



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

16 MARCH 2022

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1 OPENING OF MEETING

The Mayor opened the meeting at 6:35 pm.

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 Steve Heywood
Councillor Daniel Linklater
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)
Jess O'Neill (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Nil

5 CONFIRMATION OF MINUTES

Recommendation

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

Council Resolution

That the Minutes of the Ordinary Meeting held 16 February 2022 be confirmed as amended.

Moved Cr Rodda, Seconded Cr Crisp

CARRIED UNANIMOUSLY

Council Resolution

That the Ordinary Council meeting be adjourned for the purpose of conducting a Public Forum.

Moved Cr Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

The meeting was adjourned at 6:37pm

Mr Andrew Buffon addressed Council in relation to Item 9.9

COUNCIL RESOLUTION

That Council reconvenes into open session.

MOVED Cr Linklater SECONDED Cr Evans

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/212

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Jess O'Neill - Business Support 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

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

Officer Recommendation

That Council notes the list of outstanding matters as at 9 March 2022.

Council Resolution

That Council receives and notes the list of outstanding matters as at 9 March 2022.

Moved Cr. Nichols, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/22/175

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Elstone for the period of 21 February 2022 – 10 March 2022.

Recommendation

That Council 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/22/176

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Jess O'Neill - Business Support 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

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 22-02 and Circular 22-03
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note

Recommendation

That Council 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 Rodda, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

**9.2 2022 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION
CONFERENCE**

File Number: RPT/22/41

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Jess O'Neill - Business Support 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

The 2022 Australian Local Government Women's Association (ALGWA) Conference is being held from Thursday 7 July 2022 to Saturday 9 July 2022 in Fairfield City. The Annual Conference is an opportunity to come together and engage in learning and networking that will foster personal and professional development.

Recommendation

That Council receive and note the content of the report. Consider the options nominated within the report and identify which option is the preferred course of action.

Council Resolution

That Council receives and notes the content of the report and nominates Cr Rodda & Cr Nichols to attend the conference.

Moved Cr Crisp, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.3 POLICY REVIEW - OFFICE OF GENERAL MANAGER

File Number: RPT/22/194

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Jess O'Neill - Business Support 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

After each general election of Councillors, the *Local Government Act 1993* requires Council to review all official policies of Council. There are currently 74 policies in place of which 21 are the responsibility of the Office of the General Manager.

For this Council meeting the Office of the General Manager has reviewed four policies and are presenting them to Council for adoption.

Recommendation

That Council adopt the following revised policies:

- a) Diverse Community Policy (CC005)
- b) Asbestos Management Policy (CC009)
- c) Use of Council Vehicle Policy (AF017)

That Council rescind the Annual Staff Excellence Awards Policy (WR001).

Council Resolution

That Council adopt the following revised policies:

- a) Diverse Community Policy (CC005)
- b) Asbestos Management Policy (CC009)
- c) Use of Council Vehicle Policy (AF017)

That Council rescind the Annual Staff Excellence Awards Policy (WR001).

That Council investigate the costing of car port structures for passenger vehicles stored in the Wentworth Depot and report back to Council.

Moved Cr. Nichols, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.4 MONTHLY INVESTMENT REPORT

File Number: RPT/22/193

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 28 February 2022 Council had \$29 million invested in term deposits and \$5,808,405.18 in other cash investments. Council received \$10,595.47 from its investments for the month of February 2022.

In February 2022 Council investments averaged a rate of return of 0.52% and it currently has \$6,778,145.40 of internal restrictions and \$22,604,242.77 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council receives and notes the monthly investment report.

Moved Cr. Heywood, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.5 MONTHLY FINANCE REPORT

File Number: RPT/22/186

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 February 2022 were \$1,086,821.02. After allowing for pensioner subsidies, the total levies collected are now 74.76%. For comparison purposes 68.62% of the levy had been collected at the end of February 2021. Council currently has \$34,808,405.18 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council receives and notes the Monthly Finance Report.

