



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES (As amended)

20 APRIL 2022

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 6:32pm.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Tim Elstone (Mayor)
Councillor Brian Beaumont
Councillor Steve Cooper
Councillor Peter Crisp
Councillor Greg Evans
Councillor Daniel Linklater
Councillor Susan Nichols
Councillor Jo Rodda

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Bernard Rigby (Acting Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant to General Manager)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council receives and notes the apology from Cr Heywood.

Moved Cr. Evans, Seconded Cr Rodda

CARRIED UNANIMOUSLY

4 DISCLOSURES OF INTERESTS

Councillor Crisp advised that he had a less than pecuniary interest in Item 9.21 as he is employed by a Contractor mentioned in this report for works at the Wentworth Showground Community Pavilion.

Councillor Nichols advised that he had a less than significant interest in Item 12.1 as she is a member of the Bowling Club.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 16 March 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 16 March 2022 be confirmed as circulated.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/216

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

The Outstanding Matters report provides details of activities raised at previous Council meetings that remain outstanding.

Officer Recommendation

That Council receives and notes the list of outstanding matters as at 11 April 2022.

Council Resolution

That Council receives and notes the list of outstanding matters as at 11 April 2022.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/22/217

Recommendation

That Council receives and notes the information contained in the Mayoral report.

Council Resolution

That Council receives and notes the information contained in the Mayoral report.

Moved Cr. Elstone, Seconded Cr Linklater

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/22/214

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

The General Manager's report details information pertaining to meetings attended and general information which are of public interest, and which have not been reported elsewhere in this agenda. Items of note in this report are:

1. OLG Circulars
Circular 22-04 – 22-08
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note

Recommendation

That Council receives and notes the information contained within the report from the General Manager.

Council Resolution

That Council receives and notes the information contained within the report from the General Manager.

Moved Cr Beaumont, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.2 REDEVELOPMENT OF THE WENTWORTH SHIRE CIVIC CENTRE PROJECT UPDATE

File Number: RPT/22/275

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Ken Ross - General Manager

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire
 Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

As part of the Office of Local Government (OLG) Capital Expenditure Review, quarterly project update reports are to be provided to Council. The report is to include detail of project progress, identify any budget variances that may impact on the project, and recognise any issues that may have an adverse impact on the works.

Council have been successful in securing the following funding:

Funding Program	Funding Amount excluding GST
2019/20 Public Library Infrastructure Grant (State Library of New South Wales) for the Relocation of the Wentworth Shire Library.	\$500,000.00
Round 7 of the Resources for Regions Program for the relocation of the Wentworth Visitor Information Centre to the Civic Centre.	\$941,023.00
Phase 2 of the NSW Government Local Roads and Infrastructure Program Extension for the construction of the Wentworth Library Outdoor Riverfront Gathering Space (<i>Library Courtyard</i>).	\$487,539.00
Round 3 of the Federal Government's Economic Development Program for the Wentworth Community Space and Convention Centre.	\$713,339.00
Building Better Regions – Round 5 for the Wentworth Community Space and Convention Centre	\$713,339.00
Phase 3 Local Roads and Community Infrastructure for the Interpretive Space at the Civic Centre	\$990,000.00

Recommendation

That Council receives and notes the information contained within this report.

Council Resolution

That Council receives and notes the information contained within this report.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.3 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

File Number: RPT/22/218

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Delivery Program Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Delivery Program Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

The 2022 National General Assembly of Local Government (NGA) is being held in Canberra from 19-22 June 2022. The NGA provides an opportunity for Councils to identify and discuss national issues of priority for the sector.

In previous years the Mayor and the General Manager have represented Council at the National Assembly of Local Government.

Recommendation

That Council endorses the attendance of the Mayor and General Manager at the National General Assembly of Local Government "Partners in Progress" 19-22 June 2022 in Canberra.

Council Resolution

That Council endorses the attendance of the Mayor and General Manager at the National General Assembly of Local Government "Partners in Progress" 19-22 June 2022 in Canberra.

Moved Cr. Nichols, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.4 2022 WESTERN DIVISION OF COUNCILS MID-TERM CONFERENCE

File Number: RPT/22/220

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

The 2022 Western Division of Councils Mid-Term Conference will be held from 1-3 May 2022 in Cobar.

Recommendation

That Council approve the attendance of Mayor Elstone, Deputy Mayor Linklater, Councillor Evans and General Manager Ken Ross to the 2022 Western Division of Council's Mid-Term Conference to be held in Cobar from 1-3 May 2022.

