



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

18 AUGUST 2021

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10AM

2 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

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

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning) VC
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant to General Manager)
Samantha Wall (Administration Officer)

Mayor Nichols extended Council's sincere sympathy to Cr Don & Annette McKinnon and family on the passing of their son and also Cr Greg & Julia Evans and family on the passing of Greg's father.

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 21 July 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 21 July 2021 be confirmed as circulated.

Moved Cr. Wheeldon, Seconded Cr. McKinnon

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/21/471

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Chloe Horne - 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 11 August 2021.

Council Resolution

That Council notes the list of outstanding matters as at 11 August 2021.

Moved Cr. Nunan, Seconded Cr. McKinnon

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/20/862

Recommendation

That Council notes the information contained in the Mayoral report.

Council Resolution

That Council notes the information contained in the Mayoral report.

Moved Cr. Nichols, Seconded Cr. MacAllister

CARRIED

8 REPORTS FROM COMMITTEES

8.1 INTERNAL AUDIT & RISK MANAGEMENT COMMITTEE

File Number: RPT/21/469

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

A meeting of the Internal Audit & Risk Management Committee was held on 29 July 2021. The Minutes of the meeting are attached to this report for the information of Councillors.

The Committee has requested that the Reporting Officer seeks resolutions of Council on the following:

- Adopt the amended Investment Policy
- Adopt the revised Community Engagement Strategy
- Approve the variations to the 2020/21 Operational Plan

The Committee has also requested Council notes the:

- Quarterly Operational Plan Progress Report

Officer Recommendation

That Council:

- a) Adopt the amended Investment Policy
- b) Adopt the revised Community Engagement Strategy
- c) Approves the variations to the 2020/21 Operational Plan
- d) Notes the Quarterly Operational Plan Progress Report

Council Resolution

That Council:

- a) Adopt the amended Investment Policy
- b) Adopt the revised Community Engagement Strategy
- c) Approves the variations to the 2020/21 Operational Plan
- d) Notes the Quarterly Operational Plan Progress Report

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/854

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Chloe Horne - 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
Circulars 21-18 to 21-23
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 notes the information contained within the report from the General Manager.

Moved Cr. McKinnon, Seconded Cr. MacAllister

CARRIED

9.2 MONTHLY FINANCE REPORT

File Number: RPT/21/473

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 July 2021 were \$739,265.05. After allowing for pensioner subsidies, the total levies collected are now 8.27%. For comparison purposes 8.47% of the levy had been collected at the end of July 2020. Council currently has \$36,222,985.30 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9.3 MONTHLY INVESTMENT REPORT

File Number: RPT/21/494

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

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

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

Summary

As at 31 July 2021 Council had \$25 million invested in term deposits and \$11,222,985.30 in other cash investments. Council received \$9,970.71 from its investments for the month of June 2021.

In July 2021 Council investments averaged a rate of return of 0.38% and it currently has \$6,736,496.56 of internal restrictions and \$21,227,391.57 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. McKinnon, Seconded Cr. Evans

CARRIED

9.4 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/21/487

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Ricki Martin - Administration Officer Finance & 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 has provided an allocation of \$160,000.00 for the 2021/22 financial year for the consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$101,890.00 has been granted to a variety of organisations through the annual fees and charges "Exemptions from the Application" process. The total value of requests granted so far for this financial year totals \$0.00.

The total value of requests for this August 2021 funding application period totals \$19,750.00, which if granted in full, would leave a balance in the Donations, Contributions and Grants fund of \$38,360.00.

Recommendation

That Council having considered the current requests for financial assistance, makes appropriate recommendations on the level of funding to be provided to each of these applications, from the Donations, Contributions and Grants program.

Amendment

That Council endorse all the requests with the exception of the Wentworth Rifle Club.

LAPSED

Council Resolution

That Council endorses all the requests for financial assistance to be funded from the Donations, Contributions and Grants program.

