



# Wentworth

SHIRE COUNCIL

## **ORDINARY MEETING MINUTES**

**17 MAY 2023**

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## 1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 7:01pm

## 2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

### PRESENT:

**COUNCILLORS:** Councillor Tim Elstone  
Councillor Brian Beaumont  
Councillor Steve Cooper  
Councillor Peter Crisp  
Councillor Daniel Linklater  
Councillor Susan Nichols  
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)  
Tania Peel (Business Support Officer)  
Deborah Zorzi (Governance Officer)

## 3 APOLOGIES AND LEAVE OF ABSENCE

### Council Resolution

That Council notes the apologies from Cr Heywood and Cr MacAllister and grants the Leave of Absence Request(s) from Councillor Elstone 16 July 2023 – 18 August 2023 and Councillor Copper 4 June 2023 - 28 June 2023

**Moved Cr. Nichols, Seconded Cr Linklater**

**CARRIED UNANIMOUSLY**

## 4 DISCLOSURES OF INTERESTS

Councillor Elstone advised that he has a pecuniary interest in Item 9.13 as he sold property to applicant.

Councillor Cooper advised that he has a pecuniary interest in Item 9.13 as he sold property to applicant.

Councillor Linklater advised that he has non pecuniary interest in item 12.1

Councillor Beaumont advised that he has non pecuniary interest in item 9.7 as he is a board member of Wentworth District Community Medical Centre relative to request for reimbursement of WSC Plumbing and Drainage application fee.

### Council Resolution

That Council receives and notes the disclosures of interest.

**Moved Cr Rodda, Seconded Cr Beaumont**

**CARRIED UNANIMOUSLY**

## 5 CONFIRMATION OF MINUTES

### Recommendation

That the Minutes of the Ordinary Meeting held 19 April 2023 be confirmed as circulated.

### Council Resolution

That the Minutes of the Ordinary Meeting held 19 April 2023 be confirmed as circulated.

**Moved Cr Rodda, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

### 6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/23/254

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 8 May 2023

#### **Council Resolution**

That Council receives and notes the list of outstanding matters as at 8 May 2023

**Moved Cr Cooper, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

## **7 MAYORAL AND COUNCILLOR REPORTS**

### **7.1 MAYORAL REPORT**

File Number: RPT/23/236

#### **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

Nil

### Motion

That Council receives minutes from external committee meetings via email to all Councillors

### Council Resolution

That Council receives minutes from external committee meetings via email to all Councillors

**Moved Cr Rodda, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

## 9 REPORTS TO COUNCIL

### 9.1 AUDIT RISK AND IMPROVEMENT COMMITTEE CHAIRPERSON.

File Number: RPT/23/247

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

#### Recommendation

That Council appoint Rosanne Kava as Chairperson for a further three years with an option for an additional four years in line with the terms of the two independent Committee Members.

#### Council Resolution

That Council appoint Rosanne Kava as Chairperson for a further three years with an option for an additional four years in line with the terms of the two independent Committee Members.

**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, Linklater and Nichols.***

***Against the Motion:*** ***Clr. Rodda.***

## 9.2 GENERAL MANAGERS REPORT

File Number: RPT/23/237

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 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

##### **Public Spaces (Unattended Property) Act 2021 – Conclusion of the Grace Period and updated guidance Circular 23-01**

- The NSW Government is committed to keeping public places safe and accessible for all members of the community.
- The PSUP Act puts the onus on those responsible to manage their items and animals within risk-based timeframes or face strong regulatory action.
- The PSUP Act empowers authorised officers of council to take regulatory action when they reasonably believe property to be unattended, and that the property is causing a safety risk, or access issue, or amenity issue, or has been left in the same place, or substantially the same place, for too long.

##### **Information about Ratings 2023-24 Circular 23-02**

- The maximum boarding house tariffs for 2023-24 have been determined.
- The maximum interest rate payable on overdue rates and charges for 2023/24 has been determined.
- The Section 603 Certificate fee for 2023/24 has been determined.
- The statutory limit on the maximum amount of minimum rates for 2023/24 has been determined for commencement on 1 July 2023.

