

**MINUTES OF CITY OF MOUNT GAMBIER ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 18 MAY 2021 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco (arrived at 6.01 p.m.), Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman (arrived at 6.07 p.m.)

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer	- Ms B Cernovskis
	Acting General Manager City Infrastructure	- Mr M McDonald
	General Manager Share Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Manager Governance and Property	- Mr M McCarthy
	Acting Finance Manager	- Mr C McGregor
	Media and Communications Coordinator	- Ms S McLean
	Executive Administration Officer	- Mrs M Telford

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

Cr Greco arrived at 6.01 p.m.

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/124

Moved: Mayor Lynette Martin

Seconded: Cr Paul Jenner

That the minutes of the Ordinary Council meeting held on 20 April 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

- Cultural Awareness Training
- Wreath Laying at ANZAC Day Dawn Service and Service following Street March
- Elected Members Workshop – Annual Budget Preparation
- Elected Members Workshop – Wulanda Branding



- With Acting CEO attendance in Adelaide at:
 - SAROC – Attracting Workers to SA’s Regions Forum
 - LGA 2021 Ordinary General Meeting
- Interfaith Prayer Service for India, New Guinea and Countries affected by COVID19
- Economic and Environment Committee Meeting
- Elected Members Workshop – Outcomes of Employee Survey
- Meeting to discuss Service Requirements – SA Ambulance Service
- Wulanda Recreation and Convention Centre Committee Meeting
- Elected Members Workshop – Strategic Waste Management
- Citizenship Ceremony
- Ryder Cheshire Australia – Biennial Conference Luncheon
- Presentation of Awards – Mount Gambier 100 Mile Classic
- Speech and presentation to winners of Men’s 2 Day Fours – Mount Gambier RSL Bowls Club
- Discussion with Local Government Grants Commission
- Volunteers Week Thank You Morning Tea

RESOLUTION 2021/125

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

That the Mayoral report made on 18 May 2021 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Bruins	Anzac Day - Dawn Service
Cr Hood	ABC South East - Radio Interview - Sport, Recreation and Open Space Strategy Survey, Stop it at the Start Community Leaders Forum, Grants Commission Presentation
Cr Greco	CWA 91 st Birthday Luncheon, World Red Cross Day - Flag Raising Ceremony, Mount Gambier Boxing Event
Cr Jenner	Local Government Grants Commission, LED Lights discussion, 100 Mile Road Race
Cr Meziniec	Official Opening of the new Mount Gambier Airport, 10 th Birthday of Ruby's Reunification Program - Uniting Communities, Candlelight Vigil remembering all those who have died due to domestic and family violence, Volunteers Week Mayoral Reception - Recognise, Reconnect, Re-imagine.

RESOLUTION 2021/126

Moved: Cr Frank Morello

Seconded: Cr Kate Amoroso

That the reports made by Councillors on 18 May 2021 be received.

CARRIED



7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

Cr Perryman arrived at 6.07 p.m.

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOP FROM 17/04/2021 TO 14/05/2021

RESOLUTION 2021/127

Moved: Cr Ben Hood

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR21/1605 titled 'Elected Member Workshop from 17/04/2021 to 14/05/2021' as presented on 18 May 2021 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 20/04/2021

RESOLUTION 2021/128

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR21/1586 titled 'Council Action Items - 20/04/2021' as presented on 18 May 2021 be noted.

CARRIED



15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

15.1 MINUTES OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 3 MAY 2021

RESOLUTION 2021/129

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

That the Minutes of the Economic and Environment Committee meeting held on 3 May 2021 as attached be noted.

CARRIED

15.2 RESERVE - CORNER OF WEHL STREET NORTH AND WIRELESS ROAD WEST – REPORT NO. AR21/24351

RESOLUTION 2021/130

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Economic and Environment Committee Report No. AR21/24351 titled 'Reserve - Corner of Wehl Street North and Wireless Road West' as presented on 03 May 2021 be noted.
2. Council engage a suitably qualified landscape architect up to the value of \$10,000 to prepare a design for the development of the reserve as proposed by the developer in consultation with the developer and for the further consideration of Council prior to its implementation.
3. That the designs and quotes from the landscape architect be presented as a report to Council to assess any financial contribution.

