

EXTRACT FROM MINUTES 29/7/2021

8.1 Legal Advice - Wirrabara Community Wastewater System (CWMS)

Moved Cr Prestridge
Seconded Cr McCarthy

That pursuant to Section 90(2) and (30)(h) of the Local Government Act 1999, the Council orders all persons present, with the exception of Sam Johnson, Chief Executive Officer, Jacqui Kelleher, Manager Administrative Services, Craig Mudge, Manager Corporate Services, Brenton Daw, Manager Infrastructure and Regulatory Services, and Ebony Rodda, Manager Community and Economic Development, be excluded from the meeting as Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Council will receive and consider legal advice.

Carried Unanimously
[195-2021]

Moved Cr Richards
Seconded Cr McCarthy

That Council:

1. receives and notes the report;
2. engages Norman Waterhouse to represent Council to pursue legal proceedings against Wallbridge Gilbert Aztec and Mercater Pty Ltd in relation to the failed works jointly undertaken in 2015 to construct the Wirrabara Community Wastewater Management System (CWMS); and
3. requests the Chief Executive Officer to provide regular updates up to and including the conclusion of the legal proceedings.

Carried Unanimously
[196-2021]

Moved Cr Richards
Seconded Cr Norton

That in accordance with Section 91(7) and (9) of the Local Government Act 1999, Council orders that report item 8.2 Wirrabara Community Wastewater Management System (CWMS), attachments, discussion and minutes having been considered in confidence under Section 90(2) and 3(h) of the Act be kept confidential and not available for public inspection on the basis that it contains legal advice. This order is to remain in force until the conclusion of legal proceedings, notwithstanding that it will be reviewed annually in December- of each year.

Carried Unanimously
[197-2021]