



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

31 JANUARY 2022

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 6:31pm.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

A minutes silence was observed to pay respect to Roy (Locky) Harvey a current staff member of 54 years who passed away on Australia Day.

PRESENT:

COUNCILLORS: Councillor Tim Elstone (Mayor)
Councillor Brian Beaumont
Councillor Steve Cooper
Councillor Peter Crisp
Councillor Greg Evans
Councillor Steve Heywood
Councillor Daniel Linklater
Councillor Susan Nichols
Councillor Jo Rodda

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant to General Manager)
Voleak Sroeung (Governance Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Councillor Elstone advised that he had a significant pecuniary interest in Item 9.15 as he represents the owner of the land.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 10 January 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 10 January 2022 be confirmed as circulated.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

Council Resolution

That the Ordinary Council meeting be adjourned, and the recording of the meeting paused, for the purpose of conducting a Public Forum.

The meeting was adjourned at 6:36 pm

Moved Cr. Evans, Seconded Cr Crisp

CARRIED UNANIMOUSLY

Mr Roy Costa spoke to Item 9.14

Council Resolution

That Council reconvenes into open session and that the recording of the meeting be recommenced.

Moved Cr. Evans, Seconded Cr Crisp

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/85

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 25 January 2022.

Council Resolution

That Council notes the list of outstanding matters as at 25 January 2022.

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/21/720

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

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

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

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Elstone for the period of 10 January 2022 - 26 January 2022.

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. Elstone, Seconded Cr Linklater

CARRIED UNANIMOUSLY

MAYORAL MINUTE

That Council continue to pursue inquiry on behalf of the community with respect to the accuracy of the advice given to WaterNSW regarding their reversal of the decision to increase releases from Menindee Lakes from 18000 ML to 21000ML per day.

Moved Cr. Elstone

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/21/699

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

Circular 21-41

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

Seven Councillors attended a two day "Elected Life" training course in Broken Hill with the Broken Hill Councillors. It was a very informative and useful training session.

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. Evans, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.2 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEES

File Number: RPT/22/22

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

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

Summary

In order to respond to the needs of its community, Council annually reviews the External Committees to which it has appointed representatives.

The nominated representatives on each committee are responsible for providing a Delegate's Report to Council.

This item was the subject of consideration at the Council meeting held on 10 January 2022, where it was resolved *That Council defer the External Committees representation report until the next meeting.*

Hence this report is tabled for consideration at this meeting where attachment 1 has been filled in as a possible solution to the external representation of this current Council.

Recommendation

That Council considers the list of External Committees and appoint representation to the nominated committees in line with Attachment 1.

Council Resolution

That Council appoint representation to the nominated committees in line with Attachment 1 with the inclusion of Cr Nichols on the Barkandji Indigenous Land Use Agreement Group and Cr Linklater as an alternate for the Australian Inland Botanical Garden committee.

Moved Cr. Heywood, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.3 POLICY REVIEW - OFFICE OF GENERAL MANAGER

File Number: RPT/22/26

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

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

Summary

After each general election of Councillors, the *Local Government Act 1993* requires Council to review all official policies of Council. There are currently 73 policies in place of which 21 are the responsibility of the Office of the General Manager.

For this Council meeting the Office of the General Manager has reviewed five policies and are presenting them to Council for adopting. The Office of the General Manager has also recommended that the Media Statements Policy be rescinded and replaced by the Media Policy.

Recommendation

That Council adopt the following revised policies:

- a) GOV001 - Gifts and Benefits Policy
- b) GOV009 - Delegations Policy
- c) WR007 - Designated Officers of Council Policy
- d) GOV021 - Councillor Induction and Professional Development Policy

That Council rescind CC002 – Media Statements Policy

That Council adopt the draft Media Policy (CC010) and Draft Councillor and Staff Interaction Policy (GOV011) documents and place them on public exhibition for a period of 28 days, as required under the Act.

