



# **WENTWORTH SHIRE COUNCIL**

## **ORDINARY MEETING MINUTES**

**21 OCTOBER 2020**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING OF MEETING .....	3
2	PRAYER OR ACKNOWLEDGEMENT OF COUNTRY .....	3
3	APOLOGIES AND LEAVE OF ABSENCE .....	3
4	DISCLOSURES OF INTERESTS .....	3
5	CONFIRMATION OF MINUTES .....	3
6	OUTSTANDING MATTERS FROM PREVIOUS MEETINGS .....	5
6.1	Outstanding matters from previous meetings .....	5
7	MAYORAL AND COUNCILLOR REPORTS .....	6
7.1	Mayoral Report .....	6
7.2	Rescission Motion .....	7
7.3	Activity Report - Councillor Jane MacAllister .....	8
8	REPORTS FROM COMMITTEES .....	9
8.1	Internal Audit and Risk Management Committee .....	9
8.2	Wentworth Showgrounds User Group Meeting .....	11
9	REPORTS TO COUNCIL .....	12
9.1	General Manager's Report .....	12
9.2	Western Regional Planning Panel Delegates .....	13
9.3	Recreational and Community Allocation of Water from the Environmental Holdings of the Commonwealth Environmental Water Holder .....	14
9.4	Monthly Finance Report .....	15
9.5	Monthly Investment Report .....	16
9.6	Wentworth Local Environmental Plan 2011 – Planning Proposal – Rezone Lots 216 and 217 DP 756946 and Lots A and B DP 402812, 26 Gol Gol North Road, Gol Gol from RU1 Primary Production Zone to RU5 Village Zone and remove the Minimum Lot Size provisions.....	17
9.7	Initial Categorisation of Council Controlled Community Land .....	19
9.8	Classification of Community Land .....	20
9.9	Categorisation of Council Owned Land .....	21
9.10	Delegated Authority Approvals as at end of September 2020 .....	22
9.11	S4-55/2020/025 Application for Modification - 83 Williamsville Road Curlwaa.....	23
9.12	Review of Wentworth Alcohol Free Zone .....	24

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9.13	Adoption of Conditions of Use and Access - Wentworth Shire Councils Aerodromes.....	25
9.14	Wentworth Aerodrome - Adoption of Fees and Charges for the Wentworth Shire Council Aerodromes.....	26
9.15	Redevelopment of the Wentworth Civic Centre Project Update.....	27
9.16	Project and Works Report Upgrade - October 2020 .....	28
<b>10</b>	<b>NOTICES OF MOTIONS / QUESTIONS WITH NOTICE .....</b>	<b>29</b>
	Nil	
<b>11</b>	<b>CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION.....</b>	<b>30</b>
<b>12</b>	<b>OPEN COUNCIL - REPORT FROM CLOSED COUNCIL .....</b>	<b>32</b>
12.1	Plant Replacement - Approval of Tenders for Replacement of Plant 670 - Ford Everest .....	32
<b>13</b>	<b>CONCLUSION OF THE MEETING .....</b>	<b>33</b>
	<b>NEXT MEETING .....</b>	<b>33</b>

## 1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:12 AM.

## 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 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)  
Chloe Horne (Business Support Officer)

## 3 APOLOGIES AND LEAVE OF ABSENCE

### Council Resolution

That Council notes the apology from Cr McKinnon and grants the Leave of Absence Request from Cr Hederics for the week commencing 2 November 2020.

**Moved Cr. MacAllister, Seconded Cr. Wheeldon**

**CARRIED**

## 4 DISCLOSURES OF INTERESTS

Nil

## 5 CONFIRMATION OF MINUTES

### Recommendation

That the Minutes of the Ordinary Meeting held 16 September 2020 be confirmed as circulated.

### Council Resolution

That the Minutes of the Ordinary Meeting held 16 September 2020 be confirmed as amended.

**Moved Cr. MacAllister, Seconded Cr. Nunan**

**CARRIED**

**ADJOURNMENT OF MEETING FOR PUBLIC FORUM**

Roy Costa has requested to address council in relation to item 9.11 – S4-55/2020/025  
Application for Modification – 83 Williamsville Road Curlwaa.

**Council Resolution**

That the Ordinary Council meeting be adjourned for the purpose of conducting a Public Forum.

The meeting was adjourned at 10:12 AM

**Moved Cr. Nunan, Seconded Cr. Elstone**

**CARRIED**

**Council Resolution**

That the Ordinary Council meeting be reconvened.

The Ordinary Council meeting was reconvened at 10:22 AM

**Moved Cr. Nunan, Seconded Cr. Nichols**

**CARRIED**

## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

### 6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/20/660

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 9 October 2020.

