



**ORDINARY MEETING
MINUTES**

19 AUGUST 2026

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 4:06pm

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Daniel Linklater
Councillor Jon Armstrong
Councillor Brian Beaumont
Councillor Peter Crisp
Councillor Greg Evans
Councillor Susan Nichols
Councillor Jo Rodda
Councillor Jody Starick
Councillor Michael Weeding

STAFF: Ken Ross (General Manager)
George Kenende (Acting Director Health and Planning)
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 notes the apologies and grants the Leave of Absence Request from Councillor Evans from 18 September 2026 to 2 October 2026.

Moved Cr. Evans, Seconded Cr. Beaumont

CARRIED UNANIMOUSLY

4 DISCLOSURES OF INTERESTS

Councillor Weeding advised that he had a less than significant non-pecuniary interest in Item 9.11 as the Murray Darling Amateur Swimming Club is an Intra Club of the Coomealla Memorial Sporting Club which he is a member of the Board.

Councillor Weeding advised that he had a less than significant non-pecuniary interest in Item 9.11 as he was on the board of the Wentworth Military Museum up until last month's meeting which his resignation was accepted

Councillor Crisp advised that he had a significant non-pecuniary interest in Item 9.11 as he has provided governance advice to members of the Wentworth Military Collection to call an extraordinary meeting to address relating to Financial issues & adherence to the organisations constitution. Subsequently the Treasurer, Assistant Treasurer & a Comember have resigned.

Councillor Rodda advised that he had a less than significant pecuniary interest in Item 9.13 as she is employed as a contractor by the Wentworth Regional Project Association.

Councillor Evans advised that he had a pecuniary interest in Item 9.13 as he may be employed by the Wentworth Street Party Committee as an entertainer for the event.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 15 July 2026 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 15 July 2026 be confirmed as circulated.

Moved Cr. Nichols, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

Council Resolution

That the Ordinary Council meeting be adjourned for the purpose of conducting a Public Forum. The meeting was adjourned at 4.11pm.

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

PUBLIC FORUM

Phoebe Jardine spoke against Item 9.20

Brenton Jardine spoke against Item 9.20

James Golsworthy spoke for Item 9.20

Matt Jackson spoke for Item 9.21 thanking Council staff in regards to the dealing of the Development Application

Council Resolution

That Council reconvenes into open session. The meeting was reconvened at 4:36pm

Moved Cr. Crisp, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 STATUS REPORT ON PREVIOUS COUNCIL RESOLUTIONS AS 19 AUGUST 2026

File Number: RPT/26/415

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: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

The Status Report on previous Council Resolutions provides details of actions that remain outstanding.

Officer Recommendation

That Council notes the list of outstanding action items for Council Resolutions as at 19 August 2026.

Council Resolution

That Council notes the list of outstanding action items for Council Resolutions as at 19 August 2026.

Moved Cr. Rodda, Seconded Cr. Starick

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS**7.1 MAYORAL REPORT AUGUST 2026**

File Number: RPT/26/370

Recommendation

That Council receives and notes the information contained in the Mayoral report for August 2026.

Council Resolution

That Council receives and notes the information contained in the Mayoral report for August 2026.

Moved Cr. Linklater, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT AUGUST 2026

File Number: RPT/26/360

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

The General Manager's report details information pertaining to meetings attended and general information which is of public interest, and which have not been reported elsewhere in this agenda. Items of note in this report are:

1. OLG Circulars

Council Circular - 26-10 - End of Year Reporting Requirements

Council Circular - 26-12 - Annual Cpi Adjustment Filming Application Fees and Companion Animal Fees for 2026-27

Council Circular - 26-13 - Annual Reporting of Labour Statistics

Council Circular - 26-11 – Procurement Guidance for Local Government

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 August 2026 report from the General Manager.

Council Resolution

That Council receive and note the information contained within the August 2026 report from the General Manager.

Moved Cr. Rodda, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.2 CHRISTMAS LEAVE ARRANGEMENTS

File Number: RPT/26/371

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Glen Norris - Manager Human Resources

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

This report sets out the proposed staffing arrangements for Council offices/areas closing over the Christmas and New Year period.

Recommendation

That Council approves the Christmas and New Year holiday arrangements.

Council Resolution

That Council approves the Christmas and New Year holiday arrangements.

