



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

(as amended)

17 AUGUST 2022

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 6:30pm.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Tim Elstone
Councillor Brian Beaumont
Councillor Steve Cooper
Councillor Peter Crisp
Councillor Steve Heywood
Councillor Daniel Linklater
Councillor Jane MacAllister
Councillor Jo Rodda

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)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

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

Moved Cr. MacAllister, Seconded Cr Cooper

CARRIED UNANIMOUSLY

4 DISCLOSURES OF INTERESTS

Councillor Beaumont advised that he had a less than significant pecuniary interest in Item 9.9 as he is a member of the Wentworth Racing Club and Wentworth District Community Medical Centre Inc.

Councillor Rodda advised that he had a less than significant pecuniary interest in Item 9.10 as she had prior knowledge of the proposal before the matter has come to council.

Councillor Heywood advised that he had a significant pecuniary interest in Item 9.10 as his son is a contractor to the business.

Councillor Linklater advised that he had a less than significant pecuniary interest in Item 9.14 as his sister in law is an applicant in the delegated authority report.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 20 July 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 20 July 2022 be confirmed as circulated.

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

Council Resolution

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

The meeting was adjourned at 6:36pm

Moved Cr Linklater, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

Mrs Glenis Beaumont spoke to Item 9.9

Mr Doug Alvey spoke to against Item 9.10

Mr James Golsworthy spoke in favour of Item 9.10

Council Resolution

That Council reconvenes into open session.

Moved Cr Linklater, Seconded Cr Crisp

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/457

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

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

Officer Recommendation

That Council receives and notes the list of outstanding matters as at 9 August 2022.

Council Resolution

That Council receives and notes the list of outstanding matters as at 9 August 2022.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED

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, Heywood, Linklater and Rodda.***

Against the Motion: ***Clr. MacAllister.***

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/22/456

Recommendation

That Council receives and notes the information contained in the Mayoral report.

Council Resolution

That Council receives and notes the information contained in the Mayoral report.

Moved Cr. Elstone , Seconded Cr Linklater

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

8.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE

File Number: RPT/22/514

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 Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

A meeting of the Audit, Risk and Improvement Committee was held on 26 July 2022 and the draft Minutes of the meeting are attached to this report for the information of Councillors.

The Committee considered the following items of business:

- Committee Induction and Overview
- Annual Audit Engagement Plan and Interim Audit
- Review of the OLG Guidelines for the Committee
- Review of the Committee Terms of Reference
- Future Committee Meeting Schedule and Agenda Format
- 2022-2023 Committee Workplan

The Committee has requested that the Reporting Officer seek a resolution of Council on the following item:

- Review of the Committee Terms of Reference

Officer Recommendation

That Council note the draft minutes of the Audit, Risk and Improvement Committee; and

That Council approves the Terms of Reference for the Audit, Risk and Improvement Committee.

Council Resolution

That Council

- a) Receive and note the draft minutes of the Audit, Risk and Improvement Committee; and
- b) Approves the Terms of Reference for the Audit, Risk and Improvement Committee.

Moved Cr. Crisp, Seconded Cr. Heywood

Council Resolution**Amendment**

That Council

- a) Receive and note the draft minutes of the Audit, Risk and Improvement Committee; and
- b) Approve the Terms of Reference for the Audit, Risk and Improvement Committee with amendments as described
- c) Schedules an external review of the effectiveness of the Committee to be completed by the end of August 2023

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

8.2 WENTWORTH SHOWGROUNDS USER GROUP MEETING 07 JULY 2022

File Number: RPT/22/472

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Chanelle Pilling - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

Summary

A meeting of the Wentworth Showgrounds User Group was held on 07 July 2022 and the Minutes of the meeting are attached to this report for the information of Councillors.

Officer Recommendation

That Council receives and notes the report.

Council Resolution

That Council receives and notes the report.

