



# **WENTWORTH SHIRE COUNCIL**

## **ORDINARY MEETING MINUTES**

**16 DECEMBER 2020**

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## 1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:01AM

## 2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

### PRESENT:

**COUNCILLORS:** Councillor Susan Nichols (Mayor)  
Councillor Tim Elstone (Deputy Mayor)  
Councillor Steve Heywood  
Councillor Jane MacAllister  
Councillor Don McKinnon  
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 to General Manager)  
Chloe Horne (Business Support Officer)

## 3 APOLOGIES AND LEAVE OF ABSENCE

Cr Evans requested a Leave of Absence for this meeting.

### Council Resolution

That Council notes the apologies and grants the Leave of Absence Request from Cr Evans.

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

**CARRIED**

### Council Resolution

That Item 9.6 be brought forward to hear a presentation from the Auditors.

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

**CARRIED**

## 4 DISCLOSURES OF INTERESTS

Cr MacAllister declared a pecuniary interest in Item 9.14 as one of the items listed relates to a neighbour.

## 5 CONFIRMATION OF MINUTES

### Recommendation

That the Minutes of the Ordinary Meeting held 18 November 2020 be confirmed as circulated.

**Council Resolution**

That the Minutes of the Ordinary Meeting held 18 November 2020 be confirmed as circulated.

**Moved Cr. Wheeldon, Seconded Cr. Nunan**

**CARRIED**

## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

### 6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/20/833

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 December 2020.

#### **Council Resolution**

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

**Moved Cr. MacAllister, Seconded Cr. McKinnon**

**CARRIED**

## **7 MAYORAL AND COUNCILLOR REPORTS**

### **7.1 MAYORAL REPORT**

File Number: RPT/20/785

#### **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. Nichols, Seconded Cr. Elstone**

**CARRIED**

## **8 REPORTS FROM COMMITTEES**

### **8.1 WENTWORTH SPORTING COMPLEX USER GROUP MEETING THURSDAY 26 NOVEMBER 2020**

File Number: RPT/20/793

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: 4.5 Encourage the self determination of individual townships and community groups

#### **Summary**

A meeting of the Wentworth Sporting Complex User Group was held on Thursday 26 November 2020 and the Minutes of the meeting are attached to this report for the information of Councillors.

#### **Recommendation**

That Council notes the Minutes of the Wentworth Sporting Complex User Group held on Thursday 26 November 2020.

#### **Council Resolution**

That Council notes the Minutes of the Wentworth Sporting Complex User Group held on Thursday 26 November 2020.

**Moved Cr. Elstone, Seconded Cr. Heywood**

**CARRIED**



**8.2 WILLANDRA LAKES REGION WORLD HERITAGE ADVISORY GROUP**

File Number: RPT/20/828

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: 4.7 Promote the celebration of the region's rich cultural and social heritage

**Summary**

Councillor MacAllister is the Local Government representative on the Willandra Lakes Region World Heritage Advisory Council and information from these meetings is attached to this report for the information of Councillors.

**Officer Recommendation**

That Council notes the report from the Willandra Lakes Region World Heritage Advisory Group.

**Council Resolution**

That Council notes the report from the Willandra Lakes Region World Heritage Advisory Group.

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

**CARRIED**

## 9 REPORTS TO COUNCIL

### 9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/786

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 20-38 to 20-39
2. Meetings  
As listed
3. Upcoming meetings or events  
As listed
4. Other items of note

#### **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. MacAllister, Seconded Cr. Elstone**

**CARRIED**

**9.2 MURRAY DARLING ASSOCIATION PROPOSED NAME CHANGE**

File Number: RPT/20/830

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

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**

The Murray Darling Association (MDA) is currently consulting with members and stakeholders regarding a proposed name change to include the words Local Government in their name. The proposed name is Murray-Darling Local Government Association. The Murray Darling Association has four membership categories: Council Organisations, Non-Council Organisations, Individuals, and Life Members. Currently there is one member in the Non-Council Organisation and approximately 10-12 members each in the Individual and Life Member categories.

**Recommendation**

That Council

- a) support the name change from Murray Darling Association to Murray-Darling Local Government Association; or
- b) not support the name change from Murray Darling Association to Murray-Darling Local Government Association.

**Council Resolution**

That Council not support the name change from Murray Darling Association to Murray-Darling Local Government Association.

