



**ORDINARY MEETING
MINUTES**

16 APRIL 2025

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 5:03pm.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Daniel Linklater
Councillor Jon Armstrong
Councillor Peter Crisp
Councillor Tim Elstone (Via Video Conference)
Councillor Greg Evans (Via Video Conference)
Councillor Susan Nichols
Councillor Jo Rodda
Councillor Jody Starick
Councillor Michael Weeding

STAFF: Ken Ross (General Manager)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant to General Manager)
Ebony Carter (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council grants the Leave of Absence Request from Cr Linklater from 23 June 2025 to 28 July 2025 with Cr Crisp to be Acting Mayor in his absence and receive the Mayoral allowance due for that period.

Moved Cr. Linklater, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

4 DISCLOSURES OF INTERESTS

Councillor Rodda advised that she had non-pecuniary interest in Item 9.15 as she is the Council representative on Wentworth Regional Tourism Inc.

Councillor Nichols advised that she had a significant non-pecuniary/interest in Items 9.16, 9.17 and 9.18 as her grandson is an NDIS client and family has been advised he will be eligible for group home accommodation will be offered at age 18.

Councillor Elstone advised that he had a pecuniary interest in Items 9.16, 9.17 and 9.18 as he is Director of Wentworth & District Real Estate Pty Ltd who sold land to one of the applicants.

Councillor Crisp advised that he had a non-pecuniary interest in Item 12.1 as he is a Director of Sunraysia Early Settlers Museum.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 19 March 2025 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 19 March 2025 be confirmed as circulated.

Moved Cr. Starick, Seconded Cr. Weeding

CARRIED

Cr Elstone was an apology at the 19 March 2025 meeting

Council Resolution

That Council admits for consideration a supplementary late reports from the General Managers Office as the information contained in the report is deemed to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of council.

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

Council Resolution

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

The meeting was adjourned at 5:10pm

Moved Cr. Armstrong, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

Brain Beaumont spoke in favour of Item 9.15

Council Resolution

That Council reconvenes into open session.

Moved Cr. Armstrong, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

Nil

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/25/179

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. Crisp

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT

File Number: RPT/25/178

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Ebony Carter - 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
2. Meetings
As listed.
3. Upcoming meetings or events
As listed.
4. Other items of note

Recommendation

That Council receive and note the information contained within the report from the General Manager.

Council Resolution

That Council receive and note the information contained within the report from the General Manager.

Moved Cr. Rodda, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

9.2 MURRAY DARLING ASSOCIATION CONFERENCE

File Number: RPT/25/173

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ebony Carter - 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

The Annual Murray Darling Association's National Conference and Annual General Meeting is being held from the 29 September to the 02 October 2025 in Griffith NSW. The focus of this year's national conference is 'Collaboration in Our Basin, Our Communities, and Our Environment'. Traditionally Council nominates representatives to attend the Murray Darling Association Conference.

Recommendation

That Council nominates representatives to attend the Murray Darling Association National Conference and Annual General Meeting from 29 September to 02 October 2025 in Griffith NSW.

Council Resolution

That Council nominates Cr Linklater and Cr Evans to attend the Murray Darling Association National Conference and Annual General Meeting from 29 September to 02 October 2025 in Griffith NSW.

Moved Cr. Elstone, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

**9.3 2025 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION
CONFERENCE**

File Number: RPT/25/175

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ebony Carter - 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 2025 Australian Local Government Women's Association (ALGWA) Conference is being held from Thursday to Saturday the 1-3 May 2025 in Griffith. The Annual Women's Conference is an opportunity to come together and engage in learning and networking that will foster personal and professional development.

Recommendation

That Council receive and note the content of the report and consider nominating representatives to attend the ALGWA conference from Thursday to Saturday the 1-3 May 2025.

Council Resolution

That Council receive and note the content of the report and nominate Cr Rodda and Cr Nichols to attend the ALGWA conference from Thursday to Saturday the 4-6 September 2025.