Council Resolution

That Council adopt the following revised policies:

- a) GOV001 - Gifts and Benefits Policy
- b) GOV009 - Delegations Policy
- c) WR007 - Designated Officers of Council Policy
- d) GOV021 - Councillor Induction and Professional Development Policy

That Council rescind CC002 – Media Statements Policy

That Council adopt the draft Media Policy (CC010) and Draft Councillor and Staff Interaction Policy (GOV011) documents and place them on public exhibition for a period of 28 days, as required under the Act.

Moved Cr Crisp, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.4 LGNSW SPECIAL CONFERENCE 28 FEBURARY - 2 MARCH 2022

File Number: RPT/22/38

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 Local Government NSW Special Conference is being held from Monday 28 February 2022 to Wednesday 2 March 2022 at Hyatt Regency, Sydney. This forum is the main local government policy making forum for Local Government New South Wales. Traditionally, Council send the Mayor and General Manager to the Conference.

Recommendation

That Council determines the attendees to the LGNSW Special Conference from 28 February – 2 March 2022 and nominates which attendee will be the Council's voting delegate. If no attendees are selected a voting delegate must still be nominated.

Council Resolution

That Council determines the Mayor and General Manager attend the LGNSW Special Conference from 28 February – 2 March 2022 and nominates the Mayor to be Council's voting delegate.

Moved Cr. Heywood, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.5 MONTHLY INVESTMENT REPORT

File Number: RPT/21/697

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 November 2021 Council had \$27 million invested in term deposits and \$9,038,361.25 in other cash investments. Council received \$8,028.44 from its investments for the month of November 2021.

In November 2021 Council investments averaged a rate of return of 0.46% and it currently has \$6,708,688.82 of internal restrictions and \$22,597,934.54 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.6 MONTHLY INVESTMENT REPORT

File Number: RPT/22/2

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 31 December 2021 Council had \$27 million invested in term deposits and \$7,852,303.93 in other cash investments. Council received \$14,395.12 from its investments for the month of December 2021.

In December 2021 Council investments averaged a rate of return of 0.48% and it currently has \$6,908,688.82 of internal restrictions and \$21,815,920.93 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.7 MONTHLY FINANCE REPORT

File Number: RPT/21/698

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 November 2021 were \$1,270,150.22. After allowing for pensioner subsidies, the total levies collected are now 52.13%. For comparison purposes 55.07% of the levy had been collected at the end of November 2020. Council currently has \$36,038,361.25 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr Cooper, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.8 MONTHLY FINANCE REPORT

File Number: RPT/22/8

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 December 2021 were \$1,251,409.84. After allowing for pensioner subsidies, the total levies collected are now 62.98%. For comparison purposes 59.01% of the levy had been collected at the end of December 2020. Council currently has \$34,852,303.93 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr Cooper, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.9 DECEMBER QUARTERLY BUDGET REVIEW

File Number: RPT/22/15

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Report Author: Simon Rule - Director Finance and Policy
Bryce Watson - Accountant

Summary

A full analysis of Council's Income, Operating Expenditure and Capital Expenditure has been undertaken. A number of variations have been identified against the original budget as outlined in this report. Council's revenue and expenditure is reviewed on a quarterly basis to identify any potential areas requiring a variation.

	YTD Actual (31-Dec-2021)	% of Original Budget	% of Revised Budget
Revenue	\$19,659,262	48.14%	42.82%
Operational Expenditure	\$13,537,554	53.55%	48.45%
Capital Expenditure	\$7,893,331	26.32%	22.16%

If approved, the net result of variances for the December 2021 Quarter is a favorable operational variance of \$868,000 and an unfavorable capital variance of \$1,689,000 resulting in a total unfavorable budget variation of \$821,000.

Recommendation

That Council approves the variations to the 2020/21 Operational Plan adopted at the Council Meeting on 30 June 2021.

Council Resolution

That Council approves the variations to the 2020/21 Operational Plan adopted at the Council Meeting on 30 June 2021.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.10 DELIVERY PROGRAM PROGRESS UPDATE

File Number: RPT/22/16

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

A progress report on the implementation of Council's 4-year Delivery program is required to be presented at least every six (6) months (LGA s404(5)). This report details the activities implemented under the annual operational plan in the last quarter, as per the Delivery program. It aligns with the expenditure provided in the December Quarterly Budget Review.

