



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

16 SEPTEMBER 2020

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10.07am

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

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

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 General Manager)
Chloe Horne (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Cr Elstone declared a significant pecuniary interest in item 9.17 as he has business dealing with the applicants.

Cr Wheeldon declared a significant pecuniary interest in Item 9.9 as a family member lodged a submission.

Cr Wheeldon declared a significant pecuniary interest in Item 9.10 as he owns a business in the Wentworth Township.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 19 August 2020 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 19 August 2020 be confirmed as amended.

Moved Cr. Nunan, Seconded Cr. Elstone

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/20/562

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 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 8 September 2020.

Council Resolution

That Council notes the list of outstanding matters as at 8 September 2020.

Moved Cr. Nichols, Seconded Cr. MacAllister

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/20/502

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. Hederics, Seconded Cr. Elstone

CARRIED

Mayor Hederics thanked Councillors for their support for the last 2 years and noted that over the past 4 years Council has approximately \$37,000,000 worth of projects either completed or in progress.

7.2 STATUTORY MEETING ITEM - ELECTION OF MAYOR AND DEPUTY MAYOR

File Number: RPT/20/486

Mayor Hederics vacated the Chair at 10:15am

General Manager Ken Ross took the Chair as returning Officer.

Recommendation

That Council determines the process to elect the Mayor and Deputy Mayor by open voting.

That the General Manager receives nominations for the position of Mayor for the ensuing 12 month period and declares whether an election is required, and if so conducts the election.

That the General Manager receives nominations for the position of Deputy Mayor for the ensuing 12 month period and declares whether an election is required, and if so conducts the election.

The General Manager advised that he had received only one nomination for the position of Mayor, that being the nomination of Councillor Melisa Hederics, and that Councillor Hederics had accepted the nomination.

The General Manager declared Councillor Hederics as the duly elected Mayor for the period of twelve months.

The General Manager advised that he had received only one nomination for the position of Deputy Mayor, that being the nomination of Councillor Tim Elstone, and that Councillor Elstone had accepted the nomination.

The General Manager declared Councillor Elstone as the duly elected Deputy Mayor for the period of twelve months.

Mayor Hederics resumed the Chair as Mayor to continue the meeting.

7.3 STATUTORY MEETING ITEM - DELEGATIONS

File Number: RPT/20/487

Recommendation

That Council, pursuant to Section 377 of the Local Government Act 1993, revokes all previous delegations to the Mayor and Deputy Mayor.

That Council retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009.

That Council, pursuant to Section 377 of the Local Government Act 1993, delegates to the Mayor, as elected at the Council Meeting on 16 September 2020, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).

That Council resolves that in the absence of the Mayor, and when officially acting in the position of Mayor, the Deputy Mayor, as elected at the Council Meeting on 16 September 2020, is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).

That the delegations remain in place for a period of 12 months, or until revoked or amended by Council.

Amendment

That the current delegations remain in place for the next 12 months.

Council Resolution

That the current delegations remain in place for the next 12 months.

Moved Cr. Nunan, Seconded Cr. Nichols

CARRIED

7.4 STATUTORY MEETING ITEM - COUNCIL MEETING DATES AND TIME

File Number: RPT/20/488

Recommendation

That Council determines the following in relation to Ordinary Meetings of Council:

1. Ordinary Council meetings will be held on the third Wednesday of all months excluding June
2. The June 2021 meeting will be held on Wednesday 23 June
3. All ordinary meetings of council will commence at 10.00am

Council Resolution

That Council determines the following in relation to Ordinary Meetings of Council:

1. Ordinary Council meetings will be held on the third Wednesday of all months excluding June
2. The June 2021 meeting will be held on Wednesday 23 June
3. All ordinary meetings of council will commence at 10.00am

Moved Cr. Nichols, Seconded Cr. McKinnon

CARRIED

7.5 STATUTORY MEETING ITEM - REVIEW OF INTERNAL COMMITTEES AND WORKING GROUPS

File Number: RPT/20/489

Recommendation

That Council determines its preferred committee structure for the upcoming 12 months.

