



WENTWORTH SHIRE COUNCIL

EXTRAORDINARY MEETING MINUTES AS AMENDED

3 NOVEMBER 2021

TABLE OF CONTENTS

| ITEM | SUBJECT | PAGE NO |
|------|--|---------|
| 1 | OPENING OF MEETING | 1 |
| 2 | PRAYER OR ACKNOWLEDGEMENT OF COUNTRY..... | 1 |
| 3 | APOLOGIES AND LEAVE OF ABSENCE..... | 1 |
| 4 | DISCLOSURES OF INTERESTS | 1 |
| 5 | CONFIRMATION OF MINUTES | 1 |
| 6 | OUTSTANDING MATTERS FROM PREVIOUS MEETINGS | 2 |
| 7 | CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION..... | 3 |
| 8 | OPEN COUNCIL - REPORT FROM CLOSED COUNCIL | 5 |
| 7.1 | Willow Bend Caravan Park Upgrade - PT2122/03..... | 5 |
| 7.2 | Extension to Wentworth Preschool - PT2021/10 | 6 |
| 9 | CONCLUSION OF THE MEETING | 7 |
| | MEETING CLOSED AT 11:46AM..... | 7 |
| | NEXT MEETING | 7 |

1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:06am

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Susan Nichols (Mayor)
Councillor Tim Elstone (Deputy Mayor)
Councillor Greg Evans
Councillor Steve Heywood
Councillor Jane MacAllister
Councillor Bill Wheeldon OAM

STAFF: Ken Ross (General Manager)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant General Manager)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council notes the apologies and grants the Leave of Absence Request(s) from Cr Nunan and Cr McKinnon.

Moved Cr. Heywood, Seconded Cr. Wheeldon

CARRIED

4 DISCLOSURES OF INTERESTS

Director Roads And Engineering has declared a pecuniary interest in Item 7.1 as his son in law is a Contractor and as such the Director Roads and Engineering has been precluded from the entire Tender process for this item.

Council Resolution

That Council notes the disclosure of interest from the Director of Roads and Engineering.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

5 CONFIRMATION OF MINUTES

Minutes of 20 October 2021 Ordinary meeting to be confirmed at 17 November 2021 meeting.

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

Nil

7 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

Despite the right of members of the public to attend meetings of a council, the council may choose to close to the public, parts of the meeting that involve the discussion or receipt of certain matters as prescribed under section 10A(2) of the Local Government Act.

With the exception of matters concerning particular individuals (other than councillors) (10A(2)(a)), matters involving the personal hardship of a resident or ratepayer (10A(2)(b)) or matters that would disclose a trade secret (10A(2)(d)(iii)), council must be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

The Act requires council to close the meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected. (section 10B(1)(a))

Section 10A(4) of the Act provides that a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Section 10B(4) of the Act stipulates that for the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:-

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may -
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Recommendation

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

7.1 Willow Bend Caravan Park Upgrade - PT2122/03. (RPT/21/595)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

7.2 Extension to Wentworth Preschool - PT2021/10. (RPT/21/630)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial

advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

Council Resolution

That Council adjourns into a closed session, that the recording of the meeting be paused, that members of the press and public be excluded from the meeting of the closed session, and that access to the correspondence and reports relating to the items considered during the course of the closed session be with-held unless declassified by separate resolution.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

8 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

7.1 WILLOW BEND CARAVAN PARK UPGRADE - PT2122/03

File Number: RPT/21/595

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Taygun Saritoprak - Project Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets

Strategy: 3.2 Plan for and develop the right assets and infrastructure

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

The General Manager advised that during the closed session Council resolved:

- 1) That in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) to accept the lump sum tender for Contract PT20212/03 in the amount of \$3,428,806.73 inc GST submitted from McMahon Services Australia and authorises the Mayor and General Manager to sign the contract documentation and affix the Council Seal
- 2) To approve the budget shortfall be funded via an extension to the already approved loan

7.2 EXTENSION TO WENTWORTH PRESCHOOL - PT2021/10

File Number: RPT/21/630

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Ivan McKenzie - Infrastructure Projects Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets

Strategy: 3.2 Plan for and develop the right assets and infrastructure

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

The General Manager advised that during the closed session Council resolved:

- 1) That in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accept the lump sum tender for Contract PT2021/10 in the amount of \$874,010.50 inc GST submitted from CPM Building Contractors Pty Ltd and authorises the Mayor and General Manager to sign the contract documentation and affix the Council Seal
- 2) To allocate \$209,000 from the capital projects reserve to cover the grant shortfall.

9 CONCLUSION OF THE MEETING

Meeting Closed at 11:46am

NEXT MEETING

17 November 2021

.....
CHAIR