

**MINUTES OF CITY OF MOUNT GAMBIER  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 23 AUGUST 2022 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello

<b>OFFICERS IN ATTENDANCE:</b>	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 Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Miss M Brookes
	Executive Administrator	- Mrs A Pasquazzi

**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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.**

**2 APOLOGIES**

**RESOLUTION 2022/139**

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

That the apology from Cr Kate Amoroso be received.

**CARRIED**

**3 LEAVE OF ABSENCE**

Nil



## 4 NEW CONFIDENTIAL ITEMS

### 4.1 WULANDA RECREATION AND CONVENTION CENTRE - OPERATIONAL MATTERS – REPORT NO. AR22/56796

#### RESOLUTION 2022/140

Moved: Cr Frank Morello

Seconded: Cr Sonya Mezinec

#### 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, Consultant C Foreman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, J Scoggins, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR22/56796 Wulanda Recreation and Convention Centre - Operational Matters.

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

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 for consideration with this agenda item has been provided on a confidential basis creating a duty of trust, and further, is information of a commercial nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the Council or confer advantage on a third party, and would reveal the commercial information of a third party. The public interest in the release of this information is outweighed by the objective of protecting Council from litigation for breach of confidence and obtaining best value in the negotiation and delivery of contractual services on behalf of the community.

**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 4.1 - Wulanda Recreation and Convention Centre - Operational Matters.

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

Meeting Procedures were suspended at 5:32 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 6:07 pm.

### **RESOLUTION 2022/141**

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

### **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 4.1 AR22/56796 Wulanda Recreation and Convention Centre - Operational Matters 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 (g) be kept confidential and not available for public inspection until the provider of the information has released Council from its duty of confidence, with the relevant fees and charges and associated resolution to be released immediately upon notification to the operator.
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**

Cr Ben Hood left the meeting at 6:11 pm



#### 4.2 WULANDA RECREATION AND CONVENTION CENTRE - CONTRACTUAL AND FINANCIAL MATTERS – REPORT NO. AR22/56817

##### RESOLUTION 2022/142

Moved: Cr Frank Morello

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, Consultant C Foreman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, J Scoggins, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.2 AR22/56817 Wulanda Recreation and Convention Centre - Contractual and Financial Matters.

The Council 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 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 for consideration with this item relates to commercial contracts between Council and contractors for the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council and third parties and is considered on balance to be contrary to the public interest as it could reasonably be expected to prejudice the Councils position in obtaining best value project delivery on behalf of the community.

**CARRIED**

Cr Ben Hood returned to the meeting at 6:12 pm

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 4.2 - Wulanda Recreation and Convention Centre - Contractual and Financial Matters.

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



Meeting Procedures were suspended at 6:13 pm.

Cr Ben Hood left the meeting at 6:22 pm

Cr Ben Hood returned to the meeting at 6:22 pm

Cr Max Bruins left the meeting at 6:43 pm

Cr Max Bruins returned to the meeting at 6:44 pm

Cr Christian Greco left the meeting at 6:54 pm

Cr Christian Greco returned to the meeting at 6:55 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 7:00 pm

#### **RESOLUTION 2022/143**

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 4.2 AR22/56817 Wulanda Recreation and Convention Centre - Contractual and Financial Matters 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 further order of Council, or determination by the Chief Executive Officer to release, in part or full, with the contract price to be released upon execution of relevant documents.
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**

## **5 MEETING CLOSE**

**The Meeting closed at 7:14 pm.**



**The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 20 September 2022.**

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**PRESIDING MEMBER**