Council Resolution

That Council approve the attendance of Mayor Elstone, Deputy Mayor Linklater, Councillor Evans and General Manager Ken Ross to the 2022 Western Division of Council's Mid-Term Conference to be held in Cobar from 1-3 May 2022.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.5 2022 MURRAY DARLING BASIN AUTHORITY RIVER REFLECTIONS CONFERENCE

File Number: RPT/22/221

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

The 2022 Murray Darling Basin Authority *River Reflections* Conference will be held from 1-2 June 2022 in Mildura. *River Reflections* will provide the space and time for the diverse communities of the Murray Darling Basin to come together to listen and learn from one another.

Recommendation

That Council determines attendees to the 2022 Murray Darling Basin Authority *River Reflections* Conference.

Council Resolution

That Council determines that Cr Crisp attend Day 1 and Cr Linklater attend Day 2 of the 2022 Murray Darling Basin Authority *River Reflections* Conference.

Moved Cr Linklater, Seconded Cr Crisp

CARRIED UNANIMOUSLY

**9.6 REPRESENTATION ON WILLANDRA LAKES WORLD HERITAGE AREA
ADVISORY COMMITTEE**

File Number: RPT/22/288

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring , supportive and inclusive community
that is informed and engaged in its future

Strategy: 4.6 Collaborate with others to achieve desired outcomes for the
local community

Summary

The NSW Government is seeking expressions of interest for membership on the Willandra Lakes Region World Heritage Advisory Committee via LGNSW.

Council is invited to nominate two representatives for the Willandra Lakes Region World Heritage Advisory Committee, by Wednesday 4 May 2022, to be forwarded for the Minister's consideration.

Recommendation

That Council nominate two representatives for local government membership on the Willandra Lakes Region World Heritage Advisory Committee.

Council Resolution

That Council nominate Cr Nichols and Cr Beaumont for local government membership on the Willandra Lakes Region World Heritage Advisory Committee.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.7 MURRAY DARLING ASSOCIATION REGION 4 NOMINATIONS

File Number: RPT/22/242

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

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

Strategy: 3.5 Recognise the importance of a healthy Murray-Darling River system

Summary

Wentworth Shire Council continues to be a member of the Murray Darling Association (MDA); a membership-based organisation representing local government and communities across the Murray-Darling Basin since 1944.

The MDA works with and for member councils, in collaboration with state based local government associations such as Local Government NSW, Joint Organisations and other local government affiliations.

Wentworth Shire Council sits within Region 4; there are 12 regions.

The MDA Region 4 Annual General Meeting is scheduled to be held on 31 May 2022 at the Midway Centre, Buronga.

Nominations are now being called for the position of Chair and executive committee members.

Recommendation

That Council

1. Nominates delegate(s) for positions on the Executive Committee of MDA Region 4, and in doing so acknowledges its commitment to the nomination.
2. Determines if it will nominate a preferred delegate for the position of Chair of MDA Region 4, and in doing so acknowledges the obligations of the Region Chair and commits to providing the resources required to support the role of Chair.

Council Resolution

That Council

1. Nominates Cr Elstone, Cr Heywood, Cr Evans and Cr Linklater for positions on the Executive Committee of MDA Region 4, and in doing so acknowledges its commitment to the nomination.
2. Determined it will not nominate a preferred delegate for the position of Chair of MDA Region 4, and in doing so acknowledges the obligations of the Region Chair and commits to providing the resources required to support the role of Chair.

Moved Cr Cooper, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.8 MONTHLY INVESTMENT REPORT

File Number: RPT/22/251

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

As at 31 March 2022 Council had \$33 million invested in term deposits and \$4,361,346.10 in other cash investments. Council received \$15,617.57 from its investments for the month of March 2022.

In March 2022 Council investments averaged a rate of return of 0.73% and it currently has \$8,478,145.40 of internal restrictions and \$22,856,030.62 of external restrictions.

Recommendation

That Council:

- a) Receives and notes the monthly investment report; and
- b) Approves the creation of an internal restricted reserve for the \$1,500,000 Caravan Park loan facility drawn down in March 2022.

Council Resolution

That Council:

- a) Receives and notes the monthly investment report; and
- b) Approves the creation of an internal restricted reserve for the \$1,500,000 Caravan Park loan facility drawn down in March 2022.

