

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

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

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	Acting General Manager City and Community Growth	- Mrs G Davison
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Ms S Wilson
	Executive Administrator	- Mrs S Dohnt

**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 2022/157**

Moved: Cr Max Bruins  
Seconded: Cr Kate Amoroso

That the apology from Cr Ben Hood be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil

**4 CONFIRMATION OF COUNCIL MINUTES**

**RESOLUTION 2022/158**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Mezinec

That the minutes of the Ordinary Council meeting held on 20 September 2022 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**



## **5 MAYORAL REPORT**

### **5.1 MAYORAL REPORT - OCTOBER 2022**

- Wreath Laying Ceremony in Honour of Queen Elizabeth II - Elizabeth Knight Reserve
- Tony Pasin MP - Big Aussie Barbie Raising Awareness for Prostate Cancer Research
- WiBRD Chamber of Commerce Breakfast Meeting
- Meeting with Member for Flinders Mr Sam Telfer MP and Hon Nicola Centofanti MLC
- Fortnightly LCLGA Mayor's Virtual Meeting
- Audit and Risk Committee Meeting
- Meeting with Gareth Williams - Little Blue Wren Gifts and Art
- National Police Remembrance Day 2022 - Wreath Laying Ceremony
- Mount Gambier Solders Memorial – 100 Year Anniversary
- Meeting with Leader of the Opposition David Spears MP
- Mandatory Training Standards Information Session - Virtual
- Meeting with Boandik Lodge Interim CEO Glen Rappensberg and new CEO Declan Moore
- Fortnightly LCLGA Mayor's Virtual Meeting
- Regional Development Australia Limestone Coast - Leadership Program - Networking Event
- Red Cross Telecross 50<sup>th</sup> Anniversary Celebration
- Mayor's Christmas Appeal Meeting
- International Soccer Club Senior Presentations
- SA CFS Mount Gambier & District Group 2022 Service Medal and Life Membership Presentation
- Mount Gambier A & H Society - Opening
- Meeting with Rachel Leonow, Regional Business Lead - SA/NT, Regional Development and Engagement

### **Address to Council Meeting**

Councillors, tonight's meeting is the last meeting of this Council term.

It is difficult to believe that our first meeting was held on the 22 November 2018 - four years ago.

Council consisted of four returning Members being Crs Meziniec, Morello, Greco and Perryman, along with newly Elected Members, Crs Amoroso, Bruins, Hood, Jenner and myself as Mayor.

Cr Perryman resigned in March this year and Deputy Mayor, Cr Greco retires at this evenings meeting.

As Mayor, I am proud of the achievements of this Council - we have shared both challenging and rewarding times.

I thank those Members who have worked tirelessly for our community and recognise the honour and the responsibility you have been given to represent your community as an Elected Member. You have made decisions based on the information available at that particular point in time and in the best interests of our whole community.



We are elected to represent the broad church that makes up the fabric of our community and which makes Mount Gambier a wonderful place to live, work and play.

Wulanda Recreation and Convention Centre demanded a lot of our time in 2019 with many workshops and information sessions being held to prepare a final design to go to tender and I know how proud we are of the magnificent structure that is about to be opened for our community to enjoy. It will be a game changer for Mount Gambier and life changing for our residents.

However, we were not prepared for what happened in March 2020 when the Coronavirus pandemic hit us and I feel as though two years were lost in some form of abyss, but all the while we were working towards assisting our community through this extraordinary time, whilst getting on with the business of Council.

The construction of Wulanda during Covid has been an incredible challenge and a remarkable achievement and I thank our Chief Executive Officer, Sarah Philpott, Council Sponsor of the project, Barbara Cernovskis, our Executive Leadership Team and the many other members of Council administration who have worked tirelessly through this most challenging time in Councils history.

Along with Wulanda we have worked on strategic plans to help guide our city's future, including developing a Partnership, Priorities and Advocacy document.

We have developed a Sport Recreation and Open Space Strategy, a CBD Guiding Principles strategy and are currently working on a Crater Lakes Management strategy.

As we know, local government is the level of government closest to the community and we have consulted with our community and stakeholders so that we can understand their aspirations and how they wish to see our city develop in the future.

I have had the honour and privilege of representing the City of Mount Gambier as Mayor for the past four years, advocating on behalf of and connecting with individuals, community groups and organisations, who create our city's wonderful social fabric.

In closing, I wish Members who are seeking a further term in the upcoming Council Elections good luck and I encourage our residents and ratepayers to exercise their democratic right to vote for who they wish to represent them.

## **Presentations**

Tonight we acknowledge the service of Cr Christian Greco to the City of Mount Gambier.