What this will mean for your council

- Councils should incorporate these determinations into their 2023/24 rating structures and Operational Plan Statement of Revenue Policies.

##### **Section 603 Certificate**

- Under section 603 of the Act, councils may issue a certificate as to the amount (if any) of rates, charges, etc. due or payable to the council for a parcel of land. Section 603(2) states the application must be accompanied by the approved fee. In accordance with the approved methodology, the approved fee for 2023-24 is determined to be \$95. This is an increase of \$5 from the 2022-23 fee.
- This determination applies to the issuing of a certificate for the matters specified in section 603(2) of the Act. Where a council offers to provide other information as an optional service, the council is not prevented from separately determining an approved fee for that additional service. Furthermore, a council is not prevented from determining approved fees for additional services required by an applicant for the expedited processing of a Section 603 Certificate.

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 Linklater, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

### 9.3 MURRAY DARLING ASSOCIATION REGION 4 NOMINATIONS

File Number: RPT/23/244

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 which need to be lodged by 20 May 2023.

#### **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

1. Nominates delegate Cr Elstone 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 Crisp**

**CARRIED UNANIMOUSLY**

**9.4 MONTHLY FINANCE REPORT - APRIL 2023**

File Number: RPT/23/268

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 April 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 Rodda, Seconded Cr Beaumont**

**CARRIED UNANIMOUSLY**

**9.5 MONTHLY INVESTMENT REPORT - APRIL 2023**

File Number: RPT/23/289

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 30 April 2023 Council had \$42 million invested in term deposits and \$5,105,287.27 in other cash investments. Council received \$67,213.73 from its investments for the month of April 2023.

In April 2023 Council investments averaged a rate of return of 4.07% and it currently has \$8,253,399.60 of internal restrictions and \$32,150,451.88 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 Rodda, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.6 MARCH QUATERLY BUDGET REVIEW - THIRD QUARTER 2022 - 2023**

File Number: RPT/23/242

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Report Author: Bryce Watson - Accountant

**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.

If approved, the net result of variances for the March 2023 is an unfavourable operational variance of \$6,127,000 and a favourable capital variance of \$6,839,000 resulting in a total favourable budget variation of \$712,000.

This report was presented to the Audit Risk and Improvement Committee on 5 May 2023 wherein the committee recommended that Council approve the recommendation.

**Recommendation**

That Council:

- Note the 2022/2023 Third Quarter Budget Review
- Note the proposed revised 2022/2023 Changes to Operational and Capital Expenditure.
- Resolve to amend the 2022/2023 budget in accordance with the changes recommended in the Quarterly Budget Review Statement for the period of 1 January to 31 March 2023.

**Council Resolution**

That Council:

- Note the 2022/2023 Third Quarter Budget Review
- Note the proposed revised 2022/2023 Changes to Operational and Capital Expenditure.
- Resolve to amend the 2022/2023 budget in accordance with the changes recommended in the Quarterly Budget Review Statement for the period of 1 January to 31 March 2023.

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

**9.7 AF003 REQUESTS FOR FINANCIAL ASSISTANCE**

File Number:	RPT/23/253
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 2022/2023 financial year for consideration by Council, for the funding of requests from the community for financial assistance.

Council approved a budget variation of \$30,000.00 at the 15 February 2023 Council Meeting, increasing the total amount available for 2022/2023 to \$190,000.

