



**ORDINARY MEETING
MINUTES
(as amended)**

15 FEBRUARY 2023

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 7:00pm

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 (via video conference)

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)
Tania Peel (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council grants the Leave of Absence Requests from Mayor Elstone 23 February 2023 to 5 March 2023, Cr Nichols 23 February 2023 and 15 March 2023 and Cr Crisp 24 to 26 March 2023.

Moved Cr Linklater, Seconded Cr Cooper

CARRIED UNANIMOUSLY

4 DISCLOSURES OF INTERESTS

Councillor Nichols advised that she has a non-pecuniary interest in Item 9.11 as she is President of the Wentworth Bowling Club.

Councillor Beaumont advised that he has a non-pecuniary interest in Item 9.11 as he is committee member of the Wentworth District Racing Club.

Councillor Elstone advised that he has a pecuniary interest in Item 9.15 as he has had a business association with applicant.

Councillor Cooper advised that he has a pecuniary interest in Item 9.15 as he has had a business association with applicant.

Geoff Gunn Director Roads & Engineering advised he has a non-pecuniary interest in Item 12.3 as his son in law is part owner of Wall Constructions a tender in the contract.

Council Resolution

That Council accepts the disclosures of interest.

Moved Cr. MacAllister, Seconded Cr Cooper

CARRIED UNANIMOUSLY

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 14 December 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 14 December 2022 be confirmed as circulated.

Moved Cr Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/23/64

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 8 January 2023.

Council Resolution

That Council receives and notes the list of outstanding matters as at 8 January 2023.

Moved Cr Cooper, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

Council Resolution

That the Ordinary Council meeting be adjourned, and the recording of the meeting paused, for the purpose of conducting a Public Forum.
The meeting was adjourned at 7:14pm.

Moved Cr. MacAllister, Seconded Cr Linklater

CARRIED UNANIMOUSLY

Cr Elstone and Cr Cooper left the Chambers

Cr Linklater assumed the chair

Alex Ferndale spoke against item 9.15

Council Resolution

That the Ordinary Council meeting be reconvened and the recording of the meeting be recommenced.
The Ordinary Council meeting was reconvened at 7:32pm

Moved Cr. MacAllister, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

Mayor Elstone resumed the chair

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/23/18

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Elstone for the period of 9 December 2022 – 14 February 2023.

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 Cooper

CARRIED UNANIMOUSLY

Cr Crisp acknowledged the work of the Mayor during the flood.

8 REPORTS FROM COMMITTEES

Cr MacAllister provided a verbal report from the Willandra Lakes Region World Heritage Advisory Committee meeting 31 January – 1 February 2023. She advised the new committee have been tasked with developing a work plan for the area.

Council Resolution

That Council receives and notes Cr MacAllister's report.

Moved Cr. MacAllister, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT

File Number: RPT/23/3

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 22-36 to 22-42
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.

Council Resolution

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

Moved Cr. MacAllister, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.2 ORGANISATIONAL STRUCTURE

File Number: RPT/23/20

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Tania Peel - Business Support Officer

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

Section 333 of the Local Government Act of 1993 states: *"The organization structure may be re-determined under this Part from time to time. The council must review, and may redetermine, the organisation structure within 12 months after any ordinary election of the council."*

This report is presented to Council to comply with that mandatory obligation.

Currently, Wentworth Shire Council has an adopted structure with 133.45 full time equivalent positions. This report does not seek any addition to that number.

Recommendation

That Council having reviewed the existing structure deem the current approved number and positions appropriate to enable the delivery of all services to a satisfactory level.

Council Resolution

That Council having reviewed the existing structure deem the current approved number and positions appropriate to enable the delivery of all services to a satisfactory level.

Moved Cr Linklater, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.3 HERITAGE ADVISORY COMMITTEE - DRAFT CHARTER

File Number: RPT/23/61

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Deborah Zorzi - Governance Officer

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

By way of Resolution of 28 September 2022 Council approved the inclusion of a Heritage Advisory Committee in its Committee structure for the next 12 months.

Prior to the new committee meeting, Council needs to determine both the terms of reference of the Committee and the Committee membership.

Recommendation

That Council adopts the terms of reference detailed in the Heritage Advisory Committee draft charter and endorses the objectives, composition of the Committee, and the membership nomination and selection process to enable establishment of the Committee.

