



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

12 MAY 2021

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:02 am

2 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

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

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant General Manager)
Chloe Horne (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council notes the apology from Councillor Peter Nunan and grants the Leave of Absence Request from Councillor Greg Evans for 21 July 2021.

Moved Cr. Wheeldon, Seconded Cr. Evans

CARRIED

4 DISCLOSURES OF INTERESTS

Councillor Bill Wheeldon declared a pecuniary interest in Item 9.8 as he is the Deputy Chair of Pioneer Homes.

Councillor Jane MacAllister declared a conflict of interest in Item 9.11 as one of the items listed relates to a neighbour.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 14 April 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 14 April 2021 be confirmed as circulated.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/21/255

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

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

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

Summary

The Outstanding Matters report provides details of activities raised at previous Council meetings that remain outstanding.

Officer Recommendation

That Council notes the list of outstanding matters as at 5 May 2021.

Council Resolution

That Council notes the list of outstanding matters as at 5 May 2021.

Moved Cr. Elstone, Seconded Cr. Heywood

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/20/859

Recommendation

That Council notes the information contained in the Mayoral report.

Council Resolution

That Council notes the information contained in the Mayoral report.

Moved Cr. Nichols, Seconded Cr. Elstone

CARRIED

8 REPORTS FROM COMMITTEES

8.1 INTERNAL AUDIT & RISK MANAGEMENT COMMITTEE

File Number: RPT/21/223

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

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

Summary

A meeting of the Internal Audit & Risk Management Committee was held on 27 April 2021. The Minutes of the meeting are attached to this report for the information of Councillors.

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

- Approval of the Quarterly Budget Review Statement
- That the Mobile Food Van Policy be updated to include the following:
 - The Application Annual Fee and Renewal Application Annual Fee for the Mobile Vendor Permit be increased;
 - The Site per township is limited to one;
 - The approved Site within the township is distanced from current operating businesses; and
 - The hours of operation are extended to a maximum of 8 hours per day.
 - Once amended that the Policy be placed on public exhibition.
- Endorse the Draft Legislative Compliance Policy

The Committee has also requested Council notes the:

- Strategic Risk Update; and
- Quarterly Operational Plan Progress Report

Officer Recommendation

That Council:

- a) Approves the variations to the 2020/21 Operational Plan adopted at the Council meeting on 24 June 2020
- b) That the Mobile Food Van Policy be updated to include the following:
 - a. The Application Annual Fee and Renewal Application Annual Fee for the Mobile Vendor Permit be increased;
 - b. The Site per township is limited to one;

- c. The approved Site within the township is distanced from current operating businesses; and
- d. The hours of operation are extended to a maximum of 8 hours per day.
- e. Once amended that the Policy be placed on public exhibition
- c) Endorse the Draft Legislative Compliance Policy
- d) Notes the quarterly progress report against the 2020/21 Operational Plan.

Council Resolution

That Council:

- a) Approves the variations to the 2020/21 Operational Plan adopted at the Council meeting on 24 June 2020
- b) That the Mobile Food Van Policy be updated to include the following:
 - a. The Application Annual Fee and Renewal Application Annual Fee for the Mobile Vendor Permit be increased;
 - b. The Site per township is limited to one;
 - c. The approved Site within the township is distanced from current operating businesses; and
 - d. The hours of operation are extended to a maximum of 8 hours per day.
 - e. Once amended that the Policy be reported to the Internal Audit & Risk Management Committee for Committee endorsement.
- c) Endorse the Draft Legislative Compliance Policy
- d) Notes the quarterly progress report against the 2020/21 Operational Plan.

Moved Cr. Evans, Seconded Cr. Elstone

CARRIED

Councillor Jane MacAllister and Councillor Bill Wheeldon requested their vote against the Internal Audit & Risk Management Committee meeting minutes be recorded.

8.2 WILLOWBEND ADVISORY COMMITTEE

File Number: RPT/21/234

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

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future
Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

A meeting of the Willowbend Advisory Committee was held on 27 April 2021. The Minutes of the meeting are attached to this report for the information of Councillors.

The Committee has requested that the Reporting Officer seeks resolutions of Council to endorse the detailed site plans to enable the project to advance to the tender stage.

Officer Recommendation

That Council endorse the detailed site plans to enable the project to advance to the tender stage.

Council Resolution

That Council endorse the detailed site plans to enable the project to advance to the tender stage.

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

Councillor Bill Wheeldon requested his vote against the Willowbend Advisory Committee meeting minutes be recorded.