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 under delegated authority to date this financial year is \$3,943.00 and the total value of requests granted in full equals \$60,465.00 leaving a balance in the financial assistance program of \$19,564.38

<b>Financial Assistance Program starting balance 2022/23</b>	<b>\$160,000.00</b>
Annual fees & charges annual exemptions granted	\$104,320.00
Remaining balance	<b>\$55,680.00</b>
Granted under delegated authority to August 2022	\$ 739.00
Value of approved requests August 2022 Council Meeting	\$ 27,040.11
Granted under delegated authority to October 2023	\$ 907.00
Value of approved requests 16 November 2022 Council Meeting	\$15,464.00
Remaining balance as at 16 November 2022	\$11,529.89
Granted under delegated authority to 29 January 2023	\$771.00
Remaining balance as at	\$10,758.89
Value of approved requests – 15 February 2023 Council Meeting	\$17,960.89
<b>Approved budget variation (15/2/2023)</b>	<b>\$30,000.00</b>
<b>Remaining balance</b>	<b>\$22,798.00</b>
Granted under delegated authority to 3 May 2023	\$1,526.00
<b>Remaining balance</b>	<b>\$21,272.00</b>
<b>Request applications received 1 February – 30 April 2023</b>	<b>\$1,707.62</b>

Remaining balance if all approved	\$19,564.38
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**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 has 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.

**Moved Cr Rodda, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

Councillor Beaumont left Council Chambers at 7:24pm

Councillor Brian Beaumont returned to Council Chambers at 7:26pm

## 9.8 QUARTERLY OPERATIONAL PLAN PROGRESS REPORT

File Number: RPT/23/246

Responsible Officer: Simon Rule - Director Finance and Policy  
Responsible Division: Finance and Policy  
Report Author: Simon Rule - Director Finance and Policy

### Summary

In accordance with the Local Government Integrated Planning and Reporting Framework, Council develops a Four (4) Year Delivery Program and a One (1) Year Operational Plan which details the actions to be undertaken by Council to implement the strategies established in the Community Strategic Plan.

The *Local Government Act 1993* requires that progress is reported to Council with respect to the principal actions detailed in its Operational Plan at least every six (6) months. To better align with the Quarterly Budget Review Process, the Operational Plan progress report is also compiled on a quarterly basis.

New Actions added in the 3rd Quarter:

- 1.2.10 – Regional Tourism Activation Fund – Light State Project
- 1.2.11 – Dareton Early Settlers Museum Business Case
- 2.3.10 – General Flood Recovery Activities
- 2.5.09 – Parks, Gardens, Open Spaces Flood Recovery
- 3.2.25 – Roads, Bridges, footpaths Flood Recovery
- 3.2.26 – Alcheringa Tennis Courts Replacement
- 3.2.27 – Wentworth Sporting Complex Bowling Green Replacement
- 3.2.28 – Get Active NSW – Pine Road Sharedway
- 3.2.29 – Get Active NSW – Wood Street Sharedway
- 3.2.30 – Get Active NSW – Gol Gol Nth Road and Kingfisher Road Sharedway
- 3.5.14 – Buronga/Gol Gol Sporting Master Plan
- 3.5.15 – Rose Street Stormwater

The following Actions have been completed in this quarter:

- 2.2.09 – Dareton Men in a Shed
- 3.2.17 – Wentworth Showgrounds Sewer
- 3.4.14 – Sewer Pump Station #5

Other highlights for the quarter include the following:

- On going flood monitoring and preparation works as flood water continued down the Darling-Baaka and the Anabranh
- Commenced flood recovery operations for areas of the Shire no longer affected by flood water
- Wentworth Winedown Concert was held in February at the Australian Inland Botanic Gardens

- Visits to the Region by the Deputy Premier and the Regional Roads Minister for funding announcements and to officially open completed State Government Projects

20 projects that had previously stalled due to the flood recommenced during this quarter.

The report was presented to the Audit Risk and Improvement Committee at its meeting held on 5 May 2023. The Committee recommended that Council notes the report.