Moved Cr. Rodda, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

9.4 DRAFT EVENT FUNDING POLICY 2025

File Number: RPT/25/186

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Lexi Stockman - Manager Tourism and Promotion

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

The draft Event Funding Policy was developed after it was identified that there is currently no formal structure as to how event sponsorship money is distributed. The Event Funding Policy was developed in line with the *Wentworth Region Tourism & Events Strategy 2024-2029*. This strategy outlined the need to continue to leverage on the success of existing events, as well as creating the capacity and space for new events to be welcomed and encouraged within the region.

The Event Funding Policy was developed to ensure that Wentworth Shire Council establishes a structure which provides a fair and equitable approval to community groups and organisations who wish to access and utilise funding to support local events, both existing and new.

The Event Funding Policy should be considered alongside the newly developed Event Planning Guide and Event Funding Program Guidelines. The Event Planning Guide assists event organisers by outlining the importance of several factors when running an event. It assists them in making important decisions in relation to the overall success of the event, including important factors such as budget and event space. The Event Funding Program Guidelines should be read before an application is submitted. The purpose of the Event Funding *Program* Guidelines is to outline the application process and what is required to successfully apply for the funding, as well as the acquittal process.

The host of documents that are outlined above create a new process in which event organisers will be required to follow, in order to access event funding from Council. It creates a fair and equitable process which allows Council to understand how the funding is being utilised, how the local community is being included, what economic impact the event may have within the region and if the event was deemed successful.

The draft Event Funding Policy was endorsed by Council for community consultation for 28 days at the Council meeting held on 12 February 2025. Feedback was received by one community member which has been taken into consideration and addressed within this report.

Recommendation

That Council adopts the Event Funding Policy including the Event Planning Guide and Event Funding Program Guidelines.

Council Resolution

That Council adopts the Event Funding Policy including the Event Planning Guide and Event Funding Program Guidelines.

Moved Cr. Armstrong, Seconded Cr. Starick

CARRIED UNANIMOUSLY

9.5 REQUEST FOR SPONSORSHIP WENTWORTH DISTRICT RACING CLUB

File Number: RPT/25/180

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ebony Carter - Business Support Officer

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

Council is in receipt of a request for financial sponsorship in the amount of \$15,000.00 for the Wentworth District Racing Club who will be hosting their annual Wentworth Cup Race Day on Tuesday 4 November 2025 at the Wentworth Showgrounds.

Recommendation

That Council provides \$15,000 incl GST in sponsorship to the Wentworth District Racing Club in support of the 2025 Wentworth Cup Race Day.

Council Resolution

That Council provides \$15,000 incl GST in sponsorship to the Wentworth District Racing Club in support of the 2025 Wentworth Cup Race Day.

Moved Cr. Rodda, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

9.6 REQUEST FOR SPONSORSHIP JAPAN CRICKET TRIP

File Number: RPT/25/183

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Ebony Carter - 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

Council is in receipt of a request for financial sponsorship for Abby Collihole who has been given the opportunity to travel to Japan in May to play cricket.

Recommendation

That Council considers financial sponsorship for Abby Collihole towards her upcoming Japan trip in an amount to be determined.

Council Resolution

That Council provide sponsorship to Abby Collihole to the value of \$1000 towards her upcoming Japan Cricket trip as she is Council's Young Sportsperson of the Year and is also representing Australia and Captaining the team.

Moved Cr. Armstrong, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

9.7 REQUEST FOR SPONSORSHIP NORTHERN MALLEE LEADERS

File Number: RPT/25/177

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ebony Carter - 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

Council is in receipt of a request to provide financial sponsorship to Northern Mallee Leaders to support them in their vision to rebuild the Northern Mallee Leaders program including their website, whilst also simultaneously building an online learning platform which will be designed as a central hub for leadership, volunteering, events and regional connections.

Recommendation

That Council considers providing an appropriate sum of financial sponsorship to Northern Mallee Leaders

Council Resolution

That Council provides financial sponsorship to Northern Mallee Leaders to the value of \$5000 incl GST for the Video and Photography for the website.

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.8 MONTHLY FINANCE REPORT - MARCH 2025

File Number: RPT/25/182

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

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 2025 were \$492,941.84. After allowing for pensioner subsidies, the total levies collected are now 74.27%. For comparison purposes 77.41% of the levy had been collected at the end of March 2024. Council currently has \$49,576,594.45 in cash and investments.

Recommendation

That Council receives and notes the Monthly Finance Report for March 2025.

