MINUTES RELEASED FROM CONFIDENCE
4/06/2024 - NREC20960824

5. CONFIDENTIAL

5.1 CONFIDENTIAL - Sport and Recreation Precinct - Heads of Agreement

7.02pm *Cr Carlos Quaremba raised a point of order stating that he would like to move a motion.*

Mayor Moira Jenkins overuled the point of order, stating that she had already begun the next item of business.

SC42024 Moved: Cr Marilyn Henderson
Seconded: Cr Carol Schofield

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except Acting Chief Executive Officer (Graham Pathuis), Acting Director Community and Development (Dustin Georgeson), Director Environment and Infrastructure (Jodi Roberts), Director Corporate and Customer Service (Karen Rokicinski), Group Manager Governance and Finance (Kellie Knight-Stacey), Project Officer (Louise Hampel) Executive Assistant (Katie Common) Access & Inclusion Support Officer (Vicki Francis), be excluded from attendance at the meeting for Agenda Item 5.1 – CONFIDENTIAL – Regional Community Sport and Recreation Precinct – Heads of Agreement.

That Council is satisfied that, pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business or would prejudice the commercial position of the Council.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place

open to the public has been outweighed in the circumstances because the disclosure of the Council's commercial position may severely prejudice Council's ability to be able to negotiate a proposal for the benefit of the Council and the community in this matter.

CARRIED

7.07pm
FORMAL MOTION

SC52024	Moved:	Mayor Moira Jenkins
	Seconded:	Cr Carol Schofield

That the meeting be temporarily adjourned to allow the confidential briefing session to continue until completed.

CARRIED

7.41pm *Mayor Moira Jenkins resumed the meeting.*

SC62024	Moved:	Cr Carol Schofield
	Seconded:	Cr Angela Schiller

That Ben Koop & Fred Porter (Alinea) along with Mabel Tam and Lisa Hubbard (Norman Waterhouse) be allowed to remain in the Chamber for Item 5.1 – CONFIDENTIAL – Sport and Recreation Precinct – Heads of Agreement.

CARRIED

SC92024	Moved:	Cr Marilyn Henderson
	Seconded:	Cr Nick McKenzie

That Council authorises the Chief Executive Officer to execute the Heads of Agreement for The Regional Community Sport and Recreation Precinct and proceed with the next phase of project negotiation and documentation, including the Agreement for Lease, as provided by the Heads of Agreement, to be brought to a subsequent meeting of the Council for consideration and decision.

7.42pm
FORMAL MOTION

SC72024	Moved:	Cr Carlos Quaremba
	Seconded:	Cr David Kemp

In light of the Great Southern Amateur Basketball Association deputation, that the item be adjourned until the June Ordinary Council meeting to allow for further consideration.

LOST

7.50pm *Mayor Moira Jenkins raised a point of order, stating that Cr Quaremba could not ask Ben or Fred (Alinea) to enter the debate, however if he had a specific question he could ask them.*

7.55pm

FORMAL MOTION

SC82024 Moved: Cr Michael Quinton
Seconded: Cr Angela Schiller

That the Council go out of meeting procedures for 15 minutes to allow discussion regarding the deputation that was heard.

CARRIED

8.10pm *Mayor Moira Jenkins determined the suspension period should be ended and resumed meeting procedures*

THE ORIGINAL MOTION (SC92024) WAS PUT AND CARRIED

SC102024 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That Council's contribution for the Regional Community, Sport and Recreation Precinct is increased to $11.7 million to offset the initial operating subsidies in the Detailed Proposal.

CARRIED

SC112024 Moved: Cr Marilyn Henderson
Seconded: Cr Michael Quinton

That having considered Agenda Item 5.1 – CONFIDENTIAL – Regional Community Sport and Recreation Precinct – Heads of Agreement in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council,

i. Pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence until the negotiations between the third parties and Council have been concluded and/or appropriate legal agreements have been executed or as otherwise determined by the Chief Executive Officer; and

ii. The public be readmitted to the meeting.

CARRIED