

**MINUTES OF CITY OF MOUNT GAMBIER ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 20 APRIL 2021 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Mezinec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood and Cr Paul Jenner

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
	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.

2 APOLOGIES

RESOLUTION 2021/91

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

That the apology from Cr Frank Morello and Cr Steven Perryman be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2021/92

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 16 March 2021, the Special Council meeting held on 11 March 2021, the Special Council Meeting held on 16 March 2021 and the Special Council meeting held on 23 March 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED



5 MAYORAL REPORT

- Weekly LCLGA Mayor's Virtual Meeting
- Paraquad SA Meeting
- Opening of Exhibitions at Riddoch Art and Cultural Centre: Subliminal and Shifting Art
- Radio Interview with 5GTR-FM
- Presentation to Year 4/5 Students at McDonald Park School
- Special Meeting of Council – Wulanda Recreation and Convention Centre
- Elected Members Workshop – Annual Budget Preparation
- Filming – Open Space Project
- Presentation at Limestone Coast Leadership Program
- Weekly LCLGA Mayor's Virtual Meeting
- Key 2 Real Estate – Official Opening
- Flag Off at City of Mount Gambier 8 Hour Pedal Prix
- Official Opening St John's Mount Gambier Centre
- Presentation Dinner – Lions Club of Blue Lake City Lioness Charter
- Attendance at Arrival of First QantasLink flight into Mount Gambier
- Meeting with James Morrison Music Academy
- Presentation by Mayor Martin to Mount Gambier High School Flexible Learning Students
- Stand Like Stone – Back to School Presentation
- Elected Members Workshop – Wulanda Branding – Return Brief
- Elected Members Workshop – Effects on the Timber Industry – China Ban – GTFIH
- Presentation of Awards - Easter Showjumping Festival – Blue Lake Sports Park
- People and Place Committee Meeting
- Elected Members Workshop – Annual Budget Preparation
- LCLGA General Meeting – Naracoorte Lucindale Council
- Elected Member Workshop – Strategic Planning
- RFDS Mount Gambier Support Group – Fundraiser Dinner at the Drome
- 60 Year Celebration of Kimberly-Clark Millicent Mill
- Meeting re Mount Gambier Private Hospital, Member for Mount Gambier, Member for Barker
- Wulanda Recreation and Convention Centre Committee Meeting
- Yazidi New Year Festival
- Members Workshop – Annual Budget Preparation
- Virtual Meeting LGA Sector Briefing with Premier Steven Marshall and Deputy Premier Vickie Chapman
- Radio Interview 5GTR-FM

RESOLUTION 2021/93

Moved: Mayor Lynette Martin
Seconded: Cr Ben Hood

That the Mayoral report made on 20 April 2021 be received.

CARRIED



6 REPORTS FROM COUNCILLORS

Cr Max Bruins	Royal Flying Doctor Service Fundraising Dinner
Cr Ben Hood	Royal Flying Doctor Service Fundraising Dinner
Cr Paul Jenner	2 Regional Roads Transport Meetings Group Training Employment Board Meeting

RESOLUTION 2021/94

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

That the reports made by Councillors on 20 April 2021 be received.

CARRIED

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

10.1 DEPUTATION - MR TONY ELLETSON, LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION STARCLUB FIELD OFFICER AND LIMESTONE COAST REGIONAL SPORTS ACADEMY

RESOLUTION 2021/95

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/21960 titled 'Deputation - Mr Tony Elletson, Limestone Coast Local Government Association STARCLUB Field Officer and Limestone Coast Regional Sports Academy' as presented on 20 April 2021 be noted.

CARRIED



10.2 DEPUTATION- OLIVIA LUCY-ANNE LAUTERBACH AND IMOGEN MADELINE MARGARET LINES - POSSIBLE CHILDREN'S PLAYGROUND - MATTHEW FLINDERS RESERVE

RESOLUTION 2021/96

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That the deputation from Olivia Lucy-Anne Lauterback and Imogen Madeline Margaret Lines be noted.

CARRIED

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER WORKSHOP FROM 11/03/2021 TO 16/04/2021

RESOLUTION 2021/97

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Council Report No. AR21/1604 titled 'Elected Member Workshop from 11/03/2021 to 16/04/2021' as presented on 20 April 2021 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

13.1 MEMBER TRAINING REQUEST - CR PAUL JENNER - PUBLIC LIGHTING WORKING GROUP WORKSHOP

RESOLUTION 2021/98

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That Council Report No. AR21/22433 titled 'Member Training Request - Cr Paul Jenner - Public Lighting Working Group workshop' as presented on 20 April 2021 be noted.
2. That, having considered the cost and benefit to Council and having determined that attendance at Public Lighting Working Group workshop is directly or closely related to the performance or discharge of the roles or duties of a Member of Council;
 - (a) Council support the attendance of Cr Paul Jenner at the Public Lighting Working Group workshop in Adelaide on Friday 4 June 2021.