Council Resolution

That Council receives and notes the Monthly Finance Report for March 2025.

Moved Cr. Rodda, Seconded Cr. Starick

CARRIED UNANIMOUSLY

9.9 MONTHLY INVESTMENT REPORT - MARCH 2025

File Number: RPT/25/199

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

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 2025, Council had \$46 million invested in term deposits and \$3,576,594.45 in other cash investments. Council received \$173,001.59 from its investments for the month of March 2025.

In March 2025 Council investments averaged a rate of return of 4.74% and it currently has \$7,263,983.15 of internal restrictions and \$41,593,942.34 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. Armstrong

CARRIED UNANIMOUSLY

9.10 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY FOR ADOPTION

File Number: RPT/25/164

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Finance and Policy

Reporting Officer: Mardi Cleggett - 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

In accordance with section 252(1) of the *Local Government Act* (1993) (the Act), within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to Councillors in relation to discharging the functions of civic office.

At the 12 February 2025 Council meeting, the updated draft of the Policy was endorsed by Council for public exhibition for 28 days. No feedback or comments were received from the public during this time and no changes have been made to the Policy following the exhibition period.

Recommendation

That Council adopts the Payment of Expenses and Provision of Facilities Policy.

Council Resolution

That Council adopts the Payment of Expenses and Provision of Facilities Policy.

Moved Cr. Armstrong, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

9.11 ARTIFICIAL INTELLIGENCE (AI) POLICY

File Number: RPT/25/166

Responsible Officer: Simon Rule - Director Corporate Services

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

Artificial intelligence (AI) is rapidly transforming the way organisations operate. AI-powered systems are being used to generate content, automate tasks, make decisions, drive robotics and improve efficiency in a wide range of industries.

Council can best manage the risks associated with the use of AI by developing an AI policy (and associated procedures as required) that establishes principles and controls to ensure Council uses AI in a responsible and ethical manner. Council has considered Australia's *AI Ethics Principles* in the development of this policy and will apply those principles in our use of AI enabled systems.

The implementation of an AI policy does not mean that Council will be prioritising the development of AI initiatives or solutions merely for the sake of having AI technology. An AI policy will position Council to identify and mitigate the risks posed by the adoption and use of AI technology and also educate its staff, particularly given the proliferation of AI Generative tools such as ChatGPT and CoPilot, and the fact that AI is becoming increasingly a 'built-in feature' of software systems/programs used by Council.

Recommendation

That Council endorses the draft *Artificial Intelligence (AI) Policy* in draft form to be placed on public exhibition for a period of 28 days.

Council Resolution

That Council endorses the draft *Artificial Intelligence (AI) Policy* in draft form to be placed on public exhibition for a period of 28 days.

Moved Cr. Starick, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

9.12 DRAFT COMMUNITY STRATEGIC PLAN

File Number: RPT/25/167

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Corporate Services

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

In accordance with statutory requirements Council is required to have a Community Strategic Plan that has been developed and endorsed by Council.

The Community Strategic Plan is a document that identifies the main priorities and aspirations for the future of the Wentworth Shire region and covers a period of at least 10 years from when the plan is endorsed.

The draft Community Strategic Plan must be placed on public exhibition for a period of at least 28 days and submissions received by the public must be considered by the Council prior to adopting the final version of the plan.

Recommendation

That Council endorses the draft Community Strategic Plan to be placed on public exhibition period for a period of 28 Days

Council Resolution

That Council endorses the draft Community Strategic Plan to be placed on public exhibition period for a period of 28 Days

Moved Cr. Nichols, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.13 ROAD SAFETY QUARTERLY REPORT

File Number: RPT/25/215

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Barnaby Bates - Council Community Officer Road Safety

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

Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

This report is to provide Council with an update of the Road Safety Officer's activities from January 2025 to March 2025.

Recommendation

That Council receives and notes the Road Safety Quarterly Report for January 2025 to March 2025.

Council Resolution

That Council receives and notes the Road Safety Quarterly Report for January 2025 to March 2025.

Moved Cr. Weeding, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.14 PROJECT & WORKS UPDATE - APRIL 2025

File Number: RPT/25/187

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Megan Jackson - Roads & Engineering 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 2025 and the planned activities for April 2025.

