

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 19 MARCH 2024 AT 6.00 P.M.**

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

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Ms S McLean
	Manager Economy, Strategy and Engagement	- Mrs B Shearing
	Strategic Development & Visitor Economy	- Ms A Stevens
	Strategic Development and Recreation Coordinator	- Mrs E Solly
	Governance and Property Officer	- Mrs K Berry
	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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2024/48

Moved: Cr Max Bruins
Seconded: Cr Jason Virgo

That the minutes of the Ordinary Council meeting held on 20 February 2024 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

Mayor Lynette Martin sought leave of the meeting to bring forward Item 10.1 and allow representatives to speak for 5 minutes.

LEAVE GRANTED



Pursuant to Section 74 of the Local Government Act 1999, Cr Max Bruins disclosed a general conflict of interest in Item 10.1.

In accordance with Section 75B Cr Max Bruins informed the meeting:

Nature of Interest:

I co-own a business with one of the committee members of Mount Gambier Tennis Club.

Intention to Participate:

I will remain in the meeting and vote.

Reason for Participating:

As no material benefit can arise to either myself or the committee member as the requested funding is for a sporting club with a broad membership and community interest I will remain in the meeting and vote.

In accordance with Section 75B of the Local Government Act 1999 Cr Max Bruins remained in the meeting for Item 10.1.

Item 10 was heard and minuted earlier in the meeting.

10 DEPUTATIONS

10.1 DEPUTATION - JASON SEIDEL - JAMIE CLARKE - MOUNT GAMBIER TENNIS CLUB INC - REQUEST FOR SUPPORT

Mr Jason Seidel and Mr Jamie Clarke presented to Members regarding Mount Gambier Tennis Club Inc and their request for support.

Mayor Lynette Martin sought leave of the meeting to bring forward Item 19.1.

LEAVE GRANTED

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

In accordance with Section 75B Cr Max Bruins informed the meeting:

Nature of Interest:

I co-own a business with one of the committee members of Mount Gambier Tennis Club.

Intention to Participate:

I will remain in the meeting and vote.

Reason for Participating:

As no material benefit can arise to either myself or the committee member as the requested funding is for a sporting club with a broad membership and community interest I will remain in the meeting and vote.

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

Item 19.1 was heard and minuted earlier in the meeting.



19.1 MOUNT GAMBIER TENNIS CLUB - REQUEST FOR SUPPORT

RESOLUTION 2024/49

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR24/17139 titled 'Mount Gambier Tennis Club - Request for Support' as presented on 19 March 2024 be noted.
2. That Council consider the request from the Mount Gambier Tennis Club for financial support in the amount of \$20,000 to assist in the delivery of the proposal to upgrade the facilities at 10 Heriot Street and provide an allocation from the 2024/2025 Grant Funds, conditional upon the club securing further funding.

CARRIED

Having participated in the meeting for 19.1 Cr Max Bruins voted in favour of the motion.

5 MAYORAL REPORT

5.1 MAYORAL REPORT - MARCH 2024

- Introductory Meeting with Halle Boulton – Trainee – Records and iServices
- Meeting with Mount Gambier and District Resident and Ratepayers Association
- Triple M Radio Interview – Mayor's Christmas Appeal
- Radiotherapy Working Group Meeting
- With CEO, Meeting with EO of LCLGA
- 5GTR-FM Radio Interview
- Audit and Risk Committee Workshop
- Audit and Risk Committee Meeting
- Confidential Elected Member Briefing – Strategic Workplan Business Systems and Infrastructure
- Elected Member Briefing – Criteria for Sport and Recreation Capital Works Program 2024/2025
- Confidential Information Briefing Session – Governance Policy Matters
- Service and Wreath Laying – Vietnam Unit Reunion
- International Women's Day – Interview with The Border Watch
- Regular LCLGA Mayor's Virtual Meeting
- District Council of Grant – Eyes on Eyre Workshop
- Meeting with Sandi Elliott – IH Hospice Care
- Elected Member Briefing – LCLGA Presentation – Connected and Active Communities and Tourism
- Elected Member Briefing – Mount Gambier Bus Service Update
- District Council of Grant – iPave Vehicle Inspection



