

MINUTES OF SPECIAL COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Thursday 7 March, 2019 at 6:02 p.m.

PRESENT
Mayor Lynette Martin
Cr Sonya Mezinec
Cr Kate Amoroso
Cr Ben Hood
Cr Frank Morello
Cr Paul Jenner

COUNCIL OFFICERS
Acting Chief Executive Officer - Dr J Nagy
General Manager Community Wellbeing - Ms B Cernovskis
General Manager Council Business Services - Mrs P Lee
General Manager City Infrastructure - Mr N Serle
Manager Executive Administration - Mr M McCarthy
Media and Communications Coordinator - Ms S McLean

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.

1. APOLOGIES

Apologies received from Cr Bruins and Cr Greco.

That the apologies from Cr Bruins and Cr Greco be received.

Moved: Cr Jenner

Seconded: Cr Hood

Carried

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Cr Amoroso disclosed a material conflict of interest for Items 1 - 4:

"My resignation from the QEPT has yet to be received and accepted".

In accordance with Section 74(1)(b) of the Local Government Act 1999 Cr Amoroso did not participate in the meeting and left the room at 6:05 p.m.

Pursuant to Division 3 - Conflict of Interest, Section 74 of the Local Government Act 1999, Mayor Martin disclosed a material conflict of interest for Items 1 - 4:

"I have a family member who is a board member of the QEPT".

Mayor Martin asked Deputy Mayor Cr Mezinec to take the Chair for the remainder of the meeting.



In accordance with Section 74(1)(b) of the Local Government Act 1999 Mayor Martin did not participate in the meeting and left the room at 6:06 p.m.

Deputy Mayor Cr Meziniec took the chair.

Deputy Mayor Cr Meziniec noted that a quorum was no longer present.

The meeting was adjourned for want of a quorum until 6:30pm on 7 March 2019.

Meeting adjourned at 6:08pm



MINUTES OF SPECIAL COUNCIL MEETING (RE-ADJOURNED)

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Thursday 7 March, 2019 at 6:30 p.m.

(Resumed following adjournment at 6:08pm on 7 March, 2019 for want of a quorum)

PRESENT

Cr Sonya Mezinec
Cr Ben Hood
Cr Frank Morello
Cr Paul Jenner
Cr Steven Perryman

COUNCIL OFFICERS

Acting Chief Executive Officer	-	Dr J Nagy
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Infrastructure	-	Mr N Serle
Manager Executive Administration	-	Mr M McCarthy
Media and Communications Coordinator	-	Ms S McLean

Deputy Mayor Cr Mezinec took the chair for the resumption of the meeting (formerly adjourned at 6:08pm on 7 March 2019 for want of a quorum)



Consideration for Exclusion of the Public

Item No. 2.1

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Cr Sonya Meziniec, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Judy Nagy, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 1 *'Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements'*.

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) 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 and would on balance be contrary to the public interest

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.

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, any duty of confidence, or other legal obligation or duty.

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 the withholding the information outweighs the benefit to it of disclosure of the information.

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 and discussed relate to commercial information of 3rd parties, including whom Council reasonably expects it may negotiate and enter into arrangements with, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit 3rd parties and prejudice the Council's position in this matter

Item No.	Subject Matter	S90(3) Grounds
2.1	<i>'Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements-</i>	(b), (c) and (g)

Moved: Cr Jenner

Seconded: Cr Hood

Carried



2.1 Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements.

The Deputy 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 the designated informal gathering with the Queen Elizabeth Park Trust as held on 6 March 2019.

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

Meeting procedures suspended at 6:32 p.m.

The Deputy 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.

Meeting procedures resumed at 7:01 p.m.

The Deputy 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 further discuss the designated informal gathering with the Queen Elizabeth Park Trust as held on 6 March 2019.

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

Meeting procedures suspended at 7:05 p.m.

The Deputy 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.

Meeting procedures resumed at 7:14 p.m.

MOTION

That the Council recommend that the Queen Elizabeth Park Trust engage in a transparent process with the Blue Lake Golf Club including the provision of relevant information to enable an informed decision to be made on a viable operating model for the operation of the golf course including:

- relevant parts of the Wellplayed report
- an operating model
- detailed financial reports for the last 5 years



- known and anticipated infrastructure and maintenance expenditure for the golf course

Moved Cr Morello

Seconded Cr Perryman

LOST

The Deputy 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 further discuss the designated informal gathering with the Queen Elizabeth Park Trust as held on 6 March 2019.

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

Meeting procedures suspended at 7:32 p.m.

The Deputy 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.

Meeting procedures resumed at 7:50 p.m.

COUNCIL RESOLUTION

- (a) That the Council recommend that the Queen Elizabeth Park Trust engage in a transparent process with relevant stakeholders including the provision of relevant information to enable an informed decision to be made on a viable operating model for the operation of the golf course including:
- a meeting with Members of the golf club
 - relevant parts of the WellPlayed report that may be disclosed
 - an operating model
 - detailed financial reports for the last 5 years
 - known and anticipated infrastructure and maintenance expenditure for the golf course
 - a working party be formed including Council representation
 - minimum monthly reporting to Council commencing March 2019

Moved: Cr Morello

Seconded: Cr Perryman

Carried



Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 2.1 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
2.1	'Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements-	(b), (c) and (g)	Discussion and resolution (b) Resolution (a) to be released immediately with the public minutes of the meeting	Until: arrangements for the golf course has been resolved to the satisfaction of all current and potential future parties; and, Council has been released from its duty of confidence by the party that provided the information.

