

**MINUTES OF CITY OF MOUNT GAMBIER ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 16 MARCH 2021 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco (arrived at 6.18 pm), Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer	- Ms B Cernovskis
	Acting General Manager City Infrastructure	- Mr M McDonald
	General Manager Share Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Manager Governance and Property	- Mr M McCarthy
	Media and Communications Coordinator	- Ms S McLean
	Manager Development Services	- Ms T Tzioutziouklaris
	Senior Building Officer	- Mr Paul Gibbs
	Executive Administration Officer	- Mrs M Telford

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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

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

Purpose of the Suspension: To determine whether we are in breach of the Act to convene a Council Meeting.

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

Meeting Procedures were suspended at 6.02 pm.

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for a further five minutes:

Purpose of the Suspension: To determine whether we are in breach of the Act to convene a Council Meeting.

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

Meeting Procedures were suspended at 6.08 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 6.15 pm



2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/57

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

That the minutes of the Ordinary Council meeting held on 16 February 2021 and the Special Council meeting held on 3 March 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

- LGASA Mayor's Forum
- Weekly LCLGA Mayor's Virtual Meeting
- CEO Recruitment Presentations
- Radio Interview with 5GTR-FM
- LCLGA & RDALC Joint Board Meeting
- Elected Members Workshop – Mick Theobald – One Forty One
- Meeting with Nathan Woodruff – Chairman Mount Gambier NTSA
- Meeting with Representatives from acCare re Homelessness
- Chamber of Commerce Mix and Mingle
- CEO Selection Committee Meeting
- Weekly LCLGA Mayor's Virtual Meeting
- OAA Luncheon Meeting
- LGASA Mayor's Forum Zoom Meeting
- Planning and Development Code Zoom Meeting
- Matthews Hospitality – Informal Meet and Greet
- Meeting with Christine Lochyer – Matthews Hospitality Group
- Limestone Coast Regional Freight Forum
- Elected Members Workshop – LC Destination Management Plan
- Meeting with Anthony Penney – Qantas
- Visit to Blue Lake Golf Club
- WiBRD International Women's Day Breakfast 2021
- Weekly LCLGA Mayor's Virtual Meeting including Special Meeting of LCLGA
- Photographs with 2020 Zoom Citizenship Conferees
- 2021 World Day of Prayer Service
- RDALC – Local Jobs Program Launch
- Generations in Jazz 2021 Consultative and Strategy Planning Forum
- Guest Speaker – Rotary Club of Mount Gambier
- Weekly LCLGA Mayor's Virtual Meeting
- Virtual Meeting with ProManage – re Limestone Coast Landscape Board
- Guest Speaker - Probus Club Meeting



RESOLUTION 2021/58

Moved: Mayor Lynette Martin
Seconded: Cr Kate Amoroso

That the Mayoral report made on 16 March 2021 be received.

CARRIED

Cr Greco arrived at 6.18 pm.

6 REPORTS FROM COUNCILLORS

Cr Bruins	Fringe Launch Event
Cr Hood	Tour of Blue Lake Golf Club
Cr Jenner	Mount Gambier Residential LED Light Project, Public Lighting Working Group State Meeting, Blue Lake Golf Club Meeting, Mount Gambier Fringe
Cr Meziniec	Women in Business and Regional Development Launch
Cr Morello	Tour of Blue Lake Golf Club

RESOLUTION 2021/59

Moved: Cr Sonya Meziniec
Seconded: Cr Kate Amoroso

That the reports made by Councillors on 16 March 2021 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - 2020 STAFF SURVEY

RESOLUTION 2021/60

Moved: Cr Steven Perryman
Seconded: Cr Max Bruins

1. That the response to the question regarding 2020 Staff Survey raised by Councillor Paul Jenner be received and noted.
2. All staff comments will not be provided. The general results of the 2020 Staff Survey will be presented to an Elected Members workshop.

CARRIED

8 QUESTIONS WITHOUT NOTICE

Nil



9 PETITIONS

Nil

10 DEPUTATIONS

Nil

Pursuant to Section 75A of the Local Government Act 1999, Cr Greco disclosed a perceived conflict of interest in Item 11.1

"My business is a sponsor, which allows me to be a member of the Blue Lake Golf Club, I see this as a perceived conflict."

Cr Greco informed the meeting of the manner in which he intends to deal with the perceived conflict of interest in Item 11.1 as follows:

"I will not participate."

In accordance with Section 75A of the Local Government Act 1999 Cr Greco left the meeting for Item 11.1.