#### **Council Resolution**

That Council notes the list of outstanding matters as at 9 October 2020.

**Moved Cr. Nunan, Seconded Cr. MacAllister**

**CARRIED**

## **7 MAYORAL AND COUNCILLOR REPORTS**

### **7.1 MAYORAL REPORT**

File Number: RPT/20/583

#### **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**

**7.2 RESCISSION MOTION**

File Number: RPT/20/674

**Recommendation**

In accordance with clause 3.10 of the Wentworth Shire Council Code of Meeting Practice, we the three undersigned duly elected Councillors of Wentworth Shire Council move this notice of motion being a rescission motion of the lost recommendation (Item 9.12) as resolved at the ordinary meeting of Council held on 16 September 2020.

**Amendment**

That Council moves a notice of motion to reinstate the original motion of 16 September 2020.

**Council Resolution**

That Council moves a notice of motion to reinstate the original motion of 16 September 2020.

**Moved Cr. Nunan, Seconded Cr. MacAllister**

**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, MacAllister, Nichols, Nunan and Wheeldon.**

*Against the Motion:* **Clr. Heywood.**

**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. Nunan, 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, Evans, Hederics, MacAllister, Nichols, Nunan and Wheeldon.**

*Against the Motion:* **Clr. Heywood.**



**7.3 ACTIVITY REPORT - COUNCILLOR JANE MACALLISTER**

File Number: RPT/20/659

**Summary**

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Councillor Jane MacAllister for the period 1 July 2020 – 30 September 2020.

**Recommendation**

That Council notes the information contained in Councillor Jane MacAllister's report.

**Council Resolution**

That Council notes the information contained in Councillor Jane MacAllister's report.

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

**CARRIED**

## 8 REPORTS FROM COMMITTEES

### 8.1 INTERNAL AUDIT AND RISK MANAGEMENT COMMITTEE

File Number: RPT/20/648

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

A meeting of the Internal Audit and Risk Management Committee was held on 6 October 2020. The Minutes of the meeting are attached to this report for the information of Councillors.

The Committee has requested that the Reporting Officer seeks a number of resolutions of Council on the following:

- Statutory requirements in relation to Draft 2019/2020 Annual Financial Statements.

#### Officer Recommendation

That Council certifies:

- That the Annual Financial Statements have been prepared in accordance with:
  - The *Local Government Act 1993* (NSW) (as amended) and the Regulations made there under.
  - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.
  - The Local Government Code of Accounting Practice and Financial Reporting.
- To the best of our knowledge and belief, these statements
  - present fairly the Council's operating result and financial position for the 2019/2020 financial year
  - accord with Council's accounting and other records.
- That Council is not aware of any matter that would render these Statements false or misleading in any way.

That Council:

- Adopt the Councillors/Management Statement and resolves that it be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer and that it is attached to the financial statements.
- Delegates to the General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public.
- Delegates to the General Manager the authority to authorise the year end accounts for issue immediately upon receipt of the auditors' reports.

The Council:

- Refers the Draft 2019/2020 Annual Financial Statements to audit.

**Council Resolution**

That Council certifies:

- That the Annual Financial Statements have been prepared in accordance with:
  - The *Local Government Act 1993* (NSW) (as amended) and the Regulations made there under.
  - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.
  - The Local Government Code of Accounting Practice and Financial Reporting.
- To the best of our knowledge and belief, these statements
  - present fairly the Council's operating result and financial position for the 2019/2020 financial year
  - accord with Council's accounting and other records.
- That Council is not aware of any matter that would render these Statements false or misleading in any way.

That Council:

- Adopt the Councillors/Management Statement and resolves that it be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer and that it is attached to the financial statements.
- Delegates to the General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public.
- Delegates to the General Manager the authority to authorise the year end accounts for issue immediately upon receipt of the auditors' reports.

The Council:

- Refers the Draft 2019/2020 Annual Financial Statements to audit.

**Moved Cr. Nunan, Seconded Cr. Evans**

**CARRIED**

**8.2 WENTWORTH SHOWGROUNDS USER GROUP MEETING**

File Number: RPT/20/616

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Barbara George - Administration Officer, Roads and Engineering

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

Strategy: 4.6 Collaborate with others to achieve desired outcomes for the local community

**Summary**

The Wentworth Showgrounds User Group Meeting was held on Thursday 10 September 2020 with the Minutes of the meeting attached to this report for the information of Councillors.

**Recommendation**

That Council notes the minutes of the Wentworth Showgrounds User Group Meeting.

