



**ORDINARY MEETING  
MINUTES**

**19 APRIL 2023**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING OF MEETING .....	1
2	PRAYER OR ACKNOWLEDGEMENT OF COUNTRY.....	1
3	APOLOGIES AND LEAVE OF ABSENCE.....	1
4	DISCLOSURES OF INTERESTS .....	1
NIL	1	
5	CONFIRMATION OF MINUTES .....	1
6	OUTSTANDING MATTERS FROM PREVIOUS MEETINGS .....	2
6.1	Outstanding Matters from Previous Meetings.....	2
7	MAYORAL AND COUNCILLOR REPORTS .....	3
7.1	Mayoral Report .....	3
8	REPORTS FROM COMMITTEES .....	4
	Nil	
9	REPORTS TO COUNCIL .....	5
9.1	General Managers Report.....	5
9.2	Mildura Rural City Council & Wentworth Shire Council Collaborative Commitment.....	6
9.3	2023 National General Assembly of Local Government .....	7
9.4	2023 Murray Darling Basin Authority River Reflections Conference .....	8
9.5	2023 LGNSW Water Management Conference.....	9
9.6	Murray Darling Association Region 4 Nominations.....	10
9.7	Monthly Finance Report - March 2023 .....	11
9.8	Monthly Investment Report - March 2023.....	12
9.9	Heritage & History Advisory Committee .....	13
9.10	Reclassification of Land to Operational .....	14
9.11	Part Buronga Caravan Park Reserve 63988 - Lease inclusion - Rent ....	15
9.12	DA2023/020 Dwelling 98 Neilpo Road Lot 1 DP 805859 Wentworth .....	16
9.13	DA2022/082 Second Dwelling (Dual Occupancy - Detached) Deferred Commencement 28-30 Hendy Road Lot 455 DP 756961 Buronga .....	17
9.14	Wentworth Local Environmental Plan 2011 – 191 Pitman Avenue rezoning Planning Proposal .....	19
9.15	Wentworth Local Environmental Plan 2011 – Buronga Commercial Area Rezoning Planning Proposal.....	20

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9.16	Delegated Authority Approvals as at end of March 2023 .....	21
9.17	Project & Works Update - April 2023.....	23
<b>10</b>	<b>NOTICES OF MOTIONS / QUESTIONS WITH NOTICE .....</b>	<b>24</b>
10.1	2026 LGNSW Destination and Visitor Economy Conference.....	24
10.2	City/Country Council Agreement .....	24
<b>11</b>	<b>CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION.....</b>	<b>27</b>
<b>12</b>	<b>OPEN COUNCIL - REPORT FROM CLOSED COUNCIL .....</b>	<b>29</b>
12.1	Pitstop Recycling. ....	29
12.2	Water Account Reduction Request .....	30
12.3	PT2223/09 Plant Purchase - Approval of Tenders for Purchase of a Paving and Construction Pad Foot Roller 16.5 tonne .....	31
	<b>THE GENERAL MANAGER THAT THAT COUNCIL ACCEPTS THE TENDER FROM WILLIAM ADAMS CAT FOR THE SUPPLY OF ONE CATERPILLAR CP74B PAD FOOT ROLLER FOR THE SUM OF \$ 247,500.00 INC GST. ....</b>	<b>31</b>
<b>13</b>	<b>CONCLUSION OF THE MEETING .....</b>	<b>32</b>
	<b>NEXT MEETING .....</b>	<b>32</b>

## 1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 7:00pm.

## 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 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)  
Debra Zorzi (Governance Officer)

## 3 APOLOGIES AND LEAVE OF ABSENCE

### Council Resolution

That Council notes the apology from Cr MacAllister.

**Moved Cr Linklater, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

## 4 DISCLOSURES OF INTERESTS

Nil

## 5 CONFIRMATION OF MINUTES

### Recommendation

That the Minutes of the Ordinary Meeting held 15 March 2023 be confirmed as circulated.

### Council Resolution

That the Minutes of the Ordinary Meeting held 15 March 2023 be confirmed as circulated.

**Moved Cr. Nichols, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

### 6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/23/175

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 11 April 2023.

#### Council Resolution

That Council receives and notes the list of outstanding matters as at 11 April 2023.

