



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

21 JULY 2021

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:05am

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Susan Nichols (Mayor)
Councillor Tim Elstone (Deputy Mayor)
Councillor Greg Evans (Video Conferencing at 10:48am))
Councillor Steve Heywood
Councillor Jane MacAllister
Councillor Don McKinnon (Video Conferencing)
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) (Video Conferencing)
Gayle Marsden (Executive Assistant to General Manager)
Samantha Wall (Administration Officer Roads & Engineering)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Cr Don McKinnon advised he has a significant pecuniary interest in Item 9.3 as his son works at Buronga Landfill.

Cr Steve Heywood advised he has a significant pecuniary interest in Item 9.3.

ADJOURNMENT TO CONDUCT PUBLIC FORUM

Recommendation

That the Ordinary Meeting of Council be adjourned for the purpose of conducting a public forum, noting that on this occasion the video conference will be continued in order to comply with the requirements of the Local Government Act.

Council Resolution

That the Ordinary Meeting of Council be adjourned for the purpose of conducting a public forum, noting that on this occasion the video conference will be continued in order to comply with the requirements of the Local Government Act.

Moved Cr. Nunan, Seconded Cr. Elstone

CARRIED

The ordinary meeting was adjourned at 10:08am

The following people addressed the public forum

- 1) **Anthony Davis & Kathryn Baird** – addressed the meeting at 10:10am
 - Item 9.11 Development Application 2021/049 205 Delta Road Curlwaa Vary Development Standard (speaking for the application)

Concluded at 10.23am

- 2) **Judith Cullinan** – addressed the meeting at 10:25am
 - Item 9.10 Development Application 2021/038 17 Lot Subdivision 46-50 Armstrong Avenue Wentworth (speaking against the design of the application)
Concluded at 10.28am
- 3) **Karen Begg** – addressed the meeting at 10:28 am
 - Item 9.10 Development Application 2021/038 17 Lot Subdivision 46-50 Armstrong Avenue Wentworth (speaking against the design of the application)
Concluded at 10.31am
- 4) **Mayor Nichols read a letter on behalf of Cherry Cullinan** – at 10:31am
 - Item 9.10 Development Application 2021/038 17 Lot Subdivision 46-50 Armstrong Avenue Wentworth
Concluded at 10.32am

RENCONVENE TO ORDINARY MEETING

Recommendation

That Council reconvenes into open session

Council Resolution

That Council reconvenes into open session

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

The Ordinary Meeting of Council resumed at 10:33am

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 30 June 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 30 June 2021 be confirmed as circulated.

Moved Cr. McKinnon, Seconded Cr. Wheeldon

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/21/391

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 Outstanding Matters report provides details of activities raised at previous Council meetings that remain outstanding.

Recommendation

That Council notes the list of outstanding matters as at 13 July 2021.

Council Resolution

That Council notes the list of outstanding matters as at 13 July 2021.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/20/861

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. Elstone, Seconded Cr. Wheeldon

CARRIED

Mayor Nichols noted that she also attended on 6 July Wentworth Community Progress Association Group and on 7 of July attend a meeting with the Men in the Shed.

Mayor Nichols then read the following:

Due to Legislation, those who intend to stand at the September 4 elections will very shortly be limited to who, what may be said and done to eliminate the perception of advantage.

I find it now the time to comment on outcomes achieved since my election to Mayor by this Council and you who serve our community.

Covid has played havoc with many of our residents and businesses with Council having delays in obtaining goods and also in some cases tradespeople.

Despite this we have achieved much.

An upgraded airport (well under project cost)

A hugely successful MDA Conference (Thank you to all staff involved, the Wentworth Makers and the MDA)

A New Pavilion at the Showgrounds

New & Upgraded Halls across the shire

Upgraded Public toilets across the shire

Riverfront works, roadside plantings & more Gardens

Upgraded sewerage facilities & extensions to sewerage & water mains

We have spent over \$1M at Wentworth Caravan Park which will close in February to allow completion (some \$2.5M yet to be spent)

We have some 20 other projects that will be finished in the life of this Council.

We do still have numerous projects not started, however most have grant or budgeted funding procured to enable these to proceed.

While it's nice to elaborate & speak of positive outcomes I also have to acknowledge we do have some projects not completed, however we are proactively working to have these problems overcome.

