

Richmond
Valley
Council



MINUTES

**Ordinary Council Meeting
18 February 2020**

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**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 18 FEBRUARY 2020 AT 5.00PM**

Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys and Cr Jill Lyons.

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Ben Zeller (Manager Projects & Performance), Scott Walters (Manager Information and Technology Services), Kate Allder-Conn (Governance Officer), Julie Clark (Personal Assistant to the General Manager and Mayor).

1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

2 PRAYER

The meeting opened with a prayer by the General Manager.

3 PUBLIC ACCESS AND QUESTION TIME

Nil

4 APOLOGIES

RESOLUTION 180220/1

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That the apology received from Cr Simpson be accepted and leave of absence granted.

CARRIED

5 MAYORAL MINUTES

Nil

The Mayor commented; February 2020 marks the 20th anniversary of the formation of Richmond Valley Council. The Proclamation provided at the February 2000 inaugural meeting was read to the meeting and a reflection on major milestones achieved by Council, was also included in the address.

6 CONFIRMATION OF MINUTES**6.1 MINUTES ORDINARY MEETING HELD ON 18 DECEMBER 2019****RESOLUTION 180220/2**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That Council confirms the Minutes of the Ordinary meeting held on 18 December 2019.

CARRIED

6.2 MINUTES OF THE INTERNAL AUDIT & RISK COMMITTEE MEETING HELD ON 4 FEBRUARY 2020**RESOLUTION 180220/3**

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That Council receives and adopts the minutes of the Internal Audit and Risk Committee Meeting held on 4 February 2020.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR ATTENDANCES 10 DECEMBER 2019 - 10 FEBRUARY 2020****RESOLUTION 180220/4**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 10 December 2019 – 10 February 2020.

CARRIED

12 DELEGATE'S REPORTS**12.1 DELEGATES' REPORT SUBMITTED TO FEBRUARY 2020 ORDINARY MEETING****RESOLUTION 180220/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receive and note the Delegates' report for the month of February 2020.

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE**13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 180220/6**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That items 15.3, 16.1, 16.2, 17.1, 17.2, 17.4 and 17.5 identified be determined without debate.

CARRIED

14 GENERAL MANAGER'S REPORTS**14.1 DELIVERY PROGRAM PROGRESS REPORT (JULY 2019 TO DECEMBER 2019)****EXECUTIVE SUMMARY**

Council adopted the revised 2017/2021 Delivery Program in June 2019. In accordance with the *Local Government Act 1993* the General Manager must ensure that progress reports are provided to the Council reporting on the progress of all principal activities detailed in the Delivery Program at least every six months. This report relates to and provides information about the achievement of the targeted outcomes prescribed in the Delivery Program.

The report is presented in a traffic light indicator format and provides commentary on the progress of all Delivery Program actions and milestones and progress against the Community Strategic Plan (CSP) performance measures for each community objective within the four priority areas of the CSP. The report represents the results at the end of the first half of the 2019/2020 Delivery Program.

A dashboard has been provided to summarise Council's overall performance in meeting its four-year targets. The percentage of on schedule and completed traffic lights (90%) demonstrates a solid performance for the first 6 months of the third year of the four-year program.

RESOLUTION 180220/7

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Progress Report (July 2019 to December 2019) on the Delivery Program 2017/2021.

CARRIED

14.2 LOCAL GOVERNMENT SUPERANNUATION - ADDITIONAL CONTRIBUTIONS REQUEST

EXECUTIVE SUMMARY

Council has recently been advised of the additional contribution it will be required to pay to Local Government Super (LG Super) in 2020/2021 for employees that are members of the Defined Benefit Scheme (the Scheme). The Scheme was available to employees of the Local Government sector until 1991.

As a result of the Scheme being in deficit due in part to the global financial crisis, the Local Government sector have contributed around \$40 million per annum since the 2009/2010 financial year. The additional and ongoing contributions for 2020/2021 will be \$215,300, compared to \$213,200 for the current year: 2019/2020.

The Local Government sector had been advised the Scheme was in a satisfactory financial position as at 30 June 2019, yet LG Super continues to ask for additional contributions to fund the Scheme.

It to be prudent for Council to consider writing to LG Super and Local Government New South Wales (LGNSW) expressing grave concern as to why additional contributions are still required for the 2020/2021 financial year. Further, whether the request for additional contributions will cease by 30 June 2021.

This issue is a concern for the entire Local Government sector, not just Richmond Valley Council and is one that needs further support in challenging LG Super to provide sustainable management of the Scheme without the requirement for Councils to continue to make additional contributions.

RESOLUTION 180220/8

Moved: Cr Robert Mustow

Seconded: Cr Sandra Humphrys

That Council write to Local Government Super and Local Government NSW concerning:

1. The sustainability and justification for ongoing additional contributions required for employees that are members of the Scheme.
2. Clarification of when the requirement to pay the additional contributions will cease.

