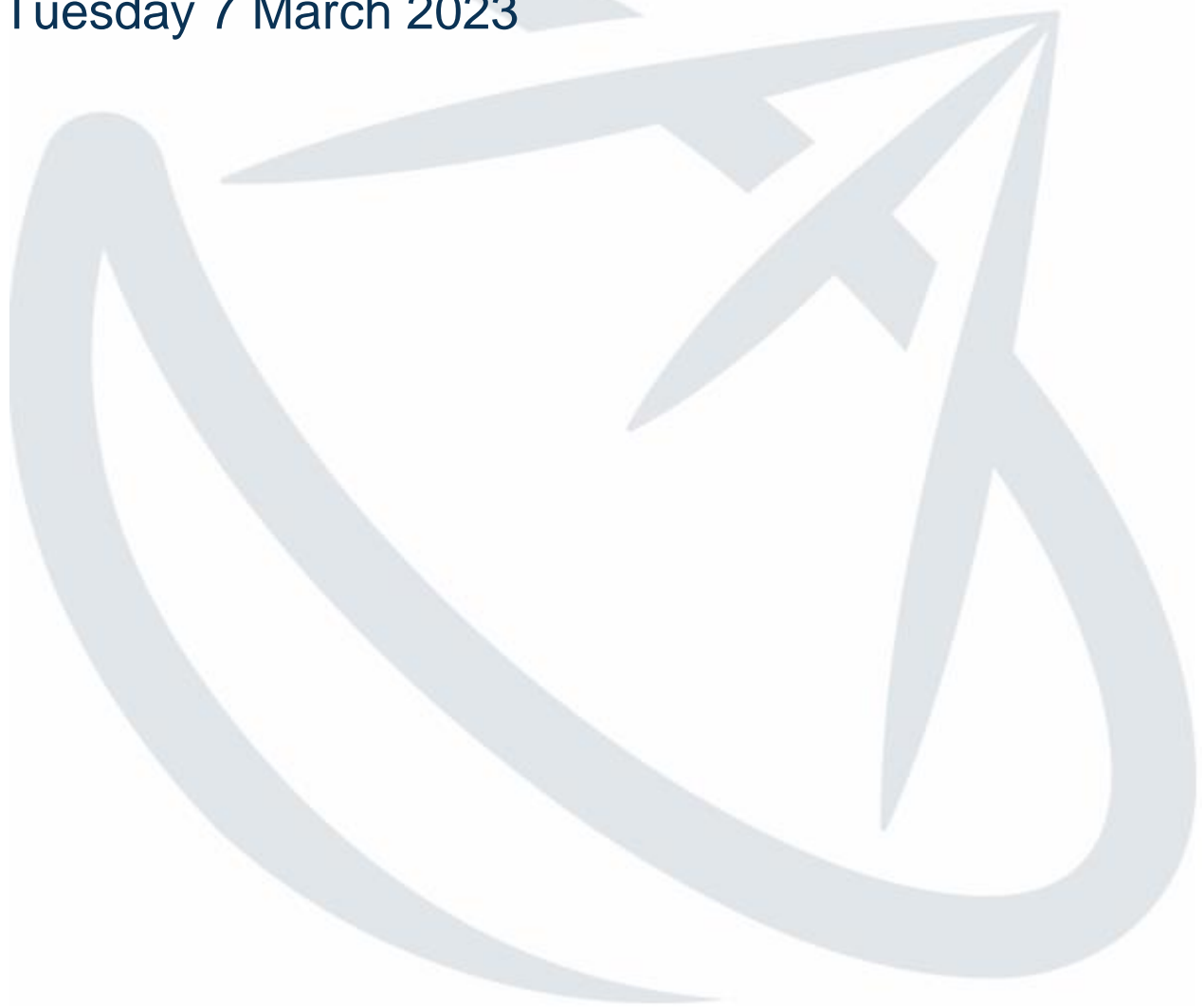


Extraordinary Council Meeting

Minutes

Tuesday 7 March 2023



Minutes of the Extraordinary Council Meeting**Held on Tuesday, 7 March 2023 at the****Parkes Council Chamber, 2 Cecile Street, Parkes****Present:**

Cr Ken Keith OAM	Councillor (Chairperson)
Cr Neil Westcott	Councillor (Deputy Chairperson)
Cr Marg Applebee	Councillor
Cr Jacob Cass	Councillor
Cr Bill Jayet	Councillor
Cr William Jayet	Councillor
Cr George Pratt	Councillor
Cr Glenn Wilson	Councillor

Council Officers in Attendance:

Mr Jaco Barnard	Chief Financial Officer
Mr Kent Boyd PSM	General Manager
Mr Andrew Francis	Director Infrastructure and Strategic Futures
Mr Brendan Hayes	Director Planning and Community Services
Mr Lohan Hignett	(Acting) Director Operations
Mr Anthony McGrath	Executive Manager Corporate Services
Mr Cian Middleton	Director Customer, Corporate Services and Economy

NOTES

The meeting commenced at 4.30pm and concluded at 4.50pm.

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1 OPENING OF MEETING

The Mayor declared the Extraordinary Council Meeting of Tuesday 7 March 2023 open and welcomed Councillors, Council Officers and members of the public attending and listening to the meeting.