**Council Resolution**

That Council notes the minutes of the Wentworth Showgrounds User Group Meeting.

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

**CARRIED**

## 9 REPORTS TO COUNCIL

### 9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/584

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 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 20-34 to 20-37
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. Nunan, Seconded Cr. MacAllister**

**CARRIED**

**9.2 WESTERN REGIONAL PLANNING PANEL DELEGATES**

File Number: RPT/20/598

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**

At the Ordinary Meeting of Council 16 September 2020, a resolution was carried nominating Councillor Nunan as the preferred delegate, and Councillor Nichols and Councillor Wheeldon as alternate delegates to represent the Wentworth Shire Council on the Western Regional Planning Panel.

With further discussion with Planning Panels NSW, it was established that the Western Regional Planning Panel requires two preferred delegates and one alternate delegate with expertise in one or more of the following areas; planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering and/or tourism.

Councillor Nunan formally advised Council on 29 September 2020 that he would like to relinquish his position on this panel, and Council is therefore asked to consider nominating a replacement preferred delegate, an additional preferred delegate and one alternate delegate.

**Recommendation**

That Council considers nominating two preferred delegates and one alternate delegate as representatives for the Western Joint Regional Planning Panel.

**Council Resolution**

That Council endorses Cr Nichols and Cr Wheeldon as preferred delegates and Cr Heywood as the alternate delegate as Council's representatives for the Western Joint Regional Planning Panel.

**Moved Cr. Elstone, Seconded Cr. Nunan**

**CARRIED**

**9.3 RECREATIONAL AND COMMUNITY ALLOCATION OF WATER FROM THE ENVIRONMENTAL HOLDINGS OF THE COMMONWEALTH ENVIRONMENTAL WATER HOLDER**

File Number: RPT/20/619

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: 3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long term interests of future generations

**ITEM WITHDRAWN FROM AGENDA.****Summary**

Swan Hill Rural City Council wrote to Council on 17 September 2020 requesting that support letters be sent to the Prime Minister, Deputy Prime Minister and our local Federal member for the urgent establishment of recreational and community allocation of water from the Environmental Water Holdings of the Commonwealth Environmental Water Holder (CEWH) to support the social fabric of rural communities.

**9.4 MONTHLY FINANCE REPORT**

File Number: RPT/20/618

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

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

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

**Summary**

Rates and Charges collections for the month of September 2020 were \$502,904.23. After allowing for pensioner subsidies, the total levies collected are now 39.18%. For comparison purposes 40.49% of the levy had been collected at the end of September 2019. Council currently has \$30,394,465.51 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. Nunan**

**CARRIED**



**9.5 MONTHLY INVESTMENT REPORT**

File Number: RPT/20/649

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 30 September 2020 Council had \$25,000,000.00 invested in term deposits and \$3 million in other cash investments. Council received \$24,844.39 from its investments for the month of September 2020.

In September 2020 Council investments averaged a rate of return of 0.95% and it currently has \$8,466,832.09 of internal restrictions and \$14,490,314.04 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. MacAllister**

**CARRIED**

**9.6 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 – PLANNING PROPOSAL  
– REZONE LOTS 216 AND 217 DP 756946 AND LOTS A AND B DP 402812, 26  
GOL GOL NORTH ROAD, GOL GOL FROM RU1 PRIMARY PRODUCTION ZONE  
TO RU5 VILLAGE ZONE AND REMOVE THE MINIMUM LOT SIZE PROVISIONS**

File Number: RPT/20/588

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

**Summary**

Wentworth Shire Council at its Ordinary Meeting held 6 March 2019 resolved to submit a Planning Proposal to amend the Wentworth Local Environmental Plan 2011, by rezoning Lots 216 and 217 DP 756946 and Lots A and B DP 402812, 26 Gol Gol North Road, Gol Gol from RU1 Primary Production Zone to RU5 Village Zone and removing the minimum lot size provisions, 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 received from the Department dated 30 July 2020. 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 land from RU1 Primary Production to RU5 Village and removing the minimum lot size provisions to Parliamentary Counsel for opinion, and
- 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, and
- 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 land from RU1 Primary Production to RU5 Village and removing the minimum lot size provisions to Parliamentary Counsel for opinion, and
- 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, and

- 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, Nichols, Nunan and Wheeldon.**

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

**9.7 INITIAL CATEGORISATION OF COUNCIL CONTROLLED COMMUNITY LAND**

File Number: RPT/20/631

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

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**

*The Crown Land Management Act 2016* was enacted on 1 July 2018.

This Act authorises Council as the Public Land Manager to manage Crown Land as if it were public land under the *Local Government Act 1993*.