- Virtual Meeting with James Holyman of the LGA – Housing Announcement Briefing
- WiBRD International Womens Day Breakfast
- Site Visit to Borg Manufacturing
- CEO Performance Review Committee
- Confidential Elected Member Briefing – Visitor Servicing Update
- Confidential Elected Member Briefing – Contractual Matter
- With CEO, Meeting with Minister Tom Koutsantonis MP
- SAROC Meeting in Adelaide
- Rotary District 9780 Conference - Welcome Reception
- Welcome Speech Rotary District 9780 Conference Opening
- 2024 Mount Gambier 8 Hour Pedal Prix
- Rotary District 9780 Conference Dinner

RESOLUTION 2024/50

Moved: Mayor Lynette Martin

Seconded: Cr Kate Amoroso

That the Mayoral report made on 19 March 2024 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Jenner PLWG – Smart Lighting Sub Group – Trial at Clayton Bay

Cr Mezinec Meeting with Lisa Williams re Communication and Engagement Strategy for the Riddoch Arts and Cultural Trust (RACT), WiBRD International Women’s Day Breakfast, International Women’s Day BBQ by the Haven, Riddoch Arts and Cultural Trust Board Meeting

RESOLUTION 2024/51

Moved: Cr Frank Morello

Seconded: Cr Josh Lynagh

That the reports made by Councillors on 19 March 2024 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 ROAD SAFETY GRANTS

The following question on notice was received from Councillor Kate Amoroso.

Question

Have we, as a Council, applied for any road safety grants to fund initiatives aimed at improving road safety in our community? If so, what specific grants have we applied for and what is the status of those applications? And if not, what are the barriers to applying for such grants and how can we



work towards securing funding for vital road safety measures?

Response

General Manager City Infrastructure provided the following response:

Given the boundary of City of Mount Gambier does not include regional roads, therefore I will answer the question in terms of a regional and local context.

Infrastructure

- We receive funding from the Roads to Recovery Program.
- We receive funding from the Special Local Roads Program.
- We regularly meet with District Council of Grant to discuss and prioritise boundary roads and the infrastructure improvements required to improve public safety.

Safety Programs

Previously, these programs were facilitated by the LCLGA Road Safety Management Group, until the funding concluded. The City of Mount Gambier continues to support the Little Blue Dinosaur Foundation each year by placing Hold my Hand safety reminder signs at high visitation sites throughout the Christmas holiday period.

Future

City of Mount Gambier, within our own boundaries, continue to look at public safety and initiatives such as the Shared Path Masterplan, reflects the aspirations of our community in terms of quality infrastructure from pedestrians, cyclists and those with mobility restrictions by the provision of path networks that are separate from the road to improve community safety.

The City of Mount Gambier continue to be active contributors to the improvement of regional roads and the management groups that exist with the LCLGA for this purpose.

8 QUESTIONS WITHOUT NOTICE

MOTION

RESOLUTION 2024/52

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

That the questions without notice raised by Cr Paul Jenner and responses be recorded.

CARRIED

8.1 HOMELESSNESS

The following question without notice was received from Councillor Paul Jenner:

Question:

Having observed and heard personal experiences of increasing incidents of homelessness (as seen with people sleeping rough in public places, sleeping in vehicles or camping), can Council please be provided an update on work being pursued by Council, and outline the advocacy that is intended to be taken with the State Government on homelessness and general housing, social housing, key worker housing and emergency housing supply issues in the immediate future and in the context of the Government's various housing strategies?



Response

General Manager Corporate and Regulatory Services provided the following response:

A meeting was convened on March 5 with representatives from SAPOL and ac.care to address social challenges within the Cave Gardens Precinct including the Town Hall and Library.

