



**ORDINARY MEETING
MINUTES**

20 SEPTEMBER 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

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)
Hannah Nicholas (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Councillor Nichols advised that he had a less than pecuniary interest in Item 9.14 as she is a friend of the applicants Grandfathers sister.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 16 August 2023 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 16 August 2023 be confirmed as amended.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 Outstanding Matters from Previous Meetings

File Number: RPT/23/569

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 13 September 2023.

Council Resolution

That Council receives and notes the list of outstanding matters as at 13 September 2023.

Moved Cr Rodda, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 Mayoral Report

File Number: RPT/23/517

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 Crisp

CARRIED UNANIMOUSLY

7.2 Western Division of Councils Annual General Meeting

File Number: RPT/23/520

Summary

Cr Peter Crisp and Ken Ross, General Manager attended the Western Division of Councils Annual General Meeting and Conference held in Cobar 9 – 11 August 2023.

Recommendation

That the information contained in the report from Councillor Crisp be noted.

Council Resolution

That the information contained in the report from Councillor Crisp be noted.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

8.1 Audit, Risk and Improvement Committee

File Number: RPT/23/541

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

A meeting of the Audit, Risk and Improvement Committee was held on 11 August 2023 and the draft Minutes of the meeting are attached to this report for the information of Councillors.

The Committee considered the following item of business:

- Audit Office of NSW Update
- Internal Audit Report and 3 year Internal Audit Plan
- Procurement Review
- Audit, Risk and Improvement Committee Annual Report
- Development of the 2023-2024 Work Plan
- Review of the Committee Terms of Reference
- Quarterly Operational Plan Progress Report
- Quarterly Budget Review – Fourth Quarter 2022-2023

Officer Recommendation

That Council receive and note the draft minutes of the Audit, Risk and Improvement Committee Meeting held on 11 August 2023.

Council Resolution

That Council receive and note the draft minutes of the Audit, Risk and Improvement Committee Meeting held on 11 August 2023.

Moved Cr Nichols, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9 REPORTS TO COUNCIL

9.1 Statutory Meeting Item - Election of Mayor

File Number: RPT/23/513

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

Councils that elect their Mayors are required under section 290(1)(b) of the *Local Government Act 1993* (the Act) to hold mid-term mayoral elections in September 2023. Mayors elected in September 2023 will hold their office until council elections are held on 14 September 2024.

Schedule 7 of the *Local Government (General) Regulation 2021*, provides for the election of Mayor by Councillors by either ordinary ballot, open voting or by preferential ballot.

This procedure is overseen with the returning officer duties performed by the General Manager.

Recommendation

1. That Council determines in the event of two or more nominations being received for Mayor the process to elect the Mayor either by ordinary ballot **or** open voting **or** preferential ballot;
2. That the General Manager receives nominations for the position of Mayor and declares whether an election is required, and if so conducts the election.

Council Resolution

1. That Council determine to elect the Mayor by open voting.
2. That the General Manager receives nominations for the position of Mayor and declares whether an election is required, and if so conducts the election.

Moved Cr. Elstone, Seconded Cr Cooper

CARRIED

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

Against the Motion: *Clr.s MacAllister and Rodda.*

The General Manager, being the returning officer, advised he had received (two) 2 nominations for the position of Mayor, those nominations being:

- Cr Daniel Linklater
- Cr Jane MacAllister

On a show of hands there were 6 (six) votes for Councillor Linklater and 3 (three) votes for Councillor MacAllister.

Councillor Daniel Linklater was declared the duly elected Mayor of Wentworth Shire Council until the next Local Government Election.

The General Manager advised that the Deputy Mayor position was now vacant.

Council Resolution

1. That Council determine to elect a Deputy Mayor by open voting.
2. That the General Manager receives nominations for the position of Deputy Mayor and declares whether an election is required, and if so conducts the election.