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/851

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

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

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

Summary

The General Manager's report details information pertaining to meetings attended and general information which are of public interest, and which have not been reported elsewhere in this agenda. Items of note in this report are:

1. OLG Circulars

Circulars 21-03 to 21-05

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

The NSW Electoral Commission have notified Council the indicative cost for a polling booth at Pooncarie for the upcoming Local Government Elections is \$3000.

Recommendation

That Council

1. Notes the information contained within the report from the General Manager.
2. Determines whether a polling booth will be funded for the Local Government Elections at Pooncarie.
3. Determines whether Cr Evans attend the MDA National Conference.

Council Resolution

That Council

1. Notes the information contained within the report from the General Manager.
2. Determines a polling booth will be funded for the Local Government Elections at Pooncarie.
3. Determines Cr Evans to attend the MDA National Conference.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9.2 2021 RIVER REFLECTIONS CONFERENCE

File Number: RPT/21/230

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

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

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

Summary

The 2021 River Reflections Conference will be held on 9 and 10 June 2021 in Griffith and virtually. The focus of the Conference will be Connecting Basin Communities, Industries and Ideas.

Recommendation

That Council:

- a) Determines attendees to the 2021 River Reflections Conference; and
- b) Determine if attendees will attend in person or virtually.

Council Resolution

That Council:

- a) Determined there will be no Council representatives attending the 2021 River Reflections Conference; and
- b) Write to the Murray Darling Basin Authority asking why there is an \$80 charge for Conference registration.

Moved Cr. MacAllister, Seconded Cr. Wheeldon

CARRIED

Councillor Susan Nichols requested her vote against the 2021 River Reflections Conference non attendance be recorded.

9.3 MEMORANDUM OF UNDERSTANDING BETWEEN WENTWORTH SHIRE COUNCIL AND MURRAY REGIONAL TOURISM BOARD

File Number: RPT/21/257

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

Delivery Program Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest

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

Summary

The Murray Regional Tourism Board was formed in 2010 to establish an overarching organisation to contribute to the development and growth of tourism in the region.

The current Memorandum of Understanding (MOU) with the Murray Regional Tourism Board (MRTB) expires on 14 June 2021 and it is recommended to enter into a further three year MOU. Councils along the Murray and the States of Victoria and New South Wales are partners with the Murray Regional Tourism Board.

Recommendation

That Council authorises the Mayor and General Manager to sign the Memorandum of Understanding between Wentworth Shire Council and the Murray Regional Tourism Board for a period of three years.

Council Resolution

That Council authorises the Mayor and General Manager to sign the Memorandum of Understanding between Wentworth Shire Council and the Murray Regional Tourism Board for a period of three years.

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

9.4 2021 LGNSW WATER MANAGEMENT CONFERENCE

File Number: RPT/21/259

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

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

Strategy: 3.5 Recognise the importance of a healthy Murray-Darling River system

Summary

The annual Local Government NSW (LGNSW) Water Management Conference will be held from 7-9 July 2021 in Narrabri. A broad range of information from a local government perspective on water management, issues associated with water supply and sewerage services provided by water utilities are presented at the conference.

Recommendation

That Council nominates delegates to attend the 2021 LGNSW Water Management Conference to be held in Narrabri from 7-9 July 2021.

Council Resolution

That Council nominates Councillor Greg Evans and the Director Roads & Engineering to attend the 2021 LGNSW Water Management Conference to be held in Narrabri from 7-9 July 2021.

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

9.5 DRAFT 2021/22 OPERATIONAL PLAN - ENDORSEMENT FOR PUBLIC EXHIBITION

File Number: RPT/21/222

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

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

Summary**Recommendation**

- 1) That Council adopts the draft 2021/22 Operational Plan, which incorporates the:
 - a) Operational Actions and Budgets;
 - b) Summary Budgeted Financial Statement;
 - c) 2021/22 Annual Statement of Revenue Parts A & B; and
 - d) Rating Maps.
- 2) That Council ratifies the FTE level of 132.45 Full Time Equivalent Employees.
- 3) That Council endorses the proposed \$8,400,000 of new borrowings.
- 4) That Council gives notice of its intention to adopt the following rates and annual charges, which are contained within the draft 2021/22 Operational Plan:
 - a) To make and levy an Ordinary Rate to comprise of a base rate and an ad valorem rating structure for residential, business and farmland categories of rates;
 - b) To increase the Ordinary Rate by the maximum 2.00% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART);
 - c) To increase waste water access charges by 2.00%;
 - d) To increase raw and filtered water access charges by 2.00%;
 - e) To increase domestic waste charges by 2.00%;
 - f) To not increase water consumption charges;
 - g) To levy the fees and charges established in Part B of the Annual Statement of Revenue; and
 - h) To charge the maximum interest of 6.00% on overdue rates and charges as determined by the Minister for Local Government.