I do thank each and every Councillor for your input into decisions made on behalf of our residents, ratepayers and visitors. Covid has at times made meetings difficult with electronic reception not always being as it should be. We have had little attendance in person at Conferences due to Covid.

I particularly thank Cr Tim Elstone for his support since my election and I also acknowledge the service of Cr McKinnon & Nunan who I believe may retire. I have had an association for possibly 20 years with both of these Councillors, with me being Deputy to Don for two terms. The huge commitment of Don & Peter to our Shire cannot be understated. To the uninitiated over the past years thousands of hours away from families & work places have been given to our community. Thank you Thank you.

If there are any others not recontesting, I sincerely thank you for your contribution.

Thank you also to all & any of our community & sporting groups for your ongoing support.

Finally to our staff. The WW Shire Council is only ever going to be as good as the staff we have. I thank each and every one of you for your commitment to our Shire & its residents. I know seldom are congratulations forthcoming, however we & I include myself, do notice and comment on numerous issues perceived & seen across this huge shire. Thank you. To the front office ladies I do enjoy the professionalism of you all & the candid manner & jovial exchanges I've encountered with you.

To Ken our General Manager thank you for your support, we are heading in the right direction, we will still encounter difficulties however, these are being eliminated, very well done.

To Gayle & Chloe the amount of service outside working hours given to me in particular, the General Manager & all Councillors is immense. A huge very sincere thank you. You know how a hen looks after her chickens from a very old chicken, thank you to you two young hens.

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/853

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 21-14 to 21-17
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 WENTWORTH BASED MEN IN A SHED

File Number: RPT/21/393

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

Summary

Council is in receipt of correspondence from the Wentworth Regional Community Project Association Inc requesting the support of Council for the establishment of a Wentworth based Men in a Shed group. The request also seeks Council to consider suitable land to build a shed facility.

Recommendation

That Council:

- a) Receive and note the report; and
- b) Resolve to progress this item by nominating the way forward from the options section of this report.

Council Resolution

That Council:

- a) Receive and note the report; and
- b) Resolve to progress this item by providing in principle support for a Wentworth based Men in a Shed and subsequently identify suitable land to be investigated

Moved Cr. Nunan, Seconded Cr. Wheeldon

CARRIED

9.3 LANDFILL EQUIPMENT LOAN

File Number: RPT/21/374

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

At 10:45 am Councillor Don McKinnon left the Video Conference.

At 10:45 am Councillor Steve Heywood left the Council Chambers.

Recommendation

That Council having considered the information contained within the report approve one of the available options.

That Council delegates authority to the Mayor and the General Manager to sign the agreement and affix the Common Seal on behalf of Council.

Motion

That Council having considered the information contained within the report approve the National Australia Bank Loan

That Council delegates authority to the Mayor and the General Manager to sign the agreement and affix the Common Seal on behalf of Council.

Moved Cr Nunan Seconded MacAllister

Amendment

That Council having considered the information contained within the report approve the Bendigo Bank Loan

That Council delegates authority to the Mayor and the General Manager to sign the agreement and affix the Common Seal on behalf of Council.

Moved Cr. Elstone, Seconded Cr. Wheeldon

Council Resolution

The amendment becomes the substantive motion.

That Council having considered the information contained within the report approve the Bendigo Bank Loan

That Council delegates authority to the Mayor and the General Manager to sign the agreement and affix the Common Seal on behalf of Council.

Moved Cr. Elstone, Seconded Cr. Wheeldon

CARRIED

Cr MacAllister requested her vote against the motion be recorded.

Cr Evans joined the meeting 10.48am

9.4 MONTHLY FINANCE REPORT

File Number: RPT/21/370

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 June 2021 were \$508,246.99. After allowing for pensioner subsidies, the total levies collected are now 91.87%. For comparison purposes 89.82% of the levy had been collected at the end of June 2020. Council currently has \$37,762,956.04 in cash and investments.

At 10:50 am Councillor Steve Heywood returned to Council Chambers.

At 10:51 am Councillor Don McKinnon returned to the Video Conference..

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/21/378

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

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 June 2021 Council had \$26 million invested in term deposits and \$11,762,956.04 in other cash investments. Council received \$10,116.36 from its investments for the month of June 2021.

