



**ORDINARY MEETING
MINUTES**

14 DECEMBER 2022

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 7:03PM

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Tim Elstone
Councillor Brian Beaumont
Councillor Steve Cooper
Councillor Peter Crisp
Councillor Steve Heywood
Councillor Daniel Linklater
Councillor Jane MacAllister
Councillor Susan Nichols
Councillor Jo Rodda

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant to General Manager)
Tania Peel (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Councillor Heywood advised that he has a non - pecuniary interest in Item 12.5 as XCAV8 is his son.

Councillor Heywood advised that he has a non- pecuniary interest in Item 12.4 as KNH Cleaning Services as the owner is his Daughter in law.

Councillor Cooper advised that he has a pecuniary interest in Item 9.11, 9.12 and 9.13 as his business was been involved with the sale of these properties.

Councillor Elstone advised that he has a pecuniary interest in Item 9.11, 9.12 and 9.13 as his business was been involved with the sale of these properties.

Director Geoff Gunn advised that he has a pecuniary interest in 12.4, 12.5 and 12.7 as Wall Construction is part owned by his daughter and son in law.

Councillor Crisp advised that he had a non-pecuniary interest in Item 12.4 as his employer is Nifty Engineering.

Councillor Rodda advised that he had a pecuniary interest in Item 12.4 as she is a Contractor for Council.

5 CONFIRMATION OF MINUTES

Recommendation

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

Council Resolution

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

Moved Cr. Nichols, Seconded Cr Linklater

CARRIED UNANIMOUSLY

Council Resolution

That the Ordinary Council meeting be adjourned, and the recording of the meeting paused, for the purpose of conducting a Public Forum.
The meeting was adjourned at 7:17pm.

Moved Cr. MacAllister, Seconded Cr Linklater

CARRIED UNANIMOUSLY

PUBLIC FORUM

Mr James Golsworthy spoke to Agenda Item 9.14

Council Resolution

That Council reconvenes into open session and that the recording of the meeting be recommenced.

Moved Cr Linklater, Seconded Cr Crisp

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/718

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

The Outstanding Actions 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 6 December 2022.

Council Resolution

That Council receives and notes the list of outstanding matters as at 6 December 2022.

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/22/719

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

8.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE

File Number: RPT/22/713

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 Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

A meeting of the Audit, Risk and Improvement Committee was held on 28 October 2022 and the draft Minutes of the meeting are attached to this report for the information of Councillors.

The Committee considered the following item of business:

- Risk Management Framework
- Draft Internal Audit Charter
- Draft Annual Work Plan
- Quarterly Operational Plan Progress Report
- September Quarterly Budget Review – First Quarter 2022-2023

The Committee has requested that the Reporting Officer seek a number of resolutions from Council in relation to the items considered.

Officer Recommendation

- a) That Council receive and note the draft minutes of the Audit, Risk and Improvement Committee Meeting held on 28 October 2022;
- b) That Council adopt the changes to the Enterprise Wide Risk Management Policy;
- c) That Council adopt the Risk Management Framework;
- d) That Council adopt the Internal Audit Charter;
- e) That Council endorses the Director Finance & Policy to be the Chief Audit Executive; and
- f) That Council adopt the Audit, Risk & Improvement Committee Annual Work Plan

Council Resolution

- a) That Council receive and note the draft minutes of the Audit, Risk and Improvement Committee Meeting held on 28 October 2022;
- b) That Council adopt the changes to the Enterprise Wide Risk Management Policy;

- c) That Council adopt the Risk Management Framework;
- d) That Council adopt the Internal Audit Charter;
- e) That Council endorses the Director Finance & Policy to be the Chief Audit Executive;
and
- f) That Council adopt the Audit, Risk & Improvement Committee Annual Work Plan

Moved Cr. MacAllister, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT

File Number: RPT/22/720

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

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 22-34 – 22-35
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. Heywood, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.2 MONTHLY FINANCE REPORT

File Number: RPT/22/732

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 November 2022 were \$1,418,440.46. After allowing for pensioner subsidies, the total levies collected are now 57.73%. For comparison purposes 52.13% of the levy had been collected at the end of November 2021. Council currently has \$42,644,443.10 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 Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.3 MONTHLY INVESTMENT REPORT

File Number: RPT/22/760

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

Summary

As at 30 November 2022 Council had \$37 million invested in term deposits and \$5,644,443.10 in other cash investments. Council received \$23,811.05 from its investments for the month of November 2022.