Moved Cr. Elstone, Seconded Cr Cooper

CARRIED UNANIMOUSLY

The General Manager, being the returning officer, advised he had received (two) 2 nominations for the position of Deputy Mayor, those nominations being:

- Cr Susan Nichols
- Cr Jane MacAllister

On a show of hands there were 6 (six) votes for Councillor Nichols and 3 (three) votes for Councillor MacAllister.

Cr Susan Nichols was declared the duly elected Deputy Mayor of Wentworth Shire Council until the next Local Government Election.

Mayor Linklater took the Chair and returned to Item 9.2 on the agenda.

9.2 Statutory Meeting Item - Delegations to Mayor and Deputy Mayor

File Number: RPT/23/512

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 establish the delegated authority of the Mayor and Deputy Mayor. Council Policy GOV009 sets the delegations for these positions. The policy is attached for reference to the schedules. There have been no amendments made to the delegation schedules.

Recommendation

1. That Council retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009.
2. That Council, pursuant to Section 377 of the *Local Government Act 1993*, delegates to the Mayor, as elected at the Council Meeting on 20 September 2023, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).
3. That Council resolves that in the absence of the Mayor, and when officially acting in the position of Mayor, the Deputy Mayor, as elected at the Council Meeting on 10 January 2022 is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).
4. That the delegations remain in place until the next Local Government election or until revoked or amended by Council.

Council Resolution

1. That Council retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009.
2. That Council, pursuant to Section 377 of the *Local Government Act 1993*, delegates to the Mayor, as elected at the Council Meeting on 20 September 2023, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).
3. That Council resolves that in the absence of the Mayor, and when officially acting in the position of Mayor, the Deputy Mayor, as elected at the Council Meeting on 20 September 2023 is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).
4. That the delegations remain in place until the next Local Government election or until revoked or amended by Council.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.3 Statutory Meeting Item - Council Meeting Dates and Times

File Number: RPT/23/505

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: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

The purpose of this report is to set the dates and times for the ordinary meetings of council.

Recommendation

That the Ordinary meetings of council be held in the Council Chambers Wentworth at a nominated time on the following days:-

- Wednesday 18 October 2023
- Wednesday 15 November 2023
- Wednesday 20 December 2023 or 13 December 2023
- Wednesday 17 January 2024 or 24 January 2024 or not held
- Wednesday 21 February 2024
- Wednesday 20 March 2024
- Wednesday 17 April 2024
- Wednesday 15 May 2024
- Wednesday 26 June 2024
- Wednesday 17 July 2024
- Wednesday 21 August 2024
- Wednesday 18 September 2024

That a Pre meeting Briefing be held prior to the Council Meeting commencing at a time nominated by Council.

Council Resolution

That the Ordinary meetings of council be held in the Council Chambers Wentworth at 7pm on the following days:-

- Wednesday 18 October 2023
- Wednesday 15 November 2023
- Wednesday 13 December 2023
- Wednesday 24 January 2024
- Wednesday 21 February 2024

- Wednesday 20 March 2024
- Wednesday 17 April 2024
- Wednesday 15 May 2024
- Wednesday 26 June 2024
- Wednesday 17 July 2024
- Wednesday 14 August 2024

That a Pre meeting Briefing be held prior to the Council Meeting commencing at 5pm.

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.4 Statutory Meeting Item - Review of Internal Committees

File Number: RPT/23/510

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: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

The Statutory meeting of Council is an opportunity for Council to review the committee structure that it requires for the upcoming 12 month period. Council is able to determine the number and type of committees that it wishes to establish and the functions of each committee

Recommendation

That Council considers the list of Internal Committees and determines appropriate representation.

Council Resolution

That Council determines the Councillor representatives for the Internal Committees as listed with the inclusion of an Internal Audit & Risk Committee with the Mayor, Deputy Mayor, Cr Rodda, Cr MacAllister and Cr Crisp being the representatives and General Manager Review Committee comprising Mayor, Deputy Mayor, Cr Elstone as the Council representative and Cr Beaumont as the General Managers representative.