Council Resolution

That Council resolves that the Internal committee structure remains unchanged for the upcoming 12 months.

Moved Cr. Nunan, Seconded Cr. McKinnon

CARRIED

7.6 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEE REPRESENTATION

File Number: RPT/20/490

Recommendation

That Council considers the list of External Committees and determines appropriate representation.

Amendment

That the external committees remain the same with the exception of Arts Mildura which is to be replaced with West Darling Arts, Central Murray Transport be removed and Willandra Lakes Region World Heritage Advisory Committee be included.

Council Resolution

That the external committees remain the same with the exception of Arts Mildura which is to be replaced by West Darling Arts, Central Murray Transport Forum be removed and Willandra Lakes Region World Heritage Advisory Committee be included with Cr MacAllister as the Local Government representative.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

8 REPORTS FROM COMMITTEES

8.1 MURRAY DARLING ASSOCIATION (MDA) DELEGATES REPORT AUGUST 2020

File Number: RPT/20/500

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Chloe Horne - Business Support Officer

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

Strategy: 3.5 Recognise the importance of a healthy Murray-Darling River system

Summary

At the 20 April 2020 Murray Darling Association (MDA) Board meeting it was resolved that a monthly Delegate's Report be forwarded to all member Councils & delegates.

Recommendation

That Council notes the Delegate's Report for August 2020 from the Murray Darling Association.

Council Resolution

That Council notes the Delegate's Report for August 2020 from the Murray Darling Association.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

Cr MacAllister also provided a verbal report advising the Murray Darling Association Annual General Meeting was in progress as she was speaking. She also advised it was unfortunate that there was a meeting clash with the Wentworth Shire Council Ordinary Council Meeting particularly as Murray Darling Association Region 4 will host the next Annual General Meeting.

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/503

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

1. OLG Circulars
Circulars 20-31 to 20-33
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note
Nil

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. Elstone, Seconded Cr. MacAllister

CARRIED

9.2 CHRISTMAS LEAVE ARRANGEMENTS

File Number: RPT/20/492

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Glen Norris - Manager Human Resources

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

This report sets out the proposed staffing arrangements for Council offices/areas closing over the Christmas and New Year period.

Recommendation

That Council approves the Christmas and New Year holiday arrangements.

Council Resolution

That Council approves the Christmas and New Year holiday arrangements.

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

9.3 UNION PICNIC DAY

File Number: RPT/20/494

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Glen Norris - Manager Human Resources

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

Union Picnic Day is an entitlement under the Local Government (State) Award for employees who are union members. Council is required to determine which day shall be regarded as the Union Picnic Day and whether non-union members are required to work on the allocated day.

Recommendation

That Council approves Tuesday 3 November 2020 as the Award holiday known as Union Picnic Day for all staff.

Council Resolution

That Council approves Tuesday 3 November 2020 as the Award holiday known as Union Picnic Day for all staff.

Moved Cr. Wheeldon, Seconded Cr. Heywood

CARRIED

Cr Nunan requested his vote against the Union Picnic Day for all staff be recorded.

9.4 2020 SPECIAL LOCAL ROADS AND TRANSPORT CONGRESS

File Number: RPT/20/506

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Chloe Horne - Business Support Officer

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

Summary

The ALGA Special Local Roads and Transport Congress will be held from 16-18 November 2020 in Wagga Wagga, New South Wales and virtually. This year ALGA has expanded its Special Local Roads and Transport Congress to encompass the issues of natural disaster impacts, recovery and resilience and the coronavirus pandemic.

Recommendation

That Council determines attendees to the 2020 Special Local Roads and Transport Congress.

Council Resolution

That Council endorse the Director of Roads and Engineering, Road Safety Officer and Cr Heywood to attend the 2020 Special Local Roads and Transport Congress provided the staff residing in Victoria are permitted to travel.

Moved Cr. Heywood, Seconded Cr. MacAllister

CARRIED

9.5 MONTHLY FINANCE REPORT

File Number: RPT/20/505

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 August 2020 were \$2,855,386.77. After allowing for pensioner subsidies, the total levies collected are now 34.73%. For comparison purposes, 34.26% of the levy had been collected at the end of August 2019. Council currently has \$31,329,093.85 in cash and investments.