CARRIED

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil



17 WULANDA AND RECREATION AND CONVENTION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 11 MAY 2021

RESOLUTION 2021/131

Moved: Cr Ben Hood
Seconded: Cr Paul Jenner

That the Minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 11 May 2021 as attached be noted.

CARRIED

18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 15 APRIL 2021

RESOLUTION 2021/132

Moved: Cr Paul Jenner
Seconded: Cr Christian Greco

That the Minutes of the Council Assessment Panel meeting held on 15 April 2021 as previously circulated be noted.

CARRIED

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

Nil

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

22 CHIEF EXECUTIVE OFFICER SELECTION PANEL COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

23 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



24 COUNCIL REPORTS

24.1 PERIODIC REVIEW OF CONFIDENTIAL ITEMS - MAY 2021

RESOLUTION 2021/133

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/11350 titled 'Periodic Review of Confidential Items - May 2021' as presented on 18 May 2021 be noted.
2. That the following Confidential Orders as specified in Attachment 1 to Report AR21/11350, having been reviewed by Council, be amended to alter their duration and release conditions, as follows:

<u>Item Date</u>	<u>Subject</u>	<u>Duration</u>
15/12/2020	Item 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 29/11/2020 – REPORT NO. AR20/80910	Amend from: <i>'be reviewed 12 months after successful execution of the contract.'</i> to: <i>'be reviewed 12 months after the successful completion of the contract.'</i>
17/11/2020	Item 27.3 FUNDING OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB PROJECT – REPORT NO. AR20/73196	Amend from: <i>'item be reviewed 12 months after successful execution of the contract.'</i> to: <i>'item be reviewed 12 months after successful completion of the contract.'</i>
17/11/2020	Item 27.4 MOUNT GAMBIER COMMUNITY AND RECREATION HUB PROJECT BUDGET – REPORT NO. AR20/73063	Amend from: <i>'item be reviewed 12 months after successful execution of the contract.'</i> to: <i>'item be reviewed 12 months after successful completion of the contract.'</i>
17/11/2020	Item 27.5 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 02/11/2020 – REPORT NO. AR20/73679	Amend from: <i>'item be reviewed 12 months after successful execution of the contract.'</i> to: <i>'item be reviewed 12 months after successful completion of the contract.'</i>
19/11/2020	Item 25.8 OPERATING MODEL SCENARIOS – REPORT NO. AR19/60159	Amend From: <i>'Until 31/12/2021'</i> to: <i>"until 1 year after the opening of the Wulanda Recreation and Convention Centre".</i>
19/5/2020	Item 27.1 PROPOSAL FROM MOUNT GAMBIER PRIVATE HOSPITAL – REPORT NO. AR20/30776	Amend from: <i>'until 30 June 2021.'</i> to:



		<i>'until Council has been released from its duty of confidence by the party who provided the information.'</i>
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3. That the following Confidential Orders as specified in Attachment 1 to Report AR21/11350, having been reviewed by Council, be released as soon as practicable following the Council meeting on 18 May 2021:

Nil

4. That all Confidential Orders as specified in Attachment 1 to Report AR21/11350, excluding those amended or released in resolutions (b) and (c) above, having been reviewed by Council remain in operation on the grounds provided.

CARRIED

24.2 BUDGET REVIEW QUARTER 3 FY2020-21

RESOLUTION 2021/134

Moved: Cr Sonya Meziniec

Seconded: Cr Steven Perryman

1. That Council Report No. AR21/25202 titled 'Budget Review Quarter 3 FY2020-21' as presented on 18 May 2021 be noted.
2. That the Quarter 3 Budget Review revisions be adopted for the FY2020-21 financial year, reflecting:
 - (a) \$1,230,000 forecast operating deficit, no change from Quarter 2 Budget Review.
 - (b) \$7,384,000 forecast net surplus, representing a \$4,250,000 reduction from the Quarter 2 Budget Review net surplus.
 - (c) \$29,442,000 forecast capital expenditure, representing a \$5,554,000 reduction from the Quarter 2 Budget Review capital expenditure of \$34,996,000.