Moved Cr. Armstrong, Seconded Cr. Beaumont

CARRIED UNANIMOUSLY

9.3 UNION PICNIC DAY

File Number: RPT/26/372

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Glen Norris - Manager Human Resources

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: 4.4 Manage public resources responsibly and efficiently for the benefit of the community

Summary

Union Picnic Day is an entitlement under the Local Government (State) Award for employees who are financial members of Union(s) only. Council is required to determine which day shall be regarded as the Union Picnic Day and the arrangements for the non-union members on the determined Union Picnic Day.

Recommendation

That Council:

- a) Approve Tuesday 3 November 2026 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Require Non-union members to apply for 3 November 2026 from leave entitlements to enable the above arrangements

Council Resolution

That Council:

- a) Approve Tuesday 3 November 2026 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Require Non-union members to apply for 3 November 2026 from leave entitlements to enable the above arrangements

Moved Cr. Armstrong, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.4 PLANT REPLACEMENT - PRE APPROVAL FOR TENDER FOR PURCHASE OF BULLDOZER

File Number: RPT/26/365

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Strategy: 3.2 Our public assets are well maintained and able to meet the growing population demands

Summary

Council's Roads and Engineering Department is seeking approval to spend up to \$670,000 (including GST) from the 2026/27 Plant Replacement Budget to purchase a second-hand 23–25 tonne bulldozer.

The bulldozer will support a range of essential Council operations, including road construction and maintenance, earthworks, drainage projects, landfill operations, and emergency response activities.

Due to the highly competitive second-hand heavy machinery market, Council is requesting pre-approval to purchase a suitable machine before a specific unit is identified. This will allow officers to quickly secure equipment while completing inspections, mechanical assessments, and due diligence, reducing the risk of losing suitable opportunities.

Recommendation

That Council

1. Authorises the General Manager to approve expenditure of up to \$670,000 (including GST) from the 2026/2027 Plant Replacement Budget for the purchase of a second-hand 23–25 tonne bulldozer.
2. Notes that a further report will be presented to Council following the procurement process, detailing the successful supplier, purchase price, and associated costs.

Council Resolution

That Council

1. Authorises the General Manager to approve expenditure of up to \$670,000 (including GST) from the 2026/2027 Plant Replacement Budget for the purchase of a second-hand 23–25 tonne bulldozer.
2. Notes that a further report will be presented to Council following the procurement process, detailing the successful supplier, purchase price, and associated costs.

Moved Cr. Crisp, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

9.5 SUPPORT FOR BROKEN HILL RESOLUTION URANIUM MINING AND NUCLEAR FACILITIES (PROHIBITION) REPEAL BILL 2025 - WESTERN DIVISION OF COUNCILS

File Number: RPT/26/463

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

Broken Hill City Council on 29 July 2026 carried a motion based on a Mayoral Minute from Mayor Tom Kennedy to call upon the New South Wales Government to undertake a review of the Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 (NSW) with a view to repealing the legislative prohibitions on uranium mining and uranium export.

Recommendation

That Council:

- a) Receives and notes the report
- b) Support the resolution carried by Broken Hill City Council and lobby with Broken Hill for a review of the Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 (NSW) and consideration of a Community Benefits scheme.
- c) That correspondence be sent to the Premier of New South Wales, the Minister for Energy, the Minister for Natural Resources and the Member for Barwon seeking bipartisan consideration of these reforms and advocating for fair recognition of regional communities that host nationally significant industries.

Council Resolution

That Council:

- a) Receives and notes the report
- b) Support the resolution carried by Broken Hill City Council and lobby with Broken Hill for a review of the Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 (NSW) and consideration of a Community Benefits scheme.
- c) That correspondence be sent to the Premier of New South Wales, the Minister for Energy, the Minister for Natural Resources and the Member for Barwon seeking bipartisan consideration of these reforms and advocating for fair recognition of regional communities that host nationally significant industries.

Moved Cr. Nichols, Seconded Cr. Starick

CARRIED

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

Against the Motion: ***Clr.s Beaumont, Evans and Rodda.***

9.6 MONTHLY FINANCE REPORT - JUNE 2026

File Number: RPT/26/400

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Vanessa Lock - Finance 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: 4.1 A well engaged and informed community

Summary

Rates and Charges collections for the month of July 2026 were \$1,485,124.87. After allowing for pensioner subsidies, the total levies collected are now 11.31%. For comparison purposes 9.57% of the levy had been collected at the end of July 2025. Council currently has \$36,524,768.52 in cash and investments.