Moved: Cr Morello

Seconded: Cr Hood

Carried



Consideration for Exclusion of the Public

Item No. 2.2

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Councillors – Cr Sonya Meziniec, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Judy Nagy, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 2.2 *'QEPT WellPlayed Report and Documentation'*.

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) 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 and would on balance be contrary to the public interest

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.

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, any duty of confidence, or other legal obligation or duty.

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 the withholding the information outweighs the benefit to it of disclosure of the information.

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 and discussed relate to commercial information of 3rd parties, including whom Council reasonably expects it may negotiate and enter into arrangements with, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit 3rd parties and prejudice the Council's position in this matter

Item No.	Subject Matter	S90(3) Grounds
2.2	<i>'QEPT WellPlayed Report and Documentation'</i> - Report No. AR19/10346	(b), (c) and (g)

Moved: Cr Perryman

Seconded: Cr Hood

Carried



2.2 QEPT WellPlayed Report and Documentation Report No. AR19/10346

COUNCIL RESOLUTION

(a) That Council Report No. AR19/10346 titled '*QEPT WellPlayed Report and Documentation*' as presented to the Council on 7 March 2019 be noted.

Moved: Cr Hood

Seconded: Cr Perryman

Carried



Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 2.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
2.2	'QEPT WellPlayed Report and Documentation'- Report No. AR19/10304	(b), (c) and (g)	Discussion, and Attachments Resolution to be released immediately with the public minutes of the meeting	Until: arrangements for the golf course has been resolved to the satisfaction of all current and potential future parties; and, Council has been released from its duty of confidence by the party that provided the information

Moved: Cr Perryman

Seconded: Cr Hood

Carried



Consideration for Exclusion of the Public

Item No. 2.3

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Councillors – Cr Sonya Meziniec, Cr Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Judy Nagy, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 2.3 *‘Documents Relating to the Management of the Crater Lakes Area’*.

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) 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 and would on balance be contrary to the public interest

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.

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, any duty of confidence, or other legal obligation or duty.

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 the withholding the information outweighs the benefit to it of disclosure of the information.

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 matters to be discussed relate to existing leasing and land management arrangements entered into with Council and 3rd parties, potential future leasing and management arrangements that may be entered into with Council and 3rd parties that are yet to be negotiated, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit such parties and prejudice the Council’s position in this matter

Item No.	Subject Matter	S90(3) Grounds
2.3	<i>‘Documents Relating to the Management of the Crater Lakes Area’</i> - Report No. AR19/10304	(b), (c) and (g)

Moved: Cr Jenner

Seconded: Cr Perryman

Carried



2.3 Documents relating to the Management of the Crater Lakes Area QEPT Report No. AR19/10304

COUNCIL RESOLUTION

- (a) That Council Report No. AR19/10304 titled '*Documents relating to the Management of the Crater Lakes Area*' as presented to the Council on 7 March 2019 be noted.

Moved: Cr Perryman

Seconded: Cr Jenner

Carried



Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 2.3 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
2.3	<i>Documents Relating to the Management of the Crater Lakes Area</i> - Report No. AR19/10304	(b), (c) and (g)	Discussion and Attachments 1, 2 & 8 The Report, Attachments 3-7 and 9-12 and Resolution (a) are to be released immediately upon consideration by Council	Until: the matter of lease arrangements for the golf course has been resolved to the satisfaction of all current and potential future parties; and, Council has been released from its duty of confidence by the party that provided the information (Attachments 1, 2 & 8)

Moved: Cr Jenner

Seconded: Cr Perryman

Carried



Consideration for Exclusion of the Public

Item No. 2.4

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public (with the exception of Councillors – Cr Sonya Meziniec, Ben Hood, Cr Frank Morello, Cr Paul Jenner and Cr Steven Perryman and Council Officers – Judy Nagy, Pamela Lee, Barbara Cernovskis, Nick Serle, Sharny McLean and Michael McCarthy) be excluded from attendance at the meeting in order for the receipt, discussion and consideration in confidence of Agenda Item 4 *‘Consideration of media statement and appointing Council Member as a spokesperson on matters relating to the QEPT.*

The Council is satisfied that, pursuant to section 90(3) (b), (c) and (g) 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 and would on balance be contrary to the public interest

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.

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, any duty of confidence, or other legal obligation or duty.

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 the withholding the information outweighs the benefit to it of disclosure of the information.

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 and discussed relate to commercial information of 3rd parties, including whom Council reasonably expects it may negotiate and enter into arrangements with, and information provided to Council on a confidential basis creating a duty of confidence, the disclosure of Councils deliberations in this matter may benefit 3rd parties and prejudice the Council’s position in this matter

Item No.	Subject Matter	S90(3) Grounds
2.4	<i>‘Consideration of media statement and appointing Council Member as a spokesperson on matters relating to the QEPT</i>	(b), (c) and (g)

Moved: Cr Jenner

Seconded: Cr Hood

Carried



2.4 Consideration of Media Statement and Appointing a Council Member as a Spokesperson on Matters Relating to the QEPT - Report No. AR19/10534

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

Purpose of the Suspension: For discussion in relation to a media statement and Council spokesperson the designated informal gathering with the Queen Elizabeth Park Trust as held on 6 March 2019.

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

Meeting procedures suspended at 8:05 p.m.

The Deputy 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.

Meeting procedures resumed at 8:33 p.m.

COUNCIL RESOLUTION
(a) That Council Report No. AR19/10534 titled ' <i>Consideration of Media Statement and appointing a Council Member as a spokesperson on matters relating to the QEPT</i> ' as presented to the Council on 7 March 2019 be noted.

Moved: Cr Hood

Seconded: Cr Morello

Carried

Meeting closed at 8:34 p.m.

AR19/10804