CARRIED

24.3 SCHEDULE OF FEES AND CHARGES - 2021/22

RESOLUTION 2021/135

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

1. That Council Report No. AR21/25401 titled 'Schedule of Fees and Charges - 2021/22' as presented on 18 May 2021 be noted.
2. That Council adopt all recommended of fees and charges identified in the 'Schedule of fees and charges – 2021/22' noting that:
 - (a) Other than those fees and charges that are identified as having specific commencement or review dates, all fees and charges in the 'Schedule of fees and charges – 2021/22' will come into effect on 1 July 2021.



- (b) Council may see fit to amend any fee or charge as circumstances arise or change.
- (c) Council authorise the Chief Executive Officer to update the 'Schedule of fees and charges – 2021/22' with any externally set statutory fees and charges updates as referenced in the relevant Acts, without needing to return to Council for approval.

CARRIED

24.4 COMMUNITY CONSULTATION 2021/22 DRAFT ANNUAL BUSINESS PLAN AND BUDGET INCLUDING WASTE SERVICE CHARGE

RESOLUTION 2021/136

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

1. That Council Report No. AR21/25426 titled 'Community consultation 2021/22 Draft Annual Business Plan and Budget including Waste Service Charge' as presented on 18 May 2021 be noted.
2. That Council endorses the Draft 2021/22 Annual Business Plan and Budget for the purposes of public consultation.
3. That Council endorses the Waste Services Charge FAQ for the purposes of public consultation.
4. That Council adopts the community consultation approach and timelines as per the report and directs the Chief Executive Officer to implement the necessary public consultation in accordance with current legislative provisions.

CARRIED

Pursuant to Section 75A of the Local Government Act 1999, Cr Jenner disclosed a perceived conflict of interest in Item 24.5

"I am a member of CAP.

Cr Jenner informed the meeting of the manner in which he intended to deal with the perceived conflict of interest in Item 24.5 as follows:

"Stay in meeting and vote "

In accordance with Section 75A of the Local Government Act 1999 Cr Jenner stayed in the meeting for Item 24.5.

24.5 REVIEW OF COUNCIL DELEGATION UPDATES - MAY 2021

RESOLUTION 2021/137

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

1. That Council Report No. AR21/27084 titled 'Review of Council Delegation Updates - May 2021' as presented on 18 May 2021 be noted.
2. The City of Mount Gambier (Council) delegates each function or power of the Council listed in the tables attached to Council Report No. AR21/27084 to the Chief Executive Officer.
3. The delegations granted in resolution 2:

- (a) are granted pursuant to section 44 of the Local Government Act 1999, excepting that the functions and powers of the Council:
 - (i) set out in Division 8, Part 4 of the Fire and Emergency Services Act 2005 are delegated pursuant to section 93 of the Fire and Emergency Services Act;
 - (ii) under the Planning, Development and Infrastructure Act 2016 (attached to Report No. AR21/27084 and titled Instrument B) are delegated pursuant to section 100 of the Planning, Development and Infrastructure Act 2016.
 - (b) may, unless indicated herein or in the attachments to Council Report No. AR21/27084, be sub-delegated by the Chief Executive Officer or delegate under relevant legislative provisions, excepting delegations under the Fire and Emergency Services Act only permitted to a Fire Prevention Officer.
 - (c) if made to two or more delegates, then each delegate may exercise the power or function independently of any other delegate.
 - (d) must only be exercised by a delegate in accordance with:
 - (i) applicable legislative and other legal requirements; and
 - (ii) due regard to relevant policies and guidelines adopted by the Council;
 - (e) in regard to the following delegations under the Local Government Act:
 - (i) section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;
 - (ii) section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council and the sub-delegation financial limitations set by the Chief Executive Officer;
 - (iii) section 143(1): the power to write off debts is limited to debts not exceeding \$5,000;
 - (f) are granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
 - (g) if determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
 - (h) will come into operation on Wednesday 20 May 2021 and remain in force until varied or revoked by resolution of the Council.
4. Previous delegations and sub-delegations granted under the legislative instruments and attachments listed in Council Report No. AR21/27084 are revoked this day 19 May 2021.
 5. For clarity, Council confirms that delegations dated 19 March 2021 as contained in Resolution 2021/67 (more particularly in part 2 of the resolutions) were made to the Chief Executive Officer only.

