

MINUTES

Ordinary Council Meeting Tuesday 19 November 2024



Minutes of City of Mount Gambier Ordinary Council Meeting held at:

Time: 6:00 pm
Date: Tuesday 19 November 2024
Location: Council Chamber - Civic Centre
10 Watson Terrace, Mount Gambier

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

4.1 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION OCM 2024/178

Moved: Cr Mark Lovett

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council Meeting held on 15 October 2024 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - NOVEMBER 2024

- ABC radio interview – Beacon Art Project
- Southern Cross Austereo interview – Council meeting outcomes
- Meeting with David Coltman, Tafe SA – follow up to Mount Gambier 2035 engagement
- Meeting with Yerkalalpata Community Reference Group
- The Border Watch – photo – Beacon Art Project
- RFDS AGM and lunch
- Meeting with Mayor’s Christmas Appeal Committee
- Meeting with Aaron Davis, Jens Hotel Manager
- Meeting with internal Council staff – finalise Christmas Parade Program
- Meeting with Erica Vickery
- Elected Member Briefing – Railway Lands Play Space
- Confidential Elected Member Briefing – Basketball Mount Gambier



- The Border Watch – interview and photo – LCLGA Local Roads Funding announcement
- Meeting with internal Council staff and CEO Sarah Philpott – Elected Member Mandatory Training
- LCLGA Mayors Catch Up (virtual)
- Triple M radio interview
- Regional Libraries Board Tour
- RDALC Office Opening
- Learn to Ride Playspace Launch
- Blue Lake Golf Club 40th Anniversary Cocktail Party
- 5GTR-FM radio interview (Llew Jones)
- Audit and Risk Committee Workshop
- Audit and Risk Committee Meeting
- Elected Member Briefing – Investment / Attraction Strategic Approach
- Meeting with Pauline Kenny, Sunset Kitchen
- Department of Infrastructure and Transport (DIT) Transport Strategy Briefing – to LCLGA Mayors and CEOs (Naracoorte)
- Volunteering at Mount Gambier Red Cross Blood Collection Centre –
- The Mount Gambier Men’s Shed – photo with Christmas Appeal toy makers
- Hour of Power Business Lunch – Chamber of Commerce (the Barn)
- Meeting with the Hon. Ben Hood MP and the Hon. Vincent Tarzia MP
- Elected Member Mandatory Training – Mid Tern Refresher
- Opening of “Enjoy This Trip” – the Art of Music Posters
- Meeting with internal Council staff – Mayor’s Christmas Appeal
- Catch up with Manager Governance & Property
- Confidential Elected Member Briefing – Library – Leasing Arrangements
- Confidential Elected Member Briefing – Strategic Land Use Discussion
- Substance Misuse Limestone Coast – Results from AOD Service Model Feasibility Study
- Introductory Meeting – Limestone Coast Sustainable Futures Association
- Screening of Dr Richard Harris documentary
- LCLGA Mayors Catch Up (virtual)
- Stand Like Stone Foundation 20th Anniversary Luncheon
- Michelle McCranor – meet and greet – charity runner running from Adelaide to Mount Gambier



- Legend of the Lakes Hillclimb event
- Remembrance Day 2024 Service and wreath laying
- Catch-up meeting with Colin Byles, Executive Officer – LCLGA
- Kmart Wishing Tree Appeal Launch
- Uni SA Annual Leaders in Industry Luncheon
- Elected Member Mandatory Training – Mid Term Refresher
- Radiotherapy Working Group Meeting
- Meeting with Jeanette Elliot – St Vincent de Paul
- Introductory Meeting with CEO Sarah Philpott and Kelly-Anne Saffin, new South Australian Cross Border Commissioner
- VAILO Adelaide 500 SA Suite
- Mount Gambier Christmas Parade
- Farewell Service for Fr Neil Fernando
- Official opening of St Vincent de Paul Mount Gambier new Admin building
- Tenison Woods College Senior School Awards Ceremony

RESOLUTION OCM 2024/179

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the Mayoral Report be received.