### **Recommendation**

That Council notes the Quarterly Operational Plan Progress Report

### **Council Resolution**

That Council notes the Quarterly Operational Plan Progress Report

**Moved Cr Beaumont, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

## 9.9 DRAFT 2023/2024 OPERATIONAL PLAN - ENDORSEMENT FOR PUBLIC EXHIBITION.

File Number:	RPT/23/248
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:	4.3 An effective and efficient organisation

### Summary

### Recommendation

That Council endorses the draft 2023/2024 Operational Plan

That Council gives notice of its intention to adopt the following rates and annual charges, which are contained within the draft 2023/2024 Operational Plan:

- To make and levy an Ordinary Rate to comprise of a base rate and an ad valorem rating structure for residential, business and farmland categories of rates;
- To increase the Ordinary Rate by the maximum 3.70% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART)
- To increase waste water access charges by 3.70%
- To increase raw and filtered water access charges by 3.70%
- To increase water consumption charges by 3.70%
- To increase domestic waste charges by 3.70%
- To levy the fees and charges established in Part B of the Annual Statement of Revenue;
- That Council endorses the proposed new borrowings of \$2,000,000; and
- To charge the maximum interest on overdue rates and charges as determined by the Minister for Local Government.

### Motion

Council increase waste water access charges, raw and filtered access charges, water consumption charges and the domestic waster charges by 2.5%

**Moved Cr. Nichols**

**Motion Lost due to lack of Seconder**

### Council Resolution

That Council endorses the draft 2023/2024 Operational Plan

That Council gives notice of its intention to adopt the following rates and annual charges, which are contained within the draft 2023/2024 Operational Plan:

- To make and levy an Ordinary Rate to comprise of a base rate and an ad valorem rating structure for residential, business and farmland categories of rates;

- To increase the Ordinary Rate by the maximum 3.70% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART)
- To increase waste water access charges by 3.70%
- To increase raw and filtered water access charges by 3.70%
- To increase water consumption charges by 3.70%
- To increase domestic waste charges by 3.70%
- To levy the fees and charges established in Part B of the Annual Statement of Revenue;
- That Council endorses the proposed new borrowings of \$2,000,000; and
- To charge the maximum interest on overdue rates and charges as determined by the Minister for Local Government.

**Moved Cr Crisp, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.10 DETERMINATION OF COUNCILLOR REMUNERATION FOR 2023/2024**

File Number: RPT/23/292

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

**Summary****Recommendation**

That Council sets the level of fees to be paid to the Councillors and Mayor in accordance with the schedule of fees determined by the Local Government Remuneration Tribunals

**Council Resolution**

That Council sets the level of fees to be paid to Councillors at \$13030 and Mayor at \$28430 in accordance with the schedule of fees determined by the Local Government Remuneration Tribunals

**Moved Cr Rodda, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.11 CHILD SAFE POLICY**

File Number: RPT/23/255

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**

A key outcome of NSW Government reforms arising from the findings of the *National Royal Commission into Institutional Responses to Child Sexual Abuse* has been the introduction of new legislation and the adoption in NSW of 10 Child Safe Standards. The NSW Office of the Children's Guardian (OCG) implements the Child Safe Scheme which commenced on 1 February 2022 requiring all Councils to become 'child-safe' organisations and use the Standards through their systems, policies and processes.

Council has drafted a Child Safe Policy to ensure compliance with the child protection legislation, committing to providing and actively promoting a safe environment for children and young people. Council has been developing systems, policies and processes in support of the Policy and implementation of the Child Safe Standards.

**Recommendation**

That Council endorses the Child Safe Policy in draft form and place the Policy on public exhibition for a period of 28 days.

**Council Resolution**

That Council endorses the Child Safe Policy in draft form and place the Policy on public exhibition for a period of 28 days.