Recommendation

That Council notes the monthly finance report.

Council Resolution

That Council notes the monthly finance report.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9.6 MONTHLY INVESTMENT REPORT

File Number: RPT/20/561

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Hodi Beauliv - Manager Finance

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

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

Summary

As at 31 August 2020 Council had \$26,000,000.00 invested in term deposits and \$2 million in a cash at call account. Council received \$27,530.82 from its investments for the month of August 2020.

In August 2020 Council investments averaged a rate of return of 0.85% and it currently has \$8,466,832.09 of internal restrictions and \$14,244,410.21 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. Elstone, Seconded Cr. Evans

CARRIED

9.7 ANNUAL DISCLOSURES OF DESIGNATED PERSONS

File Number: RPT/20/567

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

The Model Code of Conduct for Local Councils in NSW, requires Councillors and designated persons to disclose their personal interests by completing a publicly available returns of interests.

The annual returns are required to be lodged within 3 months of 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 publicly available on Council's website.

Recommendation

That Council notes the tabling of the Disclosure Returns for Councillors and Designated persons for the period 01/07/2019 to 30/06/2020.

Council Resolution

That Council notes the tabling of the Disclosure Returns for Councillors and Designated persons for the period 01/07/2019 to 30/06/2020.

Moved Cr. Elstone, Seconded Cr. Heywood

CARRIED

9.8 TCORP LOAN AGREEMENT

File Number: RPT/20/576

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**Recommendation**

That Council approves the execution of the TCorp Loan Agreement and delegates authority to the Mayor and the General Manager to sign the agreement and affix the Common Seal on behalf of Council.

Council Resolution

That Council approves the execution of the TCorp Loan Agreement and delegates authority to the Mayor and the General Manager to sign the agreement and affix the Common Seal on behalf of Council.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9.9 BURONGA GOL GOL STRUCTURE PLAN 2020

File Number: RPT/20/371

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Paul Amoateng - Development Services Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire
Strategy: 1.2 Encourage and support population growth and resident attraction

Cr Wheeldon left the meeting at 10:49am as he declared a significant pecuniary interest in Item 9.9 and Item 9.10.

Summary

Wentworth Shire Council endorsed the draft Buronga Gol Gol Structure Plan 2020 for public exhibition at its Ordinary Meeting held 22 April 2020.

Eighteen (18) submissions were received at the end of the public exhibition period and these have been considered in the final plan.

This report seeks Council's adoption of the final Buronga Gol Gol Structure Plan 2020.

Recommendation

That Council resolves to adopt the Buronga Gol Gol Structure Plan 2020 and submit the Plan to the Department of Planning, Industry and Environment requesting endorsement of the Plan.

Council Resolution

That Council resolves to adopt the Buronga Gol Gol Structure Plan 2020 and submit the Plan to the Department of Planning, Industry and Environment requesting endorsement of the Plan.

Moved Cr. MacAllister, Seconded Cr. Nichols

CARRIED

9.10 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL FOR WENTWORTH TOWNSHIP COMMERCIAL PRECINCT

File Number: RPT/20/491

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Paul Amoateng - Development Services 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

Wentworth Shire Council at its Ordinary Meeting held 16 October 2019 resolved to submit the Planning Proposal to amend the Wentworth Local Environmental Plan 2011, by rezoning fifty-one (51) lots located in the commercial precinct of Wentworth from RU5 Village to B2 Local Centre to the Department of Planning, Industry and Environment for consideration of a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.

A Gateway Determination to proceed was granted by the Department on 11 December 2019. The Gateway to proceed was subject to conditions, all of which have been satisfied.

This report seeks Council's endorsement to submit the Planning Proposal to Parliamentary Counsel for opinion and then to the Minister for the Department of Planning and Public Spaces to finalise and notify the amendment on the legislative website.