**Moved Cr Rodda, Seconded Cr Beaumont**

**CARRIED UNANIMOUSLY**

## **7 MAYORAL AND COUNCILLOR REPORTS**

### **7.1 MAYORAL REPORT**

File Number: RPT/23/171

#### **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. Heywood**

**CARRIED UNANIMOUSLY**

## **8     REPORTS FROM COMMITTEES**

Nil

## 9 REPORTS TO COUNCIL

### 9.1 GENERAL MANAGERS REPORT

File Number: RPT/23/172

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  
Nil
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 Crisp, Seconded Cr Linklater**

**CARRIED UNANIMOUSLY**



**9.2 MILDURA RURAL CITY COUNCIL & WENTWORTH SHIRE COUNCIL  
COLLABORATIVE COMMITMENT**

File Number: RPT/23/176

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**

This report is to present the Collaborative Commitment as developed between the Mildura Rural City Council and the Wentworth Shire Council and seek Council's resolution to endorse the commitment.

**Recommendation**

That Council endorse the Collaborative Commitment as developed between the Mildura Rural City Council and Wentworth Shire Council.

**Council Resolution**

That Council endorse the Collaborative Commitment as developed between the Mildura Rural City Council and Wentworth Shire Council.

**Moved Cr Linklater, Seconded Cr Beaumont**

**CARRIED UNANIMOUSLY**

**9.3 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

File Number: RPT/23/169

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Tania Peel - Business Support Officer

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 2023 National General Assembly of Local Government (NGA) is being held in Canberra from 13- 16 June 2023. The NGA provides an opportunity for Councils to identify and discuss national issues of priority for the sector.

Last year Council attended the National Assembly of Local Government virtually and the 2 years prior Council representatives did not attend due the COVID.

**Recommendation**

That Council endorses the attendance of delegates at the National General Assembly of Local Government "Our Communities, Our Future" 13-16 June 2023 in Canberra.

**Council Resolution**

That Council endorses the attendance of Cr Linklater, Cr MacAllister and the General Manager at the National General Assembly of Local Government "Our Communities, Our Future" 13-16 June 2023 in Canberra.

**Moved Cr Crisp, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.4 2023 MURRAY DARLING BASIN AUTHORITY RIVER REFLECTIONS CONFERENCE**

File Number: RPT/23/177

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 2023 Murray Darling Basin Authority *River Reflections* Conference will be held from 14-15 June 2023 in Narrabri or by live streaming at no cost. *River Reflections* will provide the space and time for the diverse communities of the Murray Darling Basin to come together to listen and learn from one another.

**Recommendation**

That Council determines attendees to the 2023 Murray Darling Basin Authority *River Reflections* Conference or alternatively to attend via live stream at no cost.

**Motion**

That Council determines attendees to the 2023 Murray Darling Basin Authority *River Reflections* Conference to attend via live stream at no cost.

**Moved Cr. Nichols, Seconded Cr Crisp**

**LAPSED**

**Amendment**

That Council endorses Mayor Elstone & Cr Heywood to attend the 2023 Murray Darling Basin Authority *River Reflections* Conference.

**Moved Cr. Heywood, Seconded Cr Linklater**

**CARRIED**

**Resolution**

That Council endorses Mayor Elstone & Cr Heywood to attend the 2023 Murray Darling Basin Authority *River Reflections* Conference.

**Moved Cr. Heywood, Seconded Cr Linklater**

**CARRIED**

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

***Against the Motion:*** ***Clr.s Crisp and Nichols.***

**9.5 2023 LGNSW WATER MANAGEMENT CONFERENCE**

File Number: RPT/23/228

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Tania Peel - Business Support Officer

Objective: 3.0 Wentworth Shire is a community that works to enhance and protect its physical and natural environment  
Strategy: 3.4 Use and manage our resources wisely

**Summary**

The annual Local Government NSW (LGNSW) Water Management Conference will be held from 26-28 June 2023 in Parkes. A broad range of information from a local government perspective on water management, issues associated with water supply and sewerage services provided by water utilities will be presented at the conference.

**Recommendation**

That Council nominates delegates to attend the 2023 LGNSW Water Management Conference to be held in Parkes from 26-28 June 2023.

**Council Resolution**

That Council nominates Director Roads and Engineering & Jag Jayasena to attend the 2023 LGNSW Water Management Conference to be held in Parkes from 26-28 June 2023.

