

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 21 MARCH 2023 AT 6.00 P.M.**

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

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott	
	General Manager City Infrastructure	- Ms B Cernovskis	
	General Manager City and Community Growth	- Ms S La Greca	
	Acting General Manager Corporate and Regulatory Services	- Ms R Datta	
	Manager Governance and Property	- Mr M McCarthy	
	Manager Financial Services	- Mrs J Scoggins	
	Communications Officer	- Ms M Brookes	
	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

RESOLUTION 2023/42

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

That the apology(ies) from Cr Mark Lovett be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/43

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

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

CARRIED



5 MAYORAL REPORT

5.1 MAYORAL REPORT - MARCH 2023

- Meeting with EO, LCLGA
- Limestone Coast Radiation Treatment Working Group Meeting
- Order of Australia Luncheon
- Opening of Legacy Bowls Day, RSL Bowls Club
- Elected Member Briefing with Member for Mount Gambier
- Elected Member Briefing – Crater Lakes Activation Plan
- SAROC Strategic Planning Workshop
- SAROC Committee Meeting
- LCLGA Strategic Planning Workshop Dinner
- LCLGA Strategic Planning Workshop
- Launch of Jane McCumstie’s Exhibition The Awe & Wonder of the Ordinary
- Limestone Coast Regional Plan Workshop
- Elected Member Briefing – Southern Winds Offshore Wind Project
- Elected Member Briefing – Hastings Cunningham / Housing SA
- Visit to Chamber – local Men’s Group
- Elected Member Briefing – Crater Lakes Activation Plan – 2
- WiBRD International Women’s Day Breakfast
- Elected Member Briefing with Member for Barker
- Elected Member Briefing – Beacon Art Project
- Dinner Meeting with Hon David Speirs and Mayor of District Council of Grant
- Official Opening of Wulanda Recreation and Convention Centre
- City Showcase – Wulanda Recreation and Convention Centre
- Anglican Church Interfaith Service
- 2023 SA PGA Seniors Championships

RESOLUTION 2023/44

Moved: Mayor Lynette Martin

Seconded: Cr Kate Amoroso

That the Mayoral report made on 21 March 2023 be received.

CARRIED



6 REPORTS FROM COUNCILLORS

Cr Josh Lynagh	Talk with students at Reidy.
Cr Frank Morello	Official opening of Wulanda.
Cr Paul Jenner	PLEC meeting, Red Hot Summer Tour at the Old Gaol, Wulanda Recreation and Convention Centre Opening.
Cr Max Bruins	Limestone Coast Regional Planning Workshop.
Cr Sonya Meziniec	Lions Youth of the Year judging, LCLHN HAC Conference Working Group, Limestone Coast Regional Planning Workshop, International Women's Day Breakfast, meeting with HAC member re forward planning.

RESOLUTION 2023/45

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

That the reports made by Councillors on 21 March 2023 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 YOUTH ADVISORY GROUP

Cr Josh Lynagh asked the following Question with Notice:

Question:

Can an update be provided regarding council's Youth Advisory Group since they ceased meeting three years ago and address whether there are plans for the group, which has proven to be a vital connection to youth in Mount Gambier, to continue into the future?

Also are there plans for those members who aged out of the group during the period of time when the group was not operating and therefore missed out on their final year with the group to receive some sort of acknowledgement for their work?

Answer:

The Youth Advisory Group was placed into recess during COVID and at a time that the organisation was planning a review of the group noting a reduction in membership and participation. Many of the YAG members were also members of the Headspace Youth Reference Group and were concerned about the duplication of activities and required commitment to participation in both groups.

We are currently exploring new programs and initiatives to engage with young people.

The Library is exploring engaging youth through its programming and linking in with the schools.

At the end of last year a youth forum was held in the library and the group were very keen to keep meeting.

The Library staff are planning to work with the schools and engage with youth to re-form a Youth Group with the intention of being a youth voice to Council.

For those young people who aged out of the YAG while it was in recess and so missed out on their final year Council will write to them to acknowledge and thank them for their work.



7.2 VALLEY LAKES PRECINCT CLOSURE AND FIRE DANGER RATING CHANGES

Cr Josh Lynagh asked the following Question with Notice:

Question:

In 2015 council made the decision to close the Valley Lakes precinct on Extreme and Catastrophic fire danger days. These were the two highest ratings of a six-rating system, and the top two of three ratings that would incur a fire ban, along with Severe.

