



# **MINUTES**

## **Extraordinary Council Meeting**

**11 April 2022**

**CR CRAIG BEMBRICK**

**MAYOR**

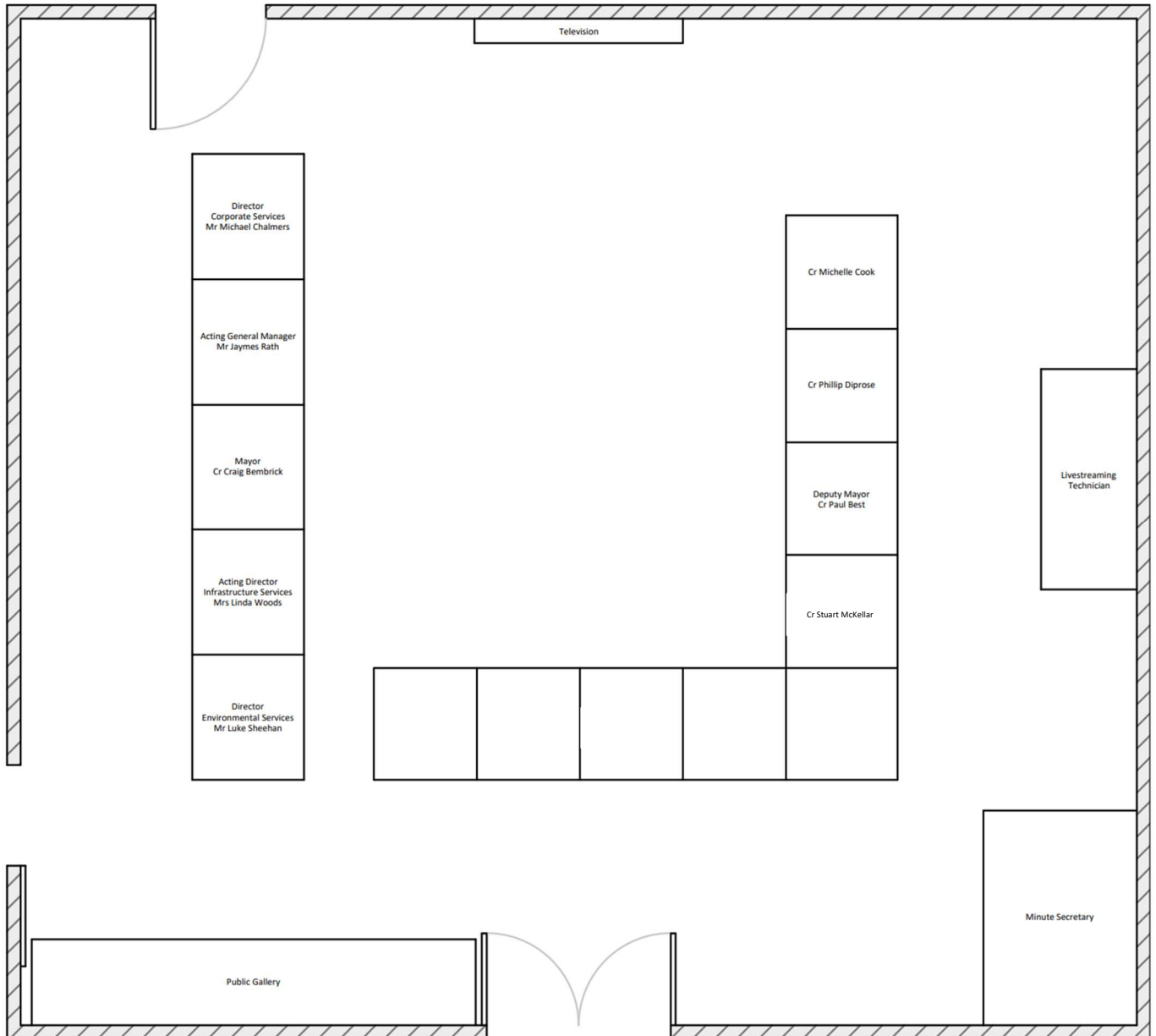
*“Weddin Shire Council – working for and with the community”*

