



LEETON
SHIRE COUNCIL

**MINUTES OF THE ORDINARY
COUNCIL MEETING
WEDNESDAY 22 FEBRUARY 2023
COMMENCING AT 7:00PM
AT THE COUNCIL CHAMBERS**

Present:

Councillors:

Cr. Tony Reneker (Mayor), Cr. Michael Kidd (Deputy Mayor), Cr. Paul Smith,
Cr. Krystal Maytom, Cr. Tony Ciccia, Cr. Matt Holt, Cr. Sandra Nardi,
Cr. Tracey Morris and Cr. George Weston.

Staff:

Jackie Kruger (General Manager), Mandy Rogers (Director Corporate), Tom Steele (Director Operations), Michelle Evans (Executive Manager Economic and Community Development), Tracy Pearce-Brambley (Executive Manager People and Culture), Sarah Graham (Governance and Customer Service Coordinator), Terry Schmidt (Communications Coordinator), Lawrence Amato (Manager Finance - for part of the meeting), Gideon Vos (Building Services Coordinator and Roxy Project Manager – for part of the meeting) and Luke Tedesco (Manager of Environmental Sustainability via videoconference – for part of the meeting).

Press:

Nil

LEETON SHIRE COUNCIL

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1. **CIVIC PRAYER** Cr. Holt
2. **ACKNOWLEDGEMENT OF COUNTRY** Cr. Reneker
3. **APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE**

Nil

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

23/001

Resolved

THAT the Minutes of the Ordinary Council Meeting held on Wednesday 14 December 2022, as circulated, be taken as read and CONFIRMED.

(Moved Cr Kidd, seconded Cr Ciccia)

5. **DISCLOSURES OF INTERESTS**

Nil

6. **MAYORAL MINUTES**

Nil

6.1 **PUBLIC FORUM**

Procedural Motion - Move into Committee of the Whole

23/002

Resolved

Council moved to go into the Committee of the Whole.

(Moved Cr Kidd, seconded Cr Morris)

The Council meeting was adjourned at 7:04pm for the commencement of the public forum.

The following person addressed Council on Item 7.12:

- Ms. Alison Cowell, speaking for the implementation of FOGO.

The following person addressed Council on Item 7.3:

- Ms. Kerrie Ross, presenting an alternative position of a Council-led service.

Public forum concluded at 7:15pm and the Council meeting recommenced.

Procedural Motion - Move out of Committee of the Whole and into full Council.

23/003

Resolved

Council moved to go out of the Committee of the Whole and into full Council.

(Moved Cr Weston, seconded Cr Smith)

7. REPORTS TO COUNCIL

GENERAL MANAGER'S MATTERS

Item 7.1 DRAFT MOTIONS FOR SUBMISSION TO THE 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

23/004

Resolved

THAT Council endorses the following motions for submission to the 2023 National General Assembly of Local Government:

- 1. Restore Financial Assistance Grants (FAGS):** This National General Assembly calls on the Australian Government to:
 - restore Local Government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue,
 - remove the requirement to allocate 30% of the General Purpose Component of Financial Assistance Grants on the basis of population increases/ decreases.
- 2. Constitutional recognition of local government:** This National General Assembly calls on the Australian Government to hold a referendum to amend the Constitution to recognise local government as an important, legitimate, and essential element in Australia's system of government.
- 3. Greater Assistance with managing energy expenditure and funding to deliver projects in local communities:** This National General Assembly calls on the Australian Government to partner with State and Territory Governments to provide greater assistance with energy expenditure in rural, regional and remote Australia, including regulating the energy market and improving the financial criteria of grants to make them more achievable for local government to deliver projects.
- 4. Increased Support for Housing Initiatives in rural Australia:** This National General Assembly calls on the Australian Government to prioritise financial assistance for housing initiatives in rural Australia.
- 5. Support for newcomer settlement in rural Australia:** This National General Assembly calls on the Australian Government to provide financial support directly to regional and rural areas to streamline the delivery of settlement support for new settlers/comers and the retention of workers in our communities.
- 6. Develop a further submission on Rural Health with a focus on fast-tracking visas and reducing unnecessary constraints on doctor eligibility to work in Australia.**