In November 2022 Council investments averaged a rate of return of 2.92% and it currently has \$8,358,589.99 of internal restrictions and \$26,001,460.41 of external restrictions.

Recommendation

That Council receives and notes the monthly investment report.

Council Resolution

That Council receives and notes the monthly investment report.

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.4 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS

File Number: RPT/22/711

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 Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

The annual audit of Council's Financial Statements was carried out by Nexia Australia on behalf of the Audit Office of New South Wales. Brett Hanger, Director, Audit and Assurance Services from Nexia Australia and Manuel Moncada from the Audit Office will join the meeting via video conference to assist in the presentation about the 2021/2022 audit to Council and the public.

Public notice of the presentation was given by advertising in the Sunraysia Daily, with the audited Financial Statements and the Auditor's Report made available at the Wentworth Shire Office's and on Council's website as required under Section 418 of the *Local Government Act 1993 (NSW)* (the Act).

Recommendation

That Council notes the presentation of the Annual Financial Statements and the movements in Council's internal and external reserves.

Council Resolution

That Council notes the presentation of the Annual Financial Statements and the movements in Council's internal and external reserves.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.5 2021-2022 ANNUAL REPORT

File Number: RPT/22/725

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 Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary**Recommendation**

That Council notes the completion of the 2021/2022 Annual Report.

Council Resolution

That Council notes the completion of the 2021/2022 Annual Report.

Moved Cr Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.6 CODE OF CONDUCT COMPLAINT STATISTICS FOR THE PERIOD ENDING 31 AUGUST 2022.

File Number: RPT/22/723

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 Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary**Recommendation**

That Council notes the reporting of the Code of Conduct complaints statistics for the period ending 31 August 2022.

Council Resolution

That Council notes the reporting of the Code of Conduct complaints statistics for the period ending 31 August 2022.

Moved Cr Rodda, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.7 A59 EASEMENT FOR MOURQUONG WATERMAIN PIPELINE EXTENSION

File Number: RPT/22/669

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural environment
Strategy: 3.5 Infrastructure meets the needs of our growing Shire

Summary

A Council resolution is required to commence the Acquisition of an easement 3.5 metres wide for the purpose of water supply affecting Lot 9191 in Deposited Plan 1217480, in Mourquong.

Recommendation

That Council:

1. Resolves to acquire the following interests in land by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* by authority contained in the *Local Government Act 1993 (NSW)* for the purposes of the Mourquong Watermain Pipeline Extension project:
 - a) an easement for water supply over the site shown as '(A) PROPOSED EASEMENT FOR WATER SUPPLY 3.5 WIDE' in Deposited Plan 1279544 affecting Lot 9191 in Deposited Plan 1217480.
2. That the terms of the easement shall be as shown on Schedule 'A' attached
3. That minerals are to be excluded from this acquisition
4. That this acquisition is not for the purpose of resale
5. That the necessary applications be made to the Minister for Local Government and the NSW Governor
6. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and the Mayor and the General Manager be delegated to sign any related documents.

Council Resolution

That Council:

1. Resolves to acquire the following interests in land by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* by authority contained in the *Local Government Act 1993 (NSW)* for the purposes of the Mourquong Watermain Pipeline Extension project:
 - a) an easement for water supply over the site shown as '(A) PROPOSED EASEMENT FOR WATER SUPPLY 3.5 WIDE' in Deposited Plan 1279544

affecting Lot 9191 in Deposited Plan 1217480.