That Council adopts the terms of reference detailed in the Heritage Advisory Committee draft charter and endorses the objectives, composition of the Committee, and the membership nomination and selection process to enable establishment of the Committee.

Moved Cr Crisp, Seconded Cr. MacAllister

Amendment

That Council amend the title of the committee to Wentworth Shire Council Heritage and History Advisory Committee that the list of objectives include reference to Indigenous and European histories.

Moved Cr Beaumont, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

Council Resolution

That Council amend the title of the committee to Wentworth Shire Council Heritage and History Advisory Committee that the list of objectives include reference to Indigenous and European histories.

Moved Cr Beaumont, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.4 MOTIONS FOR THE 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

File Number: RPT/23/19

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Tania Peel - Business Support Officer

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 2023 National General Assembly of Local Government (hosted by the Australian Local Government Association) is being held from Tuesday 13 June to Thursday 15 June 2023 at the National Convention Centre, Canberra.

Motions to the Annual Conference require a resolution of Council and must be submitted by Friday 24 March 2023 via the online portal.

Recommendation

That Council determines the motions to be lodged with the Australian Local Government Association (ALGA) for the 2023 National General Assembly. Noting that the closing date for submission of motions is Friday 24 March 2023.

Council Resolution

That Council determines the motions to be lodged with the Australian Local Government Association (ALGA) for the 2023 National General Assembly. Noting that the closing date for submission of motions is Friday 24 March 2023.

Moved Cr Linklater, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.5 POONCARIE DESERT DASH 2023 REQUEST FOR SPONSORSHIP

File Number: RPT/23/28

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Tania Peel - Business Support Officer

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

Council is in receipt of a request to provide financial sponsorship for the 2023 Pooncarie Desert Dash. Its proposed to hold the event within the Pooncarie region from Friday 21 April 2023 to Sunday 23 April 2023 inclusive. Council approved financial support for a similar event the Sunraysia Safari Rally held in September 2022.

Recommendation

That Council provide financial support in line with one of the options identified within this report to the 2023 Pooncarie Desert Dash subject to the event going ahead.

Council Resolution

That Council provide financial support in line with option A identified within this report to the 2023 Pooncarie Desert Dash subject to the event going ahead.

Moved Cr Beaumont, Seconded Cr Cooper

CARRIED

For the Motion : ***Clr.s Beaumont, Cooper, Crisp, Elstone, Heywood, Linklater, MacAllister and Nichols.***

Against the Motion: ***Clr. Rodda.***

9.6 MONTHLY FINANCE REPORT - DECEMBER 2022

File Number: RPT/23/2

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 December 2022 were \$483,768.33. After allowing for pensioner subsidies, the total levies collected are now 61.81%. For comparison purposes 62.98% of the levy had been collected at the end of December 2021. Council currently has \$44,117,868.10 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. MacAllister, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.7 MONTHLY FINANCE REPORT - JANUARY 2023

File Number: RPT/23/39

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 January 2023 were \$235,462.40. After allowing for pensioner subsidies, the total levies collected are now 63.72%. For comparison purposes 65.31% of the levy had been collected at the end of January 2022. Council currently has \$43,697,411.02 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. Nichols, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.8 MONTHLY INVESTMENT REPORT - DECEMBER 2022

File Number: RPT/23/13

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 31 December 2022 Council had \$36 million invested in term deposits and \$8,117,868.10 in other cash investments. Council received \$76,434.68 from its investments for the month of December 2022.

In December 2022 Council investments averaged a rate of return of 3.19% and it currently has \$8,255,811.27 of internal restrictions and \$28,321,598.61 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. MacAllister

CARRIED UNANIMOUSLY

9.9 MONTHLY INVESTMENT REPORT - JANUARY 2023

File Number: RPT/23/40

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 31 January 2023 Council had \$37 million invested in term deposits and \$6,697,411.02 in other cash investments. Council received \$26,579.89 from its investments for the month of January 2023.

In January 2023 Council investments averaged a rate of return of 3.27% and it currently has \$8,258,720.27 of internal restrictions and \$28,735,623.55 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 Crisp, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

9.10 2024 LOCAL GOVERNMENT ELECTIONS

File Number: RPT/22/762

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

Section 296AA of the *Local Government Act 1993*, (NSW) (the Act) requires that Council must make a decision on how their September 2024 Council Election is to be administered. The recently released Circular 22-35 from the Office of Local Government has mandated that this decision must be made no later than 13 March 2023.