Moved Cr Rodda, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.9 MONTHLY FINANCE REPORT

File Number: RPT/22/249

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

Rates and Charges collections for the month of March 2022 were \$536,146.64. After allowing for pensioner subsidies, the total levies collected are now 75.93%. For comparison purposes 74.77% of the levy had been collected at the end of March 2021. Council currently has \$37,361,346.10 in cash and investments.

Recommendation

That Council receives and notes the Monthly Finance Report.

Council Resolution

That Council receives and notes the Monthly Finance Report.

Moved Cr. Evans, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.10 MARCH QUARTERLY BUDGET REVIEW

File Number: RPT/22/266

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Report Author: Simon Rule - Director Finance and Policy
Bryce Watson - Accountant

Summary

A full analysis of Council's Income, Operating Expenditure and Capital Expenditure has been undertaken. A number of variations have been identified against the original budget as outlined in this report. Council's revenue and expenditure is reviewed on a quarterly basis to identify any potential areas requiring a variation.

	YTD Actual (31-MAR-22)	% of Original Budget	% of Revised Budget
Revenue	\$26,584,988	65.10%	66.36%
Operational Expenditure	\$19,443,128	76.90%	69.58%
Capital Expenditure	\$10,329,615	34.44%	38.01%

If approved, the net result of variances for the March 2022 Quarter is an unfavorable operational variance of \$5,844,000 and a favorable capital variance of \$8,453,000 resulting in a total favorable budget variation of \$2,609,000.

Recommendation

That Council approves the variations to the 2021/22 Operational Plan adopted at the 30 June 2021 Ordinary Council Meeting.

Council Resolution

That Council approves the variations to the 2021/22 Operational Plan adopted at the 30 June 2021 Ordinary Council Meeting.

Moved Cr. Nichols, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.11 DELIVERY PROGRAM PROGRESS UPDATE

File Number: RPT/22/271

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Bryce Watson - Accountant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

A progress report on the implementation of Council's 4-year Delivery program is required to be presented at least every six (6) months (LGA s404(5)). This report details the activities implemented under the annual operational plan in the last quarter, as per the Delivery program. It aligns with the expenditure provided in the March Quarterly Budget Review.

Recommendation

That Council receives and notes the quarterly progress update on the 2021/22 Operational Plan activities.

Council Resolution

That Council receives and notes the quarterly progress update on the 2021/22 Operational Plan activities.

Moved Cr Rodda, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.12 DRAFT COMMUNITY STRATEGIC PLAN

File Number: RPT/22/232

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future
Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

In accordance with the statutory requirements Council is required to have a Community Strategic Plan that has been developed and endorsed by Council.

The Community Strategic Plan is a document that identifies the main priorities and aspirations for the future of the Wentworth Shire region and covers a period of at least 10 years from when the plan is endorsed.

The draft Community Strategic Plan must be placed on public exhibition for a period of at least 28 days and submissions received by the public must be considered by the Council prior to adopting the final version of the plan.

Recommendation

That Council endorses the draft Community Strategic Plan to be placed on public exhibition for a period of 28 days.

Council Resolution

That Council endorses the draft Community Strategic Plan to be placed on public exhibition for a period of 28 days.

Moved Cr. Evans, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.13 POLICY REVIEW - DEPARTMENT FINANCE AND POLICY

File Number: RPT/22/231

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary**Recommendation**

That Council adopt the following revised policies:

- a) AF008 – Rates – Sewerage Service Policy
- b) AF009 – Capital Contributions Towards Community Facilities Policy
- c) AF018 – Asset Accounting Policy
- d) CC006 – Street Stalls & Raffle Stands Policy

That Council, following the completion of the public exhibition period and there being no submissions, adopt GOV018 – Code of Meeting Practice for Wentworth Shire Council.

Council Resolution

That Council adopt the following revised policies:

- a) AF008 – Rates – Sewerage Service Policy
- b) AF009 – Capital Contributions Towards Community Facilities Policy as amended
- c) AF018 – Asset Accounting Policy
- d) CC006 – Street Stalls & Raffle Stands Policy as amended

That Council, following the completion of the public exhibition period and there being no submissions, adopt GOV018 – Code of Meeting Practice for Wentworth Shire Council.

Moved Cr Rodda, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.14 APPOINTMENT OF AUDIT, RISK AND IMPROVEMENT COMMITTEE MEMBERS.