CARRIED

6 REPORTS FROM COUNCILLORS

6.1 REPORTS FROM COUNCILLORS

- | | |
|----------------|--|
| Cr Josh Lynagh | South East Primary Schools Music Festival, Regional Health Advisory Council Conference |
| Cr Jason Virgo | Welcomed Libraries Board to Mount Gambier Library |
| Cr Paul Jenner | EPA Waste to Resources Policy Review, EPA Water Quality 2015 Policy Review, Regional Libraries Board Tour of the Mount Gambier Public Library, Chamber of Commerce Business Luncheon (GTE) with Commonwealth Bank Chief Economist, Opening of the Riddoch Art Gallery Exhibitions, Melaleuca Reserve Library Exhibition, Thungi Summer Market at Cave Gardens, Trident Tyre Centre Legend of the Lakes Hill Climb, Remembrance Day Ceremony at Vansittart Park, Mount Gambier Re-use Market. |



RESOLUTION OCM 2024/180

Moved: Cr Jason Virgo
Seconded: Cr Sonya Mezinec

That the reports made by Councillors be received.

CARRIED

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

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

8.1 Question: DIT - Planning and Budgeting - Sutton Avenue

What is Council doing with the Department of Infrastructure and Transport strategically in planning and budgeting to get the worst road in Mount Gambier, Sutton Avenue actioned and fixed?

Response: General Manager City Infrastructure

Long Term Planning for Regional Roads

- Council formally wrote to DIT in August 2024 to continue advocating for improvements to the deteriorating condition of DIT owned regional roads. It was noted that Bay Road, White Avenue and Suttontown Ave require priority upgrades.
- DIT have responded and advised that state-maintained roads within the City of Mount Gambier are not listed under their current 2-year renewal program.
- DIT are currently preparing an Asset Management Plan and Council have requested a copy of this be made available to our Council upon its completion (hopefully by the end of 2024).

RESOLUTION OCM 2024/181

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

That the question and response regarding DIT Planning and Budgeting - Sutton Avenue be recorded in the Council Minutes.

CARRIED

9 PETITIONS

Nil



10 DEPUTATIONS

10.1 DEPUTATION - MOUNT GAMBIER SWIMMING CLUB

1. That the Deputation from Mount Gambier Swimming Club be noted.

10.2 DEPUTATION - FRINGE MOUNT GAMBIER

1. That the Deputation from Fringe Berrin Inc. be noted.

11 NOTICE OF MOTION TO REVOKE OR AMEND

RESOLUTION OCM 2024/183

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That the motion from Cr Paul Jenner as presented on Tuesday 19 November 2024 be noted.
2. That having further considered Item 18.5 Beacon Art Project tabled at the ordinary meeting of 15 October 2024, the Council hereby revoke the Resolution OCM 2024/155 as follows:
 2. That shortlisted applicant Huna Studio be endorsed to receive \$120,179 ex GST for the Beacon Art Project, noting that these funds will be conditional to a commission contract with the City of Mount Gambier and be dispensed in installations according to project milestones.
 3. That \$17,271 ex GST be allocated to site preparation, communications strategy and development approval costs.
 4. That Council is not in favour of the artwork being situated in front of the old town hall (as was outlined in the Huna Studios proposal), given the historical significance of the facade of this building, and that a further report be brought back to Council proposing alternate sites for the artwork within the CBD and outcomes of the feedback from the Community Reference Group.
3. That, in the alternative, Council hereby resolves:
 1. The Beacon Art Project is to stay on Council's agenda as a project for the Arts.
 2. The Allocated money in the Budget currently of \$116,497 stays in the Beacon Art Budget fund, including being carried forward for the 25/26 budget.