Cr Greco was first elected to Council in November 2014, re-elected in November 2018 and after eight years, tonight Cr Greco retires as an Elected Member of the City of Mount Gambier.

Cr Greco was elected to the position of Deputy Mayor in December 2020 and was also a member of the Chief Executive Officer Performance Review Committee and Presiding Member of the Junior Sports Assistance Fund Committee.

On behalf of the City of Mount Gambier I thank Cr Greco for his service to our City as an Elected Member and wish him a happy and fulfilling future.

Tonight's second presentation is to Cr Paul Jenner who first joined Council representing the north east ward in 1997 and served in this position until 2003.

In 2018 Cr Jenner was successful in being elected to Council again, and inclusive of his previous term has now served a combined total of 10 years as an Elected Member.

Cr Jenner is Presiding Member of the Building Fire Safety Committee and a member of the Chief Executive Officer Selection Panel.

With Cr Jenner's very keen interest in infrastructure he has also held positions on the Joint Boundary Roads Advisory Group, LCLGA Regional Waste Management and Steering Committee and the LCLGA Roads and Transport Management Group.



On behalf of the City of Mount Gambier I thank Cr Jenner for his service to our City as an Elected Member and wish him well in the upcoming Local Government elections.

**RESOLUTION 2022/159**

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

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

**CARRIED**

**6 REPORTS FROM COUNCILLORS**

Cr Max Bruins Wreath Laying Ceremony

Cr Sonya Mezinec Wreath Laying Ceremony in Honour of Queen Elizabeth II, WiBRD Chamber of Commerce Breakfast Meeting, Big Aussie BBQ Raising Awareness for Prostate Cancer Research hosted by Tony Pasin MP, Combined SA Regional Local Health Network Health Advisory Councils Conference in Port Augusta, Limestone Coast Local Health Network Combined Health Advisory Council Meeting, Mount Gambier and Districts Health Advisory Council Meeting, International Day of Rural Women Luncheon, Christmas Parade Advisory Group Meeting.

Cr Paul Jenner Farmers Saturday Market, Prostate Cancer BBQ, Special District Council of Grant Meeting, Audit and Risk Committee Meeting, Book Launch in City Hall - Alina Piccolina by Rosangela, Empak Homes Brick Gambier, Junior Sports Assistance Fund AGM, Leadership Program - networking evening Regional Development Australia Limestone Coast, Carer Fun Day at Cave Gardens, Mount Gambier and Districts Suicide Prevention Network AGM, Salvation Army opening of new office, Group Training Employment Meeting and AGM.

Cr Frank Morello Wreath Laying Ceremony - Queen Elizabeth II.

**RESOLUTION 2022/160**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

Cr Bruins

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

**CARRIED**



## **7 QUESTIONS WITH NOTICE**

### **7.1 QUESTION WITH NOTICE - OLYMPIC PARK / REIDY PARK TENNIS COURTS**

Question:

Can the General Manager City Infrastructure provide an update on the standard and conditions including life expectancy of the Olympic Park and Reidy Park tennis courts?

Can this update also include future plans for tennis in line with the Sport, Recreation and Open Spaces Strategy (SROSS)?

What conversations have Council had with Tennis SA, the Mount Gambier and District Tennis Association and the District Council of Grant with regards to the current condition of courts and the future direction of tennis in Mount Gambier since the discussions when Wulanda Recreation and Convention Centre started?

Answer:

As leased assets, Council have no accurate data on the condition of these courts but anecdotally from Mount Gambier District Tennis Association these facilities have reached or are nearing end of life.

This advice is not inconsistent with the understanding that arose from the 2016 MGDTA Strategy co-funded by Council and the former funding proposal presented by Tennis SA and Tennis Australia supported by Council in approximately 2017 but for which eternal funding was not secured.

As leased assets Council is not responsible for the repair maintenance and replacement of tennis courts to a club standard and Council have no current plans from the MGDA for upgrading the facilities of which they have responsibility.

There have been no broader stakeholder discussions facilitated by MGDTA that Council is aware of since 2016.

The Olympic Park precinct has been identified in the Sport, Recreation and Open Spaces Strategy (SROSS) however an implementation plan for SROSS is yet to be developed and a decision of Council would be required to prioritise projects within this plan.



## 7.2 QUESTION WITH NOTICE - CRATER LAKES FIRE UPDATE

### Question:

Given the community and tourist industries vast interest in the re-opening of trails and future fire management of the Crater Lakes Precinct, can Council please be advised of any updates and when a report on last summer's fire (with investigation outcomes and recommendations) be provided to Council?

When will important and imperative fire preventative measures start?