Recommendation

That Council receives and notes the major works undertaken in March 2025 and the scheduled works for the following month.

Council Resolution

That Council receives and notes the major works undertaken in March 2025 and the scheduled works for the following month.

Moved Cr. Armstrong, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.15 REQUEST FOR FINANCIAL ASSISTANCE WENTWORTH REGIONAL TOURISM INC

File Number: RPT/25/220

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

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

Council is in receipt of a request for financial assistance from Wentworth Regional Tourism Inc for their "Why Not Winter in Wentworth" promotional campaign which will run from 1 July 2025 to 31 August 2025.

At 05:53 pm Councillor Jo Rodda left the Council Chambers.

Recommendation

That Council give consideration to the sponsorship request from Wentworth Regional Tourism by choosing an option from the report and if sponsorship is granted Councils logo will be included in all advertising material and a report including data be presented to Council after the event.

Council Resolution

That Council consideration to the sponsorship request from Wentworth Regional Tourism Inc for \$8000 and that Councils logo will be included in all advertising material and a report including data be presented to Council after the event.

Moved Cr. Armstrong, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

At 05:54 pm Councillor Jo Rodda returned to Council Chambers.

9.16 DA2024/156 PERMANENT GROUP HOME 20 WENDY COURT LOT 17 DP 1288183 BURONGA

File Number: RPT/25/226

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

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

At 05:54 pm Councillor Susan Nichols left the Council Chambers.

At 05:54 pm Councillor Tim Elstone left the Video Conference link of the meeting.

Summary

This item is a planning matter that was the subject of deliberation at the 19 March 2025 Meeting of Council. At that time the minutes recorded the following:

Council Resolution

That Council:

- 1. Approve subject to conditions DA2024/156 for a permanent group home to be located at 20 Wendy Court – Lot 17, DP 1288183, Buronga.*
- 2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)*

Reason - Assessment of demand for a group home has been investigated by Councillors. Councillors assessment indicates that there is no further demand for Group Homes in Wentworth Shire Council other than for the Group Homes that have already been approved.

Moved Cr. Crisp, Seconded Cr. Armstrong

LOST BY UNANIMOUS VOTE AGAINST THE RECOMMENDATION

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

For the Motion : Nil.

Against the Motion: Clr.s Armstrong, Crisp, Evans, Linklater, Rodda, Starick and Weeding.

Resolutions provide direction to the council's staff or other entities on how to implement a particular course of action.

Analysis of the minutes suggests that a recommendation from the officer was lost but there was not a further resolution of Council to provide a guide for an action. In this case being a planning matter the Environmental Planning and Assessment Act provides for determination by way of approval or refusal subject to conditions. The minutes accurately recorded did not provide that option. This effectively does not provide the General Manager with a lawful decision to be implemented.

For these reasons this report is represented to Council to enable a resolution which provides a clear guide of action to staff to enable an appropriate determination to be issued to the applicant.

A development application (DA2024/156) was received by Council on 21 November 2024, for a permanent group home to be situated upon 20 Wendy Court – Lot 17, DP 1288183.

Under the *Wentworth Local Environmental Plan (WLEP) 2011* and the *State Environmental Planning Policy (Housing) 2021*, this development is permitted with consent within the RU5 – Village zoning.

The application seeks development approval for the construction of a permanent group home which will be used for the accommodation of people with a disability under the NDIS Scheme. The building will consist of three bedrooms for people with disability and one bedroom for overnight assistance, with each bedroom having an ensuite. Other features of the permanent group home include an open plan kitchen, dining and living area, and an alfresco area. A single disabled car park has been provided within the garage.

The application was publicly notified for 14 days as per the Council Community Participation Plan. During the public notification six (6) submissions (five (5) unique submissions) were received by Council objecting to the proposed development.

The *State Environmental Planning Policy (Housing) 2021* states that a consent authority must not refuse consent to the development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home.

As per Council delegations, any development applications with three (3) or more objections cannot be determined under delegated authority and must be determined by Council.

The development application was initially presented to Council at the 12 February 2025 ordinary Council meeting, where the matter was deferred for presentation to the March 2025 Council meeting.