Recommendation

That Council receives and notes the Monthly Finance Report for July 2026.

Council Resolution

That Council receives and notes the Monthly Finance Report for July 2026.

Moved Cr. Armstrong, Seconded Cr. Starick

CARRIED UNANIMOUSLY

9.7 MONTHLY INVESTMENT REPORT - JULY 2026

File Number: RPT/26/404

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Reporting Officer: Ned Lamond - Financial Services Coordinator

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: 4.4 Manage public resources responsibly and efficiently for the benefit of the community

Summary

As of 31 July 2026, Council had \$32 million invested in term deposits and fixed bonds with \$4,524,768.52 in other cash investments. Council received \$95,959.71 from its investments for the month of July 2026.

In July 2026 Council investments averaged a rate of return of 4.26% and it currently has \$4,456,679.35 of internal restrictions and \$27,713,963.37 of external restrictions.

Recommendation

That Council receives and notes the monthly investment report for July 2026.

Council Resolution

That Council receives and notes the monthly investment report for July 2026.

Moved Cr. Rodda, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.8 QUARTERLY BUDGET REVIEW STATEMENTS

File Number: RPT/26/412

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Report Author: Simon Rule - Director Corporate Services
Ned Lamond - Financial Services Coordinator

Summary

The June Quarterly Budget Review Statement (QBRS) has been prepared in accordance with the NSW Office of Local Government's 2024-2025 Quarterly Budget Review Guidelines. The updated framework aims to improve transparency, consistency, and alignment with the Integrated Planning and Reporting principles.

The June QBRS provides a comprehensive review of Council's financial performance and budget position for the quarter ended 30 June 2026 noting that it does not reflect all end of year adjustments, including

- A detailed analysis of operating performance, including key variations in income and expenditure
- Reporting of capital works progress and associated funding sources
- Updated information on cash and investments, developer contributions, and loan balances; and
- A summary of budget variations exceeding the $\pm 10\%$ or \$50,000 materiality threshold

While the new QBRS format no longer includes financial Key Performance Indicator (KPI)'s, Council notes that the OLG is currently reviewing the financial and sustainability ratios used across the sector. At this stage, Council's priority is to bed down the requirements of the revised guidelines. The reintroduction of the previous suite of KPI's will be considered as part of future reporting.

Consistent with the updated reporting requirements, once this QBRS is formally tabled at the August Council Meeting, a copy of the report and its attachments will be published on Council's website to ensure transparency and public accountability.

Recommendation

That the Committee:

- a) Receive and note the June 2026 Quarterly Budget Review Statement
- b) Approve the required quarterly variations

Council Resolution

That the Committee:

- a) Receive and note the June 2026 Quarterly Budget Review Statement
- b) Approve the required quarterly variations

Moved Cr. Starick, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

9.9 QUARTERLY OPERATIONAL PLAN PROGRESS REPORT

File Number: RPT/26/381

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

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: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

In accordance with the Local Government Integrated Planning and Reporting Framework, Council develops a Four Year Delivery Program and a One 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 months. To better align with the Quarterly Budget Review Process, the Operational Plan progress report is also compiled on a quarterly basis.

Recommendation

That Council receives and notes the report.

Council Resolution

That Council receives and notes the report.

Moved Cr. Rodda, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

9.10 ADOPTION OF REVISED PROCUREMENT POLICY, STATEMENT OF BUSINESS ETHICS AND CREDIT CARD POLICIES

File Number: RPT/26/411

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

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: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

As part of Council's ongoing commitment to sound governance, transparency and continuous improvement, the Procurement Policy, Statement of Business Ethics and Credit Card Policy have been reviewed to ensure they remain contemporary, effective and aligned with Council's operational and governance requirements.

The revised policies were considered by the Audit, Risk and Improvement Committee (ARIC) at its May 2026 meeting, where they were endorsed for progression through Council's policy adoption process. At the June 2026 Ordinary Council Meeting, Council resolved to place the revised policies on public exhibition to provide the community and stakeholders with an opportunity to review and comment on the proposed changes.

The public exhibition period has now concluded, and no submissions were received. The revised policies strengthen Council's governance framework by supporting ethical conduct, accountable decision-making, effective procurement practices and appropriate financial controls. Adoption of the policies will ensure Council maintains a contemporary policy framework that supports compliance, mitigates organisational risk and reflects good governance practice.