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

8.3 GEORGE GORDON OVAL USER GROUP MEETING 13 JULY 2022

File Number: RPT/22/482

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Chanelle Pilling - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

Summary

A meeting of the George Gordon Oval User Group was held on 13 July 2022 and the Minutes of the meeting are attached to this report for the information of Councillors.

Officer Recommendation

That Council receives and notes the report.

Council Resolution

That Council receives and notes the report.

Moved Cr Crisp, Seconded Cr Cooper

CARRIED UNANIMOUSLY

8.4 CARRAMAR DRIVE USER GROUP MEETING 28 JUNE 2022

File Number: RPT/22/483

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Chanelle Pilling - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

Summary

A meeting of the Carramar Drive User Group was held on 28 June 2022 and the Minutes of the meeting are attached to this report for the information of Councillors.

Officer Recommendation

That Council receives and notes the report.

Council Resolution

That Council receives and notes the report.

Moved Cr Rodda, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT

File Number: RPT/22/458

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

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 22-19 to 22-21
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note

Recommendation

That Council receives and notes the information contained within the report from the General Manager.

Council Resolution

That Council receives and notes the information contained within the report from the General Manager.

Moved Cr Rodda, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.2 CHANGE OF MEETING DATE

File Number: RPT/22/509

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.3 An effective and efficient organisation

Summary

The Murray Darling Association Annual Conference and Annual General Meeting are being held on 19-21 September 2022. The September 2022 Ordinary Council meeting is scheduled for the 21 September 2022. Due to three Councillors attending the Conference it is proposed that the Ordinary Council meeting scheduled for 21 September 2022 be rescheduled to be held on 28 September 2022.

Recommendation

That the Ordinary Council meeting scheduled for 21 September 2022 be rescheduled to be held at the Wentworth Shire Council Chambers at 6:30pm on 28 September 2022.

Council Resolution

That Council resolves:

- a) That the Ordinary Council meeting scheduled for 21 September 2022 be rescheduled to be held at the Wentworth Shire Council Chambers at 6:30pm on 28 September 2022 and
- b) Due to the timeframes for applications for the Stronger Country Communities Funding, the Resources for Regions funding and the Local Roads and Community Infrastructure funding an Extraordinary meeting be called for the 12 September 2022 to be held at the Wentworth Shire Council Chambers at 6:30pm to determine funding priorities.

Moved Cr. Heywood, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.3 LOCAL GOVERNMENT REPRESENTATIVE WILLANDRA LAKES WORLD HERITAGE ADVISORY COMMITTEE

File Number: RPT/22/510

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

At the 20 April 2022 Ordinary Council meeting Council resolved to nominate Cr Nichols & Cr Beaumont to apply to be the Local Government representatives on the Willandra Lakes World Heritage Area Advisory Committee. Cr MacAllister who was formerly on the Committee has requested she be able to nominate as well. Cr MacAllister's inclusion requires a resolution of Council.

Recommendation

That Council endorse Cr MacAllister to apply to be a Local Government representative on the Willandra Lakes World Heritage Area Advisory Committee

Council Resolution

That Council endorse Cr MacAllister to apply to be a Local Government representative on the Willandra Lakes World Heritage Area Advisory Committee

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.4 COUNCIL BRANDING

File Number:	RPT/22/460
Responsible Officer:	Ken Ross - General Manager
Responsible Division:	Office of the General Manager
Reporting Officer:	Lexi Stockman - Manager Tourism and Promotion
Objective:	4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner
Strategy:	4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

With the move into the Civic Centre planned within the next 18 months, the timing of the rebranding is imperative to Council's fresh start within a new building, combining all operational areas of Council including the Council Offices, Visitor Information Centre, Library and Conference Centre.

Council has engaged Saunders Design to develop new branding in anticipation for our move to the Civic Centre and in line with our new tourism branding. Extensive research has been undertaken to develop the branding including a new council logo to highlight the Shire's best assets. Council had previewed the work to date during an information session conducted by Saunders Design on 22 June 2022.

