



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

(As Amended)

26 OCTOBER 2022

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 7:01pm.

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)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant to General Manager)

3 APOLOGIES AND LEAVE OF ABSENCE

Matthew Carlin Director of Health and Planning is an apology.

Council Resolution

That Council notes the apologies and grants the Leave of Absence Request From Cr Heywood from 11-18 November 2022

Moved Cr. MacAllister Seconded Cr. Cooper

CARRIED UNANIMOUSLY

4 DISCLOSURES OF INTERESTS

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 28 September 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 28 September 2022 be confirmed as circulated.

Moved Cr Beaumont, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

Recommendation

That the Minutes of the Extraordinary Meeting held 17 October 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Extraordinary Meeting held 17 October 2022 be confirmed as circulated.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/643

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 18 October 2022.

Council Resolution

That Council receives and notes the list of outstanding matters as at 18 October 2022.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/22/644

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

Further to the Mayoral Report Mayor Elstone provided an overview of the meetings he and the General Manager attended in Sydney.

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT

File Number: RPT/22/645

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 22-28 to 22-29
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.

That Council approves Simon Rule, Director Finance and Policy to be the Acting General Manager from 29 October 2022 to 13 November 2022.

Council Resolution

That Council receives and notes the information contained within the report from the General Manager.

That Council approves Simon Rule, Director Finance and Policy to be the Acting General Manager from 29 October 2022 to 13 November 2022.

Moved Cr. Nichols, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.2 MONTHLY FINANCE REPORT

File Number: RPT/22/625

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 September 2022 were \$891,240.86. After allowing for pensioner subsidies, the total levies collected are now 40.37%. For comparison purposes 40.34% of the levy had been collected at the end of September 2021. Council currently has \$46,802,777.67 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 Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.3 MONTHLY INVESTMENT REPORT

File Number: RPT/22/626

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 September 2022 Council had \$37 million invested in term deposits and \$9,802,777.67 in other cash investments. Council received \$35,590.82 from its investments for the month of September 2022.

In September 2022 Council investments averaged a rate of return of 2.34% and it currently has \$8,326,740.55 of internal restrictions and \$27,170,039.14 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 Linklater, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.4 ANNUAL DISCLOSURE OF INTERESTS RETURNS

File Number: RPT/22/638

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

Council's Code of Conduct Policy requires Councillors and Designated Persons to disclose their personal interests by completing a publicly available return of interests.

The annual returns are required to be lodged within three (3) months following 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 available on Council's website after they have been noted by Council.

Recommendation

That Council notes the tabling of the Disclosure of Interest Returns for Councillors and Designated Persons for the period 01/07/2021 to 30/06/2022.

Council Resolution

That Council notes the tabling of the Disclosure of Interest Returns for Councillors and Designated Persons for the period 01/07/2021 to 30/06/2022.

Moved Cr. Heywood, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

9.5 LAND ACQUISITION - A45 DARETON ACCESS

File Number: RPT/22/623

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 assets

Strategy: 3.2 Plan for and develop the right assets and infrastructure

Summary

A Council Resolution is required to commence the acquisition of Crown Land, being Lot 395 DP 1216729 at Dareton, Wentworth NSW, for the purpose of essential infrastructure.

Recommendation

1. That Council proceed to acquire Lot 395 DP 1216729 by the compulsory process under the terms of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained in the Local Government Act 1993 (NSW)
2. That the land is to be acquired for the public purpose of essential infrastructure
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 Governor of NSW for approval to compulsorily acquire the Crown land for the public purpose
6. That compensation is paid to Crown Lands for the acquisition of the subject land as determined by the Valuer General of NSW
7. That post acquisition, the land be classified as Operational Land
8. 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

1. That Council proceed to acquire Lot 395 DP 1216729 by the compulsory process under the terms of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained in the Local Government Act 1993 (NSW)
2. That the land is to be acquired for the public purpose of essential infrastructure
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 Governor of NSW for approval to compulsorily acquire the Crown land for the public purpose
6. That compensation is paid to Crown Lands for the acquisition of the subject land as determined by the Valuer General of NSW
7. That post acquisition, the land be classified as Operational Land
8. 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. Nichols, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

9.6 DELEGATED AUTHORITY APPROVALS AS AT END OF SEPTEMBER 2022

File Number: RPT/22/641

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration 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 September 2022, a total of five (5) 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 \$840,700.00. This brings the year to date total to seventy-six (76) Development Applications and thirty-seven (37) S4.55 Applications approved, with an estimated development value of \$10,747,229.00

Recommendation

That Council:

- a) Receives and notes the report for the Delegated Authority Approvals for the month of September 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 September 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. 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, Heywood, Linklater, MacAllister, Nichols and Rodda.*

Against the Motion: *Nil.*

9.7 PROJECT & WORKS UPDATE - OCTOBER 2022

File Number: RPT/22/648

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Chanelle Pilling - 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 September 2022 and the planned activities for October 2022.