The Mayor advised attendees that the meeting was being recorded and streamed live on the internet, to enhance the accessibility of Council meetings to the broader Parkes Shire community, and that the recording will be archived and made available on Council's website.

The Mayor asked that attendees ensure that mobile phones and other electronic devices were turned off or in silent mode for the duration of the meeting.

The Mayor further advised that all care would be taken to maintain privacy, however, as a visitor in the public gallery, members of the public should be aware that their presence may be recorded.

2 ACKNOWLEDGEMENT OF COUNTRY

Parkes Shire Council acknowledges the Traditional Custodians of the Wiradjuri Country and recognises and respects their cultural heritage, beliefs and continuing connection with the lands and rivers of the Parkes Shire.

Council pays its respects to Elders past, present and emerging and extends this respect to all First Nations peoples in the Parkes Shire.

3 PRAYER

The General Manager read the Prayer:

O God,
Inspire Council to make wise decisions,
Grant Integrity to face the truth,
Courage to make difficult choices,
And compassion for the needs of others,
We pray through Jesus Christ, Our Lord.

AMEN

4. APOLOGY

RESOLVED ECMCC 001/23

MOVED: CR MARG APPLEBEE

SECONDED: CR JACOB CASS

THAT THE APOLOGY SUBMITTED BY COUNCILLORS KEN MCGRATH AND DANIEL WEBER BE RECEIVED AND LEAVE OF ABSENCE BE GRANTED.

CARRIED

4 APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

Nil

5 CONFIRMATION OF MINUTES

Nil

6 DISCLOSURES OF INTERESTS

The Mayor reminded Councillors and Council Officers of their obligation under Council's Code of Conduct to disclose and manage any conflicts of interest they may have in matters being considered at the meeting, and invited Councillors and Council Officers to disclose any such interests.

Nil interests were disclosed.

7 LATE BUSINESS

The Mayor advised that no late items of business had been submitted to the meeting.

8 CONFIDENTIAL MATTERS

RESOLVED ECMCC 002/23

Moved: Cr Marg Applebee

Seconded: Cr Jacob Cass

That Extraordinary Council Meeting:

1. Moves into Closed Session to deal with the matters below, which are classified as confidential under section 10A(2) of *the Local Government Act 1993* for the reasons specified:

9.1 CRITICAL DROUGHT RELIEF PROJECT BORE 2 SWITCHBOARD SWITCHROOM ANCILLARY ELECTRICAL WORKS - PSC2022145

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

9.2 SALE OF INDUSTRIAL LAND - SALEYARDS ROAD PARKES

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

2. Exclude the media and public from the meeting on the basis that the business to be considered is classified as confidential, pursuant to 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*.
3. Withhold reports and correspondence relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.
4. Make public resolutions made by the Council in Closed Session after the conclusion of the Closed Session, and record such resolutions in the minutes of the Council meeting.

BACKGROUND, ISSUES AND COMMENTARY

In accordance with section 10A(2) of the *Local Government Act 1993*, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom 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 a person who supplied it: or
 - (ii) Confer a commercial advantage on a competitor of Council;
 - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of Council's Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

CARRIED

At 4.32pm, the Meeting went into Closed Session.

MOTION

That the Extraordinary Council Meeting:

1. Resume in Open Session and note the Chairperson's report on Confidential Resolutions.
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At 4.48pm, the Council in Closed Session returned to Open Session.

9 REPORT OF CONFIDENTIAL RESOLUTIONS

In accordance with clauses 14.22 and 14.23 of Council's Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson as soon as practicable. Such resolutions must be recorded in the publicly available minutes of the meeting.

9.1 CRITICAL DROUGHT RELIEF PROJECT BORE 2 SWITCHBOARD SWITCHROOM ANCILLARY ELECTRICAL WORKS - PSC2022145
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RESOLVED ECMCC 003/23

Moved: Cr Glenn Wilson

Seconded: Cr Bill Jayet

That Council:

1. Council endorses the Tender Evaluation Report and endorses that 360 Engineering be nominated as the Preferred Tenderers for the Critical Drought Relief Project Bore 2 Switchboard Switchroom Ancillary Electrical Works.
2. Council endorses executing the Contract following the finalisation of the Contract with the Preferred Tenderer.

CARRIED

9.2 SALE OF INDUSTRIAL LAND - SALEYARDS ROAD PARKES**RESOLVED ECMCC 004/23**

Moved: Cr Neil Westcott

Seconded: Cr George Pratt

That Council:

1. Endorse the sale arrangements for the subject land at the southwest end of Saleyard Road Parkes to 101 Saleyard Road Pty Ltd, as outlined in this report.
2. Endorse and authorise the Mayor and General Manager to affix the Council Seal to all documentation necessary to give effect to the sale and this resolution, pursuant to clause 400 of the *Local Government (General) Regulation 2021*.

CARRIED**10 CONCLUSION OF MEETING**

The meeting concluded at 4.50pm.

This is the final page of the minutes comprising pages numbered 1 to 5 of the Extraordinary Council Meeting held on Tuesday, 7 March 2023.



Cr Ken Keith OAM

MAYOR