

**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 20 JUNE 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Mark Lovett, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Mezinec, 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 S La Grace
Manager Governance and Property	- Mr M McCarthy
Manager Financial Services	- Mrs J Scoggins
Media and Communications Coordinator	- Ms S McLean
Communications Officer	- Ms M Brookes
Executive Administrator	- Mrs S Dohnt

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23.1 RAA EV CHARGING STATION PROJECT – REPORT NO. AR23/30191

RESOLUTION 2023/106

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

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, S McLean, M Brookes and S Dohnt be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/30191 RAA EV Charging Station Project.

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 matter to be considered includes the proponents information which is of a commercially sensitive nature. The premature disclosure, including discussion in public forum, could reasonably be expected to prejudice or benefit 3rd parties, including Council in its commercial negotiations which would on balance be contrary to the public interest in achieving commercial arrangements and good community outcomes associated with the proposed use of Council land.

CARRIED

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

In accordance with Section 75B Cr Morello informed the meeting:

Nature of Interest:

“Employed by Country Arts SA, co-owner of the Sturt Street car park, the proposed site for the RAA charging stations”

Intention to Participate:

“Remain in meeting and participate in the debate”.

Reason for Participating:

“No personal benefit”.



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

RESOLUTION 2023/107

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

1. That Council Report No. AR23/30191 titled 'RAA EV Charging Station Project' as presented on 20 June 2023 be noted.
2. That Council endorse the alternate location as shown in Attachment 3 and described in Report No. AR23/30191 for installation by RAA of a Tier 1 EV Charging Station, with a preference for a Flagship EV Charging Station if it is able to be accommodated with existing electrical supply and infrastructure within contractual timeframes.

Noting:

- (a) The initial term being for 10 years, with a further 2 right of renewal periods of 5 years on the same terms and conditions.
 - (b) consideration (i.e. rental) being waived for the initial and renewal terms
 - (c) The proponent being responsible at all times during the installation and initial and any renewal terms for any and all capital, operating and other expenses, outgoings, rates and taxes (or similar) as may arise in relation to the occupation, infrastructure, use and activities on the subject land.
3. That engagement on the RAA proposal in resolution 2 comprise:
Notification (including to immediate neighbours and public) on the proposal to grant exclusive possession to the RAA to install an EV Charging Station on the subject site, to occur once an agreement has been entered into and detailed specifications have been determined, to occur prior to any siteworks commencing
 4. That the Chief Executive Officer and Mayor be authorised to finalise and execute, including affixation of the Council Seal, any documents necessary or incidental to the grant of exclusive occupation described in resolution 2.

CARRIED

Having participated in the meeting for 23.1 Cr Morello voted in favour of the motion.

RESOLUTION 2023/108

Moved: Cr Max Bruins

Seconded: Cr Sonya Mezinac

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 AR23/30191 RAA EV Charging Station Project 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) and (g) be kept confidential and not available for public inspection until 36 months have elapsed since the proponents last dealings with Council on the proposal, or 12 months after an agreement and any renewal or

extended term has expired and not been renewed, whichever is the later, with the resolutions to be released upon the execution by all parties of an agreement and a joint public announcement having been made on the proposal.

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

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