Recommendation

That Council endorse the Saunders Design branding proposal and progress the development of the custom style guideline previously presented to Council.

Council Resolution

That Council endorse the Saunders Design branding proposal and progress the development of the custom style guideline previously presented to Council.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED

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, Heywood, Linklater and Rodda.***

Against the Motion: ***Clr. MacAllister.***

9.5 MONTHLY FINANCE REPORT

File Number: RPT/22/489

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 July 2022 were \$ 621,292.19. After allowing for pensioner subsidies, the total levies collected are now 6.95%. For comparison purposes 8.27% of the levy had been collected at the end of July 2021. Council currently has \$42,090,756.10 in cash and investments.

Recommendation

That Council receives and notes the Monthly Finance Report.

Council Resolution

That Council receives and notes the Monthly Finance Report.

Moved Cr Linklater, Seconded Cr Beaumont

CARRIED

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, Heywood, Linklater and Rodda.***

Against the Motion: ***Clr. MacAllister.***

9.6 MONTHLY INVESTMENT REPORT

File Number: RPT/22/461

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

Summary

As at 31 July 2022 Council had \$37 million invested in term deposits and \$5,090,756.10 in other cash investments. Council received \$12,520.03 from its investments for the month of July 2022.

In July 2022 Council investments averaged a rate of return of 1.59% and it currently has \$8,440,396.07 of internal restrictions and \$22,917,683.58 of external restrictions.

Recommendation

That Council receives and notes the monthly investment report.

Council Resolution

That Council receives and notes the monthly investment report.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED

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, Heywood, Linklater and Rodda.***

Against the Motion: ***Clr. MacAllister.***

9.7 JUNE QUARTERLY BUDGET REVIEW

File Number: RPT/22/462

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

Summary

A full analysis of Council's Income, Operating Expenditure and Capital Expenditure has been undertaken. A number of variations have been identified against the original budget as outlined in this report. Council's revenue and expenditure is reviewed on a quarterly basis to identify any potential areas requiring a variation.

	YTD Actual (30-JUN-22)	% of Original Budget	% of Revised Budget
Revenue	\$39,099,641	95.75%	93.10%
Operational Expenditure	\$26,012,133	102.89%	93.09%
Capital Expenditure	\$15,212,156	50.72%	65.94%

If approved, the net result of variances for the June 2022 Quarter is a favorable operational variance of \$1,952,000 and a favorable capital variance of \$4,103,000 resulting in a total favorable budget variation of \$6,055,000.

Recommendation

That Council approves the variations to the 2021/22 Operational Plan adopted at the 30 June 2021 Ordinary Council Meeting.

Council Resolution

That Council approves the variations to the 2021/22 Operational Plan adopted at the 30 June 2021 Ordinary Council Meeting.

Moved Cr Crisp, 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 Beaumont, Cooper, Crisp, Elstone, Heywood, Linklater and Rodda.*

Against the Motion: *Clr. MacAllister.*

9.8 DELIVERY PROGRAM PROGRESS UPDATE

File Number: RPT/22/467

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

Summary

A progress report on the implementation of Council's 4-year Delivery program is required to be presented at least every six (6) months (LGA s404(5)). This report details the activities implemented under the annual operational plan in the last quarter, as per the Delivery program. It aligns with the expenditure provided in the June Quarterly Budget Review.

This report utilises delivery program objectives from the 2017-2022 delivery program. The new delivery program adopted by council on 29 June 2022 will be utilised from 1 July 2022.

Recommendation

That Council receives and notes the quarterly progress update on the 2021/22 Operational Plan activities.

Council Resolution

That Council receives and notes the quarterly progress update on the 2021/22 Operational Plan activities.

Moved Cr Linklater, 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, Heywood, Linklater and Rodda.***

Against the Motion: ***Clr. MacAllister.***

9.9 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/22/480

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

Objective: 2.0 Wentworth Shire is a great place to live
Strategy: 2.4 A well informed, supported and engaged community

Summary

Council has provided an allocation of \$160,000.00 for the 2022/23 financial year for consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$104,320.00 has been granted to a variety of organisations through the annual fees and charges "Exemptions from the Application" process.