Moved Cr. MacAllister, Seconded Cr Crisp

CARRIED UNANIMOUSLY

There were two candidates for the Councillor position on the General Manager Review Committee.

Cr Elstone was nominated by Cr Crisp and Seconded by Cr Cooper

Cr MacAllister was nominated by Cr Rodda and Seconded by Cr Heywood

The Mayor asked for a vote Cr Elstone received (six) 6 votes and Cr MacAllister received (two) 2 votes. One Councillor did not vote.

Listing of Internal Committees and User Groups 20 September 2023

Advisory Committees	Meeting Frequency	Council Delegate(s)	Other Advisory Officers
Floodplain Risk Management Committee	When required	Mayor, Cr Elstone, Cr Nichols	Robert Rigby, Michelle Kelly, David Buck, SES

Audit, Risk and Improvement Committee	Min Quarterly	Cr Beaumont	Roseanne Kava (Chair) Diane Schmidt, Caroline Smith
Heritage and History Advisory Committee	When required	Cr MacAllister and Cr Nichols Alternate Councillor - Cr Beaumont	Greg Harrison, Russell James, Robert Hannaford, Nikita Vanderbyl, Tony Bruce-Mullins & Staff
Internal Audit and Risk Committee	When Required	Mayor, Deputy Mayor, Cr Rodda, Cr Crisp, Cr MacAllister,	
General Managers Performance Review Committee	When Required	Mayor, Deputy Mayor, Cr Elstone (Council Rep) Cr Beaumont (GM Rep)	
User Groups	Meeting Frequency	Delegate(s)	Alternate Councillor(s)
Carramar Drive Sporting Complex User Group	When required	Mayor, Cr Rodda, Cr MacAllister	N/A
George Gordon Oval User Group	When required	Cr Cooper, Cr Crisp, Cr Elstone	Cr Heywood
James King Park User Group	When required	Mayor, Cr MacAllister, Cr Rodda	N/A
Wentworth Showgrounds User Group	When required	Cr Beaumont, Cr Heywood & Cr Nichols	Cr Elstone
Wentworth Sporting Precinct User Group	When required	Cr Beaumont, Cr Heywood and Cr Cooper	N/A
Pooncarie Sporting Reserve User Group	When required	Cr Heywood, Cr Rodda, Cr Elstone	N/A

9.5 Statutory Meeting Item - Review of External Committees

File Number: RPT/23/508

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: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

In order to respond to the needs of its community, Council annually reviews the External Committees to which it has appointed representatives. Representation on these committees is important in our community engagement obligations.

Recommendation

That Council considers the list of External Committees and determines appropriate representation.

Council Resolution

That Council determines the Councillor representatives for the External Committees as listed.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED UNANIMOUSLY

EXTERNAL COMMITTEES 20 September 2023

Committee	Meeting Frequency	Nominated Representative(s)
Australian Inland Botanic Gardens	Monthly	Cr Rodda, Cr MacAllister
Barkandji Indigenous Land Use Agreement Working Group	As required	Mayor, Deputy Mayor, Cr Elstone and General Manager
Bottle Bend Reserve Land Manager	Monthly	Cr MacAllister, (Cr Beaumont as alternate)
Bush Fire Management Committee	Twice per annum	Cr Nichols (Cr Elstone and Cr MacAllister as alternate)
ClubGRANTS Category One (1) Funding Committee	Twice per annum	Mayor
Country Mayor's Association of NSW	As required	Mayor
Community Safety Precinct Meeting	As required	Cr Cooper
Critical Water Advisory Group	As required	Cr Elstone, Cr Heywood
Far West Joint Organisation – Broken Hill, Wentworth, Balranald, Central Darling	As required	Mayor and Deputy Mayor

