



**ORDINARY MEETING  
MINUTES**

**18 OCTOBER 2023**

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## 1 OPENING OF MEETING

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

## 2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

**PRESENT:**

**COUNCILLORS:** Councillor Daniel Linklater  
Councillor Tim Elstone  
Councillor Brian Beaumont  
Councillor Steve Cooper  
Councillor Peter Crisp  
Councillor Steve Heywood  
Councillor Jane MacAllister  
Councillor Susan Nichols  
Councillor Jo Rodda

**STAFF:** Ken Ross (General Manager)  
Matthew Carlin (Director Health and Planning)  
Scott Barnes (Manager Engineering Services)  
Simon Rule (Director Finance and Policy)  
Gayle Marsden (Executive Assistant to General Manager)  
Hannah Nicholas (Business Support Officer)

## 3 APOLOGIES AND LEAVE OF ABSENCE

Nil

## 4 DISCLOSURES OF INTERESTS

Cr Elstone declared a significant pecuniary interest in Item 12.2 as he is a real estate agent for J & L McLeod 14 Lot subdivision & K F Cooke 6 Lot subdivision. Lots are directly in training circuit flight path. A vote against the item could be perceived as pecuniary as there is a financial gain to myself and business.

Cr Cooper declared a significant pecuniary interest in Item 12.2 as owner and director of Wentworth & District Real Estate in subdivision land packages matters in the flight path.

Cr Crisp declared a significant non pecuniary interest in Item 12.2 due to having contact with local pilots, had meals with them & visited their hangars. He is also related to Nina Plummer and have had business dealings with Alan Whyte. As a former MP for Mildura he has had contact with ADFA during its establishment & supported the approval for the Instrument Landing System at Mildura.

Cr Nichols declared a less than significant non pecuniary interest in Item 12.2 as two of her neighbours have signed the petition.

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## 5 CONFIRMATION OF MINUTES

### Recommendation

That the Minutes of the Ordinary Meeting held 20 September 2023 be confirmed as circulated.

### Council Resolution

That the Minutes of the Ordinary Meeting held 20 September 2023 be confirmed as circulated.

**Moved Cr. Nichols, Seconded Cr. Elstone**

**CARRIED UNANIMOUSLY**

### Council Resolution

That standing orders be suspended for the purpose of a Public Forum. The meeting was adjourned at 7:06PM.

**Moved Cr. MacAllister, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

The matter for discussion is Item 12.2 in the closed confidential session, being the request by ADFA Group for financial dispensation of fees and charges for the use of the Wentworth Aerodrome for flight training.

*Mr Simon Clemence spoke for Item 12.2 as the proponent.*

*Mr Ian Hazeldene spoke against Item 12.2.*

### Council Resolution

That Council reconvenes into open session and that standing orders be resumed.

**Moved Cr. Nichols, Seconded Cr. MacAllister**

**CARRIED UNANIMOUSLY**

## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

### 6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/23/613

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

#### Summary

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

#### Officer Recommendation

That Council receives and notes the list of outstanding matters as at 12 October 2023.

#### Council Resolution

That Council receives and notes the list of outstanding matters as at 12 October 2023.

**Moved Cr Cooper, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

## **7 MAYORAL AND COUNCILLOR REPORTS**

### **7.1 MAYORAL REPORT**

File Number: RPT/23/611

#### **Recommendation**

That Council receives and notes the information contained in the Mayoral report.

#### **Council Resolution**

That Council receives and notes the information contained in the Mayoral report.

**Moved Cr Linklater, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**7.2 COMMUNITY DROP IN SESSION MENINDEE - FISH DEATHS**

File Number: RPT/23/674

**Summary**

Crs Beaumont and MacAllister attended the Community Drop in Session at Menindee on 13 September 2023 "to keep the community updated as part of their ongoing response to managing water quality issues and fish health in the Darling-Baaka River".

**Recommendation**

That the information contained in the report from Councillor Beaumont and Councillor MacAllister be noted.

**Council Resolution**

That the information contained in the report from Councillor Beaumont and Councillor MacAllister be noted.