The total value of requests granted so far under delegated authority is \$739.00. The total value of requests for this August 2022 funding application period totals \$27,040.11, which if granted in full would leave a balance in the financial assistance program of \$27,900.89.

Councillor MacAllister requested that the first four requests be considered prior to Councillor Beaumont leaving the Chambers.

Recommendation

That Council having considered the current requests for financial assistance, makes appropriate recommendations on the level of funding to be provided to each of these applications from the Financial Assistance program.

Council Resolution

That Council grant \$5000 to the Dareton Kennel Club Inc, \$5000 to the Wentworth Show Society, \$5000 to the RFDS Operation Pelican Inc and \$4996.50 to the Gol Gol Preschool Association Corporation

Moved Cr. MacAllister, Seconded Cr Cooper

CARRIED UNANIMOUSLY

At 07:50 pm Councillor Brian Beaumont left the Council Chambers.

Council Resolution

That Council grants funding of \$4,466 to the Wentworth District Racing Club and a rate reduction of 25% to the Wentworth District Community Medical Centre Inc and funding of \$2100 to the Wentworth District Community Medical Centre Inc

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

Council Resolution

At 07:55 pm Councillor Brian Beaumont returned to Council Chambers.

9.10 DA2022/061 INCREASING WEEKLY PRODUCTION OF EXISTING RURAL INDUSTRY FROM 700 TONNE TO 4200 TONNE 28 JINDALEE ROAD AND 623 RIVER ROAD LOT 1 DP 1264484 AND LOT 989 DP 759961 COOMEALLA

File Number: RPT/22/498

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

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

Strategy: 1.1 Promote the Shire as an ideal location for investment and the establishment of innovative, sustainable and diversified industries

At 07:52 pm Councillor Steve Heywood left the Council Chambers.

At 07:52 pm Councillor Jo Rodda left the Council Chambers.

Summary**Recommendation**

1. That Council approve DA2022/061 being increasing the weekly production of an existing rural industry from 700 tonne to 4200 tonne be located at 28 Jindalee Road & 623 River Road, Lot 1 DP 1264484 & Lot 989 DP 759961 Coomealla.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

That Council

- a) Approve DA2022/061 being increasing the weekly production of an existing rural industry from 700 tonne to 4200 tonne be located at 28 Jindalee Road & 623 River Road, Lot 1 DP 1264484 & Lot 989 DP 759961 Coomealla.
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr. Linklater, Seconded Cr Cooper

Council Resolution**Amendment**

That Council

- a) Approve DA2022/061 being increasing the weekly production of an existing rural industry from 700 tonne to 4200 tonne be located at 28 Jindalee Road & 623 River Road, Lot 1 DP 1264484 & Lot 989 DP 759961 Coomealla.
- b) Add a condition that the proponent provide a marc management plan
- c) Modify Condition 6 to be amended to include "provide Council with weighbridge ticket receipts"
- d) Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr Crisp, Seconded Cr Cooper

CARRIED

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 (Mayor) and Linklater.*

Against the Motion: *Clr. MacAllister.*

At 08:02 pm Councillor Steve Heywood returned to Council Chambers.

At 08:02 pm Councillor Jo Rodda returned to Council Chambers.

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

File Number:	RPT/22/492
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 environment
Strategy:	3.3 Minimise the impact on the natural environment

Summary

Council resolved to support this Planning Proposal at its Ordinary Meeting held 16 February 2022. Following that resolution, the Planning Proposal was lodged with the Department of Planning and Environmental (DPE) for a gateway determination.

A Gateway Determination to proceed was issued by the Department of Planning and Environment (DPE) on 4 April 2022 to rezone Thegoa Lagoon Reserve and waterway from RU1 Primary Production & RU5 Village zone with a minimum lot size of 10,000 hectares to C2 Environmental Conservation zone with no minimum lot sizes.