**Moved Cr. Heywood, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

**9.6 MURRAY DARLING ASSOCIATION REGION 4 NOMINATIONS**

File Number: RPT/23/174

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Tania Peel - Business Support Officer

Objective: 3.0 Wentworth Shire 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**

Wentworth Shire Council continues to be a member of the Murray Darling Association (MDA); a membership-based organisation representing local government and communities across the Murray-Darling Basin since 1944.

The MDA works with and for member councils, in collaboration with state based local government associations such as Local Government NSW, Joint Organisations and other local government affiliations.

Wentworth Shire Council sits within Region 4; there are 12 regions.

The MDA Region 4 Annual General Meeting is scheduled to be held on 31 May 2023 at the Mildura Rural City Council.

Nominations are now being called for the position of Chair and Executive Committee members.

**Recommendation**

That Council

1. Nominates delegate(s) for positions on the Executive Committee of MDA Region 4, and in doing so acknowledges its commitment to the nomination.
2. Determines if it will nominate a preferred delegate for the position of Chair of MDA Region 4, and in doing so acknowledges the obligations of the Region Chair and commits to providing the resources required to support the role of Chair.

**Council Resolution**

That Council nominates Cr Heywood for a position on the Executive Committee of MDA Region 4, and in doing so acknowledges its commitment to the nomination.

**Moved Cr Linklater, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.7 MONTHLY FINANCE REPORT - MARCH 2023**

File Number: RPT/23/184

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 March 2023 were \$520,538.05. After allowing for pensioner subsidies, the total levies collected are now 74.95%. For comparison purposes 75.93% of the levy had been collected at the end of March 2022. Council currently has \$49,366,396.48 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 Cooper, Seconded Cr Beaumont**

**CARRIED UNANIMOUSLY**

**9.8 MONTHLY INVESTMENT REPORT - MARCH 2023**

File Number: RPT/23/183

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 March 2023 Council had \$42 million invested in term deposits and \$7,366,396.48 in other cash investments. Council received \$122,080.65 from its investments for the month of March 2023.

In March 2023 Council investments averaged a rate of return of 3.98% and it currently has \$8,235,255.60 of internal restrictions and \$34,093,222.88 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. Nichols, Seconded Cr Linklater**

**CARRIED UNANIMOUSLY**

**9.9 HERITAGE & HISTORY ADVISORY COMMITTEE**

File Number: RPT/23/199

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Deborah Zorzi - Governance Officer

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**

By way of a Resolution at the 28 September 2022 Council meeting, Council approved the inclusion of a Heritage Advisory Committee in its Committee structure for the next 12 months.

A draft Heritage Advisory Committee Charter was provided to Council at the meeting of 15 February 2023 with the recommendation that Council adopts the terms of reference detailed in the draft Charter and endorses the objectives, composition of the Committee, and the membership nomination and selection process to enable establishment of the Committee.

During debate of the motion, which included debate regarding composition of the Committee, an Amendment was put forward to change the title of the Committee to 'Heritage & History Advisory Committee,' and to extend the list of objectives to reference 'Indigenous and European history'.

The Council Resolution amended the title and the list of objectives accordingly however it omitted adoption of the terms of reference and the membership nomination and selection process.

**Recommendation**

That Council adopts the terms of reference detailed in the Heritage & History Advisory Committee draft Charter and endorses the objectives, composition of the Committee, and the membership nomination and selection process to enable establishment of the Committee.

**Council Resolution**

That Council adopts the terms of reference detailed in the Heritage & History Advisory Committee draft Charter and endorses the objectives, composition of the Committee, and the membership nomination and selection process to enable establishment of the Committee and that Cr MacAllister and Cr Nichols be the Council delegates and Cr Beaumont be the alternate representative.

**Moved Cr Rodda, Seconded Cr. Heywood**

**CARRIED UNANIMOUSLY**



**9.10 RECLASSIFICATION OF LAND TO OPERATIONAL**

File Number: RPT/23/150

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

Objective: 3.0 Wentworth Shire 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**

Section 31(2) of the *Local Government Act 1993* (the Act) notes that before Council acquires land, or within three months after it acquires land, Council may classify the subject land by resolution.

The purpose of classification is to identify Council owned land which should be kept for use by the general public (community) or for Council purposes (operational).

A resolution of Council, within the timeframe prescribed in the Act is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land.

**Recommendation**

That Council classifies Lot 39 Deposited Plan 1267496 as Operational Land.

**Council Resolution**

That Council classifies Lot 39 Deposited Plan 1267496 as Operational Land.