Recommendation

That Council notes the quarterly progress update on the 2021/22 Operational Plan activities.

Council Resolution

That Council notes the quarterly progress update on the 2021/22 Operational Plan activities.

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.11 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM (ROUND 3)

File Number: RPT/22/36

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

In 2021, Wentworth Shire Council received notification from the Federal Government advising of an additional funding allocation of \$2,556,414 under the Local Roads and Community Infrastructure Program Round 3.

This program will continue to assist local Councils to deliver local road and community infrastructure projects, supporting jobs and the resilience of local economies to help communities bounce back for the COVID-19 pandemic.

Council formally accepted the funding in January 2022 and is now in a position to identify and submit eligible projects for consideration. All approved projects must be completed by 30 June 2023.

Recommendation

That Council endorse the following projects under the Local Roads and Community Infrastructure Program (Round 3) and the applications be submitted.

1. James King Park Riverfront \$198,000
2. Willowbend Caravan Park Ablution Block \$551,414
3. Civic Centre Interpretive Centre \$990,000
4. Pooncarie Telegraph Building \$176,000
5. Pooncarie Aerodrome Lights \$465,000
6. Dareton Travellers Rest \$66,000
7. Wentworth Showground Racecourse running rail replacement \$110,000

Council Resolution

That Council endorse the following projects under the Local Roads and Community Infrastructure Program (Round 3) and the applications be submitted.

1. James King Park Riverfront \$198,000
2. Willowbend Caravan Park Ablution Block \$551,414
3. Civic Centre Interpretive Centre \$990,000
4. Pooncarie Telegraph Building \$176,000
5. Pooncarie Aerodrome Lights \$465,000
6. Dareton Travellers Rest \$66,000
7. Wentworth Showground Racecourse running rail replacement \$110,000

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.12 POLICY REVIEW - DEPARTMENT FINANCE & POLICY

File Number: RPT/22/19

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

After each general election of Councillors, the *Local Government Act 1993* (the Act) requires Council to review all official policies of Council. There are currently 73 policies in place of which 25 are the responsibility of the Finance & Policy Department.

For this Council meeting the department has reviewed six policies and are presenting them to Council for adopting. The department is also proposing to introduce a new Conflicts of Interest policy for Council to adopt.

Recommendation

That Council adopt the following revised policies:

- a) AF004 – Investment Policy
- b) GOV003 – Fraud Control Policy
- c) GOV005 – Procurement Policy
- d) GOV013 – Enterprise Risk Management Policy
- e) GOV020 – Code of Conduct Policy

That Council adopts the revised GOV010 – Payment of Expenses and Provision of Facilities Policy and places the policy on 28 days public exhibition as required by the Act.

That Council adopts the draft GOV023 – Conflicts of Interest Policy and places the policy on 28 days public exhibition as required by the Act.

Council Resolution

That Council adopt the following revised policies:

- a) AF004 – Investment Policy
- b) GOV003 – Fraud Control Policy
- c) GOV005 – Procurement Policy
- d) GOV013 – Enterprise Risk Management Policy
- e) GOV020 – Code of Conduct Policy

That Council adopts the revised GOV010 – Payment of Expenses and Provision of Facilities Policy and places the policy on 28 days public exhibition as required by the Act.

That Council adopts the draft GOV023 – Conflicts of Interest Policy and places the policy on 28 days public exhibition as required by the Act.

Moved Cr. Nichols, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.13 ENVIRONMENTAL PLANNING AND ASSESSMENT (STATEMENT OF EXPECTATIONS) ORDER 2021

File Number: RPT/22/21

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

Summary

Council has received correspondence from The Honorable Rob Stokes MP, Minister for Planning and Public Spaces via the Office of the Secretary. This letter explains that an Order has been made for all Local Government Organisations in NSW that sets out the expectation for Councils in relation to our planning and development functions under the *Environmental Planning and Assessment Act 1979*.

Recommendation

That Council notes the Statement of Expectations Order 2021.

Council Resolution

That Council notes the Statement of Expectations Order 2021.

