



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

20 OCTOBER 2021

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:05am

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Susan Nichols (Mayor)
Councillor Tim Elstone (Deputy Mayor)
Councillor Greg Evans
Councillor Jane MacAllister (via Video Conference)
Councillor Don McKinnon (via Video Conference)
Councillor Peter Nunan (via 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 to General Manager)
Jess O'Neill (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That Council notes the apology from Cr Steve Heywood.

Council Resolution

That Council notes the apology from Cr Steve Heywood.

Moved Cr. Evans, Seconded Cr. McKinnon

CARRIED

4 DISCLOSURES OF INTERESTS

Nil

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 15 September 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 15 September 2021 be confirmed as amended.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/21/598

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Jess O'Neill - 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 13 October 2021.

Council Resolution

That Council notes the list of outstanding matters as at 13 October 2021.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/21/459

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. Evans, Seconded Cr. Elstone

CARRIED

**7.2 WILLANDRA LAKES REGION WORLD HERITAGE ADVISORY COMMITTEE
REPORT JULY 2021**

File Number: RPT/21/583

Summary

Report from Willandra Lakes Region World Heritage Advisory Committee of which Councillor MacAllister is the local government representative.

Recommendation

That Council notes the information contained in the report from Councillor MacAllister.

Council Resolution

That Council notes the information contained in the report from Councillor MacAllister.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/21/457

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Jess O'Neill - 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 21-28 to 21-31
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note

Recommendation

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

Council Resolution

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

Moved Cr. McKinnon, Seconded Cr. Evans

CARRIED

9.2 CHRISTMAS LEAVE ARRANGEMENTS

File Number: RPT/21/571

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

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

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

Summary

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. Wheeldon, Seconded Cr. Elstone

CARRIED

9.3 DRAFT 2020/2021 ANNUAL FINANCIAL STATEMENTS - REFER TO AUDIT

File Number: RPT/21/577

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

Section 413 of the *Local Government Act 1993* (NSW) (the Act) requires Council to prepare its year end Annual Financial Statements as soon as practicable after year end and to refer those statements to audit.

The audit of the 2020/2021 Annual Financial Statements is being conducted by Nexia Australia on behalf of the NSW Audit Office.

The Act requires Council to comply with a number of obligations in relation to the preparation, audit and presentation of the annual financial report and the auditor's report. A number of delegated authorities are also required to expedite the year end process.

Recommendation

That Council certifies:

- That the Annual Financial Statements have been prepared in accordance with:
 - The *Local Government Act 1993* (NSW) (as amended) and the Regulations made there under.
 - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.
 - The Local Government Code of Accounting Practice and Financial Reporting.
- To the best of our knowledge and belief, these statements
 - present fairly the Council's operating result and financial position for the 2020/2021 financial year
 - accord with Council's accounting and other records.
- That Council is not aware of any matter that would render these Statements false or misleading in any way.

That Council:

- Adopt the Councillors/Management Statement and resolves that it be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer and that it is attached to the financial statements.
- Delegates to the General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public.
- Delegates to the General Manager the authority to authorise the year end accounts for issue immediately upon receipt of the auditors' reports.

That Council:

Refers the Draft 2020/2021 Annual Financial Statements to audit.

Council Resolution

That Council certifies:

- That the Annual Financial Statements have been prepared in accordance with:
 - The *Local Government Act 1993* (NSW) (as amended) and the Regulations made there under.
 - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.
 - The Local Government Code of Accounting Practice and Financial Reporting.
- To the best of our knowledge and belief, these statements
 - present fairly the Council's operating result and financial position for the 2020/2021 financial year
 - accord with Council's accounting and other records.
- That Council is not aware of any matter that would render these Statements false or misleading in any way.

That Council:

- Adopt the Councillors/Management Statement and resolves that it be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer and that it is attached to the financial statements.
- Delegates to the General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public.
- Delegates to the General Manager the authority to authorise the year end accounts for issue immediately upon receipt of the auditors' reports.

That Council:

Refers the Draft 2020/2021 Annual Financial Statements to audit.

Moved Cr. McKinnon, Seconded Cr. MacAllister

CARRIED

Cr Wheeldon requested that his vote against the motion be recorded.

9.4 MONTHLY FINANCE REPORT

File Number: RPT/21/579

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

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

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

Summary

Rates and Charges collections for the month of September 2021 were \$751,513.96. After allowing for pensioner subsidies, the total levies collected are now 40.34%. For comparison purposes 39.18% of the levy had been collected at the end of September 2020. Council currently has \$37,499,430.03 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr. Wheeldon, Seconded Cr. Nunan

CARRIED

9.5 MONTHLY INVESTMENT REPORT

File Number: RPT/21/581

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

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

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

Summary

As at 30 September 2021 Council had \$28 million invested in term deposits and \$9,499,430.03 in other cash investments. Council received \$6,994.27 from its investments for the month of September 2021.