2. That the terms of the easement shall be as shown on Schedule 'A' attached
3. That minerals are to be excluded from this acquisition
4. That this acquisition is not for the purpose of resale
5. That the necessary applications be made to the Minister for Local Government and the NSW Governor
6. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and the Mayor and the General Manager be delegated to sign any related documents.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.8 ALTERATION TO CATEGORISATION ON CROWN RESERVES 6 & 85836

File Number: RPT/22/727

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural environment
Strategy: 3.4 Use and manage our resources wisely

Summary

While undertaking the final revisions of the Draft Plan of Management, it has been identified that two Crown reserves are not considered to have been assigned the categorisation that most closely relates to the purpose for which the land is dedicated or reserved.

Council must seek approval from the Minister to request a categorisation change. Modifications to a 'category' can be submitted at the same time as notifying the Minister for Consent to exhibit the draft Plan of Management.

Recommendation

That Council:

- 1) Apply to the Minister administering crown lands, with written notice requesting an alteration to the initial category assigned for two Crown reserves:
 - a. Pooncarie Sporting Reserve 6 - consent to remove the initial categorisation of Sportsground & Natural Area Bushland to General Community Use over Lot 73 DP 820498 & part 7304 DP 1182431
 - b. Dareton Swimming Pool Reserve 85836 – consent to extend the approved categorisation of General Community Use to include the area north of the swimming pool within Lot 101 DP 1232722, keeping the assignment of Park for the remainder of the reserve

Council Resolution

That Council:

- 1) Apply to the Minister administering crown lands, with written notice requesting an alteration to the initial category assigned for two Crown reserves:
 - a. Pooncarie Sporting Reserve 6 - consent to remove the initial categorisation of Sportsground & Natural Area Bushland to General Community Use over Lot 73 DP 820498 & part 7304 DP 1182431
 - b. Dareton Swimming Pool Reserve 85836 – consent to extend the approved categorisation of General Community Use to include the area north of the swimming pool within Lot 101 DP 1232722, keeping the assignment of Park for the remainder of the reserve

Moved Cr Cooper, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.9 MINISTER NOTIFICATION OF DRAFT PLAN OF MANAGEMENT

File Number:	RPT/22/728
Responsible Officer:	Matthew Carlin - Director Health and Planning
Responsible Division:	Health and Planning
Reporting Officer:	Hilary Dye - Property and Land Tenure Officer
Objective:	3.0 Wentworth is a community that works to enhance and protect its physical and natural environment
Strategy:	3.2 Ensure that community assets and public infrastructure are well maintained

Summary

Wentworth Shire Council's Generic Draft Plan of Management (PoM) has been prepared. Council is required to submit a copy of the draft plan to the Minister as the landowner, prior to public exhibition.

Council will prepare and complete the 'Notice of Plan of Management Form' which is then submitted to the Minister for Crown Lands. The purpose of this form is to seek consent for adoption of the draft PoM following public exhibition. Additionally, Council is required to seek written consent from the Minister for the adoption of PoMs for Council managed Crown Land.

All community land managed by a Council and used by the community must have a Plan of Management in place under the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Plans of Management ensure that Crown land is lawfully used and occupied, which is an essential part of the role of all Council Land Managers in managing Crown reserves.

Council has prepared a draft Plan of Management for the consideration of Council prior to referring it to the Minister of the Department of Planning, Industry and Environment - Crown Lands. Minister's consent can be requested to adopt the Plan of Management at the same time as landowner notification.

Recommendation

That Council:

- 1) Considers the Native Title Manager advice and endorses the draft Plan of Management.
- 2) Provides the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands seeking authority to undertake community consultation requirements.
- 3) Endorses the draft Plan of Management for community consultation for a period of 42 days (28 days of exhibition and a further 14 days for receipt of comments and submissions), in accordance with the public exhibition requirements of the *Local Government Act 1993*
- 4) Following Minister's consent under clause 70B of the *Crown Land Management Regulation 2018*, the Council resolution should note the Plan of Management is adopted, pursuant to section 40 of the *Local Government Act 1993* in accordance with 3.23(6) of the *Crown Land Management Act 2016*.

- 5) Authorises the General Manager to notify the department as the landowner for consent to public exhibit the draft Plan of Management, using the appropriate Crown Lands Written Notification of Plans of Management form.
- 6) Applies for Ministers written consent to adopt the Plan of Management at the same time as notifying the landowner of the draft plan.