Moved Cr. McKinnon, Seconded Cr. Wheeldon

CARRIED

Cr Wheeldon requested his vote against the endorsement of \$5000 funding to the Wentworth Rifle Club be recorded.

9.5 DELEGATED AUTHORITY APPROVALS AS AT END OF JUNE 2021

File Number: RPT/21/491

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 July 2021, a total of 17 Development Applications and four S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$1,892,838.00. This brings the year to date total to 88 Development Applications and 21 S4.55 Applications approved, with an estimated development value of \$13,528,179.00.

Recommendation

- a) That Council receives and notes the report for the month of July 2021.
- 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 July 2021.
- 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. McKinnon, Seconded Cr. MacAllister

CARRIED

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

For the Motion : ***Clr.s Elstone, Evans, Heywood, MacAllister, McKinnon, Nichols, Nunan and Wheeldon.***

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

9.6 REQUEST TO NAME THE MEETING ROOM IN THE NEW WENTWORTH SHOWGROUNDS COMPLEX COMMUNITY PAVILION

File Number: RPT/21/477

Responsible Officer: Geoff Gunn - Director Roads and Engineering
Responsible Division: Roads and Engineering
Reporting Officer: Barbara George - Administration Officer, Roads and Engineering

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

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

Summary

A request has been forwarded to Council by the Wentworth Show Society asking that consideration be given to naming the Meeting/Mothers Rooms within the new Wentworth Showgrounds Complex Community Pavilion – “*The Dawes Family Rooms*”.

A questionnaire was subsequently forwarded to all Licenced User Groups of the Wentworth Showgrounds Complex in order to conduct consultation on the matter.

Recommendation

That Council name the Meeting/Mothers rooms within the new Wentworth Showgrounds Complex Community Pavilion – “*The Dawes Family Rooms*”.

Council Resolution

That Council name the Meeting/Mothers rooms within the new Wentworth Showgrounds Complex Community Pavilion – “*The Dawes Family Rooms*”.

Moved Cr. Heywood, Seconded Cr. McKinnon

CARRIED

9.7 WENTWORTH AERODROME UPGRADE - PROJECT UPDATE

File Number: RPT/21/490

Responsible Officer: Geoff Gunn - Director Roads and Engineering
Responsible Division: Roads and Engineering
Reporting Officer: Tarryn Kampman - Coordinator Roads & Engineering

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

As part of the OLG Capital Expenditure Review, quarterly project update reports are required to be provided to Council.

The report includes overall progress of the project, identifies any budget variances that may impact on the project and also identifies any issues that may have an adverse impact on the works.

Council have undertaken a major upgrade of the Wentworth Aerodrome. The works include the construction of a new runway for Runway 08/26 and redevelopment of the existing 08/26 Runway to a parallel taxiway, plus upgrading and expansion of the existing apron area. The new runway and supporting infrastructure have been designed to Code 2B instrument, non-precision requirements in accordance with the Part 139 (Aerodrome) Manual of Standards 2019 (MOS).

NSW Treasury confirmed in May 2019 that Council was successful in securing \$8,420,000 in Restart funding through the Regional Growth: Economic Activation Fund – Growing Local Economies Program. With Council's contribution of \$700,000 the overall budget for the project equals \$9,120,000.

The expenditure to date has totaled \$7,727,703.89 with the agreed percentage apportionment of 92% Restart funding and 8% Council contribution.

The funding body, Restart NSW confirmed in June 2021 Council were successful with their change request to utilise project savings to undertake further scope of works being; carry out works on the partially constructed Runway 17/35 to complete a full length sealed pavement surface.

Recommendation

That Council notes the information contained in this report.

Council Resolution

That Council notes the information contained in this report.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

9.8 PROJECTS AND WORKS REPORT UPDATE - AUGUST 2021

File Number: RPT/21/472

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & Engineering

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 July 2021.