It is therefore recommended that Council adopt the revised Procurement Policy, Statement of Business Ethics Policy and Credit Card Policy.

Recommendation

That Council adopt the following revised policies:

- a) GOV005 – Procurement Policy
- b) GOV019 – Statement of Business Ethics Policy
- c) GOV024 – Credit Card Policy

Council Resolution

That Council adopt the following revised policies:

- a) GOV005 – Procurement Policy
- b) GOV019 – Statement of Business Ethics Policy
- c) GOV024 – Credit Card Policy

Moved Cr. Nichols, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.11 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/26/402

Responsible Officer: Simon Rule - Director Corporate Services
 Responsible Division: Corporate Services
 Reporting Officer: Annette Fraser - Team Leader Customer Service

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: 4.1 A well engaged and informed community

Summary

Council has provided an allocation of \$200,000.00 for the 2026/27 financial year for consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$127,468.00 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 so far under delegated authority is \$6,513.00. The total value of requests for Round 1 of the 2026/2027 funding application period totals \$12,096.59 which if granted in full would leave a balance in the financial assistance program of \$53,922.41

Financial Assistance Program starting balance 2023/24	\$200,000.00
Annual fees & charges annual exemptions granted	\$127,468.00
Granted under delegated authority to July 2026	\$ 6,513.00
Available balance as at 25 July 2026	\$ 66,019.00
Round 1 Financial request applications received to 24/7/2026	\$ 12,096.59
Remaining balance if all approved	\$ 53,922.41

Recommendation

That Council having considered the current requests for financial assistance, make appropriate recommendations on the level of funding to be provided to each of these applications from the Financial Assistance program.

Council Resolution

That Council deal with the applications separately in the following order.

- a) Dareton Community Action Team
- b) Rubys cargo
- c) Murray Darling Amateur Swimming Club
- d) Wentworth Military Collection

Moved Cr. Armstrong, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

Council Resolution

That Council provide \$429.87 to the Dareton Community Action Team

Moved Cr. Armstrong, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

Council Resolution

That Council provide \$1,666.72 to Rubys Cargo

Moved Cr. Armstrong, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

At 05:02 pm Councillor Michael Weeding left the Council Chambers.

Motion

That Council provide \$5,000 to the Murray Darling Amateur Swimming Club

Moved Cr. Armstrong, Seconded Cr. Rodda

Amendment

That Council provide \$2,500 to the Murray Darling Amateur Swimming Club

Moved Cr. Nichols

LAPSED

Council Resolution

That Council provide \$5,000 to the Murray Darling Amateur Swimming Club

Moved Cr. Armstrong, Seconded Cr. Rodda

CARRIED

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

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

At 05.05 pm Councillor Peter Crisp left the Council Chambers

Motion

That Council provide \$5,000 to the Wentworth Military Collection

Moved Cr. Armstrong, Seconded Cr. Rodda

Amendment

That Council make available \$5,000 by way of reimbursement to the Wentworth Military Collection

Moved Cr. Beaumont, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

Council Resolution

That Council make available \$5,000 by way of reimbursement to the Wentworth Military Collection

Moved Cr. Beaumont, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

At 05:14 pm Councillor Michael Weeding returned to Council Chambers.

At 05:14 pm Councillor Peter Crisp returned to Council Chambers.

9.12 REQUEST FOR EVENT FUNDING 2026 POONCARIE RACES

File Number: RPT/26/454

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Reporting Officer: Aaron Hawkins - Manager Corporate Services

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 has received a request from the Pooncarie Racing Club seeking funding support for the Pooncarie Races in 2026. The event organiser is seeking \$10,000 in cash sponsorship under the Event Funding Program to support a well-established major event operating in the rural township of Pooncarie. The event is projected to attract 500 visitors from outside the Wentworth region, each staying 2-3 days, plus bring both Wentworth and Mildura locals out to Pooncarie. Estimated at 1500 total attendees.

Assessment against the program criteria indicates that the event delivers significant economic value, with conservative modelling indicating the event is likely to inject approximately \$300,000 within the local economy, plus extra multipliers. Further to this, the community benefit of such an event is hard to put a figure on.

Recommendation

That Council based on the information provided in the report approves funding as it deems appropriate using the options provided.

