



**LEETON**  
SHIRE COUNCIL

**MINUTES OF THE ORDINARY  
COUNCIL MEETING  
MONDAY 28 OCTOBER 2019  
COMMENCING AT 7.09PM  
AT THE COUNCIL CHAMBERS**

**Present:**

**Councillors:**

Cr. Paul Maytom (Mayor), Cr. George Weston (Deputy Mayor), Cr. Paul Smith, Cr. Peter Davidson, Cr. Tony Ciccia, Cr. Sandra Nardi, Cr. Tracey Morris and Cr. Michael Kidd

**Staff:**

Jackie Kruger (General Manager), Peter Keane (Director Environment and Engineering), Alison Balind (Governance and Corporate Planning Coordinator), Jackie Hawkins (Manager Finance), Donna O'Bryan (Property Coordinator and Native Title Manager) and Angela Stevens (Business Support Officer – Corporate and Community)

**Press:**

**LEETON SHIRE COUNCIL**

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1. **CIVIC PRAYER** Cr Tracey Morris
2. **ACKNOWLEDGEMENT OF COUNTRY** Paul Maytom
3. **APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE**

19/229

**Resolved**

THAT Council accept the apology of Cr Tony Reneker and a leave of absence be granted.

**(Moved Cr Weston, seconded Cr Ciccia)**

4. **CONFIRMATION OF MINUTES AND MATTERS ARISING**

19/230

**Resolved**

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 18 September 2019, as circulated, be taken as read and CONFIRMED.

THAT the Minutes of the Extraordinary Council Meeting held on Thursday 24 October 2019, as circulated, be taken as read and CONFIRMED.

**(Moved Cr Weston, seconded Cr Davidson)**

5. **DISCLOSURES OF INTERESTS**

**PECUNIARY CONFLICT OF INTEREST**

**Item No. 11.5** Cr George Weston declared a Pecuniary Conflict of Interest in Item 11.5 – Leeton Shire Council Main Office HVAC.

The reason for the declaration is that Cr Weston is a Director of Weston and Weston Refrigeration and Air Conditioning who submitted a tender for the Leeton Shire Council Main Office HVAC (heating, ventilation and air conditioning) system.

**SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST**

**Item No. 11.5** Cr Peter Davidson declared a Significant Non Pecuniary Conflict of Interest in Item 11.5 – Leeton Shire Council Main Office HVAC.

The reason for the declaration is that Cr Davidson's son-in-law works for Weston and Weston who submitted a tender for the Leeton Shire Council Main Office HVAC (heating, ventilation and air conditioning) system.

6. **PUBLIC REPRESENTATIONS**

Nil

## **7. MAYORAL MINUTES**

Nil

## **8. REPORTS TO COUNCIL**

### **GENERAL MANAGER'S MATTERS**

#### **Item 8.1 ROXY COMMUNITY THEATRE ADVISORY COMMITTEE MEETING - 17 SEPTEMBER 2019**

**19/231**

#### **Resolved**

THAT Council notes the Roxy Theatre Advisory Committee Minutes from the meeting held on Tuesday 17 September 2019.

**(Moved Cr Kidd, seconded Cr Nardi)**

### **CORPORATE AND COMMUNITY MATTERS**

#### **Item 8.2 DRAFT ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2019**

**19/232**

#### **Resolved**

THAT:

1. Council notes that the Draft Annual Financial Statements for the 2018/2019 Financial Year have been compiled in accordance with:
  - a) The Local Government Act 1993 (as amended) and the regulations made thereunder;
  - b) The Australian Accounting Standards and Professional pronouncements; and
  - c) The Local Government Code of Accounting Practice and Financial Reporting.
2. Council endorses the Draft Annual Financial Statements as fairly presenting the Council's operating result and financial position for the year and that the Financial Reports accords with Council's accounting and other records.
3. Council states that it is not aware of any matter that would render this report false and misleading in any way.