**Moved Cr Linklater, Seconded Cr. Heywood**

**CARRIED UNANIMOUSLY**

**9.11 PART BURONGA CARAVAN PARK RESERVE 63988 - LEASE INCLUSION - RENT**

File Number: RPT/23/173

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

Objective: 1.0 Wentworth 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

**Summary**

A Council report was submitted to Council on 16 February 2022, to ratify the terms & conditions of a new lease for part of the Buronga Caravan Park Reserve 63988 being Lot 2 Deposited Plan 1032974, as the current lessee was in negotiations to sell the business to a new entity.

Although the rent conditions were discussed in the report a resolution of Council was omitted, therefore this report is to gain a resolution of Council to formalise the rent payable by the new lessees.

**Recommendation**

That Council:

1. Approves the rent to continue as previously set in the existing licence, with an annual increase of the Consumer Price Index, on the anniversary date of when the new lease is executed.
2. Reinstates the Consumer Price Index (CPI) rate to increase annually on the anniversary date of the executed lease agreement

**Council Resolution**

That Council reinstates the Consumer Price Index (CPI) rate to increase annually on the anniversary date of the executed lease agreement

**Moved Cr. Nichols, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.12 DA2023/020 DWELLING 98 NEILPO ROAD LOT 1 DP 805859 WENTWORTH**

File Number: RPT/23/186

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Planning Officer

Objective: 3.0 Wentworth Shire 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**

A development application (DA2023/020) was received by Council for a dwelling to be located at 98 Neilpo Road Lot 1 DP 805859 Wentworth in close proximity to the river.

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

The proposed dwelling is located between 16.2m and 23.7m from the high bank of the river, while the required river setback under clause 7.6 the WLEP 2011 is 30m from the high bank. As part of the 7.6 assessment, a variation to the 30m river setback standard was required (usually referred to as a 4.6 variation).

Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

**Recommendation**

That Council:

1. Approve DA2023/020 being a Dwelling located at 98 Neilpo Road Lot 1 DP 805859 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Council Resolution**

That Council:

1. Approve DA2023/020 being a Dwelling located at 98 Neilpo Road Lot 1 DP 805859 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**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, MacAllister and Rodda.***

***Against the Motion:*** ***Clr. Nichols.***

**9.13 DA2022/082 SECOND DWELLING (DUAL OCCUPANCY - DETACHED)  
DEFERRED COMMENCEMENT 28-30 HENDY ROAD LOT 455 DP 756961  
BURONGA**

File Number: RPT/23/187

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

Objective: 3.0 Wentworth Shire 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**

A development application (DA2022/082) was received by Council for a new detached dual occupancy to be located at 28-30 Hendy Road Lot 455 DP 756961 Buronga.

Under the Wentworth Local Environmental Plan 2011 (WLEP 2011), detached dual occupancy are permitted with consent if located within the RU5 Village zone.

The proposed detached dual occupancy is located 25m from the high bank of the river, while the required river setback under clause 7.6 the WLEP 2011 is 30m from the high bank. The applicant has provided a variation application, to allow the detached dual occupancy to be located closer to the river than is allowed by legislation. Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

The application was presented to Council at the 14 December 2022 ordinary Council meeting where it was recommended for refusal. At the Council meeting, the applicant presented additional information to the Councilors supporting the development application. Council decided to defer the matter until such time as the additional information has been included in the assessment. The assessment considering the additional information has been completed and the application is now being brought to Council for determination.

**Recommendation**

That Council:

- a) Refuse to issue approval for DA2022/082 being a detached dual occupancy located at 28-30 Hendy Road Lot 455 DP 756961 Buronga.
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Council Resolution**

That Council:

- a) Issue an approval for DA2022/082 being a detached dual occupancy located at 28-30 Hendy Road Lot 455 DP 756961 Buronga.
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

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

*Against the Motion:*              *Clr. Nichols.*

**9.14 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 – 191 PITMAN AVENUE  
REZONING PLANNING PROPOSAL**

File Number: RPT/23/201

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

Objective: 3.0 Wentworth Shire 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**

Wentworth Shire Council has received a Planning Proposal from Roy Costa Planning and Development on behalf of VF & BM Pollesel.