Under the *Crown Land Management Act 2016* Council as manager of the land must assign one or more categories of Community Land referred to in *Section 36 of the Local Government Act 1993*.

Council staff have identified the category or categories which they consider to be the most closely related to the purpose for which the land is dedicated or reserved and will now seek Ministerial approval for the categories chosen.

**Recommendation**

That Council requests approval from the Minister Administering the *Crown Lands Management Act 2016* to categorise the land according to the list contained in Attachment: Categories Council Managed Crown Land.

**Council Resolution**

That Council requests approval from the Minister Administering the *Crown Lands Management Act 2016* to categorise the land according to the list contained in Attachment: Categories Council Managed Crown Land.

**Moved Cr. Nunan, Seconded Cr. Elstone**

**CARRIED**

**9.8 CLASSIFICATION OF COMMUNITY LAND**

File Number: RPT/20/577

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

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**

Further to the proposed development of a Draft Plan of Management which will include Crown Land managed by Councils under the *Crown Land Management Act 2016* (CLMA), confirmation of Council owned and managed land classified as Community Land is requested.

**Recommendation**

That Council confirms the classification of the list of Council owned or controlled land parcels as being Community Land. The list of subject lands is attached to this report.

**Council Resolution**

That Council confirms the classification of the list of Council owned or controlled land parcels as being Community Land. The list of subject lands is attached to this report.

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

**CARRIED**

**9.9 CATEGORISATION OF COUNCIL OWNED LAND**

File Number: RPT/20/642

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

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**

*Section 36 of the Local Government Act 1993* requires that Council owned land be categorised for the purpose of a Plan of Management. As there have been additional lands acquired the following resolution is proposed.

**Recommendation**

That Council assign the category General Community Use for following Council owned land parcels:

<b>Description</b>	<b>Land Identifiers</b>
Midway Centre additional car park	Lot 1 DP 873390
Midway Centre	Lot 2 DP 873390
Second Oval George Gordon Oval Complex	Lot 2 DP 1239025
Civic Centre	Lot 6 SP 85315
Wilkinson Hall	Lot 4 DP 29252

**Council Resolution**

That Council assign the category General Community Use for following Council owned land parcels:

<b>Description</b>	<b>Land Identifiers</b>
Midway Centre additional car park	Lot 1 DP 873390
Midway Centre	Lot 2 DP 873390
Second Oval George Gordon Oval Complex	Lot 2 DP 1239025
Civic Centre	Lot 6 SP 85315
Wilkinson Hall	Lot 4 DP 29252

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

**CARRIED**

**9.10 DELEGATED AUTHORITY APPROVALS AS AT END OF SEPTEMBER 2020**

File Number: RPT/20/626

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 September 2020, a total of 15 Development Applications and four S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$1,773,434.00. This brings the year to date total to 123 Development Applications and 30 S4.55 Applications approved, with an estimated development value of \$27,455,011.00.

**Recommendation**

- a) That Council receives and notes the report for the month of September 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 September 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. MacAllister, 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, Nichols, Nunan and Wheeldon.***

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

**9.11 S4-55/2020/025 APPLICATION FOR MODIFICATION - 83 WILLIAMSVILLE ROAD CURLWAA**

File Number: RPT/20/634

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**

At the Ordinary Meeting of Council in September 2020, Council resolved to hold this matter over to its Ordinary Meeting October 2020 for further consideration.

**Recommendation**

- 1) That Council resolves to issue modification approval for S4.55/2020/025 conditions as nominated within the conclusion
- 2) That a division is called in pursuant to s375A of the *Local Government Act 1993*

**Council Resolution**

- 1) That Council resolves to issue modification approval for S4.55/2020/025 conditions as nominated within the conclusion
- 2) That a division is called in pursuant to s375A of the Local Government Act 1993

**Moved Cr. MacAllister, Seconded Cr. Evans**

**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, MacAllister, Nichols, Nunan and Wheeldon.***

***Against the Motion:*** ***Clr. Heywood.***



**9.12 REVIEW OF WENTWORTH ALCOHOL FREE ZONE**

File Number: RPT/20/668

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

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**

Concern has been raised about an increase in anti-social behavior in and around the Wentworth swimming pool and skate park. The addition of an Alcohol Free Zone applied to this area will provide additional protections for the health and safety of our residents and will provide NSW Police better regulatory control when addressing such matters.

**Recommendation**

That Council undertakes the level of public consultation identified in the body of this report to determine the community input into the addition of an Alcohol Free Zone at the Wentworth Swimming Pool and Skate Park until 30 June 2022.