3. Council notes however that some expenditure has already occurred on this project in line with Councils resolution in marketing and other costs which is to be reflected in Budget Review 2.
4. The Administration be authorised to negotiate an appropriate settlement with Huna Studio's from the budgeted funds for costs of works already done in good faith (such as additional design and location options) in response to Councils resolution for their proposal for the Beacon Art Project which will be reflected in Budget Review 2.
5. Appropriate additional funding is to be considered for the 2025 / 2026 Annual Budget towards future Beacon Art Projects given Council's commitment to the Arts and projects of this nature.
6. A workshop of Council be convened before the end of March 2025 to work through the way forward with the Beacon Art Project, including consideration of community engagement in future projects.
7. Huna Studio and Council staff are to be thanked for the work they have done so far on this project, notwithstanding the decision not to proceed at this time.
8. The alternative Beacon Art Project to be finalised by June 2026.
9. That Council continue to support public artworks and artists in a variety of forms, both large and small-scale and continue to work on fostering a vibrant arts and cultural scene in the City of Mount Gambier.

LOST

DIVISION

Cr Frank Morello called a division.

The declaration was set aside.

Voting by division being:

In Favour: Cr Kate Amoroso, Cr Paul Jenner and Cr Mark Lovett

Against: Cr Max Bruins, Cr Josh Lynagh, Cr Sonya Meziniec, Cr Frank Morello and Cr Jason Virgo

The Mayor declared the motion

3/5 LOST



12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

RESOLUTION OCM 2024/184

Moved: Cr Max Bruins

Seconded: Cr Jason Virgo

That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 AUDIT AND RISK COMMITTEE

14.1 MINUTES OF AUDIT AND RISK COMMITTEE HELD ON 28 OCTOBER 2024

RESOLUTION OCM 2024/185

Moved: Cr Paul Jenner

Seconded: Cr Jason Virgo

That the minutes of the Audit and Risk Committee meeting held on 28 October 2024 as attached be noted.

CARRIED

14.2 DRAFT 2023/2024 FINANCIAL STATEMENTS

RESOLUTION OCM 2024/186

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

That Council report titled 'Draft 2023/2024 Financial Statements' as presented on Monday 28 October 2024 be noted.

1. That the Audit and Risk Committee advises Council that in accordance with Section 126(4(a)) of the Local Government Act 1999, it has reviewed the draft annual financial statements of Council for the financial year 2024 and 'they present fairly the state of affairs of the Council'.



2. That having been reviewed by the Audit and Risk Committee on 28 October 2024, the Audit Completion Report and Management Representations Letter as attached to this report be noted.
3. That having reviewed the audit completion report, management representations letter and met with the external auditors, the Committee agree Dean Newbery and Partners have been effective in their appointment.
4. Acknowledges progress towards matters raised by Auditors, Dean Newbery to be addressed in future years as detailed in the Audit Completion report will be reported on at future Audit and Risk Committee meetings.

CARRIED

14.3 COMPARISON OF ACTUAL TO BUDGET FOR THE YEAR ENDED 30 JUNE 2024

RESOLUTION OCM 2024/187

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council report titled 'Comparison of Actual to Budget for the year ended 30 June 2024' as presented on Monday 28 October 2024 be noted.

CARRIED

14.4 AUDIT AND RISK COMMITTEE ANNUAL REPORT

RESOLUTION OCM 2024/188

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council report titled 'Audit and Risk Committee Annual Report' as presented on Monday 28 October 2024 be noted.

CARRIED

14.5 AUDIT AND RISK COMMITTEE SELF-ASSESSMENT REVIEW 2023/2024

RESOLUTION OCM 2024/189

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council report titled 'Audit and Risk Committee Self-Assessment Review 2023/2024' as presented on Monday 28 October 2024 be noted.