Recommendation

- a) That Council submits the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 by rezoning the subject sites from RU5 Village to B2 Local Centre to Parliamentary Counsel for opinion.
- b) That Council submits the Planning Proposal to the Minister for Planning and Public Spaces for finalisation and notification of the amendment to the Wentworth Local Environmental Plan 2011, in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.
- c) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

- a) That Council submits the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 by rezoning the subject sites from RU5 Village to B2 Local Centre to Parliamentary Counsel for opinion.
- b) That Council submits the Planning Proposal to the Minister for Planning and Public Spaces for finalisation and notification of the amendment to the Wentworth Local Environmental Plan 2011, in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.
- c) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr. MacAllister, Seconded Cr. Nichols

CARRIED

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

For the Motion : *Clr.s Elstone, Hederics, Heywood, MacAllister, McKinnon, Nichols and Nunan.*

Against the Motion: *Clr. Evans.*

Cr Wheeldon returned to meeting at 10:56am

9.11 POLICY REVIEW - MOBILE FOOD VENDOR POLICY PR016

File Number: RPT/20/493

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

Item withdrawn from agenda as not all relevant information has been presented.

Summary

The Mobile Food Vendor Policy PR016 was adopted by Council in May 2019. At the time, the policy was presented to the Internal Audit and Risk Management Committee for endorsement and was then presented to Council for adoption. A review of this Policy was sought by Council and on 24 June 2020, Council approved the public exhibition for a period of 28 days.

Recommendation

That Council resolves to adopt the policy as presented.

9.12 DA2018/005 FARM STAY ACCMODATION - 83 WILLIAMSVILLE ROAD, LOT 3 DP 540613, CURLWAA S4.55/2020/025 APPLICATION TO MODIFY CONSENT

File Number: RPT/20/533

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: George Kenende - Development Assessment 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

Council is in receipt of an application (S4.55/2020/025) to modify the approved plans for DA2018/005.

The proposed modifications include:

- Changing the bedroom layout to dorms
- Converting the kitchen into a sundeck
- Erecting a new kitchen/dining/lounge building

The site falls under the RU1 Primary Production zone and in accordance with the Wentworth Local Environmental Plan 2011 (WLEP 2011) farm stay accommodation is permissible with consent in that zone.

The definition of farm stay accommodation is for a building or place to be used to provide temporary or short-term accommodation to paying guests on a working farm, with the use being a secondary business to primary production.

Recommendation

- 1) That Council, having considered the content of this report and attached documentation, resolves to issue modification approval for S4.55/2020/025 being a farm stay accommodation located at 83 Williamsville Road, Lot 3 DP 540613 Curlwaa.
- 2) That a division be called in accordance with s375A of the Local Government Act 1993 (NSW).

Council Resolution

- 1) That Council, having considered the content of this report and attached documentation, resolves to issue modification approval for S4.55/2020/025 being a farm stay accommodation located at 83 Williamsville Road, Lot 3 DP 540613 Curlwaa.
- 2) That a division be called in accordance with s375A of the Local Government Act 1993 (NSW).

Moved Cr. MacAllister, Seconded Cr. Nunan

LOST

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

For the Motion : Clr.s MacAllister, McKinnon, Nunan and Wheeldon.

Against the Motion: ***Clr.s Elstone, Evans, Hederics, Heywood and Nichols.***

Council Resolution

That Council hold over this item for further consideration next month and have all previous information brought back to Council including the detail provided when Council approved the Development Application.

Moved Cr Nichols, Seconded Cr Evans

CARRIED

Councillors Nunan, McKinnon, Wheeldon and MacAllister requested their vote against the motion be recorded.

9.13 DELEGATED AUTHORITY APPROVALS AS AT END OF AUGUST 2020

File Number: RPT/20/564

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Nicky Meredith - Coordinator 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

For the month of August 2020, a total of 18 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 \$2,917,768.00. This brings the year to date total to 108 Development Applications and 26 S4.55 Applications approved, with an estimated development value of \$25,681,577.00.

