

**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 19 APRIL 2022 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner (arrived at 6.02 p.m.)

OFFICERS IN ATTENDANCE:

Chief Executive Officer	- Mrs S Philpott
General Manager City Infrastructure	- Ms B Cernovskis
General Manager Corporate and Regulatory Services	- Mr D Barber
General Manager City and Community Growth	- Mr T Coote
Manager Finance	- Mrs J Scoggins
Manager Waste and Re-use	- Mr M McDonald
Acting Media and Communications Coordinator	- Mrs A Watson
Councillor Support Officer	- Mrs M Telford

26 NEW CONFIDENTIAL ITEMS

26.1 REQUEST FOR INTERNAL REVIEW OF COUNCIL DECISION – REPORT NO. AR22/21802

RESOLUTION 2022/65

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Council Officers, S Philpott, B Cernovskis, D Barber, T Coote, J Scoggins, M McDonald, A Watson and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR22/21802 Request for Internal Review of Council Decision.

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

- 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 matter for consideration includes legal advice obtained in relation to the subject matter of the report.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To discuss Item 26.1 Request for Internal Review of Council Decision.

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

Meeting Procedures were suspended at 07:15 p.m.



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

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

The Period of Suspension came to an end and Meeting Procedures resumed at 7.19 p.m.

RESOLUTION 2022/66

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinac

1. That Council Report No. AR22/21802 titled 'Request for Internal Review of Council Decision' as presented on 19 April 2022 be noted.
2. That legal advice received on the potential impacts of decision making processes for an internal review requests be noted.
3. That, having received a request under section 270 of the Local Government Act 1999 for a review of Council's June 2021 decision in Resolution 2021/154 relating to the Mitchell Street trees:
 - (a) the Chief Executive Officer (or delegate) engage an external provider to conduct a review under section 270 of the process and decision associated with Resolution 2021/54;
 - (b) the reviewer present a preliminary and final report to Council for consideration, having undertaken a natural justice phase;
 - (c) the review also consider and make recommendations on appropriate action regarding alleged nuisance associated with the Mitchell Street trees;
 - (d) the total cost of undertaking the review be included in the report provided back to Council.
4. If a reviewer engaged under (3) is unable to perform the step in (3)(c), that the preparation of a separate report addressing matters of alleged nuisance associated with the Mitchell Street trees be deferred until Council has considered the report(s) in (3)(b).

CARRIED

RESOLUTION 2022/67

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

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 26.1 AR22/21802 Request for Internal Review of Council Decision and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (h) be kept confidential and not available for public inspection until further order of the Council, with the resolutions to be released upon Council's decision on the internal review request and appointment of a reviewer having been communicated to the applicant, and the report to be released following the matter to which the internal review request relates having been 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