Council Resolution

That Council:

- 1) Considers the Native Title Manager advice and endorses the draft Plan of Management.
- 2) Provides the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands seeking authority to undertake community consultation requirements.
- 3) Endorses the draft Plan of Management for community consultation for a period of 42 days (28 days of exhibition and a further 14 days for receipt of comments and submissions), in accordance with the public exhibition requirements of the *Local Government Act 1993*
- 4) Following Minister's consent under clause 70B of the *Crown Land Management Regulation 2018*, the Council resolution should note the Plan of Management is adopted, pursuant to section 40 of the *Local Government Act 1993* in accordance with 3.23(6) of the *Crown Land Management Act 2016*.
- 5) Authorises the General Manager to notify the department as the landowner for consent to public exhibit the draft Plan of Management, using the appropriate Crown Lands Written Notification of Plans of Management form.
- 6) Applies for Ministers written consent to adopt the Plan of Management at the same time as notifying the landowner of the draft plan.

Moved Cr. MacAllister, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.10 A54 WILGA ROAD WIDENING

File Number: RPT/22/485

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 2.0 Wentworth Shire is a great place to live
Strategy: 2.3 To have a safe community

Summary

A Council resolution is required to commence the compulsory acquisition of Lot 2584 Deposited Plan 764612 at Gol Gol, NSW from Crown Lands for the purpose of widening an existing public road.

Recommendation

That Council

1. Proceed to acquire Lot 2584 Deposited Plan 764612 by the compulsory process under the terms of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* by authority contained in the *Roads Act 1993 (NSW)* for the purpose of widening a public road
2. Dedicate the land as public road in accordance with the *Roads Act 1993 (NSW)*
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the NSW Governor for approval to compulsorily acquire the Crown land for the public purpose
6. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated to sign any related documents.

Council Resolution

That Council

1. Proceed to acquire Lot 2584 Deposited Plan 764612 by the compulsory process under the terms of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* by authority contained in the *Roads Act 1993 (NSW)* for the purpose of widening a public road
2. Dedicate the land as public road in accordance with the *Roads Act 1993 (NSW)*
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the NSW Governor for approval to compulsorily acquire the

Crown land for the public purpose

6. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated to sign any related documents.

Moved Cr Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.11 DA2022/118 DWELLING AND STORAGE SHED POONCARIE ROAD LOT 4 DP 1270097 WENTWORTH

File Number: RPT/22/738

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Planning Officer

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

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

At 08:02 pm Councillor Tim Elstone left the Council Chambers.

At 08:02 pm Councillor Steve Cooper left the Council Chambers.

Deputy Mayor Cr Linklater assumed the chair.

Summary

A development application (DA2022/118) was received by Council for a new dwelling and storage shed to be located at Pooncarie Road Lot 4 DP 1270097 Wentworth in close proximity to the river.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, dwellings are permitted with consent if located within the R5 Large Lot Residential zone.

Clause 7.9 of the WLEP 2011, was a site-specific clause created by a planning proposal which was referred to several state agencies. This clause allows dwellings to be located 30m from the lowest bank of the Darling River (waters edge at normal pool level) on land identified as "Riverton". The proposed dwelling has a setback of 30m from the lowest bank (water edge), which complies with the clause.

The proposed dwelling is located 20.9m from the high bank of the river, while the required river setback under clause 7.6 the WLEP 2011 is 30m from the high bank. Although clause 7.9 allows the proposed setback, some form of assessment is still required against clause 7.6. As part of the 7.6 assessment, a variation to the 30m river setback standard was required (usually referred to as a 4.6 variation).

Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

Recommendation

That Council:

1. Approve DA2022/118 being a Dwelling and Storage Shed located at Pooncarie Road Lot 4 DP 1270097 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

That Council:

1. Approve DA2022/118 being a Dwelling and Storage Shed located at Pooncarie Road

Lot 4 DP 1270097 Wentworth.