**Moved Cr. MacAllister, Seconded Cr Beaumont**

**CARRIED UNANIMOUSLY**



## **8     REPORTS FROM COMMITTEES**

Nil

## 9 REPORTS TO COUNCIL

### 9.1 GENERAL MANAGERS REPORT

File Number: RPT/23/612

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

#### **Summary**

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

1. OLG Circulars  
Nil
2. Meetings  
As listed
3. Upcoming meetings or events  
As listed
4. Other items of note

#### **Recommendation**

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

#### **Council Resolution**

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

**Moved Cr. Elstone, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**9.2 WENTWORTH JUNCTION RALLY REQUEST FOR FINANCIAL ASSISTANCE**

File Number: RPT/23/614

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

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

**Summary**

Council is in receipt of a request to provide financial sponsorship and provision of in-kind support for the 2024 Wentworth Junction Rally to be held on Saturday 6 July 2024 and Sunday 7 July 2024. This event is organized by the Sunraysia Vintage Machinery Group and Rivers and Riverboats Historical & Preservation Society. Sponsorship of \$10,000 and \$5,000 in kind support is already approved in the Tourism & Promotions budget however, the group have provided a list of the in-kind support they require. Preliminary calculations put the value of in-kind support at \$16,353.00.

**Recommendation**

That Council provide financial sponsorship of an extra \$11,353.00 in-kind support as requested for the 2024 Wentworth Junction Rally.

**Council Resolution**

That Council provide financial sponsorship of an extra \$11,353.00 in-kind support as requested for the 2024 Wentworth Junction Rally.

**Moved Cr Crisp, Seconded Cr Beaumont**

**CARRIED UNANIMOUSLY**

**9.3 MURRAY DARLING 110 REQUEST FOR SPONSORSHIP**

File Number: RPT/23/671

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

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

**Summary**

Council is in receipt of a request to provide financial sponsorship for the 2023 Murray Darling 110 Classic Ski Race to be held 4 and 5 November 2023. Council has approved financial sponsorship since 2014 in the years the event has been held. The event didn't occur during Covid.

**Recommendation**

That Council determine financial sponsorship for the 2023 Murray Darling 110 Classic Ski Race to be held 4 and 5 November 2023.

**Council Resolution**

That Council provide financial sponsorship in the amount of \$15,000 for the 2023 Murray Darling 110 Classic Ski Race to be held 4 and 5 November 2023 to be paid from the Tourism & Promotions budget.

**Moved Cr Cooper, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**9.4 MEMORANDUM OF UNDERSTANDING - WENTWORTH SHIRE COUNCIL AND MURRAY REGIONAL TOURISM**

File Number: RPT/23/616

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Lexi Stockman - Manager Tourism and Promotion

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

**Summary**

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

The current Memorandum of Understanding (MOU) with the Murray Regional Tourism Board (MRTB) expires on 30 June 2024 and it is recommended to enter into a further three year MOU. Councils along the Murray and the States of Victoria and New South Wales are partners with the Murray Regional Tourism Board.

**Recommendation**

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

**Motion**

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

**Moved Cr Rodda, Seconded Cr Cooper**

**Amendment**

That Council defer this item pending consultation and a presentation from the CEO of Murray Regional Tourism Board and that the Executive Team explore the potential of accessing Joint Organisation funds to form a partnership with those shires in endorsing joint promotion of the Far West of West NSW

**Moved Cr Beaumont, Seconded Cr. MacAllister**

**CARRIED**

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

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

**Council Resolution**

That Council defer this item pending consultation and a presentation from the CEO of Murray Regional Tourism Board and that the Executive Team explore the potential of accessing Joint Organisation funds to form a partnership with those shires in endorsing joint promotion of the Far West of West NSW

**Moved Cr Beaumont, Seconded Cr. MacAllister**

**CARRIED**

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

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

**9.5 WEST DARLING ARTS MEMORANDUM OF UNDERSTANDING**

File Number: RPT/23/644

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Lexi Stockman - Manager Tourism and Promotion

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

**Summary**

West Darling Arts Inc Committee (WDA) have invited Wentworth Shire Council to become a member council of WDA. To formalize the membership Council are required to sign a Memorandum of Understanding which will include an annual financial contribution.

