



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

30 JUNE 2021

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:01am

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Susan Nichols (Mayor)
Councillor Tim Elstone (Deputy Mayor)
Councillor Greg Evans
Councillor Jane MacAllister
Councillor Don McKinnon (Video Conferencing)
Councillor Peter Nunan
Councillor Bill Wheeldon OAM

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

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council notes the apology from Councillor Steve Heywood and Councillor Greg Evans withdraws his Leave of Absence request for the 21 July 2021.

Moved Cr. Wheeldon, Seconded Cr. MacAllister

CARRIED

4 DISCLOSURES OF INTERESTS

Cr Don McKinnon advised he has a significant pecuniary interest in Item 12.1 as his son works at Buronga Landfill.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 12 May 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 12 May 2021 be confirmed as circulated.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

Cr MacAllister tabled a letter from Jade Millard regarding the proposed Mobile Food Van fees.

Recommendation

That the Minutes of the Extraordinary Meeting held 26 May 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Extraordinary Meeting held 26 May 2021 be confirmed as circulated.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/21/337

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 22 June 2021.

Council Resolution

That Council notes the list of outstanding matters as at 22 June 2021.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/20/860

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. MacAllister

CARRIED

MAYORAL MINUTE

Council Resolution

That all relevant Council Policies reflect the following:

- Tenders for all projects have a start and finish date
- Payments for work prior to completion not exceed 75% of the tendered amount with the final 25% being paid upon satisfaction and delivery of completed project
- A penalty of 15% be deducted for late delivery of any tender signed by Council and tenderer
- All policies to clearly highlight Councils position including clear conflict resolution procedures
- If this motion is accepted by Council this decision be enacted for all new tenders as soon as confirmed by Council

Moved Cr. Nichols

CARRIED

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/852

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 21-06 to 21-12, including Circular GC-150
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. MacAllister, Seconded Cr. Nunan

CARRIED

9.2 RESOURCES FOR REGIONS FUNDING ROUND 8

File Number: RPT/21/349

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

Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest
Strategy: 2.5 Maintain/create desirable open spaces and recreation facilities

Summary

In May 2021, Wentworth Shire Council received notification from the NSW Government advising of an additional funding allocation of \$2,051,429 under the Resources for Regions Round 8 funding stream.

Council is required to identify and submit eligible projects to the Department of Regional NSW for consideration.

Recommendation

That Council endorse the following projects under Resources for Regions Round 8 funding and that applications be submitted.

- a) Council Reserve Upgrades \$ 972,435 ex GST
- b) Dareton Men's Shed \$378,994 ex GST
- c) Solar for Civic Centre \$700,000 ex GST

Council Resolution

That Council endorse the following projects under Resources for Regions Round 8 funding and that applications be submitted.

- a) Council Reserve Upgrades \$ 972,435 ex GST
- b) Dareton Men's Shed \$378,994 ex GST
- c) Solar for Civic Centre \$700,000 ex GST

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

9.3 ESTABLISHMENT OF A REGIONAL PANEL OF CONDUCT REVIEWERS

File Number: RPT/21/331

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

At the Ordinary Council Meeting held on 7 August 2019, Council resolved to appoint reviewers to its Code of Conduct Review Panel for a period ending no later than 30 September 2021.

Section 440 of the *Local Government Act 1993* (NSW) and the *Local Government (General) Regulation 2005* requires that all Councils and Joint Organisations adopt a Code of Conduct which incorporates the provisions of the Model Code of Conduct (the Code).

The Code states that Councils are required to establish a panel of Conduct Reviewers to inquire into alleged breaches of the Code by their Administrator, Mayor, Councillors or General Manager. Councils may establish their own panel, or they may enter into an arrangement with one or more other Councils to share a panel.

The term of all current conduct reviewers at each individual Council will conclude on 30 June 2021, whereby the Council must appoint a new panel for a four-year term

Recommendation

That Council agrees to establish a regional panel of conduct reviewers and appoint reviewers as selected by the Far West Joint Organisation (FWJO) through an Expression of Interest process.

Council Resolution

That Council agrees to establish a regional panel of conduct reviewers and appoint reviewers as selected by the Far West Joint Organisation (FWJO) through an Expression of Interest process.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

Cr Wheeldon requested his vote against the establishment of a Regional panel of conduct reviewers as selected by the Far West Joint Organisation (FWJO) through an Expression of Interest process be recorded.

