



City of
Mount Gambier

Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

I hereby give notice that a Council Meeting will be held on:

Date: Tuesday, 20 February 2024
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

**Council Meeting
20 February 2024**

**Sarah Philpott
Chief Executive Officer
16 February 2024**

23.2 QUESTION WITH NOTICE - UNSOLICITED PROPOSAL - PROPERTY THIRD PARTY PROPOSAL – REPORT NO. AR24/6186

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 23.2 AR24/6186 Question With Notice - Unsolicited Proposal - Property Third Party Proposal.

The Council is satisfied that, pursuant to section 90(3) (a), (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 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
- 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 and discussed, if conducted in open could reveal confidential 3rd party commercial information, and confer advantage on 3rd parties, and prejudice the Council's commercial position in obtaining best value for the community.

23.2 QUESTION WITH NOTICE - UNSOLICITED PROPOSAL - PROPERTY THIRD PARTY PROPOSAL

Meeting: Council
CM9 Reference: AF13/64
Member: Max Bruins, Councillor

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- (b) 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
- (d) 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 following question on notice was received from Councillor Max Bruins.

Question

Can we please be provided with an update on where discussions / negotiations / valuations are at in relation to the Icehouse and the unsolicited proposal.

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding Unsolicited Proposal - Property Third Party Proposal raised by Councillor Max Bruins be received and noted.

ATTACHMENTS

Nil



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 23.2 AR24/6186 Question With Notice - Unsolicited Proposal - Property Third Party Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (d) be kept confidential and not available for public inspection until 2 years after the 3rd party proposal has been settled or abandoned, with the exception of any information that is prohibited from being withheld under s91(8) being disclosed being released upon any arrangements being fully executed by both parties, or any part of the information determined by the Chief Executive Officer to be released under delegation.
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*.

CONFIDENTIAL

**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 20 FEBRUARY 2024 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 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
Executive Administrator	- Ms S Wilson

23.2 QUESTION WITH NOTICE - UNSOLICITED PROPOSAL - PROPERTY THIRD PARTY PROPOSAL – REPORT NO. AR24/6186

RESOLUTION 2024/46

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 S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR24/6186 Question With Notice - Unsolicited Proposal - Property Third Party Proposal.

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

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CARRIED

The following question on notice was received from Councillor Max Bruins.

Question

Can we please be provided with an update on where discussions / negotiations / valuations are at in relation to the Icehouse and the unsolicited proposal.

Response

General Manager Corporate and Regulatory Services provided the following response:

As per the Council resolution from the October meeting, an independent valuation for the property has been sought and received and the applicant has been asked to supply additional information on the innovation of the proposal and future intentions for the site.

The applicant has recently been approached by Basketball Mount Gambier in relation to sponsorship. This does put them in a difficult position and they now have to look at how they are seen/portrayed by the wider community, as much as they are willing to work cohesively/cooperatively. They too have a business to run and do not want lines to be blurred and whilst Basketball Mount Gambier do not have a clear plan forward they do not want to be the ones left with the responsibility of rehoming or moving them along etc.

They do have a very strong interest in the property but for them to now proceed it will have to be a more public/transparent sale given the other things that have also taken place. Therefore, Council Officers will prepare a confidential Council report for the March Council meeting to consider options for the future of the site.



RESOLUTION 2024/47

Moved: Cr Sonya Meziniec

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 23.2 AR24/6186 Question With Notice - Unsolicited Proposal - Property Third Party Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (d) be kept confidential and not available for public inspection until 2 years after the 3rd party proposal has been settled or abandoned, with the exception of any information that is prohibited from being withheld under s91(8) being disclosed being released upon any arrangements being fully executed by both parties, or any part of the information determined by the Chief Executive Officer to be released under delegation.
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

