

WATTLE RANGE COUNCIL

Minutes of the Confidential Special Meeting of Wattle Range Council held in the Supper Room, Millicent War Memorial Civic & Arts Centre, Ridge Terrace, Millicent on Tuesday, 23 June 2020 at 5.00 pm.

1. **OPENING OF THE MEETING / CIVIC PRAYER / ACKNOWLEDGEMENT OF COUNTRY / RECORDING OF MEETINGS**

2. **PRESENT**

His Worship the Mayor D Noll
 Cr D Agnew
 Cr D Burrow
 Cr S Cox
 Cr J Drew
 Cr P Dunicliff
 Cr K McGrath
 Cr D Muhovics
 Cr M Neagle
 Cr R Paltridge
 Cr D Price

Messrs PA Duka (Acting Chief Executive Officer / Director Corporate Services)
 PA Halton (Director Engineering Services)
 SW Chapple (Director Development Services)
 Ms CP Allen (Executive Assistant)

3. **APOLOGIES**

Mr BJ Gower (Chief Executive Officer)
 Cr G Slarks

14. **ITEMS FOR CONSIDERATION IN CONFIDENCE**

14.1 Confidential – Tender Process Millicent Airfield Land - Investigation

Cr Neagle moved that:

1. Pursuant to Sections 90(2) and 90(3)(a)(b)(k) of the *Local Government Act, 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 14.1, excepting the following persons:

- Mr PA Duka – Acting Chief Executive Officer / Director Corporate Services
- Mr PE Halton – Director Engineering Services
- Mr SW Chapple – Director Development Services
- Ms CP Allen – Executive Assistant / Minute Taker

to enable the Council to consider Item 14.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 14.1:

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Specifically, the present matter relates to information pertaining to the personal affairs of Mr James Mowbray and Mr Greg Bell.

- b) information the disclosure of which:
- (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest.

Specifically, the disclosure of this information could reasonably be expected to be commercially advantageous to tenderers for the land as the matter is still in negotiation and those parties could adjust their bargaining position based on the positions of the Council disclosed in this report.

- (k) Tenders for the supply of goods, the provision of services or the carrying out of works;

Specifically, the present matter relates to the tender process regarding the lease of land situated at Lots 51,53 and 54, Hundred of Mount Muirhead, and Part Section 503, Hundred of Mount Muirhead.

2. Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Cr Burrow seconded

CARRIED

Cr Cox advised that she had a Material Conflict of Interest in regard to the Tender Process Millicent Airfield Land – Investigation as her husband is an employee of BN & JM Bell & Sons.

Cr Cox left the chamber throughout the discussions.

[Cr Cox declared a Conflict of Interest and left the chamber at 5.44 pm]

Cr Burrow moved that Council receive and note the report.

Cr Agnew seconded

CARRIED

Cr Paltridge moved that Council is satisfied that the tender process conducted so far, as described in the report, has been appropriate.

Cr Drew seconded

CARRIED

Cr Neagle moved that, in accordance Council's resolution of 10 March 2020, the Chief Executive Officer should now proceed to conduct public consultation and (depending on the outcome of that consultation) negotiate and grant a lease in respect of the land situated at Lots 51, 53 and 54, Hundred of Mount Muirhead and Part Section 503, Hundred of Mount Muirhead.

Cr Burrow seconded

CARRIED

Cr McGrath moved that the Chief Executive Officer advise Mr Greg Bell from BN & JM Bell and Sons, and/or his lawyer Mr P Westley, of the outcome of the review of the tender process.

Cr Dunicliff seconded

CARRIED

Cr Muhovics moved that:

1. Pursuant to Section 91(7) of the *Local Government Act, 1999*, Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(a)(b)(k) of the Act:

- **The Report and Attachments of Item No. 14.1**

On the grounds that the document(s) (or part):

- a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Specifically, the present matter relates to information pertaining to the personal affairs of Mr James Mowbray and Mr Greg Bell.

- b) information the disclosure of which:
 - i. could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and
 - ii. would, on balance, be contrary to the public interest.

Specifically, the disclosure of this information could reasonably be expected to be commercially advantageous to tenderers for the land as the matter is still in negotiation and those parties could adjust their bargaining position based on the positions of the Council disclosed in this report.

- k) Tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the present matter relates to the tender process regarding the lease of land situated at Lots 51,53 and 54, Hundred of Mount Muirhead, and Part Section 503, Hundred of Mount Muirhead.

This order shall operate **until further order of the Council** and will be reviewed at least annually in accordance with the Act.

2. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Cr Burrow seconded

CARRIED

[Cr Cox did not return to the Chamber]

Taken as presented and confirmed.

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MAYOR

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DATE