In September 2021 Council investments averaged a rate of return of 0.43% and it currently has \$6,736,496.56 of internal restrictions and \$22,890,547.06 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. MacAllister

CARRIED

9.6 LICENCE RENEWAL - RAMON DEED VETERANS RETREAT - CROWN RESERVE 78438

File Number: RPT/21/386

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

Strategy: 4.6 Collaborate with others to achieve desired outcomes for the local community

Summary

Wentworth & Coomealla Districts Sub Branch have held a licence to occupy part Lot 3 DP853243, Dareton Horse Complex Reserve 78438 since 2008. The current licence expired on 30 July 2021.

The Department of Planning, Industry and Environment - Crown Lands has provided Ministers consent for Council, in its capacity as Crown Land Manager, to exercise the holding over provisions of this Licence from 1 July 2021 up to and including 30 June 2022 until the new Licence has been executed.

This report seeks a resolution of Council to renew the licence to the provisions of the *Crown Land Management Regulation 2018*, securing lawful tenure for the current occupiers.

Recommendation

That Council:

1. Approves the renewal of a Licence to the Wentworth & Coomealla Districts Sub Branch; including the Ramon Deed Veterans Retreat of the Vietnam Veterans, Peacekeepers and Peacemakers Association of Australia NSW Branch Inc. for the occupation of Crown Reserve 78438 Dareton Horse Complex, part Lot 3 DP853243
2. In its capacity as Crown Land Manager authorises the granting of a licence renewal, Pre Plan of Management, for the term of 10years (5+5) under Section 70 Clause (2)(b)(i) of the *Crown Land Management Regulation 2018*., subject to Minister's Consent
3. Continue the annual rent payable as previously set in the expired licence, starting at \$974.76 with an annual Consumer Price Index (CPI) increase the when the licence takes effect, being the date the licence is executed.
4. Affix the Common Seal of Wentworth Shire Council and the Mayor and General Manager be delegated to sign all documentation that requires to be sealed, to give effect to this resolution.

Council Resolution

That Council:

1. Approves the renewal of a Licence to the Wentworth & Coomealla Districts Sub Branch; including the Ramon Deed Veterans Retreat of the Vietnam Veterans, Peacekeepers and Peacemakers Association of Australia NSW Branch Inc. for the occupation of Crown Reserve 78438 Dareton Horse Complex, part Lot 3 DP853243

2. In its capacity as Crown Land Manager authorises the granting of a licence renewal, Pre Plan of Management, for the term of 10years (5+5) under Section 70 Clause (2)(b)(i) of the *Crown Land Management Regulation 2018.*, subject to Minister's Consent
3. Continue the annual rent payable as previously set in the expired licence, starting at \$974.76 with an annual Consumer Price Index (CPI) increase the when the licence takes effect, being the date the licence is executed.
4. Affix the Common Seal of Wentworth Shire Council and the Mayor and General Manager be delegated to sign all documentation that requires to be sealed, to give effect to this resolution.

Moved Cr. McKinnon, Seconded Cr. Nunan

CARRIED

9.7 INFRASTRUCTURE CONTRIBUTION REFORMS

File Number: RPT/21/574

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: 3.2 Plan for and develop the right assets and infrastructure

Summary

The NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 into Parliament on 22 June. This Bill has the potential to adversely impact on Council's ability to deliver critical infrastructure services by diverting developer contributions away from Local Government to the NSW Government. If the Bill is passed, the NSW Government will have the authority use these funds however and wherever they see fit, thus potentially leaving Wentworth Shire Council and all other Local Government Organisations in NSW in a position where our infrastructure delivery capability will be destroyed.

Recommendation

That Council

- 1) Calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
- 2) Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
- 3) Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
- 4) That Council writes to the local State Member Helen Dalton, the Premier the Hon Dominic Perrottet MP, Treasurer the Hon Matt Kean MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.
- 5) That Council writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining council's concerns with the Bill.

- 6) That Council alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.
- 7) That Council affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

Council Resolution**That Council**

- 1) Calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
- 2) Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
- 3) Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
- 4) That Council writes to the local State Member Helen Dalton, the Premier the Hon Dominic Perrottet MP, Treasurer the Hon Matt Kean MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.
- 5) That Council writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining council's concerns with the Bill.
- 6) That Council alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.
- 7) That Council affirms its support to LGNSW and requests LGNSW continue advocating its behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

Moved Cr. Elstone, Seconded Cr. Evans**CARRIED**

9.8 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - REVIEW OF RURAL LAND PLANNING CONTROLS PLANNING PROPOSAL

File Number: RPT/21/575

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

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

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

Summary

Council's Health and Planning Department has prepared a Planning Proposal as an outcome of a Review of Rural Land Planning Controls paper.