CARRIED

15 FINANCIAL REPORTS**15.1 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 31 DECEMBER 2019****EXECUTIVE SUMMARY**

This report outlines the proposed adjustments for the 2019/2020 budget for the quarter ended 31 December 2019. These adjustments exclude all previously adopted Monthly Budget Adjustments.

The proposed changes see Council's projected operating surplus from continuing operations for 2019/2020 improve from the revised budget surplus as at 30 November 2019 of \$36,141 to a surplus of \$1,425,974. The operating result before capital grants and contributions has improved to a projected loss of \$3,754,787. There has been an increase in reserve funding of \$329,982, with a revised projected transfer from cash reserves of \$4,711,762. This improved result is largely due to additional operating revenue being transferred into reserves.

Income from continuing operations has increased by \$2,112,590, with total income now projected to be \$67,182,241. This is largely due to higher than anticipated extraction at Petersons Quarry resulting in projection income increasing \$800,000 which will go into Quarry reserves, along with Council receiving \$596,744 an insurance claim for the Rappville Hall which was destroyed in the recent fires. The insurance claim will be held in reserves until a replacement program is determined. An additional \$293,040 has also been added to the NRLX Budget as a result of a review of this program area, with \$200,000 of this expected to be revenue for the sale of biosolids.

Expenses from continuing operations have increased by \$722,757 with total operating expenses now projected to be \$65,756,267. This increase is largely due to an additional \$334,667 being added to operating expenditure for the NRLX. This includes \$160,000 for processing biosolids to be sold, as mentioned above. A further increase of \$100,000 in the waste budget is towards the preparation of a North Coast Region Waste Investment Report with contributions being received from nine local councils.

Council's capital works program has increased by \$1,189,387, to a projected total of \$24,035,053. This is largely due to the an additional \$430,715 in Water Infrastructure and \$245,057 in Sewerage Infrastructure projects. In addition, \$277,551 was added to capital works at the NRLX of which \$232,051 was approved by Council at its March 2019 meeting towards the Administration Building Upgrade.

A detailed Quarterly Budget Review Statement for the second quarter of the 2019/2020 year has been circulated separately to each Councillor. These changes are disclosed by Priority Areas on pages 2-8 of the Quarterly Budget Review Statement and detailed explanations are provided on pages 9-13.

RESOLUTION 180220/9

Moved: Cr Robert Mustow

Seconded: Cr Jill Lyons

That Council adopt the Quarterly Budget Review Statement as at 31 December 2019 and approve the recommended variations.

CARRIED

15.2 FINANCIAL ANALYSIS REPORT - DECEMBER 2019 AND JANUARY 2020**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 31 December 2019 and 31 January 2020 including General Bank Accounts and Trust Funds is shown below.

Month	Investment Portfolio	General Bank Accounts	Trust Funds	Total
December 2019	\$48,541,055	\$570,048	\$87,050	\$49,198,154
January 2020	\$47,941,836	\$1,079,994	\$87,050	\$49,108,881

The weighted average rate of return on Council's investments for December 2019 was 0.60% which was below the 90 Day Bank Bill Index for December of 0.907%.

The weighted average rate of return on Council's investments for December 2019 was 6.02% which was above the 90 Day Bank Bill Index for December of 0.880%.

RESOLUTION 180220/10

Moved: Cr Robert Hayes
Seconded: Cr Sandra Humphrys

That Council adopt the Financial Analysis Report detailing investment performance for the month of December 2019 and January 2020.

CARRIED**15.3 NORTHERN RIVERS LIVESTOCK EXCHANGE STATISTICS AND FINANCIAL PERFORMANCE AS AT 31 DECEMBER 2019****EXECUTIVE SUMMARY**

This report provides an update on the Northern Rivers Livestock Exchange (NRLX) financial performance as at 31 December 2019, as well as monthly throughput information from 2014/2015 to 2019/2020 YTD. Comparatives of averages for periods prior to 19/20 and the adjusted averages including 19/20.

RESOLUTION 180220/11

Moved: Cr Stephen Morrissey
Seconded: Cr Sam Cornish

That Council receive and note the performance of the Northern Rivers Livestock Exchange as at 31 December 2019.

CARRIED

16 TENDER REPORTS**16.1 REGPRO801920 - SUPPLY AND DELIVERY OF PASSENGER, TRUCK AND EARTHMOVER TYRES****EXECUTIVE SUMMARY**

Richmond Valley Council engaged the services of Regional Procurement in conjunction with 9 other councils to call for an open Panel Source Tender for the Supply and Delivery of Passenger, Truck and Earthmover Tyres.