Recommendation

- a) That Council receives and notes the report for the month of August 2020.
- 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 August 2020.
- 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. Nunan, Seconded Cr. Elstone

CARRIED

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

For the Motion : ***Clr.s Elstone, Evans, Hederics, Heywood, MacAllister, McKinnon, Nichols, Nunan and Wheeldon.***

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

9.14 RESERVE 89749 JUNCTION PARK REQUEST TO BECOME CROWN LAND MANAGER

File Number: RPT/20/513

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Kathy Collinson - Reserves and Acquisitions Officer

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

Summary

During an audit of Council owned or controlled land for the purpose of the proposed Plan of Management for Community Land, the Management Type for Junction Park was identified as Devolved to Council. This could present problems should Council ever wish to lease or licence any part of the Park as devolved land cannot be leased or licensed under Section 48 of the *Local Government Act 1993*. In the past land has devolved to a Local Government entity when a trustee arrangement has not been considered.

Recommendation

That Council resolve to forward a request to Crown Lands to change the Management Type for Reserve 89749 Junction Park to Crown Land Manager and omit the reference to Devolution.

Council Resolution

That Council resolve to forward a request to Crown Lands to change the Management Type for Reserve 89749 Junction Park to Crown Land Manager and omit the reference to Devolution.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9.15 A43 HENDY ROAD SEWER EASEMENT / COMPENSATION / DEED OF AGREEMENT FOR MULTIPLE LANDHOLDERS

File Number: RPT/20/559

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

The Wentworth Shire Council undertook upgrades to Buronga Sewer Pump Station. A Council resolution is required for an easement for sewer pipeline over private land at Hendy Road, Buronga, NSW. It is proposed to be acquired by agreement under the *Land Acquisition (Just Terms Compensation) Act 1991* and by authority of the *Local Government Act 1993*.

NSW Public Works Advisory (PWA) has been engaged by Council to acquire the easement for sewer pipeline and on its behalf will consult with impacted residential property owners to set out the agreed terms in relation to such services and compensation to finalise the creation of the easement.

Over some of the effected land there is an existing easement for sewer, this will be extinguished by Council as the new infrastructure and proposed easement for sewer pipeline replaces it. Council is required to enable the Transfer Granting Easement Form for each matter to be authorised by Council. The Transfer Granting Easement form is required to be lodged at the NSW Land Registry Services (LRS) to enable the creation of the easement. Public Works Advisory requests that a report be prepared recommending that Council approve the acquisition of the easement for sewer pipeline over the effected land.

Recommendation

1. That Council proceed to acquire an easement for sewer pipeline shown as "(A) Proposed Easement for Sewer Pipeline 1 and 3 wide" in DP1263431 by agreement under the Land Acquisition (Just Terms Compensation) Act 1991 and by authority contained in the Local Government Act 1993, over the following land;
 - 106 Hendy Road, Lot 3 DP803858
 - 108 Hendy Road, Lot 4 DP803858
 - 114-116 Hendy Road, Lot 2 DP816778
 - 118 Hendy Road, Lot 2 DP858624
 - 120 Hendy Road, Lot1 DP858624
 - 122 Hendy Road, Lot 50 DP756946
 - 128 Hendy Road, Lot 167 DP756946
 - 134 Hendy Road, Lot 54 DP756946
 - 136-138 Hendy Road, Lot 74 DP756946

- 140A Hendy Road, Lot 2 DP1103082
 - 142 Hendy Road, Lot 1 DP803596
 - 144-146 Hendy Road, Lots 1&2 DP848519
 - 148 Hendy Road, Lot 233 DP822003
 - 150 Hendy Road, Lot 234 DP822003
2. That minerals are to be excluded from this acquisition.
 3. That these acquisitions are not for the purpose of resale.
 4. That compensation be paid to the effected land-owners listed above as per valuation advice and a valuation report obtained from the valuer Heron Todd White.
 5. That Council extinguish an existing easement for sewer over the following land, Lot 3 DP 803858, Lot 2 DP 816778, Lot 1 & 2 DP858624, Lots 1 & 2 DP848519, Lots 233 & 234 DP822003, shown as B, C, F, G and H in DP126343.
 6. That the General Manager be authorised to finalise each matter.