Discussions centred on issues such as homelessness, concerning behaviour, and alcohol misuse in the vicinity. SAPOL indicated that merely relocating individuals would not resolve the problem; however, they committed to intervening in cases of disorderly conduct.

A lot of these individuals also have mental health issues. Both SAPOL and ac.care voiced significant concerns regarding the adequacy of mental health services.

It was noted that Mount Gambier has an estimated 150 homeless individuals, with the majority actively seeking temporary housing.

Some of these individuals are just passing through and generally leave when the weather turns colder.

Ac.care offers tents to the homeless, yet there is a lack of free camping sites within the city. Additionally, local caravan parks are hesitant to accommodate these individuals, even if they are willing to pay.

General Manager City Infrastructure provided the following response:

We are progressing with the Local Affordable Housing Plan as per the below timeline:

- A draft Local Affordable Housing Plan will be presented to the Executive Leadership Team on 24 April 2024 for review.
- The draft Local Affordable Housing Plan will be provided to Elected Members at an Informal Briefing on 30 April 2024.
- A report will be taken to Council on 21 May to endorse the draft Local Affordable Housing Plan and proceed to consultation.
- Community consultation will occur from 22 May 2024 to 11 June 2024.
- The draft Local Affordable Housing Plan will be updated to reflect the feedback received from the community and will be presented to Council for endorsement on 20 July 2024.
- All things going well we should be able to meet our Regionalisation Ambition Pledge in time for the RAI National Summit in August.

Chief Executive Officer provided the following response:

The CEO advised that the Mayor is in the process of writing to Government about the recently adopted Partnership Priorities and Advocacy Document. As part of that contact will be made with Minister Cook regarding the government's strategies for homelessness, social housing and emergency accommodation and a meeting will be sought as a matter of importance. Other relevant Government ministers will have the overarching matter of housing raised, and Mr Troy Bell MP will be involved as our local member for Mount Gambier, given his advocacy on these issues.

9 PETITIONS

Nil



10 DEPUTATIONS

10.1 DEPUTATION - JASON SEIDEL - JAMIE CLARKE - MOUNT GAMBIER TENNIS CLUB INC - REQUEST FOR SUPPORT

Item 10.1 was considered and minuted earlier in the meeting (see minutes between Item 4 and Item 5).

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 17/02/2024 TO 15/03/2024

RESOLUTION 2024/53

Moved: Cr Sonya Mezinec

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/81510 titled 'Elected Member Information/Briefing Sessions from 17/02/2024 to 15/03/2024' as presented on 19 March 2024 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 20/02/2024

RESOLUTION 2024/54

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR23/81534 titled 'Council Action Items - 20/02/2024' as presented on 19 March 2024 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 26 FEBRUARY 2024

RESOLUTION 2024/55

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinec

1. That the Minutes of the Audit and Risk Committee meeting held on 26 February 2024 as attached be noted.

CARRIED

16.2 PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 POST IMPLEMENTATION INTERNAL AUDIT – REPORT NO. AR24/3285

RESOLUTION 2024/56

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR24/3285 titled 'Planning, Development and Infrastructure Act 2016 Post Implementation Internal Audit' as presented on 26 February 2024 be noted.

CARRIED

16.3 PAYROLL AND REMUNERATION INTERNAL AUDIT – REPORT NO. AR24/3288

RESOLUTION 2024/57

Moved: Cr Paul Jenner
Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR24/3288 titled 'Payroll and Remuneration Internal Audit' as presented on 26 February 2024 be noted.

CARRIED

16.4 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR24/12237

RESOLUTION 2024/58

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinec

1. That Audit and Risk Committee Report No. AR24/12237 titled 'External Audit Management Report' as presented on 26 February 2024 be noted.

CARRIED



16.5 RISK MANAGEMENT REPORT OCTOBER - DECEMBER 2023 – REPORT NO. AR24/12963

RESOLUTION 2024/59

Moved: Cr Paul Jenner
Seconded: Cr Jason Virgo

1. That Audit and Risk Committee Report No. AR24/12963 titled 'Risk Management Report October - December 2023' as presented on 26 February 2024 be noted.

