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**I hereby give notice that a Council Meeting will be held on:**

**Date:** Tuesday, 18 January 2022  
**Time:** 6.00 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

link for public to view: <https://www.youtube.com/user/CityOfMountGambier/live>

# **CONFIDENTIAL AGENDA**

**Council Meeting  
18 January 2022**

A handwritten signature in black ink, appearing to read 'Sarah Philpott', is positioned above the printed name.

**Sarah Philpott  
Chief Executive Officer  
14 January 2022**

## 26.4 QUEEN ELIZABETH PARK TRUST (QEPT) UPDATE – REPORT NO. AR21/83935

### 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) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.4 AR21/83935 Queen Elizabeth Park Trust (QEPT) Update.

The Council is satisfied that, pursuant to section 90(3) (a), (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 would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- 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 matters that are subject to lease and other negotiations with third parties with whom Council is, and is proposing to conduct, business and whom a benefit may be conferred if such matters were considered in open, and which may prejudice Council's commercial position.

The public interest in considering such matters in open is outweighed by the objective of obtaining best value and best outcomes associated with the use of public resources for community benefit.

**26.4 QUEEN ELIZABETH PARK TRUST (QEPT) UPDATE – REPORT NO. AR21/83935**

|                                  |   |
|----------------------------------|---|
| <b>Committee:</b>                | <b>Council</b>  |
| <b>Meeting Date:</b>             | <b>18 January 2022</b>  |
| <b>Report No.:</b>               | <b>AR21/83935</b>   |
| <b>CM9 Reference:</b>            | <b>AF13/64</b>  |
| <b>Author:</b>                   | <b>Darren Barber, General Manager Corporate and Regulatory Services</b>                                       |
| <b>Authoriser:</b>               | <b>Sarah Philpott, Chief Executive Officer</b>  |
| <b>Summary:</b>                  | <b>This report provides an update on the progress of several actions in relation to support for the QEPT.</b> |
| <b>Strategic Plan Reference:</b> | <b>Goal 1: Our People</b>   |
|                                  | <b>Goal 2: Our Location</b>   |
|                                  | <b>Goal 3: Our Diverse Economy</b>  |
|                                  | <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>                                     |
|                                  | <b>Goal 5: Our Commitment</b>   |

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- (b) 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
- (d) 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.

**REPORT RECOMMENDATION**

1. That Council Report No. AR21/83935 titled 'Queen Elizabeth Park Trust (QEPT) Update' as presented on 18 January 2022 be noted.



## **TYPE OF REPORT**

Corporate

## **BACKGROUND**

The Queen Elizabeth Park Trust ("QEPT") currently lease from Council the Blue Lake Holiday (Caravan) Park that it manages and operates under sub-lease arrangements. This continues similar arrangements that have been in place since 1964.

## **PROPOSAL**

This report is intended to provide an update to Council on the progress of the following action:

### **1. Adjustments to the QEPT constitution**

Minor alteration to the Constution/Rules to lessen the frequency of formal Board/Trustee meetings and allow attendance by virtual means has been resolved by Council and the Mount Gambier Chamber of Commerce to allow the QEPT to adjust the constitution. QEPT endorsed and adopted the new constitution in December 2021 and will resolve new meeting frequency and dates for 2022 at their January meeting.

### **2. Establishment of an easement**

The establishment of an easement over the current sewer infrastructure (the saddle) is well progressed. Crown notification has been received and the documentation is with Council's lawyers for finalisation.

### **3. SA Water - Sewer pipe replacement**

Council is aware of the ongoing issues associated with the ageing sewer infrastructure associated with the Blue Lake Holiday Park. An initial high level assessment of the current infrastructure and replacement options has been completed by SA water and advice provided on possible outcomes. At the QEPT December meeting the committee endorsed funding to progress this initial advice to a firm proposal and quote to replace the infrastructure to the Blue Lake Holiday Park. Council should note that SA Water will not fund the pipe replacement, however, the replacement will meet SA Water specifications and the option to transfer the asset to SA Water upon completion will be considered.