2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW

Moved Cr. Heywood, Seconded Cr Beaumont

CARRIED

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

For the Motion : **Clr.s Beaumont, Crisp, Heywood, Linklater, MacAllister and Rodda.**

Against the Motion: **Clr. Nichols.**

9.12 DA2022/105 MOVEABLE DWELLING 193 POONCARIE ROAD LOT 1 DP 1270097 WENTWORTH

File Number: RPT/22/751

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Strategic Planning Officer

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

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

A development application (DA2022/105) was received by Council for a new moveable dwelling to be located at 193 Pooncarie Road Lot 1 DP 1270097 Wentworth.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, dwellings are permitted with consent if located within the R5 Large Lot Residential zone.

Clause 7.9 of the WLEP 2011, was a site-specific clause created by a planning proposal which was referred to several state agencies. This clause allows dwellings to be located 30m from the lowest bank of the Darling River (waters edge at normal pool level) on land identified as "Riverton". The proposed dwelling has a setback of 31m from the lowest bank (water edge), which complies with the clause.

The proposed moveable dwelling is located 17.31m from the high bank of the river, while the required river setback under clause 7.6 the WLEP 2011 is 30m from the high bank. Although clause 7.9 allows the proposed setback, some form of assessment is still required against clause 7.6. As part of the 7.6 assessment, a variation to the 30m river setback standard was required (usually referred to as a 4.6 variation).

Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

Recommendation

1. That Council approve to issue development approval for DA2022/105 being a moveable dwelling located at 193 Pooncarie Road Lot 1 DP 1270097 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

1. That Council approve to issue development approval for DA2022/105 being a moveable dwelling located at 193 Pooncarie Road Lot 1 DP 1270097 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr. Beaumont, Seconded Cr MacAllister

CARRIED

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

For the Motion : *Clr.s Beaumont, Crisp, Heywood, Linklater, MacAllister and Rodda.*

Against the Motion: *Clr. Nichols.*

**9.13 S4.55/2022/042 TO MODIFY DA2022/075 DWELLING WITH GARAGE
POONCARIE ROAD LOT 5 DP 1270097 WENTWORTH**

File Number: RPT/22/753

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Strategic Planning Officer

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

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

A modification application (s4.55/2022/042) was received by Council to modify DA2022/075 for a dwelling and garage to be located at Pooncarie Road Lot 5 DP 1270097 Wentworth.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, dwellings are permitted with consent if located within the R5 Large Lot Residential zone.

Clause 7.9 of the WLEP 2011, was a site-specific clause created by a planning proposal which was referred to several state agencies. This clause allows dwellings to be located 30m from the lowest bank of the Darling River (waters edge at normal pool level) on land identified as "Riverton". The proposed dwelling has a setback of 31m from the lowest bank (water edge), which complies with the clause.

The proposed dwelling is located 24m from the high bank of the river, while the required river setback under clause 7.6 the WLEP 2011 is 30m from the high bank. Although clause 7.9 allows the proposed setback, some form of assessment is still required against clause 7.6. As part of the 7.6 assessment, a variation to the 30m river setback standard was required (usually referred to as a 4.6 variation).

Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

Recommendation

1. That Council approve to issue modification approval for s4.55/2022/042 to modify DA2022/075 being a dwelling and garage located at Pooncarie Road Lot 5 DP 1270097 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

1. That Council approve to issue modification approval for s4.55/2022/042 to modify DA2022/075 being a dwelling and garage located at Pooncarie Road Lot 5 DP 1270097 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr Heywood, Seconded Cr. Rodda

CARRIED

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

For the Motion : ***Clr.s Beaumont, Crisp, Heywood, Linklater, MacAllister and Rodda.***

Against the Motion: ***Clr. Nichols.***

At 08:04 pm Councillor Steve Cooper returned to Council Chambers.

At 08:04 pm Councillor Tim Elstone returned to Council Chambers.

Mayor Elstone resumed the chair.

**9.14 DA2022/082 SECOND DWELLING (DUAL OCCUPANCY - DETACHED)
DEFERRED COMMENCEMENT 28-30 HENDY ROAD LOT 455 DP 756961
BURONGA**

File Number: RPT/22/761

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Strategic Planning Officer

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

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

A development application (DA2022/082) was received by Council for a new detached dual occupancy to be located at 28-30 Hendy Road Lot 455 DP 756961 Buronga.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, detached dual occupancy are permitted with consent if located within the RU5 Village zone.