- (b) Costs associated with travel and accommodation for attendance be reimbursed/borne by Council up to the value of \$500.
- (c) Cr Paul Jenner submit a written report for presentation at the Member Reports agenda item at the next practicable Council meeting, in accordance with Council Policy M500.

CARRIED

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 16/03/2021

RESOLUTION 2021/99

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

1. That Council Report No. AR21/1581 titled 'Council Action Items - 16/03/2021' as presented on 20 April 2021 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE PEOPLE AND PLACE COMMITTEE HELD ON 6 APRIL 2021

RESOLUTION 2021/100

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

That the Minutes of the People and Place Committee meeting held on 6 April 2021 as attached be noted.

CARRIED



**16.2 POLICY REVIEW - D230 - DONATIONS AUTHORITY TO APPROVE REQUESTS -
REPORT NO. AR21/18417**

RESOLUTION 2021/101

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That People and Place Committee Report No. AR21/18417 titled 'Policy Review - D230 - Donations Authority to Approve Requests' as presented on 06 April 2021 be noted.
2. That the updated Council Policy D230 - Donations Authority to Approve Requests as attached to Report No. AR21/18417 be endorsed.

CARRIED

**16.3 PROGRESS REPORT - SPORT, RECREATION AND OPEN SPACE STRATEGY -
REPORT NO. AR21/18899**

RESOLUTION 2021/102

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR21/18899 titled 'Progress Report - Sport, Recreation and Open Space Strategy' as presented on 06 April 2021 be noted.

CARRIED

**16.4 LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM - REPORT
NO. AR21/18903**

RESOLUTION 2021/103

Moved: Cr Paul Jenner
Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR21/18903 titled 'Local Government Infrastructure Partnership Program' as presented on 06 April 2021 be noted.

CARRIED



**17 WULANDA AND RECREATION AND CONVENTION CENTRE COMMITTEE
MINUTES AND RECOMMENDATIONS**

**17.1 MINUTES OF THE WULANDA RECREATION AND CONVENTION CENTRE
COMMITTEE HELD ON 13 APRIL 2021**

RESOLUTION 2021/104

Moved: Cr Ben Hood
Seconded: Cr Christian Greco

That the Minutes of the Wulanda Recreation and Convention Centre Committee meeting held on 13 April 2021 as attached be noted.

CARRIED

18 COUNCIL ASSESSMENT PANEL MINUTES

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

RESOLUTION 2021/105

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

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

CARRIED

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

Nil

20 AUDIT COMMITTEE MINUTES AND RECOMMENDATIONS

20.1 MINUTES OF THE AUDIT COMMITTEE HELD ON 12 APRIL 2021

RESOLUTION 2021/106

Moved: Cr Sonya Meziniec
Seconded: Cr Christian Greco

That the Minutes of the Audit Committee meeting held on 12 April 2021 as attached be noted.

CARRIED



20.2 REVIEW OF TERMS OF REFERENCE - REPORT NO. AR21/20133

RESOLUTION 2021/107

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/20133 titled 'Review of terms of reference' as presented on 12 April 2021 be noted.
2. That the Audit Committee terms of reference be reviewed and presented to next meeting.

CARRIED

20.3 AUDIT COMMITTEE WORKS PROGRAM - REPORT NO. AR21/19856

RESOLUTION 2021/108

Moved: Cr Sonya Meziniec
Seconded: Cr Kate Amoroso

1. That Audit Committee Report No. AR21/19856 titled 'Audit Committee Works Program' as presented on 12 April 2021 be noted.

CARRIED

20.4 QUARTERLY BUDGET REVIEW 2 - 2020/21 - REPORT NO. AR21/19238

RESOLUTION 2021/109

Moved: Cr Sonya Meziniec
Seconded: Cr Max Bruins

1. That Audit Committee Report No. AR21/19238 titled 'Quarterly Budget Review 2 - 2020/21' as presented on 12 April 2021 be noted.
2. That the Audit Committee note the adoption of the following resulting from the second quarterly Budget Review for 2020-21:
 - A \$34,996,000 forecast capital expenditure, representing a \$2,801,000 change from the original budget capital expenditure of \$37,797,000 (Item B and C), including a Budget revision carry over to 2020/21 of \$1,856,000 (Item A), an anticipated carry-over to 2021/22 of \$2,668,000 and a change of \$3,522,000 in relation to the construction of the Wulanda Recreation and Convention Centre (Item D);
 - \$1,230,000 forecasted operating deficit, representing a \$363,000 decreased deficit from the original budget operating deficit of \$1,593,000;
 - A \$11,632,000 forecast net surplus, representing a \$813,000 increase from the original budget net surplus of \$10,819,000; and
 - No impairment expense within other comprehensive expenses at BR2.