CARRIED



14.6 AUDIT AND RISK COMMITTEE MEETING REPORT

RESOLUTION OCM 2024/190

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

1. That Council report titled 'Audit and Risk Committee Meeting Report' as presented on Monday 28 October 2024 be noted.

CARRIED

15 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

Nil

16 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE

Nil

17 BUILDING FIRE SAFETY COMMITTEE

Nil

18 COUNCIL REPORTS

18.1 GRANTS AND SPONSORSHIP PROGRAM ROUND ONE - NEW YEAR'S EVE AND FRINGE MOUNT GAMBIER

RESOLUTION OCM 2024/191

Moved: Cr Josh Lynagh

Seconded: Cr Paul Jenner

1. That Council report titled 'Grants and Sponsorship Program Round One - New Year's Eve and Fringe Mount Gambier' as presented on Tuesday 19 November 2024 be noted.
2. That \$22,600 cash and \$1,287 in-kind be endorsed for distribution as part of Round One of the 2024/2025 Grants and Sponsorships program specifically for:
 - (a) Mount Gambier Community Events Inc – \$17,600 cash and \$1,287 in-kind to support the 2024 New Years Eve Event only, noting the requirement for a CBD location and a majority of musicians performing to be based in the Mount Gambier area for future events.
 - (b) Fringe Berrin Inc. - \$5,000 cash to support 'Fringe Outreach Program in 2025.

CARRIED

18.2 BEACON ART PROJECT

Cr Kate Amoroso left the meeting at 7:29 pm.

RESOLUTION OCM 2024/192

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

1. That Council report titled 'Beacon Art Project' as presented on Tuesday 19 November 2024 be noted.
2. That Council considers the location of the Beacon Art Project and selects option 1.

CARRIED

Cr Kate Amoroso returned to the meeting at 7:35 pm.

18.3 CITY OF MOUNT GAMBIER STRATEGIC PLAN 2024 - 2028

RESOLUTION OCM 2024/193

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Council report titled 'City of Mount Gambier Strategic Plan 2024 - 2028' as presented on Tuesday 19 November 2024 be noted.
2. That Council endorse the City of Mount Gambier Strategic Plan 2024 – 2028 as attached to this report.
3. The Council authorises the Chief Executive Officer, or their delegate, to make necessary changes or amendments, including editorial adjustments and final formatting and graphic design, provided these do not materially affect the document's integrity.

CARRIED

Mayor Lynette Martin sought leave of the meeting to advise of the intent to move Item 18.10 Statutory Financial Statements for the year ending 30 June 2024 for consideration and adoption prior to the adoption of the City of Mount Gambier Annual Report which contains the financial statements.

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

CARRIED

Cr Mark Lovett left the meeting at 07:37 pm.



18.10 STATUTORY FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2024

RESOLUTION OCM 2024/194

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council report titled 'Statutory Financial Statements for the Year Ending 30 June 2024' as presented on Tuesday 19 November 2024 be noted.
2. That the audited Financial Statements for the year ended 30 June 2024, as attached, be adopted.
3. That the Mayor and Chief Executive Officer be authorised to certify the financial statements in their final form.

CARRIED

Cr Mark Lovett returned to the meeting at 07:42 pm.

18.4 2023/2024 CITY OF MOUNT GAMBIER ANNUAL REPORT

RESOLUTION OCM 2024/195

Moved: Cr Josh Lynagh

Seconded: Cr Sonya Meziniec

1. That Council report titled '2023/2024 City of Mount Gambier Annual Report' as presented on Tuesday 19 November 2024 be noted.
2. The City of Mount Gambier 2023/2024 Annual Report as tabled be adopted.
3. The Chief Executive Officer be authorised to make any non-material amendments as considered necessary prior to publication.
4. Copies of the City of Mount Gambier Annual Report be distributed to the bodies/persons referred to in Section 131 of the *Local Government Act 1999*.
5. The LCLGA Annual Report be added to the electronic file prior to distribution to the required bodies/persons.

CARRIED

18.5 RAILWAY LANDS PLAYSPACE - CONCEPT DESIGN

RESOLUTION OCM 2024/196

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

1. That Council report titled 'Railway Lands Playspace - Concept Design' as presented on Tuesday 19 November 2024 be noted.
2. That Council endorse the final concept design for the Railway Lands nature playspace and the second draft concept design for the youth activity hub.
3. That Council acknowledge progress will be dependent on attracting matched funding.

