

**MINUTES OF CITY OF MOUNT GAMBIER  
WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 13 JULY 2021 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Ben Hood, Cr Max Bruins, Cr Christian Greco,  
Cr Sonya Mezinec

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mrs S Philpott
	Acting General Manager City Infrastructure ( <i>via electronic means</i> )	- Ms B Cernovskis
	General Manager Shared Services	- Mr D Barber
	General Manager City Growth	- Mr T Coote
	Executive Administrator City Infrastructure	- Ms S Wilson

**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.**

**2 APOLOGY(IES)**

**COMMITTEE RESOLUTION**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinec

That the apologies from Cr Kate Amoroso, Cr Paul Jenner and Cr Morello be received.

**CARRIED**

**3 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Christian Greco

Seconded: Mayor Lynette Martin

That the minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 8 June 2021 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

**4 QUESTIONS WITHOUT NOTICE**

Nil



## 5 REPORTS

### 5.1 REVIEW OF FINANCIAL DELEGATIONS FOR THE WULANDA RECREATION AND CONVENTION CENTRE CONSTRUCTION CONTRACT

#### COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Mezinec

1. That Wulanda Recreation and Convention Centre Committee Report No. AR21/30397 titled 'Review of Financial Delegations for the Wulanda Recreation and Convention Centre Construction Contract' as presented on 13 July 2021 be noted.
2. Pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations the Chief Executive Officer recommends that Part 4 only of Resolution 2019/409 dated 17 December 2019, namely:
  4. *That the delegations relating to financial variations be as follows:*
    - a) *Site Superintendent / Project Manager – an increase in budget up to \$25,000; including cumulative changes*
    - b) *Project Control Group – an increase in budget from \$25,001 up to \$50,000; and*
    - c) *Regional Sport and Recreation Centre Committee – an increase in budget from \$50,001 up to \$100,000.*be revoked.
3. Council note the head delegations made to the Chief Executive Officer on 18 May 2021 pursuant to section 44 of the Local Government Act 1999 of various powers and functions including the powers under sections 36, 37 and 137 of the Local Government Act 1999, to enter into contracts and expend Council funds respectively in accordance with adopted budgets and policy provisions.
4. In accordance with the power in section 44(2)(a) of the Local Government Act 1999, Council delegates to the Wulanda Recreation and Convention Centre Committee the power under section 137 of the Local Government Act 1999 to expend Council funds to approve variations to the Wulanda Recreation and Convention Centre construction contract up to the value of \$150,000 per variation subject to expenditure being within the adopted project budget for the Wulanda Recreation and Convention Centre, with the Chief Executive Officer authorised to act immediately to give effect to any such committee decision.
5. That aggregate contract variations are to continue to be presented with monthly project updates to the Wulanda Recreation and Convention Centre Committee.

**CARRIED**

### 5.2 REVIEW OF CONFIDENTIALITY ORDERS

#### COMMITTEE RESOLUTION

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That Wulanda Recreation and Convention Centre Committee Report No. AR21/40974 titled 'Review of Confidentiality Orders' as presented on 13 July 2021 be noted.
2. That the duration of the following confidentiality orders be amended:

Meeting Date	Item	S90(3) grounds	Element kept Confidential	Order Duration	Proposed Duration
16/02/21	ITEM 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01/02/2021 – REPORT NO. AR21/6521	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	the item be reviewed 12 months after successful execution of the contract.	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.
16/3/21	ITEM 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01/03/2021 - REPORT NO. AR21/11450	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	that the item be reviewed 12 months after successful execution of the contract.	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.
23/03/21	ITEM 4.1 WULANDA RECREATION AND CONVENTION CENTRE FUNDING – REPORT NO. AR21/17395	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	that the item be reviewed 12 months after successful execution of the contract.	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.

**CARRIED**

## 6 CONFIDENTIAL ITEMS

### 6.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #8 - AS AT 06/07/2021 – REPORT NO. AR21/42663

#### COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

Seconded: Cr Sonya Meziniec

#### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Wulanda Recreation and Convention Centre Committee orders that all members of the public, except Mayor L Martin Councillors B Hood, M Bruins, C Greco and S Meziniec and Council Officers S Philpott, B Cernovskis, D Barber, T Coote and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 6.1 AR21/42663 Project Control Group (PCG) Progress Report #8 - As at 06/07/2021.

The Wulanda Recreation and Convention Centre Committee is satisfied that, pursuant to section 90(3) (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 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 Wulanda Recreation and Convention Centre Committee 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 disclosure of information associated with this report could reasonably be expected to prejudice the commercial position of the third party as the present matter relates to the signed contracts between Council, BADGE, Turner and Townsend, Design Inc and Rider Levett Bucknall for the construction of the Wulanda Recreation and Convention Centre. The disclosure of this information at this time is considered on balance to be contrary to the public's interest as it would unreasonably expose the sensitive interest of the third party.

**CARRIED**

### **COMMITTEE RESOLUTION**

Moved: Cr Christian Greco  
Seconded: Cr Max Bruins

### **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 AR21/42663 Project Control Group (PCG) Progress Report #8 - As at 06/07/2021 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) and (d) be kept confidential and not available for public inspection until 12 months after completion of the project.
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**



## 6.2 DESIGN SERVICES - CONSTRUCTION AND DEFECTS LIABILITY PERIOD - REPORT NO. AR21/43266

### COMMITTEE RESOLUTION

Moved: Cr Sonya Meziniec  
Seconded: Mayor Lynette Martin

### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Wulanda Recreation and Convention Centre Committee orders that all members of the public, except Mayor L Martin Councillors B Hood, M Bruins, C Greco and S Meziniec and Council Officers S Philpott, B Cernovskis, D Barber, T Coote and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 6.2 AR21/43266 Design Services - Construction and Defects Liability Period.

The Wulanda Recreation and Convention Centre Committee is satisfied that, pursuant to section 90(3) (b), (d), (g) and (h) 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
- legal advice

The Wulanda Recreation and Convention Centre Committee 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 is to include contractual terms, conditions, rates and budget the disclosure of which could reasonably prejudice the commercial position of Council and disclose commercial information of the proponent and breach an existing Confidentiality Order that remains in operation in relation to the information being considered, as well as legal advice relating to the matter.

**CARRIED**



**COMMITTEE RESOLUTION**

Moved: Cr Sonya Meziniec  
Seconded: Mayor Lynette Martin

**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 6.2 AR21/43266 Design Services - Construction and Defects Liability Period 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 (h) be kept confidential and not available for public inspection until services under a contract associated with the matter have been completed, with the name of the contractor and contract value only to be released following consideration by Council.
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**

**7 MEETING CLOSE**

The Meeting closed at 5.56pm.

The minutes of this meeting were confirmed at the Wulanda Recreation and Convention Centre Committee held on 10 August 2021.

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**PRESIDING MEMBER**