9.4 WENTWORTH SHOWGROUNDS USER GROUP MEETING

File Number: RPT/21/293

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Barbara George - Administration Officer, Roads and Engineering

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

Strategy: 4.5 Encourage the self determination of individual townships and community groups

Summary

A meeting of the Wentworth Showgrounds User Group was held on Thursday 13 April 2021 and the minutes of the meeting are attached to this report for the information of Councillors.

Recommendation

That Council notes the Minutes of the Wentworth Showgrounds User Group Meeting held on Thursday 13 April 2021.

Council Resolution

That Council notes the Minutes of the Wentworth Showgrounds User Group Meeting held on Thursday 13 April 2021.

Moved Cr. Elstone, Seconded Cr. Wheeldon

CARRIED

9.5 ADOPTION OF THE 2021/22 OPERATIONAL PLAN

File Number: RPT/21/313

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

Following the presentation of the Draft 2021/22 Operational Plan to the May Ordinary Council Meeting, the Draft Plan was placed on public exhibition for 28 days as required under the *Local Government Act*.

Council is now required to consider all submissions received prior to adopting the 2021/22 Rates and Charges. This includes the following:

- The 2021/22 Annual Statement of Revenue and the Annual Fees and Charges.
- The making and levying of rates and charges including:
 - 2.00% increase in the Ordinary Rate for 2021/22
 - 2.00% increase in Sewer Access Charges for 2021/22
 - 2.00% increase in Water Access Charges for 2021/22
 - 2.00% increase in Domestic Waste Charges for 2021/22
 - No increase to Water Consumption Charges for 2021/22
 - Charge 5.00% interest on Overdue Rates and Charges

Recommendation

- a) That Council adopts the 2021/22 Operational Plan, as amended, having considered submissions received.
- b) That Council resolves to increase the rate income for the 2021/22 year by the maximum 2.00% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART).
- c) That Council resolves 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 under Section 534, 535 & 537 of the *Local Government Act 1993* for the 2020/21 year including:

FARMLAND CATEGORY

Includes all of the lands within the Local Government Area of Wentworth categorised as Farmland except those parcels of rateable land sub categorised as Farmland, Dry Land Grazing and Farmland, Licence/Pump Site/Pipeline.

Farmland

An ordinary rate of 0.00321098 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Farmland, in accordance with Section 515 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to

a base amount of (\$510.00) for each assessment. The base amount accounts for 31.99% of the estimated yield for this category. The estimated yield for this rate is \$1,125,711.

Farmland, Dry Land Grazing

An ordinary rate of 0.00260673 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Farmland, in accordance with Section 515 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$510.00) for each assessment. The base amount accounts for 18.32% of the estimated yield for this category. The estimated yield for this rate is \$712,511.

Farmland, Licence/Pump Site/Pipeline

An ordinary rate of 0.03817411 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Farmland, sub categorised Licence/Pump Site/Pipeline, in accordance with Section 515 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$95.00) for each assessment. The base amount accounts for 41.02% of the estimated yield for this category. The estimated yield for this rate is \$16,676.

RESIDENTIAL CATEGORY

Wentworth

An ordinary rate of 0.00413652 cents in the dollar on the land value of all rateable lands with Wentworth Shire Council categorised as Residential, sub categorised Wentworth, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to base amount of (\$240.00) for each assessment. The amount accounts for 46.52% of the estimated yield for this category. The estimated yield for this rate is \$315,741.

Buronga

An ordinary rate of 0.00377232 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Buronga, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$260.00) for each assessment. The base amount accounts for 30.77% of the estimated yield for this category. The estimated yield for this rate is \$415,785.

Gol Gol

An ordinary rate of 0.00403215 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Gol Gol, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$260.00) for each assessment. The base amount accounts for 26.21% of the estimated yield for this category. The estimated yield for this rate is \$558,469.

Gol Gol East

An ordinary rate of 0.00454088 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Gol Gol East, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$360.00) for each assessment. The base amount accounts for 23.34% of the estimated yield for this category. The estimated yield for this rate is \$346,996.

