



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES (as amended)

15 SEPTEMBER 2021

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:01AM

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

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

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Jessica O'Neill (Business Support Officer)
Samantha Wall (Administration)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council notes the apologies and grants the Leave of Absence Request from Cr. McKinnon.

Moved Cr. Heywood, Seconded Cr. Wheeldon

CARRIED

4 DISCLOSURES OF INTERESTS

Cr MacAllister recorded her pecuniary interest in item 9.9 which is a development consent approved under delegated authority relating to a neighbouring property.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 18 August 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 18 August 2021 be confirmed as circulated.

Moved Cr. Nunan, Seconded Cr. Heywood

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/21/552

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.

Recommendation

That Council notes the list of outstanding matters as at 8 September 2021.

Council Resolution

That Council notes the list of outstanding matters as at 8 September 2021.

Moved Cr. Heywood, Seconded Cr. MacAllister

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

Nil

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 MAYORAL REPORT

File Number: RPT/21/561

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

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

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

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Nichols for the period of 9 August 2021 – 7 September 2021.

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

9.2 GENERAL MANAGER'S REPORT

File Number: RPT/21/521

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 21-24 to 21-27
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. MacAllister, Seconded Cr. Heywood

CARRIED

9.3 WENTWORTH REGIONAL TOURISM INC. - REQUEST FOR FINANCIAL ASSISTANCE FOR PRODUCTION OF WENTWORTH SHIRE AND OUTBACK VISITOR INFORMATION GUIDE

File Number: RPT/21/523

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Chloe Horne - Business Support Officer

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

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

Delivery Program Strategy: 2.1.1 Provide Visitor Information Services

Summary

Council is in receipt of a request to provide financial support to Wentworth Regional Tourism Inc. for the production of the updated Wentworth Shire and Outback Visitor Information Guide. The Guide is produced on a biennial basis and is due for updating in early 2022.

Recommendation

That Council consider the request to financially support the production of the updated Wentworth Shire and Outback Visitor Information Guide, by choosing one of the following options:

- a) providing financial support of the requested value of \$27,750;
- b) providing financial support to a different monetary value; or
- c) not provide any financial support.

Council Resolution

That Council provide financial support to Wentworth Regional Tourism to the value of \$27,750 to support the production of the updated Wentworth Shire and Outback Visitor Information Guide.

Moved Cr. Heywood, Seconded Cr. Evans

CARRIED

9.4 UNION PICNIC DAY

File Number: RPT/21/525

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Glen Norris - Manager Human Resources

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

Union Picnic Day is an entitlement under the Local Government (State) Award for employees who are financial members of Union(s) only. Council is required to determine which day shall be regarded as the Union Picnic Day and whether non-union members are required to work on the allocated day.

Recommendation

That Council:

- a) Approves Tuesday 2 November 2021 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union;
- b) Requires Non-union members to apply for leave should they want the 2 November 2021 off.

Council Resolution

That Council:

- a) Approves Tuesday 2 November 2021 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union;
- b) Non-union members will receive the same day off as a good will day and shall be known as a Melbourne Cup Day holiday

Moved Cr. Nunan, Seconded Cr. Heywood

CARRIED

Cr MacAllister requested that her vote against the motion be recorded.

9.5 MONTHLY FINANCE REPORT

File Number: RPT/21/537

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 August 2021 were \$2,807,512.29. After allowing for pensioner subsidies, the total levies collected are now 33.58%. For comparison purposes 34.73% of the levy had been collected at the end of August 2020. Council currently has \$38,455,152.93 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr. Evans, Seconded Cr. Heywood

CARRIED

9.6 MONTHLY INVESTMENT REPORT

File Number: RPT/21/543

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 August 2021 Council had \$26 million invested in term deposits and \$12,455,152.93 in other cash investments. Council received \$7,035.62 from its investments for the month of August 2021.

In August 2021 Council investments averaged a rate of return of 0.38% and it currently has \$6,736,496.56 of internal restrictions and \$21,442,895.34 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. Nunan, Seconded Cr. Elstone

CARRIED

9.7 ANNUAL DISCLOSURES OF DESIGNATED PERSONS

File Number: RPT/21/538

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

The Model Code of Conduct for Local Councils in NSW, requires Councillors and designated persons to disclose their personal interests by completing a publicly available returns of interests.