Council’s Mission Statement



Councillors: Craig Bembrick (Mayor), Paul Best (Deputy Mayor), Michelle Cook, Phillip Diprose, Stuart McKellar

### COUNCIL CHAMBERS LAYOUT



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**MINUTES OF THE WEDDIN SHIRE COUNCIL EXTRAORDINARY MEETING  
HELD AT THE COUNCIL CHAMBERS, CNR CAMP & WEDDIN STREETS, GRENELL NSW 2810  
ON MONDAY 11 APRIL 2022 COMMENCING AT 4:30PM**

**01 OPENING**

In accordance with the WSC Code of Meeting Practice, this meeting will be recorded for the purposes of audio-visual livestreaming via Council's website and Facebook page. Those in attendance are asked to refrain from making any defamatory statements and comply with all relevant WSC codes, policies and procedures at all times.

Councillors are reminded of their Oath or Affirmation of Office, made under section 233A of the Act and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

**02 ACKNOWLEDGEMENT OF COUNTRY**

Weddin Shire Council would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land.

Weddin Shire Council would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

**03 ATTENDANCE**

**PRESENT:** Crs Craig Bembrick, Paul Best, Michelle Cook, Phillip Diprose, Stuart McKellar  
Acting General Manager (Mr Luke Sheehan), Director – Corporate Services  
(Mr Michael Chalmers), Acting Director – Infrastructure Services (Mrs Linda Woods)

**04 DISCLOSURES OF INTEREST**

## 05 CLOSED COUNCIL

The authority for Council to close a meeting to the public is given under Section 10 of the *Local Government Act 1993*, for which the following excerpts apply: -

**[s 10A] Which parts of a meeting can be closed to the public?**

(1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises—

- (a) the discussion of any matters listed in subclause (2), or
- (b) the receipt or discussion of any of the information so listed.

(2) **[Grounds for closure]** The matters and information are the following—

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed—
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

(3) **[Closure of Resolution to close]** A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

(4) **[Public's right to make representations]** A council, or a committee of a council may allow members of the public to make representations to or at a meeting, before and part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**[s 10C] Notice of likelihood of closure not required in urgent cases**

Part of a meeting of a council, or of a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if—

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2), and
- (b) the council or committee, after considering any representations made under section 10A(4), resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

**[s 10D] Grounds for closing part of meeting to be specified**

(1) **[Record of grounds for closure]** The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

(2) **[Details to be specified]** The grounds must specify the following—

- (a) the relevant provision of section 10A(2),
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which the discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**RECOMMENDATION**

The meeting now be closed to the public under section 10 of the *Local Government Act 1993* to consider the items following because of their confidential nature:

**05.01 Interim General Manager**

This matter is considered to be confidential under section 10A(2)(a) of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

**RESOLUTION 001/2022**

Moved: Cr P Diprose

Seconded: Cr McKellar

The meeting now be closed to the public under section 10 of the *Local Government Act 1993* to consider the items following because of their confidential nature:

**05.02 Interim General Manager**

This matter is considered to be confidential under section 10A(2)(a) of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

CARRIED

**06 RETURN TO OPEN COUNCIL****RESOLUTION 117/2022**

Moved: Cr P Best

Seconded: Cr S McKellar

The meeting return to Open Council.

**CARRIED****07 REPORT ON CLOSED COUNCIL****RESOLUTION 116/2022**

Moved: Cr P Diprose

Seconded: Cr S McKellar

1. Pursuant to section 336(1) of the Local Government Act 1993, Council appoint Mr Maxwell Kershaw from 13 April 2022 to act in the vacant position of General Manager until such time as Council makes a permanent appointment of a person to the position.
2. That the current Acting General Manager Luke Sheehan will cease his role of Acting General Manager at the close of business on the 12 April 2022 and return to his role of Director Environmental Services.
3. Council would like to formally recognise the hard work and dedication of all staff and Directors that have stepped up to the position of Acting General Manager, Director or assisted in additional workload since October 2021.

**CARRIED**

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**08 CLOSURE**

There being no further business, the meeting now close at 4.38pm.