**Recommendation**

That Council authorises the Mayor and General Manager to enter into an agreement with West Darling Arts Inc., and to sign and affix the Council seal to the Memorandum of Understanding.

**Council Resolution**

That Council authorises the Mayor and General Manager to enter into an agreement with West Darling Arts Inc., and to sign and affix the Council seal to the Memorandum of Understanding.

**Moved Cr. Elstone, Seconded Cr. MacAllister**

**CARRIED UNANIMOUSLY**

**9.6 MONTHLY FINANCE REPORT - SEPTEMBER 2023**

File Number: RPT/23/625

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 2023 were \$697,201.51. After allowing for pensioner subsidies, the total levies collected are now 47.77%. For comparison purposes 40.37% of the levy had been collected at the end of September 2022. Council currently has \$ 48,448,717.03 in cash and investments.

**Recommendation**

That Council receives and notes the Monthly Finance Report.

**Council Resolution**

That Council receives and notes the Monthly Finance Report.

**Moved Cr. MacAllister, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**



**9.7 MONTHLY INVESTMENT REPORT - SEPTEMBER 2023**

File Number: RPT/23/632

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

**Summary**

As at 30 September 2023 Council had \$43 million invested in term deposits and \$5,448,717.03 in other cash investments. Council received \$162,776.40 from its investments for the month of September 2023.

In September 2023 Council investments averaged a rate of return of 4.49% and it currently has \$8,641,451.34 of internal restrictions and \$30,922,027.61 of external restrictions.

**Recommendation**

That Council receives and notes the monthly investment report.

**Council Resolution**

That Council receives and notes the monthly investment report.

**Moved Cr. Heywood, Seconded Cr. Nichols**

**CARRIED UNANIMOUSLY**

**9.8 DRAFT 2022-2023 ANNUAL FINANCIAL STATEMENTS**

File Number: RPT/23/626

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

**Summary**

It is a requirement of the *Local Government Act 1993* (NSW) (the Act) that Council prepare its Annual Financial Statements as soon as practicable after the end of the financial year in accordance with Australian Accounting Standards and the Local Government Code of Accounting Practice.

The Financial Statements must be audited and the audit opinion issued by the Audit Office of NSW and lodged with the Office of Local Government by 31 October 2023.

Section 413 and 418 of the Act and Clause 215 of the *Local Government (General) Regulation 2021* (the Regulation) have a number of specific requirements that Council has to comply with in regards to the production, auditing and finalisation of the Annual Financial Statements and year end reporting requirements.

**Recommendation**

That Council certifies:

- a. That the Annual Financial Statements have been prepared in accordance with:
  - i. The *Local Government Act 1993* (NSW) and the Regulations made there under;
  - ii. The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board; and
  - iii. The Local Government Code of Accounting Practice and Financial Reporting.
- b. To the best of our knowledge and belief, these statements:
  - i. Present fairly the Council's operating result and financial position for the 2022/2023 financial year; and
  - ii. Accord with Council's accounting and other records.
- c. That Council is not aware of any matter that would render these Statements false or misleading in any way.

That Council:

- a. Adopt the Councillors and 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;

- b. 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; and
- c. Delegates to the General Manager the authority to authorise the year end accounts for issue immediately upon receipt of the auditor’s reports.

That Council:

- a. Refer the Draft 2022/2023 Annual Financial Statements to audit.

### **Council Resolution**

That Council certifies:

- a. That the Annual Financial Statements have been prepared in accordance with:
  - i. The *Local Government Act 1993* (NSW) and the Regulations made there under;
  - ii. The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board; and
  - iii. The Local Government Code of Accounting Practice and Financial Reporting.
- b. To the best of our knowledge and belief, these statements:
  - i. Present fairly the Council’s operating result and financial position for the 2022/2023 financial year; and
  - ii. Accord with Council’s accounting and other records.
- c. That Council is not aware of any matter that would render these Statements false or misleading in any way.