The proposed detached dual occupancy is located 25m from the high bank of the river, while the required river setback under clause 7.6 the WLEP 2011 is 30m from the high bank. The applicant has provided a variation application, to allow the detached dual occupancy to be located closer to the river than is allowed by legislation. Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

Recommendation

1. That Council refuse to issue approval for DA2022/082 being a detached dual occupancy located at 28-30 Hendy Road Lot 455 DP 756961 Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Amendment

That Council defer this item until the February 2023 meeting and include in the assessment the further information discussed by Mr Golsworthy in the Public Forum.

Moved Cr Linklater, Seconded Cr Rodda

CARRIED UNANIMOUSLY

Council Resolution

That Council defer this item until the February 2023 meeting and include in the assessment the further information discussed by Mr Golsworthy in the Public Forum.

Moved Cr Linklater, Seconded Cr Rodda

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, Heywood,
Linklater, MacAllister, Nichols and Rodda.*

Against the Motion: *Nil.*

9.15 DELEGATED AUTHORITY APPROVALS AS AT END OF NOVEMBER 2022

File Number: RPT/22/746

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Planning Officer

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

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

For the month of November 2022, a total of six (6) Development Applications and three (3) S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$2,201,801.00. This brings the year to date total to ninety-seven (97) Development Applications and forty-four (44) S4.55 applications approved, with an estimated development value of \$16,499,329.00.

Recommendation

That Council:

- a) Receives and notes the report for the Delegated Authority Approvals for the month of November 2022.
- b) 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) Calls a Division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

- a) Receives and notes the report for the Delegated Authority Approvals for the month of November 2022.
- b) 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) Calls a Division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr Crisp, 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, Heywood, Linklater, MacAllister, Nichols and Rodda.***

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

9.16 PROJECT & WORKS UPDATE - DECEMBER 2022

File Number: RPT/22/710

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

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 November 2022 and the planned activities for December 2022.

Recommendation

That Council receives and notes the major works undertaken in November 2022 and the scheduled works for the following month.

Council Resolution

That Council receives and notes the major works undertaken in November 2022 and the scheduled works for the following month.

Moved Cr Linklater, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Council Resolution

That Council staff be congratulated for its response to the current flood event.

Moved Cr Crisp, Seconded Cr. Linklater

CARRIED UNANIMOUSLY

10.1 PROMOTE THE SHIRE DURING THE FLOOD

Cr Jane MacAllister requested that Council promote the Shire area as being open for tourism as we are still accessible

10.2 CHILDREN SWIMMING IN THE RIVER

Cr Brian Beaumont requested that due to kids swimming in the river during summer could Council look at waiving pool fees.

Council Resolution

That Council give in principle support to waive pool entry fees for youth under 17 on presentation of student Identification.

Moved Cr Beaumont, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

10.3 LACK OF SUPPORT FUNDING FOR NSW RESIDENTS

Cr Jo Rodda requested that Council invite the Cross Border Commissioner, Murray Watt Minister for Emergency Management and Steph Cooke NSW Minister for Emergency Services and Resilience to visit Wentworth Shire.

The Mayor advised Minister Steph Cooke is visiting Wentworth Shire on Sunday 18 December 2022.

10.4 DISPLACED RESIDENTS DATA

Cr Jo Rodda asked if Council could have an Economic Development Officer position to collect data of displaced residents to garner support from the NSW Government.

The General Manager advised that the Organisational Structure will be put before Council in February 2023.

10.5 STURT HIGHWAY BETWEEN WILGA ROAD AND THE GOL GOL CREEK

Cr Jo Rodda advised that the area between Wilga Road and the Gol Gol Creek is being used as truck parking area. Can the area be modified so trucks can't park in this area?

10.6 HERITAGE COMMITTEE

Cr Jane MacAllister requested that a Heritage Committee be considered.