Joint Regional Planning Panel	As required	Cr Crisp and Cr Nichols (Cr Heywood as alternate)
Menindee Lakes SDLAM Stakeholder Advisory Group (SAG)	As required	Cr Elstone, Cr MacAllister
Murray Darling Association (Region 4)	Min. 4 times per annum	Mayor, Cr Elstone, Cr Heywood, Cr Nichols
NSW Locks 8 & 9 SDLAM Stakeholder Advisory Group (SAG)	As required	Cr Cooper (alternate Cr MacAllister)
Public Libraries NSW	Twice per annum	Cr Nichols
Wentworth Regional Tourism Inc.	Monthly	Cr Rodda
Wentworth Shire Health Interagency Group (WSIG)	Monthly	Cr MacAllister and Cr Rodda
Wentworth Shire Liquor Accord Committee	As required	Cr Nichols (Cr Beaumont as alternate)
Western Division Group of Councils	Min. 3 times per annum	Mayor, Cr Nichols, Cr Elstone
Willandra Lakes Region World Heritage Advisory Committee	Min. 3 times per annum	Cr MacAllister (Local Government Representative)

9.6 Determination of the number of Councillors from September 2024 election

File Number: RPT/23/521

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 next Local Government election will take place in September 2024.

It is a requirement of the Local Government Act 1993 the council must determine the number of Councillors for the following term of office, 12 months before the next election.

Recommendation

That Council continues with nine (9) Councillors, one of whom is the mayor, for the next term of office.

Council Resolution

That Council continues with nine (9) Councillors, one of whom is the mayor, for the next term of office.

Moved Cr. Elstone, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.7 General Managers Report

File Number: RPT/23/518

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

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

The General Manager will be on leave from 23 September 2023 to 1 October 2023 inclusive. During his absence it is recommended that Director Finance and Policy Simon Rule be Acting General Manager.

Recommendation

That Council:

- a) Receives and notes the information contained within the report from the General Manager
- b) Appoints the Director of Finance and Policy to be the Acting General Manager from 23 September 2023 to 1 October 2023 inclusive.

Council Resolution

That Council:

- a) Receives and notes the information contained within the report from the General Manager
- b) Appoints the Director of Finance and Policy to be the Acting General Manager from 23 September 2023 to 1 October 2023 inclusive.

Moved Cr Crisp, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.8 Union Picnic Day

File Number: RPT/23/506

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

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

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 the arrangements for the non-union members on the determined Union Picnic Day.

Recommendation

That Council:

- a) Approves Tuesday 7 November 2023 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union;
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Requires Non-union members to apply for 7 November 2023 from leave entitlements to enable the above arrangements

Council Resolution

That Council:

- a) Approves Tuesday 7 November 2023 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union;
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Requires Non-union members to apply for 7 November 2023 from leave entitlements to enable the above arrangements

Moved Cr. Elstone, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.9 Christmas Leave Arrangements

File Number: RPT/23/507

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

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

Summary

This report sets out the proposed staffing arrangements for Council offices/areas closing over the Christmas and New Year period.

Recommendation

That Council approves the Christmas and New Year holiday arrangements.

Council Resolution

That Council approves the Christmas and New Year holiday arrangements.

Moved Cr Cooper, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.10 LGNSW 2023 Annual Conference

File Number: RPT/23/499

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 Local Government New South Wales 2023 Annual Conference is being held from Sunday 12 November 2023 to Tuesday 14 November 2023 at the Grand Pavilion, Rosehill Gardens Racecourse, Rosehill. This forum is the main local government policy making forum for Local Government New South Wales. Council has previously been represented by the Mayor and General Manager at the Conference

Recommendation

That Council determines the attendees to the Local Government New South Wales 2023 Annual Conference 12 November 2023 to Tuesday 14 November 2023 and nominates Council's voting delegate.