RESOLUTION 180220/12

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. Casino Tyre Professionals Pty Ltd be awarded the contract for the Supply and Delivery of Passenger, Truck and Earthmover Tyres for a period of 36 months from 1 January 2020 to 31 December 2022
2. Provision be allowed for a 12-month extension based on satisfactory supplier performance which may take this contract through to 31 December 2023
3. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including affixing the seal of council where necessary

CARRIED

16.2 VP173918 - CONSTRUCT SHARED PATHWAY ON BRUXNER HIGHWAY TO QUEENSLAND ROAD, CASINO NSW 2470**EXECUTIVE SUMMARY**

Richmond Valley Council has received funding to construct a 1.6km section of shared pathway on the Bruxner Highway (corner Walker Street and Johnston Street) to Queensland Road (Colches Street corner), Casino NSW 2470.

This project funding was available for cycleways on highways, with the project included in Council's Pedestrian Access and Mobility Plan, and therefore having community support.

The pathway construction is expected to be completed by 30 April 2020.

Council called for tenders from suitably qualified and experienced contractors to construct this section of pathway.

RESOLUTION 180220/13

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council:

1. Approve NRC Group Pty Ltd as the preferred tenderer for the construction of this section of the Casino Shared Pathway project for Richmond Valley Council at the tendered rate of \$321,139.00 exclusive of GST.
2. Authorise the General Manager to negotiate and finalise the terms and conditions of any contract or agreement including extension of scope of works in line with the content of this report and the available budget and affixing the seal of Council where necessary.

CARRIED

16.3 PROVISION OF SWIMMING POOLS MANAGEMENT SERVICES**EXECUTIVE SUMMARY**

Richmond Valley Council called for tenders seeking the professional services of an aquatic contractor for the management of pools across the LGA. The tender process was not successful with two non-conforming responses received. Further to resolution 171219/11 at Council's Ordinary meeting held on 17 December 2019, staff are in the process of direct negotiations with a potential contractor. A business case has also been completed to determine the viability of Council managing the pools in the event an arrangement can't be reached with an external party.

RESOLUTION 180220/14

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council:

1. Acknowledge that a business case was prepared to determine the viability of Council assuming the management of the four Richmond Valley public pools as opposed to entering an agreement with an external contractor. The outcome of the business case was in favour of engaging an external contractor to manage the four pools.
2. Apply Clause 178 (3e) of the *Local Government (General) Regulation 2005* to authorise the General Manager to continue direct negotiations with prospective contractors in line with this report and execute a contract, including affixing the seal of Council where appropriate, to secure the contractor generally in accordance with the scope of the tender.

CARRIED

17 GENERAL BUSINESS**17.1 REVIEW OF COUNCILLOR ACCESS TO INFORMATION POLICY****EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process a review has been undertaken of Council's current Councillor Access to Information Policy.

RESOLUTION 180220/15

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council adopt the Draft Councillor Access to Information Policy.

CARRIED

17.2 STORMWATER MANAGEMENT CHARGE - DISCOUNTS AND EXEMPTION**EXECUTIVE SUMMARY**

Council adopted the stormwater management charge discount and exemption policy in June 2015. The policy has been reviewed by Council officers. The policy gives clarity to ratepayers as to what situations qualify for a discount or exemption to a stormwater management charge.

RESOLUTION 180220/16

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council adopt the reviewed Stormwater Management Charge – Discounts and Exemption Policy.

CARRIED

17.3 DRAFT LOCAL STRATEGIC PLANNING STATEMENT

EXECUTIVE SUMMARY

Amendments to the *Environmental Planning and Assessment Act 1979* introduced Section 3.9 requiring each NSW council to prepare a Local Strategic Planning Statement (LSPS).

Statutory requirements are for each LSPS to include:

- the basis of strategic planning in the area having regard to economic, social, and environmental matters,
- planning priorities for the area—these need to be consistent with the *North Coast Regional Plan 2036* (NCRP) and Council's *Richmond Valley Made 2030 Community Strategic Plan 2017* (CSP)
- actions required to achieve the planning priorities, and
- monitoring and reporting associated with the implementation of the actions.

Regional councils are required to have their first LSPS endorsed by the Department of Planning, Industry and Environment (DPIE) and published on the Planning Portal by 1 July 2020.

A Draft LSPS has been prepared and is presented to Council, subject to formatting changes, for a resolution to publicly exhibit it for a minimum period of 28 days.

RESOLUTION 180220/17

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That:

1. Council endorse *Draft Richmond Valley Council Local Strategic Planning Statement – Beyond 20-20 Vision* (Feb 2020) (Draft LSPS) for public exhibition purposes;
2. The Draft LSPS (subject to formatting changes) be placed on public exhibition with a minimum submission period of 28 days; and
3. Council receive a further report on the Draft LSPS following completion of the exhibition period.