Council Resolution

That Council based on the information provided in the report provide funding of \$7,500.

Moved Cr. Rodda, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

At 5:18 pm Councillor Greg Evans left the Council Chambers

At 5:18 pm Councillor Jo Rodda left the Council Chambers

9.13 REQUEST FOR EVENT FUNDING 2026 CHRSITMAS EVE STREET PARTY

File Number: RPT/26/456

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Reporting Officer: Aaron Hawkins - Manager Corporate Services

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 has received a request from the Wentworth Regional Community Project Association Inc seeking funding support for the 2026 Wentworth Christmas Eve Street Party and Fireworks.

Assessment against the program criteria indicates that the event delivers significant community value, and some economic value.

Recommendation

That Council based on the information provided in the report approves funding as it deems appropriate using the options provided.

Council Resolution

That Council based on the information provided in the report approves funding of \$8,000 to The Wentworth Christmas Eve Street Party.

Moved Cr. Weeding, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

At 05:19 pm Councillor Greg Evans returned to Council Chambers.

At 05:19 pm Councillor Jo Rodda returned to Council Chambers.

**9.14 DA2023/132 PONTOON 163 POONCARIE ROAD LOT 4 DP 1239541
WENTWORTH**

File Number: RPT/26/410

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Kerrie Copley - Planning 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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

A development application (DA2023/132) was lodged with Council on 24 November 2023 for a pontoon (retrospective approval) at 163 Pooncarie Road Lot 4 DP 1239541 Wentworth.

Under the R5 Large Lot Residential zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development of a pontoon (water recreation structure) is permitted with consent.

The Wentworth Local Environmental Plan 2011 defines a water recreation structure as:

- **water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

It is noted that the application is for retrospective approval for the pontoon. The pontoon already exists on the site and constitutes illegal building work, as the structure was constructed upon the site without consent. Appropriate methods of managing illegal building works are through enforcement action and/or through a Building Information Certificate (BIC). In this instance, applying for a Building Information Certificate, and having this assessed and approved, before relodging a development application for land use approval is considered the most appropriate pathway for managing illegal building works upon the site.

It is well known in NSW planning law that the requirement for obtaining consent, where required for development, is a prerequisite to the commencement of development construction, this is demonstrated in the case law example below.

Unauthorised works

It is not possible to obtain retrospective approval for works undertaken without consent (*Kuring-gai Council v Buyozo Pty Ltd [2021] NSWCA 177 [at 40]*), therefore those parts of the proposed development which are already constructed cannot form part of this application and cannot be regularised by this application. A Building Information Certificate must be lodged to prevent Council from seeking the rectification of those works as approved.

For Council to be able to approve a development application for a pontoon, matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The application is presented to Council for determination and was not determined under delegation for the following reasons:

- The application is recommending refusal.

Recommendation

That Council:

1. Refuse DA2023/132 for a pontoon (retrospective approval) at 163 Pooncarie Road Lot 4 DP 1239541 Wentworth subject to reasons.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

That Council hold over the item for one month so it can be resolved

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, Beaumont, Crisp, Evans, Linklater, Nichols, Rodda, Starick and Weeding.***

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

**9.15 DA2025/021 MANUFACTURED HOME ESTATE 78 CORBERTT AVENUE
BURONGA LOT 2 DP 1300239**

File Number: RPT/26/423

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

This Development Application has been withdrawn from the NSW Planning Portal therefore this report is unable to be tabled.

A development application (DA2025/021) was lodged with Council on 11 February 2025 for a manufactured home estate at 78 Corbett Avenue Buronga Lot 2 DP 1300239.

Under the RU5 Village zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (manufactured home estate) is permitted with consent.

The *Local Government Act 1993* defines manufactured home estate as:

- **manufactured home estate** means land on which manufactured homes are, or are to be, erected.

The *Local Government Act 1993* defines manufactured home as:

- **manufactured home** means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—
 - a) that comprises one or more major sections, and
 - b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,
- and includes any associated structures that form part of the dwelling.

During public exhibition, nine (9) submissions were received (2 being the same submitter) raising concerns about the proposed development.

Jurisdictional preconditions are requirements, imposed by planning legislation, that must be satisfied before Council can approve any development application. There are examples of court cases decided by the Land and Environment Court, where development approval by Council were determined to be invalid because not all jurisdictional preconditions were satisfied.