Council Resolution

1. That Council proceed to acquire an easement for sewer pipeline shown as “(A) Proposed Easement for Sewer Pipeline 1 and 3 wide” in DP1263431 by agreement under the Land Acquisition (Just Terms Compensation) Act 1991 and by authority contained in the Local Government Act 1993, over the following land;
 - 106 Hendy Road, Lot 3 DP803858
 - 108 Hendy Road, Lot 4 DP803858
 - 114-116 Hendy Road, Lot 2 DP816778
 - 118 Hendy Road, Lot 2 DP858624
 - 120 Hendy Road, Lot1 DP858624
 - 122 Hendy Road, Lot 50 DP756946
 - 128 Hendy Road, Lot 167 DP756946
 - 134 Hendy Road, Lot 54 DP756946
 - 136-138 Hendy Road, Lot 74 DP756946
 - 140A Hendy Road, Lot 2 DP1103082
 - 142 Hendy Road, Lot 1 DP803596
 - 144-146 Hendy Road, Lots 1&2 DP848519
 - 148 Hendy Road, Lot 233 DP822003
 - 150 Hendy Road, Lot 234 DP822003

2. That minerals are to be excluded from this acquisition.
3. That these acquisitions are not for the purpose of resale.
4. That compensation be paid to the effected land-owners listed above as per valuation advice and a valuation report obtained from the valuer Heron Todd White.
5. That Council extinguish an existing easement for sewer over the following land, Lot 3 DP803858, Lot 2 DP816778, Lot 1 & 2 DP858624, Lots 1 & 2 DP848519, Lots 233 & 234 DP822003, shown as B, C, F, G and H in DP126343.
6. That the General Manager be authorised to finalise each matter.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

9.16 PROJECT AND WORKS REPORT UPDATE - SEPTEMBER 2020

File Number: RPT/20/560

Responsible Officer: Geoff Gunn - Director Roads and Engineering
Responsible Division: Roads and Engineering
Reporting Officer: Tarryn Kampman - Administration 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

This report provides a summary of the major works undertaken by the Roads and Engineering Division which have been completed during the month of August 2020.

Recommendation

That Council notes the major works undertaken for August and the proposed works for October 2020.

Council Resolution

That Council notes the major works undertaken for August and the proposed works for October 2020.

Moved Cr. Nunan, Seconded Cr. Elstone

CARRIED

9.17 POONCARIE ROAD PLANNING PROPOSAL

File Number: RPT/20/579

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

Cr Elstone left the Council Chambers at 11:32am as he declared a significant pecuniary interest in Item 9.17.

Summary

Council has been liaising with the Department of Planning, Industry and Environment (DPIE) with regard to the extension to the Gateway Determination timeframe for the Pooncarie Road Planning Proposal.

A final extension to the Gateway is required to ensure that the planning proposal process can continue. The extension is required to be brought to Council due to the necessity to obtain evidence of Council's continued support for the proposed development, to advise of the increase in land area subject to the planning proposal based on the outcome of the Advisian Flood Risk Assessment and to advise of any inherent risk to Council.

Council Resolution

That Council admits for consideration the supplementary late report from the Director of Health Planning as the matter is deemed urgent and requires a resolution before the next ordinary meeting of council.

Moved Cr.Nunan, Seconded Cr. MacAllister

CARRIED

Recommendation

That Council resolve to:

1. Continue to support the Pooncarie Road Planning Proposal, and
2. Formally advise the Department of Planning, Industry and Environment of an amendment to the area to be rezoned from RU1 Primary Production to R5 Large Lot Residential zone, and
3. Request the Department of Planning, Industry and Environment to approve a final twelve month extension to the Gateway Determination in accordance with S3.34(6) of the Environmental Planning and Assessment Act 1979, and
4. Prepare a letter to the Honorable Minister for Planning & Public Spaces advising of the severe constraints of relevant legislation and processes that have caused the lack of progression of the planning proposal and the difficulties that have been encountered to gain approval to proceed.