CARRIED

16.6 WORK HEALTH SAFETY (WHS) AND WELLBEING QUARTERLY REPORT - OCTOBER - DECEMBER 2023 – REPORT NO. AR24/13549

RESOLUTION 2024/60

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

1. That Audit and Risk Committee Report No. AR24/13549 titled 'Work Health Safety (WHS) and Wellbeing Quarterly Report - October - December 2023' as presented on 26 February 2024 be noted.

CARRIED

16.7 PRESIDING MEMBER NOMINATION – REPORT NO. AR24/10396

RESOLUTION 2024/61

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinec

1. That Audit and Risk Committee Report No. AR24/10396 titled 'Presiding Member Nomination' as presented on 26 February 2024 be noted.
2. That Paul Duka be appointed the Presiding Member of the Audit and Risk Committee from 16 March 2024.
3. That the term of office for the position of Audit and Risk Committee Presiding Member be 1 year expiring on 16 March 2025.

CARRIED



16.8 AUDIT AND RISK COMMITTEE MEETING REPORT 26/02/24 – REPORT NO. AR24/12549

RESOLUTION 2024/62

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR24/12549 titled 'Audit and Risk Committee Meeting Report 26/02/24' as presented on 26 February 2024 be noted.

CARRIED

10 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 12 MARCH 2024

RESOLUTION 2024/63

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 12 March 2024 as attached be noted.

CARRIED

17.2 REMUNERATION TRIBUNAL REVIEW – REPORT NO. AR24/15539

RESOLUTION 2024/64

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

1. That Chief Executive Officer Performance Review Committee Report No. AR24/15539 titled 'Remuneration Tribunal Review' as presented on 12 March 2024 be noted.
2. That the draft submission as attached to the Report No. AR24/15539 be approved for submission to the Remuneration Tribunal SA.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the draft submission arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.

CARRIED



17.3 CHIEF EXECUTIVE PERFORMANCE REVIEW PROCESS 2024 – REPORT NO. AR24/16533

RESOLUTION 2024/65

Moved: Cr Sonya Mezinec

Seconded: Cr Paul Jenner

1. That Chief Executive Officer Performance Review Committee Report No. AR24/16533 titled 'Chief Executive Performance Review Process 2024' as presented on 12 March 2024 be noted.
2. That the Chief Executive Officer Performance Review Committee endorse the procurement process for the 'Independent Specialist Support'.

CARRIED

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 MOUNT GAMBIER TENNIS CLUB - REQUEST FOR SUPPORT

Item 19.1 was considered and minuted earlier in the meeting (see minutes between Item 4 and Item 5).

19.2 MOUNT GAMBIER AND DISTRICT SALEYARDS TRANSFORMATION PROJECT

RESOLUTION 2024/66

Moved: Cr Mark Lovett

Seconded: Cr Paul Jenner

1. That Council Report No. AR24/9332 titled 'Mount Gambier and District Saleyards Transformation Project' as presented on 19 March 2024 be noted.
2. That the City of Mount Gambier contribute an amount of \$77,000 to the District Council of Grant's Saleyards Transformation Project over two financial years, subject to approval in the 2024/2025 budget process.

CARRIED

19.3 SAINT MARTINS LUTHERAN COLLEGE - USE OF ST MARTINS RESERVE - PUBLIC CONSULTATION RESULTS

RESOLUTION 2024/67

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Council Report No. AR24/18403 titled 'Saint Martins Lutheran College - Use of St Martins Reserve - Public Consultation Results' as presented on 19 March 2024 be noted.



2. That, having considered the submissions received in response to public consultation, Council authorises the Chief Executive Officer (or representative) to grant a licence to Saint Martins Lutheran College for the use of St Martins Reserve for school purposes during school hours on school days, and other specified days/times upon request, for the remainder of the 2024 and for the 2025 school years.