**Council Resolution**

That Council undertakes the level of public consultation identified in the body of this report to determine the community input into the addition of an Alcohol Free Zone at the Wentworth Swimming Pool and Skate Park until 30 June 2022.

**Moved Cr. MacAllister, Seconded Cr. Wheeldon**

**CARRIED**

**9.13 ADOPTION OF CONDITIONS OF USE AND ACCESS - WENTWORTH SHIRE COUNCILS AERODROMES**

File Number: RPT/20/654

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Trevor Willcock - Team Leader Civil Projects  
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**

The purpose of this report is to adopt the conditions of use and access for both the Wentworth and Pooncarie Aerodromes.

**Recommendation**

That Council adopts the proposed Wentworth Shire Council Aerodromes Conditions of Use and Access document for use in relation to the operation of the Wentworth and Pooncarie Aerodromes.

**Council Resolution**

That Council endorses for public exhibition for 28 days the draft Wentworth Shire Council Aerodromes Conditions of Use and Access document for use in relation to the operation of the Wentworth and Pooncarie Aerodromes.

**Moved Cr. MacAllister, Seconded Cr. Heywood**

**CARRIED**

**9.14 WENTWORTH AERODROME - ADOPTION OF FEES AND CHARGES FOR THE WENTWORTH SHIRE COUNCIL AERODROMES**

File Number: RPT/20/418

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Trevor Willcock - Team Leader Civil Projects  
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**

The purpose of this report is to adopt a Fees and Charges schedule for the Wentworth Shire Council Aerodromes.

**Recommendation**

That Council endorses for public exhibition the proposed Fees and Charges for the Wentworth Shire Council Aerodromes for the 2020/21 financial year, as required under the *Local Government Act 1993*.

**Council Resolution**

That Council endorses for public exhibition the proposed Fees and Charges for the Wentworth Shire Council Aerodromes for the 2020/21 financial year, as required under the *Local Government Act 1993*.

**Moved Cr. Nunan, Seconded Cr. Elstone**

**CARRIED**

**9.15 REDEVELOPMENT OF THE WENTWORTH CIVIC CENTRE PROJECT UPDATE**

File Number: RPT/20/628

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

Council allocated funding within the 2020-21 Operational Plan for the upgrade of the Wentworth Civic Centre. The upgrade was identified as a significant capital project.

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

The State Library of New South Wales confirmed on 5 June 2020, that Council had been successful in securing \$500,000.00 in funding by way of the 2019/20 Public Library Infrastructure Grant.

Council recently submitted a Funding Application for relocation of the Wentworth Visitor Information Centre to the Civic Centre as part of Round 7 of the Resources for Regions Program, and are awaiting a response. It is anticipated that notification of successful projects will be issued from mid-November 2020.

**Recommendation**

That Council notes the information contained within this report.

**Council Resolution**

That Council notes the information contained within this report.

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

**CARRIED**

**9.16 PROJECT AND WORKS REPORT UPGRADE - OCTOBER 2020**

File Number: RPT/20/647

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 September 2020.

**Recommendation**

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

**Council Resolution**

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

**Moved Cr. Nichols, Seconded Cr. Nunan**

**CARRIED**

**10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE****10.1 PAYMENTS TO CREDITORS**

Cr Susan Nichols asked what Council's policy is on payments to creditors and payments to contractors awarded tenders.

**10.2 AERODROME FENCE WESTERN END**

Cr Peter Nunan asked if the fence at the Western end of the aerodrome would be removed.

Director of Roads and Engineering responded that from a CASA report in 2014 it was recommended that the fence be put in place therefore it will not be removed.

**10.3 AERODROME USER GROUP**

Cr Peter Nunan requested that an aerodrome user group be established.

**10.4 NRMA**

Cr Bill Wheeldon asked if Council could write to the NRMA to ask if a towing and service centre could be set up in Wentworth.

## 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 Tenders for Replacement of Plant 670 - Ford Everest. (RPT/20/617)**

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.

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**Moved Cr. MacAllister, Seconded Cr. Nunan**

**CARRIED**



## 12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

### 12.1 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 670 - FORD EVEREST

File Number: RPT/20/617

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.*

At the Mayors request the General Manager advised that in the closed session of Council it was resolved to accept the tender from Peter Kittle Motor Group for the supply of one (1) Toyota Prado VX Automatic Wagon that meets specification at the price of \$72,353.31 and the trade price of \$49,000.00 with a changeover price of \$23,353.31.

## **13 CONCLUSION OF THE MEETING**

Closed at 12:23 PM

## **NEXT MEETING**

18 November 2020

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**CHAIR**