Moved Cr. Heywood, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.14 FEE WAIVER REQUEST FOR PLANNING PROPOSAL

File Number: RPT/22/17

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

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 – see Attachment 1.

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 resolves to refuse to waive the LEP Amendment Fee of \$6,367.00.

Council Resolution

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

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

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

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

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

9.15 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO REZONE PART OF LOT 1 DP 1193874, KELSO STATION, POONCARIE ROAD, WENTWORTH

File Number: RPT/22/51

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: 1.2 Encourage and support population growth and resident attraction

At 07:28 pm Councillor Tim Elstone left the Council Chambers.

At 07:28 pm Councillor Daniel Linklater assumed the Chair

Summary

Council resolved to continue to support this planning proposal at the Ordinary Meetings held 16 September 2020 and 14 April 2021.

At the meeting held 14 April 2021, Council resolved to proceed with this planning proposal and refer it to the Minister for Planning and Public Spaces for consideration of finalising the planning proposal, preparing the plan and notification of the amendment on the legislative website. This was requested as the delegation for making the plan was removed from Council's responsibility due to the objection received from the Department of Primary Industry – Agriculture.

Refer to Attachment 1 Council Meeting Agenda and Minutes 14 April 2021.

The Department of Planning, Industry and Environment (DPIE) requested some further considerations and modifications to the planning proposal prior to making a final decision of the amendment.

Recommendation

That Council:

1. Resolve to continue to support and proceed with the Planning Proposal and request the Minister for Planning and Homes to approve and finalise the Planning Proposal, including the preparation of the plan and notification of the amendment on the legislative website.
2. Resolve to accept and support the submission from the proponent in response to the concerns raised by Department of Planning, Industry and Environment and NSW State Emergency Services.
3. Resolve to request an extension to the Gateway Determination timeframe completion date, subject to the necessary time that the Department of Planning, Industry and Environment would estimate that they would require to finalise the planning proposal and notification to be made on the legislative website.
4. Resolve to submit a request to the Department of Planning, Industry and Environment to prepare the associated planning proposal amendment mapping on Council's behalf.
5. Resolve to advise the Department of Planning, Industry and Environment that a Rural Residential Strategy will be prepared and finalised during 2022 and the Flood Risk

Management Committee will be established early in 2022 to facilitate the progression of the Flood Study project.

Council Resolution

That Council:

1. Resolve to continue to support and proceed with the Planning Proposal and request the Minister for Planning and Homes to approve and finalise the Planning Proposal, including the preparation of the plan and notification of the amendment on the legislative website.
2. Resolve to accept and support the submission from the proponent in response to the concerns raised by Department of Planning, Industry and Environment and NSW State Emergency Services.
3. Resolve to request an extension to the Gateway Determination timeframe completion date, subject to the necessary time that the Department of Planning, Industry and Environment would estimate that they would require to finalise the planning proposal and notification to be made on the legislative website.
4. Resolve to submit a request to the Department of Planning, Industry and Environment to prepare the associated planning proposal amendment mapping on Council's behalf.
5. Resolve to advise the Department of Planning, Industry and Environment that a Rural Residential Strategy will be prepared and finalised during 2022 and the Flood Risk Management Committee will be established early in 2022 to facilitate the progression of the Flood Study project.

Moved Cr Crisp, Seconded Cr Cooper

CARRIED UNANIMOUSLY

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

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

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

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At 08:20 pm Councillor Tim Elstone returned to Council Chambers.

At 08:20 pm Councillor Tim Elstone resumed the Chair

9.16 RECLASSIFICATION OF LAND TO OPERATIONAL

File Number: RPT/21/695

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

Section 31(2) of the *Local Government Act 1993* (the Act) notes that before Council acquires land, or within three months after it acquires land, Council may classify the subject land by resolution.

The purpose of classification is to identify Council owned land which should be kept for use by the general public (community) or for Council purposes (operational).

A resolution of Council, within the timeframe prescribed in the Act is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land which restricts its use.

Recommendation

That Council classifies the following parcels of land as Operational Land:

- Lot 200 Deposited Plan 1252696 for the purpose of the Buronga River Boat Sewer Pump Out Station (EDS)
- Lot 102 Deposited Plan 1254150 for the purpose of stormwater infrastructure and raw water stand pipe.