Council Resolution

That Council determines that the General Manager and Cr Crisp attend the Local Government New South Wales 2023 Annual Conference 12 November 2023 to Tuesday 14 November 2023 and that Cr Crisp be Council's voting delegate.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.11 Monthly Finance Report - August 2023

File Number: RPT/23/539

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 2023 were \$3,897,572.63. After allowing for pensioner subsidies, the total levies collected are now 42.41%. For comparison purposes 32.68% of the levy had been collected at the end of August 2022. Council currently has \$50,825,946.36 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. Heywood

CARRIED UNANIMOUSLY

9.12 Monthly Investment Report - August 2023

File Number: RPT/23/545

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 August 2023 Council had \$43 million invested in term deposits and \$7,825,945.36 in other cash investments. Council received \$96,431.17 from its investments for the month of August 2023.

In August 2023 Council investments averaged a rate of return of 4.46% and it currently has \$8,793,351.79 of internal restrictions and \$31,687,781.95 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 Cooper, Seconded Cr. Elstone

CARRIED UNANIMOUSLY

9.13 Public Interest Disclosure Policy

File Number: RPT/23/576

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

On 1 October 2023 the new public interest disclosure (PID) legislation will come into effect in NSW, completely replacing the *Public Interest Disclosures Act 1994* (1994 Act). The *Public Interest Disclosures Bill 2021* was introduced in response to recommendations of two parliamentary inquiries – the Joint Committee on the Ombudsman, Law Enforcement Conduct Commission and the Crime Commission; and the Joint Committee on the Independent Commission Against Corruption – both reporting in 2017.

That Bill was a significant re-write of the 1994 Act with the NSW Ombudsman describing the Bill as addressing many weaknesses of that Act by being simpler and easier to navigate, expanding permissible recipients of public interest disclosures, providing more comprehensive protections for witnesses and investigators, placing clearer duties on agencies to deal with disclosures, and encouraging a 'speak up culture'.

Recommendation

That Council adopt the *Public Interest Disclosure Policy*.

Council Resolution

That Council adopt the Public Interest Disclosure Policy.

Moved Cr. MacAllister, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.14 DA2023/064 Storage Shed 94 Williamsville Road Lot 2 DP 624732 Curlwaa

File Number: RPT/23/532

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Planning Officer

Objective: 3.0 Wentworth Shire 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

A development application (DA2023/064) was received by Council for a storage shed to be located at 94 Williamsville Road Lot 2 DP 624732 Curlwaa in close proximity to the river.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, this development is permitted with consent when located within the RU1 Primary Production zone, as ancillary development.

The proposed storage shed is located between 9.3m from the high bank of the river, while the required river setback under clause 7.6 the WLEP 2011 is 30m from the high bank. As part of the 7.6 assessment, a variation to the 30m river setback standard was required (usually referred to as a 4.6 variation).

Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

Recommendation

That Council:

1. Approve DA2023/064 being a storage shed located at 94 Williamsville Road Lot 2 DP 624732 Curlwaa.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

That Council:

1. Approve DA2023/064 being a storage shed located at 94 Williamsville Road Lot 2 DP 624732 Curlwaa.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr. Heywood, Seconded Cr Crisp

CARRIED

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, Nichols and Rodda.***

Against the Motion: ***Cr MacAllister***

9.15 Dog Waste Stations

File Number: RPT/23/540

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

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

Strategy: 3.4 Use and manage our resources wisely

Summary

An investigation into the provision of dog waste stations in the Shire was carried out by the Director Health and Planning. Quotes were sought from relevant vendors and suppliers for unit sizes and costings. A review of current legislation, local strategic documents and information from NSW EPA and Office of Local Government was carried out to provide Council with all relevant information contained in this report.

Recommendation

That Council notes the report.

Council Resolution

That Council notes the report.

Moved Cr Beaumont, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.16 Lifting of Alcohol Free Zone - Mildura Ski Race

File Number: RPT/23/577

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

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 has received a request from the Mildura & District Ski Club to lift the alcohol free zone for the Rowing Club and immediate lawn area for one event.