Last year, the fire danger rating system changed to a four-rating system, with just two ratings incurring a fire ban, Extreme on the lower end and Catastrophic on the higher end, with the Severe rating no longer existing. With council previously keeping the Valley Lakes precinct open on the lower rating but closed on the higher rating, has council taken this into account and considered possibly updating procedures with the new levels of fire bans?

Answer:

Whilst the Fire Danger rating has changed, the activation process remains unchanged for an Extreme or Catastrophic declaration.

A declaration is received by 5pm the day before. Receipt of an Extreme or Catastrophic declaration initiates an internal communication procedure that notifies relevant key stakeholders and staff to action public communication protocol and the display of closure signage throughout the Valley Lake precinct.

8 QUESTIONS WITHOUT NOTICE

Nil resolved.

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 17/02/2023 TO 17/03/2023

RESOLUTION 2023/46

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/13457 titled 'Elected Member Information/Briefing Sessions from 17/02/2023 to 17/03/2023' as presented on 21 March 2023 be noted.

CARRIED



13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 24/01/2023

RESOLUTION 2023/47

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/17017 titled 'Council Action Items - 24/01/2023' as presented on 21 March 2023 be noted.

CARRIED

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

15.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 1 MARCH 2023

RESOLUTION 2023/48

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

That the Minutes of the Junior Sports Assistance Fund meeting held on 1 March 2023 as attached be noted.

CARRIED

15.2 CORRESPONDENCE RECEIVED – REPORT NO. AR23/11963

RESOLUTION 2023/49

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR23/11963 titled 'Correspondence Received' as presented on 01 March 2023 be noted.

CARRIED



**15.3 STATEMENT OF REVENUE AND EXPENSES - AS AT 21 FEBRUARY 2023 –
REPORT NO. AR23/12012**

RESOLUTION 2023/50

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

1. That Junior Sports Assistance Fund Report No. AR23/12012 titled 'Statement of Revenue and Expenses - as at 21 February 2023' as presented on 01 March 2023 be noted.
2. The financial statement of the Fund as at 21 February 2023 be received, noting a cash balance of \$136,493.90

CARRIED

**15.4 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIOR AND PAYMENTS
FROM THE FUND - 01/02/2022 - 31/01/2023 – REPORT NO. AR23/12088**

RESOLUTION 2023/51

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR23/12088 titled 'Applications for Financial Assistance for Junior and Payments from the Fund - 01/02/2022 - 31/01/2023' as presented on 01 March 2023 be noted.

CARRIED

**15.5 COMMERCIAL CLUB INC. - ANNUAL DONATIONS - EXCEPTIONAL JUNIOR
PROGRAM 2022 – REPORT NO. AR23/9809**

RESOLUTION 2023/52

Moved: Cr Paul Jenner
Seconded: Cr Josh Lynagh

1. That Junior Sports Assistance Fund Report No. AR23/9809 titled 'Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2022' as presented on 01 March 2023 be noted.
2. The following junior received the 2022 Commercial Club Inc. donation to assist that junior to advance in their chosen sport and to achieve their potential:
Awardee: Vaughn Stratford - Mount Gambier Swimming Club Inc.
3. The presentation of the Commercial Club Inc. donation take place at a time convenient to the recipient, member organisation and a representative of the Commercial Club Inc.
4. The media be invited to attend the presentation.

CARRIED



15.6 MOTION WITHOUT NOTICE - COACHING CLINIC FUNDING 2023

RESOLUTION 2023/53

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That additional wording be added to the 2023 Coaching Clinic Application form to indicate that additional funding will be considered if the allocated \$5,000 is not adequate for the 2023 round of applications.

CARRIED

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 RE-INSTATEMENT OF MARK LOVETT AS AREA COUNCILLOR

RESOLUTION 2023/54

Moved: Cr Josh Lynagh
Seconded: Cr Kate Amoroso

1. That Council Report No. AR23/15598 titled 'Re-Instatement of Mark Lovett as Area Councillor' as presented on 21 March 2023 be noted.
2. That the re-instatement of Mark Lovett in the office of Area Councillor for the City of Mount Gambier, be noted.
3. That, in accordance with the recommendation of the Chief Executive Officer under Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013*, Part 3 of Resolution 2023/27 dated 21 February 2023:

That the Member Allowance overpaid to Mark Lovett be pursued, as a debt owed to Council, with recovery action deferred until any appeal processes have been exhausted, with recovery if Mark Lovett is not returned to office on a pro-rata basis from 24 January 2023.

be revoked.

