

**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 23 JANUARY 2024 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, 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
Manager Governance and Property	- Mr M McCarthy
Manager Financial Services	- Mrs J Scoggins
Manager Strategic Projects	- Ms T McPherson
Manager Development Services	- Mrs T Tzioutziouklaris
Communications Officer	- Ms M Brookes
Executive Administrator	- Mrs A Pasquazzi

## 23 NEW CONFIDENTIAL ITEMS

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 Frank Morello informed the meeting:

Nature of Interest:

*Employed by Country Arts SA, Co-owner of the subject land with City of Mount Gambier.*

In accordance with Section 75B of the Local Government Act 1999 Cr Frank Morello left the meeting at 6:59 pm.

### 23.1 RAA EV CHARGING STATION PROJECT – REPORT NO. AR24/2636

#### RESOLUTION 2024/19

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 the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR24/2636 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 relates to a proposal that Council has already considered and kept confidential creating a duty of confidence, actions associated with which are yet to be formally implemented that will partially release 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**

#### **RESOLUTION 2024/20**

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

1. That Council Report No. AR24/2636 titled 'RAA EV Charging Station Project' as presented on 23 January 2024 be noted.
2. That Council endorse the additional area shown in Attachment 1 and described in Report No. AR24/2636 for installation by RAA of a Flagship EV Charging Station on the same terms and conditions as endorsed by Council at the June 2023 Council meeting.

**CARRIED**



**RESOLUTION 2024/21**

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 AR24/2636 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**

Cr Frank Morello returned to the meeting at 7:05 pm.