File Number: RPT/22/233

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

At the February 2022 Ordinary Council meeting, Council resolved to appoint a standalone Audit, Risk and Improvement Committee consisting of the following:

- An Independent Chairperson;
- 2 Independent Members; and
- 1 non-voting Councillor

Recommendation

That Council:

- a) Resolves to appoint the two nominations to the Audit, Risk and Improvement Committee;
- b) Resolves to appoint one committee member for an initial period of two years and one committee member for an initial period of three years;
- c) Resolves that both committee members positions have the option to be reappointed for a further four year period subject to the completion of a satisfactory performance review;
- d) Resolves to appoint an interim independent chair for a period of up to 12 months from the two candidates; and
- e) Resolves to nominate a Councillor as a non-voting committee member subject to that Councillor satisfying certain criteria.

Council Resolution

That Council:

- a) Resolves to appoint the two nominations to the Audit, Risk and Improvement Committee;
- b) Resolves to appoint one committee member for an initial period of two years and one committee member for an initial period of three years;
- c) Resolves that both committee members positions have the option to be reappointed for a further four year period subject to the completion of a satisfactory performance

review;

- d) Resolves to appoint Roseanne Kava as independent chair for a period of up to 12 months
- e) Resolves to nominate Councillor Beaumont as a non-voting committee member.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.15 APPROVAL TO AFFIX THE COUNCIL SEAL

File Number: RPT/22/254

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

At the February 2022 Ordinary Council meeting, Council resolved that any budget shortfall for the Willowbend Caravan Park redevelopment be funded via an extension to the already approved loan with that being capped at \$4,500,000.

The National Australia Bank has approved the extension to the loan facility and the revised loan agreement requires the signature of the Mayor and the General Manager and the Council seal to be affixed.

Recommendation

That Council authorises the Mayor and the General Manager to sign the revised loan documentation and affix the Council Seal.

Council Resolution

That Council authorises the Mayor and the General Manager to sign the revised loan documentation and affix the Council Seal.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.16 POLICY REVIEW - HEALTH AND PLANNING DEPARTMENT

File Number: RPT/22/235

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

After each general election of Councillors, the Local Government Act 1993 (the Act) requires Council to review all official policies of Council. There are currently 73 policies in place of which 15 are the responsibility of the Health and Planning Department.

For this Council meeting Health and Planning has reviewed three (3) policies which are now presented for adoption.

Recommendation

That Council adopt the following policies:

- a) PR0022 – Radio Active Waste Policy
- b) PR004 – Swimming Pool Safety Policy
- c) PR013 – Contaminated Lands Policy

Council Resolution

That Council adopt the following policies:

- a) PR0022 – Radio Active Waste Policy
- b) PR004 – Swimming Pool Safety Policy
- c) PR013 – Contaminated Lands Policy

Moved Cr Beaumont, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.17 DELEGATED AUTHORITY APPROVALS AS AT END OF MARCH 2022

File Number: RPT/22/241

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

For the month of March 2022, a total of twelve (12) Development Applications and four (4) S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$881,230. This brings the year to date total to twenty-six (26) Development Applications and eight (8) S4.55 Applications approved, with an estimated development value of \$3,455,521.30

Recommendation

- a) That Council receives and notes the report for the month of March 2022.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

- a) That Council receives and notes the report for the month of March 2022.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr Rodda, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : ***Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Linklater, Nichols and Rodda.***

Against the Motion: ***Nil.***

9.18 AUSTRALIAN INLAND BOTANIC GARDENS HERITAGE REQUEST

File Number: RPT/22/250

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Michele Bos - Strategic Development Officer

Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest

Strategy: 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination

Summary

Council has received a request, from the Australian Inland Botanic Gardens, to add an item to the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage list.

The item is a 2,500 year old Eucalyptus Oleosa tree, also known as the WOW tree, located within the Botanic Gardens at 1183 River Road, Mourquong.

Recommendation

That Council:

1. Resolve to support the request for listing the 2,500 year old Eucalyptus Oleosa tree, known as the WOW tree, in the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage.
2. Resolve to prepare the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage on behalf of the Australian Inland Botanic Garden.
3. That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Council Resolution

That Council:

1. Resolve to support the request for listing the 2,500 year old Eucalyptus Oleosa tree, known as the WOW tree, in the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage.
2. Resolve to prepare the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage on behalf of the Australian Inland Botanic Garden.
3. That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : *Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Linklater, Nichols and Rodda.*

Against the Motion: *Nil.*

9.19 FLOOD RISK MANAGEMENT PROJECT

File Number: RPT/22/264

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

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

Strategy: 3.3 Prepare for natural disasters, biosecurity risks and climate change

Summary

The Flood Risk Management project commenced with the signing of a Short Form Consultancy Agreement in July 2015 and an inception meeting of the committee held in August 2015.