The applicant has not provided sufficient information to satisfy the jurisdictional preconditions to approve the development application as follows:

- Written Land owners consent as per section 23 of the *Environmental Planning and Assessment Regulation 2021*. NSW Crown Land consent has been provided. However, recent legal advice provided to Council in relation to Lot 453 in DP 1217477

indicates that land owners consent will also be required from the Barkandji Registered Native Title Corporate as the native title holders of the land

- For land formally used for agriculture/horticulture use, a Preliminary Site Investigation for contamination **must** be provided to Council as per Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP).
- Satisfy matters under Chapter 3, Part 8 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP)
- Have a design consistent with Part 2 Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*
- The development must be capable of being adequately serviced as per clause 7.2 of the WLEP 2011
- Matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*

The application was presented to Council at the 13 May 2026 ordinary Council meeting with a recommendation for refusal. A decision was made by Council to defer the matter. The application was presented to Council again at the 15 July 2026 meeting, where the matter was deferred again (laid on the table).

At the 15 July 2026 meeting, Mr Costa was asked whether all of the various matters set out in the assessment report had been dealt with, where he generally indicated that those matters would all be uploaded at the same time that owner's consent was obtained. Mr Costa has uploaded a three page response to the two pages of reasons for refusal outlined in the assessment report. Owner's consent is but one of 12 matters, plus a list of 16 issues which require further information.

At the Council meeting on 15 July 2026 Mr Costa was asked about the request for a site investigation for contamination and he advised that one had been undertaken for the DA for a 124 lot subdivision. It is unclear which DA he was referencing. DA2018/101 which was for stage 1 – subdivision into 17 lots (modified to 18 lots) which was to form part of a (ultimately) 89 lot subdivision of the site (not 124 as referenced in the Council meeting), does not conform with Mr Costa's description – particularly noting that only 18 lots were approved for subdivision.

To date, only the following has been provided:

- Land owners consent from NSW Crown land
- Three (3) page letter

The letter provided was reviewed and noted that it did not address or provide the information required to address the other issues identified as part of the assessment including the jurisdictional preconditions to allow approval of the development application.

The Minister's Environmental Planning and Assessment (Statement of Expectations) Order was signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

This development application was one of the applications identified by the NSW Department of Planning Housing and Infrastructure as being active for over 180 days, which does not comply with the Ministerial expectations.

The application has been presented to Council for determination and was not determined under delegation for the following reasons:

- The application is recommended for refusal
- More than 3 submissions were received to the application

Recommendation

That Council:

1. Refuse DA2025/021 for a manufactured home estate at 78 Corbett Avenue Buronga Lot 2 DP 1300239 subject to reasons.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

9.16 DA2025/026 DWELLING WITH GARAGE AND STORAGE SHED LOT X DP 388592 BOEILL CREEK

File Number: RPT/26/413

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

This Development Application has been withdrawn from the NSW Planning Portal therefore this report is unable to be tabled.

A development application (DA2025/026) was lodged with Council on 18 February 2026 for a dwelling with garage and storage shed at Lot X DP 388592 Boeill Creek.

Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house with garage and ancillary storage shed) is permitted with consent if requirements under section 4.15 of the *Environmental Planning and Assessment Act 1979* are met.

The Minister's Environmental Planning and Assessment (Statement of Expectations) Order was signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

This development application was one of the applications identified by the NSW Department of Planning Housing and Infrastructure as being active for over 180 days, which does not comply with the Ministerial expectations.

Jurisdictional preconditions are requirements, imposed by planning legislation, that must be satisfied before Council can approve any development application. There are examples of cases decided by the Land and Environment Court, where development approval by Council were determined to be invalid because not all jurisdictional preconditions were satisfied.

The applicant has not provided sufficient information to satisfy the jurisdictional preconditions to approve the development application as follows:

- For land associated with a pollution event (known to be contaminated), a Preliminary Site Investigation for contamination must be provided to Council as per Chapter 4 of

the *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP).

