October 2021 in relation to the ABC local news bulleting be submitted to the LGA.





5. The Local Government Association be advised Council does not wish to submit any further notice of motion.

The motion lapsed for want of a seconder.

#### **RESOLUTION 2022/14**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Council Report No. AR22/2994 titled 'Local Government Association - 2022 Showcase and Ordinary General Meeting' as presented on 18 January 2022 be noted.
2. That the Mayor be confirmed as the delegate to represent Council at the 2022 LGA Showcase and Ordinary General Meeting to be held in Adelaide on Thursday 7 April and Friday 8 April 2022 accompanied by the CEO, with all associated costs to be met by Council.
3. That the Deputy Mayor be confirmed as proxy delegate to represent Council, should the Mayor not be able to attend.
4. Councillor Meziniec be registered to attend the 2022 LGA Showcase and Ordinary General Meeting in Adelaide on Thursday 7 April and Friday 8 April 2022 with all associated costs to be met by Council.
5. The proposed notice of motion resolved by Council in October 2021 in relation to the ABC local news bulleting be submitted to the LGA.
6. The Local Government Association be advised Council does not wish to submit any further notice of motion.

**CARRIED**

Cr Frank Morello returned to the meeting at 6:44 pm

#### **23 MOTIONS WITH NOTICE**

Nil

#### **24 MOTIONS WITHOUT NOTICE**

Nil

#### **25 CONFIDENTIAL ITEMS OF COMMITTEES**

Nil

#### **26 NEW CONFIDENTIAL ITEMS**

##### **26.1 ROAD OPENING PROCESS - PINEHALL AVENUE/O'LEARY ROAD, SUTTONTOWN – REPORT NO. AR21/84957**

#### **RESOLUTION 2022/15**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec



### **CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR21/84957 Road Opening Process - Pinehall Avenue/O'Leary Road, Suttontown.

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 considered relates to the valuation and compulsory acquisition of land for road opening purposes for which an agreement is yet to be reached and it is reasonably considered may result in litigation.

**CARRIED**

### **RESOLUTION 2022/16**

Moved: Cr Max Bruins  
Seconded: Cr Sonya Meziniec

### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.1 AR21/84957 Road Opening Process - Pinehall Avenue/O'Leary Road, Suttontown 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**



## 26.2 PROPERTY MANAGEMENT - LEASING – REPORT NO. AR22/430

### RESOLUTION 2022/17

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) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR22/430 Property Management - Leasing.

The Council is satisfied that, pursuant to section 90(3) (a), (b), (d) and (e) 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
- matters affecting the security of
  - the Council, or
  - Council Members, or
  - employees of the Council, or
  - Council property, or
  - the safety of any person

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 personal and commercial business affairs of the proponent and negotiation of business arrangements that, if discussed in open session, could confer an advantage on the proponent with whom Council is proposing to conduct business and prejudice the commercial position of the Council in those negotiations.

**CARRIED**



**RESOLUTION 2022/18**

Moved: Cr Paul Jenner  
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 26.2 AR22/430 Property Management - Leasing 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 (e) be kept confidential and not available for public inspection until 2 years have elapsed from the execution of arrangements or abandonment of negotiations associated with the proposal.
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 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE – REPORT NO. AR22/1582**

**RESOLUTION 2022/19**

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) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR22/1582 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update.

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

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



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

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to the negotiation and execution of a contract between Council and a contractor associated with the operation and management of the Wulanda Recreation and Convention Centre which is subject to an existing confidentiality order. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value on behalf of the community.

**CARRIED**

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

Moved: Cr Sonya Meziniec  
Seconded: Cr Frank Morello

#### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.3 AR22/1582 Wulanda Recreation and Convention Centre - Management and Operation of Mount Gambier Community and Recreation Hub Update and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until a further order of Council to release.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**

#### **26.4 QUEEN ELIZABETH PARK TRUST (QEPT) UPDATE – REPORT NO. AR21/83935**

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

Moved: Cr Max Bruins  
Seconded: Cr Sonya Meziniec

#### **CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.4 AR21/83935 Queen Elizabeth Park Trust (QEPT) Update.



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 considered includes information relating to matters that are subject to lease and other negotiations with third parties with whom Council is, and is proposing to conduct, business and whom may a benefit may be conferred if such matters were considered in open, and which may prejudice Council's commercial position.

The public interest in considering such matters in open is outweighed by the objective of obtaining best value and best outcomes associated with the use of public resources for community benefit.

**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Cr Max Bruins disclosed a material conflict of interest in Item 26.4:

*"I am a board member of the Queen Elizabeth Park Trust".*

In accordance with Section 74 of the Local Government Act 1999 Cr Bruins did not participate in the meeting for Item 26.4.

Cr Bruins left the meeting at 7:00pm and did not return.

Pursuant to Section 74 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 26.4:

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

In accordance with Section 74 of the Local Government Act 1999 Mayor Martin did not participate in the meeting for Item 26.4.

Mayor Martin left the meeting at 7:00 pm.

Cr Christian Greco as Deputy Mayor took the chair for item 26.4.



**RESOLUTION 2022/22**

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.4 AR21/83935 Queen Elizabeth Park Trust (QEPT) 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), (b) and (d) be kept confidential and not available for public inspection until 24 months after the matters contained in the report have been finalised or abandoned.
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**

Mayor Martin resumed the meeting at 7:09 pm and resumed the Chair.





**27 MEETING CLOSE**

**The Meeting closed at 7:11pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 February 2022.**

.....  
**PRESIDING MEMBER**