The annual returns are required to be lodged within 3 months of 30 June and must be tabled no later than the first available Council meeting in October.

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 and Designated persons for the period 01/07/2020 to 30/06/2021.

Council Resolution

That Council notes the tabling of the Disclosure Returns for Councillors and Designated persons for the period 01/07/2020 to 30/06/2021.

Moved Cr. Nunan, Seconded Cr. Wheeldon

CARRIED

9.8 UPDATE ON STATUS OF THE RURAL LAND STRATEGY

File Number: RPT/21/529

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

This report provides Council and the community with a chronological history of the Rural Land Use and Rural Residential Strategy project and how it has evolved in to a Review of Rural Land Planning Controls paper.

The report also explains the process of how the new Review of Rural Land Planning Controls paper will, through a forth coming planning proposal, effect amendments to the Wentworth Local Environmental Plan 2011.

Recommendation

That Council notes the content of the report.

Council Resolution

That Council:

- a) Notes the content of the report and
- b) Resolves to write a letter to the Deputy Premier and Department of Planning regarding Council's disappointment and frustration of the bureaucratic process and requesting the Deputy Premier intervene to expedite an outcome. The chronology within the report is to be included in this letter.

Moved Cr. Wheeldon, Seconded Cr. MacAllister

CARRIED

At 11:05 am Councillor Jane MacAllister left the Council Chambers.

9.9 DELEGATED AUTHORITY APPROVALS AS AT END OF AUGUST 2021

File Number: RPT/21/544

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 August 2021, a total of 29 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 \$4,940,339.00. This brings the year to date total to 117 Development Applications and 23 S4.55 Applications approved, with an estimated development value of \$18,468,518.00.

Recommendation

- a) That Council receives and notes the report for the month of August 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 August 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. Heywood, Seconded Cr. Evans

CARRIED

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

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

For the Motion : Clr.s Elstone, Evans, Heywood and Wheeldon.

Against the Motion: Nil.

At 11:06 am Councillor Jane MacAllister returned to Council Chambers.

9.10 PROJECTS AND WORKS REPORT UPDATE - AUGUST 2021

File Number: RPT/21/540

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 August 2021.

Recommendation

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

Council Resolution

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

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**10.1 DOGS AT DARETON**

Cr Peter Nunan advised that the dogs are still an issue so it would be beneficial to have another roundup.

10.2 TIP TOKENS

Cr Jane MacAllister queried the use of the tip tokens.

Director of Finance and Policy explained that as green waste is no longer free the tip tokens were beneficial to the users of the landfills.

Cr Elstone brought to the attention of Council the fact that the Menindee Lake system is currently 101% full. This is evidence of good water levels but it is essential council is conscious of the allocations and potential flood threats. Council cannot relax in its participation and advocacy for the future water needs of our communities.

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 Aerodrome Upgrade - Stage 3 Runway 17/35 - Supply VIC Roads Class 3 Road Base Material - PT2122/01. (RPT/21/542)

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.

. Wentworth Aerodrome Stage 3 - Runway 17/35 - Supply & Installation of Aerodrome Lighting - PT2122/02. (RPT/21/568)

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. Nunan, Seconded Cr. Wheeldon

CARRIED

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 WENTWORTH AERODROME UPGRADE - STAGE 3 RUNWAY 17/35 - SUPPLY VIC ROADS CLASS 3 ROAD BASE MATERIAL - PT2122/01

File Number: RPT/21/542

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

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) accepts the tender from Waters Excavation Pty Ltd, Option 2, to carry the supply and delivery of 8,300 tonne VIC Roads Class 3 wetmix road base material together with the provisional quantity of 1,000 tonne for Contract PT2122/01 in the amount of \$278,153.70 inc GST, and authorise the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

12.2 WENTWORTH AERODROME STAGE 3 - RUNWAY 17/35 - SUPPLY & INSTALLATION OF AERODROME LIGHTING - PT2122/02

File Number: RPT/21/568

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

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 in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from Advanced Airport Lighting, Option 2, to carry out the supply and installation of Aerodrome Lighting for Contract PT2122/02, in the amount of \$456,095.00 including GST and authorised the Mayor and General Manager to sign the contract documentation and affix the council seal.

13 CONCLUSION OF THE MEETING

Meeting concluded at 11:31am

NEXT MEETING

20 October 2021

.....
CHAIR