That Council:

- a. Adopt the Councillors and 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;
- b. 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; and
- c. Delegates to the General Manager the authority to authorise the year end accounts for issue immediately upon receipt of the auditor’s reports.

That Council:

- a. Refer the Draft 2022/2023 Annual Financial Statements to audit.

**Moved Cr Crisp, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**9.9 POONCARIE TELECOMMUNICATIONS TOWER LEASE**

File Number: RPT/23/619

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

Strategy: 1.3 High quality connectivity across the region

**Summary**

In early 2021 Council was approached by a representative of Telstra requesting a renewal of the 20 year lease to occupy the telecommunications tower at Pooncarie.

The matter was considered by Council at the April 2021 Ordinary Council meeting, where Council resolved to offer a new lease.

**Recommendation**

That Council delegates authority to the Mayor, Deputy Mayor and the General Manager to sign the lease and affix the Council Seal.

**Motion**

That Council delegates authority to the Mayor, Deputy Mayor and the General Manager to sign the lease and affix the Council Seal.

**Moved Cr. Heywood, Seconded Cr Cooper**

**Amendment**

That Council defer this item awaiting clarification of issues raised in particular item 11.

**Moved Cr. MacAllister, Seconded Cr. Nichols**

**CARRIED UNANIMOUSLY**

**Council Resolution**

That Council defer this item awaiting clarification of issues raised in particular item 11.

**Moved Cr. MacAllister, Seconded Cr. Nichols**

**CARRIED UNANIMOUSLY**

**9.10 ANNUAL DISCLOSURE OF INTEREST RETURNS**

File Number: RPT/23/643

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Deborah Zorzi - Governance Officer

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

**Summary**

Council's Code of Conduct Policy requires Councillors and Designated Persons to disclose their personal interests by completing a publicly available return of interests.

The annual returns are required to be lodged within three (3) months following 30 June and must be tabled no later than the first available Council meeting in October.

As required by the Office of Local Government and the *Government Information (Public Access) Act 2009* (NSW) the returns will be made available on Council's website after they have been noted by Council.

**Recommendation**

That Council notes the tabling of the Disclosure of Interest Returns for Councillors and Designated Persons for the period 01/07/2022 to 30/06/2023.

**Council Resolution**

That Council notes the tabling of the Disclosure of Interest Returns for Councillors and Designated Persons for the period 01/07/2022 to 30/06/2023.

**Moved Cr. Nichols, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**9.11 REVIEW OF MIDWAY CENTRE REGULAR AGREEMENTS**

File Number: RPT/23/608

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

Objective: 2.0 Wentworth Shire is a great place to live  
Strategy: 2.1 Continue to create opportunities for inclusion where all people feel welcome and participate in community life

**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.*

**Summary**

Midway Centre Regular User Agreements have been established with several users of the Midway Centre.

These agreements are an annual use agreement which were originally established to enable Council to set an individual hire rate for frequent users of the Midway Centre. The agreements also enable Council to periodically review the use by these groups and amounts being charged.

The current agreements are all due for renewal and Council input is now sought on each individual renewal.

Current Agreements ended 30 June 2023. We have calculated the rates with the aim of renewing the user agreements for a further two years, until the end of June 2025.

**Recommendation**

That Council resolves to approve the renewal of the Midway Regular User Agreements for period of two years as defined in each agreement reported.

**Council Resolution**

That Council resolves to approve the renewal of the Midway Regular User Agreements for period of two years as defined in each agreement reported.

**Moved Cr Crisp, Seconded Cr Beaumont**

**CARRIED UNANIMOUSLY**

**9.12 WENTWORTH CARAVAN PARK UPGRADE - PROJECT UPDATE**

File Number: RPT/23/664

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Scott Barnes - Manager Engineering Services

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

Strategy: 3.5 Infrastructure meets the needs of our growing Shire

**Summary**

The report includes overall progress of the project, identifies any budget variations that may impact on the project and also identifies any issues that may have an adverse impact on the project.

