

**MINUTES OF CITY OF MOUNT GAMBIER ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,  
MOUNT GAMBIER ON TUESDAY, 18 APRIL 2023 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Max Bruins,  
Cr Paul Jenner, Cr Sonya Meziniec, Cr Jason Virgo

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager City and Community Growth	- Mrs Sue La Greca
	Media and Communications Coordinator	- Mr M Brookes
	Councillor Support Officer	- Mrs M Telford

### **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.**

### **DECLARATION OF OFFICE - AREA COUNCILLOR**

The Chief Executive Officer to read out the results of the Election Recount.

Following the calculation of a revised quota and distributing preferences of the elected and ineligible candidates to the next available preference for a remaining eligible candidate, Jason Virgo obtained 3051 votes, and the Returning Officer, Mick Sherry, declared Jason Virgo elected under quota to the position of area councillor.

Cr Jason Virgo to read out his Declaration of Office.

## **1 LEAVE OF ABSENCE**

### **REQUEST FOR LEAVE OF ABSENCE - CR MARK LOVETT**

#### **RESOLUTION 2023/48**

Moved: Cr Frank Morello

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/21072 titled 'Request for Leave of Absence - Cr Mark Lovett' as presented on 18 April 2023 be noted.
2. That a leave of absence for three (3) months as sought by Cr Mark Lovett be granted for the period from 27 March 2023 until 26 June 2023.



3. That, noting the prolonged period, it is suggested Cr Mark Lovett give consideration to the non-acceptance of Member allowance and any other facilities and support as provided to Members by Council during his leave of absence, and for Cr Lovett to notify the Chief Executive Officer in writing accordingly of any such decision.
4. That Cr Mark Lovett be reminded of other Member integrity requirements, such as the general duties and lodgement of a change or variation in Register of Interest information within 1 month of the change or variation, that continue to apply to a Member during a leave of absence.

**CARRIED**

## **2 APOLOGIES**

### **RESOLUTION 2023/49**

Moved: Cr Sonya Mezinec

Seconded: Cr Josh Lynagh

That the apologies from Cr Kate Amoroso and Cr Mark Lovett be received.

**CARRIED**

## **3 LEAVE OF ABSENCE**

Nil

## **4 DEPUTATIONS**

### **4.1 DEPUTATION - KERRY HOLMES - MITCHELL STREET TREES**

#### **REPORT RECOMMENDATION**

1. That Council Report No. AR23/16393 titled 'Deputation - Kerry Holmes - Mitchell Street Trees' as presented on 18 April 2023 be noted.

## **5 CONFIRMATION OF COUNCIL MINUTES**

### **RESOLUTION 2023/50**

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

That the minutes of the Ordinary Council meeting held on 21 March 2023 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**



## **6 MAYORAL REPORT**

### **6.1 MAYORAL REPORT - APRIL 2023**

- Meeting with representatives from CMCA (Campervan and Motorhome Club of Australia)
- Australian Women Pilots Association – Annual Conference Welcome
- LCLGA Mayor’s Information Meeting
- Meeting with representatives from In Home Hospice Care
- Plaque unveiling for WWII Soldier Alf Walker at Carinya Gardens
- Day 1 of Elected Member Strategic Workshop
- Launch of 2023 Fringe
- Day 2 of Elected Member Strategic Workshop
- Radio Interview 5GTR-FM
- With CEO, Meeting with Mayor and CEO of District Council of Grant
- Audit and Risk Committee Workshop
- Audit and Risk Committee Meeting
- Yerkalalata Community Reference Group Meeting
- Elected Member Briefing – LCLGA Presentation
- Elected Member Briefing – Review of Australia Day Awards Breakfast and Ceremony
- Pioneers Basketball Media Launch
- Meeting with Resident re Disability Access
- LCLGA Dinner Meeting with Mr Michael Brown, MP
- LCLGA General Meeting – District Council of Grant
- Mount Gambier 8 Hour Pedal Prix
- Radiotherapy Working Group Meeting
- Budget Workshop 1
- Citizenship Ceremony
- Budget Workshop 2
- Ian McKay – Uni SA
- University of SA / Adelaide Uni Meeting – Creating a University for the Future
- LGA OGM in Adelaide
- Pioneers Basketball at Wulanda
- Meeting with Haydn McPherson and Peter Hopgood



**RESOLUTION 2023/51**

Moved: Mayor Lynette Martin

Seconded: Cr Frank Morello

That the Mayoral report made on 18 April 2023 be received.