Amendments to the Act in 2018 means that Council only has two options available. It must choose between engaging the services of the NSW Electoral Commission (NSWEC) or the services of an electoral service provider. Council General Managers are no longer able to administer their own elections.

Recommendation

That Wentworth Shire Council ("the Council") resolves:

Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.

Moved Cr Cooper, Seconded Cr Nichols**Amendment**

That Wentworth Shire Council ("the Council") resolves:

a) Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.

b) That council approve a request to the Electoral Commission for full postal voting

Moved Cr Nichols, Seconded Cr Mac Allister**LOST****Council Resolution**

That Wentworth Shire Council ("the Council") resolves:

a) Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.

Moved Cr Crisp, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

Director Gunn left the chambers at 8:13pm

9.11 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/23/37

Responsible Officer: Simon Rule - Director Finance and Policy
 Responsible Division: Finance and Policy
 Reporting Officer: Annette Fraser - Team Leader Customer Service

Objective: 2.0 Wentworth Shire is a great place to live
 Strategy: 2.4 A well informed, supported and engaged community

Summary

Council has provided an allocation of \$160,000.00 for the 2022/23 financial year for consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$104,320.00 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 under delegated authority to date this financial year is \$2,417.00 and the total value of requests granted in full equals \$42,504.11 leaving a balance in the financial assistance program of \$10,758.89

Financial Assistance Program starting balance 2022/23	\$160,000.00
Annual fees & charges annual exemptions granted	\$104,320.00
Remaining balance	\$55,680.00
Granted under delegated authority to August 2022	\$ 739.00
Value of approved requests August 2022 Council Meeting	\$ 27,040.11
Granted under delegated authority to October 2023	\$ 907.00
Value of approved requests 16 November 2022 Council Meeting	\$15,464.00
Remaining balance as at 16 November 2022	\$11,529.89
Granted under delegated authority to 29 January 2023	\$771.00
Remaining balance	\$10,758.89
Request applications received 1 November 2022 – 29 January 2023	\$17,960.89
Remaining balance if all approved	\$7202.00 -

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 Financial Assistance program.

That Council approves a budget variation of \$30,000 increasing the total amount available for 2022/2023 to \$190,000.

Council Resolution

That Council having considered the current requests for financial assistance, approve funding as listed to be provided to Wentworth Pioneer Homes Committee, Coomealla Wentworth Cricket Club, Wentworth Military Collection Inc, Australian Blind Bowlers Association from the Financial Assistance program.

That Council approves a budget variation of \$30,000 increasing the total amount available for 2022/2023 to \$190,000.

Moved Cr Cooper, Seconded Cr Linklater

CARRIED UNANIMOUSLY

At 08:34 pm Councillor Brian Beaumont left the Council Chambers.

At 08:35 pm Councillor Susan Nichols left the Council Chambers.

Council Resolution

That Council having considered the current requests for financial assistance, approve funding as listed to be provided to Wentworth District Racing Club and Wentworth Bowling Club.

Moved Cr Linklater, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

At 08:39 pm Councillor Brian Beaumont returned to Council Chambers.

At 08:39 pm Councillor Susan Nichols returned to Council Chambers.

Director Gunn returned to the chambers at 8:26pm

9.12 DECEMBER QUATERLY BUDGET REVIEW - SECOND QUARTER 2022 - 2023

File Number: RPT/23/55

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Report Author: Bryce Watson - Accountant

Summary

A full analysis of Council's Income, Operating Expenditure and Capital Expenditure has been undertaken. A number of variations have been identified against the original budget as outlined in this report. Council's revenue and expenditure is reviewed on a quarterly basis to identify any potential areas requiring a variation.

If approved, the net result of variances for the December 2022 is an unfavourable operational variance of \$1,389,000 and a favourable capital variance of \$8,802,000 resulting in a total favourable budget variation of \$7,413,000.

Recommendation

That Council:

- Note the 2022/2023 Second Quarter Budget Review
- Note the proposed revised 2022/2023 Changes to Operational and Capital Expenditure.
- Resolve to amend the 2022/2023 budget in accordance with the changes recommended in the Quarterly Budget Review Statement for the period of 1 October to 31 December 2022.

Council Resolution

That Council:

- Note the 2022/2023 Second Quarter Budget Review
- Note the proposed revised 2022/2023 Changes to Operational and Capital Expenditure.
- Resolve to amend the 2022/2023 budget in accordance with the changes recommended in the Quarterly Budget Review Statement for the period of 1 October to 31 December 2022.

