



WENTWORTH SHIRE COUNCIL

**ORDINARY MEETING
MINUTES**

AS AMENDED

16 FEBRUARY 2022

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer and acknowledgement of Country at 6:30pm.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Tim Elstone (Mayor)
Councillor Brian Beaumont
Councillor Steve Cooper
Councillor Peter Crisp
Councillor Greg Evans
Councillor Steve Heywood
Councillor Daniel Linklater
Councillor Susan Nichols
Councillor Jo Rodda

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant to General Manager)
Jess O'Neill (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Cr Nichols declared a less than significant non pecuniary interest in item 9.9 as she is a member of the Bowling Club.

Cr Heywood declared a less than significant non pecuniary interest in 9.9 as he is President of the Fishing Club.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 31 January 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 31 January 2022 be confirmed as circulated.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

Council Resolution

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

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

The meeting was adjourned at 6:00 pm

Item 9.15 Andrew Caspar spoke for the item

Item 9.15 Mr Keith Thomson spoke against the item

Item 9.15 James Golsworthy spoke against the item

Item 9.15 Donna Scopelliti spoke against the item

Item 9.16 Lynette & Rodney Flavel spoke against the item

Council Resolution

That Council reconvenes into open.

Moved Cr. Heywood, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/116

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

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

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

Summary

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

Officer Recommendation

That Council notes the list of outstanding matters as at 8 February 2022.

Council Resolution

That Council notes the list of outstanding matters as at 8 February 2022.

Moved Cr Crisp, Seconded Cr. Evans

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

Nil

8 REPORTS FROM COMMITTEES

Cr Nichols – In relation to Councillors attending the Pooncarie Pre School opening the Preschool Committee and the community should be commended as well as their collaboration with Gyndarna Preschool.

Cr Linklater – Cr Rodda & Linklater attended the Australian Inland Botanic Garden meeting where the committee conveyed appreciation to Council for their continued support.

9 REPORTS TO COUNCIL

9.1 MAYORAL REPORT

File Number: RPT/22/77

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 purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Elstone for the period of 27 January 2022 - 8 February 2022.

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. Evans

CARRIED UNANIMOUSLY

The Mayor advised he was unable to attend the MDA Board meeting on 31 January 2022.

9.2 GENERAL MANAGER'S REPORT

File Number: RPT/22/78

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

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

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

Summary

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

1. OLG Circulars
Circular 22-01
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 Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.3 POLICY REVIEW - OFFICE OF GENERAL MANAGER

File Number: RPT/22/117

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

After each general election of Councillors, the *Local Government Act 1993* requires Council to review all official policies of Council. There are currently 73 policies in place of which 21 are the responsibility of the Office of the General Manager.

For this Council meeting the Office of the General Manager has reviewed four policies and are presenting them to Council for adoption.

Recommendation

That Council adopt the following revised policies:

- a) Flag Policy, Protocols and Guidelines (CC003)
- b) Welcome and Acknowledgement of Country (CC004)
- c) Employee Provisions Policy (WR002)

That Council adopt the draft Code of Meeting Practice (GOV018) and place on public exhibition for a period of 28 days, as required under the Act.

Council Resolution

That Council adopt the following revised policies:

- a) Flag Policy, Protocols and Guidelines (CC003)
- b) Welcome and Acknowledgement of Country (CC004)
- c) Employee Provisions Policy (WR002)

That Council adopt the draft Code of Meeting Practice (GOV018) and place on public exhibition for a period of 28 days, as required under the Act.

Moved Cr Linklater, Seconded Cr Crisp

CARRIED

For the Motion : *Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood, Linklater and Nichols.*

Against the Motion: *Clr. Rodda.*

9.4 MONTHLY INVESTMENT REPORT

File Number: RPT/22/96

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 31 January 2022 Council had \$29 million invested in term deposits and \$6,331,074.21 in other cash investments. Council received \$7,525.34 from its investments for the month of January 2022.