### Answer:

Council have reopened the Blue Gum Trail on 29 September 2022. Council Officers are investigating recommendations from a remediation report prepared by Wokurna Forestry Pty Ltd and engaging with the appropriate stakeholders. A report outlining the recovery strategy will be presented to Council for decision by the end of the year.

Fire preventative measures that have commenced include the chipping of the upper track trees, initiated inclusion of the Crater Lakes precinct in the Limestone Coast Bushfire Management Action Plan, engagement with CFS, MFS and National Parks to prepare fire prevention methodologies are all underway.

## 7.3 QUESTION WITH NOTICE - CENTENARY TOWER ELECTRICITY

### Question:

Given the community's interest, the heritage and symbolic importance of Mount Gambier's leading light being the Centenary Tower, can Council please be advised when the electricity and lighting of the Tower will resume, and why it has taken a very long time to repair?

### Answer:

The fires caused an SA Power Networks cable to be damaged along with other infrastructure in the area. An insurance claim has been lodged for the damage repairs and is under assessment.

The significance of the site and the repairs required have been highlighted and Council Officers will be meeting with the relevant agency onsite during the week to progress the claim.



#### **7.4 QUESTION WITH NOTICE - ADOLESCENT MENTAL HEALTH**

Question:

Is the City Council aware how big the issue is in our 2 x high schools and 2 x colleges since Covid first started, if so, what actions has the City Council taken?

What advocacy actions is the City Council taking to help adolescent mental health get more appropriate and professionally targeted help in Mount Gambier?

Answer:

We are aware of the recent issues within schools in our community and have been actively fulfilling our role in advocating for mental health and other health services within our community, and this is outlined as a priority within our Regional Public Health Plan.

We have had representation at community meetings regarding community health concerns as well as specifically meeting with key mental health staff within SA Health.

Specifically regarding suicide, we are part of the coordinated approach to community postvention in the southeast who are working together to create a postvention suicide protocol - this was set up in response to these suicides.

This has created the Community Wellbeing Hub at the Library where agencies run activities and are available to speak with anyone from the community who might want some kind of support.

We are part of the Suicide Prevention Network and have supported the application by Lifeline for their Community Connect Centre.



## 7.5 QUESTION WITH NOTICE - WULANDA RECREATION AND CONVENTION CENTRE DEPRECIATION SCHEDULE

### Question:

Can Council please be advised of the depreciation approach and schedule to Wulanda Recreation and Convention Centre and how a future valuation may impact depreciation?

What happens if the new valued price is hugely higher than the build price with regards to forward budgeting? Please give an example?

### Answer:

Thank you Councillor Jenner for your question, This could be complicated to answer so I will try to keep this simple:

In answer to your first question:

- Initial Valuation - As discussed at the Audit and Risk Committee and agreed with the External Auditors we will value and depreciate the Wulanda facility based on the actual expenditure in the first instance.
- Depreciation Approach - Based on the asset information that will be provided to us we will break the facility down into its component parts for example the building, fixtures and fittings, plant (e.g. pool pumps etc), and IT equipment.
- Depreciation Schedule - How the depreciation is scheduled will depend upon the estimated useful lives for that category of asset which will be based on the information provided to us and aligned with the asset accounting policy and the financial statements as presented e.g. we have buildings with estimated useful lives of 15-100 years and other plant and equipment with estimated useful lives of 4-20 years.
- Impact of Valuation Increase - Any increase in valuation will be depreciated over the useful life of the asset for example:

For a building that cost \$100,000 with an estimated useful life of 100 years the annual depreciation will be \$1,000 p.a.

Building is revalued at \$110,000 with an estimated useful life of 100 years will be \$1,100 p.a.

For a building that cost \$100,000 with an estimated useful life of 50 years the annual depreciation will be \$2,000 p.a.

Building is revalued at \$110,000 with an estimated useful life of 50 years will be \$2,200 p.a.

In answer to your second question:

- Forward Budgeting - Any valuation change would mean that budgeted depreciation would change in future. However, the impact on annual depreciation would depend upon the useful life of the individual asset that had been revalued e.g. a revaluation of the building would be "spread" over the estimated useful life of the asset which has a relatively long useful life. We do not revalue items such as plant (pool pumps etc) - these would remain at cost and have a shorter useful life and as such would be not be impacted by any valuation change.





## **7.6 QUESTION WITH NOTICE - CITY DRAINAGE**

### Question:

Can you please provide a drainage update within the City of Mount Gambier?

### Answer:

Council's drainage system is licensed with the Environmental Protection Authority (EPA) and feeds into the aquifer system. We are undertaking an infrastructure assets condition audit and our drainage systems are included in this audit.