CARRIED



**20.5 INTERNAL CONTROLS - PROPOSED BUDGET PROCESS IMPROVEMENTS -
REPORT NO. AR21/19525**

RESOLUTION 2021/110

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

1. That Audit Committee Report No. AR21/19525 titled 'Internal Controls - Proposed Budget process improvements' as presented on 12 April 2021 be noted.

CARRIED

**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 FUNDING LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM
PROJECT**

RESOLUTION 2021/111

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/21155 titled 'Funding Local Government Infrastructure Partnership Program Project' as presented on 20 April 2021 be noted.
2. Following receipt of an invitation to participate in the Local Government Finance Authority's LGIPP discounted loan package, Council authorises the execution of an annexure to Convertible Cash Advance Debenture (CAD) 104 loan agreement including authorising the Chief Executive Officer and Mayor to sign and affix Council's Common Seal to any documents to enact this decision, noting the effect of the annexure is that a discounted interest rate of 1.30% (being 0.75% off the Local Government Finance Authority's current standard variable rate of 2.05%) will apply to a portion (\$0.8M) of CAD 104 and is for a three-year term from date of establishment.

CARRIED



25 MOTIONS WITH NOTICE

25.1 NOTICE OF MOTION - WULANDA RECREATION AND CONVENTION CENTRE MEMBERSHIP

The motion associated with Item 25.1 lapsed for want of a mover.

26 URGENT MOTIONS WITHOUT NOTICE

Nil

27 CONFIDENTIAL ITEMS OF COMMITTEES

27.1 CONFIDENTIAL ITEMS OF THE PEOPLE AND PLACE COMMITTEE HELD ON 6 APRIL 2021

27.2 ROAD OPENING PROCESS - PINEHALL AVENUE - REPORT NO. AR21/12277

RESOLUTION 2021/112

Moved: Cr Max Bruins

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 and P Jenner 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 AR21/12277 Road Opening Process - Pinehall Avenue.

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

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.

- information relating to:
 - actual litigation, or
 - litigation that the Council or Council committee believes on reasonable grounds will take place,
 - involving the Council or an employee of the Council

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 relates to the compulsory acquisition of land for road opening purposes for which the owner has not engaged in negotiations and it is reasonably considered will result in litigation.

CARRIED

RESOLUTION 2021/113

Moved: Cr Max Bruins

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 6.1 AR21/12277 Road Opening Process - Pinehall Avenue 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), (d) and (i) be kept confidential and not available for public inspection until the acquisition of the subject land has been settled and any court actions finalised.
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



27.3 CONFIDENTIAL ITEMS OF THE AUDIT COMMITTEE HELD ON 12 APRIL 2021

27.4 TENDER FOR EXTERNAL AUDIT SERVICES FOR FY2022 TO FY2025 - REPORT NO. AR21/20765

RESOLUTION 2021/114

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 and P Jenner 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 27.4 AR21/20765 Tender for External Audit Services for FY2022 to FY2025.

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

- 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 this item relates to the discussion and recommendation of tenders for external audit services.

CARRIED

RESOLUTION 2021/115

Moved: Cr Max Bruins
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 6.1 AR21/20765 Tender for External Audit Services for FY2022 to FY2025 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) (k) be kept confidential and not available for public inspection until two years after the recommendation of external audit services.
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



27.5 CONFIDENTIAL ITEMS OF THE WULANDA RECREATION AND CONVENTION CENTRE COMMITTEE HELD ON 13 APRIL 2021

27.6 WULANDA RECREATION AND CONVENTION CENTRE BRANDING - REPORT NO. AR21/19990

RESOLUTION 2021/116

Moved: Cr Ben Hood

Seconded: Cr Paul Jenner

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 and P Jenner 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 27.6 AR21/19990 Wulanda Recreation and Convention Centre Branding.

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

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.

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 disclosure of information associated with this report could benefit one or more participants bidding for the provision of Council services and prejudice Council's bargaining in this area. It would potentially be of detriment to the Council in achieving best value for the provision of services to release this information at this time. The disclosure of this information at this time is considered on balance to be contrary to the public's interest as it would prejudice the Council in obtaining best value services on behalf of our community.

