

**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 16 MAY 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Sonya Meziniec, Cr Jason Virgo

OFFICERS IN ATTENDANCE:

Chief Executive Officer	- Mrs S Philpott
General Manager City Infrastructure	- Ms B Cernovskis
General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
General Manager City and Community Growth	- Mrs Sue La Greca
Manager Governance and Property	- Mr M McCarthy
Manager Financial Services	- Mrs J Scoggins
Communications Officer	- Ms M Brookes
Executive Administrator	- Ms S Wilson

RESOLUTION 2023/91

Moved: Cr Max Bruins
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 the Mayor, Councillors and S Philpott, B Cernovskis, J Fetherstonhaugh, S La Greca, M McCarthy, J Scoggins, M Brookes and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/28946 Telstra Co-investment Proposal for Mobile Blackspots.

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 considered includes reports provided to Council containing commercial information creating a duty of confidence, and including information from a public authority, the premature disclosure of which could confer an advantage on third parties and prejudice the commercial position of Council in negotiations, and be contrary to the public interest in achieving optimal investment outcomes and value.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 23.1.

Cr Lynagh informed the meeting:

- Nature of Interest:

“I work for Hon. Clare Scriven, the Minister for Regional Development and Forest Industries. Both the RDALC and SAFPA are involved in this proposal.”

- Intention to Participate:

“I intend to stay in the meeting and vote on the matter. I will not be engaging in discussion or debate on the matter.”

- Reason for Participating:

“The result of the motion, one way or the other, has no effect on myself or my employed position in any way.”

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 23.1.



RESOLUTION 2023/92

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/28946 titled 'Telstra Co-investment Proposal for Mobile Blackspots' as presented on 16 May 2023 be noted.
2. That subject to:
 - (a) Further guarantees of coverage to ensure value for money;
 - (b) Clarification that payment terms will be over two (2) financial years; and
 - (c) Telstra being successful in receiving grant funding under the Australian Government Better Connectivity Plan,

Council agree to in principal support of:

- (i) a contribution of 5% of the total cost of a new 5G Mobile Phone Tower in the vicinity of Conroe Heights with a contribution of no greater than \$60,000;
- (ii) a contribution of 2.5% of the total cost of a new 5G Mobile Phone Tower in the vicinity of Caroline with a contribution of no greater than \$60,000, subject to the District Council of Grant making a 2.5% contribution.

CARRIED

Having participated in the meeting for Item 123.1 under Section 75B Cr Lynagh voted in favour of the motion.

RESOLUTION 2023/93

Moved: Cr Max Bruins
Seconded: Cr Jason Virgo

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 23.1 AR23/28946 Telstra Co-investment Proposal for Mobile Blackspots and its attachments, 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 an appropriate agreement has been executed releasing Council from its duty of confidence or Telstra provide express permission to release the information, 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

