



**ORDINARY MEETING
MINUTES**

(as amended)

17 APRIL 2024

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 6:59pm.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Daniel Linklater
Councillor Brian Beaumont
Councillor Steve Cooper
Councillor Peter Crisp (Video Conference)
Councillor Tim Elstone
Councillor Jane MacAllister
Councillor Susan Nichols
Councillor Jo Rodda (Video Conference)

STAFF: Ken Ross (General Manager)
George Kenende (Acting Director Health and Planning)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Hannah Nicholas (Business Support Officer)
Deb Zorzi (Governance Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Councillor Linklater advised that he had a less than significant pecuniary interest in item 9.5 due to a relative's involvement/signature as an employee of a banking institution.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 20 March 2024 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 20 March 2024 be confirmed as circulated.

Moved Cr Cooper, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/24/182

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Hannah Nicholas - 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 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 10 April 2024.

Council Resolution

That Council receives and notes the list of outstanding matters as at 10 April 2024.

Moved Cr Beaumont, Seconded Cr Cooper

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/24/184

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 Linklater, Seconded Cr. Elstone

CARRIED UNANIMOUSLY

Cr Linklater read a letter written by Marg Whyte. Cr Linklater acknowledged that although reading such a letter during a meeting is not usual business, the author is a renowned local advocate and artist. The letter pertains to the future name of the Wentworth Caravan Park and the significance of the local flora at the Caravan Park, noting in particular the significance of the native willow trees.

Mayoral Minute

In light of recent rainfall events in the upper catchment of the Darling River, and given the poor water quality currently being experienced in the Lakes and Lower Darling, WSC write to the NSW and Federal Water Ministers to request an immediate section 324 Embargo to protect the flow; to enable it to improve the quality of water in the lower darling, by providing a 'flush' event. This needs to occur by circumventing the Menindee lake system and in conjunction with a temporary lowering of the Wentworth Weir at the appropriate time to provide a draw into the Murray system. It is imperative that the water is protected to the end of system.

Moved Cr Linklater, Seconded Cr. Elstone

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT

File Number: RPT/24/183

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Hannah Nicholas - 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 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

Tourism Report

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. Elstone, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.2 MONTHLY FINANCE REPORT - MARCH 2024

File Number: RPT/24/161

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 2024 were \$478,596.14. After allowing for pensioner subsidies, the total levies collected are now 77.41%. For comparison purposes 74.95% of the levy had been collected at the end of March 2023. Council currently has \$46,471,329.59 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. Nichols

CARRIED UNANIMOUSLY

9.3 MONTHLY INVESTMENT REPORT - MARCH 2024

File Number: RPT/24/164

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 of 31 March 2024, Council had \$42 million invested in term deposits and \$4,471,329.59 in other cash investments. Council received \$180,229.70 from its investments for the month of March 2024.

In March 2024 Council investments averaged a rate of return of 4.93% and it currently has \$8,740,704.97 of internal restrictions and \$34,115,297.73 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. Elstone, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.4 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 BURONGA COMMERCIAL PRECINCT PLANNING PROPOSAL

File Number: RPT/24/176

Responsible Officer: George Kenende - Acting Director Health & Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Acting Director Health & Planning

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

Strategy: 1.5 Encourage and support initiatives that improve local employment opportunities

Summary

Wentworth Shire Council resolved to proceed with a Planning Proposal to amend planning provisions in the Wentworth Local Environmental Plan 2011 (WLEP) that specifically relate to amendment to the Zoning.

The Department of Planning and Environment (DPE) (now the Department of Planning Housing and Infrastructure (DPHI)) issued a Gateway Determination to proceed on 15 June 2023.

The Planning Proposal sought to amend the following provisions:

- Rezone approximately 15 ha of land north of the Sturt Highway in Buronga from RU5 Village to E1 Local Centre
- Rezone Lot 1 DP 848480 from RU5 Village to SP2 Infrastructure

Public exhibition and state agency consultation to Transport for NSW (TfNSW) was conducted in accordance with the Gateway Determination. One (1) public submission was received. No submission was received from Transport for NSW.

During the processing of the Planning Proposal, a development application (DA2021/008) refused by Council was challenged by the applicant through the Land and Environment Court (LEC). The development application was located on Lot 5 DP 1029509, which is part of the subject land being rezoned. The rezoning was a matter considered during the LEC proceedings. Due to this, the finalisation of the planning proposal was placed on hold until a judgment by LEC was reached. The LEC issued their judgement on 26 March 2024, and the planning proposal is being brought before Council to commence finalization.

No amendments have been made to the Planning Proposal as an outcome of public exhibition and submissions.

This report seeks Council endorsement of the Planning Proposal and approval to proceed with finalisation of the amendment to the Wentworth Local Environmental Plan 2011.

Recommendation

- a. That Council endorse the post exhibition documentation as outlined in this report.
- b. That Council, as the plan-making authority, resolve to proceed with the finalisation of the Planning Proposal in accordance with section 3.36 of the Environmental Planning

and Assessment Act 1979.

- c. That Council call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

- a. That Council endorse the post exhibition documentation as outlined in this report.
- b. That Council, as the plan-making authority, resolve to proceed with the finalisation of the Planning Proposal in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979.
- c. That Council call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

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

For the Motion : Cr Beaumont, Cooper, Crisp, Elstone, Linklater, MacAllister and Nichols.