CARRIED



RESOLUTION 2021/117

Moved: Cr Paul Jenner

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 5.1 AR21/19990 Wulanda Recreation and Convention Centre Branding 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 two years have elapsed. The information relating to the name of the successful provider and contract value is to be released to the public following the execution of a signed contract with the chosen company.
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

**27.7 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 05/04/2021 -
REPORT NO. AR21/20559**

RESOLUTION 2021/118

Moved: Cr Sonya Meziniec

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 OAM L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood and P Jenner 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 27.7 AR21/20559 Project Control Group (PCG) Progress Report - As at 05/04/2021.

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

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.

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 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

RESOLUTION 2021/119

Moved: Cr Ben Hood

Seconded: Cr Christian Greco

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 5.2 AR21/20559 Project Control Group (PCG) Progress Report - As at 05/04/2021 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



27.8 WULANDA RECREATION AND CONVENTION CENTRE - STAGE 3 COMMUNITY REFERENCE GROUP - MEMBERSHIP RECOMMENDATIONS - REPORT NO. AR21/16985

RESOLUTION 2021/120

Moved: Cr Ben Hood
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 and P Jenner 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 27.8 AR21/16985 Wulanda Recreation and Convention Centre - Stage 3 Community Reference Group - Membership Recommendations.

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 contained and to be discussed includes personal affairs of the proposed Community Reference Group members.

CARRIED

RESOLUTION 2021/121

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 5.3 AR21/16985 Wulanda Recreation and Convention Centre - Stage 3 Community Reference Group - Membership Recommendations 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 NEW CONFIDENTIAL ITEMS

28.1 COUNTRY ARTS SA - SIR ROBERT HELPMANN THEATRE MASTER PLAN - REPORT NO. AR21/21895

RESOLUTION 2021/122

Moved: Cr Sonya Mezinec

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 OAM L Martin, Councillors S Mezinec, K Amoroso, M Bruins, C Greco, B Hood and P Jenner 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 AR21/21895 Country Arts SA - Sir Robert Helpmann Theatre Master Plan.

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 matters for consideration include information provided in-confidence by another public authority thus creating a duty of confidence, as well as information that, if disclosed, could prejudice the commercial position of the Council in negotiations as well as confer an advantage on a third party with whom Council may be proposing to enter into a contractual arrangements.

CARRIED



RESOLUTION 2021/123

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 28.1 AR21/21895 Country Arts SA - Sir Robert Helpmann Theatre Master Plan 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 the proposal has been fully executed or 12 months after Council has abandoned any actions in relation to the proposal, 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 6.58 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 May 2021.

.....
PRESIDING MEMBER



Deposition to Mt Gambier Council 20 April 2021 advocating for outdoor playgrounds.

Imogen: Good evening your worship the mayor, councillors and staff.

Imogen: I am Imogen Madeline Margaret Lines of Stuart Court

Olivia: and I am Olivia Lucy-Ann Lauterbach of Stuart Court

Imogen: Council is building the very grand Wulanda Centre - an indoor community space for all ages and abilities. It will provide substantial year round indoor facilities for us all. Thank you.

Olivia: So why bother with playgrounds?

Well they are an essential tool in our development.

They are so much more than fun and games.

Families gather, children climb, slide, swing, laugh, shout and the benefits will continue to improve our lives.

Imogen: Physical activity builds stronger muscles and bones. It builds hearts and lungs and helps out fitness.

A playground is the best way to have fun and be healthy at the same time.

Olivia: Time spent outdoors on a playground is time spent away from screens.

Imogen: A playground builds Self-Confidence, Self-Esteem and relationships.

Imogen: But why outdoor play?

It is very good value for council's money.

Scientists suggest that the health benefits of moderate daily sun exposure may in fact outweigh the risks by:

- lowering blood pressure.
- improving our bones.
- improving our brains.
- easing mild depression.
- improves our sleep.
- heals some skin disorders.
- boosts growth in young children.
- helps us fight infections.
- reduces risk of certain cancers.

Olivia: We both live in Stuart Court which although it is a small street has 12 children plus visiting kids and families.

50 more homes are being developed very nearby.

Imogen: The Mathew Flinders reserve very near us is empty and we are:

- 3.6 km from the Wulanda Centre
- 9.6 km from the valley lakes playground
- 3.2 km from the railway lands play area
- 2.5 km from Vansittart Park playground and
- 1.2 km to the nearest small neighbourhood playgrounds

Roads to these areas are busy and most do not have footpaths or have cars parked on them making us use the roads with our bikes and scooters.

Olivia: Please do not drop new outdoor playgrounds from your budget or grants.

Thank you for listening to our issue.