CARRIED

17.4 THE RICHMOND RIVER GOVERNANCE AND FUNDING FRAMEWORK FINAL REPORT

EXECUTIVE SUMMARY

The Final Draft of the Richmond River Governance and Funding Framework Report was distributed at the last Councillor workshop. A copy of the report is proposed to be made available on for public comment for a period of 21 days. Further discussion may be held amongst the Councillors concerning the report's recommendations at the next (March) workshop prior to a report presented to the March Ordinary meeting outlining any public comments received.

RESOLUTION 180220/18

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

- a) The Richmond River Governance and Funding Framework Final Report be received and noted.
- b) The Richmond River Governance and Funding Framework document be made available for community feedback for an exhibition period of 21 days.
- c) A report be presented to the March Ordinary meeting incorporating any public comment received which is then be forwarded to the Office of Environment, Energy and Science (EES).

CARRIED

17.5 CUSTOMER SERVICE REPORT - 1 DECEMBER 2019 TO 31 DECEMBER 2019

RESOLUTION 180220/19

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the Customer Service Report for the period 1 December 2019 to 31 December 2019.

CARRIED

18 MATTERS FOR INFORMATION

RESOLUTION 180220/20

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

Recommended that the following reports submitted for information be received and noted.

CARRIED

18.1 SHORT-TERM HOLIDAY LETTING STUDY RESULTS**RESOLUTION 180220/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the information provided in the short-term holiday letting study results conducted by Southern Cross University.

CARRIED

18.2 DISCLOSURE OF INTEREST - APPOINTMENT OF DESIGNATED PERSONS**RESOLUTION 180220/22**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the newly appointed designated person positions tabled for the information of Council.

CARRIED

18.3 WRITE-OFF OF MONIES UNDER DELEGATION**EXECUTIVE SUMMARY**

At Council's Ordinary Meeting held in July 2018 it was resolved that where the General Manager exercises his delegation in regard to refunds/write-offs that exceed \$1000, an information summary report be submitted to Council on a bi-annual basis.

This summary report covers the period commencing 1 July 2019 – 31 December 2019.

RESOLUTION 180220/23

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the information provided in the Write-Off Monies Under Delegation report.

CARRIED

18.4 GRANT APPLICATION INFORMATION REPORT - DECEMBER 2019 AND JANUARY 2020**RESOLUTION 180220/24**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the Grant Application Information Report for the month of December 2019 and January 2020.

CARRIED

18.5 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 DECEMBER 2019 TO 31 JANUARY 2020**RESOLUTION 180220/25**

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council receive and note the development application report for the period 1 December 2019 to 31 January 2020.

CARRIED

19 QUESTIONS ON NOTICE

Nil

20 QUESTIONS FOR NEXT MEETING (IN WRITING)**20.1 QUESTIONS IN WRITING FROM CR JILL LYONS**

The following questions were provided by Cr Lyons in relation to Item 12.1 Delegates' Report Submitted to February 2020 Ordinary Meeting, which referred to a summary of the Rous County Council 11 December 2019 Ordinary meeting:

1. Why was the Floodgate and Drainage Management Guidelines Policy revoked?
2. Shouldn't the policy be maintained to reduce any negative impacts on the river quality as they have been previously by the flood migration communities system as per the NSW Floodplain Developer Guidelines and NSW Fisheries Management Act 1994 and NSW Local Government Act 1993?
3. Who asked for this decision and who prepared the report that recommended this decision?
4. Is this decision supported by Department of Primary Industry, Fisheries and other relevant agencies?
5. With the revoking of this policy what has been put in place instead? Who will be responsible for maintaining and monitoring the floodgates now?
6. Does this decision go against Rous County Council's duty of care?

The Mayor accepted the questions and advised responses would be provided to the March Ordinary Meeting.

21 MATTERS REFERRED TO CLOSED COUNCIL

21.1 Tender for Insurance Related Services and Insurance Coverage

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.

The General Manager reported that no written representations had been received in respect to the item listed for consideration in Closed Council.

The Chair called for verbal representations from the gallery.

There were no representations from the gallery.

The Chair advised under section 10A of the Local Government Act 1993, the media and public are to be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

RESOLUTION 180220/26

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. Council resolved to enter Closed Council to consider the business identified in Item 21.1, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

Council closed its meeting at 6.00 pm. The public left the Chamber.

CARRIED

The Open Council Meeting resumed at 6.04 pm.

22 RESOLUTIONS OF CLOSED COUNCIL

The following resolutions of Council, passed while the meeting was closed to the public, were read to the Open Council Meeting by the Chair.

21.1 TENDER FOR INSURANCE RELATED SERVICES AND INSURANCE COVERAGE

That :

1. Council enter into a three-year contract with the option to extend by a further two years based on performance with the recommended supplier for insurance related services and insurance cover outlined in this report.
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including affixing the seal of council where necessary.

The Meeting closed at 6.05pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 March 2020.

.....
CHAIRPERSON