Cr Greco left the meeting at 6.21 p.m.

11 NOTICE OF MOTION TO RESCIND OR AMEND

11.1 NOTICE OF RESCISSION/AMENDMENT - BLUE LAKE GOLF COURSE LEASING

RESOLUTION 2021/61

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/13946 titled 'Notice of Rescission/Amendment - Blue Lake Golf Course Leasing' as presented on 16 March 2021 be noted.
2. That parts 2 and 4 of resolution 2019/131 titled Queen Elizabeth Park Trust / Blue Lake Golf Course - Leasing that were passed on 21 May 2019 as follows:

"2. Council offer the Blue Lake Golf Club a 5 year lease comprising of a 1 year lease and 4 x 1 year right of renewal for the entire golf course including all buildings, facilities and infrastructure. This lease shall include as a standard clause the right to sublet with Council consent.

....

4. Councils willingness to enter into a lease with the Blue Lake Golf Club is subject to development of key performance indicators agreed to by Council and a detailed asset management plan being developed by the Blue Lake Golf Club with the assistance of Council."

be revoked to enable consideration to be given to alternative lease tenure options for the Blue Lake Golf Course.

CARRIED

Cr Greco returned to the meeting at 6.26 pm.



12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOP FROM 15/02/2021 TO 10/03/2021

RESOLUTION 2021/62

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

1. That Council Report No. AR21/1603 titled 'Elected Member Workshop from 15/02/2021 to 10/03/2021' as presented on 16 March 2021 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 16/02/2021

RESOLUTION 2021/63

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Council Report No. AR21/1578 titled 'Council Action Items - 16/02/2021' as presented on 16 March 2021 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 WULANDA AND RECREATION AND CONVENTION CENTRE COMMITTEE MINUTES AND RECOMMENDATIONS

17.1 MINUTES OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 9 MARCH 2021

RESOLUTION 2021/64

Moved: Cr Ben Hood
Seconded: Cr Frank Morello

That the Minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 9 March 2021 as attached be noted.

CARRIED



**17.2 WULANDA RECREATION AND CONVENTION CENTRE - BRAND DEVELOPMENT -
REPORT NO. AR21/13415**

RESOLUTION 2021/65

Moved: Cr Ben Hood

Seconded: Cr Paul Jenner

1. That Wulanda Recreation and Convention Centre Committee Report No. AR21/13415 titled 'Wulanda Recreation and Convention Centre - Brand Development' as presented on 09 March 2021 be noted.

CARRIED

18 COUNCIL ASSESSMENT PANEL MINUTES

18.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 18 FEBRUARY 2021

RESOLUTION 2021/66

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

That the Minutes of the Council Assessment Panel meeting held on 18 February 2021 as previously circulated be noted.

CARRIED

**19 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND
RECOMMENDATIONS**

Nil

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

**21 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES
AND RECOMMENDATIONS**

Nil

**22 CHIEF EXECUTIVE OFFICER SELECTION PANEL COMMITTEE MINUTES AND
RECOMMENDATIONS**

Nil

23 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



24 COUNCIL REPORTS

24.1 REVIEW OF COUNCIL DELEGATIONS

RESOLUTION 2021/67

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That Council Report No. AR21/6156 titled 'Review of Council Delegations' as presented on 16 March 2021 be noted.
2. The City of Mount Gambier (Council) delegates each function or power of the Council as referenced in the tables attached to Council Report No. AR21/6156 (Attachment 1) to the identified delegate(s).
3. The delegations are granted pursuant to section 44 of the Local Government Act 1999, excepting that the functions and powers of the Council:
 - (a) as an administering agency under the Environment Protection Act 1993 are delegated pursuant to section 18C of the Environment Protection Act;
 - (b) set out in Division 8, Part 4 of the Fire and Emergency Services Act 2005 are delegated pursuant to section 93 of the Fire and Emergency Services Act;
 - (c) acting as an enforcement agency under the Food Act 2001 are delegated pursuant to section 91 of the Food Act;
 - (d) acting as a road manager under the Heavy Vehicle National Law are delegated pursuant to section 22B of the Heavy Vehicle National Law (South Australia) Act 2013;
 - (e) acting as a relevant authority under the Safe Drinking Water Act 2011 are delegated pursuant to section 43 of the Safe Drinking Water Act; and
 - (f) under the Supported Residential Facilities Act 1992 are delegated pursuant to section 9(2) of the Supported Residential Facilities Act.
4. The delegations granted pursuant to:
 - (a) the Local Government Act to the Council's Chief Executive Officer (CEO), in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act;
 - (b) the Fire and Emergency Services Act;
 - (c) the Food Act;
 - (d) the Heavy Vehicle National Law (South Australia) Act;
 - (e) the Safe Drinking Water Act; and
 - (f) the Supported Residential Facilities Actmay be sub-delegated by the Chief Executive Officer or delegate, except delegations under the Fire and Emergency Services Act only permitted to a Fire Prevention Officer.
5. If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
6. The delegations are granted subject to the following conditions and limitations:
 - (a) the delegate must exercise a delegated function or power in accordance with:



- (i) applicable legislative and other legal requirements; and
- (ii) due regard to relevant policies and guidelines adopted by the Council;
- (b) in regard to the following delegations under the Local Government Act:
 - (i) section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act;
 - (ii) section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council and the sub-delegation financial limitations set by the Chief Executive Officer;
 - (iii) section 143(1): the power to write off debts is limited to debts not exceeding \$5,000;
- (c) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.
- (d) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.
- (e) These delegations will come into operation on Wednesday 17 March 2021 and remain in force until varied or revoked by resolution of the Council.
- (f) Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 17 March 2021.

Road Traffic Act Sub-Delegations and Authorisations

7. Pursuant to the Instrument of General Approval and Delegation (dated 22 August 2013) under the Road Traffic Act 1961 (Act), Council:
- (a) authorises the employees of the Council named in the tables attached to Council Report No. AR21/6156 (Attachment 2) to exercise the powers under sections 17 and 20 of the Road Traffic Act as conferred on or delegated to the Council by the Minister for Transport and Infrastructure subject to the conditions set out in the Instrument of General Approval and Delegation.
 - (b) is of the opinion that the following person(s) as referenced in the tables attached to Council Report No. AR21/6156 (Attachment 2) is (or are) experienced traffic engineering practitioners and are hereby authorised for the purpose of preparing and endorsing a Traffic Impact Statement in accordance with Clause A.7 of the Instrument of General Approval and Delegation.
 - Abdullah Mahmud
 - (c) is of the opinion that the following person(s) as referenced in the tables attached to Council Report No. AR21/6156 (Attachment 2) has (or have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans for the purpose of Clause A.7 of the Instrument of General Approval and Delegation:
 - Abdullah Mahmud.
 - (d) sub-delegates the powers in sub-section 33(1) of the Act as granted in Clause G. of the Instrument of General Approval and Delegation by the Minister for Transport and Infrastructure to any person occupying or acting in the position Chief Executive Officer of the Council.



- (e) These sub-delegations and authorisations will come into operation on Wednesday 17 March 2021 and remain in force until varied or revoked by resolution of the Council.
- (f) Previous sub-delegations and authorisations granted by the Council of the powers and functions under the Instrument of General Approval and Delegation (dated 22 August 2013) are revoked with effect from Wednesday 17 March 2021.

CARRIED

24.2 REVIEW OF COUNCIL DELEGATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT

RESOLUTION 2021/68

Moved: Cr Frank Morello

Seconded: Cr Ben Hood

1. That Council Report No. AR21/11905 titled 'Review of Council Delegations - Planning, Development and Infrastructure Act' as presented on 16 March 2021 be noted.
2. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the Instrument of Delegation (annexed to Report No. AR21/11905 and titled Instrument B) are hereby delegated this 16th March 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation
3. Each power and function delegated in resolution 2:
 - may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016, as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the relevant Instrument of Delegation;
 - is independent of, and severable from, every other delegation granted under these instruments, and if determined to be invalid or unlawful will be deemed severed from this instrument and remaining delegations will continue to operate according to their terms;
 - may be exercised independently by any nominated sub-delegates independently of any other (sub)delegate;
 - must be exercised in accordance with applicable legislative and other legal requirements; and due regard to relevant policies and guidelines adopted by the Council;
 - will remain in force until varied or revoked by resolution of the Council.
4. Previous delegations granted by the Council under the Planning, Development and Infrastructure Act Instrument B are revoked with effect from this day 16th March 2021.