The Planning Proposal seeks to amend the following planning provisions in the Wentworth Local Environmental Plan 2011:

- RU1 Primary Production land use table
- Part 4 Principal development standards relating to rural land
- Part 5 Miscellaneous provisions Clause 5.5
- Schedule 1 Additional permitted uses.

This report seeks Council endorsement to submit the Planning Proposal to the Department of Planning, Industry & Environment requesting a Gateway Determination to proceed.

Recommendation

That Council resolves to:

- a) Submit the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 to the Minister for Planning and Public Spaces for consideration of a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council resolves to:

- a) Submit the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 to the Minister for Planning and Public Spaces for consideration of a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr. Wheeldon, Seconded Cr. MacAllister

CARRIED

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

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

Against the Motion: *Nil.*

9.9 DELEGATED AUTHORITY APPROVALS AS AT END OF SEPTEMBER 2021

File Number: RPT/21/593

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 September 2021, a total of 21 Development Applications and two S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$2,232,602.00. This brings the year to date total to 138 Development Applications and 25 S4.55 Applications approved, with an estimated development value of \$20,701,120.00.

Recommendation

That Council:

- a) Received and notes the report for the month of September 2021.
- 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) Call a division in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Council Resolution

That Council:

- a) Received and notes the report for the month of September 2021.
- 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) Call a division in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Moved Cr. MacAllister, Seconded Cr. McKinnon

CARRIED

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

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

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

9.10 REDEVELOPMENT OF THE WENTWORTH SHIRE CIVIC CENTRE PROJECT UPDATE

File Number: RPT/21/578

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

As part of the Office of Local Government (OLG) Capital Expenditure Review, quarterly project update reports are to be provided to Council. The report includes overall progress of the project, identifies any budget variances that may impact on the project, and also identifies any issues that may have an adverse impact on the works.

Recommendation

That Council receives and notes the information contained within this report.

Council Resolution

That Council receives and notes the information contained within this report.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

9.11 PROJECTS AND WORKS REPORT UPDATE - SEPTEMBER 2021

File Number: RPT/21/582

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 September 2021.

Recommendation

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

Council Resolution

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

Moved Cr. McKinnon, Seconded Cr. Evans

CARRIED

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Cr Evans acknowledged the General Manager's efforts with the Covid-19 response and how much of his time this has consumed, especially with the breakout of Covid-19 in our own LGA. The staff should be supporting the General Manager in the running of the Council during this time. He would especially like to see teamwork extend throughout the entire staff group.

Cr MacAllister acknowledged and commended the Mayors media presence with the Mayor of Mildura and crossborder representatives. She felt it was topical, relevant and timely and the mayor represented Wentworth well in these discussions and appearances.

Cr Nunan noted that there is still an ongoing issue with stray and roaming dogs in Dareton. He would like this to be attended to again.

Cr Evans suggested that the user group committee for the EDS should be reconvened. Their input was invaluable 6 years ago and it would be ideal to have the committee provide updated information regarding design and function.

10.1 NEW HOSPITAL

Cr Bill Wheeldon requested that we make a representation to Far West Local Health District regarding not having a hospital near Murray House due to Covid-19.

The General Manager responded by advising that Far West Local Health District is currently undertaking clinical care modelling and the collaborative care project which will advise NSW Health and Health Infrastructure on the design, location and services required.

10.2 POSSIBLE FLOODING OF WENTWORTH CARAVAN PARK

Cr Jane MacAllister queried if flooding of the Wentworth Caravan Park was likely with current increasing flows in both the Murray River and Darling River.

Cr Elstone and Cr Evans advised that no accurate advice could be provided on this matter as yet. It is believed that if the catchment area gets further rainfall then there is a strong possibility of this occurring.

10.3 WENTWORTH PUMPOUT STATION

Cr Bill Wheeldon and Cr Peter Nunan questioned the status of the Wentworth and Dareton Effluent Disposal Stations (EDS)

The General Manager advised that \$829,884 in funding has been received for the Wentworth EDS and the project is currently in design and consultation phases. The Dareton EDS is also to be upgraded however funding has not been sourced at this stage.

11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

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

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

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

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

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

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

Recommendation

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

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

12.1 Plant Replacemen - Approval of Tenders for replacement of Plant 664 Ford Ranger & Plant 665 Ford Ranger. (RPT/21/584)

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 Plant Replacement - Approval of Tenders for new plant item - Light Commercial Extra Cab 4x4 Utility. (RPT/21/585)

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 of Tenders for replacement of Plant 345 & supply new Light Commercial Dual Cab 4x4 utility. (RPT/21/586)

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 of Tender for replacement of Plant 650 Isuzu LSU. (RPT/21/587)

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 Panel Contract - Supply of Road Construction Materials - PC2122/03. (RPT/21/596)

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 Panel Contract - Hire of Construction Plant & Equipment PC2122/02. (RPT/21/597)

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.