(Moved Cr Weston, seconded Cr Kidd)

Item 7.2 ROXY COMMUNITY THEATRE - BUILD AND BUDGET UPDATE

23/005

Resolved

THAT Council:

1. Receives and notes the update on the Lloyd Group build (\$7,136,495 fixed price contract) and notes the delayed completion date of 31 July 2023 which is still subject to the timely procurement of steel.
2. Receives and confirms the revised total project budget – inclusive of build, consultants, seating, specialist equipment, power supply upgrade and internal project management - with expenses at \$11,437,148 and income at \$11,575,286 made up of 54% grant funding, 44% Council funding and 2% fundraising by the Roxy Redevelopment Committee.
3. Adopts the revised funding strategy for Council's portion of the project costs (\$5,046,500), being 100% loan funding over 20 years.

(Moved Cr Kidd, seconded Cr Morris)

Councillors Ciccia and Holt recorded their votes against.

Item 7.3 ROXY COMMUNITY THEATRE - FUTURE OPERATIONS MODEL

23/006

Resolved

THAT Council:

1. Agrees to explore all opportunities including outsourcing of the day-to-day operations and programming of the Roxy Community Theatre having regard to the needs of traditional user-groups and on the basis that Council will contribute in the order of \$245K per annum as a payment or subsidy - inclusive of GST (if applicable) – to a suitable provider.
2. Authorises the General Manager to call for Expressions of Interest (EOI) for day-to-day operations of the Roxy, the scope of which is to be approved by the Roxy Redevelopment Committee along the lines of this report prior to its release.
3. Requests the General Manager to provide a further report to Council outlining any opportunities, the EOI responses and Roxy in house manager (Council employee) option by no later than the May 2023 Council meeting.
4. Agrees in principle that Council will continue to cover the costs and make all the necessary arrangements for utilities, security, rates, maintenance, base cleaning, sponsorship and depreciation to an estimated value of \$409K.

5. Notes that prior to making a final decision on outsourcing Roxy Community Theatre day-to-day operations and programming, Council will be required to meet its industrial relations obligations under the *Local Government Act 1993*.

(Moved Cr Morris, seconded Cr Kidd)

CORPORATE MATTERS

Procedural Motion – Dealing with Items for Exception

23/007

Resolved

Council moved to adopt Item 7.4 and Item 7.5 of business together and adopt as recommended.

(Moved Cr Kidd, seconded Cr Weston)

Item 7.4 INVESTMENTS REPORT FOR DECEMBER 2022

Item 7.5 INVESTMENTS REPORT FOR JANUARY 2023

23/008

Resolved

THAT Council notes the information contained in the:

- Investments Report for December 2022
- Investments Report for January 2023

(Moved Cr Morris, seconded Cr Weston)

Item 7.6 2022/23 BUDGET REVIEW FOR THE QUARTER ENDING 31 DECEMBER 2022

23/009

Resolved

THAT Council receives and adopts the revised budget estimates for the 2022/23 financial year.

(Moved Cr Kidd, seconded Cr Morris)

Item 7.7 QUARTERLY CAPITAL WORKS UPDATE REPORT - MAJOR PROJECTS

23/010

Resolved

THAT Council notes for information the Quarterly Capital Works Update Report for the period October 2022 to February 2023.