Pooncarie

An ordinary rate of 0.01366098 cents in the dollar on the land value of all rateable lands with Wentworth Shire Council categorised as Residential, sub categorised Pooncarie, in

accordance with Section 516 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$190.00) for each assessment. The base amount accounts for 46.69% of the estimated yield for this category. The estimated yield for this rate is \$21,567.

Dareton

An ordinary rate of 0.01611174 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Dareton, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$190.00) for each assessment. The base amount accounts for 48.45% of the estimated yield for this category. The estimated yield for this rate is \$78,432.

Rural Residential

An ordinary rate of 0.00372143 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Rural, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$190.00) for each assessment. The base amount accounts for 26.22% of the estimated yield for this category. The estimated yield for this rate is \$458,726.

BUSINESS CATEGORY

Includes all of the lands within the local government area of Wentworth categorised as Business except those parcels of rateable land sub categorised as Business, Mourquong; Business, Trentham Cliffs; Business, Arumpo; Business, Wentworth; Business, Pooncarie (including all of the lands within the locality of Pooncarie sub categorised as Business Pooncarie except those lands within the township of Pooncarie).

Business

An ordinary rate of 0.00691404 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$270.00) for each assessment. The base amount accounts for 19.92% of the estimated yield for this category. The estimated yield for this rate is \$250,706.

Business, Wentworth

An ordinary rate of 0.00876770 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Wentworth, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$270.00) for each assessment. The base amount accounts for 38.98% of the estimated yield for this category. The estimated yield for this rate is \$38,096.

Business, Mourquong

An ordinary rate of 0.30100685 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Mourquong, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$100.00) for each assessment. The base amount accounts for 0.12% of the estimated yield for this category. The estimated yield for this rate is \$247,427.

Business, Trentham Cliffs

An ordinary rate of 0.00844384 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Trentham Cliffs, in accordance with Section 518 of the *Local Government Act 1993*, be now made for the 2021/22 rating period, subject to a base amount of (\$120.00) for each assessment. The base amount accounts for 4.29% of the estimated yield for this category. The estimated yield for this rate is \$11,178.

Business, Arumpo

An ordinary rate of 0.06411043 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Arumpo, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$210.00) for each assessment. The base amount accounts for 1.33% of the estimated yield for this category. The estimated yield for this rate is \$94,797.

Business, Pooncarie

An ordinary rate of 0.09625452 cents in the dollar on the land value of all rateable lands with Wentworth Shire Council categorised as Business, sub categorised Pooncarie, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2021/22 rating period, subject to a base amount of (\$100.00) for each assessment. The base amount accounts for 0.02% of the estimated yield for this category. The estimated yield for this rate is \$980,552.

- d) That Council resolves to make and levy fees and charges for Sewer Services for 2020/21 year as set out in the annual statement of revenue.
- e) That Council resolves to make and levy fees and charges for Water Services for 2020/21 year as set out in the annual statement of revenue.
- f) That Council resolves to make and levy a Domestic Waste Management charge for 2020/21 year under Section 496 of the Local Government Act 1993 on each parcel of rateable land of which the service is available as set out in the annual statement of revenue.
- g) That Council resolves to fix the Fees and Charges schedule for 2020/21 year as set out in annual statement of revenue.
- h) That Council resolves to charge the 5.00% interest on overdue rates and charges
- i) That Council resolves to approve Appendix A – Bodies Granted Exemptions automatic fee waiver as part of the 2020/2021 Donations, Grants and Contributions Program as set out in the schedule of fees and charges.
- j) That Council resolves to approve Borrowings for 2020/21 of up to \$8,400,000 as outlined in the Annual Statement of Revenue.

Council Resolution

- a) That Council adopts the 2021/22 Operational Plan, as amended, having considered submissions received.
- b) That Council resolves to increase the rate income for the 2021/22 year by the maximum 2.00% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART).
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- d) That Council resolves to make and levy fees and charges for Sewer Services for 2020/21 year as set out in the annual statement of revenue.
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- i) That Council resolves to approve Appendix A – Bodies Granted Exemptions automatic fee waiver as part of the 2020/2021 Donations, Grants and Contributions Program as set out in the schedule of fees and charges.
- j) That Council resolves to approve Borrowings for 2020/21 of up to \$8,400,000 as outlined in the Annual Statement of Revenue.
- k) That the new mobile food van charges be omitted until the policy is approved by Internal Audit Committee and endorsed by Council.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

Cr Bill Wheeldon & Cr Tim Elstone requested their vote against the adoption of the of the 2021/22 operational plan .