4. Council's Financial Reports be formally referred to audit in accordance with Section 413 (1) of the Local Government Act 1993.
5. Council, in accordance with Section 413 (2) (c) of the Local Government Act 1993 authorises the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer to sign the required Statements relating to the General Purpose Financial Statements and the Special Purpose Financial Statements.
6. Council delegates to the General Manager the authority to issue the Financial Statements upon receipt of the Auditor's Reports.
7. Council endorses the internal cash restrictions as at 30 June 2019 as detailed in **Attachment 1**.
8. In anticipation of receiving the Auditor's Reports, Council sets the Ordinary Council Meeting to be held on Wednesday 27 November 2019 as the meeting date that the 2018/2019 Annual Financial Statements and the Auditor's Reports will be presented to the public for review and comment.

**(Moved Cr Morris, seconded Cr Weston)**

**Item 8.3 LEETON GOLF COURSE 1 JULY 2018 TO 30 JUNE 2019 UPDATE**

**19/233**

**Resolved**

THAT Council notes the Income and Expenses Statement for the period of 1 July 2018 to 30 June 2019 and the Half Yearly Update Report on the events held at the Golf Course from 1 January 2019 to 30 June 2019.

**(Moved Cr Kidd, seconded Cr Smith)**

**Item 8.4 INVESTMENTS REPORT FOR SEPTEMBER 2019**

**19/234**

**Resolved**

THAT the information contained in the Investments Report for September 2019 be noted.

**(Moved Cr Kidd, seconded Cr Morris)**

Manager Finance left the meeting at 7:30pm

**Item 8.5 ENDORSEMENT OF THE DRAFT ENTERPRISE RISK MANAGEMENT FRAMEWORK**

**19/235**

**Resolved**

THAT Council:

1. Endorses the Draft Enterprise Risk Management Policy and places it on public exhibition for a period of 28 days from Friday 1 November 2019 for community comment.
2. Adopts the Enterprise Risk Appetite Statement (confidential).

**(Moved Cr Smith, seconded Cr Morris)**

**Item 8.6 ENDORSEMENT OF THE DRAFT FRAUD AND CORRUPTION POLICY OCTOBER 2019**

**19/236**

**Resolved**

THAT Council:

1. Endorses the Draft Fraud and Corruption Prevention Policy October 2019.
2. Places the Draft Fraud and Corruption Prevention Policy on Public Exhibition for a period of 28 days from Friday, 1 November 2019 for community comment.

**(Moved Cr Morris, seconded Cr Kidd)**

**Item 8.7 MINUTES OF THE YANCO HALL MANAGEMENT COMMUNITY ANNUAL GENERAL MEETING AND ORDINARY MEETINGS FROM JULY TO SEPTEMBER**

**19/237**

**Resolved**

THAT Council receives for information the Minutes of the Yanco Community Hall Management Committee including the Annual General Meeting held on 8 July 2019 and the ordinary meetings from 8 July, 12 August 2019 and 9 September 2019 and notes the information contained within the Minutes.

**(Moved Cr Nardi, seconded Cr Davidson)**

**Item 8.8 MINUTES OF THE LEETON MEN'S SHED ANNUAL GENERAL MEETING  
AND COMMITTEE MEETING (SEPTEMBER 2019)**

**19/238**

**Resolved**

THAT Council receives for information the Minutes of the Leeton Men's Shed Annual General Meeting and Committee meeting held on Wednesday 11 September 2019 and notes the information contained within the Minutes.

**(Moved Cr Weston, seconded Cr Nardi)**

**ENVIRONMENT AND ENGINEERING MATTERS**

**Item 8.9 ENGAGEMENT OF A NATIVE TITLE MANAGER**

**19/239**

**Resolved**

THAT Council:

1. Gives notice to the Minister administering the Crown Land Management Act 2016 that Donna O'Bryan, Property Coordinator and Native Title Manager, is engaged as Native Title Manager as required under Section 8.8 of the Crown Land Management Act 2016, and
2. Authorises that this engagement will continue until Donna O'Bryan vacates the position or the position is changed.