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.6 POLICY REVIEW - DEPARTMENT FINANCE AND POLICY

File Number: RPT/22/177

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

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 26 are the responsibility of the Finance & Policy Department.

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

The department is also presenting a new credit policy to Council for consideration and reporting on the result of the public exhibition period for the four draft policies adopted at the January Council meeting.

Recommendation

That Council adopt the following revised policies:

- a) AF001 – Subdivision Deferred Payment Arrangement Policy
- b) AF007 – Rates – Reduction of Developer Costs Policy

That Council rescinds the following policy:

- a) AF010 – Subdivision – Financial Development Incentives Policy

That Council adopt the following policies in draft and place them on 28 days public exhibition:

- a) AF003 – Financial Assistance Policy
- b) GOV024 – Credit Card Policy

That Council, following the completion of the public exhibition period and there being no submissions, adopt the following draft policies:

- a) CC010 – Media Policy
- b) GOV010 – Payment of Expenses and Provision of Facilities Policy
- c) GOV011 – Councillor and Staff Interaction Policy
- d) GOV023 – Conflict of Interest Policy

Council Resolution

That Council adopt the following revised policies:

- a) AF001 – Subdivision Deferred Payment Arrangement Policy
- b) AF007 – Rates – Reduction of Developer Costs Policy

That Council rescinds the following policy:

- a) AF010 – Subdivision – Financial Development Incentives Policy

That Council adopt the following policies in draft and place them on 28 days public exhibition:

- a) AF003 – Financial Assistance Policy
- b) GOV024 – Credit Card Policy

That Council, following the completion of the public exhibition period and there being no submissions, adopt the following draft policies:

- a) CC010 – Media Policy
- b) GOV010 – Payment of Expenses and Provision of Facilities Policy
- c) GOV011 – Councillor and Staff Interaction Policy
- d) GOV023 – Conflict of Interest Policy

Moved Cr. Heywood, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.7 DISCLOSURES OF DESIGNATED PERSONS

File Number: RPT/22/178

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

Council's Code of Conduct Policy, requires Councillors to disclose their personal interests by completing a publicly available returns of interests.

The returns are required to be lodged within 3 months of taking office and must be tabled no later than the first available Council meeting after that 3 month period.

As required by the Office of Local Government and the *Government Information (Public Access) Act 2009 (NSW)* the returns will be made publicly available on Council's website after they have been noted by Council.

Recommendation

That Council notes the tabling of the Disclosure Returns for Councillors.

Council Resolution

That Council receives and notes the tabling of the Disclosure Returns for Councillors.

Moved Cr Linklater, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.8 POLICY REVIEW - HEALTH AND PLANNING DIRECTORATE

File Number: RPT/22/179

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 policies. Two of them are presented for adopting. One new policy is being introduced to go out to public exhibition. The third policy that was reviewed is proposed to be rescinded due to significant changes in the NSW planning framework.

Recommendation

- 1) That Council adopt the following policies:
 - a) AF011 - Subdivision Water Rights Transfer
 - b) AF002 – Finance for Future Growth
- 2) That Council approve PR018 – Provision of Electricity Supply and Telecommunications Service for Subdivisions to go out to public exhibition for 28 days per Councils Community Participation Plan.

Council Resolution

- 1) That Council adopt the following policies:
 - a) AF011 - Subdivision Water Rights Transfer
 - b) AF002 – Finance for Future Growth
- 2) That Council approve PR018 – Provision of Electricity Supply and Telecommunications Service for Subdivisions to go out to public exhibition for 28 days per Councils Community Participation Plan.