In January 2022 Council investments averaged a rate of return of 0.49% and it currently has \$6,778,145.40 of internal restrictions and \$22,314,271.99 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. Nichols, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.5 MONTHLY FINANCE REPORT

File Number: RPT/22/90

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 January 2022 were \$280,822.39. After allowing for pensioner subsidies, the total levies collected are now 65.31%. For comparison purposes 60.96% of the levy had been collected at the end of January 2021. Council currently has \$35,331,074.21 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr. Heywood, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.6 POLICY REVIEW - DEPARTMENT FINANCE AND POLICY

File Number: RPT/22/89

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

After each general election of Councillors, the *Local Government Act 1993* (the Act) requires Council to review all official policies of Council. There are currently 74 policies in place of which 26 are the responsibility of the Finance & Policy Department.

For this Council meeting the department has reviewed five policies and are presenting them to Council for adopting.

Recommendation

That Council adopt the following revised policies:

- a) AF013 – Hardship Policy
- b) AF014 – Debt Recovery Policy
- c) GOV002 – Use of Information and Communication Devices Policy
- d) GOV004 – Internal Reporting Policy
- e) GOV012 – Complaint Management Policy

Council Resolution

That Council adopt the following revised policies:

- a) AF013 – Hardship Policy
- b) AF014 – Debt Recovery Policy
- c) GOV002 – Use of Information and Communication Devices Policy
- d) GOV004 – Internal Reporting Policy
- e) GOV012 – Complaint Management Policy

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.7 COUNCILLORS SUPERANNUATION CONTRIBUTIONS

File Number: RPT/22/91

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

Under Commonwealth legislation, Council is not required to make superannuation contributions in relation to the fees they pay to Mayors and Councillors because they are not employees of Council for the purposes of the *Superannuation Guarantee (Administration) Act 1993*. Mayors and Councillors are elected to civic office in the Council and Council is not their employer.

Following industry feedback in 2020 the Office of Local Government (OLG) undertook a review of the relevant issues associated with this matter.

Following a period of public consultation, the *Local Government Act 1993* was amended giving Council the option to pay an amount equivalent to the superannuation guarantee in addition to the Mayor and Councillor fees. The amendment takes effect from 1 July 2022.

Recommendation

That Council resolve to pay an amount equivalent to the superannuation guarantee in addition to the Mayor and Councillor fees from 1 July 2022.

Council Resolution

That Council resolve to pay an amount equivalent to the superannuation guarantee in addition to the Mayor and Councillor fees from 1 July 2022.

Moved Cr. Heywood, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.8 AUDIT, RISK AND IMPROVEMENT COMMITTEE

File Number: RPT/22/119

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 *Local Government Act 1993* (NSW) and the *Local Government (General) Regulation 2021* requires Council to have:

- An Audit, Risk and Improvement Committee (ARIC) that continuously reviews and provides independent advice to the Council on how it is functioning and managing risk;
- A robust risk management framework that accurately identifies and mitigates the risks facing the Council and its operations; and
- An effective internal audit function that provides independent advice as to whether the Council is functioning effectively and the Council's internal controls to manage risk are working.

These three mandatory governance mechanisms are a vital part of the NSW Government's plan to ensure that Council is doing things the best way they can for the community and are on track to delivering the community's goals and objectives.

Council's that don't have a compliant Audit, Risk and Improvement Committee have until 4 June 2022 to appoint a Committee. Council currently does not have a compliant Audit, Risk and Improvement Committee therefore needs to have one in place by 4 June 2022.

Given the timeframes involved a decision from Council is required now to give Council officers sufficient time to advertise for the relevant positions and have appointments confirmed prior to 4 June 2022.