Council are currently undertaking a major upgrade of the Wentworth Caravan Park. The works include the raising of the entire site above 1 in 20 year flood level, new utility services, new amenities and office buildings and provision for over 50 caravan sites.

Construction on the site was severely impacted by the Dec 2022/Jan 2023 Flood which completely inundated and saturated the site. Full site works were only able to commence from mid-May 2023.

Funding for the Caravan Park Upgrade commenced in 2021/22, by both Crown Reserves Improvement Fund (\$1,000,000) and Council (\$2,000,000). Total expenditure prior to this current financial year was \$1,250,000.

The Caravan Park project is to be operational to accommodate visitors by the end of March 2024 for the important Easter period.

**Recommendation**

That Council notes the information contained in this report.

**Council Resolution**

That Council notes the information contained in this report.

**Moved Cr. Elstone, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

**9.13 PROJECT & WORKS UPDATE - OCTOBER 2023**

File Number: RPT/23/629

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

**Summary**

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the months of September 2023 and the planned activities for October 2023.

**Recommendation**

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

**Council Resolution**

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

**Moved Cr. Elstone, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**



**10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE****10.1 DEPARTMENT OF FISHERIES LOSS OF KEY STAFF AND WELLBEING BURDEN**

File Number: RPT/23/676

**Motion**

That Council write to the Minister for Agriculture, Regional NSW and Western NSW the Honorable Tara Moriarty, expressing concern about the recent resignation of key staff in Fisheries, resulting in considerable loss of experience and knowledge about the rivers lakes and wetlands in Western NSW, and seeking urgent action.

**Council Resolution**

That Council write to the Minister for Agriculture, Regional NSW and Western NSW the Honorable Tara Moriarty and cc Minister Rose Jackson, expressing concern about the recent resignation of key staff in Fisheries, resulting in considerable loss of experience and knowledge about the rivers lakes and wetlands in Western NSW, and seeking urgent action.

**Moved Cr. MacAllister, Seconded Cr Beaumont****CARRIED UNANIMOUSLY****10.2 SPORTING FIELD REVIEW**

Cr Jo Rodda asked if the review of the Sporting facilities at Gol Gol had progressed.

The General Manager advised that there are valuations to be sought and further negotiation.

**10.3 MANLY SANDBAR ROAD**

Cr Peter Crisp asked if the road to Manly Sandbar could have a maintenance grade prior to Christmas.

**10.4 STAINED GLASS WINDOW IN CHAMBERS**

Cr Peter Crisp asked if the stained glass window in the Chambers will be taken to the Civic Centre.

The General Manager advised that several historical items will be moved to the Civic Centre.

**10.5 TIME CAPSULE**

Cr Brian Beaumont asked if consideration can be given to a time capsule for the Civic Centre.

## **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 George Gordon Netball Court Refurbishment. (RPT/23/615)**

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 Aerodrome Usage - Circuit Training. (RPT/23/584)**

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.

**Council Resolution**

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

**Moved Cr. MacAllister, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

*At 08:52 am Councillor Jo Rodda left the council meeting.*

## 12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

### 12.1 GEORGE GORDON NETBALL COURT REFURBISHMENT

File Number: RPT/23/615

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Ryan Thomson - Project Engineer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

#### **REASON FOR CONFIDENTIALITY**

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

The General Manager advised that Council in accordance with the provisions of the Local Government (General) Regulation 2021, section 178(1)(b) and 178(3) accepted the tender from Oasis Unmatched Pty Ltd to construct new netball courts as specified for the sum of \$384,110.00(ex GST); and

That Council authorised the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

**12.2 AERODROME USAGE - CIRCUIT TRAINING**

File Number: RPT/23/584

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

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region  
Strategy: 1.3 High quality connectivity across the region

**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 having considered all information tabled from the ADFA Group and the community, declined the proposal from the ADFA Group requesting a three month trial period and the request for a fee structure suitable to the ADFA Group.

## **13 CONCLUSION OF THE MEETING**

The Meeting closed at 9:49pm.

## **NEXT MEETING**

15 November 2023

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**CHAIR**