(Moved Cr Kidd, seconded Cr Nardi)

**Item 7.8 ADMINISTRATION OF THE SEPTEMBER 2024 LOCAL GOVERNMENT
ORDINARY ELECTION**

23/011

Resolved

THAT Leeton Shire Council enters an arrangement with the NSW Electoral Commission for the 2024 Local Government elections as follows:

1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993 (NSW)* ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a Council poll arrangement, if required at the time of the Local Government Elections in September 2024, be entered into by contract for the Electoral Commissioner to administer all Council polls of Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement, if required at the time of the Local Government Elections in September 2024, be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of Council.

(Moved Cr Holt, seconded Cr Morris)

**Item 7.9 PROPOSED ROAD CLOSURE UNDER THE ROADS ACT 1993 - MURRAY
ROAD BETWEEN COLEMAN ROAD EAST AND APOSTLE YARD ROAD
MURRAMI**

23/012

Resolved

THAT Council:

1. Supports the closure of a Council public road being Murray Road, between Coleman Road east and Apostle Yard Road, Murrami.
2. Advertises in the Irrigator for 28 days the proposal to close Murray Road, between Coleman Road east and Apostle Yard Road, Murrami.
3. Notifies all adjoining owners and notifiable authorities of the proposal to close Murray Road, between Coleman Road east and Apostle Yard Road, Murrami.
4. Invites any interested parties to make public submissions concerning the proposal, within the 28-day submission period.

(Moved Cr Smith, seconded Cr Kidd)

**Item 7.10 MINUTES OF THE WHITTON TOWN IMPROVEMENT COMMITTEE
MEETING - 5 DECEMBER 2022**

23/013

Resolved

THAT Council receives for information the minutes of the Whitton Town Improvement Committee meeting held on Monday 5 December 2022.

(Moved Cr Smith, seconded Cr Holt)

PEOPLE AND CULTURE MATTERS

**Item 7.11 MINUTES OF THE WHITTON COURTHOUSE AND HISTORICAL MUSEUM
COMMITTEE - SEPTEMBER TO DECEMBER 2022**

23/014

Resolved

THAT Council notes for information the minutes from the Whitton Courthouse and Historical Museum Committee meetings and Annual General Meeting held in 2022.

(Moved Cr Maytom, seconded Cr Kidd)

OPERATIONAL MATTERS

**Item 7.12 ACCEPTANCE OF GRANT FUNDING ASSISTANCE FOR FOGO
IMPLEMENTATION**

23/015

Resolved

THAT Council accepts the \$228,000 in grant funding from the NSW Environmental Protection Agency and supports in principle the introduction of a FOGO bin collection service commencing 2024/2025 when Council's new kerbside collection contract is due to commence.

(Moved Cr Weston, seconded Cr Nardi)

Executive Manager Economic and Community Development left the meeting at 9:17pm.

Executive Manager Economic and Community Development returned to the meeting at 9:19pm.

Director Corporate left the meeting at 9:21pm.

Director Corporate returned to the meeting at 9:23pm.

**Item 7.13 MINUTES OF THE LEETON LOCAL AREA TRAFFIC COMMITTEE MEETING
- 15 FEBRUARY 2023**

23/016

Resolved

THAT Council notes the minutes and endorses the recommendations of the Local Area Traffic Committee meeting held on 15 February 2023.

(Moved Cr Ciccia, seconded Cr Kidd)

ECONOMIC AND COMMUNITY DEVELOPMENT MATTERS

**Item 7.14 CONFLICTS OF INTEREST POLICY (WHEN DEALING WITH
DEVELOPMENT APPLICATIONS LODGED BY COUNCIL STAFF,
COUNCILLORS AND COUNCIL)**

23/017

Resolved

THAT Council:

1. Endorses the DRAFT Conflicts of Interest Policy (when dealing with Development Applications lodged by Council staff, Councillors, and Council) for placement on public exhibition for a period of at least 28 days.
2. Adopts the DRAFT Conflicts of Interest Policy (when dealing with Development Applications lodged by Council staff, Councillors, and Council) on completion of the public exhibition period if no formal submissions requiring substantive changes are received.