**Moved Cr Crisp, Seconded Cr Beaumont**

**CARRIED UNANIMOUSLY**

**9.12 CONFLICT OF INTEREST MANAGEMENT POLICY FOR COUNCIL-RELATED DEVELOPMENT**

File Number:	RPT/23/256
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**

The *Environmental Planning & Assessment (Conflict of Interest) Regulation 2022*, which commenced on 3 April 2023, introduced new requirements into the *Environmental Planning & Assessment Regulations 2021* (EP&A Regs 2021) to address conflicts of interest in council related development. These concerns evolved from a NSW Ombudsman report tabled in NSW Parliament in December 2020: *An inherent conflict of interest: councils as developer and regulator*

**Recommendation**

That Council endorses the Conflict of Interest Management Policy for Council-Related Development in draft form and place the draft Policy on public exhibition for a period of 28 days.

**Council Resolution**

That Council endorses the Conflict of Interest Management Policy for Council-Related Development in draft form and place the draft Policy on public exhibition for a period of 28 days.

**Moved Cr Crisp, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

At 07:33 pm Mayor Elstone and Councillor Steve Cooper left the Council Chambers.

Cr Linklater assumed the chair

**9.13 DA2023/033 NEW DWELLING WITH STORAGE SHED AND CARPORT, AN ADDITIONAL STORAGE SHED WITH WET AREA, AND REMOVAL OF EXISTING DWELLING 163 POONCARIE ROAD LOT 4 DP 1239541 WENTWORTH**

File Number: RPT/23/259

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 (DA2023/033) was received by Council for a new dwelling with storage shed and carport, an additional storage with wet area and removal of existing dwelling to be located at 163 Pooncarie Road Lot 4 DP 1239541 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 R5 Large Lot Residential zone.

Clause 7.9 of the WLEP 2011, was a site-specific clause created by a planning proposal which was referred to several state agencies. This clause allows dwellings to be located 30m from the lowest bank of the Darling River (waters edge at normal pool level) on land identified as "Riverton". The proposed dwelling has a setback of 44m from the lowest bank (water edge), which complies with the clause.

The proposed dwelling is located 3m 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. Although clause 7.9 allows the proposed setback, some form of assessment is still required against clause 7.6. 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 DA2023/033 being for a new dwelling with storage shed and carport, an additional storage shed with wet area, and removal of existing dwelling located at 163 Pooncarie Road Lot 4 DP 1239541 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Council Resolution**

That Council:

1. Approve DA2023/033 being for a new dwelling with storage shed and carport, an additional storage shed with wet area, and removal of existing dwelling located at 163 Pooncarie Road Lot 4 DP 1239541 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Moved Cr Crisp, 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, Crisp, Elstone, Linklater, Nichols and Rodda.***

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

At 07:37 pm Mayor Elstone and Councillor Steve Cooper returned to Council Chambers.

Mayor Elstone resumed the chair

**9.14 DA2023/024 TWO STOREY DWELLING WITH GARAGE 10A CARBONE COURT LOT 1 DP 1233515 BURONGA**

File Number: RPT/23/282

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 (DA2023/024) was received by Council for a two storey dwelling with garage to be located at 10A Carbone Court Lot 1 DP 1233515 Buronga in close proximity to the river.

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

The proposed alfresco area of the two storey dwelling encroaches 2.16m inside the established river front building line, as indicated within the WLEP 2011 mapping. Under clause 7.6 of the WLEP 2011, an alfresco area is not a development permitted within the river front area. Therefore, a request to vary the river front building line standard (usually referred to as a 4.6 variation) is required.

Due to the variation being non-numerical, the application cannot be determined under delegated authority, and must be determined by Council.

**Recommendation**

That Council:

1. Approve DA2023/024 being a for a two storey dwelling with garage located at 10A Carbone Court Lot 1 DP 1233515 Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Council Resolution**

That Council:

1. Approve DA2023/024 being a for a two storey dwelling with garage located at 10A Carbone Court Lot 1 DP 1233515 Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Moved Cr Rodda, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

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

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

*Against the Motion:*            *Nil.*

**9.15 DELEGATED AUTHORITY APPROVALS AS AT END OF APRIL 2023**

File Number: RPT/23/266

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 April 2023, a total of ten (10) Development Applications and seven (7) S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined Development Applications was \$878,598.00. This brings the year to date total to forty-two (42) Development Applications and seventeen (17) S4.55 applications approved, with an estimated development value of \$8,308,059.00.