Recommendation

That Council notes the major works undertaken for July and the scheduled works for August 2021.

Council Resolution

That Council notes the major works undertaken for July and the scheduled works for August 2021.

Moved Cr. Nunan, Seconded Cr. Wheeldon

CARRIED

9.9 CONTRACT OF SALE FOR THE DISPOSAL OF RIVERFRONT PARCEL PART LOT 1 153 PITMAN AVENUE BURONGA

File Number: RPT/21/516

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

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire
Strategy: 1.2 Encourage and support population growth and resident attraction

Summary

As part of the disposal of Riverfront Parcels Council has received a Contract of Sale for Part Lot 1, 153 Pitman Avenue Buronga. To finalise the disposal a resolution of Council is required to affix the Common Seal to the contract.

Recommendation

That Council admits the supplementary late report for consideration

Late Report

That Council admits for consideration a supplementary late report from the General Manager as the information contained in the report is deemed to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of Council.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

Council Resolution

That Council pursuant to Clause 400 of the Local Government (General) Regulation 2005 Council endorses the Contract of Sale for Part Lot 1, 153 Pitman Avenue Buronga and authorises the Mayor and General Manager to execute the contract and affix the seal of the Wentworth Shire Council.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

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

For the Motion : ***Clr.s Elstone, Evans, Heywood, MacAllister, McKinnon, Nichols, Nunan and Wheeldon.***

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

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**10.1 RURAL LAND USE STUDY**

Cr Bill Wheeldon requested Council approach the Minister to get action on Rural Land use.

The General Manager advised that the Planning team will do a report to Council with the chronological order of events in regard to the matter and seek a way forward.

10.2 BURONGA / GOL GOL FOOTPATHS

Cr Jane MacAllister requested information about the paths being laid in Buronga/Gol Gol. Are both sides of road going to have paths? Are there any more paths planned?

10.3 DUMPING OF GREEN WASTE

Cr Peter Nunan asked if there is any evidence of illegal dumping in the creek near the cemetery in Wentworth.

The General Manager advised the matter will be investigated.

10.4 MOTOR BIKES ON LEVEE

Cr Greg Evans advised there are motorbikes riding on the levee and asked if Council can check with Police that they are complying with the lockdown rules.

10.5 CARAVAN ON RESERVE

Cr Susan Nichols requested that the caravan on the reserve be checked and removed if it has been abandoned.

Cr Elstone commented that it was pleasing to see a positive response from the Water Minister, Minister Pavey regarding the 640/480GL rule and Council should continue to push for a change in this rule.

Council Resolution

That the item discussed in the pre-meeting briefing be moved into Closed Council.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

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 Peregrine Mineral Sands Pty Ltd - Bemax Resources Pty Ltd - Cristal Mininf Australia Ltd - Imperial Mining (Aust) Pty Ltd - Probo Mining Pty Ltd - Court Costs. (RPT/21/520)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

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. Nunan, Seconded Cr. MacAllister

CARRIED

Council moved into Closed Council at 10:44AM

Council reconvened into Open Council at 10:49AM

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL**12.1 PEREGRINE MINERAL SANDS PTY LTD - BEMAX RESOURCES PTY LTD - CRISTAL MININF AUSTRALIA LTD - IMPERIAL MINING (AUST) PTY LTD - PROBO MINING PTY LTD - COURT COSTS**

File Number: RPT/21/520

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

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

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

The General Manager advised that Council resolved to authorise the General Manager to pursue legal avenues to ascertain the amount owing to Council for the court proceedings involving Peregrine Mineral Sands Pty Ltd - Bemax Resources Pty Ltd - Cristal Mining Australia Ltd - Imperial Mining (Aust) Pty Ltd - Probo Mining Pty Ltd and report to Council with a methodology to move this matter forward with an estimate of costs.

13 CONCLUSION OF THE MEETING

Meeting closed at 10:50AM

NEXT MEETING

15 September 2021

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CHAIR