9.6 MONTHLY FINANCE REPORT

File Number: RPT/21/309

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 May 2021 were \$1,055,026.44. After allowing for pensioner subsidies, the total levies collected are now 87.7%. For comparison purposes 85.91% of the levy had been collected at the end of May 2020. Council currently has \$32,913,343.77 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. McKinnon

CARRIED

9.7 MONTHLY INVESTMENT REPORT

File Number: RPT/21/316

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 31 May 2021 Council had \$21 million invested in term deposits and \$11,913,343.77 in other cash investments. Council received \$15,010.13 from its investments for the month of May 2021.

In May 2021 Council investments averaged a rate of return of 0.39% and it currently has \$6,681,129.01 of internal restrictions and \$20,383,452.95 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

9.8 REQUEST FOR FEE WAIVER FOR PLANNING PROPOSAL

File Number: RPT/21/227

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 is a vibrant, growing and thriving Shire

Strategy: 1.2 Encourage and support population growth and resident attraction

THE GENERAL MANAGER ADVISED THIS REPORT IS WITHDRAWN FROM THIS MEETING.

Summary

Roy Costa Planning and Development (RCPD), on behalf of their client is seeking a waiver of the applicable fee for the lodgment of a planning proposal of \$6367.00

Once lodged, the Planning Proposal aims to amend the zoning of 191 Pitman Avenue from RU1 Primary Production to RU5 Village with a small portion as SP2 Infrastructure. This will be subject to a completed planning proposal document and report to Council at a later date.

Recommendation

That Council resolve to refuse to waive the LEP Amendment Fee of \$6,367.00.

9.9 DELEGATED AUTHORITY APPROVALS AS AT END OF MAY 2021

File Number: RPT/21/321

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 May 2021, a total of seventeen Development Applications and three S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$867,982.00. This brings the year to date total to fifty three Development Applications and seventeen S4.55 Applications approved, with an estimated development value of \$9,284,057.00.

Recommendation

- a) That Council receives and notes the report for the month of May 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 May 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. Nunan

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 A47 IGA SERVICE ROAD - AMENDMENT

File Number: RPT/21/323

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Hilary Dye - Property and Land Tenure 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

At the Ordinary Meeting of Council on 18 November 2020, Council resolved to acquire part of Lot 7011 DP 1045202 & part of Lot 7001 DP1118958 by the compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained in the Local Government Act 1993 (NSW).

The recommendation as presented to that meeting referred to the NSW Local Government Act. This was an administrative error which stated, 'by authority contained in the Local Government Act 1993 (NSW)'.

Upon review, the legislation being the Local Government Act was incorrect. The recommendation should have stated 'by authority contained under the terms of Section 177 of the Road Act 1993'.

Recommendation

1. That Council proceed to acquire part of Lot 7011 DP 1045202 & part of Lot 7001 DP1118958 by the compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained under the terms of Section 177 of the Road Act 1993
2. That the land be acquired for public purpose of public road and sewer infrastructure
3. That minerals be excluded from the acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the Governor of NSW for approval to compulsorily acquire the Crown Land for the public purpose
6. That compensation is paid to Crown Lands and any other party with an interest in the land as determined by the Valuer General NSW
7. That the land is classified as operational land upon acquisition
8. That the General Manager be authorised to approve and sign the Acquisition Notice for publication in the NSW Government Gazette which will acquire the land.

Council Resolution

1. That Council proceed to acquire part of Lot 7011 DP 1045202 & part of Lot 7001 DP1118958 by the compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained under the terms of

Section 177 of the Road Act 1993

2. That the land be acquired for public purpose of public road and sewer infrastructure
3. That minerals be excluded from the acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the Governor of NSW for approval to compulsorily acquire the Crown Land for the public purpose
6. That compensation is paid to Crown Lands and any other party with an interest in the land as determined by the Valuer General NSW
7. That the land is classified as operational land upon acquisition
8. That the General Manager be authorised to approve and sign the Acquisition Notice for publication in the NSW Government Gazette which will acquire the land.