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

**CARRIED**

**9.3 SUNRAYSIA SAFARI RALLY 2021 REQUEST FOR SPONSORSHIP**

File Number: RPT/20/770

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

CSP Goal: 2.0 Wentworth is a desirable Shire to visit, live, work and invest  
Delivery Program Objective: 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination  
Delivery Program Strategy: 2.1.1 Provide Visitor Information Services

**Summary**

Council is in receipt of a request to provide financial and in-kind sponsorship for the 2021 Sunraysia Safari Cross Country Rally. It is proposed to hold the Rally within the Wentworth Shire region from Wednesday 8 September 2021 to Saturday 11 September 2021 inclusive, subject to venue availability. Council approved financial support for the 2020 Rally however, due to COVID-19 the event did not occur and therefore the funds were not provided.

**Recommendation**

That Council consider the request to support the 2021 Sunraysia Safari Cross Country Rally by either:

- a) providing financial support only to the value of \$15,000.00 (ex GST);
- b) providing financial support of \$15,000.00 (ex GST) plus in-kind support;
- c) providing only in-kind support of use of the Wentworth Showgrounds for a period of nine (9) days; or
- d) not providing any financial or in-kind support to the 2021 Sunraysia Safari Cross Country Rally.

**Council Resolution**

That Council support the 2021 Sunraysia Safari Cross Country Rally by providing financial support of \$15,000.00 (ex GST) plus in-kind support.

**Moved Cr. Heywood, Seconded Cr. McKinnon**

**CARRIED**

**9.4 AUSTRALIA DAY 2021 AWARDS**

File Number: RPT/20/783

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: 4.7 Promote the celebration of the region's rich cultural and social heritage

**Summary**

This year Council requested nominations for the following categories:

- Citizen of the Year (must be 18 years or over on 26 January 2021)
- Young Citizen of the Year (must be under 18 years on 26 January 2021)
- Sportsperson of the Year (must be 18 years or over on 26 January 2021)
- Young Sportsperson of the Year (must be under 18 years on 26 January 2021)
- Environmental Award (individuals or groups)

Nominations were received for four categories. There were no nominations for the Sportsperson of the Year.

**Recommendation**

That Council determines the individual award recipients through a secret ballot and that the results remain confidential until announced at the official Australia Day event at the Buronga Wetlands.

**Council Resolution**

That Council determines the individual award recipients through a secret ballot and that the results remain confidential until announced at the official Australia Day event at the Buronga Wetlands.

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

**CARRIED**

**Council Resolution**

That council resolve to move the voting via secret ballot for Item 9.4 into Closed Council.

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

**CARRIED**

**9.5 CODE OF CONDUCT COMPLAINT STATISTICS FOR THE PERIOD ENDED 30 SEPTEMBER 2020**

File Number: RPT/20/774

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 Procedures for the Administration of the Model Code of Conduct requires a report to be presented to Council within three months of the end of September each year on Code of Conduct complaints.

The information contained in the report pertains to the period ended 30 September 2020.

**Recommendation**

That Council notes the reporting of the Code of Conduct complaints statistics for the period ended 30 September 2020.

**Council Resolution**

That Council notes the reporting of the Code of Conduct complaints statistics for the period ended 30 September 2020.

**Moved Cr. MacAllister, Seconded Cr. McKinnon**

**CARRIED**

**9.6 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS TO COUNCIL AND THE PUBLIC**

File Number: RPT/20/801

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 notes the presentation of the Annual Financial Statements and the movements in Council's internal and external reserves.

**Council Resolution**

That Council notes the presentation of the Annual Financial Statements and the movements in Council's internal and external reserves.

**Moved Cr. Nunan, Seconded Cr. Heywood**

**CARRIED**

**9.7 MONTHLY FINANCE REPORT**

File Number: RPT/20/812

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

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

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

**Summary**

Rates and Charges collections for the month of November 2020 were \$1,429,772.52. After allowing for pensioner subsidies, the total levies collected are now 55.07%. For comparison purposes 55% of the levy had been collected at the end of November 2019. Council currently has \$31,745,805.92 in cash and investments.

**Recommendation**

That Council notes the monthly finance report.

**Council Resolution**

That Council notes the monthly finance report.

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

**CARRIED**



**9.8 MONTHLY INVESTMENT REPORT**

File Number: RPT/20/835

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 November 2020 Council had \$22 million invested in term deposits and \$5,001,664.61 in other cash investments. Council received \$24,423.61 from its investments for the month of November 2020.

In November 2020 Council investments averaged a rate of return of 0.75% and it currently has \$9,165,513.01 of internal restrictions and \$14,708,305.24 of external restrictions.

**Recommendation**

That Council notes the monthly investment report.

**Council Resolution**

That Council notes the monthly investment report.