CARRIED

Having participated in the meeting for Item 24.5 under s75A Cr Jenner voted in favour of the motion.



24.6 WULANDA RECREATION AND CONVENTION CENTRE - BRAND IDENTITY

RESOLUTION 2021/138

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

1. That Council Report No. AR21/28274 titled 'Wulanda Recreation and Convention Centre - Brand Identity' as presented on 18 May 2021 be noted.
2. That Council endorses the Wulanda Recreation and Convention Centre Brand Identity package as presented.
3. That the Wulanda Recreation and Convention Centre Brand package be forwarded to Badge Constructions for inclusion in the facility signage package.

CARRIED

25 MOTIONS WITH NOTICE

25.1 NOTICE OF MOTION - RESIGNATION OF ECONOMIC & ENVIRONMENT COMMITTEE PRESIDING MEMBER

The motion associated with Item 25.1 was withdrawn.

25.2 NOTICE OF MOTION - WULANDA RECREATION AND CONVENTION CENTRE MEMBERSHIP

RESOLUTION 2021/139

Moved: Cr Steven Perryman
Seconded: Cr Paul Jenner

1. That Council Report No. AR21/28693 titled 'Notice of Motion - Wulanda Recreation and Convention Centre Membership' as presented on 18 May 2021 be noted.
2. That, pending further review of Council's committee structure, meeting schedule and membership at an Elected Member Workshop to be convened with the incoming Chief Executive Officer, the membership of the Council's Wulanda Recreation and Convention Centre Committee be amended by replacing the words '*eight Councillors*' with '*up to eight Councillors*' in clause 5.1 of the Committee Terms of Reference.
3. That I, Cr Perryman, resign from the Wulanda Recreation and Convention Centre Committee effective immediately, with resulting membership of the committee comprising seven Councillors.

CARRIED



26 URGENT MOTIONS WITHOUT NOTICE

Nil

27 CONFIDENTIAL ITEMS OF COMMITTEES

27.1 CONFIDENTIAL ITEMS OF THE ECONOMIC AND ENVIRONMENT COMMITTEE HELD ON 3 MAY 2021

27.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/12850

RESOLUTION 2021/140

Moved: Cr Paul Jenner

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 Mayor L Martin OAM, Councillors S Mezinec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, M McDonald, D Barber, T Coote, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/12850 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 the item includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED

RESOLUTION 2021/141

Moved: Cr Paul Jenner

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 6.1 AR21/12850 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later 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



27.3 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR21/13122

RESOLUTION 2021/142

Moved: Cr Christian Greco
Seconded: Cr Sonya Mezinec

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 Mayor L Martin OAM, Councillors S Mezinec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, M McDonald, D Barber, T Coote, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.3 AR21/13122 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 the item includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED

RESOLUTION 2021/143

Moved: Cr Sonya Mezinec
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 6.2 AR21/13122 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the later 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



27.4 CONFIDENTIAL ITEMS OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 11 MAY 2021

27.5 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 02/05/2021 – REPORT NO. AR21/26211

RESOLUTION 2021/144

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin OAM, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, M McDonald, D Barber, T Coote, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.5 AR21/26211 Project Control Group (PCG) Progress Report - As at 02/05/2021.

The Council is satisfied that, pursuant to section 90(3) (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 could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

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 disclosure of information associated with this report could reasonably be expected to prejudice the commercial position of the third party as the present matter relates to the signed contracts between Council, BADGE, Turner and Townsend, Design Inc and Rider Levett Bucknall for the construction of the Wulanda Recreation and Convention Centre.



The disclosure of this information at this time is considered on balance to be contrary to the public's interest as it would unreasonably expose the sensitive interest of the third party.

CARRIED

RESOLUTION 2021/145

Moved: Cr Ben Hood

Seconded: Cr Steven Perryman

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.1 AR21/26211 Project Control Group (PCG) Progress Report - As at 02/05/2021 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (d) 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

28 NEW CONFIDENTIAL ITEMS

Nil

29 MEETING CLOSE

The Meeting closed at 6.49 PM.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 June 2021.

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PRESIDING MEMBER