Moved Cr. Elstone, Seconded Cr. Wheeldon

CARRIED

9.11 SPEED ZONE REVIEW IN WENTWORTH

File Number: RPT/21/315

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Belinda Fitzgerald - Road Safety Officer

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

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

Summary

The speed zone on Silver City Highway in the town centre of Wentworth is under review by Transport for NSW (TfNSW). The area in question qualifies for a High Pedestrian Activity Areas (HPAA) which would be the first in the Wentworth Shire area. HPAA are sections of road where there is a high degree of interaction between vehicles and pedestrians. They may be near shopping strips, bus interchanges or services such as medical centres.

Recommendation

That Council recommends a High Pedestrian Activity Area (HPAA) to Transport for NSW for the Wentworth town centre speed zone review.

Council Resolution

That Council recommends a High Pedestrian Activity Area (HPAA) to Transport for NSW for the Wentworth town centre speed zone review.

Moved Cr. Elstone, Seconded Cr. Wheeldon

CARRIED

9.12 PROJECTS AND WORKS REPORT UPDATE - JUNE 2021

File Number: RPT/21/330

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 May 2021

Recommendation

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

Council Resolution

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

Moved Cr. McKinnon, Seconded Cr. Nunan

CARRIED

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**10.1 MURRAY DARLING ASSOCIATION MEMBERSHIP**

File Number: RPT/21/308

Motion

That Council review its membership of the Murray Darling Association.

Council Resolution

That Council review its membership of the Murray Darling Association

Moved Cr. MacAllister, Seconded Cr. Wheeldon

LOST

Council Resolution

That Council maintain its membership of the Murray Darling Association and if a review is necessary it be completed by the incoming Council and Cr Elstone be the Chair of Region 4.

Moved Cr. Nichols, Seconded Cr. McKinnon

CARRIED

10.2 SPEED HUMPS IN MATONG STREET

Cr Peter Nunan requested that the speed humps approved for Matong Street Dareton be installed as a matter of urgency. He also requested that speed humps in Devenport Street be reviewed.

10.3 WENTWORTH RIVERFRONT PLAYGROUND AREA

Cr Greg Evans sought clarification around the boundary between the Caravan Park & the licensed area held by the Rowing Club relevant to the position of the Adventure Playground.

10.4 INFRASTRUCTURE IN GOL GOL

Cr Tim Elstone requested a report on infrastructure, in particular water needs for the growing area of Buronga Gol Gol.

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 Buronga Landfill Discount Rate. (RPT/21/314)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d) (iii) information that would, if disclosed, reveal a trade secret. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

12.2 Segment 40 - Supply of DGB20 Class 1 Road Base Material - PT2021/11. (RPT/21/333)

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 Segment 40 - Supply of Select Fill Material - PT2021/12. (RPT/21/334)

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

Council moved into Closed Session at 11.14am.

Councillor Don McKinnon left the meeting at 11.14am.

Council resumed into Open Session at 11:33am.

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 BURONGA LANDFILL DISCOUNT RATE

File Number: RPT/21/314

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

Strategy: 3.4 Reduce, reuse and recover waste

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d) (iii) information that would, if disclosed, reveal a trade secret. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making because.

The General Manager advised that Council approved the addition of Mildura Waste and Recycling to the list of approved contractors.

12.2 SEGMENT 40 - SUPPLY OF DGB20 CLASS 1 ROAD BASE MATERIAL - PT2021/11

File Number: RPT/21/333

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 in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepts the tender from Mallee Quarries Pty Ltd to carry out the supply and delivery of Road Base Material for Contract PT2021/11 in the amount of \$856,460.00 including GST, and authorised the Mayor and General Manager to sign the contract documentation and affix the council seal.

12.3 SEGMENT 40 - SUPPLY OF SELECT FILL MATERIAL - PT2021/12

File Number: RPT/21/334

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 in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepts the tender from Bahr Earthmoving Pty Ltd T/A Millewa Quarries to carry out the supply and delivery of Select Fill Material for Contract PT2021/12 in the amount of \$190,228.50 including GST, and authorised the Mayor and General Manager to sign the contract documentation and affix the council seal.

13 CONCLUSION OF THE MEETING

The meeting was closed at 11:35am.

NEXT MEETING

21 July 2021

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CHAIR