**CARRIED**

**7 REPORTS FROM COUNCILLORS**

Cr Max Bruins	Launch of Fringe, Grave Dedications, Pioneers Basketball Game, Pooch Party
Cr Paul Jenner	IICA Mount Gambier Technology Expo, Men's and Women's Pioneers Basketball Matches, Fringe 2023 Launch and Events, Citizenship Ceremony
Cr Josh Lynagh	Pioneers Basketball Game, Fringeland Event
Cr Sonya Meziniec	Meeting of the Riddoch Arts and Cultural Trust, Launch of Fringe 2023, Mount Gambier and Districts Health Advisory Council

**RESOLUTION 2023/52**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That the reports made by Councillors on 18 April 2023 be received.

**CARRIED**



## 8 QUESTIONS WITH NOTICE

### 8.1 OLYMPIC PARK

Cr Jenner asked the following Question with Notice:

**Question:**

Does the Council have a position on the future use of the old, old Olympic Swimming Pool site which in recent years was the home for the naval cadets then left vacant?

Due to the size of the facility both inside and out, can some Community groups utilise these premises now in the short term rather than stay idle due to a large need in the community for meeting spaces like this?

When is the Olympic Park Management Plan due to start?

**Answer:**

Council has information contained in the Community Land Management Plan (CLMP) for Olympic Park and more holistically as part of the Sport, Recreation and Open Space Strategy. The Community Land Management Plan for Olympic Park dated 19 October 2004 has the main objective of the land to retain and if possible, enhance the area as a significant sporting and recreational hub within the City.

Officers are planning consultation to develop a set of guiding principles for endorsement early next year. This will link in with the Strategic Priority Projects of the Strategic Property Management and SROSS implementation as laid out in the Strategic Workplan 2023 – 2026.

Use of these premises in the short term is not recommended until such time as Council's future plans are clear, and that the facility is fit for purpose, safe and/or able to be developed by a proponent given that Council does not currently have a capital upgrade/renewal allocation for this site.

Planned consultation around guiding principles for Olympic Park, the Strategic Property Management Project and the SROSS Implementation Plan will all inform future development of the precinct. Council will be asked to turn its mind to which of the SROSS precincts are given priority for master planning.

#### **REPORT RECOMMENDATION**

That the response to the question regarding Olympic Park raised by Councillor Paul Jenner be received and noted.



## 8.2 BLUE LAKE WELCOME CENTRE

Cr Jenner asked the following Question with Notice:

**Question:**

Can Council please be provided with the current and future vision of the Blue Lake Welcome Centre?

Is there any plans to reopen the Centre further than just an Information Centre during the summer period before finishing the Community Land Management Plan for the Crater Lakes and if not, why not?

**Response:**

The draft Crater Lakes Activation Plan has a number of proposed actions relevant to the vision for the Blue Lake Welcome Centre, which include branding, opportunities to look at a range of visitor experiences, how we make the most of lookouts and visitor experiences. That draft work is still to come back before Council:

The proposed Community Land Management Plan (CLMP) for the Crater Lakes is separate to the draft CLMP for the Blue Lake/Warwar.

The draft CLMP for the Blue Lake/Warwar has been prepared and we are currently considering the implications of Native Title and other aspects of the joint custodianship with SA Water.

The draft CLMP for Blue Lake/Warwar (under dual custodianship with SA Water) has therefore paused for those considerations. In the interim Council can continue to run the welcome centre but not currently any additional tenancies. As the crater lakes planning continues, this site will be considered further.

### REPORT RECOMMENDATION

That the response to the question regarding the Blue Lake Welcome Centre raised by Councillor Paul Jenner be received and noted.

## 9 QUESTIONS WITHOUT NOTICE

Nil

## 10 PETITIONS

Nil

## 11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil



## **12 ELECTED MEMBERS WORKSHOPS**

### **12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 18/03/2023 TO 13/04/2023**

#### **RESOLUTION 2023/53**

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR23/19527 titled 'Elected Member Information/Briefing Sessions from 18/03/2023 to 13/04/2023' as presented on 18 April 2023 be noted.

**CARRIED**

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

Nil

## **14 COUNCIL ACTION ITEMS**

### **14.1 COUNCIL ACTION ITEMS - 21/03/2023**

#### **RESOLUTION 2023/54**

Moved: Cr Frank Morello

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/24110 titled 'Council Action Items - 21/03/2023' as presented on 18 April 2023 be noted.

**CARRIED**

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

Nil

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

### **16.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 27 MARCH 2023**

#### **RESOLUTION 2023/55**

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

That the Minutes of the Audit and Risk Committee meeting held on 27 March 2023 as attached be noted.