Recommendation

That Council:

1. Approve subject to conditions DA2024/156 for a permanent group home to be located at 20 Wendy Court – Lot 17, DP 1288183, Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

That Council:

1. Refuse DA2024/156 for a permanent group home to be located at 20 Wendy Court – Lot 17, DP 1288183, Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Reason for Refusal - Assessment of demand for a group home has been investigated by Councillors. Councillors assessment indicates that there is no further demand for Group Homes in Wentworth Shire Council other than for the Group Homes that have already been approved.

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

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

For the Motion : ***Clr.s Armstrong, Crisp, Evans, Linklater, Rodda, Starick and Weeding.***

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

9.17 DA2024/158 PERMANENT GROUP HOME 42 MIDWAY DRIVE LOT 3 DP 12288183 BURONGA

File Number: RPT/25/227

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

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

This item is a planning matter that was the subject of deliberation at the March Meeting of Council. At that time the minutes recorded the following:

Council Resolution

That Council:

- 1. Approve subject to conditions DA2024/158 for a permanent group home to be located at 42 Midway Drive – Lot 3, DP 1288183, Buronga.*
- 2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)*

Reason - Assessment of demand for a group home has been investigated by Councillors. Councillors assessment indicates that there is no further demand for Group Homes in Wentworth Shire Council other than for the Group Homes that have already been approved.

Moved Cr. Rodda, Seconded Cr. Crisp

LOST BY UNANIMOUS VOTE AGAINST THE RECOMMENDATION

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

For the Motion : Nil.

Against the Motion: Cllr.s Armstrong, Crisp, Evans, Linklater, Rodda, Starick and Weeding.

Resolutions provide direction to the council's staff or other entities on how to implement a particular course of action.

Analysis of the minutes suggests that a recommendation from the officer was lost but there was not a further resolution of Council to provide a guide for an action. In this case being a planning matter the Environmental Planning and Assessment Act provides for determination by way of approval or refusal subject to conditions. The minutes accurately recorded did not provide that option. This effectively does not provide the General Manager with a lawful decision to be implemented.

For these reasons this report is represented to Council to enable a resolution which provides a clear guide of action to staff to enable an appropriate determination to be issued to the applicant.

A development application (DA2024/158) was received by Council on 29 November 2024, for a permanent group home to be situated upon 42 Midway Drive – Lot 3, DP 1288183.

Under the *Wentworth Local Environmental Plan (WLEP) 2011* and the *State Environmental Planning Policy (Housing) 2021*, this development is permitted with consent within the RU5 – Village zoning.

The application seeks development approval for the construction of a permanent group home which will be used for the accommodation of people with a disability under the NDIS Scheme. The building will consist of three bedrooms for people with disability and one bedroom for an overnight assistance, with each bedroom having an ensuite. Other features of the permanent group home include an open plan kitchen, dining and living area, and an alfresco area. A single disabled car park has been provided within the garage.

The application was publicly notified for 14 days as per the Council Community Participation Plan. During the public notification thirteen submissions were received by Council objecting to the proposed development.

The *State Environmental Planning Policy (Housing) 2021* states that a consent authority must not refuse consent to the development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home.

As per Council delegations, any development applications with three (3) or more objections cannot be determined under delegated authority and must be determined by Council.

Recommendation

That Council:

1. Approve subject to conditions DA2024/158 for a permanent group home to be located at 42 Midway Drive – Lot 3, DP 1288183, Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

That Council:

1. Refuse DA2024/158 for a permanent group home to be located at 42 Midway Drive – Lot 3, DP 1288183, Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Reason for Refusal - Assessment of demand for a group home has been investigated by Councillors. Councillors assessment indicates that there is no further demand for Group Homes in Wentworth Shire Council other than for the Group Homes that have already been approved.

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

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

For the Motion : ***Clr.s Armstrong, Crisp, Evans, Linklater, Rodda, Starick and Weeding.***

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

9.18 DA2024/159 PERMANENT GROUP HOME 40 MIDWAY DRIVE LOT 4 DP 1288183 BURONGA

File Number: RPT/25/228

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross -

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

This item is a planning matter that was the subject of deliberation at the March Meeting of Council. At that time the minutes recorded the following:

Council Resolution

That Council:

- 1. Approve subject to conditions DA2024/159 for a permanent group home to be located at 40 Midway Drive – Lot 4, DP 1288183, Buronga.*
- 2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)*

Reason for Refusal - Assessment of demand for a group home has been investigated by Councillors. Councillors assessment indicates that there is no further demand for Group Homes in Wentworth Shire Council other than for the Group Homes that have already been approved.