Moved Cr Cooper, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.13 QUARTERLY OPERATIONAL PLAN PROGRESS REPORT

File Number: RPT/23/54

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Report Author: Simon Rule - Director Finance and Policy

Summary

In accordance with the Local Government Integrated Planning and Reporting Framework, Council develops a Four Year Delivery Program and a One Year Operational Plan which details the actions to be undertaken by Council to implement the strategies established in the Community Strategic Plan.

The *Local Government Act 1993* requires that progress is reported to Council with respect to the principal actions detailed in its Operational Plan at least every six months. To better align with the Quarterly Budget Review Process, the Operational Plan progress report is also compiled on a quarterly basis.

New Actions added in the 2nd Quarter:

- 2.3.9 - Flood Preparation/Response works

The following Actions have been recommended to be deferred:

- 2.5.6 – Wetlands Standpipe Hardstand
- 3.5.6 - Crane Drive Stormwater
- 3.5.7 - Wilson Drainage Reserve
- 3.5.9 - Corbett Avenue Sewer Pump Station
- 3.5.10 - King Ridge Landscaping

Recommendation

That Council notes the Quarterly Operational Plan Progress Report

The Council approves the new additional action added and the deferment of five (5) actions as outlined in the report

Council Resolution

That Council notes the Quarterly Operational Plan Progress Report

The Council approves the new additional action added and the deferment of five (5) actions as outlined in the report

Moved Cr Linklater, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.14 AFFIX SEAL FOR SALE OF LAND - DISPOSAL OF RIVERFRONT PARCEL

File Number: RPT/23/46

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 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

This report seeks to complete the sale of land that is part of the Riverfront Parcel acquisition and disposal project. The parcel of land identified in the attached documents is a standalone consolidation where a riverfront parcel owned by Council is adjoined by a single landholder. The report is presented to Council to finalise this transaction.

Recommendation

That Council authorises the Mayor and Deputy Mayor to sign the Contract of Sale and affix the seal of the Wentworth Shire Council.

Council Resolution

That Council authorises the Mayor and Deputy Mayor to sign the Contract of Sale and affix the seal of the Wentworth Shire Council.

Moved Cr Crisp, Seconded Cr Cooper

CARRIED

For the Motion : ***Clr.s Cooper, Crisp, Elstone, Heywood, Linklater, MacAllister, Nichols and Rodda.***

Against the Motion: ***Clr. Beaumont.***

**9.15 DA2022/120 FIVE (5) DUAL OCCUPANCY UNITS WITH LOCKABLE CARPORTS
TAPIO AVENUE DARETON**

File Number: RPT/23/45

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Kerrie Copley - Planning Officer

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

At 09:00 pm Councillor Steve Cooper left the Council Chambers.

At 09:00 pm Councillor Tim Elstone left the Council Chambers.

Deputy Mayor Linklater assumed the chair

Summary

A development application (DA2022/120) was received by Council for change of use of commercial shops into five (5) dual occupancy units to be located at 24 Tapio Street PT6 Section 11 DP 758338 – 32 Tapio Street PT3 Section 11 DP 758338 and 36 Tapio Street PT3 Section 11 DP 758338 Dareton.

Under RU5 Village land use zoning of the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, dwelling houses are permitted with consent. The proposed development proposes to convert commercial buildings into 5 dual occupancy dwellings with lockable carports.

The application was publicly notified for 14 days as per the Council Community Participation Plan. During the public notification six (6) submissions were received by Council.

As per Council delegations, any development applications with three (3) or more submissions cannot be determined under delegated authority, and must be determined by Council.

Recommendation

1. That Council approve DA2022/120 being for converting existing commercial shops into 5 dual occupancy units with lockable carports located at 24 Tapio Street PT6 Section 11 DP 758338 – 32 Tapio Street PT3 Section 11 DP 758338 and 36 Tapio Street PT3 Section 11 DP 758338 Dareton.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

1. That Council approve DA2022/120 being for converting existing commercial shops into 5 dual occupancy units with lockable carports located at 24 Tapio Street PT6 Section 11 DP 758338 – 32 Tapio Street PT3 Section 11 DP 758338 and 36 Tapio Street PT3 Section 11 DP 758338 Dareton.