The drainage systems are cleaned out annually before winter to remove any blockages. Whilst we do not have specific data on the systems there are some with limited capacity that causes a slow discharge during unprecedented heavy rainfall events.

The Department for Transport and Infrastructure (DIT) are responsible for drainage assets located on DIT owned roads however have asked for Council assistance with ongoing maintenance. Council have requested a clearly scoped and costed proposal to be presented for consideration.

## **7.7 QUESTION WITH NOTICE - REGIONAL PUBLIC TRANSPORT REVIEW**

### Question:

Can an update please be provided on the Regional Public Transport Review?

### Answer:

A review was conducted in March 2021 and the Department for Infrastructure and Transport (DIT) released a tender for Regional Public Transport Bus Services in July this year. Significant advocacy has been undertaken on the review and the importance of effective transport services for the City of Mount Gambier.

Sarah Philpott, Chief Executive Officer, has met with the DIT regarding their tender process, which is due to close in October. Council will continue to raise issues and advocate.

## **8 QUESTIONS WITHOUT NOTICE**

Nil resolved.

## **9 PETITIONS**

Nil

## **10 DEPUTATIONS**

Nil

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

Nil



**12 ELECTED MEMBERS WORKSHOPS**

Nil

**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

**14 COUNCIL ACTION ITEMS**

**14.1 COUNCIL ACTION ITEMS - 20/09/2022**

**RESOLUTION 2022/161**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council Report No. AR21/71042 titled 'Council Action Items - 20/09/2022' as presented on 18 October 2022 be noted.

**CARRIED**

**15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS**

Committee In Recess

**16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS**

Committee In Recess

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

**17.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 5 OCTOBER 2022**

**RESOLUTION 2022/162**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

That the Minutes of the Junior Sports Assistance Fund meeting held on 5 October 2022 as attached be noted.

**CARRIED**



**17.2 PAYMENTS TO MEMBER ORGANISATIONS – REPORT NO. AR22/61426**

**RESOLUTION 2022/163**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR22/61426 titled 'Payments to Member Organisations' as presented on 05 October 2022 be noted.
2. That the allocation be calculated based on 10% of the total cost of the principle event and capped at \$200 minimum and \$500 maximum.
3. That in the event of extenuating circumstances the determination will be at the discretion of the Committee.

**CARRIED**

**17.3 STATEMENT OF REVENUE AND EXPENDITURE - YEAR ENDED 30/06/2022 –  
REPORT NO. AR22/61255**

**RESOLUTION 2022/164**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR22/61255 titled 'Statement of Revenue and Expenditure - Year Ended 30/06/2022' as presented on 05 October 2022 be noted.
2. The Statement of Income and Expenditure for period ended 30 June, 2022 detailing payments to or payments from the Fund with a 30 June 2020 cash balance of \$122,093.90 be received.

**CARRIED**

**17.4 MEMBER ORGANISATION CONTRIBUTIONS – REPORT NO. AR22/61465**

**RESOLUTION 2022/165**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR22/61465 titled 'Member Organisation Contributions' as presented on 05 October 2022 be noted.
2. Member Organisations be advised that to continue to assist its members as a consequence of the COVID-19 crisis, member contributions to the Junior Sports Assistance Fund for the 2022/2023 financial year be waived with member contributions to be reviewed at the next annual general meeting.

**CARRIED**



**17.5 GENERAL DEVELOPMENTS OF THE FUND SINCE THE THIRTY SIXTH ANNUAL GENERAL MEETING – REPORT NO. AR22/61636**

**RESOLUTION 2022/166**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinec

1. That Junior Sports Assistance Fund Report No. AR22/61636 titled 'General Developments of the Fund since the Thirty Sixth Annual General Meeting' as presented on 05 October 2022 be noted.

**CARRIED**

**17.6 COMMITTEE APPOINTMENTS – REPORT NO. AR22/67353**

**RESOLUTION 2022/167**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR22/67353 titled 'Committee Appointments' as presented on 05 October 2022 be noted.
2. The Committee Appointments to approve applications to the Junior Sports Fund Assistance Fund as referenced in Report No. AR22/67353 titled 'Committee Appointments' be adopted.

**CARRIED**

**18 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS**

**18.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 26 SEPTEMBER 2022**

**RESOLUTION 2022/168**

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

That the Minutes of the Audit and Risk Committee meeting held on 26 September 2022 as attached be noted.

**CARRIED**



**18.2 CORRESPONDENCE RECEIVED – REPORT NO. AR22/58445**

**RESOLUTION 2022/169**

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/58445 titled 'Correspondence Received' as presented on 26 September 2022 be noted.