### **4. Land Lease**

The Manager Governance and Property and General Manager Corporate and Regulatory Services met with the sub-tenants of the Blue Lake Holiday Park. A brief on the establishment of the easement and sewer pipe replacement was provided.

The tenants indicated they understood the process and are committed to entering into a land lease with Council upon the resolution of the above.

## **LEGAL IMPLICATIONS**

To ensure councils legal and legislative requirements are met professional legal advice has been engaged to assist in the establishment of the easement and transfer of leasing arrangements.

## **STRATEGIC PLAN**

N/A



**COUNCIL POLICY**

N/A

**ECONOMIC IMPLICATIONS**

Once the final proposal and quote is received, council will (if/as necessary) be provided with options to implement the proposed new sewer infrastructure. First preference will be for the implementation of such solutions to be arranged and funded by the Blue Lake Holiday Park operators and QEPT, in which case an information report will be presented to keep Council informed of progress of negotiations.

**ENVIRONMENTAL IMPLICATIONS**

N/A

**SOCIAL IMPLICATIONS**

N/A

**CULTURAL IMPLICATIONS**

N/A

**RESOURCE IMPLICATIONS**

N/A

**VALUE FOR MONEY**

As discussed above a report will be provided upon receipt of relevant information.

**RISK IMPLICATIONS**

N/A

**EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

**ENGAGEMENT AND COMMUNICATION STRATEGY**

N/A

**IMPLEMENTATION STRATEGY**

A future report will provide detail on implementation and associated timelines and costings

**CONCLUSION AND RECOMMENDATION**

Having considered the presented information, this report recommends for council to note the update on actions in relation to the QEPT.

**ATTACHMENTS**

Nil



**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 26.4 AR21/83935 Queen Elizabeth Park Trust (QEPT) Update and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (d) be kept confidential and not available for public inspection until 24 months after the matters contained in the report have been finalised or abandoned.
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*.

CONFIDENTIAL

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**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING  
HELD VIRTUALLY FROM THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,  
MOUNT GAMBIER  
ON TUESDAY, 18 JANUARY 2022 AT 6.00 P.M.**

**VIRTUAL MEETING WAS AVAILABLE FOR LIVE STREAMING,  
<https://www.youtube.com/user/CityOfMountGambier/live>**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

**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 Governance and Property                   | - Mr M McCarthy   |
| Media and Communications Coordinator              | - Ms S McLean     |
| iServices Systems Administrator                   | - Mr A Myers      |
| Executive Administrator                           | - Ms T Chant      |

**RESOLUTION 2022/10**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

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**CARRIED**

Pursuant to Section 74 of the Local Government Act 1999, Cr Max Bruins disclosed a material conflict of interest in Item 26.4:

*"I am a board member of the Queen Elizabeth Park Trust".*

In accordance with Section 74 of the Local Government Act 1999 Cr Bruins did not participate in the meeting for Item 26.4.

Cr Bruins left the meeting at 7:00pm and did not return.

Pursuant to Section 74 of the Local Government Act 1999, Mayor Lynette Martin disclosed a material conflict of interest in Item 26.4:

*"I have a family member who is on the board of the QEPT and will leave the meeting".*

In accordance with Section 74 of the Local Government Act 1999 Mayor Martin did not participate in the meeting for Item 26.4.

Mayor Martin left the meeting at 7:00 pm.

Cr Christian Greco as Deputy Mayor took the chair for item 26.4.

**RESOLUTION 2022/11**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/83935 titled 'Queen Elizabeth Park Trust (QEPT) Update' as presented on 18 January 2022 be noted.

**CARRIED**

**RESOLUTION 2022/12**

Moved: Cr Frank Morello  
Seconded: Cr Paul Jenner

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

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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**

Mayor Martin resumed the meeting at 7:09 pm and resumed the Chair.