Moved Cr Linklater, Seconded Cr Rodda

CARRIED UNANIMOUSLY

**9.9 DA2022/008 DWELLING EXTENSIONS UNIT 1 5 PERRY STREET LOT 6 & 7
SECTION 42 DP 759074 WENTWORTH**

File Number: RPT/22/189

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

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

Strategy: 1.2 Encourage and support population growth and resident attraction

Summary

A development application (DA2022/008) was received by Council for a dwelling extension to be located at Unit 1 5 Perry Street Lot 6 & 7 Section 42 DP 759074 Wentworth.

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

The proposed dwelling extension is 16m from the high bank of the river, while the required river setback under the WLEP 2011 is 30m. The applicant has provided a variation application, to allow the dwelling extension 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 approve to issue development approval for DA2021/011 being a dwelling located at Unit 1 5 Perry Street Lot 6 & 7 Section 42 DP 759074 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 DA2021/011 being a dwelling located at Unit 1 5 Perry Street Lot 6 & 7 Section 42 DP 759074 Wentworth with the deferred commencement condition removed.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr. Heywood, Seconded Cr Cooper

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

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

9.10 FLOOD RISK MANAGEMENT COMMITTEE

File Number: RPT/22/45

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

Wentworth Shire Council has previously managed the Flood Risk Management project through the Floodplain Risk Management Committee comprising of Councillors, community members, state agency representatives and Council staff. This committee has now been superseded by the Flood Risk Management Committee.

Therefore, prior to the new committee meeting to allow the Flood Risk Management project to continue, Council needs to determine both Councillor and community representation on the committee.

Recommendation

That Council:

1. Endorse the Flood Risk Management Committee Working Group Charter.
2. Nominate three (3) Councillors for representation on the Flood Risk Management Committee.
3. Select three (3) community members for representation on the Flood Risk Management Committee from the Expression of Interest submissions received.

Council Resolution

That Council:

1. Endorse the Wentworth Shire Flood Risk Management Committee Working Group Charter.
2. Nominate Cr Elstone, Cr Evans and Cr Linklater to be the Council representatives on the Wentworth Shire Flood Risk Management Committee.
3. Readvertise the Expression of Interest for community representatives for the Wentworth Shire Flood Risk Management Committee with the inclusion of providing information to support the applications.

Moved Cr Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.11 NSW DEPARTMENT OF PLANNING AND ENVIRONMENT - EMPLOYMENT ZONES REFORM

File Number: RPT/22/88

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development 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

Summary

The Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order) has been amended to give effect to the employment zones reform that, on completion, will replace the existing Business and Industrial zones. All Standard Instrument local environmental plans in NSW must be made in accordance with the SI LEP Order, which means that a translation amendment to the Wentworth LEP is required.

The Department of Planning and Environment (DPE) is coordinating the translation of LEP amendments and the public exhibition of all LEP amendments in April 2022.

Recommendation

That Council:

1. Endorse the Employment zones reform translation for Wentworth LEP 2011 for the purposes of public exhibition to be conducted by the Department of Planning and Environment.
2. Request the Department of Planning and Environment to update the Geographic Information System (GIS) maps on the ePlanning Spatial Viewer on behalf of Wentworth Shire Council.
3. That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

1. Endorse the Employment zones reform translation for Wentworth LEP 2011 for the purposes of public exhibition to be conducted by the Department of Planning and Environment.
2. Request the Department of Planning and Environment to update the Geographic Information System (GIS) maps on the ePlanning Spatial Viewer on behalf of Wentworth Shire Council.
3. That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

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

Against the Motion: *Nil.*

9.12 DELEGATED AUTHORITY APPROVALS AS AT END OF FEBRUARY 2022

File Number: RPT/22/187

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration 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

Summary

For the month of February 2022, a total of 5 Development Applications and two S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$781,115.30. This brings the year to date total to 14 Development Applications and 4 S4.55 Applications approved, with an estimated development value of \$2,574,291.30.