In June 2021 Council investments averaged a rate of return of 0.39% and it currently has \$6,736,496.56 of internal restrictions and \$20,609,941.90 of external restrictions.

Recommendation

That Council notes the monthly investment report.

That Council approves the creation of a T-Corp externally restricted loan reserve for the purpose of expending the remaining funds for which the loan was approved.

Council Resolution

That Council notes the monthly investment report.

That Council approves the creation of a T-Corp externally restricted loan reserve for the purpose of expending the remaining funds for which the loan was approved.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

Motion

That Council write the Minister for Regional NSW, Industry and Trade the Deputy Premier seeking his intervention in eliciting a response from the Minister for Local government in relation to repeated requests from Council seeking refinancing of loans through T-Corp.

Council Resolution

That Council write the Minister for Regional NSW, Industry and Trade the Deputy Premier seeking his intervention in eliciting a response from the Minister for Local Government in relation to repeated requests from Council seeking refinancing of loans through T-Corp.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

ADJOURNMENT TO CONDUCT PUBLIC FORUM

Recommendation

That the Ordinary Meeting of Council be adjourned for the purpose of conducting a public forum, noting that on this occasion the video conference will be continued in order to comply with the requirements of the Local Government Act.

Council Resolution

That the Ordinary Meeting of Council be adjourned for the purpose of conducting a public forum, noting that on this occasion the video conference will be continued in order to comply with the requirements of the Local Government Act.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

The ordinary meeting was adjourned at 11:01am

- a) **James Golsworthy** – addressed the meeting at 11:02am
Item 9.10 Development Application 2021/038 17 Lot Subdivision 46-50
Armstrong Avenue Wentworth (speaking for the application)
Concluded at 11.15am
- b) **James Golsworthy** – addressed the meeting at 11:15am
Item 9.12 Development Application 2021/064 2 Lot Subdivision Alba Road
Coomealla (speaking for the application)
Concluded at 11:20 am

RECONVENE TO ORDINARY MEETING

Recommendation

That Council reconvenes into open session.

Council Resolution

That Council reconvenes into open session.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

The ordinary meeting was reconvened at 11:21am

9.6 SUSPENSION OF ALCOHOL FREE ZONE - WENTWORTH DISTRICT ROWING CLUB

File Number: RPT/21/357

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: 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination

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 Royal Flying Doctor Rowathon.

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

That Council:

- a) 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 10 September 2021 and 12:00 noon and 20:00 on 11 September 2021;
- b) Advertises the suspension of the alcohol-free zone in a locally circulated newspaper; and
- c) Advises the NSW Police of the details of the suspensions of the alcohol-free zone.

Council Resolution

That Council:

- a) 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 10 September 2021 and 12:00 noon and 20:00 on 11 September 2021 subject to the event going ahead.
- b) Advertises the suspension of the alcohol-free zone in a locally circulated newspaper;
- c) Advises the NSW Police of the details of the suspensions of the alcohol-free zone.

Moved Cr. Wheeldon, Seconded Cr. Heywood

CARRIED

9.7 OUR TOWN, OUR FUTURE - DARETON REVITALISED STRATEGY 2021

File Number: RPT/21/361

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

Wentworth Shire Council endorsed the draft Our Town, Our Future – Dareton Revitalised Strategy for public exhibition at its Ordinary Meeting held 17 February 2021.

Details of the submissions, comments and feedback received during public exhibition and state agency consultation are provided in this report.

This report seeks Council's adoption of the final Our Town, Our Future – Dareton Revitalised Strategy 2021.

Recommendation

That Council resolves to adopt the Our Town, Our Future – Dareton Revitalised Strategy 2021 and submit the Strategy with a request for endorsement to the Department of Planning, Industry and Environment.

Council Resolution

That Council resolves to adopt the Our Town, Our Future – Dareton Revitalised Strategy 2021 and submit the Strategy with a request for endorsement to the Department of Planning, Industry and Environment.

Moved Cr. Nunan, Seconded Cr. Wheeldon

CARRIED

Cr McKinnon advised that the infrastructure of the gated village near the Silver City Highway & Coomealla Packers is not included in the Strategy.