- A FIRA (Flood Impact and Risk Assessment) was not provided to demonstrate appropriate mitigation measures to minimise impacts from the event of a flood (compliance with clause 5.21 of the WLEP 2011)
- No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system (compliance with Chapter 5, section 5.7-5.9 and 5.13 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*)

The application has been presented to Council for determination and was not determined under delegation for the following reason:

- The application is recommended for refusal

Recommendation

That Council:

1. Refuse DA2025/026 for a dwelling with garage and storage shed at Lot X DP 388592 Boeill Creek subject to reasons.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

9.17 DA2025/027 DWELLING WITH GARAGE AND STORAGE SHED LOT Y DP 388592 BOEILL CREEK

File Number: RPT/26/409

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

This Development Application has been withdrawn from the NSW Planning Portal therefore this report is unable to be tabled.

A development application (DA2025/027) was lodged with Council on 18 February 2026 for a dwelling with garage and storage shed at Lot Y DP 388592 Boeill Creek.

Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house with garage and ancillary storage shed) is permitted with consent if requirements under section 4.15 of the *Environmental Planning and Assessment Act 1979* are met.

The Minister's Environmental Planning and Assessment (Statement of Expectations) Order includes was signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

This development application was one of the applications identified by the NSW Department of Planning Housing and Infrastructure as being active for over 180 days, which does not comply with the Ministerial expectations.

Jurisdictional preconditions are requirements, imposed by planning legislation, that must be satisfied before Council can approve any development application. There are examples of cases decided by the Land and Environment Court, where development approval by Council was determined to be invalid because not all jurisdictional preconditions were satisfied.

The applicant has not provided sufficient information to satisfy the jurisdictional preconditions to approve the development application as follows:

- For land associated with a pollution event (known to be contaminated), a Preliminary Site Investigation for contamination must be provided to Council as per Chapter 4 of

the *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP).

- A FIRA (Flood Impact and Risk Assessment) was not provided to demonstrate appropriate mitigation measures to minimise impacts from the event of a flood (compliance with clause 5.21 of the WLEP 2011)
- No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system (compliance with Chapter 5, section 5.7-5.9 and 5.13 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*)

The application has been presented to Council for determination and was not determined under delegation for the following reason:

- The application is recommended for refusal

Recommendation

That Council:

1. Refuse DA2025/027 for a dwelling with garage and storage shed at Lot Y DP 388592 Boeill Creek subject to reasons.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

9.18 DA2025/029 DWELLING WITH GARAGE AND STORAGE SHED 529A BOEILL CREEK ROAD LOT 1 DP 386033 BOEILL CREEK

File Number: RPT/26/422

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

This Development Application has been withdrawn from the NSW Planning Portal therefore this report is unable to be tabled.

A development application (DA2025/029) was lodged with Council on 18 February 2026 for a dwelling with garage and storage shed at 529A Boeill Creed Road Lot 1 DP 386033 Boeill Creek.

Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house with garage and ancillary storage shed) is permitted with consent if requirements under section 4.15 of the *Environmental Planning and Assessment Act 1979* are met.

The Minister's Environmental Planning and Assessment (Statement of Expectations) Order was signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

This development application was one of the applications identified by the NSW Department of Planning Housing and Infrastructure as being active for over 180 days, which does not comply with the Ministerial expectations.

Jurisdictional preconditions are requirements, imposed by planning legislation, that must be satisfied before Council can approve any development application. There are examples of cases decided by the Land and Environment Court, where development approval by Council were determined to be invalid because not all jurisdictional preconditions were satisfied.

The applicant has not provided sufficient information to satisfy the jurisdictional preconditions to approve the development application as follows:

- For land associated with a pollution event (known to be contaminated), a Preliminary Site Investigation for contamination must be provided to Council as per Chapter 4 of

the *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP).

- A FIRA (Flood Impact and Risk Assessment) was not provided to demonstrate appropriate mitigation measures to minimise impacts from the event of a flood (compliance with clause 5.21 of the WLEP 2011)
- No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system (compliance with Chapter 5, section 5.7-5.9 and 5.13 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*)

The application has been presented to Council for determination and was not determined under delegation for the following reason:

- The application is recommended for refusal

Recommendation

That Council:

1. Refuse DA2025/029 for a dwelling with garage and storage shed at 529A Boeill Creed Road Lot 1 DP 386033 Boeill Creek subject to reasons.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

9.19 DA2025/097 PERGOLA AND STORAGE SHED EXTENSION 12 MURRAY STREET LOT 8 DP 758456 GOL GOL

File Number: RPT/26/424

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Kerrie Copley - Planning 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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

A development application (DA2025/097) was lodged with Council on 28 May 2025 for a pergola and storage shed extension at 12 Murray Street Lot 8 DP 758456 Gol Gol.