Recommendation

That Council

- a) Resolve to appoint a standalone Audit, Risk and Improvement Committee consisting of the following:
 - An Independent Chairperson;
 - 2 Independent Members; and
 - 1 non-voting Councillor
- b) Set the sitting fees for the Audit, Risk and Improvement Committee as follows:
 - Chairperson \$12,552 per annum
 - Independent Members \$1255.00 per meeting

Amendment

Set the sitting fees for the Audit, Risk and Improvement Committee as follows:

- Chairperson \$8,000per annum
- Independent Members \$800 per meeting

Moved Cr. Nichols, Seconded Cr Rodda

LOST

Foreshadowed Amendment**Council Resolution**

That Council

- a) Resolve to appoint a standalone Audit, Risk and Improvement Committee consisting of the following:
 - An Independent Chairperson;
 - 2 Independent Members; and
 - 1 non-voting Councillor
- b) Set the sitting fees for the Audit, Risk and Improvement Committee as follows:
 - Chairperson \$12,552 per annum as a maximum
 - Independent Members \$1,255 per meeting as a maximum

Moved Cr Linklater, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.9 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/22/93

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Annette Fraser - Team Leader Customer Service

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

Council has provided an allocation of \$160,000.00 for the 2021/22 financial year for the consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, the total value of request granted so far totals \$132,452.00.

The total value of requests for this funding application period totals \$4,447.00, which if granted in full, would leave a balance in the Donations, Contributions and Grants fund of \$23,101.00.

At 07:34 pm Councillor Steve Heywood left the Council Chambers.

At 07:34 pm Councillor Susan Nichols left the Council Chambers.

Recommendation

That Council having reviewed each of the applications approve option:

- (a) Granting the full value of all requests for a total of \$4,447.00.

Council Resolution

That Council having reviewed each of the applications approve option:

- (a) Granting the full value of all requests for a total of \$4,447.00.

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

At 07:39 pm Councillor Susan Nichols returned to the Council Chambers.

At 07:39 pm Councillor Steve Heywood returned to the Council Chambers.

9.10 POLICY REVIEW - DEPARTMENT HEALTH AND PLANNING

File Number: RPT/22/135

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

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

After each general election of Councillors, the *Local Government Act 1993* (the Act) requires Council to review all official policies of Council. There are currently 73 policies in place of which 15 are the responsibility of the Health and Planning Department.

For this Council meeting the department has reviewed three policies and are presenting one of them to Council for adopting and another for public exhibition. The department is proposing that Council rescind the remaining policy due to changes in legislation.

Recommendation

That Council:

- 1) Adopt PR007 – Levee Bank Easement Policy
- 2) Adopt PR011-Mooring Site Policy
- 3) Endorse for public exhibition PR016 – Mobile Food Vending Vehicle Policy for a period of 28 days

Council Resolution

That Council:

- 1) Adopt PR007 – Levee Bank Easement Policy
- 2) Adopt PR011-Mooring Site Policy
- 3) Endorse for public exhibition PR016 – Mobile Food Vending Vehicle Policy with the inclusion of the Buronga and Gol Gol sites for a period of 28 days

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

**9.11 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - THEGOA LAGOON
REZONING PLANNING PROPOSAL**

File Number: RPT/22/42

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

Council's Health and Planning Department has prepared a Planning Proposal as an outcome of the Sustainable Wentworth Strategy and Management Plan for Thegoa Lagoon.

The Planning Proposal seeks to amend the following planning provision in the *Wentworth Local Environmental Plan 2011* (WLEP2011):

- Amend the Land Zoning Map – Sheet LZN_002B and Land Zoning Map – Sheet LZN_002D applied to the subject land from 'RU1 Primary Production' & 'RU5 Village' to 'C2 Environmental Conservation'

This report seeks Council endorsement to submit the Planning Proposal to the Department of Planning, Industry & Environment requesting a Gateway Determination to proceed.

Recommendation

That Council resolves to:

- a) Submit the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 to the Minister for Planning and Homes for consideration of a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council resolves to:

- a) Submit the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 to the Minister for Planning and Homes for consideration of a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr Beaumont, Seconded Cr Linklater

CARRIED UNANIMOUSLY

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

For the Motion : *Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood, Linklater, Nichols and Rodda.*

Against the Motion: *Nil.*

9.12 NSW DEPARTMENT OF PLANNING AND ENVIRONMENT - AGRITOURISM REFORMS

File Number: RPT/22/92

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: 1.1 Grow the potential for business and industry to develop and expand

Summary

In response to the NSW Government's *Making Business Easier Program* and an agritourism project undertaken by NSW Small Business Commission and Service NSW, the Department of Planning, Industry and Environment (DPIE) has prepared a draft amendment to the Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order) to facilitate agritourism.