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 Trentham Cliffs Development - Provision of Water and Sewer. (RPT/22/729)

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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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.

12.2 MRCC request for discounted landfill rate. (RPT/22/731)

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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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 Wentworth Shire Council Bridge Lifts and Maintenance - 12 month period - PT2223/03. (RPT/22/733)

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.

12.4 Panel Contract - Supply of Building Trades, Professional & Consultation Services PC2223/01. (RPT/22/730)

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 Panel Contract - Hire of Construction Plant & Equipment PC2223/02. (RPT/22/735)

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 Panel Contract - Supply of Road Construction Materials - PC2223/03. (RPT/22/737)

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 PT2223/05 - Supply and Construct Amenities Blocks (Shire Wide). (RPT/22/750)

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. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993.

Moved Cr Linklater, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 TRENTHAM CLIFFS DEVELOPMENT - PROVISION OF WATER AND SEWER

File Number: RPT/22/729

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 environment

Strategy: 3.5 Infrastructure meets the needs of our growing Shire

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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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) Approved the revision to its resolution of 24 June 2020 to increase the payment to the contractor to \$1,841,106.00 (ex GST) with the difference of \$341,106.00 (ex GST) being reimbursed by the developer.
- b) Approved a variation to the total cost of the project to \$2,428,006.00 (ex GST) with the additional budget allocation of \$440,175.00 (ex GST) from the Water Fund and \$146,725.00 (ex GST) from the sewer fund with a contribution from the developer of \$108,873.95 (ex GST) based on the proportional percentage applied in the original agreement.

12.2 MRCC REQUEST FOR DISCOUNTED LANDFILL RATE

File Number: RPT/22/731

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

Strategy: 3.3 Minimise the impact on the natural environment

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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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 offer our neighbouring Mildura Rural City Council a discount rate of 20% on Council's normal gate rate at the Landfill.

12.3 WENTWORTH SHIRE COUNCIL BRIDGE LIFTS AND MAINTENANCE - 12 MONTH PERIOD - PT2223/03

File Number: RPT/22/733

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jarrod Roberts - 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 Regional Power Services Pty Ltd, Option 1, to undertake the Bridge Lift and Maintenance contract for a 12 month period for Contract PT2223/03 in the amount of \$410.00 inc GST per bridge lift, and authorised the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

12.4 PANEL CONTRACT - SUPPLY OF BUILDING TRADES, PROFESSIONAL & CONSULTATION SERVICES PC2223/01

File Number: RPT/22/730

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Jamie-Lee Kelly - Administration 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 approved the Panel Contract attached to this report for the provision of Building Trades, Professional & Consultation Services PC2223/01 for a 12-month period.

And that Council is not limited to the Panel Contract list attached and can allow the addition of future service providers following a formal assessment process.

**12.5 PANEL CONTRACT - HIRE OF CONSTRUCTION PLANT & EQUIPMENT
PC2223/02**

File Number: RPT/22/735

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Jamie-Lee Kelly - Administration 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 approved the Panel Contract attached to this report for the provision of Hire of Construction Plant & Equipment – PC2223/02 for a 12 month period.

And that Council is not limited to the Panel Contract list attached and can allow the addition of future service providers following a formal assessment process.

12.6 PANEL CONTRACT - SUPPLY OF ROAD CONSTRUCTION MATERIALS - PC2223/03

File Number: RPT/22/737

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration 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 approved the Panel Contract attached to this report for the supply of Road Construction Materials – PC2223/03 for a 12 month period.

And that Council is not limited to the Panel Contract list attached and can allow the addition of future service providers following a formal assessment process.

12.7 PT2223/05 - SUPPLY AND CONSTRUCT AMENITIES BLOCKS (SHIRE WIDE)

File Number: RPT/22/750

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 environment

Strategy: 3.5 Infrastructure meets the needs of our growing Shire

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 resolved that all tenders submitted and the assessment for tender PT2223/05 be reviewed by the General Manager and brought back to Council at the next meeting.

13 CONCLUSION OF THE MEETING

The meeting closed at 10:06 PM

NEXT MEETING

15 February 2023

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CHAIR