2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr Heywood Seconded Cr Beaumont

LOST

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

For the Motion : Clr.s Heywood, Nichols and Linklater.

Against the Motion: Clr.s Beaumont, Crisp, MacAllister and Rodda.

Council Resolution

That Council refuse DA2022/120 being for converting existing commercial shops into 5 dual occupancy units with lockable carports located at 24 Tapio Street PT6 Section 11 DP 758338 – 32 Tapio Street PT3 Section 11 DP 758338 and 36 Tapio Street PT3 Section 11 DP 758338 Dareton due to the location not being appropriate for residential development and given the high level of public objection to this proposal

Moved Cr Crisp, Seconded Cr Beaumont

CARRIED

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

For the Motion : Clr.s Beaumont, Crisp, MacAllister and Rodda.

Against the Motion: Clr.s Heywood, Linklater and Nichols.

At 09:24 pm Councillor Tim Elstone returned to Council Chambers.

At 09:24 pm Councillor Steve Cooper returned to Council Chambers.

Mayor Elstone resumed the chair

9.16 DELEGATED AUTHORITY APPROVALS AS AT END OF DECEMBER 2022

File Number: RPT/23/41

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Planning 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 December 2022, a total of fifteen (15) Development Applications and six (6) S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$4,098,633.00. This brings the year to date total to one hundred & twelve (112) Development Applications and fifty (50) S4.55 applications approved, with an estimated development value of \$20,597,962.00.

Recommendation

That Council:

- a) Receives and notes the report for the Delegated Authority Approvals for the month of December 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 December 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 Linklater, Seconded Cr. MacAllister

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.*

Recess called at 9:25pm

Resumed meeting at 9:30pm

9.17 DELEGATED AUTHORITY APPROVALS AS AT END OF JANUARY 2023

File Number: RPT/23/43

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Planning 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 January 2023, a total of three (3) 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 \$663,437.00. This brings the year to date total to three (3) Development Applications and three (3) S4.55 applications approved, with an estimated development value of \$663,437.00.

Recommendation

That Council:

- a) Receives and notes the report for the Delegated Authority Approvals for the month of January 2023.
- 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 January 2023.
- 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 Linklater, Seconded Cr Beaumont

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.*

9.18 PROJECT & WORKS UPDATE - FEBRUARY 2023

File Number: RPT/23/35

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - 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 months of December 2022 and January 2023 and the planned activities for February 2023.

Recommendation

That Council receives and notes the major works undertaken in December 2022 and January 2023 and the scheduled works for the following month.

Council Resolution

That Council receives and notes the major works undertaken in December 2022 and January 2023 and the scheduled works for the following month.

Moved Cr. Heywood, Seconded Cr Cooper

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 MURRAY STREET DEVELOPMENT

Cr Susan Nichols requested a update of the progress of the Murray Street development.

The General Manager advised the development is proceeding, the developer has engaged a design team and a construction certificate will be lodged in the near future.

10.2 SECOND BRIDGE

Cr Daniel Linklater asked if the draft Transport Strategy addressed the need for an alternate border crossing east of Gol Gol.

The Director of Roads & Engineering advised he met with representatives from Transport for NSW today regarding Far West Transport Strategy, a critical component of the strategy is a bridge crossing. The Draft Strategy will be provided after Easter for further comments from Council, Transport for NSW have also met with Mildura Rural City Council.

10.3 SUBCONTRACTORS TRAFFIC MANGEMENT PLAN

Cr Steve Cooper advised that subcontractors working on the road from Buronga to Wentworth were working without any signs hence not working with and or abiding to a Traffic Management Plan.

Director of Roads & Engineering advised he will follow up with the contractors.

10.4 LEVEE BANKS

Cr Steve Cooper requested that a levee bank be constructed to protect Wentworth Cemetery and grass grown over the bank to make it look attractive.

10.5 HARD RUBBISH

Cr Beaumont requested Council consider a hard rubbish collection every 12 months.

10.6 DISPOSAL OF SANDBAGS

Cr Jo Rodda enquired on the process that was in place for residents and businesses to dispose of their sandbags.

Director of Finance & Planning advised there are advertisements in the paper, Council website and Council's Facebook page requesting residents to register to dispose of flood waste. Sandbags are included.

10.7 WENTWORTH ROWING CLUB FORESHORE PARKING

Cr Brian Beaumont requested that Council investigate the possibility of parking being created at the back of the Rowing Club.