As part of the amendment process, Councils are required to nominate whether they wish to adopt two optional clauses relating to *farm stay accommodation* and *farm gate premises* and to nominate the zones where the agritourism uses will be made permissible.

Recommendation

That Council:

1. Resolve to advise the Minister for Planning and Homes that it does not intend to adopt the two optional clauses related to Farm stay accommodation and Farm gate premises.
2. Resolve to advise the Minister for Planning and Homes that the zones to include Agritourism as permissible with consent are RU1 Primary Production and C4 Environmental Living.
3. That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

1. Resolve to advise the Minister for Planning and Homes that it does not intend to adopt the two optional clauses related to Farm stay accommodation and Farm gate premises.
2. Resolve to advise the Minister for Planning and Homes that the zones to include Agritourism as permissible with consent are RU1 Primary Production and C4 Environmental Living.
3. That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

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

For the Motion : *Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood, Linklater, Nichols and Rodda.*

Against the Motion: *Nil.*

9.13 WILLOW BEND CARAVAN PARK LEASE

File Number:	RPT/21/692
Responsible Officer:	Matthew Carlin - Director Health and Planning
Responsible Division:	Health and Planning
Reporting Officer:	Hilary Dye - Property and Land Tenure Officer
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

Wentworth Shire Council purchased the Willow Bend Caravan Park business in 2017, for the benefit of the community.

A Deed of Agreement was prepared to transfer the business ownership until the expiry of the existing lease in 2023.

Original copies of the lease and certificate of title were forward to the Minister of Crown Lands for signing. The original documents were lost and the registration could not be completed by Land Registry Services to transfer the ownership.

Given the end of lease date and factoring in time lost and cost of preparing additional documents, it is Council's best interest to develop a new lease rather than submitting another Deed of Agreement.

This report seeks a resolution of Council to authorise the preparation of a new lease for the Willow Bend Caravan Park Reserve to secure lawful tenure of Crown Reserve 32017.

Recommendation

That Council:

- 1) Endorses the preparation of a new lease agreement for occupation of Willow Bend Caravan Park Crown Reserve 32017, being Lot 1 Deposited Plan 1121941
- 2) In its capacity as Crown Land Manager, authorises the granting of a new lease, pre Plan of Management, for the term of 20 years (10+10) tenure accordance with Section 70 Clause 70(2)(c)(i)(ii) of the *Crown Land Management Regulation 2018*
- 3) Grants permission to progress and complete the surrender of the existing lease and authorisation to negotiate and finalise the terms of a new lease in accordance with the existing lease
- 4) Engages Bartier Perry Lawyers to prepare the draft lease
- 5) Affixes to all documentation the Common Seal of the Wentworth Shire Council, which may be required to be sealed to give effect to this resolution
- 6) Authorises the General Manager and Mayor be delegated to sign any related documentation

Council Resolution

That Council:

- 1) Endorses the preparation of a new lease agreement for occupation of Willow Bend Caravan Park Crown Reserve 32017, being Lot 1 Deposited Plan 1121941

- 2) In its capacity as Crown Land Manager, authorises the granting of a new lease, pre Plan of Management, for the term of 20 years (10+10) tenure accordance with Section 70 Clause 70(2)(c)(i)(ii) of the *Crown Land Management Regulation 2018*
- 3) Grants permission to progress and complete the surrender of the existing lease and authorisation to negotiate and finalise the terms of a new lease in accordance with the existing lease
- 4) Engages Bartier Perry Lawyers to prepare the draft lease
- 5) Affixes to all documentation the Common Seal of the Wentworth Shire Council, which may be required to be sealed to give effect to this resolution
- 6) Authorises the General Manager and Mayor be delegated to sign any related documentation

Moved Cr. Evans, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.14 NEW LEASE - BURONGA BOATMAN

File Number:	RPT/22/40
Responsible Officer:	Matthew Carlin - Director Health and Planning
Responsible Division:	Health and Planning
Reporting Officer:	Hilary Dye - Property and Land Tenure Officer
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 for a change of partnership to be noted on an existing lease for Crown Reserve 63988, Lot 2 Deposited Plan 1032974, being part of the Buronga Caravan Park Reserve. This request requires the preparation of a new lease.