**Moved Cr. McKinnon, Seconded Cr. Nunan**

**CARRIED**

**9.9 SUSPENSION OF ALCOHOL FREE ZONE - WENTWORTH ROWING CLUB AND LAWNS**

File Number: RPT/20/787

Responsible Officer: Matthew Carlin - Director Health and Planning  
Responsible Division: Health and Planning  
Reporting Officer: Deborah Zorzi - Administration Officer, 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**

Council has received a request from the Wentworth District Rowing Club to lift the alcohol-free zone for the Rowing Club and immediate lawn area for one event.

The Wentworth District Rowing Club has sought approval for the suspension of the alcohol-free zone in past years for community events.

There have been no incidents or problems in past events that would warrant Council refusing the temporary lifting of the alcohol-free zone as requested.

**Recommendation**

- 1) That Council, in accordance with Section 645 of the Local Government Act 1993, suspends the operation of the alcohol-free zone in the area of the Wentworth Rowing Club and Lawns as shown on the map attached to this report, between the hours of 12:00 noon and 22:00 on 3 April 2021 and 12:00 noon and 20:00 on 4 April 2021.
- 2) That Council advertises the suspension of the alcohol-free zone in a locally circulated newspaper and,
- 3) That Council advises the NSW Police of the details of the suspensions of the alcohol-free zone.

**Council Resolution**

That Council

- 1) In accordance with Section 645 of the Local Government Act 1993, suspends the operation of the alcohol-free zone in the area of the Wentworth Rowing Club and Lawns as shown on the map attached to this report, between the hours of 12:00 noon and 22:00 on 3 April 2021 and 12:00 noon and 20:00 on 4 April 2021.
- 2) Advertises the suspension of the alcohol-free zone in a locally circulated newspaper and,
- 3) Advises the NSW Police of the details of the suspensions of the alcohol-free zone.

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

**CARRIED**

**9.10 LAND ACQUISITION - A54 WILGA ROAD REALIGNMENT**

File Number: RPT/20/789

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

A Council resolution is required to commence the compulsory acquisition of Lot 2584 DP 764612 at Gol Gol, NSW from Crown Lands for the purpose of a public road.

**Recommendation**

That Council

1. Proceed to acquire Lot 2584 Deposited Plan 764612 by the compulsory process under the terms of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* by authority contained in the *Roads Act 1993 (NSW)* for the purpose of public road
2. Dedicate the land as public road in accordance with the *Roads Act 1993 (NSW)*
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the NSW Governor for approval to compulsorily acquire the Crown land for the public purpose
6. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated to sign any related documents.

**Council Resolution**

That Council

1. Proceed to acquire Lot 2584 Deposited Plan 764612 by the compulsory process under the terms of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* by authority contained in the *Roads Act 1993 (NSW)* for the purpose of public road
2. Dedicate the land as public road in accordance with the *Roads Act 1993 (NSW)*
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the NSW Governor for approval to compulsorily acquire the Crown land for the public purpose
6. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and that

Mayor and General Manager be delegated to sign any related documents.

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

**CARRIED**

**9.11 A54 WILGA ROAD - DEED OF AGREEMENT**

File Number: RPT/20/803

Responsible Officer: Matthew Carlin - Director Health and Planning  
Responsible Division: Health and Planning  
Reporting Officer: Hilary Dye - Property and Land Tenure 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 is in discussions with property developer, Jarrod Roberts of CPM Builders, to establish legal access to his proposed subdivision being, Lot 56 Deposited Plan 756946.

The proposed subdivision is land locked due to a parcel of Crown owned land (Lot 2584 DP 764612) restricting access via Wilga Road.

Council has investigated two options to gain legal access to the proposed Roberts development.

1. Wilga Road opening & realignment
2. Bridge over the Gol Gol Creek, linking to Potters Drive.

**Recommendation**

1. That Council enters into a Deed of Agreement with the property developer whereby the property developer agrees to pay all costs associated with the project, including any compensation payable associated with the Crown land acquisition.
  - a) For the extension of Wilga Road
  - b) For access via a bridge over the Gol Gol Creek linking to Potters Drive
2. That Council proceed with the application to transfer crown road being Potters Drive to Council's authority
3. That Council bring forward the future requirement as identified in the Buronga Gol Gol Structure Plan 2020, for the construction of a bridge crossing over the Gol Gol Creek connecting to Potter Drive.

**Council Resolution**

That Council

1. Enters into a Deed of Agreement with the property developer whereby the property developer agrees to pay all costs associated with the project, including any compensation payable associated with the Crown land acquisition.
  - a) For the extension of Wilga Road
  - b) For access via a bridge over the Gol Gol Creek linking to Potters Drive
2. Proceed with the application to transfer crown road being Potters Drive to Council's authority
3. Bring forward the future requirement as identified in the Buronga Gol Gol Structure

Plan 2020, for the construction of a bridge crossing over the Gol Gol Creek connecting to Potter Drive.