Moved Cr. Weeding, Seconded Cr. Armstrong

LOST BY UNANIMOUS VOTE AGAINST THE RECOMMENDATION

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

For the Motion : ***Nil.***

Against the Motion: ***Clr.s Armstrong, Crisp, Evans, Linklater, Rodda, Starick and Weeding.***

Resolutions provide direction to the council's staff or other entities on how to implement a particular course of action.

Analysis of the minutes suggests that a recommendation from the officer was lost but there was not a further resolution of Council to provide a guide for an action. In this case being a planning matter the Environmental Planning and Assessment Act provides for determination by way of approval or refusal subject to conditions. The minutes accurately recorded did not provide that option. This effectively does not provide the General Manager with a lawful decision to be implemented.

For these reasons this report is represented to Council to enable a resolution which provides a clear guide of action to staff to enable an appropriate determination to be issued to the applicant.

A development application (DA2024/159) was received by Council on 29 November 2024, for a permanent group home to be situated upon 40 Midway Drive – Lot 4, DP 1288183.

Under the *Wentworth Local Environmental Plan (WLEP) 2011* and the *State Environmental Planning Policy (Housing) 2021*, this development is permitted with consent within the RU5 – Village zoning.

The application seeks development approval for the construction of a permanent group home which will be used for the accommodation of people with a disability under the NDIS Scheme. The building will consist of three bedrooms for people with disability and one bedroom for an overnight assistance, with each bedroom having an ensuite. Other features of the permanent group home include an open plan kitchen, dining and living area, and an alfresco area. A single disabled car park has been provided within the garage.

The application was publicly notified for 14 days as per the Council Community Participation Plan. During the public notification thirteen submissions were received by Council objecting to the proposed development.

The *State Environmental Planning Policy (Housing) 2021* states that a consent authority must not refuse consent to the development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home.

As per Council delegations, any development applications with three (3) or more objections cannot be determined under delegated authority and must be determined by Council.

Recommendation

That Council:

1. Approve subject to conditions DA2024/159 for a permanent group home to be located at 40 Midway Drive – Lot 4, DP 1288183, Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

That Council:

1. Refuse DA2024/159 for a permanent group home to be located at 40 Midway Drive – Lot 4, DP 1288183, Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Reason - Assessment of demand for a group home has been investigated by Councillors. Councillors assessment indicates that there is no further demand for Group Homes in Wentworth Shire Council other than for the Group Homes that have already been approved.

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

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

For the Motion : ***Clr.s Armstrong, Crisp, Evans, Linklater, Rodda, Starick and Weeding.***

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

At 05:58 pm Councillor Susan Nichols returned to Council Chamber

At 05:58 pm Councillor Tim Elstone returned to the Video Conference of the meeting.

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

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 Plant Purchase - Approval of Tenders for purchase of a Landfill Compactor. (RPT/25/165)

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 Sunraysia Early Settlers Museum Inc. (RPT/25/223)

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. Crisp, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 PLANT PURCHASE - APPROVAL OF TENDERS FOR PURCHASE OF A LANDFILL COMPACTOR

File Number: RPT/25/165

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Strategy: 3.2 Plan for and develop the right assets and infrastructure

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 accepted the tender from Tutt Bryant for the supply of one Bomag BC773 RB-5 for the sum of \$1,195,573.00 inc GST as specified.

12.2 SUNRAYSIA EARLY SETTLERS MUSEUM INC

File Number: RPT/25/223

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Ken Ross - General Manager

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

Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

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 provided a contribution of \$14,000 (fourteen thousand dollars) excluding GST to Sunraysia Early Settlers Museum Inc for the engagement of a suitably qualified fire engineering consultant to prepare a report on the essential service requirements for the of the Old Coomealla Packers Building.

13 CONCLUSION OF THE MEETING

The meeting concluded at 6:11pm.

NEXT MEETING

14 May 2025

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CHAIR