That Council places all draft documents on public exhibition for a period of 28 days, as required under the Act.

Council Resolution

- 1) That Council adopts the draft 2021/22 Operational Plan, which incorporates the:
 - a) Operational Actions and Budgets;
 - b) Summary Budgeted Financial Statement;
 - c) 2021/22 Annual Statement of Revenue Parts A & B; and
 - d) Rating Maps.
- 2) That Council ratifies the FTE level of 132.45 Full Time Equivalent Employees.
- 3) That Council endorses the proposed \$8,400,000 of new borrowings.
- 4) That Council gives notice of its intention to adopt the following rates and annual charges, which are contained within the draft 2021/22 Operational Plan:

- a) To make and levy an Ordinary Rate to comprise of a base rate and an ad valorem rating structure for residential, business and farmland categories of rates;
- b) To increase the Ordinary Rate by the maximum 2.00% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART);
- c) To increase waste water access charges by 2.00%;
- d) To increase raw and filtered water access charges by 2.00%;
- e) To increase domestic waste charges by 2.00%;
- f) To not increase water consumption charges;
- g) To levy the fees and charges established in Part B of the Annual Statement of Revenue; and
- h) To charge the maximum interest of 5.00% on overdue rates and charges as determined by the Minister for Local Government.
- i) To charge \$5,000 for each water and each sewer connection servicing the new lines to Trentham.

That Council places all draft documents on public exhibition for a period of 28 days, as required under the Act.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

Councillor Tim Elstone, Councillor Don McKinnon and Councillor Bill Wheeldon requested their votes against the Draft 2021/22 Operational Plan - Endorsement for Public Exhibition be recorded.

9.6 MONTHLY INVESTMENT REPORT

File Number: RPT/21/224

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Hodi Beauliv - Manager Finance

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

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

Summary

As at 30 April 2021 Council had \$20 million invested in term deposits and \$10,757,257.62 in other cash investments. Council received \$9,293.89 from its investments for the month of April 2021.

In April 2021 Council investments averaged a rate of return of 0.44% and it currently has \$6,681,129.01 of internal restrictions and \$17,219,014.73 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. McKinnon, Seconded Cr. Heywood

CARRIED

9.7 MONTHLY FINANCE REPORT

File Number: RPT/21/225

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 April 2021 were \$477,806.46. After allowing for pensioner subsidies, the total levies collected are now 78.8%. For comparison purposes 75.47% of the levy had been collected at the end of April 2020. Council currently has \$30,757,257.62 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

At 10:44 am Councillor Bill Wheeldon left the Council Chambers.

9.8 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/21/226

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Ricki Martin - Administration Officer Finance & Policy

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

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

Summary

Council has provided an allocation of \$170,000.00 for the 2020/21 financial year for the consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$99,401.00 has been granted to a variety of organisations through the annual fees and charges "Exemptions from the Application" process. The total value of requests granted so far for this financial year totals \$30,845.23.

The total value of requests for this May 2021 funding application period totals \$17,778.63, which if granted in full, would leave a balance in the Donations, Contributions and Grants fund of \$21,975.14.

Recommendation

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

Council Resolution

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

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

At 10:47 am Councillor Bill Wheeldon returned to Council Chambers.

9.9 DETERMINATION OF COUNCILLOR REMUNERATION FOR 2021/2022

File Number: RPT/21/229

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

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

Summary**Recommendation**

That Council sets the level of fees to be paid to the Councillors and Mayor in accordance with the schedule of fees determined by the Local Government Remuneration Tribunal.

Council Resolution

That Council sets the level of fees to be paid to the Councillors and Mayor to the maximum fee allowable in accordance with the schedule of fees determined by the Local Government Remuneration Tribunal.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9.10 LICENCE AGREEMENT TO OCCUPY, SECURE AND MAINTAIN PORTION OF ALICE STREET WENTWORTH

File Number: RPT/21/239

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 is a community that works to enhance and protect its physical and natural assets

Strategy: 3.5 Recognise the importance of a healthy Murray-Darling River system

Summary

An application for a licence agreement has been received by Council to occupy a portion of the Alice Street road reserve in Wentworth.

The portion of land they wish to have a licence over is approximately 1590m² and is situated on Alice Street adjacent to the residence of the applicant being 62 Cadell Street Lot 1 DP 860635 Wentworth.