Recommendation

- a) That Council receives and notes the report for the month of February 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 February 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 Cooper, 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, Evans, Heywood, Linklater, Nichols and Rodda.***

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

9.13 PROJECTS & WORKS REPORT UPDATE - MARCH 2022

File Number: RPT/22/184

Responsible Officer: Geoff Gunn - Director Roads and Engineering

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

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 February 2022 and the planned activities for March 2022.

Recommendation

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

Council Resolution

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

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 WATER RELEASES FROM MENINDEE LAKES

File Number: RPT/22/210

Motion

That Council calls on the Head of DPIE - Jim Betts. cc Minister Anthony Roberts and the Chair WaterNSW – Kaye Dalton to urgently undertake an Engineering assessment of the Menindee levee banks that are preventing 25,000ML/day releases and establish what remediation measures are required to the levees to allow 25,000ML/ day releases as per the recommendation of the South Western Water Users Association.

Council Resolution

That Council calls on the Head of DPIE - Jim Betts. cc Minister Anthony Roberts and the Chair WaterNSW – Kaye Dalton to urgently undertake an Engineering assessment of the Menindee levee banks that are preventing 25,000ML/day releases and establish what remediation measures are required to the levees to allow 25,000ML/ day releases as per the recommendation of the South Western Water Users Association.

Moved Cr Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

10.2 GREEN WASTE TOKENS

Cr Jo Rodda asked how ratepayers receive green waste tokens if they receive electronic rate notices.

The Director of Finance and Policy advised there was a separate mail out to the people who receive electronic rate notices.

Cr Crisp declared a pecuniary interest in Item 10.3 as his employer has been involved in trying to resolve this issue

Cr Crisp left the chambers at 8:15pm

10.3 BIRD DROPPINGS AT WENTWORTH SHOWGROUND COMMUNITY PAVILION

Cr Susan Nichols advised there is a bird droppings issue at the Wentworth Showground Community Pavilion under the verandah.

The Director of Roads and Engineering advised quotations have been received to address this issue.

Cr Crisp returned to the chambers at 8:17pm

10.4 CRAZY BRICKS WENTWORTH SHOWGROUND COMMUNITY PAVILION

Cr Susan Nichols advised the bricks in the path at the Wentworth Showground Community Pavilion are shifting and requested this be investigated.

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 Sewerage Rationalisation Scheme - PT1819/15. (RPT/22/59)

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.

12.2 Plant Replacement - Approval on Tenders for Replacement of Plant 670 - Ford Everest - VR2122/670. (RPT/22/183)

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.

12.3 Pooncarie - Menindee Road Reconstruction - Supply Road Base Material - PT2122/07. (RPT/22/185)

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 Linklater

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 WENTWORTH SEWERAGE RATIONALISATION SCHEME - PT1819/15

File Number: RPT/22/59

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Ashton Cowling - Engineering Assistant

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

Strategy: 3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long term interests of future generations

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 Council approved an extension of \$392,421.28 ex GST to the contract for the Wentworth Sewer Rationalisation Scheme project, Tender No. PT1819/15 with All State Earthworks.

12.2 PLANT REPLACEMENT - APPROVAL ON TENDERS FOR REPLACEMENT OF PLANT 670 - FORD EVEREST - VR2122/670

File Number: RPT/22/183

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 approved the tender from Davison Motor Group for the supply of one (1) Ford Everest Wagon that met the specification at the price of \$73,569.40 inc GST and the trade price of \$55,000.00 inc GST, with a changeover price of \$18,569.40.

12.3 POONCARIE - MENINDEE ROAD RECONSTRUCTION - SUPPLY ROAD BASE MATERIAL - PT2122/07

File Number: RPT/22/185

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 Mallee Earthmoving and Excavations to carry out the supply of road base material for Contract PT2122/07 in the amount of \$673,420.00 inc GST, and authorised the Mayor and General Manager to sign the contract documentation and affix the council seal.

13 CONCLUSION OF THE MEETING

Meeting closed at 8:41pm.

NEXT MEETING

20 April 2022

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CHAIR