CARRIED

18.6 COMMUNITY LAND REVOCATION PROPOSAL - JUBILEE HIGHWAY WEST, SUTTONTOWN

RESOLUTION OCM 2024/197

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

1. That Council report titled 'Community Land Revocation Proposal - Jubilee Highway West, Suttontown' as presented on Tuesday 19 November 2024 be noted.
2. That Council hereby endorses community consultation on the Community Land Revocation Proposal Report for the parcel of land identified as Allotment 212 in Deposited Plan 125742, Jubilee Highway West, Suttontown in accordance with section 194 of the Local Government Act 1999.

LOST

18.7 PROPOSED UPGRADE - BAY ROAD / LAKE TERRACE INTERSECTION - DEPARTMENT FOR INFRASTRUCTURE AND TRANSPORT (DIT)

RESOLUTION OCM 2024/198

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council report titled 'Proposed Upgrade - Bay Road / Lake Terrace Intersection - Department for Infrastructure and Transport (DIT)' as presented on Tuesday 19 November 2024 be noted.

2. That Council provide the following feedback to the Department for Infrastructure and Transport (DIT) on the proposed minor upgrade works at the intersection of Bay Road/Lake Terrace, Mount Gambier:

- c. Proceed with DIT's minor modifications as an interim solution while conducting a more in-depth assessment to determine the potential for future, more comprehensive upgrades.

CARRIED

18.8 BUDGET REVIEW 1 2024/2025

RESOLUTION OCM 2024/199

Moved: Cr Mark Lovett

Seconded: Cr Paul Jenner

1. That Council report titled 'Budget Review 1 2024/2025' as presented on Tuesday 19 November 2024 be noted.
2. That Council adopts the budget review 1, being prepared as at 30 September 2024 for the year ending 30 June 2025.

CARRIED

18.9 FIRST QUARTER REPORT ON ANNUAL BUSINESS PLAN 2024-2025 ANNUAL OBJECTIVES

RESOLUTION OCM 2024/200

Moved: Cr Sonya Mezinec

Seconded: Cr Frank Morello

1. That Council report titled 'First Quarter Report on Annual Business Plan 2024-2025 Annual Objectives' as presented on Tuesday 19 November 2024 be noted.

CARRIED

Item 18.10 Statutory Financial Statements for year ending 30 June 2024 moved to follow Item 18.3.

18.11 CODE OF PRACTICE FOR MEETING PROCEDURES

RESOLUTION OCM 2024/201

Moved: Cr Jason Virgo

Seconded: Cr Sonya Mezinec

1. That Council report titled 'Code of Practice for Meeting Procedures' as presented on Tuesday 19 November 2024 be noted.

2. That Council hereby:

(a) Endorse and adopt the Code of Practice for Meeting Procedures by two thirds majority vote in accordance with section 89 of the Local Government Act 1999 and Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2023;

i. That the Code of Practice for Meeting Procedures (as presented) be amended as follows:

1. City of Mount Gambier 11.1 be amended to reflect that supporting materials must be provided at least 7 clear days prior to the relevant council meeting, rather than at the time the deputation is requested; and
2. City of Mount Gambier 19.1 be amended to reflect that initial extension period will be for 1 hour, with each subsequent extension occurring in increments of 30 minutes each.
3. City of Mount Gambier 9.2 be amended to reflect it relates to questions without notice at the item in the agenda.
4. City of Mount Gambier 12.2 be amended to remove the requirement for the presiding members permission although the presiding member must be advised.
5. Typographical errors to be fixed by the Chief Executive Officer.

(b) Revoke the Council Determined Meeting Procedures Policy.

CARRIED

18.12 APPOINTMENT OF DEPUTY MAYOR

Nominations were sought from Members in attendance.

The Mayor declared nominations received for the position of Deputy Mayor.

Having received more than one nomination a secret ballot was conducted.

The Chief Executive Officer, Sarah Philpott conducted a ballot process in accordance with the Code of Practice for Meeting Procedures.

A secret ballot was conducted for the position of Deputy Mayor.

The Chief Executive Officer declared the result on the secret ballot to be that Cr Josh Lynagh selected for the position of Deputy Mayor.



