



LEETON
SHIRE COUNCIL

**MINUTES OF THE CONFIDENTIAL EXTRAORDINARY
COUNCIL MEETING
MONDAY 29 MAY 2023
COMMENCING AT 7:00PM
AT THE COUNCIL CHAMBERS**

Present:

Councillors:

Cr. Tony Reneker (Mayor), Cr. Michael Kidd (Deputy Mayor), Cr. Paul Smith,
Cr. Krystal Maytom, Cr. Tony Ciccia, Cr. Matt Holt, Cr. Sandra Nardi,
Cr. Tracey Morris and Cr. George Weston.

Staff:

Jackie Kruger (General Manager), Mandy Rogers (Director Corporate), Tom Steele (Director Operations), Michelle Evans (Executive Manager Economic and Community Development), Tracy Pearce-Brambley (Executive Manager People and Culture), Sarah Graham (Governance and Customer Service Coordinator), Gideon Vos (Building Services Coordinator and Roxy Project Manager) and Katherine Hermann (Roxy Project Director).

Press: Nil

LEETON SHIRE COUNCIL

T. (02) 6953 0911 F. (02) 6953 0977
council@leeton.nsw.gov.au
23-25 Chelmsford Place Leeton NSW 2705
www.leeton.nsw.gov.au 

1. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE

Nil

2. DISCLOSURES OF INTERESTS

Nil

3. NOTICES OF MOTION

Nil

4. CONFIDENTIAL MATTERS

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

23/069

Resolved

1. That Council moves into Closed Council to consider business identified.
2. That in accordance with Section 10A(2) of the *Local Government Act 1993*, the Public and Press be excluded from the meeting to enable Council to determine items listed in Confidential Matters for the reasons indicated.
3. That the report 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*.

(Moved Cr. Morris, seconded Cr. Weston)

Cr. Ciccia, Cr. Holt and Cr. Maytom recorded their vote against.

Council closed its meeting at 07:27 pm.

Item 4.1 ROXY COMMUNITY THEATRE - NEXT STEPS TO COMPLETE BUILD

This report is considered confidential in accordance with the *Local Government Act 1993*, as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret (Section 10A(2)d).

CLOSED COUNCIL - CONFIDENTIAL ITEMS

Executive Manager People and Culture left the meeting, the time being 07:47pm.

Executive Manager People and Culture returned to the meeting, the time being 07:50pm.

Director Operations left the meeting, the time being 08:54pm.

Director Operations returned to the meeting, the time being 08:56pm.

Director Corporate left the meeting, the time being 09:00pm.

Director Corporate returned to the meeting, the time being 09:05pm.

Item 4.1 ROXY COMMUNITY THEATRE - NEXT STEPS TO COMPLETE BUILD

23/070

Resolved

THAT Council:

1. Notes that the Lloyd Group, Head Contractor for the Roxy Community Theatre build, entered into voluntary liquidation on 17 May 2023, and authorises the General Manager to resolve associated outstanding matters to a maximum value of \$200K, inclusive of operating and capital expenditure. Where this expenditure relates to capital, that expenditure is approved over and above the total Roxy Redevelopment Project Budget.
2. Agrees that Council undertakes the Roxy capital works as Head Builder at a value managed budget-to-complete of \$6.4M across multiple phases, which includes an internal Project Management Office and defect remediation, plus a contingency of \$430K, bringing the total Roxy Redevelopment Project to a revised approved budget of \$12.2M.
3. Agrees that Council staff should continue to seek further external funding for the full original project, with a focus on phases 2 and 3, provided that Council's voted investment overall of \$5.284M is not increased.
4. Agrees that if latent conditions and variations exceed the voted contingency, the General Manager will be authorised to implement further value management in consultation with the Roxy Redevelopment Committee.
5. Confirms as per Section 55(3)(i) of the *Local Government Act 1993* full exemption from tendering for the completion of the Roxy project, with direct negotiations / contracting of trades to occur for reasons of Works Under Contract being substantially advanced and conducting a tender would materially delay progress resulting in increased costs, legal and reputational risk to Council; substantial cost and timing benefits from engaging existing subcontractors to complete the works

they have started; reduced risk of commercial loss for existing contractors (most of whom are local trades); and the known difficulty of securing trades in rural NSW, especially for complex, risky builds and sensitive heritage projects.

6. Notes the draft works program, with an indicative completion date of 31 May 2024.
7. Agrees that the Consultant cost-to-complete budget be increased to \$250K to recognise a further 12 months of their service.
8. Authorises the General Manager to finalise negotiations and contracts with all required trades and consultants provided that any contracts in excess of \$250K are reviewed and co-signed by the Mayor (or, in his absence, the Deputy Mayor).
9. Requests the General Manager to provide to Council every second month reports on the Roxy Project build progress including a comparison to budget.

(Moved Cr. Kidd, seconded Cr. Morris)

Cr. Ciccio recorded his vote against.

REVERSION TO OPEN COUNCIL

23/071

Resolved

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 09:42 pm.

(Moved Cr. Weston, seconded Cr. Smith)

The Mayor advised that during the Closed Council resolutions were passed. The General Manager read out the resolutions made in Closed Council for Item 4.1.

5. CONCLUSION OF THE MEETING

There being no further business the meeting closed at 09:45 pm.

..... signed by
the Chairman of the meeting held on
28 Jun 2023 at which meeting the
signature hereon was subscribed.