Council Resolution

That Council resolve to:

1. Continue to support the Pooncarie Road Planning Proposal, and
2. Formally advise the Department of Planning, Industry and Environment of an amendment to the area to be rezoned from RU1 Primary Production to R5 Large Lot Residential zone, and
3. Request the Department of Planning, Industry and Environment to approve a final twelve month extension to the Gateway Determination in accordance with S3.34(6) of the Environmental Planning and Assessment Act 1979, and
4. Prepare a letter to the Honorable Minister for Planning & Public Spaces advising of the severe constraints of relevant legislation and processes that have caused the lack of progression of the planning proposal and the difficulties that have been encountered to gain approval to proceed.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

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

For the Motion : ***Clr.s Evans, Hederics, Heywood, MacAllister, McKinnon, Nichols, Nunan and Wheeldon.***

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

Cr Elstone returned to the meeting at 11:34am

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**10.1 BOMBALA ROAD ENCROACHMENT OF VINES INTO ROAD RESERVE**

Cr Peter Nunan asked that Council investigate the encroachment of vines into the road reserve on Bombala Road, Coomealla.

10.2 CONCRETE DUMPED IN ROAD RESERVE ON RIVER ROAD

Cr Peter Nunan asked that Council investigate the concrete that is dumped in the road reserve on River Road near Duxton Vineyards, Mourquong.

10.3 THE BIG YABBY

Cr Steve Heywood requested a report on Councils position on the Big Yabby becoming a project.

10.4 MURRAY STREET SUBDIVISION REPORT

Cr Susan Nichols requested a report on the Murray Street Subdivision timeframe.

10.5 WENTWORTH ENTRY NEW TREE LINE

Cr Susan Nichols advised that one tree has lost its leaves and one tree has been removed from the new tree line and could the watering system be checked on the other side of the road as the three trees closest to the hospital are looking sick.

10.6 CARAVAN PARK EMPLOYMENT

Cr Susan Nichols requested information on how the caravan Park is functioning and staffing.

10.7 TRAFFIC COUNTERS ON RIVER ROAD BETWEEN DARETON AND BURONGA

Cr Susan Nichols requested that a traffic counter be placed on River Road between Dareton and Buronga.

10.8 RENMARK ROAD

Cr Bill Wheeldon requested that Council write to the SA Premier and the NSW Premier via our local member to request that they declare the Renmark Road a State Highway

10.9 FLIGHT TRAINING ORGANISATIONS

Cr Jane MacAllister asked if Council had entered in to any agreements with any flight training organisations.

The General Manager responded stating that Council has not entered into any agreements with any flight training organisation.

10.10 MILDURA COUNCIL SUPPLEMENTARY AIRSPACE REVIEW

Cr Jane MacAllister asked if Council contributed to the CASA Mildura Supplementary Airspace review.

10.11 CCTV

Cr Greg Evans requested a report on CCTV coverage for the Shire area.

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 Duxsuper Pty Ltd and K Whitworth Investments Pty Ltd 31 Lot Residential Subdivision at Midway Drive, Buronga - Proposed Stormwater Upgrade of Existing Infrastructure. (RPT/20/566)

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**Move into Closed Session**

That Council adjourns into a closed session, that the recording of the meeting be paused, that members of the press and public be excluded from the meeting of the closed session, and that access to the correspondence and reports relating to the items considered during the course of the closed session be with-held unless declassified by separate resolution.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

The meeting moved into closed session at 11:50am

Council reconvened into open session at 11:53am

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

At the Mayors request the General Manager reported on the following items from the closed session of Council.

12.1 DUXSUPER PTY LTD AND K WHITWORTH INVESTMENTS PTY LTD 31 LOT RESIDENTIAL SUBDIVISION AT MIDWAY DRIVE, BURONGA - PROPOSED STORMWATER UPGRADE OF EXISTING INFRASTRUCTURE

File Number: RPT/20/566

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Taygun Saritoprak - Project Officer
Rachael Withers - Subdivision Officer

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

Strategy: 1.2 Encourage and support population growth and resident attraction

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 during the closed session of the Council meeting it was resolved that Council enters into a Construction Agreement with the Developer to undertake construction works for the Midway Drive Stormwater Upgrade in the 2020/21 financial year and that Council authorises the Mayor and General Manager to execute the Construction Agreement and affix the seal.

13 CONCLUSION OF THE MEETING

The Mayor closed the meeting at 11:55am

NEXT MEETING

21 October 2020

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CHAIR