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Please Quote:

WEDDIN SHIRE COUNCIL

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MINUTES OF THE WEDDIN SHIRE COUNCIL EXTRA-ORDINARY MEETING HELD THURSDAY, 30 JANUARY 2015 COMMENCING AT 8.30AM.

22 January 2015

Dear Councillor

NOTICE is hereby given that an **EXTRA-ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF WEDDIN** will be held in the Council Chambers, Grenfell on **FRIDAY, 30 JANUARY 2015**, commencing at **8.30 AM** and your attendance is requested.

Yours faithfully

BRENDAN HAYES
ACTING GENERAL MANAGER

BUSINESS:

To consider the Tenders for the Weddin Aquatic Centre Redevelopment.

AGENDA:

1. Apologies
2. Tenders
3. Closed Council
(a) Director Environmental Services Report
4. Closure

PRESENT: Crs J C Niven, G B Halls, N W Hughes, A C Griffiths, C Brown and J E Parlett. General Manager (G Carroll), Director Engineering (B Twohill), Director Environmental Services (B Hayes) and Director Corporate Services (L Gibson).

Council's Deputy Mayor Cr Niven took the chair in the Mayors absence.

APOLOGIES: Cr's Liebich and McClelland.

319 RESOLVED: Cr Griffiths and Cr Hughes that the apologies be accepted.

TENDERS

1. Tender T9/2014 Redevelopment of Weddin Aquatic Centre, T1.6.48

Tenders closed at 12 noon on Friday 19th December, 2014 for the Redevelopment of the Weddin Aquatic Centre.

Two (2) conforming tenders and one (1) non-conforming tender were received.

RECOMMENDATION: that, due to commercial in confidence reasons, the tender prices report be referred to closed Council.

320 RESOLVED: Cr Halls and Cr Griffiths that, due to commercial in confidence reasons, the tender prices report be referred to Closed Council.

CLOSED COUNCIL

THE LOCAL GOVERNMENT ACT

The authority for Council to close a meeting to the public is given under Section 10 of the Local Government Act, for which the following excerpts apply:

[s 10A] Which parts of a meeting can be closed to the public?

10A

- (1) **[Meetings may be closed]** A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) **[Grounds for closure]** The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (3) **[Closure of Resolution to close]** A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) **[Public's right to make representations]** A council, or a committee of a council may allow members of the public to make representations to or at a meeting, before and part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

[s 10C] Notice of likelihood of closure not required in urgent cases

10C Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2), and
- (b) the council or committee, after considering any representations made under section 10A(4), resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

[s 10D] Grounds for closing part of meeting to be specified

10D (1)[Record of grounds for closure] The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

- (2) **[Details to be specified]** The grounds must specify the following:
- (a) the relevant provision of section 10A(2),
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which the discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

RECOMMENDATION: That Council form a Closed Council to consider the items listed below,

AND THAT the Press and the public be excluded from the Meeting of the Closed Council because of the confidential nature of the business to be transacted, as stated below:

Note: A council, or a committee of a council, may allow members of the public to make representation to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

321 **RESOLVED:** Cr Halls and Cr Griffiths that Council form a Closed Council to consider the items listed below, AND THAT the Press and the public be excluded from the Meeting of the Closed Council because of the confidential nature of the business to be transacted.

MATTERS FOR CONSIDERATION - CLOSED COUNCIL

DIRECTOR ENVIRONMENTAL SERVICES REPORT

1. Tender T9/2014 Redevelopment of Weddin Aquatic Centre, T1.6.48

Reason for confidentiality – commercial information (Section 10A(2)(d))

DIRECTOR CORPORATE SERVICES' LATE REPORT

RECOMMENDATION:

It is recommended that the late report be received and dealt with because of the urgency of the matter.

325 **RESOLVED:** Cr Griffiths and Cr Halls that the late report be received and dealt with because of the urgency of the matter.

1. Long Term Financial Plan (LTFP) Update, A1.6

The Director Corporate Services delivered a verbal report and advised Council's Long Term Financial Plan (LTFP) has been updated and is tabled for Councillors consideration.

The (LTFP) will be required for the Special Rate Variation (SRV) application as it effectively supports and demonstrates the need for the SRV.

326 **RESOLVED:** Cr Hughes and Cr Best that the updated Long Term Financial Plan (LTFP) be adopted as presented.

REPORT ON CLOSED COUNCIL

The Deputy Mayor read out the following decisions from the Closed Council:

DIRECTOR ENVIRONMENTAL SERVICES REPORT

1. **Tender T9/2014 Redevelopment of Weddin Aquatic Centre, T1.6.48**
Reason for confidentiality – commercial information (Section 10A(2)(d))

RESOLVED: that Council:

- i) not accept any tenders pursuant to Tender 9/2014
- ii) call fresh tenders in September 2015 for the Weddin Aquatic Centre Redevelopment.

RESOLVED: that Council invite the Hon Katrina Hodgkinson MP to address Council as a matter of urgency.

CLOSURE: There being no further business the meeting closed at 9.25am.

Taken as read and confirmed as a true record this day 19 February 2015.

..... General Manager.....Mayor