RESOLUTION OCM 2024/202

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report titled "Appointment of Deputy Mayor" as presented on Tuesday 19 November 2024 be noted.
2. That Council appoints Cr Josh Lynagh to the position of Deputy Mayor for a term of 2 years in accordance with Section 51 of the Local Government Act 1999.

CARRIED

19 MOTIONS WITH NOTICE

19.1 MOTION WITH NOTICE - COMMUNITY ART

RESOLUTION OCM 2024/203

Moved: Cr Kate Amoroso

Seconded: Cr Jason Virgo

1. That the motion from Cr Kate Amoroso as presented on Tuesday 19 November 2024 be noted.
2. That Council undertake to review the City of Mount Gambier policy and practise regarding community art projects.

CARRIED

DIVISION

Cr Kate Amoroso called a division.

The declaration was set aside.

Voting by division being:

In Favour: Cr Kate Amoroso, Cr Mark Lovett, Cr Josh Lynagh, Cr Sonya Mezinec and Cr Jason Virgo

Against: Cr Max Bruins, Cr Paul Jenner and Cr Frank Morello

The Mayor declared the motion

CARRIED 5/3



20 URGENT MOTIONS WITHOUT NOTICE

Nil

21 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

22 NEW CONFIDENTIAL ITEMS

22.1 CRATER LAKES UNSOLICITED PROPOSAL

RESOLUTION OCM 2024/206

Moved: Cr Max Bruins

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, B Shelton, K Rolton, B Shearing, S McLean, K Gilmore, M Telford and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Crater Lakes Unsolicited Proposal.

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

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) 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; and
 - (ii) would, on balance, be contrary to the public interest.
- (g) 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, any duty of confidence, or 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 is in regards to 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



RESOLUTION OCM 2024/207

Moved: Cr Max Bruins

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 Crater Lakes Unsolicited Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) 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; and
 - (ii) would, on balance, be contrary to the public interest.
 - (g) 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, any duty of confidence, or other legal obligation or duty.

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

22.2 AF24/218 TENDER - PROCUREMENT - SUPPLY AND DELIVERY OF LANDFILL COMPACTOR (UNIT 41)

RESOLUTION OCM 2024/208

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, B Shelton, K Rolton, B Shearing, S McLean, K Gilmore, M Telford and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of AF24/218 Tender - Procurement - Supply and Delivery of Landfill Compactor (Unit 41).



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

(k) tenders for the supply of goods, the provision of services or the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed in this item relates to a contract between Council and GCM Enviro Pty Ltd.

The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council or confer advantage on third parties and is considered on balance to be contrary to the public interest as it could prejudice the Council's position in obtaining best value on behalf of the community.

CARRIED

RESOLUTION OCM 2024/210

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report AF24/218 Tender - Procurement - Supply and Delivery of Landfill Compactor (Unit 41) and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

(k) tenders for the supply of goods, the provision of services or the carrying out of works

be kept confidential and not available for public inspection until 12 months after the execution of a contract, with the name of the successful tenderer and the tender contract value to be disclosed upon execution.

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

22.3 WULANDA RECREATION AND CONVENTION CENTRE - PROJECT UPDATE

RESOLUTION OCM 2024/209

Moved: Cr Paul Jenner

Seconded: Cr Mark Lovett

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, B Shelton, K Rolton, B Shearing, S McLean, K Gilmore, M Telford and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Wulanda Recreation and Convention Centre - Project Update.



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

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) 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; and
 - (ii) would, on balance, be contrary to the public interest.
- (g) 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, any duty of confidence, or other legal obligation or duty.
- (h) 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

RESOLUTION OCM 2024/211

Moved: Cr Max Bruins
Seconded: Cr Mark Lovett

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 Wulanda Recreation and Convention Centre - Project Update and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) 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; and
 - (ii) would, on balance, be contrary to the public interest.



- (g) 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, any duty of confidence, or other legal obligation or duty.
- (h) legal advice.
- be kept confidential and not available for public inspection until 2 years after the resolution of the commercial, contractual and legal matters outlined within this report
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 MEETING CLOSE 09:04 pm.

24 ATTACHMENT - PREVIOUS COUNCIL MINUTES