CARRIED



24.3 COUNCIL DEVELOPMENT INSPECTION REQUIREMENTS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

RESOLUTION 2021/69

Moved: Cr Ben Hood
Seconded: Cr Max Bruins

1. That Council Report No. AR21/7610 titled 'Council Development Inspection Requirements - Planning, Development and Infrastructure Act 2016' as presented on 16 March 2021 be noted.
2. That the current policy D150 – Building and Swimming Pool Inspection policy be rescinded.
3. That the following Practice Directions, as issued by the State Planning Commission under section 42 of the Planning, Development and Infrastructure Act 2016, be endorsed:
 - Practice Direction 8 – Council Swimming Pool Inspections 2019
 - Practice Direction 9 – Council Inspections 2020

CARRIED

24.4 ESTABLISHMENT OF COUNCIL BUILDING FIRE SAFETY COMMITTEE

RESOLUTION 2021/70

Moved: Cr Steven Perryman
Seconded: Cr Frank Morello

1. That Council Report No. AR21/9794 titled 'Establishment of Council Building Fire Safety Committee' as presented on 16 March 2021 be noted.
2. That Council rescind the current Building Fire Safety committee and associated Terms of Reference as formed under section 71 of the Development Act 1993
3. That Council establish a Building Fire Safety Committee as required under section 157 of the Planning, Development and Infrastructure Act 2016
4. Cr Jenner be appointed to the Building Fire Safety Committee.

CARRIED

24.5 COUNCIL ADVERTISING AND SIGNAGE POLICY A170

RESOLUTION 2021/71

Moved: Cr Frank Morello
Seconded: Cr Steven Perryman

1. That Council Report No. AR21/9953 titled 'Council Advertising and Signage Policy A170' as presented on 16 March 2021 be noted.
2. That, having considered its position on the erection of advertising and sponsorship signage on leased properties, Council hereby revokes Advertising and Signage Policy A170.



3. That Council grants 'deemed consent' for the installation of signage by community and sporting lessees occupying land owned by Council, except for signage that requires development approval.
4. Council administration to assess any proposals for the installation of signage that requires building rules consent.
5. That a policy be developed for the granting of landowner consent for those signs that require development approval.
6. That for the purpose of clarity Council does not consent to any sponsorship signage logos being placed on fences gates or other structures so as to face externally to the leased land or in the view of Council being so as to view externally to the leased land.
7. Clause 6 above is to be a key feature of the new landowner consent policy.

CARRIED

24.6 REGIONAL PUBLIC HEALTH PLAN 2021 - 2026 FEEDBACK

RESOLUTION 2021/72

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/14424 titled 'Regional Public Health Plan 2021 - 2026 Feedback' as presented on 16 March 2021 be noted.
2. That Council endorse the final Regional Public Health Plan 2021-2026 as attached.

CARRIED



24.7 CITY OF MOUNT GAMBIER SUBMISSION TO THE SOUTH AUSTRALIAN PUBLIC TRANSPORT AUTHORITY'S REGIONAL PUBLIC TRANSPORT REVIEW

MOTION

Moved: Cr Sonya Mezinec

Seconded: Cr Frank Morello

1. That Council Report No. AR21/11054 titled 'City of Mount Gambier submission to the South Australian Public Transport Authority's Regional Public Transport Review ' as presented on 16 March 2021 be noted.
2. Council forward to the South Australian Public Transport Authority, the submission as attached to Report No. AR21/11054 by the extended submission date of 19 March 2021.

AMENDMENT

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. A members workshop be convened for available members to provide further input to the draft and subject to that workshop the Chief Executive Officer be authorised to finalise the submission prior to March 19 deadline.

The Amendment was put and

CARRIED

The Amendment became the Motion

RESOLUTION 2021/73

Moved: Cr Steven Perryman

Seconded: Cr Paul Jenner

1. A members workshop be convened for available members to provide further input to the draft and subject to that workshop the Chief Executive Officer be authorised to finalise the submission prior to March 19 deadline.

CARRIED

24.8 RED BULL UCI PUMP TRACK TIER 2 SPONSORSHIP 22 AND 23 MAY 2021

RESOLUTION 2021/74

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

1. That Council Report No. AR21/12015 titled 'Red Bull UCI Pump track Tier 2 Sponsorship 22 and 23 May 2021' as presented on 16 March 2021 be noted.
2. That Council support the 2021 Red Bull UCI pump track event to be hosted in Mount Gambier in May 2021 to the value of \$12,000 cash and \$6,500 in kind an increase of \$2000 cash and \$3000 in kind form approved 2020/2021 budget.
3. That Council write to Eleanor Barning acknowledging this significance of this event and confirm the additional sponsorship.