The Planning Proposal seeks to amend the Wentworth Local Environmental Plan 2011 (WLEP) by rezoning Lot 108 DP 756946, 191 Pitman Avenue, Buronga from RU4 Primary Production Small Lot zone with an existing minimum lot size (MLS) of 10 hectares to RU5 Village and SP2 Infrastructure zone with no MLS.

**Recommendation**

That Council resolves to:

- a) Submit the planning proposal to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination to amend the Wentworth Local Environmental Plan 2011 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 the Minister for the Department of Planning and Environment for consideration of a Gateway Determination to amend the Wentworth Local Environmental Plan 2011 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 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, Heywood, Linklater, MacAllister, Nichols and Rodda.***

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

**9.15 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 – BURONGA  
COMMERCIAL AREA REZONING PLANNING PROPOSAL**

File Number: RPT/23/202

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

**Summary**

Council's Health and Planning Department has prepared a Planning Proposal as an outcome of the Buronga Gol Gol Structure Plan (BGGSP).

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\_004F applied to the subject land from 'RU5 Village' to 'E1 Local Centre' and 'SP2 Infrastructure'

This report seeks Council endorsement to submit the Planning Proposal to the Department of Planning & 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 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 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. Heywood, 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, Heywood, Linklater, MacAllister, Nichols and Rodda.***

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

**9.16 DELEGATED AUTHORITY APPROVALS AS AT END OF MARCH 2023**

File Number: RPT/23/179

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Planning Officer

Objective: 3.0 Wentworth Shire 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 March 2023, a total of thirteen (13) Development Applications and two (2) S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined Development Applications was \$2,848,968.00. This brings the year to date total to thirty-two (32) Development Applications and ten (10) S4.55 applications approved, with an estimated development value of \$7,429,461.00.

**Recommendation**

That Council:

- a) Receives and notes the report for the Delegated Authority Approvals for the month of March 2023.
- 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 Approvals for the month of March 2023.
- 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 Linklater, Seconded Cr Beaumont**

**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, MacAllister, Nichols and Rodda.*

*Against the Motion:*              *Nil.*

**9.17 PROJECT & WORKS UPDATE - APRIL 2023**

File Number: RPT/23/196

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration Officer

Objective: 3.0 Wentworth Shire 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 months of March 2023 and the planned activities for April 2023.

**Recommendation**

That Council receives and notes the major works undertaken in March 2023 and the scheduled works for the following month.

**Council Resolution**

That Council receives and notes the major works undertaken in March 2023 and the scheduled works for the following month.

**Moved Cr. Heywood, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

## 10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

### 10.1 2026 LGNSW DESTINATION AND VISITOR ECONOMY CONFERENCE

File Number: RPT/23/181

#### **Motion**

That Council form a sub-committee to consider the pros and cons of lodging an expression of interest to host the Rural/Regional 2026 Destination & Visitor Economy Conference.

That Council form a sub-committee to consider the pros and cons of lodging an expression of interest to host the Rural/Regional 2026 Destination & Visitor Economy Conference.

Following the review of the information provided by Council staff, Cr Beaumont withdrew his motion.

### 10.2 CITY/COUNTRY COUNCIL AGREEMENT

File Number: RPT/23/198

#### **Motion**

That Council enter into a Memorandum of Understanding or similar Agreement with a NSW City Council, to facilitate mutual benefit to Council operations and to maximise community opportunities.

#### **Council Resolution**

That Council enter into a Memorandum of Understanding or similar Agreement with a NSW City Council, to facilitate mutual benefit to Council operations and to maximise community opportunities.

**Moved Cr Linklater, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

### 10.3 LETTER TO WATER MINISTER SEEKING URGENT IMPLEMENTATION OF NSW NATURAL RESOURCES COMMISSION RECOMMENDATIONS

File Number: RPT/23/224

#### **Motion**

That Council writes to NSW Water Minister seeking urgent implementation of all recommendations from the NSW Natural Resources Commission in relation to Long Term Average Annual Extraction Limits.

#### **Council Resolution**

That Council writes to NSW Water Minister seeking urgent implementation of all recommendations from the NSW Natural Resources Commission in relation to Long Term Average Annual Extraction Limits

**Moved Cr. Nichols, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**10.4 QUESTIONS FROM CR MACALLISTER - RZ RESOURCES**

Cr Tim Elstone read questions submitted by Cr MacAllister regarding RZ Resources.