**CARRIED**



**16.2 BUDGET REVIEW 1 AND 2 2022/2023 – REPORT NO. AR23/18140**

**RESOLUTION 2023/56**

Moved: Cr Sonya Meziniec  
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR23/18140 titled 'Budget Review 1 and 2 2022/2023' as presented on 27 March 2023 be noted.

**CARRIED**

**16.3 WORK HEALTH SAFETY AND WELLBEING MANAGEMENT – REPORT NO. AR23/19138**

**RESOLUTION 2023/57**

Moved: Cr Sonya Meziniec  
Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR23/19138 titled 'Work Health Safety and Wellbeing Management ' as presented on 27 March 2023 be noted.

**CARRIED**

**16.4 RISK MANAGEMENT REPORT MARCH 2023 – REPORT NO. AR23/19281**

**RESOLUTION 2023/58**

Moved: Cr Sonya Meziniec  
Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR23/19281 titled 'Risk Management Report March 2023' as presented on 27 March 2023 be noted.

**CARRIED**

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

Nil

**18 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil





## 19 COUNCIL REPORTS

### 19.1 ILLUMINATION OF ASSETS POLICY

#### RESOLUTION 2023/59

Moved: Cr Josh Lynagh

Seconded: Cr Jason Virgo

1. That Council Report No. AR23/15255 titled 'Illumination of Assets Policy' as presented on 18 April 2023 be noted.
2. That the attached report no. AR22/43402 be endorsed.

**CARRIED**

### 19.2 EMPLOYEE BEHAVIOURAL STANDARDS

#### RESOLUTION 2023/60

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/11629 titled 'Employee Behavioural Standards' as presented on 18 April 2023 be noted.
2. That the Chief Executive Officer be authorised to implement a 'code of conduct' or similar 'employee behavioural standards' that is compliant with section 120A of the Act.
3. That a further report be presented to Council to consider the positions of the Local Government Association or Office of Local Government if such positions are inconsistent with recommendation (2).

**CARRIED**

### 19.3 MEMBER BEHAVIOURAL SUPPORT POLICY

#### RESOLUTION 2023/61

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/11633 titled 'Member Behavioural Support Policy' as presented on 18 April 2023 be noted.
2. That, having met the requirement of section 75F of the *Local Government Act 1999*, further consideration of the preparation and adoption of a Member Behavioural Support Policy (or policies) be deferred until after the statutory review of the operation of Council's (Member) Behavioural Management Policy in October 2023.

**CARRIED**



#### 19.4 AUDIT AND RISK COMMITTEE - MEMBERSHIP

##### RESOLUTION 2023/62

Moved: Cr Max Bruins  
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/22960 titled 'Audit and Risk Committee - Membership' as presented on 18 April 2023 be noted.
2. That the following Member be appointed as the Councillor Member of the Audit and Risk Committee for the remainder of the Council Term:  
Cr Paul Jenner

**CARRIED**

#### 19.5 JUNIOR SPORTS ASSISTANCE FUND - PRESIDING MEMBER VACANCY

##### RESOLUTION 2023/63

Moved: Cr Frank Morello  
Seconded: Cr Max Bruins

1. That Council Report No. AR23/23870 titled 'Junior Sports Assistance Fund - Presiding Member Vacancy' as presented on 18 April 2023 be noted.
2. That Cr Lynagh be appointed to the vacant Elected Member (Presiding Member) position on the Junior Sports Assistance Fund for the remainder of the Council Term.

**CARRIED**

### 20 MOTIONS WITH NOTICE

#### 20.1 NOTICE OF MOTION - YOUTH ALLOWANCE ADVOCACY FOR REGIONAL AND REMOTE STUDENTS

Pursuant to Section 75B of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 20.1:

*"I work for the Hon. Clare Scriven MLC who will be receiving correspondence on this matter."*

Cr Lynagh informed the meeting of the manner in which they intend to deal with the general conflict of interest in Item 20.1 as follows:

*"I intend to stay in the meeting and vote on this matter"*

In accordance with Section 75B of the Local Government Act 1999 Cr Josh Lynagh remained in the meeting for Item 20.1.

##### RESOLUTION 2023/64

Moved: Cr Max Bruins  
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/20919 titled 'Notice of Motion - Youth Allowance Advocacy for Regional and Remote Students' as presented on 18 April 2023 be noted.