4. That Council note:
 - (a) the backpayment of Member Allowance to Cr Mark Lovett as if a casual vacancy had not arisen; and



- (b) Cr Mark Lovett's resumption of his committee position of Presiding Member of the Junior Sports Assistance Fund.

CARRIED

19.2 CASUAL VACANCY IN OFFICE OF COUNCILLOR

RESOLUTION 2023/55

Moved: Cr Kate Amoroso

Seconded: Cr Frank Morello

1. That Council Report No. AR23/13173 titled 'Casual Vacancy in Office of Councillor' as presented on 21 March 2023 be noted.
2. That the casual vacancy arising from 24 February 2023 in the position of City of Mount Gambier area councillor formerly occupied by Ben Hood, be noted.
3. That requisite actions be progressed with the Electoral Commissioner to fill the casual vacancy in the office of area councillor.

CARRIED

19.3 SELECTION OF DEPUTY MAYOR

RESOLUTION 2023/56

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council Report No. AR23/13485 titled 'Selection of Deputy Mayor' as presented on 21 March 2023 be noted.
2. That Council accepts the nominations for the position of Deputy Mayor from Crs Max Bruins and Josh Lynagh.
3. That a secret ballot process be held forthwith for the vacant position of Deputy Mayor for a term of 20 months, to be conducted in the following manner in accordance with the provisions of clause 12.5 of Council's Conduct of Meetings Policy and :
 - a) The Chief Executive Officer be appointed Returning Officer for the election process.
 - b) That any further nominations for the vacant position of Deputy Mayor be sought forthwith from Members present at the meeting.
 - c) The Mayor and a Member not in their seat at the meeting does not vote.
 - d) The successful candidate will be the candidate with the highest number of votes.
 - e) Where two or more candidates have an equal number of votes, candidates will be selected by a drawing of lots by the Returning Officer to determine which candidate will be excluded.
 - f) Upon the completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the vacant positions.

- g) Upon the declaration of the Returning Officer the declared candidate is appointed to the vacant position for the term of office specified in this resolution.
- h) A division cannot be called on the declared result for filling a vacant position.
- i) The Mayor may (but is not required to) accept a motion endorsing the filling of the vacant position however any failure or motion specifying a different result shall be of no effect on the declared result of the secret ballot.

Notes:

Point (d) reflects the application of section 51(8) of the *Local Government Act 1999*.

Point (h) reflects the application of subregulation 12(3) of the *Local Government (Procedures at Meetings) Regulations 2013* that a motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council, must be brought by written notice of motion.

CARRIED

The Chief Executive Officer, Sarah Philpott conducted a ballot process in accordance with Item 19.3 resolution 3.

Nominations were sought from Members in attendance.

Nomination received – Cr Kate Amoroso

A secret ballot was conducted for the position of Deputy Mayor with nominees being Cr Bruins, Cr Lynagh and Cr Amoroso.

The Chief Executive Officer declared the result on the secret ballot to be that Cr Max Bruins was appointed as Deputy Mayor.

Sarah Philpott, Chief Executive Officer declared a conflict for item 19.4 and left the meeting at 6:28p.m.

19.4 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE - TERMS OF REFERENCE

RESOLUTION 2023/57

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/15758 titled 'Chief Executive Officer Performance Review Committee - Terms of Reference' as presented on 21 March 2023 be noted.
2. That the updated Terms of Reference for the Chief Executive Officer Performance Review Committee be adopted as attached to Report No. AR23/15758.
3. That the membership of the Chief Executive Officer Performance Review Committee, in addition to the Mayor and Deputy Mayor, comprise:
 - (i) Cr Meziniec
 - (ii) Cr Morello
 - (iii) Cr Lynagh



for a term ending at the commencement of the caretaker period for the November 2026 local government elections, the earlier cessation of the members office as a Councillor, or as otherwise replaced by resolution of Council, whichever is the earlier.

CARRIED

Sarah Philpott, Chief Executive Officer returned to the meeting at 6:31p.m.

Pursuant to Section 75B of the Local Government Act 1999, Cr Max Bruins disclosed a general conflict of interest in Item 19.5:

"The proposed nominee is a personal friend".