This reserve has been held continually under lease since 2003 as a hire boat business. The tenure has changed hand on several occasions and eventually re-developed into a commercial boat mooring business. The current owner took over the business in 2006 and has held tenure since, with two additional lease extensions of 10 years (2013 & 2023).

The current lease expires in 21 September 2023, and the new partnership has requested the preparation of a new lease providing them with long-term security of the reserve for their business enterprise.

The reserve is managed by the Wentworth Shire Council, per Plan of Management. Council in its capacity as the Crown Land Manager can authorise the occupation of a twenty-one (21) year maximum tenure authorised under Clause 70(2)(c) of the *Crown Land Management Regulation 2018*.

This report seeks a resolution of Council to authorise the preparation of a new lease for part of the Buronga Caravan Park Reserve, securing lawful tenure of Crown Reserve 63988.

Recommendation

That Council

1. Approves the preparation of a new lease agreement for the occupation of Crown Reserve 63988, part of Buronga Caravan Park, being Lot 2 Deposited Plan 1032974.
2. In its capacity as the Crown Land Manager authorises the granting of a lease, per Plan of Management, for the term of 20 years (10+10) tenure in accordance with Section 70 Clause 70(2)(c)(i)(ii) of the Crown Land Management Regulation 2018.
3. Grants permission to progress and complete the surrender of the existing lease and the authorisation to negotiate and finalise the terms of a new lease in accordance with the existing lease
4. Engages Bartier Perry Lawyers to prepare the draft lease
5. Enters into a Deed of Agreement for the reimbursement of any of Council's costs associated with the preparation of this Commercial Business lease.
6. Affix the Common Seal of Wentworth Shire Council to all documentation that requires to be sealed, to give effect to this resolution
7. Authorises the Mayor and General Manager be delegated to sign any related documents.

Council Resolution

That Council

1. Approves the preparation of a new lease agreement for the occupation of Crown Reserve 63988, part of Buronga Caravan Park, being Lot 2 Deposited Plan 1032974.
2. In its capacity of the Crown Land Manager authorises the granting of a lease, pre Plan of Management, for the term of 20 years (10+10) tenure in accordance with Section 70 Clause 70(2)(c)(i)(ii) of the Crown Land Management Regulation 2018.
3. Grants permission to progress and complete the surrender of the existing lease and the authorisation to negotiate and finalise the terms of a new lease in accordance with the existing lease
4. Engages Bartier Perry Lawyers to prepare the draft lease
5. Enters into a Deed of Agreement for the reimbursement of any of Council's costs associated with the preparation of this Commercial Business lease.
6. Affix the Common Seal of Wentworth Shire Council to all documentation that requires to be sealed, to give effect to this resolution
7. Authorises the Mayor and General Manager be delegated to sign any related documents.

Moved Cr Beaumont, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.15 DA2021/008 PROPOSED SERVICE STATION 83 - 89 HENDY ROAD LOT 5 DP 1029509 BURONGA

File Number: RPT/22/105

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

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

Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

Council is in receipt of a development application for the proposed development of an "On the Run" Highway Service Centre at 83-89 Hendy Road Lot 5 DP 1029509 Buronga.