CARRIED

19.4 PERIODIC REVIEW OF CONFIDENTIAL ITEMS - MARCH 2024

RESOLUTION 2024/68

Moved: Cr Max Bruins
Seconded: Cr Jason Virgo

1. That Council Report No. AR23/67199 titled 'Periodic Review of Confidential Items - March 2024' as presented on 19 March 2024 be noted.
2. That the following Confidential Orders as specified in Attachment 1 to Report AR23/67199, having been reviewed by Council, be amended to alter their duration and release conditions:
Nil.
3. That the following Confidential Orders as specified in Attachment 1 to Report AR23/67199, having been reviewed by Council, be released as soon as practicable following the Council meeting on 19 March 2024:
Nil.
4. That all Confidential Orders as specified in Attachment 1 to Report AR23/67199, excluding those amended or released in resolutions (2) or (3) above, having been reviewed by Council, remain in operation on the grounds and durations/release conditions as specified.

CARRIED

19.5 POLICY REVIEWS

RESOLUTION 2024/69

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Council Report No. AR24/16887 titled 'Policy Reviews' as presented on 19 March 2024 be noted.
2. The policies as attached to Council Report No. AR24/16887 be endorsed:
 - Citizen of the Year Awards
 - Riddoch Arts and Cultural Centre - Hire
 - S135 - Streets - Naming Of
 - M130 - Media Statements on Behalf of Council

CARRIED



20 MOTIONS WITH NOTICE

Nil

21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

23 NEW CONFIDENTIAL ITEMS

23.1 VISITOR SERVICING MODEL – REPORT NO. AR24/18981

RESOLUTION 2024/70

Moved: Cr Jason Virgo

Seconded: Cr Sonya Mezinac

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, J Fetherstonhaugh, M McCarthy, J Scoggins, S McLean, E Solly, B Shearing, A Stevens and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR24/18981 Visitor Servicing Model.

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
- 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 the personal affairs of persons with whom Council is conducting business including information which is of a confidential commercial nature which, if disclosed, would prejudice the commercial position of the Council and other persons and could potentially confer advantage on a third party with whom Council is or is proposing to conduct business. The public interest in this matter being considered in open is considered to be outweighed by the public interest in protecting the commercial interests of Council and third parties and not conferring unfair



advantage on third parties which could affect Council's capacity to achieve best value for the community.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 25 minutes.

Purpose of the Suspension: To further discuss Item 23.1

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

Meeting Procedures were suspended at 07:05 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 07:30 pm

RESOLUTION 2024/71

Moved: Cr Mark Lovett

Seconded: Cr Sonya Mezinac

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 AR24/18981 Visitor Servicing Model 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) and (d) be kept confidential and not available for public inspection until each of the matters in the report, attachments, recommendations and resolutions has been fully implemented and settled including any subsequent actions that might arise in association with these activities, with relevant resolutions to be released to affected parties as considered necessary by the Chief Executive Officer in order to give effect to the proposals contained in the report, and other resolutions to be released publicly as determined appropriate by the Chief Executive Officer as the activities in the report are implemented.
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 CRATER LAKES UNSOLICITED PROPOSAL – REPORT NO. AR24/19114

RESOLUTION 2024/72

Moved: Cr Jason Virgo

Seconded: Cr Josh Lynagh

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, J Fetherstonhaugh, M McCarthy, J Scoggins, S McLean, E Solly, B Shearing, A Stevens and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR24/19114 Crater Lakes Unsolicited Proposal.

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 to be considered regarding the Crater Lakes Project Proposal, including the report and attachment, contains commercial information of a confidential nature provided to Council in-confidence creating a duty of confidence, the consideration of which if conducted in open would prejudice the position of Council, the party that provided the information, and potentially confer commercial advantage on a third party.