Public exhibition and state agency consultation has been conducted in accordance with Conditions 2 and 3 of the Gateway Determination. Five (5) submissions were received from state agencies, with none of them being objections. One joint submission was received from the notified adjoining land owners, with the submission being an objection.

The report also advises that in accordance with Condition 5 of the Gateway Determination, Council is authorised to act as the local plan-making authority.

Council is the Local plan-making authority for the Planning proposal including its finalisation. However, council will be requesting DPE to prepare the final mapping.

Recommendation

That Council

- a) As the plan-making authority, resolve to proceed with the finalisation of the Planning Proposal as per section 3.36 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:

- a) As the plan-making authority, resolve to proceed with the finalisation of the Planning Proposal as per section 3.36 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. MacAllister, 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 (Mayor), Heywood, Linklater, MacAllister and Rodda.*

Against the Motion: *Nil.*

9.12 HEALTH AND PLANNING - REQUEST FOR POLICY ADOPTION

File Number: RPT/22/493

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 Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.1 Consistently engage and consult the whole community to ensure that feedback is captured and considered as part of decision-making and advocating processes

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.

Health and Planning undertook public exhibition of two policies for 28 days in accordance with Councils Community Participation Plan; and there being no submissions received, these policies are now presented for adoption

Recommendation

That Council, following the completion of the public exhibition period and there being no submissions, adopt the following draft policies:

- a) PR008 Compliance and Enforcement Policy
- b) PR015 Keeping of Animals at Residential Properties

Council Resolution

That Council following the completion of the public exhibition period and there being no submissions, adopt the following draft policies:

- a) PR008 Compliance and Enforcement Policy
- b) PR015 Keeping of Animals at Residential Properties

Moved Cr. Rodda, Seconded Cr. Cooper

CARRIED UNANIMOUSLY

**9.13 COUNCIL STORMWATER INFRASTRUCTURE ON 191 PITMAN AVENUE
BURONGA**

File Number: RPT/22/415

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development 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

Council has received a planning proposal from Roy Costa Planning & Development seeking to rezone 191 Pitman Avenue Buronga from RU1 Primary Production zone to RU5 Village zone and remove the 10 hectare minimum lot size.

A previous report to Council in January, seeking to waive the LEP amendment fee of \$6,367.00, was refused. The proponent has now paid the applicable fee.

However, to enable the planning proposal to proceed to the next stage, being lodgement on the planning portal and an assessment of the merits and justification for the rezoning, Council needs to determine if it intends to take up ownership of the area of land that contains existing stormwater infrastructure.

Recommendation

That Council resolves to:

1. Determine if it will take ownership, or not, a portion of land containing existing stormwater infrastructure at 191 Pitman Avenue, Buronga.
2. Advise Roy Costa Planning & Development, in writing, of its decision regarding ownership of the portion of land containing existing stormwater infrastructure at 191 Pitman Avenue, Buronga.

Council Resolution

That Council resolves to:

- a) Take ownership of a portion of land containing existing stormwater infrastructure at 191 Pitman Avenue, Buronga.
- b) Advise Roy Costa Planning & Development, in writing, of its decision regarding ownership of the portion of land containing existing stormwater infrastructure at 191 Pitman Avenue, Buronga.

Moved Cr. MacAllister, Seconded Cr Cooper

CARRIED UNANIMOUSLY

9.14 DELEGATED AUTHORITY APPROVALS AS AT END OF JULY 2022

File Number: RPT/22/481

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

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural environment
Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

For the month of July 2022, a total of nine (9) Development Applications and ten (10) S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$572,458.00. This brings the year to date total to sixty-three (63) Development Applications and thirty-two (32) S4.55 Applications approved, with an estimated development value of \$8,115,171.00

Recommendation

That Council:

- a) Receives and notes the report for the Delegated Authority Approval for the month of July 2022.
- b) 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) Calls a Division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

- a) Receives and notes the report for the Delegated Authority Approval for the month of July 2022.
- b) 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) Calls a Division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr. Rodda, 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 (Mayor), Heywood, Linklater, MacAllister and Rodda.***

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

9.15 PROJECT & WORKS UPDATE - AUGUST 2022

File Number: RPT/22/477

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Chanelle Pilling - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

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 July 2022 and the planned activities for August 2022.