CARRIED



24.9 LAGUNARIA TREES - MITCHELL STREET

RESOLUTION 2021/75

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/12246 titled 'Lagunaria Trees - Mitchell Street' as presented on 16 March 2021 be noted.
2. Having had regard to the advice from the State Heritage Advisor, the issues raised by the land development and adjoining land owner, Council engage a qualified arborist to provide an independent report on the structural integrity of the trees and any future perceived problems of the trees, prior to determining if the trees should be retained or Development Approval sought for their removal.

CARRIED

Cr Christian Greco left the meeting at 7.31 pm

Cr Christian Greco returned to the meeting at 7.34 pm

24.10 UNSOLICITED PROPOSAL - RYDER CHESHIRE

RESOLUTION 2021/76

Moved: Cr Paul Jenner
Seconded: Cr Steven Perryman

1. That Council Report No. AR21/12279 titled 'Unsolicited Proposal - Ryder Cheshire ' as presented on 16 March 2021 be noted.
2. That the Ryder Cheshire Foundation proposal proceed to Stage 2 under Council's [Unsolicited Proposals Policy U900](#) to assess the feasibility of the proposal in greater detail, including consideration to alternate suitable locations.
3. That Council confirms commitment to a Sport, Recreation and Open Space Strategy including precinct master planning to include the Ryder Cheshire Foundation proposal as a potential future use for Corriedale Park in public consultation, and that formal consideration of Corriedale Park as a site for the Ryder Cheshire Foundation proposal be deferred until public consultation on the master plan has been conducted and submissions received.
4. That a further Council report be prepared for Stage 2 consideration of the Ryder Cheshire Foundation proposal being progressed to Stage 3.

CARRIED



25 MOTIONS WITH NOTICE

25.1 NOTICE OF MOTION - NATIONAL FARMER'S FEDERATION REGIONALISATION

RESOLUTION 2021/77

Moved: Cr Ben Hood

Seconded: Cr Frank Morello

1. That Council Report No. AR21/14709 titled 'Notice of Motion - National Farmer's Federation Regionalisation' as presented on 16 March 2021 be noted.
2. That Council support the National Farmer's Federation (NFF) Regionalisation Agenda 2021.
3. That Council write to the Hon. Michael McCormack MP, Minister for the Department of Infrastructure, Transport, Regional Development and Communications stating:
 - a. Council's support for the NFFs Regionalisation Agenda
 - b. Urge the Federal government to adopt the agenda's recommendations.
 - c. Request that the Limestone Coast region be considered as one of the 20 identified place-based regional development precincts by National Cabinet as recommended in the agenda.
4. Provide a copy of the above letter to Premier Steven Marshall, Minister for Regional Development David Basham, Federal Member for Barker Tony Pasin MP, Member for Mount Gambier Troy Bell MP and The Hon. Clare Scriven MLC and the Limestone Coast Regional Development Australia.
5. Council invite each of the 7 Limestone Coast Council's to co-sign the letter.

CARRIED

26 URGENT MOTIONS WITHOUT NOTICE

Nil

27 CONFIDENTIAL ITEMS OF COMMITTEES

27.1 CONFIDENTIAL ITEMS OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 9 MARCH 2021

27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01/03/2021 – REPORT NO. AR21/11450

RESOLUTION 2021/78

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 OAM L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, M McDonald, D Barber, T Coote, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 27.2 AR21/11450 Project Control Group (PCG) Progress Report - As at 01/03/2021.

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

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 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

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- tenders for the:
 - supply of goods, or
 - 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 specifically, the present matter relates to the execution of a signed contract between Council and Badge for the construction of the Wulanda Recreation and Convention Centre.

CARRIED

RESOLUTION 2021/79

Moved: Cr Ben Hood
Seconded: Cr Kate Amoroso

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 6.1 AR21/11450 Project Control Group (PCG) Progress Report - As at 01/03/2021 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) (b), (d) and (k) be kept confidential and not available for public inspection until that the item be reviewed 12 months after successful execution of the contract.



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

28 NEW CONFIDENTIAL ITEMS

28.1 QUESTION WITH NOTICE - WULANDA RECREATION AND CONVENTION CENTRE FUNDING – REPORT NO. AR21/14681

RESOLUTION 2021/80

Moved: Cr Paul Jenner

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 OAM L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, M McDonald, D Barber, T Coote, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.1 AR21/14681 Question With Notice - Wulanda Recreation and Convention Centre Funding.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (j) 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
- information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

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 received includes commercial lending terms and conditions the disclosure of which could reasonably be considered as conferring a commercial advantage on other 3rd party lenders and borrowers and could prejudice the commercial position of Council in accessing future borrowings. It is considered that the disclosure of this information would be contrary to the public interest, particularly in risking the attainment of best value in the securing of funds for community assets and services.