In accordance with Section 75B of the Local Government Act 1999 Cr Bruins did not participate in the meeting for Item 19.5.

Cr Bruins left the meeting at 6:31p.m.

19.5 NOMINATION FOR THE DOG AND CAT MANAGEMENT BOARD

RESOLUTION 2023/58

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/9443 titled 'Nomination for the Dog and Cat Management Board' as presented on 21 March 2023 be noted.
2. That City of Mount Gambier employee, Tegan McPherson, Project Manager, be nominated for the LGA-nominated positions on the Dog and Cat Management Board.

CARRIED

Cr Bruins did not participate in the meeting for Item 19.5, Cr Bruins did not vote in relation to Item 19.5.

Cr Bruins returned to the meeting at 6:32p.m.

Pursuant to Section 75C of the Local Government Act 1999, Cr Paul Jenner disclosed a material conflict of interest in Item 19.6:

"Member of the G.T.E Board".

In accordance with Section 75C of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 19.6.

Cr Jenner left the meeting at 6:33p.m.

19.6 NOMINATIONS FOR LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION COMMITTEE APPOINTMENTS

RESOLUTION 2023/59

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec



1. That Council Report No. AR23/15868 titled 'Nominations for Limestone Coast Local Government Association Committee Appointments' as presented on 21 March 2023 be noted.
2. Council notes that the Chief Executive Officer will make appropriate officer appointments to LCLGA advisory/operational committees.
3. That the Chief Executive Officer, Sarah Philpott be nominated for both the LCLGA Audit and Risk Committee and the Executive Officer Remuneration Committee.
4. That Council nominates Cr Paul Jenner for the Group Training Employment Board position, and no other nominations to external LCLGA committees, noting that in the absence of a political nomination the Chief Executive Officer may determine to make a technical nomination to the Green Triangle Freight Action Plan Committee.
5. Given that the LCLGA is only nominating a representative for one further term for the GTE Board, that the City of Mount Gambier makes enquiries of the Board of GTE about options for continuing a Board position for a City of Mount Gambier representative.

CARRIED

Cr Jenner returned to the meeting 6:34p.m.

19.7 ALGA JUNE 2023 NATIONAL GENERAL ASSEMBLY - CALL FOR MOTIONS

RESOLUTION 2023/60

Moved: Cr Paul Jenner

Seconded: Cr Sonya Mezinec

1. That Council Report No. AR23/14819 titled 'ALGA June 2023 National General Assembly - Call for Motions' as presented on 21 March 2023 be noted.
2. That the following motion (as attached to this report) be endorsed for submission as an agenda item to the ALGA National General Assembly in June 2023:
 - (a) Bipartisan agreement to commit to sustain the current provision of Roads to Recovery (R2R) and retain the Local Roads and Community Infrastructure (LRCI) funding programs to Local Government.

CARRIED

19.8 INSTALLATION OF A DISABLED PERMIT PARKING ONLY ZONE ON PERCY STREET, MOUNT GAMBIER

RESOLUTION 2023/61

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/14450 titled Installation of a Disabled Permit Parking Only Zone as presented on 21 March 2023 be noted.
2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map as attached to Report No. AR23/14450.



3. That Council, in accordance with the power delegated by the Minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following:

Prohibited Area
Ref No. 2.3.106

Disabled Permit Parking Only

PERCY STREET (SOUTHERN HALF) - from 10 metres to 18 metres east of the intersection with Penola Road

To apply at all times

CARRIED

19.9 INSTALL NO STOPPING ZONES ON BAY ROAD (EASTERN AND WESTERN SIDES)

RESOLUTION 2023/62

Moved: Cr Sonya Mezinec

Seconded: Cr Kate Amoroso

1. That Council Report No. AR23/14538 titled 'Install No Stopping Zones on Bay Road (Eastern and Western sides)' as presented on 21 March 2023 be noted.
2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map as attached to Report No. AR23/14538.
3. That Council, in accordance with the power delegated by the Minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following:

Prohibited Area
Ref No. 1.1.514

No Stopping

BAY ROAD (EASTERN SIDE) - from 10 metres to 53 metres south of the intersection with Herriot Street

BAY ROAD (WESTERN SIDE) - from 10 metres to 64 metres south of the intersection with Railway Terrace

To apply at all times

CARRIED

19.10 WULANDA RECREATION AND CONVENTION CENTRE CARPARK - PARKING RESTRICTIONS

RESOLUTION 2023/63

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/14621 titled 'Wulanda Recreation and Convention Centre Carpark - Parking Restrictions' as presented on 21 March 2023 be noted.