**CARRIED**

**18.3 DRAFT 2021/2022 FINANCIAL STATEMENTS – REPORT NO. AR22/60846**

**RESOLUTION 2022/170**

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/60846 titled 'Draft 2021/2022 Financial Statements' as presented on 26 September 2022 be noted.
2. That in accordance with Section 126 (4) (a) of the Local Government Act 1999, the draft annual financial statements of Council for the financial year 2021/2022 have been reviewed and 'they present fairly the state of affairs of the council'.
3. That having been reviewed by the Audit and Risk Committee on 26 September 2022, the Audit Completion Report and Management Representations Letter as attached to Report No. AR22/60846 be noted.

**CARRIED**

**18.4 COMPARISON OF ACTUAL TO BUDGET FOR THE YEAR ENDING 30 JUNE 2022 – REPORT NO. AR22/60848**

**RESOLUTION 2022/171**

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/60848 titled 'Comparison of Actual to Budget for the year ending 30 June 2022' as presented on 26 September 2022 be noted.
2. That the estimates comparison for the financial year ending 30 June 2022 as contained in Attachment 1 to Report No. AR22/60848 be adopted.

**CARRIED**



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

Nil

**20 BUILDING FIRE SAFETY COMMITTEE MINUTES**

Nil

**21 COUNCIL REPORTS**

**21.1 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE**

A verbal update was provided by Barbara Cernovskis on the construction progress of the Wulanda Recreation and Convention Centre.

**RESOLUTION 2022/172**

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR22/68452 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 18 October 2022 be noted.

**CARRIED**

**21.2 STATUTORY FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2022**

**RESOLUTION 2022/173**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/65118 titled 'Statutory Financial Statements for the Year Ending 30 June 2022' as presented on 18 October 2022 be noted.
2. That the audited Financial Statements for the year ending 30 June 2022 as attached to Report No. AR22/65118 be adopted.
3. That the Management Representations Letter signed by the Chief Executive Officer as attached to Report No. AR22/65118 be noted.
4. That the Chief Executive Officer and the Mayor of the City of Mount Gambier be authorised to certify the financial statements.

**CARRIED**



### 21.3 CREATIVE ARTS FUND - RECOMMENDATION TO RESCIND/AMEND

#### RESOLUTION 2022/174

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR22/69932 titled 'Creative Arts Fund - Recommendation to Rescind/Amend' as presented on 18 October 2022 be noted.
2. That, having considered the implications set out in Report No. AR22/69932, resolution 2022/129 be rescinded in its entirety.
3. That, in line with Council's intent from the original resolution 2022/129, Council notes that a budget adjustment for the equivalent amount as was underspent from the Creative Arts Fund in 2021/22, will be presented to Council as part of Budget Review 1, along with an adjustment to the value of \$500 for the payment made from the 2022/23 budget for the Portrait Project.

**CARRIED**

## 22 MOTIONS WITH NOTICE

### 22.1 NOTICE OF MOTION - SMART LED LIGHTING AND CARBON CREDITS

#### RESOLUTION 2022/175

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/62509 titled 'Notice of Motion - Smart LED Lighting and Carbon Credits' as presented on 18 October 2022 be noted.
2. That Council undertake a business case in relation to smart LED lighting and decorative lighting including investigation into carbon credits by April 2023.

**CARRIED**

## 23 MOTIONS WITHOUT NOTICE

Nil

## 24 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



## 25 NEW CONFIDENTIAL ITEMS

### 25.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #22 - AS AT 04/10/2022 – REPORT NO. AR22/68454

#### RESOLUTION 2022/176

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 S Philpott, B Cernovskis, M McCarthy, J Scoggins, J McDonald, M Brookes, S Wilson and S Dohnt be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 25.1 AR22/68454 Project Control Group (PCG) Progress Report #22 - As at 04/10/2022.

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

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

**CARRIED**





Cr Kate Amoroso left the meeting at 7:11 pm.

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 25.1 Project Control Group (PCG) Progress Report #22.

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

Meeting Procedures were suspended at 7:11 pm.

Cr Kate Amoroso returned to the meeting at 7:12 pm.

During suspension of business, a briefing on a confidential legal matter was provided by the Chief Executive Officer to Councillors only. All other staff left the chamber at 7:14 pm for this portion of the discussion and returned at 7:30 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 7:34 pm.

**RESOLUTION 2022/177**

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 25.1 AR22/68454 Project Control Group (PCG) Progress Report #22 - As at 04/10/2022 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) and (h) 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 MEETING CLOSE**

The Meeting closed at 7:35 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 November 2022.

.....  
**PRESIDING MEMBER**