The Mildura & District Ski Club has sought approval for the suspension of the alcohol free zone in past years for community events.

There have been no incidents or problems in past events that would warrant Council refusing the temporary lifting of the alcohol free zone as requested.

Recommendation

That Council:

- a) In accordance with Section 645 of the Local Government Act 1993, suspends the operation of the alcohol free zone in the area of the Wentworth Rowing Club and Lawns as shown on the map attached to this report, on the 4 and 5 November 2023 from 10am to 8pm.
- b) Advertises the suspension of the alcohol free zone in a locally circulated newspaper and, Councils website and other social media
- c) Advises the NSW Police of the details of the suspensions of the alcohol free zone.

Council Resolution

That Council:

- a) In accordance with Section 645 of the Local Government Act 1993, suspends the operation of the alcohol free zone in the area of the Wentworth Rowing Club and Lawns as shown on the map attached to this report, on the 4 and 5 November 2023 from 10am to 8pm.
- b) Advertises the suspension of the alcohol free zone in a locally circulated newspaper and, Councils website and other social media
- c) Advises the NSW Police of the details of the suspensions of the alcohol free zone.

Moved Cr. Elstone, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.17 Project & Works Update - September 2023

File Number: RPT/23/524

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration Officer

Objective: 3.0 Wentworth Shire 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 August 2023 and the planned activities for September 2023.

Recommendation

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

Council Resolution

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

Moved Cr Cooper, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 Facilitation of Business House Meeting

File Number: RPT/23/585

Motion

That Council facilitate a business sector meeting to advise progress on existing projects which impact visitor and tourism potential and to discuss business opportunities and strategies for the 2023 Christmas / New Year period.

Motion

That Council facilitate a business sector meeting to advise progress on existing projects which impact visitor and tourism potential and to discuss business opportunities and strategies for the 2023 Christmas / New Year period.

Moved Cr Beaumont, Seconded Cr. MacAllister

LOST

Amendment

That Council convenes a public meeting in Wentworth with the items “progress on the Caravan Park and Wentworth Shire Civic Centre to be chaired by Council” and “How can Wentworth Shire and business as a collective maximise economic opportunity through the 2023 Christmas New Year period and “Coordination of ‘What’s On’ and business trading hours over Christmas / New Year” to be chaired by Wentworth Regional Tourism Inc.

Moved Cr Crisp, Seconded Cr Cooper

LOST

10.2 UPDATE FUTURE SPORTING NEEDS BURONGA/GOL GOL

Cr Jo Rodda requested an update on the future sporting needs of Buronga and Gol Gol.

The General Manager advised a draft scope of works is being developed and considered. There was an interim meeting with Football Club and Cricket Club representatives.

Cr Rodda congratulated the Wentworth Show committee and the Pooncarie Racing Club committee on successful events.

10.3 TOUR OF CARAVAN PARK

Cr Susan Nichols requested a tour of the caravan park.

10.4 OFF LEASH DOG PARK

Cr Susan Nichols asked if an off leash dog park could be considered.

10.5 PLANTING OF TREES ALONG PATH

Cr Jo Rodda asked how do community members get trees planted for shade along Wilga road and Sturt Highway.

10.6 CIRCUS

Cr Jane MacAllister asked how a circus can pop up on a highway and operate with

three shows a day?

Director Carlin advised a Development Application was lodged with relevant referrals, however, the due to the short timeframe a determination was not possible. The circus went ahead with the do so at own risk proviso. He also advised that this will not be permitted again and he will speak to the landholder.

10.7 ROWING CLUB BUILDING

Cr Susan Nichols asked if the positioning of the rowing club building can be looked at due to a house being nearby.

10.8 DOG WASTE STATIONS

Cr Brian Beaumont requested that the installation of dog waste stations be investigated.