**(Moved Cr Ciccia, seconded Cr Kidd)**

**Item 8.10 ACQUISITION OF LAND FOR ROADS PURPOSE - ASPEN CRESCENT  
LEETON**

**19/240**

**Resolved**

THAT Council:

1. Proceeds with the compulsory acquisition of part Lot 39 Section 46 DP 758606 for the purpose of public road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
2. Approves the closing of part Aspen Crescent to transfer part of a public road in compensation for other land acquired for road in accordance with section 44 of the Roads Act 1993.

3. Approves the making of an application to the Minister and the Governor for approval to acquire part Lot 39 Section 46 DP 758606 by compulsory process under section 177(2)(b) of the Roads Act 1993.
4. Approves that the acquired portion and the remainder of the road area of Aspen Crescent be dedicated as road following gazettal of the acquisition.
5. Authorises the General Manager and Mayor to execute all necessary documentation.

**(Moved Cr Kidd, seconded Cr Morris)**

**Item 8.11 TERMINATION OF PERMISSIVE OCCUPANCY 353 (Extraction) WITHIN WHITTON COMMON**

**19/241**

**Resolved**

THAT Council approves the surrender/termination of Permissive Occupancy 353 over Lot 7300 DP 1153996 and Lot 111 DP 751696 for the extraction of gravel situated within the Whitton Common.

**(Moved Cr Smith, seconded Cr Kidd)**

**COUNCILLOR ACTIVITY REPORTS**

**Item 8.12 COUNCILLOR ACTIVITY REPORT**

**19/242**

**Resolved**

THAT Council notes the report.

**(Moved Cr Smith, seconded Cr Weston)**

**9. NOTICES OF MOTION**

Nil

**19/243**

**Resolved**

THAT the meeting be adjourned for a period of 5 minutes.

**(Moved Cr Smith, seconded Cr Weston)**

Having so resolved the meeting adjourned at 8pm.

**19/244**

**Resolved**

THAT the meeting be resumed at 8.12pm.

**(Moved Cr Smith, seconded Cr Weston)**

**10. CONFIDENTIAL MATTERS**

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

**Note:** Pursuant to Section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

**19/245**

**Resolved**

THAT:

1. Council moves into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. In accordance with Section 10A(2) of the *Local Government Act, 1993*, the Public and Press be excluded from the meeting to enable Council to determine items listed in Confidential Matters for the reasons indicated.
3. The report relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.

**(Moved Cr Weston, seconded Cr Kidd)**

**Item 11.1 LEETON SHOWGROUND GRANDSTAND**

This report is considered confidential in accordance with the *Local Government Act 1993*, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)c).



**Item 11.2 MR539 - DARLINGTON POINT WHITON ROAD BRIDGE**

This report is considered confidential in accordance with the Local Government Act 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)c).

**Item 11.3 GOGELDRIE WEIR UPDATE**

This report is considered confidential in accordance with the Local Government Act 1993, as the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret (Section 10A(2)d).

**Item 11.4 REVIEW OF ORGANISATION STRUCTURE AND SENIOR STAFF**

This report is considered confidential in accordance with the Local Government Act 1993, as the report contains matters affecting the security of the Council, Councillors, Council staff or Council property (Section 10A(2)f).

**Item 11.5 LEETON SHIRE COUNCIL MAIN OFFICE HVAC**

This report is considered confidential in accordance with the Local Government Act 1993, as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)c).

The Mayor asked the gallery if there were any objections to Council going into Closed Session to consider the matters listed.

No objections were received from the Gallery.

Council closed its meeting at 8.13pm and the public left the Chambers.

**CLOSED COUNCIL - CONFIDENTIAL ITEMS**

**19/246**

**Resolved**

That Item 11.5 be moved in the agenda and dealt with after Item 11.3.