The public interest in the matter being considered in open is considered to be outweighed by the public interest in ensuring the best possible outcome for the community, which may be prejudiced if the matter were considered in open.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 10 minutes.

Purpose of the Suspension: To further discuss Item 23.2

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

Meeting Procedures were suspended at 07:37 pm

The Mayor determined that the period of suspension should be brought to an end;



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

The Period of Suspension came to an end and Meeting Procedures resumed at 07:49 pm

RESOLUTION 2024/73

Moved: Cr Jason Virgo

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 23.2 AR24/19114 Crater Lakes Unsolicited Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until the latter of: two years after the expiry of an agreement entered into in relation to the matter, or two years after the proposal has been abandoned, and Council has been released from its duty of confidence.
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 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR24/17606

RESOLUTION 2024/74

Moved: Cr Jason Virgo

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 S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins, S McLean, E Solly, B Shearing, A Stevens and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.3 AR24/17606 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



The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 5 minutes.

Purpose of the Suspension: To further discuss Item 23.3

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

Meeting Procedures were suspended at 07:51 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 07:57 pm

Cr Mark Lovett left the meeting at 7:57 pm and did not return.

MOTION

Moved: Cr Jason Virgo

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 AR24/17606 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*.

23.4 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR24/17614

RESOLUTION 2024/75

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, J Fetherstonhaugh, M McCarthy, J Scoggins, S McLean, E Solly, B Shearing, A Stevens and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.4 AR24/17614 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 2024/76

Moved: Cr Frank Morello
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 23.4 AR24/17614 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

23.5 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR24/17620

RESOLUTION 2024/77

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 S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins, S McLean, E Solly, B Shearing, A Stevens and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.5 AR24/17620 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 2024/78

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 23.5 AR24/17620 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

23.6 STRATEGIC PROPERTY MANAGEMENT – REPORT NO. AR24/15120

RESOLUTION 2024/79

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 S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins, S McLean, E Solly, B Shearing, A Stevens and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.6 AR24/15120 Strategic Property Management.

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
- 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 discussion of the information to be considered in open could confer commercial advantage on a third party with whom Council is proposing to conduct business and accordingly could prejudice the commercial position of Council or benefit a third party in negotiations. The public interest in the consideration of this information

is considered to be outweighed by the interest in obtaining best value for the community in the management of Council owned property holdings.

CARRIED

Cr Josh Lynagh left the meeting at 8:01 pm

RESOLUTION 2024/80

Moved: Cr Jason Virgo
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 23.6 AR24/15120 Strategic Property Management 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) and (d) be kept confidential and not available for public inspection until the earlier of: an agreement relating to the subject matter of the report having been fully executed and settled, or 2 years after the matter has been formally abandoned. Resolutions 2, 3 and 6-9 be released following consideration by Council.
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

Cr Lynagh returned to the meeting 8:03 pm

**23.7 STATUS REPORT - WULANDA RECREATION AND CONVENTION CENTRE -
REPORT NO. AR24/16660**

RESOLUTION 2024/81

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 the Mayor, Councillors and S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins, S McLean, E Solly, B Shearing, A Stevens and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.7 AR24/16660 Status Report - Wulanda Recreation and Convention Centre.

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 which is to be discussed includes information which is of a confidential commercial nature which, if disclosed, would prejudice the commercial position of the Council and other persons and could potentially confer advantage on a third party with whom Council is or is proposing to conduct business, prejudicing Council's commercial position and would potentially give rise to a breach of duty of confidence.

The public interest in this matter being considered in open is considered to be outweighed by the public interest in protecting the commercial interests of Council and third parties and not conferring unfair advantage on third parties which could affect Council's capacity to achieve best value for the community.

CARRIED

RESOLUTION 2024/82

Moved: Cr Sonya Meziniec
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 23.7 AR24/16660 Status Report - Wulanda Recreation and Convention Centre 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) and (g) 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



11 MEETING CLOSE

The Meeting closed at 8:20pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 April 2024.

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PRESIDING MEMBER