Recommendation

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

Council Resolution

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

Moved Cr. MacAllister, Seconded Cr Rodda

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**10.1 SOLAR PANELS**

Cr Susan Nichols requested that Council look into installing solar panels on Council buildings.

10.2 WASTE PLANS

Cr Jo Rodda requested that the plans for waste be presented to Council.

The General Manager advised that he will arrange for the consultant to attend an advisory meeting.

10.3 MISSING KERB

Cr Daniel Linklater advised that the missing kerb at 74-78 Wood Street hasn't been replaced and it was advised it would be completed before the end of the year.

10.4 FLOOD PREPAREDNESS

Cr Steve Cooper requested an update on flood preparedness.

The General Manager advised that Council is working with the Local Emergency Management Committee and receiving advice from the State Emergency Service and the Bureau of Meteorology. The Emergency Operations Centre has not been activated however, the Local Emergency Management Committee is meeting weekly to keep everyone informed by the State Emergency Service and the Bureau of Meteorology with the most up to date information. The latest advice received today is that the Bureau of Meteorology is predicting a flood level of 33.3 AHD which is equivalent to the 1993 flood level. At this point in time Council has closed off all stormwater outlets and has pumps in situ to pump storm water back into the river from any rainfall events. Sewer is under control, roads have been closed as required and information on closures can be found on the website under Road Conditions. At this point in time with the 33.3m prediction the wall that can be installed at the Wentworth Wharf will not be required however, Council is prepared for the wall installation should things change.

10.5 BOTTLE BEND SIGNAGE

Cr Jane MacAllister asked if Council could contact the appropriate Authority to get the green Bottle Bend sign changed to a brown sign with a camping logo and a boat ramp logo

10.6 COUNCIL ROADS

Cr Jane MacAllister requested that roads in the rural areas be inspected to ensure farmers can transport grain, stock fodder etc.

10.7 UNSEALED LANE BETWEEN WOOD AND WILLIAMS STREET GOL GOL

Cr Jane MacAllister asked if this lane could have weeds eliminated and if it could be sealed.

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 Plant Replacement - Approval for Tenders for Replacement Plant 522 - Dual/Crew Cab Tray Truck. (RPT/22/463)

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.

12.2 PT2122/18 Wentworth Shire Civic Centre Redevelopment. (RPT/22/650)

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 Linklater, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 PLANT REPLACEMENT - APPROVAL FOR TENDERS FOR REPLACEMENT PLANT 522 - DUAL/CREW CAB TRAY TRUCK

File Number: RPT/22/463

Responsible Officer: Geoff Gunn - Director Roads and Engineering
Responsible Division: Roads and Engineering
Reporting Officer: Chanelle Pilling - Administration 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

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 accepted the tender from Johnsons Truck & Coach Service for the supply of one Hino Crew cab for the sum of \$165,660.00 inc GST, and accepted the trade price of \$24,000.00 inc GST for the Council owned Hino Crew Cab, plant item 522 with a total changeover price of \$141,660.00 inc GST.

12.2 PT2122/18 WENTWORTH SHIRE CIVIC CENTRE REDEVELOPMENT

File Number: RPT/22/650

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.1 Promote the Shire as an ideal location for investment and the establishment of innovative, sustainable and diversified industries

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 CPM Building Contractors Pty Ltd to carry out the construction of the Wentworth Shire Civic Centre for Contract PT2122/18, in the amount of \$10,664,227.20 GST inclusive, and authorised the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

And that the Brandi Component of the motion be held over to allow continued negotiation with Brandi as the preferred contractor, thus allowing Council to review the themes and specifications document. The tendered amount with Brandi is to be capped at \$1,784,794.00 GST inclusive.

And that Council acknowledged the total funding for these two components of the project is \$4,616,901.00

And that Council approved the budget shortfall be funded via an extension to the already approved loan up to a maximum of \$5,500,000.00 as well as \$500,000 from the Future Development Fund Reserve, \$500,000 the Capital Projects Fund Reserve and \$500,000 from retained earnings

13 CONCLUSION OF THE MEETING

Meeting closed at 7:58pm.

NEXT MEETING

16 November 2022

.....
CHAIR