Council Resolution

That Council classifies the following parcels of land as Operational Land:

- Lot 200 Deposited Plan 1252696 for the purpose of the Buronga River Boat Sewer Pump Out Station (EDS)
- Lot 102 Deposited Plan 1254150 for the purpose of stormwater infrastructure and raw water stand pipe.

Moved Cr. Nichols, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.17 DELEGATED AUTHORITY APPROVALS AS AT END OF NOVEMBER 2021

File Number: RPT/22/10

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 November 2021, a total of 17 Development Applications and one S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$3,687,880.00. This brings the year to date total to 184 Development Applications and 29 S4.55 Applications approved, with an estimated development value of \$30,363,337.00

Recommendation

- a) That Council receives and notes the report for the month of November 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 November 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. Heywood, Seconded Cr Rodda

CARRIED UNANIMOUSLY

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

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

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

9.18 DELEGATED AUTHORITY APPROVALS AS AT END OF DECEMBER 2021

File Number: RPT/22/12

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 December 2021, a total of 10 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 \$2,344,720.00. This brings the year to date total to 194 Development Applications and 32 S4.55 Applications approved, with an estimated development value of \$32,708,057.00

Recommendation

- a) That Council receives and notes the report for the month of December 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 December 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 Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

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

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

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

9.19 PROJECTS AND WORKS REPORT UPDATE - JANUARY 2022

File Number: RPT/21/724

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 December and January 2021.

Recommendation

That Council notes the major works undertaken in December and January and the scheduled works for following months.

Council Resolution

That Council notes the major works undertaken in December and January and the scheduled works for following months.

Moved Cr Rodda, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.20 REDEVELOPMENT OF THE WENTWORTH SHIRE CIVIC CENTRE PROJECT UPDATE

File Number: RPT/22/48

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 is to include detail of project progress, identify any budget variances that may impact on the project, and recognise any issues that may have an adverse impact on the works.

Council allocated funding within the 2020-21 and 2021-22 Operational Plans for the redevelopment and upgrade of the Wentworth Shire Civic Centre, formerly the old Wentworth Services Club building. The redevelopment was identified as a significant capital project.

Council on 26 June 2019, accepted a tender from GSD Architects to undertake project management of the building redevelopment. Accordingly, GSD Architects were engaged to manage various phases of the said redevelopment including planning, design, procurement, construction, commissioning and handover. A Council officer has been appointed to collaboratively work with GSD Architects.

Council endorsed Concept 8 for the Wentworth Shire Civic Centre on 18 December 2019, after which the Concept Plan was further developed and finalised late in 2020. It's believed that the finalised Concept Plan incorporates functionality, serviceability and the inclusion of all required facilities to promote a space that employees, the local community, and visitors to the region successfully utilise.

Concept Plans including render displays and finish selections for the Wentworth Shire Civic Centre Building Entrance, Library and Courtyard, Public Meeting Room (*Wentworth Community Space and Convention Centre*), Public Kitchen, and Reception were placed on public exhibition from 24 May to 4 June 2021. A total of 9 community submissions were lodged with Council providing feedback to the said plans. Some submissions required no further action, while others require further consideration on the engagement of a curator for the development of interpretive and interactive themes proposed within the Wentworth Shire Visitor Information and Experience Centre.

Council have been successful in securing the following funding:

Funding Program	Funding Amount excluding GST
2019/20 Public Library Infrastructure Grant (State Library of New South Wales) for the Relocation of the Wentworth Shire Library.	\$500,000.00
Round 7 of the Resources for Regions Program for the relocation of the Wentworth Visitor Information Centre to the Civic Centre.	\$941,023.00
Phase 2 of the NSW Government Local Roads and Infrastructure Program Extension for the construction of the Wentworth Library Outdoor Riverfront Gathering Space (<i>Library Courtyard</i>).	\$487,539.00

Round 3 of the Federal Government's Economic Development Program for the Wentworth Community Space and Convention Centre.	\$713,339.00
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Council lodged an application for funding in the amount of \$713,339.00 excluding GST with Building Better Regions – Round 5 on 12 March 2021, for the Wentworth Community Space and Convention Centre. Funding announcements were recently released whereby Council were successful, pending formalisation of a Deed of Agreement.