The development proposes the following:

- A new control building positioned in the middle section of the site, with a drive through and pick area.
- Truckies lounge, courtyard, showers and toilets.
- A new diesel canopy with three filling points located in the north-western section of the site accessible from the Sturt Highway.
- Fuel canopy including three (3) double sided fuel bowsers and associated fuel infrastructure
- Underground fuel vessels
- Twelve car parking spaces and 2 staff car parking spaces
- Three truck parking spaces, to be positioned in the eastern section of the site;
- Signage including 12.8m high 'price-board' pylon
- Access and exist to the development from Hendy Road

Development for the purposes of a Highway Service Centre is not prohibited under the WLEP 2011 and therefore can be permitted with consent. The development will provide services that will be in competition to the adjoining Shell Highway Service Centre and provide additional employment opportunities in Buronga.

The location of the site would enable development adjacent to the Sturt Highway. As such the development would meet the objectives of the RU5 Village zone by providing additional services for residents, including job opportunities during construction and ongoing operation of the site

Recommendation

- 1) That Council, having considered the content of this report, resolves to refuse development approval for DA2021/008 being a service station "highway service

centre" located at 83-89 Hendy Road Lot 5 DP 1029509 Buronga.

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

Council Resolution

- 1) That Council, having considered the content of this report, resolves to refuse development approval for DA2021/008 being a service station "highway service centre" located at 83-89 Hendy Road Lot 5 DP 1029509 Buronga.

The grounds for refusal were laid out as below:

- 1) The use applied for (service station) does not match the WLEP 2011 definition, but matches WLEP 2011 definition of highway service centre.
- 2) The proposed development does not meet the strategic vision council has for the land as shown by the proposed B2 under the BGGSP. Under the B2 zone, highway service centres are prohibited.
- 3) The proposed development does not match with the desired characteristics of the centre under the proposed new E1 zoning set to replace the B2 zoning in the Standard LEP Instrument
- 4) adverse site constraints or impacts have been identified including:
 - a) parking does not comply with as a minimum the off-street car park associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays shall be in accordance with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
 - b) Unacceptable entrance/exit arrangements and traffic impacts through the highway
 - c) the development as submitted provides for unsatisfactory truck manoeuvring associated with the development that has adverse safety considerations for the public
 - d) Pedestrian/cyclist interception and pedestrian/cyclist safety were not adequately addressed. Further information was requested from the applicant to address this, with insufficient information provided to make a final determination
 - e) The SISD (safe intersection sight distance) for the proposed highway entrance intersection does not comply with Austroads requirements (123m for 60km/hr zones)
 - f) In-adequate measures proposed for restricting B-triples from accessing the site to allows for enforcement of this restriction by relevant authorities.
 - g) Matters to be satisfied under clause 101(2) of the *State Environmental Planning Policy (Infrastructure) 2007*, based on the plans and documentation provided, cannot be determined.
 - h) Inconsistent documentation and plans provided regarding use of the ROC, which may significantly impact the assessment and documentation requirements
 - i) The development as submitted is contrary to the public safety and interest with 10 submissions received in response to the notification period.

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

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

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

For the Motion : ***Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood, Linklater, Nichols and Rodda.***

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

9.16 DA2021/177 CONCEPT DEVELOPMENT APPLICATION FOR A MARINA STYLE RESORT AND HOTEL 4 & 6 RIVER DRIVE LOT 432 & 433 DP 756961 BURONGA

File Number: RPT/22/147

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

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

Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

A development application (DA2021/177) was received by Council for a concept development for a marina style resort and hotel to be located at 4 & 6 River Drive, Lot 432 & 433 DP 756961 Buronga.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, Marina style resort and hotels are permitted with consent if located within the RU5 Village zone.

A concept application does not authorise any works, with subsequent development applications required for the full operational approval.

Recommendation

- 1) That Council approve to issue concept development approval for DA2021/177 being a concept marina style resort and hotel located at 4 & 6 River Drive, Lot 432 & 433 DP 756961 Buronga.
- 2) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

- 1) That Council approve to issue concept development approval for DA2021/177 being a concept marina style resort and hotel located at 4 & 6 River Drive, Lot 432 & 433 DP 756961 Buronga.
- 2) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr. Heywood, Seconded Cr Rodda

CARRIED UNANIMOUSLY

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

For the Motion : ***Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood, Linklater, Nichols and Rodda.***

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

9.17 SUSPENSION OF ALCOHOL FREE ZONE - WENTWORTH DISTRICT ROWING CLUB

File Number:	RPT/22/142
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:	2.1 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 Easter Regatta.

