

Extraordinary Council Meeting

Minutes

Monday 29 May 2023



Minutes of the Extraordinary Council Meeting
Held on Monday, 29 May 2023 at the
Parkes Council Chamber, 2 Cecile Street, Parkes

Present:

Cr Ken Keith OAM	Councillor (Chairperson)
Cr Neil Westcott	Councillor (Deputy Chairperson)
Cr Jacob Cass	Councillor
Cr Ken McGrath	Councillor
Cr George Pratt	Councillor
Cr Glenn Wilson	Councillor
Cr Louise O'Leary	Councillor
Cr Marg Applebee	Councillor
Cr Daniel Weber	Councillor

Council Officers in Attendance:

Mr Kent Boyd PSM	General Manager
Mr Andrew Francis	Director Infrastructure and Strategic Futures
Mr Brendan Hayes	Director Planning and Community Services
Mr Ben Howard	Director Operations
Mr Anthony McGrath	Acting Director Customer, Corporate Services and Economy
Mrs Shona Henry	Councillors and Executive Support (Minutes)

NOTES

Cr Louise O'Leary and Cr Marg Applebee attended via audio-visual link.

The meeting commenced at 4.30pm and concluded at 5.05pm.

1 OPENING OF MEETING

The Mayor declared the Extraordinary Council Meeting of Monday 29 May 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

The Mayor provided the following Acknowledgement of Country:

I give respect to the Wiradjuri People and the Wiradjuri soil. I understand we are on Wiradjuri Country and we can work together for a better tomorrow.

3 PRAYER

The General Manager read the Prayer:

O God,
In all Council's deliberations so inspire,
That wise decisions are made in all things,
We pray through Jesus Christ, Our Lord,

AMEN

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE

Cr William Jayet - Attending Local Government NSW Destination & Visitor Economy Conference

5 APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

An application to attend by audio-visual link was received from Councillor Louise O'Leary and Councillor Marg Applebee.

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 2 MAY 2023

RECOMMENDATION

The Minutes of the extraordinary meeting held on Tuesday 2 May 2023 appended at *Annexure A* were confirmed at the Ordinary Council meeting held on 16 May 2023.

7 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.

Mr Kent Boyd disclosed a pecuniary interest in relation to item 9.1 PSC2023/022 - Peak Hill Swimming Pool Refurbishment and chose to leave meeting, not participate in debate and discussion on the matter, and not vote on the matter take. The reason provided was:

"Relative of potential employee of the company mentioned in the report."

Mr Kent Boyd disclosed a pecuniary interest in relation to item 9.2 PSC2023/023 - Parkes Pool Female Amenities Alterations and Additions and chose to leave meeting, not participate in debate and discussion on the matter, and not vote on the matter take. The reason provided was:

"Relative of potential employee of the company mentioned in the report."

Cr Louise O'Leary disclosed a less than significant non-pecuniary interest in relation to item 9.1 PSC2023/022 - Peak Hill Swimming Pool Refurbishment and chose to remain in the meeting, participate in debate and discussion on the matter, and vote on the matter. The reason provided was:

"I coordinate and facilitate Community Aqua Fitness classes under Peak Hill MPS (NSW Health) Health Promotion activities at the Peak Hill Memorial pool during the pool season."

8 LATE BUSINESS

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

9 CONFIDENTIAL MATTERS**RESOLVED SCM 006/23**

Moved: Cr Ken McGrath

Seconded: Cr George Pratt

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 PSC2023/022 - PEAK HILL SWIMMING POOL REFURBISHMENT

This matter is considered to be confidential under Section 10A(2) - d(ii) 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 competitor of the council.

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 PSC2023/023 - PARKES POOL FEMALE AMENITIES ALTERATIONS AND ADDITIONS

This matter is considered to be confidential under Section 10A(2) - d(ii) 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 competitor of the council.

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.

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- (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 4.35pm, 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 5.00pm, the Council in Closed Session returned to Open Session.

10 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 PSC2023/022 - PEAK HILL SWIMMING POOL REFURBISHMENT**RESOLVED SCM 007/23**

Moved: Cr Neil Westcott

Seconded: Cr Jacob Cass

That Council:

1. That Council award the tender for the Peak Hill Pool Upgrades PSC2023/022 to Consenth Solutions

CARRIED**9.2 PSC2023/023 - PARKES POOL FEMALE AMENITIES ALTERATIONS AND ADDITIONS****RECOMMENDATION**

That Council:

1. That Council award the tender for PSC2023/023 - Parkes Pool Female Amenities Alterations and Additions PSC Consenth Solutions Pty Ltd for the Parkes Pool Female amenities Alterations and Additions PSC2023/023.
2. That Council supplement the funding shortfall totalling \$90,000.00 from Council reserves to enable delivery of the full scope of works for the Parkes pool amenities alterations and additions.

RESOLVED SCM 008/23

Moved: Cr Glenn Wilson

Seconded: Cr Neil Westcott

1. That Council award the tender for PSC2023/023 - Parkes Pool Female Amenities Alterations and Additions PSC Consenth Solutions Pty Ltd for the Parkes Pool Female amenities Alterations and Additions PSC2023/023.
2. That Council supplement the funding shortfall totalling \$90,000.00 from Council reserves to enable delivery of the full scope of works , including male amenities side for the Parkes pool amenities alterations and additions.

CARRIED**11 CONCLUSION OF MEETING**

The meeting concluded at 5.05pm.

This is the final page of the minutes comprising 5 pages of the Extraordinary Council Meeting held on Monday, 29 May 2023 to be confirmed on 27 June 2023.

**Cr Ken Keith OAM**

MAYOR