9.8 DELEGATED AUTHORITY APPROVALS AS AT END OF JUNE 2021

File Number: RPT/21/368

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration 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

For the month of June 2021, a total of eighteen Development Applications and zero S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$2,081,284.00. This brings the year to date total to seventy-one Development Applications and seventeen S4.55 Applications approved, with an estimated development value of \$11,365,341.00.

Recommendation

- a) That Council receives and notes the report for the month of June 2021.
- 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 June 2021.
- 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. Heywood

CARRIED

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

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

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

9.9 DEVELOPMENT APPLICATION DA2021/011 DWELLING (DEFERRED COMMENCEMENT) 372 LOW DARLING ROAD WENTWORTH LOT 3 DP 1250369

File Number: RPT/21/371

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment 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

A development application (DA2021/011) was received by Council for a dwelling (deferred commencement) to be located at 372 Low Darling Road, Lot 3 DP 1250369 Wentworth.

The development application proposal seeks approval to construct a new dwelling.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, dwellings are permitted with consent if located within the RU1 Primary Production zone and meet the relevant standards.

Recommendation

That Council approve to issue development approval for DA2021/011 being a dwelling (deferred commencement) located at 372 Low Darling Road, Lot 3 DP 1250369 Wentworth.

That a division be called in accordance with s375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council approve to issue development approval for DA2021/011 being a dwelling (deferred commencement) located at 372 Low Darling Road, Lot 3 DP 1250369 Wentworth.

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

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

9.10 DA2021/038 17 LOT SUBDIVISION 46-50 ARMSTRONG AVENUE WENTWORTH

File Number: RPT/21/402

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: 1.2 Encourage and support population growth and resident attraction

Summary

A Development Application DA2021/038 was received by Council for a 17 Lot Subdivision at 46-50 Armstrong Avenue. The application was notified for 14 days per the Community Participation Plan. This development application is being presented to Council for a resolution as more than three (3) submissions were received.

This site falls under the RU5 Village zone and is permissible with consent under the Wentworth Local Environmental Plan 2011.

Recommendation

That Council, having considered the content of this report, resolved to issue development approval for DA2021/038 being a 17 Lot subdivision located at 46-50 Armstrong Avenue, Lots 1693 DP763370 and Lot 2 DP831000.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Council Resolution

That Council resolve to approve DA2021/038 being a 17 Lot subdivision located at 46-50 Armstrong Avenue, Lots 1693 DP763370 and Lot 2 DP831000 subject to deferred commencement conditions relative to the redesign of the through road configuration to prevent vehicular traffic with provision included for pedestrian access and infrastructure services.

That a division is called in accordance with s375A of the Local Government Act 1993 (NSW).

Moved Cr. Elstone, Seconded Cr. Wheeldon

CARRIED

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

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

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

9.11 DA2021/049 205 DETLA ROAD CURLWAA VARY DEVELOPMENT STANDARD

File Number: RPT/21/405

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: 1.2 Encourage and support population growth and resident attraction

Summary

A Development Application DA2021/049 was received by Council to vary a development standard to erect a dwelling on land below the minimum lot size in the RU1 Primary Production zone. The application was notified for 14 days per the Community Participation Plan. This development application is being presented to Council for a resolution as the NSW Department of Planning Industry and Environment (DPIE) refused to give concurrence.

Recommendation

That Council having considered the content of this report, resolve to refuse development approval for DA2021/049.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

That Council having considered the content of this report, resolve to refuse development approval for DA2021/049

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Moved: Cr. MacAllister

LAPSED

Amendment

That Council having considered the content of this report, resolve to approve development approval for DA2021/049

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Moved Cr. Wheeldon

Seconded Cr. Elstone

Amendment

That Council defer the matter pending urgent representation to the NSW Government in relation to the Wentworth LEP 2011.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Moved Cr. Nunan

Seconded Cr. MacAllister

Council Resolution

The amendment becomes the substantive motion.

That Council defer the matter pending urgent representation to the NSW Government in relation to the Wentworth LEP 2011.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Moved Cr. Nunan**Seconded Cr. MacAllister****CARRIED**

11:40 Anthony Davis addressed the Council re Wentworth LEP Clause 4.2

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

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

Against the Motion: ***Clr.s Elstone, Heywood and Wheeldon.***

9.12 DA2021/064 2 LOT SUBDIVISION ALBA ROAD COOMEALLA

File Number: RPT/21/407

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: 1.2 Encourage and support population growth and resident attraction

Summary

A Development Application DA2021/064 was received by Council for a 2 Lot subdivision impacting Lot 218 and 236 DP 756961 for the purpose of excising a dwelling from horticultural operations on RU1 – Primary Production zoned land.

