



Wentworth

SHIRE COUNCIL

ORDINARY MEETING MINUTES

19 APRIL 2023

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**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. 31**

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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 Polleesel.

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:

- 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.
- Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council resolves to:

- 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.
- 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

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CHAIR