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 Saturday 16 April 2022 and 12:00 noon and 20:00 on Sunday 17 April 2022;
- 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 Saturday 16 April 2022 and 12:00 noon and 20:00 on Sunday 17 April 2022;
- 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.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.18 DELEGATED AUTHORITY APPROVALS AS AT END OF JANUARY 2022

File Number: RPT/22/101

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 January 2022, a total of 9 Development Applications and two S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$1,793,176.00. This brings the year to date total to 9 Development Applications and 2 S4.55 Applications approved, with an estimated development value of \$1,793,176.00.

Recommendation

- a) That Council receives and notes the report for the month of January 2022.
- 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 January 2022.
- 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 Cooper, Seconded Cr Crisp

CARRIED UNANIMOUSLY

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

For the Motion : ***Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood, Linklater, Nichols and Rodda.***

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

9.19 PROJECTS AND WORKS REPORT UPDATE - FEBRUARY 2022

File Number: RPT/22/163

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 February 2022.

Recommendation

That Council notes the major works undertaken in February and the scheduled works for the following months.

Council Resolution

That Council notes the major works undertaken in February and the scheduled works for the following months.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 FUTURE BRANDING

Cr Jo Rodda acknowledged there had been some work completed on future branding and requested that be updated and brought before Council.

10.2 KERBSIDE RECYCLING

Cr Daniel Linklater acknowledged that during the election campaign there was a lot of community discussion regarding kerb recycling. When will there be kerb recycling?

The General Manager advised that the matter required further investigation with possible partnerships.

10.3 HIRING OF COUNCIL HALLS

Cr Brian Beaumont asked if a delegation could be given to the Director of Finance to make decision on waiving fees for community groups hiring Council facilities rather than them having to go through the Donations, Contributions and Grants process.

The Director of Finance advised he is currently reviewing the Donations, Contributions and Grants Policy which will come before Council in March.

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 Review of Midway Centre Regular Agreements. (RPT/22/132)

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.

12.2 Buronga Landfill Discount Rate. (RPT/22/118)

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) (iii) information that would, if disclosed, reveal a trade secret. 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.

12.3 Willow Bend Caravan Park Upgrade - PT2122/03. (RPT/22/174)

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. Evans, Seconded Cr Linklater

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 REVIEW OF MIDWAY CENTRE REGULAR AGREEMENTS

File Number: RPT/22/132

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Annette Fraser - Team Leader Customer Service

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council resolved to approve a renewal of regular use agreement for period of 20 months in line with the relevant options provided for each user.

12.2 BURONGA LANDFILL DISCOUNT RATE

File Number: RPT/22/118

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

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) (iii) information that would, if disclosed, reveal a trade secret. 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 approved an increase to the discount rate to \$125.00 per tonne and approved a discount rate of \$90.00 per tonne for Waste & Management Services.

12.3 WILLOW BEND CARAVAN PARK UPGRADE - PT2122/03

File Number: RPT/22/174

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

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 acknowledged the resolution of Council dated 3 November 2021 awarding the subject tender to McMahon Services for an amount of \$3,428,806.73 inc GST.

Also that Council authorised the General Manager to enter into negotiation with McMahon Services to perform the additional work in accordance with the original tender specification and that the budget shortfall be funded via an extension to the already approved loan with that being capped at \$4,500,000.

Council resolved that the General Manager & Mayor, in consultation with the Contractor, resolve issues surrounding the best option to ensure the security & integrity of the Council cabins and Councillors be informed of the outcome

Council also authorised the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

13 CONCLUSION OF THE MEETING

Meeting Closed at 8:31pm

NEXT MEETING

16 March 2022

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CHAIR