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

4. **CARRIED**

**9.12 NATURAL DISASTERS LOCAL ENVIRONMENTAL PLAN CLAUSE**

File Number: RPT/20/790

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

**Summary**

The Department of Planning, Industry & Environment has prepared a Standard Instrument Natural Disasters Clause in response to natural disasters that occurred during the 2019/2020 summer.

This clause will clarify that consent can be granted for the purposes of repairing or replacing a dwelling that has been destroyed or damaged by a natural disaster.

The clause is optional for inclusion in Local Environmental Plans (LEP), including the selection of zones where the clause will apply. This report recommends that Council resolve to 'opt in' so the clause can be inserted in to the Wentworth Local Environmental Plan 2011.

**Recommendation**

- a) That Council resolves to advise the Minister for Planning and Public Spaces that it endorses and supports an amendment to the Wentworth Local Environmental Plan 2011 by the insertion of Clause 5.9 of the Standard Instrument (Local Environmental Plans) Amendment (Natural Disasters) Order 2020, with the clause applying to RU1 Primary Production, RU5 Village, R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living, B6 Enterprise Corridor, IN2 Light Industrial, SP1 Special Activities and SP3 Tourist zones.
- b) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

**Council Resolution**

- a) That Council resolves to advise the Minister for Planning and Public Spaces that it endorses and supports an amendment to the Wentworth Local Environmental Plan 2011 by the insertion of Clause 5.9 of the Standard Instrument (Local Environmental Plans) Amendment (Natural Disasters) Order 2020, with the clause applying to RU1 Primary Production, RU5 Village, R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living, B6 Enterprise Corridor, IN2 Light Industrial, SP1 Special Activities and SP3 Tourist zones.
- b) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

**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 Elstone, Heywood, MacAllister, McKinnon, Nichols, Nunan and Wheeldon.*

*Against the Motion:*                *Nil.*



**9.13 PLANNING PROPOSAL - REZONE LOTS 56 & 73 DP 756946 WILGA ROAD GOL GOL FROM RU1 PRIMARY PRODUCTION ZONE TO R5 LARGE LOT RESIDENTIAL ZONE & AMEND MINIMUM LOT SIZE FROM 10,000 HA TO 3,000 SQM**

File Number: RPT/20/779

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

**Summary**

Council received a Gateway Determination to proceed with a planning proposal to rezone Lots 56 and 73 DP 756946 Wilga Road, Gol Gol from RU1 Primary Production zone with a minimum lot size of 10,000 hectares to R5 Large Lot Residential zone with a minimum lot size of 3,000 square metres, from the Department of Planning, Industry and Environment on 31 July 2020.

Public exhibition has been conducted in accordance with Condition 2 of the Gateway Determination. Three submissions were received, including two objections. A response was sent to both objectors addressing the issues raised in their submission, one objection has been maintained and one withdrawn. All other conditions of the Gateway Determination have been satisfied.

This report details the grounds for objecting, provides details of the response to those grounds and seeks Council approval to request an Opinion from Parliamentary Counsel and submit the Planning Proposal 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 R5 Large Lot Residential and amending the minimum lot size from 10,000 hectares to 3,000 square metres 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 R5 Large Lot Residential and amending the minimum lot size from 10,000 hectares to 3,000 square metres 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. Elstone, 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, Heywood, MacAllister, McKinnon, Nichols, Nunan and Wheeldon.***

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

**9.14 DELEGATED AUTHORITY APPROVALS AS AT END OF NOVEMBER 2020**

File Number: RPT/20/813

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 November 2020, a total of 18 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 \$1,858,373.00. This brings the year to date total to 156 Development Applications and 35 S4.55 Applications approved, with an estimated development value of \$30,940,386.00.

*At 10:28 am Councillor Jane MacAllister left the meeting as she declared a pecuniary interest in Item 9.14.*

**Recommendation**

- a) That Council receives and notes the report for the month of November 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 November 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. McKinnon**

**CARRIED**

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

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

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

*At 10:29 am Councillor Jane MacAllister returned to the meeting.*

**9.15 WENTWORTH SHIRE COUNCIL AERODROMES - ADOPTION OF FEES AND CHARGES**

File Number: RPT/20/804

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**

Wentworth Shire Council endorsed the draft Fees and Charges for the Wentworth Shire Council Aerodromes for public exhibition at its Ordinary Meeting held 21 October 2020.

Two 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 Fees and Charges for the Wentworth Shire Council Aerodromes.