Against the Motion: Cr Rodda.

9.5 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 – PLANNING PROPOSAL TO REZONE RU4 LAND TO R5 AND REDUCE MINIMUM LOT SIZE FROM 10HA TO 1500 SQM IN EAST GOL GOL

File Number: RPT/24/179

Responsible Officer: George Kenende - Acting Director Health & Planning
Responsible Division: Health and Planning
Reporting Officer: George Kenende - Acting Director Health & Planning

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 Cadell Consulting Services on behalf of MH2 Engineering & Architectural Services and the landowners.

The Planning Proposal seeks to amend the Wentworth Local Environmental Plan 2011 (WLEP) for the subject land made up of 10 allotments by:

- Rezoning it from RU4 Primary Production Small Lots to R5 Large Lot Residential
- Reducing the Minimum Lot Size (MLS) from 10 ha to 1,500 square metres.

This report seeks Council endorsement to submit the Planning Proposal with supporting documentation to the Minister of Planning and Public Spaces (Department of Planning Housing and Infrastructure (DPHI)) for a gateway to amend the Wentworth Local Environmental Plan 2011.

Recommendation

That Council resolves to:

- a. Submit the Planning Proposal to the Minister of Planning and Public Spaces for consideration for 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. That Council 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 of Planning and Public Spaces for consideration for 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. That Council call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

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

For the Motion : Cr Beaumont, Cooper, Crisp, Elstone, Linklater, MacAllister, Nichols and Rodda

Against the Motion: Nil.

9.6 PROJECT & WORKS UPDATE - APRIL 2024

File Number: RPT/24/159

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 2024 and the planned activities for April 2024.

Recommendation

That Council receives and notes the major works undertaken in March 2024 and the scheduled works for the following month.

Council Resolution

That Council receives and notes the major works undertaken in March 2024 and the scheduled works for the following month.

Moved Cr Beaumont, Seconded Cr Cooper

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**10.1 REQUEST FOR FINANCIAL ASSISTANCE - WENTWORTH SPORTING COMPLEX GOLF CLUB INC**

File Number: RPT/24/188

Council Resolution

That Council admit the request for financial assistance for the Wentworth Sporting Complex Golf Club Inc in to the agenda.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED UNANIMOUSLY

Council Resolution

That Council provide financial assistance to the Wentworth Sporting Complex Golf Club Inc to the value of \$20,000 to be sourced through a budget variation to assist this volunteer based not for profit club achieve self sufficiency and thereby remain solvent.

Moved Cr. Beaumont, Seconded Cr. Cooper

CARRIED UNANIMOUSLY

Cr Cooper read the formal resignation letter from the Wentworth Gaol Operator, Paul Swarbrick, on Mr Swarbrick's request. Mr Swarbrick thanked Council for the privilege to look after the Gaol for the last 24 years and wishes the new operators the very best in the years to come. Cr Cooper concluded that Mr Swarbrick has done a great job.

10.2 MORE BINS IN MCLEOD OVAL & SPRINKLERS TURNED ON AT WESTERN BOUNDARY

Cr Brian Beaumont would like more bins located at McLeod Oval, due to an increasing numbers of visitors camping within that area. Cr Beaumont also would like the sprinklers at the Western boundary turned on more frequently due to some vegetation needing it along that boundary.

Council Resolution

That Council adjourns into a closed session, that the recording of the meeting be paused, that members of the press and public be excluded from the meeting of the closed session, and that access to the correspondence and reports relating to the items considered during the course of the closed session be with-held unless declassified by separate resolution.

Moved Cr Beaumont, Seconded Cr Cooper

CARRIED UNANIMOUSLY

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 Low Darling Road Resheeting Works - PT2324/13. (RPT/24/163)

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 Lease of Council Administration Building and Town Hall. (RPT/24/186)

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 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 LOW DARLING ROAD RESHEETING WORKS - PT2324/13

File Number: RPT/24/163

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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.

That General Manager advised that Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from KW Earthmoving & Concreting Pty Ltd to carry out the Low Darling Road Resheeting Works Contract PT2324/13 in the amount of \$304,480.00 inc GST and authorised the Mayor and General Manager to sign the contract documentation and affix the council seal.

12.2 LEASE OF COUNCIL ADMINISTRATION BUILDING AND TOWN HALL

File Number: RPT/24/186

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Ken Ross - General Manager

Objective: 2.0 Wentworth Shire is a great place to live

Strategy: 2.2 Work together to solve a range of social and health issues
that impact community wellbeing and vulnerable people

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.

That General Manager advised that Council:

1. Approved the preparation of a new lease agreement between Broken Hill University Department of Health / Sunraysia Collaboration and Council for the occupation of Crown Reserve 1036648, being Lot 1 DP630527.
2. In its capacity of the Crown Land Manager authorised 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. Engaged Bartier Perry Lawyers to prepare the draft lease
4. Affix the Common Seal of Wentworth Shire Council to all documentation that requires to be sealed, to give effect to this resolution
5. Authorised the Mayor and General Manager be delegated to sign any related documents.

13 CONCLUSION OF THE MEETING

The meeting concluded at 8:13pm.

NEXT MEETING

15 May 2024

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CHAIR