Recommendation

That Council approves the application to occupy a portion of the Alice Street road reserve in Wentworth subject to conditions

Council Resolution

That Council refuses the application to occupy a portion of the Alice Street road reserve in Wentworth.

Moved Cr. Heywood, Seconded Cr. MacAllister

CARRIED

At 10:53 am Councillor Jane MacAllister left the Council Chambers.

9.11 DELEGATED AUTHORITY APPROVALS AS AT END OF APRIL 2021

File Number: RPT/21/240

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

For the month of April 2021, a total of six Development Applications and six S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$436,627.00. This brings the year to date total to 36 Development Applications and fourteen S4.55 Applications approved, with an estimated development value of \$8,416,075.00.

Recommendation

- a) That Council receives and notes the report for the month of April 2021.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the *Local Government Act 1993* (NSW).

Council Resolution

- a) That Council receives and notes the report for the month of April 2021.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the *Local Government Act 1993* (NSW).

Moved Cr. Elstone, Seconded Cr. Evans

CARRIED

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

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

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

At 10:54 am Councillor Jane MacAllister returned to Council Chambers.

9.12 PROJECTS AND WORKS REPORT UPDATE - MAY 2021

File Number: RPT/21/232

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & Engineering

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

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

Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the month of April 2021.

Recommendation

That Council notes the major works undertaken for April and the scheduled works for May 2021.

Council Resolution

That Council notes the major works undertaken for April and the scheduled works for May 2021.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Motion

That Council write to the NSW Environment Minister urging him not to provide concurrence to the Water Sharing Plans which contain Floodplain Harvesting rules.

Council Resolution

That Council write to the NSW Environment Minister urging him not to provide concurrence to the Water Sharing Plans which contain Floodplain Harvesting rules.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

Motion

That Council, upon receipt and distribution of the budgetary report for Willowbend Caravan Park from Mick Hawtin Engineering & Architectural Services, an Extraordinary Council Meeting be scheduled prior to the June Ordinary Council Meeting. The purpose of the Extraordinary Council Meeting will be to discuss how Willowbend Caravan Park works will be carried out, and to seek an update on the:

- Wentworth Bowling Club Bowling Green works;
- Murray Street works; and
- Wentworth Long Day Care works.

Council Resolution

That Council, upon receipt and distribution of the budgetary report for Willowbend Caravan Park from Mick Hawtin Engineering & Architectural Services, an Extraordinary Council Meeting be scheduled prior to the June Ordinary Council Meeting. The purpose of the Extraordinary Council Meeting will be to discuss how Willowbend Caravan Park works will be carried out, and to seek an update on the:

- Wentworth Bowling Club Bowling Green works;
- Murray Street works; and
- Wentworth Long Day Care works.

Moved Cr. Elstone, Seconded Cr. Wheeldon

CARRIED

11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

Despite the right of members of the public to attend meetings of a council, the council may choose to close to the public, parts of the meeting that involve the discussion or receipt of certain matters as prescribed under section 10A(2) of the Local Government Act.

With the exception of matters concerning particular individuals (other than councillors) (10A(2)(a)), matters involving the personal hardship of a resident or ratepayer (10A(2)(b)) or matters that would disclose a trade secret (10A(2)(d)(iii)), council must be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

The Act requires council to close the meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected. (section 10B(1)(a))

Section 10A(4) of the Act provides that a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Section 10B(4) of the Act stipulates that for the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:-

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may -
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Recommendation

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-:

12.1 High Darling Road Reconstruction Works PT2021/07. (RPT/21/237)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

12.2 Milpara Road Reconstruction Works PT2021/08. (RPT/21/238)

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

Council moved into closed session at 11:13 am

Council resumed into open session at 11:19 am

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 HIGH DARLING ROAD RECONSTRUCTION WORKS PT2021/07

File Number: RPT/21/237

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

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

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

The General Manager advised that Council:

- a) In accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from Bott Civil Pty Ltd to carry out the reconstruction works on High Darling Road for contract PT2021/07, in the amount of \$531,400.40 including GST; and
- b) Authorises the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

12.2 MILPARA ROAD RECONSTRUCTION WORKS PT2021/08

File Number: RPT/21/238

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

Tarryn Kampman - Coordinator Roads & Engineering

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

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

The General Manager advised that Council:

- a) In accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from Bott Civil Pty Ltd to carry out the reconstruction works on Milpara Road for contract PT2021/08, in the amount of \$512,762.60 including GST; and
- b) Authorises the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

13 CONCLUSION OF THE MEETING

The Mayor closed the meeting at 11:21 am

NEXT MEETING

30 June 2021

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CHAIR