(Moved Cr Kidd, seconded Cr Maytom)

Item 7.15 POST EVENT REPORT - 2022 LEETON CHILL & GRILL EVENT

23/018

Resolved

THAT Council receives for information the 2022 Leeton Chill & Grill post event report and notes that the 2023 event has been planned for Saturday 21 October 2023.

(Moved Cr Smith, seconded Cr Maytom)

**Item 7.16 MINUTES OF THE SUNRICE FESTIVAL COMMITTEE - ANNUAL GENERAL
MEETING - 03 NOVEMBER 2022**

23/019

Resolved

THAT Council receives for information the Minutes of the Leeton SunRice Festival Committee Annual General Meeting held on 03 November 2022.

(Moved Cr Weston, seconded Cr Kidd)

Item 7.17 REQUEST FOR ASSISTANCE FROM MIA CRUISERS INC

23/020

Resolved

THAT Council:

1. Endorses the use of an approximately 400m section of the Leeton Town Ovals carpark by MIA Cruisers Inc to host the 2023 "Show and Shine" event from 8:00am to 12:00pm on Saturday 8 April 2023 (Easter Saturday).
2. Waives the Section 68 Approval Fee of \$67 to use the Leeton Town Ovals Complex for the 2023 "Show and Shine" event.
3. Waives the Section 138 Road Opening Permit fee of \$132 to use the Leeton Town Ovals car park for the 2023 "Show and Shine" event.
4. Waives the fee of 30c per square metre of parking space for an area of 369m x 19m totalling \$2,257.20 for hiring the car parking spaces for the MIA Cruisers Incorporation 2023 "Show and Shine" event.

(Moved Cr Kidd, seconded Cr Smith)

8. NOTICES OF MOTION

Nil

Procedural Motion - Extension of Time

23/021

Resolved

Motion at 10:06pm to extend the time of the Council meeting.

(Moved Cr Smith, seconded Cr Weston)

9. 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.

No objections were received from the Gallery.

23/022

Resolved

1. That Council moves into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That 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. That 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 Kidd, seconded Cr Morris)

Council closed its meeting at 10:10pm and the public left the Council Chambers.

Item 9.1 VANCE INDUSTRIAL ESTATE STAGE 3 REVISED BUDGET

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).

CLOSED COUNCIL - CONFIDENTIAL ITEMS

Item 9.1 VANCE INDUSTRIAL ESTATE STAGE 3 REVISED BUDGET

23/023

Resolved

THAT Council:

1. Agrees to proceed with the development of Vance Estate Stage 3.
2. Adopts a revised budget for Vance Industrial Estate Stage 3 of \$7.831M (which includes contingencies, development costs, development fees, and consulting/project management costs).
3. Notes the revised funding strategy for the redevelopment - loan funding of \$5,587,711 and grant funding of \$2,243,000.
4. Authorises the General Manager to proceed to call open tenders for Vance Industrial Estate Stage 3.

(Moved Cr Morris, seconded Cr Kidd)

Councillors Ciccia, Nardi, Holt and Maytom recorded their votes against.

Cr. Holt left the meeting at 10.39pm.

Cr. Holt returned to the meeting at 10.43pm.

REVERSION TO OPEN COUNCIL

23/024

Resolved

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 10.54pm.

(Moved Cr Smith, seconded Cr Kidd)

The Mayor advised that during the Closed Council resolutions were passed.

The General Manager read out the resolutions made in Closed Council for Item 9.1.

10. COUNCILLOR ACTIVITY REPORTS

Item 10.1 COUNCILLOR ACTIVITY REPORT

RECOMMENDATION

THAT Council notes the Councillor activity reports submitted for the period between 1 January 2023 to 23 February 2023.

11. CONCLUSION OF THE MEETING

There being no further business the meeting closed at 10:59pm.

..... signed by
the Chairman of the meeting held on
22 March 2023 at which meeting the
signature hereon was subscribed.