An application for funding in the amount of \$900,000.00 excluding GST was submitted with the Regional Tourism Activation Fund on 11 August 2021, for the Wentworth Interpretive Centre Development (*Wentworth Shire Visitor Information and Experience Centre*). Successful projects were expected to be announced in November 2021, however, announcements have been delayed to early 2022.

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. Heywood, Seconded Cr Cooper

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 BURONGA / GOL GOL WATER ISSUES

Cr Susan Nichols requested if it was possible to assess the cost for a new water tower at the southern end of the Shire as it is required and Council has \$10.5M in the water fund. Also water pressure in Wentworth is a problem and could it be assessed at the same time

The Director of Roads and Engineering advised that Public Works Advisory are working on the Integrated Water Cycle Management Strategy for the whole Shire and the Buronga / Gol Gol issue has been highlighted to them as an urgent issue. It has been requested that this be looked at first. The Director advised he will follow up with Public Works Advisory. He also advised there are no outstanding customer request regarding this matter.

Cr Crisp requested the matter be escalated to the Minister overseeing Public Works Advisory to get the Strategy completed in a timely manner.

10.2 AUSTRALIA DAY EVENT AT JUNCTION PARK

Cr Jo Rodda requested that the power provided at Junction Park be investigated as there was an issue on the day. Cr Rodda also queried why the road was closed off to the park.

The General Manager advised there was a risk assessment completed and it was determined to close the road to traffic.

10.3 POWER BOLLARDS AT JUNCTION PARK

Cr Greg Evans asked investigation be carried out in regard to the safety of the power bollards in relation to water inundation.

10.4 JUNCTION PARK EVENT AND SPONSORSHIP OF EVENTS

Cr Brian Beaumont commented that the event could have been better promoted and asked if there are any conditions attached to sponsorship we provide to events.

The General Manager advised that it is up to the event organisers to promote the events, Council provides sponsorship but is not the host of the event. He also advised there are no conditions put on sponsorship

10.5 CURLWAA BOAT RAMP

Cr Steve Heywood asked when the Curlwaa Boat ramp will be fixed.

The Director of Roads and Engineering advised that the contractors have been contacted and they are returning after Easter to rectify the ramp.

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 Replacement - Approval of Tender for replacement of Plant 41 110HP Tractor. (RPT/22/37)

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 Wentworth Shire Civic Centre Redevelopment - Stage One - Courtyard - PT2122/05. (RPT/22/49)

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. Evans, Seconded Cr Linklater

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL**12.1 PLANT REPLACEMENT - APPROVAL OF TENDER FOR REPLACEMENT OF PLANT 41 110HP TRACTOR**

File Number: RPT/22/37

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 accepted the tender from Agg-Tech Machinery for the supply of one Massey Ferguson MF5711S Tractor for the sum of \$149,404.20 inc GST, and accepted the trade price of \$64,750.00 inc GST for the Council owned John Deere 4WD Tractor, plant item 41 with a total changeover price of \$84,654.20 inc GST.

**12.2 WENTWORTH SHIRE CIVIC CENTRE REDEVELOPMENT - STAGE ONE -
COURTYARD - PT2122/05**

File Number: RPT/22/49

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

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 CPM Building Contractors Pty Ltd to carry out the construction of the Wentworth Shire Civic Centre Courtyard for Contract PT2122/05, in the amount of \$647,148.00 GST inclusive, and authorises the Mayor and General Manager to sign the contract documentation and affix the Council Seal and that Council concurred to post tender negotiations being undertaken by Council officers with CPM Building Contractors Pty Ltd for relocation and/or decommissioning of the existing fire service pit, with an upper limit allowance of \$20,000.00 GST inclusive budgeted as a provisional sum to undertake the said work.

13 CONCLUSION OF THE MEETING

Meeting closed at 8:37pm

NEXT MEETING

16 February 2022

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CHAIR