A final draft Flood Study was received from the consultants, Advisian (formerly Worley Parsons) in July 2021.

This report seeks a resolution of Council to terminate the contract with Advisian to allow for the project to be progressed in a more efficient and beneficial manner for Council and the community.

Recommendation

That Council resolves to advise Advisian (formerly Worley Parsons) that the Short Form Consultancy Agreement is terminated in accordance with Clause 15 of that agreement.

Council Resolution

That Council resolves to advise Advisian (formerly Worley Parsons) that the Short Form Consultancy Agreement is terminated in accordance with Clause 15 of that agreement and that Council request the project data that has been collated and used to inform the preparation of the Draft Flood Study (Issue D Final Draft) July 2021.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.20 POLICY REVIEW - DEPARTMENT ROADS & ENGINEERING

File Number: RPT/22/225

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Summary

After each general election of Councillors, the Local Government Act 1993 (the Act) requires Council to review all official policies of Council. There are currently 74 policies in place of which 8 are the responsibility of the Roads & Engineering Department.

For this Council meeting the department has reviewed three policies and are presenting them to Council for adopting.

Recommendation

That Council adopt the following revised policies:

- a) AF005 – Plant Replacement Policy
- b) AF006 – Private Works Policy
- c) CC008 – Street Trees Policy

Council Resolution

That Council adopt the following revised policies:

- a) AF005 – Plant Replacement Policy
- b) AF006 – Private Works Policy
- c) CC008 – Street Trees Policy

Moved Cr Cooper, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.21 PROJECT & WORKS REPORT UPDATE - APRIL 2022

File Number: RPT/22/224

Responsible Officer: Bernard Rigby - Manager Engineering Services
Responsible Division: Roads and Engineering
Reporting Officer: Samantha Wall - Projects Administration

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

At 07:24 pm Councillor Peter Crisp left the Council Chambers.

Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the month of March 2022 and the planned activities for April 2022.

Recommendation

That Council receives and notes the major works undertaken in March and the scheduled works for the following months.

Council Resolution

That Council receives and notes the major works undertaken in March and the scheduled works for the following months.

Moved Cr Cooper, Seconded Cr. Evans

CARRIED UNANIMOUSLY

At 07:25 pm Councillor Peter Crisp returned to Council Chambers.

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Councillor Crisp noted that the upcoming Anzac day service at Dareton will be the first since 1999.

11 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:-:12.1

Wentworth Bowling Club - Green surround. (RPT/22/260)

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.

12.2 Peregrine Minerals Sands Pty Ltd - Bemax Resources Pty Ltd - Cristal Mining Australia Ltd - Imperial Mining (Aust) Pty Ltd - Court Costs. (RPT/22/228)

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 (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

12.3 Project Management of the Wentworth Shire Civic Centre Redevelopment by GSD Architects. (RPT/22/270)

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 (d) (iii) information that would, if disclosed, reveal a trade secret. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

12.4 Plant Replacement - Approval for Tenders for replacement plant 519 & 902 - Diesel Powered Cab Chassis fitted with a 14,000 litre Water Tanker. (RPT/22/223)

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.

12.5 Sprayed Bituminous Surfacing Contact - PT2122/08. (RPT/22/226)

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.

12.6 Pooncarie - Menindee Road Reconstruction - Plant Hire Tenders. (RPT/22/269)

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.

12.7 Old Wentworth Road - Supply & Delivery of Road Base Material - PT2122/13. (RPT/22/262)

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.

12.8 PT2122/14 - Punt Road Reconstruction. (RPT/22/263)

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 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.

Moved Cr. Evans, Seconded Cr Rodda

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 WENTWORTH BOWLING CLUB - GREEN SURROUND

File Number: RPT/22/260

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.2 Encourage locals to volunteer their time within their local community

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 Council:

- a) Approved a payment of \$5813.00 plus GST to the Wentworth Bowling Club to complete the project.
- b) Did not accept the committed \$25,637 from the Wentworth Bowling Club allowing those funds to be used by the club to achieve their desired accreditation.