**(Moved Cr Kidd, seconded Cr Ciccia)**

**Item 11.1 LEETON SHOWGROUND GRANDSTAND**

**19/247**

**Resolved**

THAT Council:

1. Formally rejects all tenders received for the Leeton Showground Grandstand, Tender No. LSC2019-120.
2. Does not invite fresh tenders, as all tenders received complied with requirements and provided confidence that the project outcomes can be successfully delivered.
3. Determines to negotiate with Bill Arnold Pty Ltd based upon their original submission being the preferred submission.
4. Authorises the General Manager to enter negotiations with a view to enter into a contract for the construction of the Leeton Showground Grandstand within budget and in accordance with section 178 of the Local Government (General) Regulations 2005.

**(Moved Cr Smith, seconded Cr Davidson)**

**Item 11.2 MR539 - DARLINGTON POINT WHITTON ROAD BRIDGE**

**19/248**

**Resolved**

THAT Council:

1. Accepts the tender as submitted by Murray Bridge Constructions Pty Ltd.
2. Resolves to move forward with Option 2 – A new bridge on existing alignment.
3. Authorises the Mayor and the General Manager to execute all documents relating to the contract between Leeton Shire Council and Murray Bridge Constructions Pty Ltd.
4. Notes Council's involvement is limited to project manager on behalf of Murrumbidgee Irrigation Limited.

**(Moved Cr Smith, seconded Cr Nardi)**

**19/249**

**Resolved**

THAT the time of the Council Meeting be extended as the time is now 10pm.

**(Moved Cr Davidson, seconded Cr Ciccia)**

**Item 11.3 GOGELDRIE WEIR UPDATE**

**19/250**

**Resolved**

THAT Council:

1. Invites the licensee to submit an application to modify the existing Gogeldrie Weir Approval at the licensee's cost, to reflect current operations where these can be accommodated within existing utility system capacity, and noting that any works undertaken to date by the licensee without the appropriate regulatory approvals must be considered at the same time.
2. Performs only critical repairs and upgrades to the manager's residence, water treatment solutions and on-site sewerage management until the future masterplanning of the site is finalised, business case completed and funding secured, allowing up to \$200,000 maximum to cover these expenses until the current license expires or ends, with funds to be sourced from the Infrastructure Reserve.
3. Establishes a Committee (with a clear Terms of Reference) comprising between 3 to 5 persons of which at least 2 must be elected Councillors (Cr Smith and Cr Weston) and the remainder community or stakeholder representatives, to protect Council's and the community's interests in the property owned by Council at Gogeldrie Weir, provide management oversight of campsite operations where the obligation sits with Council and prepare specifications and a suitable process for determining the strategic future for Gogeldrie Weir.

**(Moved Cr Weston, seconded Cr Smith)**

Having previously resolved to change the order of items, 11.5 was brought forward in the agenda.

**Item 11.4 LEETON SHIRE COUNCIL MAIN OFFICE HVAC**

**19/251**

**Resolved**

THAT Council:

1. Accepts the tender as submitted by CEFA (Complete Essential Fire and Air).
2. Authorises the Mayor and the General Manager to execute all documents relating to the contract between Leeton Shire Council and CEFA (Complete Essential Fire and Air).

**(Moved Cr Kidd, seconded Cr Nardi)**

**19/252**

**Resolved**

Due to the lateness of the hour that Item 11.4 of the agenda – Review of Organisation Structure and Senior Staff be held over to another date.

**(Moved Cr Smith, seconded Cr Kidd)**

**REVERSION TO OPEN COUNCIL**

**19/253**

**Resolved**

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 11.04pm.

**(Moved Cr Smith, seconded Cr Ciccio)**

The Mayor advised that during the Closed Council four resolutions were passed. The General Manager read out the resolutions made in Closed Council for Items 11.1, 11.2, 11.3 and 11.5.

**11. CONCLUSION OF THE MEETING**

There being no further business the meeting closed at 11.05pm.

..... signed by  
the Chairman of the meeting held on  
27 Nov 2019 at which meeting the  
signature hereon was subscribed.