2. That Council send a letter to the Limestone Coast Local Government Association (LCLGA) requesting that Youth Allowance advocacy work be put on the agenda for discussion at their next meeting, with the view to presenting a united front with the support of all member Councils to write to the Hon Nat Cook MP- Minister for Human Services, the Hon Jason Clare MP – Minister for Education, Hon Clare Scriven MLC, Minister for Primary Industries and Regional Development, Senator the Hon Anthony Chisholm – Assistant Minister for Education & Regional Development and the Hon Tony Pasin MP – Member for Barker, seeking to have the one-off “Parental Income Test” removed as a qualifying criteria for students seeking to meet the workforce participation test under the regional and remote student qualifying criteria.
3. That Council respectfully request the LCLGA to consider this issue for inclusion on their range of strategic advocacy priorities and continues to push for reform in this area.

**CARRIED**

Having participated in the meeting for Item 20.1 under Section 75B Cr Lynagh voted in favour of the motion.

## **21 MOTIONS WITHOUT NOTICE**

Nil

## **22 CONFIDENTIAL ITEMS OF COMMITTEES**

Nil

## **23 NEW CONFIDENTIAL ITEMS**

### **23.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR23/20592**

#### **RESOLUTION 2023/65**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

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

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Sarah Philpott, Barbara Cernovskis, Jane Fetherstonhaugh, Sue La Greco, Madeleine Brookes and Melissa Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/20592 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 2023/66**

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 23.1 AR23/20592 Sale of Land for Non-Payment of Rates 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) 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**

**23.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR23/20594**

**RESOLUTION 2023/67**

Moved: Cr Max Bruins

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 Sarah Philpott, Barbara Cernovskis, Jane Fetherstonhaugh, Sue La Greco, Madeleine Brookes and Melissa Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/20594 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 2023/68**

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 23.2 AR23/20594 Sale of Land for Non-Payment of Rates 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) 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**

**23.3 UPDATE ON LEGAL MATTER – REPORT NO. AR23/21104**

**RESOLUTION 2023/69**

Moved: Cr Sonya Meziniec  
Seconded: Cr Jason Virgo

**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 Sarah Philpott, Barbara Cernovskis, Jane Fetherstonhaugh, Sue La Greco, Madeleine Brookes and Melissa Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.3 AR23/21104 Update on Legal Matter.

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 2023/70**

Moved: Cr Frank Morello  
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 23.3 AR23/21104 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) (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**

#### **23.4 ANIMAL POUND AND SHELTER SERVICES PROCUREMENT PROCESS – REPORT NO. AR23/22228**

#### **RESOLUTION 2023/71**

Moved: Cr Josh Lynagh  
Seconded: Cr Jason Virgo

#### **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 Sarah Philpott, Barbara Cernovskis, Jane Fetherstonhaugh, Sue La Greco, Madeleine Brookes and Melissa Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.4 AR23/22228 Animal Pound and Shelter Services Procurement Process.

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 Report and resolution relates to the administration of an active procurement process and funding agreement.

**CARRIED**

### **RESOLUTION 2023/72**

Moved: Cr Max Bruins  
Seconded: Cr Josh Lynagh

#### **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 23.4 AR23/22228 Animal Pound and Shelter Services Procurement Process and its attachments, 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 18 April 2024.
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**

### **23.5 MITCHELL STREET TREES - ESTIMATED COSTS FOR STEM INJECTIONS/REMOVAL – REPORT NO. AR23/15854**

### **RESOLUTION 2023/73**

Moved: Cr Sonya Meziniec  
Seconded: Cr Jason Virgo

#### **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 Sarah Philpott, Barbara Cernovskis, Jane Fetherstonhaugh, Sue La Greco, Madeleine Brookes and Melissa Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.5 AR23/15854 Mitchell Street Trees - Estimated Costs for Stem Injections/Removal.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (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 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
- 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 includes quotations provided by consultants and contractors on proposed works for which a procurement process is yet to be undertaken, which information if released could reasonably be expected to confer a commercial advantage on 3rd parties and prejudice the commercial position of Council or the parties that provided that information. Further, the subject matter and attachment includes legal advice on a matter that could result in litigation and includes 3rd party information for which a duty of confidence has been established.

**CARRIED**

#### **RESOLUTION 2023/74**

Moved: Cr Sonya Meziniec

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 23.5 AR23/15854 Mitchell Street Trees - Estimated Costs for Stem Injections/Removal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g), (h) and (i) be kept confidential and not available for public inspection until the matter has been considered by Council, with Resolutions/Minutes to be released immediately following consideration by Council, the covering report AR23/15854 and legal advice (Attachment 1) be retained in confidence and reviewed annually in accordance with 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**



**3 MEETING CLOSE**

**The Meeting closed at 8.10 pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 May 2023.**

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**PRESIDING MEMBER**