This development application is being presented to Council for a resolution as it does not meet statutory provisions of the Wentworth LEP 2011.

Recommendation

That Council having considered the content of this report, resolve to refuse development approval for DA2021/064.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Amendment

That Council having considered the content of this report, resolve to approve development approval for DA2021/064.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Council Resolution

That Council having considered the content of this report, resolve to approve development approval for DA2021/064.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Moved Cr. Elstone

Seconded Cr. Heywood

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 and Wheeldon.***

Against the Motion: ***Clr.s Evans, MacAllister and Nunan.***

9.13 DA2021/051 BOUNDARY RE-ALIGNMENT 6753 STURT HIGHWAY GOL GOL

File Number: RPT/21/411

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: 1.2 Encourage and support population growth and resident attraction

Summary

A Development Application DA2021/051 was received by Council for a boundary realignment to create two (2) river frontage titles and one horticultural property title on RU1 – Primary Production zoned land being Lot 2 DP 829971, Lot 3 DP 733472 and Lot 54 DP 756936.

This development application is being presented to Council for a resolution as it does not meet statutory provisions of the Wentworth LEP 2011.

Recommendation

That Council having considered the content of this report, resolve to refuse development approval for DA2021/051.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Amendment

That Council having considered the content of this report, resolve to approve development approval for DA2021/051.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Council Resolution

That Council having considered the content of this report, resolve to approve development approval for DA2021/051.

That a division is called in accordance with s375A of the *Local Government Act 1993 (NSW)*.

Moved Cr. Elstone Seconded Cr. Wheeldon

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 and Wheeldon.

Against the Motion: Clr.s Evans, MacAllister and Nunan.

9.14 REDEVELOPMENT OF THE WENTWORTH SHIRE CIVIC CENTRE PROJECT UPDATE

File Number: RPT/21/390

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.

Recommendation

That Council receives and notes the information contained within this report and attachments.

Council Resolution

That Council receives and notes the information contained within this report and attachments.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

9.15 PROJECTS AND WORKS REPORT UPDATE - JULY 2021

File Number: RPT/21/384

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & Engineering

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 June 2021.

Recommendation

That Council notes the major works undertaken for June and the scheduled works for July 2021.

Council Resolution

That Council notes the major works undertaken for June and the scheduled works for July 2021.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 FLOODPLAIN HARVESTING SUBMISSION

File Number: RPT/21/365

Motion

That Council makes a submission to the NSW Parliament's Select Committee on Floodplain Harvesting and encourages communities and individuals within Wentworth Shire to also make submission.

Council Resolution

That Council makes a submission to the NSW Parliament's Select Committee against Floodplain Harvesting and encourages communities and individuals within Wentworth Shire to also make submission.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

10.2 TURN OFF TO BOTTLE BEND

Cr Jane MacAllister requested an update on the turn off to Bottle Bend Reserve

Cr MacAllister thanked the Director of Finance and Policy for responding to her regarding Landfill tokens.

Recommendation

That Council admits the Late Item for Closed Council.

Council Resolution

That Council admits the Late Item for Closed Council.

Moved Cr. Nunan, Seconded Cr. Elstone

CARRIED

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:-

1.1 Extension to Wentworth Preschool - PT2021/10. (RPT/21/431)

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 (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

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. Nunan, Seconded Cr. Elstone

CARRIED

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

1.1 EXTENSION TO WENTWORTH PRESCHOOL - PT2021/10

File Number: RPT/21/431

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ivan McKenzie - Infrastructure Projects 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

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 (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

The General Manager advised that Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(3), now enter into direct negotiations with any person with a view to enter into a contract in relation to the subject matter of the tender. This is on the basis that Council has not received a tender submission after advertising on two consecutive occasions.

13 CONCLUSION OF THE MEETING

The meeting was closed at 12:28pm

NEXT MEETING

18 August 2021

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CHAIR