*When did Council first learn of RZ's intention to provide \$80,000 to Council, as listed on the attached enforceable undertaking?*

August 2022

*When was Council first advised of the funding to be allocated towards Junction Island viewing platform and walkway?*

August 2022

*Does Council have the capacity to complete the work and finalise reporting required within 12 months of the date the undertaking was signed?*

The Enforceable Undertaking was signed in March. Councils intention is to complete the bridge and abutments and start the shared paths and Council should have that completed by March next year which would satisfy the undertaking.

*Is there any other information in relation to RZ Resources using Council facilities, staff or Senior Council staff or Councillors working for or disclosing any pecuniary or non-pecuniary relationship with RZ Resources, this would be an opportunity to make any relevant disclosures.*

No building or infrastructure has been utilised. The only staff interaction the General Manager is aware of has been the Roads and Engineering team working towards a future road maintenance agreement and the General Manager conducting business in terms of RZ Resources providing updates. The reality of the RZ Resources project is it is still in its infancy and they have Environmental studies to complete. It is a state significant development which means Council will be consulted in the process but Council will not be the determining authority. It is up to the State to command a level of detail to be provided to have the assessment conducted. Councils interest is mainly the Springwood road and taking their material through the haul route up to Broken Hill. We await their due diligence and studies and that will be tabled before us for comment like any other member of the public.

Cr Crisp advised he works for a firm that does occasional contracting for RZ Resources . In the last 12 months have provided transport services for them on two occasions.

**10.5 WENTWORTH WATER TOWER**

Cr Susan Nichols advised the Wentworth Water Tower appears to have leaks running down the side of it. Could this please be investigated?

**10.6 MOORING POLES WENTWORTH RIVERFRONT**

Cr Susan Nichols advised houseboats are having difficulty with the bollards being the incorrect height. Could this be fixed?

The General Manager advised that money has been allocated in this years budget for this to be rectified.

**10.7 CAMPING AT MCLEOD OVAL**

Cr Susan Nichols asked about free camping at McLeod oval and if people could be

directed to the showground.

The General Manager advised that while the caravan park is closed we have endorsed free camping to encourage people to stay in town rather than moving on to the next town.

**10.8 CHILD PROTECTION POLICY**

Cr Jo Rodda asked why the Child Protection Policy wasn't tabled at this meeting.

The Director Finance and Policy advised it will be tabled at the next meeting.

**10.9 CULVERT FLETCHERS CREEK**

Cr Peter Crisp asked if the lines of communication can remain open between Council and stakeholders regarding Fletchers Creek culvert/regulator to determine its future.

**10.10 AUSTRALIAN INLAND BOTANIC GARDENS FUNDING**

Cr Jo Rodda asked if the funding for the Australian Inland Botanic Gardens will increase by CPI again this year.

The Director Finance Policy advised this has already been addressed in the upcoming budget.

## **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 Pitstop Recycling.. (RPT/23/185)**

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 (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 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.

#### **12.2 Water Account Reduction Request. (RPT/23/195)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) discussion in relation to the personal hardship of a resident or ratepayer.

**12.3 PT2223/09 Plant Purchase - Approval of Tenders for Purchase of a Paving and Construction Pad Foot Roller 16.5 tonne. (RPT/23/233)**

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 Cooper**

**CARRIED UNANIMOUSLY**

## 12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

### 12.1 PITSTOP RECYCLING.

File Number: RPT/23/185

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

Strategy: 3.4 Use and manage our resources wisely

#### **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 (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 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 defer this item to a future meeting to allow further comprehensive investigation and consultation.



**12.2 WATER ACCOUNT REDUCTION REQUEST**

File Number: RPT/23/195

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration Officer

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

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

***REASON FOR CONFIDENTIALITY***

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) discussion in relation to the personal hardship of a resident or ratepayer.*

The General Manager advised that Council resolved to reimburse the amount of \$1075.00 to the owner.

**12.3 PT2223/09 PLANT PURCHASE - APPROVAL OF TENDERS FOR PURCHASE OF A PAVING AND CONSTRUCTION PAD FOOT ROLLER 16.5 TONNE**

File Number: RPT/23/233

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration Officer

Objective: 3.0 Wentworth Shire 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 that that council accepts the tender from William Adams Cat for the supply of one Caterpillar CP74B Pad Foot Roller for the sum of \$ 247,500.00 inc gst.

## **13 CONCLUSION OF THE MEETING**

### **NEXT MEETING**

17 May 2023

.....  
**CHAIR**