2.	That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map attached to Report No. AR23/14621.	
3.	That Council, in accordance with the power delegated by the Minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following:	
	Prohibited Area Ref No. 2.3.106	Disabled Permit Parking
	Wulanda Recreation and Convention Centre Car Park	
	To apply at all times	
	Prohibited Area Ref No. 2.1.086	Bus Zone
	Wulanda Recreation and Convention Centre Car Park	
	To apply at all times	
	Prohibited Area Ref No. 3.5.100	15 Minute Parking
	Wulanda Recreation and Convention Centre Car Park	
	To apply at all times	
		CARRIED

19.11 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE

A final verbal update was provided by Barbara Cernovskis, General Manager City Infrastructure on the construction progress of the Wulanda Recreation and Convention Centre.

Item 19.11 is considered and minuted under Item 20.1

20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - ESSENTIAL SERVICES COMMISSION OF SA (ESCOSA) SCHEME

RESOLUTION 2023/64

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/13463 titled 'Notice of Motion - Essential Services Commission of SA (ESCOSA) Scheme' as presented on 21 March 2023 be noted.
2. That the Mayor write to the Premier Peter Malinauskas, South Australian Minister for Local Government Geoff Brock and the LGA and:
 - a) Express our extreme displeasure and frustration that ratepayers are expected to wear the cost and incur the added budget pressures of the recently introduced ESCOSA



“Advisory Scheme” among other cost of living increases in the current economic environment.

- b) Request that an immediate review be undertaken of the scheme to determine is necessity and effectiveness and its funding model.
- c) Request that ESCOSA does not seek reimbursement of costs from any council until such a review has been undertaken.

CARRIED

Item 19.11 was considered and resolved.

19.11 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE

RESOLUTION 2023/65

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

- 1. That Council Report No. AR23/14672 titled ‘Wulanda Recreation and Convention Centre - Verbal Update’ as presented on 21 March 2023 be noted.
- 2. That following Council resolution in February, Council notes that this is the last verbal report due to completion of the construction works at Wulanda Recreation and Convention Centre.

CARRIED

21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

23 NEW CONFIDENTIAL ITEMS

23.1 LIBRARY CAFE - EXPRESSIONS OF INTEREST – REPORT NO. AR23/15719

RESOLUTION 2023/66

Moved: Cr Frank Morello

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, S La Greca, R Datta, M McCarthy, J Scoggins, M Brookes and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/15719 Library Cafe - Expressions of Interest.



The Council is satisfied that, pursuant to section 90(3) (b) 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

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 with the item includes information that, if disclosed, could reasonably be expected to confer a commercial advantage on a 3rd party with whom Council is proposing to contract and jeopardise the commercial position of Council in the negotiation of arrangements for the operation of the Library Cafe.

CARRIED

RESOLUTION 2023/67

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 23.1 AR23/15719 Library Cafe - Expressions of Interest 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) be kept confidential and not available for public inspection until 6 years have elapsed, or 1 year after the expiry of an operating arrangement entered into in association with this Expression of Interest process, whichever is the later. To be reviewed once in every year in accordance with s91(9). The name of the successful operator be released immediately following execution of agreement documentation.
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 DELEGATION TO AWARD ELECTRICITY CONTRACT – REPORT NO. AR23/16014

RESOLUTION 2023/68

Moved: Cr Frank Morello

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, S La Greca, R Datta, M McCarthy, J Scoggins, M Brookes and T Chant be excluded from attendance at the meeting for



the receipt and consideration in confidence of Agenda Item 23.2 AR23/16014 Delegation to award electricity contract.

The Council is satisfied that, pursuant to section 90(3) (b) 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

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 LGA Procurement for the supply of energy. 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 Councils position in obtaining best value on behalf of the community.

CARRIED

RESOLUTION 2023/69

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 23.2 AR23/16014 Delegation to award electricity contract 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) be kept confidential and not available for public inspection until a contract has been executed for the relevant supply.
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

24 MEETING CLOSE

The Meeting closed at 7:00pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 April 2023.

.....
PRESIDING MEMBER