Recommendation

That Council receives and notes the major works undertaken in July and the scheduled works for the following month.

Council Resolution

That Council receives and notes the major works undertaken in July and the scheduled works for the following month.

Moved Cr Rodda, Seconded Cr Crisp

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 FUNDING FOR AUSTRALIAN INLAND BOTANIC GARDENS

File Number: RPT/22/459

Motion

That Wentworth Shire Council's financial contribution to the Australian Inland Botanic Gardens be increased by 5% for the current financial year.

Council Resolution

That Wentworth Shire Council's financial contribution to the Australian Inland Botanic Gardens be increased by 5% for the current financial year.

Moved Cr Rodda, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

Councillor Linklater provided the following:

I would like to congratulate and acknowledge Brendan Cullen who you may recall conquered the English Channel at the start of the month in a fantastic time of 17 hours. On Saturday 12 March this year Brendan attended a Wentworth Shire Council event "Mental Health Awareness" in Pooncarie where he was a guest speaker and is a Lifeline Ambassador. I would like to thank Brendan for his passion and commitment and commend the ongoing work of Lifeline, what a fantastic effort.

10.2 POONCARIE USER GROUP

Cr Jo Rodda asked if a meeting schedule has been arranged for the Pooncarie User Group.

10.3 DARLING STREET CROSSING NEAR BENDIGO BANK

Cr Steve Heywood asked if the crossing near the Bendigo Bank could be made a pedestrian crossing.

The current high pedestrian activity area being considered by TfNSW for the 40km an hour speed limit and works associated with that, there will be included traffic calming devices, line marking and signage. Council can also make a recommendation for this area to be looked at.

10.4 TENDER PANEL AGE LIMIT ON TRUCKS

Cr Steve Heywood asked for information regarding the Tender Panel age limit on trucks as he feels this is not a fair system and people are precluded for this reason.

The Director of Roads and Engineering advised that the age limit criteria does not preclude anybody and that it is one of the considerations with regard to looking at the total score for a vehicle. The tenders are assessed over a number of factors and we do this for all tenders. There is an assessment criteria and this is one component that is considered but overall comes down to a value for money decision.

10.5 WILLOWBEND CARAVAN PARK - LAWN

Cr Steve Heywood commented that the fill level is at the right height where is the capacity to add loam to grow the lawn.

The General Manager advised that the concrete pads will be set on top of the current fill level and there will be a further 125mm of loam for landscaping.

10.6 TENDERING ASSESSMENT TOOL GUIDELINES

Cr Peter Crisp asked that Councillors be provided with a copy of the Tendering Assessment tool guidelines.

Councillor Cooper advised he cannot attend the Lock 8 & 9 Stakeholder Advisory Group meeting next week. Councillor MacAllister will attend in Councillor Coopers place.

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 Old Wentworth Road - Variation for Supply and Delivery of Road Base Material - PT2122/13. (RPT/22/516)

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 Linklater, Seconded Cr Rodda

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL**12.1 OLD WENTWORTH ROAD - VARIATION FOR SUPPLY AND DELIVERY OF ROAD BASE MATERIAL - PT2122/13**

File Number: RPT/22/516

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Lisa Kalemkeridis - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

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 approved a variation of \$52,299.90 ex GST for the Supply & Delivery of Road Base Material for Old Wentworth Road construction Tender no. PT2122/13 with Mallee Quarries Pty Ltd.

13 CONCLUSION OF THE MEETING

The meeting closed at 8:36pm

NEXT MEETING

12 September 2022

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CHAIR