10.8 HISTORY POLICY

Cr Jane MacAllister enquired as to whether Council have a policy or procedure for receiving bequests of heritage, artefacts, historical records, sites or intellectual property to be received in the public interest.

The General Manager advised that Council does not have a history policy or procedure.

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 Sale of Land for unpaid Rates under Section 713 of the Local Government Act, 1993. (RPT/22/709)

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 (a) personnel matters concerning particular individuals (other than councillors).

12.2 PT2223/06 - Buronga Landfill Expansion Design Tender. (RPT/23/60)

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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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.

12.3 PT2223/05 - Supply and Construct Amenities Blocks (Shire Wide). (RPT/23/72)

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.

12.4 Gol Gol East Raw Water Tender. (RPT/22/749)

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.

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 Sale of Land for unpaid Rates under Section 713 of the Local Government Act, 1993. (RPT/22/709)

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 (a) personnel matters concerning particular individuals (other than councillors).

12.2 PT2223/06 - Buronga Landfill Expansion Design Tender. (RPT/23/60)

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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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. **12.3 PT2223/05 - Supply and Construct Amenities Blocks (Shire Wide). (RPT/23/72)**

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.

12.4 Gol Gol East Raw Water Tender. (RPT/22/749)

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.

Moved Cr Linklater, Seconded Cr Cooper

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 SALE OF LAND FOR UNPAID RATES UNDER SECTION 713 OF THE LOCAL GOVERNMENT ACT, 1993

File Number: RPT/22/709

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Vanessa Lock - Finance Officer

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: 4.3 An effective and efficient organisation

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 (a) personnel matters concerning particular individuals (other than councillors).

The General Manager advised that Council resolved:

1. Pursuant to Section 713 and other relevant sections of the Local Government Act 1993, authorised sale proceedings to sell the properties listed in this report at a public auction at a time and place to be determined.
2. That Outstanding Collections (Aust) Pty Ltd (OSC) be appointed to administer the sale on Council's behalf.
3. To authorise Council staff and OSC to proceed with the necessary arrangements, pertaining to the sale of the properties listed in this report, as set out in the Local Government Act 1993 and Local Government (General) Regulation 2005.
4. Delegate authority to the General Manager to take the following actions pertaining to the properties specified in the report:
 - a. To withdraw from sale any property that prior to the commencement of the auction has had all Rates and charges, including expenses of Council incurred in connection with the sale, paid in full.
 - b. To withdraw any property from sale for technical or legal reasons.
 - c. To set reserve prices for sale of the properties at auction.
 - d. To negotiate by private treaty and accept offers for sale of any property that fails to sell at auction.
 - e. To execute Sale and Purchase contracts, and property transfer documents, under Council's Common Seal/or by the General Manager.

12.2 PT2223/06 - BURONGA LANDFILL EXPANSION DESIGN TENDER

File Number: RPT/23/60

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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 (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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 in accordance with Section 178(1)(a) of the Local Government General (General) Regulation 2021, accepted the tender from Tonkin for Buronga Landfill Expansion Design to the value of \$339,163 (Inc GST) and delegated authority to the Mayor and General Manager to sign contract documentation and affix the Council Seal.

12.3 PT2223/05 - SUPPLY AND CONSTRUCT AMENITIES BLOCKS (SHIRE WIDE)

File Number: RPT/23/72

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Taygun Saritoprak - Project Officer

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

Strategy: 3.5 Infrastructure meets the needs of our growing Shire

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 2021, section 178(1)(b) and 178(3) accepted the tender from Wall Construction Pty Ltd to supply and construct the amenities blocks through the 2023 calendar year for the sum of \$825,195.50 (ex GST); and authorised the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

12.4 GOL GOL EAST RAW WATER TENDER

File Number: RPT/22/749

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - 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

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 2021, Section 178(1)(a) accepted the tender for Contract 10052371, in the amount of \$724,465.40 inc GST submitted from Truedrive P/L t/a RDG Electrical and authorised the Mayor and General Manager to sign the contract documentation and affix the Council seal. That Council approved a variation to the 2022/23 Operational Plan to the value of \$724,465.40 ex GST which includes a contingency allowance of \$65,860 to be funded via the Water Fund

13 CONCLUSION OF THE MEETING

MEETING CLOSED 10:43PM

NEXT MEETING

15 March 2023

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CHAIR