**Recommendation**

That Council:

- a) Receives and notes the report for the Delegated Authority Approvals for the month of April 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 April 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. Nichols, 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, Linklater, Nichols and Rodda.*

*Against the Motion:*            *Nil.*

**9.16 PROJECT & WORKS UPDATE - MAY 2023**

File Number: RPT/23/249

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 April 2023 and the planned activities for May 2023.

**Recommendation**

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

**Council Resolution**

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

**Moved Cr Rodda, Seconded Cr Linklater**

**CARRIED UNANIMOUSLY**

**10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE****10.1 ARTHUR STREET WATER TANKS MURAL**

Cr Steve Cooper enquired if a mural could be painted on the water tanks at Arthur Street Wentworth and for the mural to represent Barkandji heritage.

**10.2 DESTINATION MANAGEMENT PLAN**

Cr Jo Rodda requested that a copy of the Destination Management Plan be distributed to all Councillors

**10.3 MONTHLY COUNCIL CONNECT PUBLICATION**

Cr Jo Rodda enquired why the monthly publication has not been sent for a few months. General manager to speak to David fry regarding the publication.

**10.4 GREATER MURRAY DARLING JUNCTION INTERPRETIVE FACILITY INC. COMMITTEE ACKNOWLEDGEMENT**

Cr Brian Beaumont would like to acknowledge the works of Brian Gorgan for his work with GMDJIF Committee and to advise that the committee will be winding up

**10.5 SMALL PRINT IN REPORTS**

Cr Susan Nichols advised that the print in some of the reports in the agenda is too small to read in future check size of print and enlarge if necessary

**10.6 UPDATE REPORT WORKS ARTHUR, BEVERLEY AND ADAMS STREET WENTWORTH**

Cr Susan Nichols requested an update report on works to repair Arthur, Beverley and Adams Street Wentworth sites

**10.7 MURRAY STREET UPDATE**

Cr Susan Nichols requested a report updating where Murray street Project is at

**10.8 STAFF ASSESSMENTS**

Cr Susan Nichols enquired if staff assessments were being completed annually as wages keep rising . Assessments should be being completed annually by managers with their staff.

**10.9 REPORTING DATES**

Cr Jo Rodda requested data within the Mayoral and General Managers report be filled out up to the meeting date not the agenda closure date.

## 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.

### **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.

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**

#### **Udenominational Christians applying to become a regular user of Midway Centre Function Room for weekly Gospel Meetings. (RPT/23/251)**

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.

#### **12.2 River Road and Boeill Creek Road Flood Damage - Stabilisation Works PT2223/13. (RPT/23/252)**

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.

**Moved Cr Linklater, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

## 12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

### 12.1 UNDENOMINATIONAL CHRISTIANS APPLYING TO BECOME A REGULAR USER OF MIDWAY CENTRE FUNCTION ROOM FOR WEEKLY GOSPEL MEETINGS

File Number: RPT/23/251

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: 2.1 Continue to create opportunities for inclusion where all people feel welcome and participate in community life

#### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d) (iii) information that would, if disclosed, reveal a trade secret. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.*

The General Manager advised that Council approved the recommended discount fee of \$3,248.00 for a 13 month regular user agreement with Udenominational Christians

**12.2 RIVER ROAD AND BOEILL CREEK ROAD FLOOD DAMAGE - STABILISATION WORKS PT2223/13**

File Number: RPT/23/252

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 advised that Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepts the tender from Stabilco to carry out the supply and delivery for Contract PT2223/13 in the amount of \$269,495.60 inc GST, and authorises the Mayor and General Manager to sign the contract documentation and affix the council seal

**13 CONCLUSION OF THE MEETING**

8:12PM

**NEXT MEETING**

28 June 2023

.....  
**CHAIR**