12.2 PEREGRINE MINERALS SANDS PTY LTD - BEMAX RESOURCES PTY LTD - CRISTAL MINING AUSTRALIA LTD - IMPERIAL MINING (AUST) PTY LTD - COURT COSTS

File Number: RPT/22/228

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

Objective: 4.0 Wentworth is a caring , supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

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 (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

The General Manager advised that Council

- a) Acknowledged in relation to Wentworth Shire Council v Bemax Resources Limited and others [2013] NSWSC 1364 Tronox Mining Australia Limited accepts the terms of the proposal and will pay costs of \$477,768.89.
- b) Advise through Marsdens Law Group, acceptance of the terms offered by Tronox Mining Australia Limited on behalf of itself and the subsidiary entities the payment in the sum of \$477,768.89

**12.3 PROJECT MANAGEMENT OF THE WENTWORTH SHIRE CIVIC CENTRE
REDEVELOPMENT BY GSD ARCHITECTS**

File Number: RPT/22/270

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Rachael Withers - Subdivision Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire
Strategy: 1.1 Grow the potential for business and industry to develop and expand

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 (d) (iii) information that would, if disclosed, reveal a trade secret. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

The General Manager advised that Council deferred the item until further information is provided at the point of tender.

**12.4 PLANT REPLACEMENT - APPROVAL FOR TENDERS FOR REPLACEMENT
PLANT 519 & 902 - DIESEL POWERED CAB CHASSIS FITTED WITH A 14,000
LITRE WATER TANKER**

File Number: RPT/22/223

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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 Council accepted the tender from Johnson's Trucks for the supply of 2x UD CW 25 360 for the sum of \$696,958 inc GST, and accepted the trade price of \$70,000 inc GST for Council owned 2008 Flocon Water Tanker, plant item 519 & \$5,500 inc GST for Council owned 1993 Ford Water Cart, plant item 902, with a total changeover price of \$621,458 inc GST.

12.5 SPRAYED BITUMINOUS SURFACING CONTRACT - PT2122/08

File Number: RPT/22/226

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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 Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from Primal Surfacing to carry out the works specified in Contract PT2122/08 in accordance with the submitted schedule of rates for a period of 3 years with the option to extend for further 1+1 year period and authorised the Mayor and General Manager to sign the contract documentation.

12.6 POONCARIE - MENINDEE ROAD RECONSTRUCTION - PLANT HIRE TENDERS

File Number: RPT/22/269

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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 Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) awarded the following tenders authorising the use of contractors in accordance with their hourly rates as nominated.

Those being:

PT2122/09: Water Truck hire rate

- BOTT Civil/Earthmoving (13,000ltr) \$100.00 per hour
- Bulpunga Enterprises (14,000ltr) \$100.00 per hour

PT2122/10: Land Plane Earth Scoop hire rate

- BOTT Civil/Earthmoving (18m³) \$250.00 per hour
- BOTT Civil/Earthmoving (23m³) \$350.00 per hour

PT2122/11: Pad Foot Roller Hire rate

- Garraway Earthmoving item 1 \$39.60
- Garraway Earthmoving item 2 \$39.60

PT2122/12: Tip truck and Super Dog Combination hire rate

- GBM Consulting (32t) item 1 \$165.00
- GBM Consulting (32t) item 2 \$165.00
- GBM Consulting (32t) item 3 \$165.00
- BOTT Civil/Earthmoving (25t) \$120.00
- Martin Earthworx (28t) \$145.20
- Mallee Earthmoving & Excavation (34t) \$200.00

12.7 OLD WENTWORTH ROAD - SUPPLY & DELIVERY OF ROAD BASE MATERIAL - PT2122/13

File Number: RPT/22/262

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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 Council in accordance with the provision of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from Mallee Quarries Pty Ltd to undertake the supply and delivery of 29,000 tonnes of pugged dirty metal road base for Contract PT2122/13 in the amount of \$579,942.00 inc GST, and authorised the Mayor and General Manager to sign the contract documentation and affix the council seal.

12.8 PT2122/14 - PUNT ROAD RECONSTRUCTION

File Number: RPT/22/263

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

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 Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1) (a) accepted the tender from KW Earthmoving Pty Ltd, and subsequently authorised the Mayor and General Manager to sign the contract documentation and affix the seal for the recommended contractor to carry out all works specified for PT2122/14 for \$216,244.00 GST inclusive.

13 CONCLUSION OF THE MEETING

Meeting closed at 8:06pm

NEXT MEETING

18 May 2022

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CHAIR