12.7 Panel Contract - Supply of Building Trades, Professional & Consultation Services PC2122/01. (RPT/21/599)

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.

12.8 Wentworth Shire Council Bridge Lifts and Maintenance - 12 month period - PT2021/09. (RPT/21/580)

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.

12.9 Wentworth Showgrounds Sewer Upgrade - PT2122/06. (RPT/21/570)

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

Council Resolution

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

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 664 FORD RANGER & PLANT 665 FORD RANGER

File Number: RPT/21/584

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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 accepted the tender from Davison Motor Group for the supply of two Ford Ranger XL utilities for the total sum of \$132,918.59 inc GST, and accepted the trade price of \$56,000 inc GST for the Council owned Ford Rangers, plant item 664 and plant item 665 with a total changeover price of \$76,918.59 inc GST.

**12.2 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR NEW PLANT ITEM -
LIGHT COMMERCIAL EXTRA CAB 4X4 UTILITY**

File Number: RPT/21/585

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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 that Council accepted the tender from Davison Motor Group for the supply of one Ford Ranger XL utility for the sum of \$72,774.80 inc GST.

12.3 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 345 & SUPPLY NEW LIGHT COMMERCIAL DUAL CAB 4X4 UTILITY

File Number: RPT/21/586

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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 accepted the tender from Davison Motor Group for the supply of two Ford Ranger XL utilities for the total sum of \$117,492.50 inc GST, and accepted the trade price of \$14,000 inc GST for the Council owned Nissan Navara, plant item 345 with a total changeover price of \$103,492.50 inc GST.

12.4 PLANT REPLACEMENT - APPROVAL OF TENDER FOR REPLACEMENT OF PLANT 650 ISUZU LSU

File Number: RPT/21/587

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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 accepted the tender from Davison Motor Group for the supply of one Ford Ranger XL utility for the sum of \$52,337.19 inc GST, and accepted the trade price of \$24,500 inc GST for the Council owned Isuzu LSU, plant item 650 with a total changeover price of \$27,837.19 inc GST.

12.5 PANEL CONTRACT - SUPPLY OF ROAD CONSTRUCTION MATERIALS - PC2122/03

File Number: RPT/21/596

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & Engineering

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

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council approved the Panel Contract attached to this report for the supply of Road Construction Materials – PC2122/03 for a 12 month period.

**12.6 PANEL CONTRACT - HIRE OF CONSTRUCTION PLANT & EQUIPMENT
PC2122/02**

File Number: RPT/21/597

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & Engineering

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

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council approved the Panel Contract attached to this report for the provision of Hire of Construction Plant & Equipment – PC2122/02 for a 12 month period.

12.7 PANEL CONTRACT - SUPPLY OF BUILDING TRADES, PROFESSIONAL & CONSULTATION SERVICES PC2122/01

File Number: RPT/21/599

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & Engineering

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

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council approved the Panel Contract attached to this report for the provision of Building Trades, Professional & Consultation Services PC2122/01 for a 12-month period.

12.8 WENTWORTH SHIRE COUNCIL BRIDGE LIFTS AND MAINTENANCE - 12 MONTH PERIOD - PT2021/09

File Number: RPT/21/580

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from AM Electrical Contracting Pty Ltd, Option 1, to undertake the Bridge Lift and Maintenance contract for a 12 month period for Contract PT2021/09 in the amount of \$365.00 inc GST per bridge lift, and authorise the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

12.9 WENTWORTH SHOWGROUNDS SEWER UPGRADE - PT2122/06

File Number: RPT/21/570

Responsible Officer: Geoff Gunn - Director Roads and Engineering
Responsible Division: Roads and Engineering
Reporting Officer: Bernard Rigby - Manager Engineering Services
Leigh Driscoll - Project Engineer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets
Strategy: 3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long term interests of future generations

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 resolved to:

- a) Approves a budget variation from the Sewer Fund in the amount of \$152,550.00 exc GST for the sewer main connection works outside the Showground Reserve to Council's existing rising main infrastructure.
- b) In accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepts the tender for Contract PT2122/06, in the amount of \$464,092.41 inc GST submitted from Waters Excavation Pty Ltd and authorises the Mayor and General Manager to sign the contract documentation and affix the Council seal.

13 CONCLUSION OF THE MEETING

Meeting closed at 11:10am

NEXT MEETING

Extraordinary Meeting 3 November 2021

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CHAIR