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 Write off of Rates and Charges after Sale of Land for Unpaid Rates - 12 Hawdon Street, Dareton. (RPT/23/528)

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 Plant Replacement - Approval for Tenders for Replacement Plant 56 - Self-Propelled Multi Tyred Roller VR2324/56. (RPT/23/526)

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.

12.3 Plant Replacement - Approval for Tenders for Replacement Plant 2 - Grader VR2324/2. (RPT/23/525)

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 Plant Replacement - Approval for Tenders for Replacement Plant 433 - Semi Water Tanker VR2324/433. (RPT/23/527)

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.

12.5 Management and Operation of Dareton and Wentworth Swimming Pools - PT2324/01. (RPT/23/530)

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.

12.6 Willow Bend - Retaining Wall & Erosion Protection - PT2324/02. (RPT/23/555)

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. MacAllister, Seconded Cr. Elstone

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 Write off of Rates and Charges after Sale of Land for Unpaid Rates - 12 Hawdon Street, Dareton

File Number: RPT/23/528

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 approved the writing off the amount of \$34,543.53 of rates and charges that remain on 12 Hawdon Street, Dareton.

12.2 Plant Replacement - Approval for Tenders for Replacement Plant 56 - Self-Propelled Multi Tyred Roller VR2324/56

File Number: RPT/23/526

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

Objective: 3.0 Wentworth Shire 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 William Adams P/L for the supply of one Cat CW34 Self Propelled Multi Tyred Roller for the sum of \$238,150.00 inc GST, and accepted the trade price of \$35,200.00 inc GST for the Council owned Multi Tyred Roller, plant item 56 with a changeover price of \$202,950.00 inc GST.

12.3 Plant Replacement - Approval for Tenders for Replacement Plant 2 - Grader VR2324/2

File Number: RPT/23/525

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

Objective: 3.0 Wentworth Shire 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 William Adams for the supply of one Caterpillar 140 Motor Grader as specified for the sum of \$704,000.00.00 inc GST, and accepted the trade price of \$155,100.00, inc GST for the Council owned Caterpillar 140 Grader, plant item 2 with a changeover price of \$548,900.00 inc GST.

12.4 Plant Replacement - Approval for Tenders for Replacement Plant 433 - Semi Water Tanker VR2324/433

File Number: RPT/23/527

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

Objective: 3.0 Wentworth Shire 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 Allquip Water Trucks for the supply of one Semi Water Tanker for the sum of \$196,225.52 inc GST.

12.5 Management and Operation of Dareton and Wentworth Swimming Pools - PT2324/01

File Number: RPT/23/530

Responsible Officer: Geoff Gunn - Director Roads and Engineering
Responsible Division: Roads and Engineering
Reporting Officer: Ivan McKenzie - Infrastructure Projects Officer

Objective: 3.0 Wentworth Shire 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:

- a) In accordance with the provisions of the Local Government (General) Regulation 2021, Section 178(1) (a) accepted the tender from Belgravia Leisure for the Management and Operation of Dareton and Wentworth Swimming Pools and subsequently authorised the Mayor and General Manager to sign the contract documentation and affix the seal for the recommended contractor to carry out all services specified for PT2324/01 for the 5 year contract period totalling \$1,560,669.09 inc GST and
- b) Allocated an additional \$27,030.78 (inc GST) in the 2023/24 operational budget to cover the year 1 budget shortfall.

12.6 Willow Bend - Retaining Wall & Erosion Protection - PT2324/02

File Number: RPT/23/555

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Taygun Saritoprak - Project Officer

Objective: 3.0 Wentworth Shire 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(3)(e) enters into negotiation with Apex Masonry, and subsequently authorised the Mayor and General Manager to sign the contract documentation and affix the seal for the recommended contractor to carry out all works as required for PT2324/02.

13 CONCLUSION OF THE MEETING

The meeting concluded at 9:59 PM.

NEXT MEETING 18 October 2023

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CHAIR