**Recommendation**

That Council resolves to adopt the amended Fees and Charges for the Wentworth Shire Council Aerodromes and include in Councils Fees and Charges for 2020/21.

**Council Resolution**

That Council adopts the amended Fees and Charges for the Wentworth Shire Council Aerodromes and include in Councils Fees and Charges for 2020/21.

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

**CARRIED**

**9.16 WENTWORTH SHIRE COUNCIL AERODROMES - ADOPTION OF CONDITIONS OF USE AND ACCESS**

File Number: RPT/20/806

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**

Wentworth Shire Council endorsed the draft Conditions of Use and Access for the Wentworth Shire Council Aerodromes for public exhibition at its Ordinary Meeting held 21 October 2020.

Three 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 Conditions of Use and Access for the Wentworth Shire Council Aerodromes.

**Recommendation**

That Council resolves to adopt the amended Conditions of Use and Access for the Wentworth Shire Council Aerodromes and include in Councils operations of the Aerodromes.

**Council Resolution**

That Council adopts the amended Conditions of Use and Access for the Wentworth Shire Council Aerodromes and include in Councils operations of the Aerodromes.

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

**CARRIED**

**9.17 PROJECT AND WORKS REPORT UPDATE - DECEMBER 2020**

File Number: RPT/20/810

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 projects and major works undertaken by the Roads and Engineering Department which have been completed during the month of November 2020.

**Recommendation**

That Council notes the major works undertaken for November and the scheduled works for December 2020.

**Council Resolution**

That Council notes the major works undertaken for November and the scheduled works for December 2020.

**Moved Cr. Nunan, Seconded Cr. McKinnon**

**CARRIED**

**10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE****10.1 SPEED HUMP MATONG STREET DARETON**

Cr Peter Nunan asked if Council could complete the installation of the speed hump in Matong Street, Dareton near the RSL flats as previously approved.

**10.2 SPEED LIMIT OVER WENTWORTH BRIDGE**

Cr Bill Wheeldon would like to see the speed limit reduced to 50km per hour over the Wentworth Bridge through Sandwych Street.

**10.3 WENTWORTH TIP OPENING HOURS**

Cr Wheeldon requested that the opening hours at the Wentworth Tip be extended to be 9am to 4:30pm on Wednesday & Sunday.

**10.4 BOTTLE BEND RESERVE LAND MANAGERS - SHIPPING CONTAINER  
BOTTLE BEND RESERVE LAND MANAGERS - SHIPPING CONTAINER**

Cr Jane MacAllister advised Bottle Bend Reserve Land Managers are looking to purchase a shipping container for the use of the volunteers and requested if Council may have something suitable that could be donated.

**10.5 HARD WASTE COLLECTION**

Cr Susan Nichols requested a hard waste collection in the New Year.

## 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 Water Account Reduction Request. (RPT/20/763)**

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 (b) discussion in relation to the personal hardship of a resident or ratepayer.

#### **12.2 Plant Replacement - Approval of Tenders for replacement of Plant 648 Mazda BT50 & Plant 649 Mazda BT50. (RPT/20/794)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would



reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

**Council Resolution**

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

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

**CARRIED**

*Council moved into closed session at 10:43am  
Council resumed into open session at 10:49am*

## 12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

### 12.1 WATER ACCOUNT REDUCTION REQUEST

File Number: RPT/20/763

Responsible Officer: Geoff Gunn - Director Roads and Engineering  
Responsible Division: Roads and Engineering  
Reporting Officer: Barbara George - Administration Officer, Roads and Engineering

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

#### **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 (b) discussion in relation to the personal hardship of a resident or ratepayer.*

The General Manager advised that Council waived the sum of \$2,929.35 from the water account of assessment number 00325-0000, Lot 41 DP1232042, Dawn Avenue Gol Gol NSW leaving an amount of \$443.66.

**12.2 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 648 MAZDA BT50 & PLANT 649 MAZDA BT50**

File Number: RPT/20/794

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

Strategy: 3.2 Plan for and develop the right assets and infrastructure

**REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.*

The General Manager advised that Council accepted the tender from Davison Motor Group for the supply of two Ford Ranger XL utilities for the total sum of \$131,417.75 inc GST, and accept the trade price of \$50,990 inc GST for the Council owned Mazda BT50s, plant item 648 and plant item 649 with a total changeover price of \$80,427.75 inc GST

THE MAYOR WISHED EVERYONE A MERRY CHRISTMAS AND A HAPPY NEW YEAR.

### **13 CONCLUSION OF THE MEETING**

The Mayor closed the meeting at 10:53 AM

### **NEXT MEETING**

20 January 2021

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**CHAIR**