Further, the information anticipated to be tabled with this item is expected to be on a confidential basis by a public authority, namely the Local Government Finance Authority, creating a duty of confidence the disclosure of which would on balance be contrary to the public interest as it relates to that authorities detailed lending terms and conditions.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 15 minutes:

Purpose of the Suspension: To discuss Item 28.1 Wulanda Recreation and Convention Centre Funding.

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

Meeting Procedures were suspended at 7.54 pm

The Mayor sought the approval of at least two-thirds of the members present at the meeting to extend the suspension of meeting procedures for a further 15 minutes.

Purpose of the Suspension: To discuss Item 28.1 Wulanda Recreation and Convention Centre Funding.

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

Meeting Procedures were suspended at 8.16 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 8.58 pm



RESOLUTION 2021/81

Moved: Cr Sonya Meziniec
Seconded: Cr Ben Hood

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 28.1 AR21/14681 Question With Notice - Wulanda Recreation and Convention Centre Funding 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) (b), (d), (g) and (j) be kept confidential and not available for public inspection until a loan associated with the Wulanda Recreation and Convention Centre has been fully amortised or discharged or Council has ordered that the matter be released, whichever is the earlier; and, Council has been released from its duty of confidence by the 3rd party authority.
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

28.2 WULANDA RECREATION AND CONVENTION CENTRE - STAGE 3 - COMMUNITY REFERENCE GROUP - MEMBER SELECTION – REPORT NO. AR21/14861

RESOLUTION 2021/82

Moved: Cr Sonya Meziniec
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 OAM L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, M McDonald, D Barber, T Coote, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.2 AR21/14861 Wulanda Recreation and Convention Centre - Stage 3 - Community Reference Group - Member Selection.

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 the information to be received includes personal affairs.

CARRIED



RESOLUTION 2021/83

Moved: Cr Frank Morello
Seconded: Cr Ben Hood

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 28.2 AR21/14861 Wulanda Recreation and Convention Centre - Stage 3 - Community Reference Group - Member Selection 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) be kept confidential and not available for public inspection until a further order to be reviewed each year with the names of appointed members to be released following endorsement..
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

28.3 BLUE LAKE GOLF CLUB - DECEMBER 2020 QUARTERLY KPI REPORT – REPORT NO. AR21/8520

RESOLUTION 2021/84

Moved: Cr Sonya Meziniec
Seconded: Cr Ben Hood

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 OAM L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers B Cernovskis, M McDonald, D Barber, T Coote, M McCarthy, S McLean and M Telford be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 28.3 AR21/8520 Blue Lake Golf Club - December 2020 Quarterly KPI Report.

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

- 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 report attachment includes commercial information relating to the operations of the Blue Lake Golf Club the premature disclosure of which could reasonably be expected to confer advantage on a 3rd party and prejudice the commercial position of the Blue Lake Golf Club.



The public interest in the disclosure of this information is considered to be outweighed by the public benefit provided by the maintenance and management of the public land on which the golf course is located which is reliant on the continued successful operations of the Blue Lake Golf Club.

CARRIED

Pursuant to Section 75A of the Local Government Act 1999, Cr Greco disclosed a perceived conflict of interest in Item 28.3:

"The business I am employed at are a sponsor of the Blue Lake Golf Club and I receive a membership due to this."

Cr Greco informed the meeting of the manner in which he intends to deal with the perceived conflict of interest in Item 28.3 as follows:

"I do not plan to vote and will leave the Chamber."

In accordance with Section 75A of the Local Government Act 1999 Cr "Greco left the meeting for Item 28.3.

Cr Greco left the meeting at 9.05 pm

Cr Greco returned to the meeting at 9.16 pm

RESOLUTION 2021/85

Moved: Cr Sonya Meziniec

Seconded: Cr Steven Perryman

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 28.3 AR21/8520 Blue Lake Golf Club - December 2020 Quarterly KPI Report 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) (d) be kept confidential and not available for public inspection until 2 years have passed or the Blue Lake Golf Club has ceased operating, whichever is the earlier.
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

29 MEETING CLOSE

The Meeting closed at 9.17 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 April 2021.

.....
PRESIDING MEMBER