Under the R5 Large Lot Residential zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development of a pergola and storage shed extension is permitted with consent.

It is noted that the storage shed extensions are adjoining the existing ancillary structures located along the northeastern boundary of the property and that development constructed upon the site is not consistent with development previously approved, as they have a larger footprint. Within the development application the applicant notes that the section of the storage shed already constructed, is for use only. The proposed addition to the storage shed structure includes building works that would be constructed over the existing waste management system on the site. Council can provide approval for the proposed pergola on the site as this has not been constructed. Appropriate methods of managing illegal building works are through enforcement action and/or through a Building Information Certificate (BIC). In this instance, applying for a Building Information Certificate, and having this assessed and approved, before relodging a development application for land use approval is considered the most appropriate pathway for managing illegal building works upon the site.

It is well known in NSW planning law that the requirement for obtaining consent, where required for development, is a prerequisite to the commencement of development construction, this is demonstrated in the case law example below.

Unauthorised works

It is not possible to obtain retrospective approval for works undertaken without consent (*Kuring-gai Council v Buyozo Pty Ltd [2021] NSWCA 177 [at 40]*), therefore those parts of the proposed development which are already constructed cannot form part of this application and cannot be regularised by this application. A Building Information Certificate must be lodged to prevent Council from seeking the rectification of those works as approved.

For Council to be able to approve a development application for a storage shed extension and pergola, the following prerequisites must be met:

- Matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The application is presented to Council for determination and was not determined under delegation for the following reasons:

- The application is recommending part approval for the pergola (only).
- The application is recommending refusal for the proposed storage shed extension.

Recommendation

That Council:

1. Approve DA2025/097 for a pergola (only) at 12 Murray Street Lot 4 DP 758456 Gol Gol subject to conditions of consent.
2. Refuse DA2025/097 for a storage shed extension at 12 Murray Street Lot 4 DP 758456 Gol Gol subject to reasons.
3. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

That Council hold over the item until next month so it can be resolved.

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, Beaumont, Crisp, Evans, Linklater, Nichols, Rodda, Starick and Weeding.***

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

9.20 DA2026/063 TWO LOT BOUNDARY RE-ALIGNMENT LOT 5 DP 1253993 AND LOT 3 DP 1250369 POMONA

File Number: RPT/26/401

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

A development application (DA2026/063) was lodged with Council for a two (2) lot boundary adjustment at Lot 5 DP 1253993 and Lot 3 DP 1250369 Pomona.

Under the *Wentworth Local Environmental Plan 2011* (WLEP 2011), subdivision (which includes boundary re-alignments) is a development type permitted with consent.

The proposed development will adjust the existing boundaries between allotments from 13.8ha and 4876.279ha to 19.24ha and 4,870.9ha.

The application was publicly notified for 14 days as per the Council Community Participation Plan. During the public notification five (5) submissions were received by Council, although one was subsequently withdrawn, raising concerns to the proposed development.

River front area is defined as “the land between the river front building line and the highest bank of the Murray River or, if there is no river front building line, the land within 30 metres of the highest bank of the River” in WLEP 2011.

Murray River is defined as “includes the Darling River and the Great Darling Anabranch” in WLEP 2011.

Clause 7.6(2) establishes that despite any other provision in the WLEP 2011, development consent may only be granted for development on land in a river front area for various purposes listed in 7.6(2) of the WLEP 2011, none of which include a subdivision. The proposed boundary re-alignment does not fall within those purposes.

The applicant has provided a written Clause 4.6 request to vary the numerical development standard – development on river front area in Clauses 7.6 (2) of the WLEP 2011. Clause 4.6(2) of the WLEP 2011 allows variations of development standards.

The proposed development is for land with river frontage, with a variation of 100%.

As per Council delegations, applications with more than 10% variation and any development applications with three (3) or more submissions cannot be determined under delegated authority and must be determined by Council.

Recommendation

That Council:

1. Approve DA2026/063 for a two lot boundary re-alignment at Lot 5 DP 1253993 and Lot 3 DP 1250369 Pomona subject to conditions.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Council Resolution

That Council hold over the item until the next meeting.

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, Evans, Linklater, Nichols, Starick and Weeding.

Against the Motion: Clr.s Armstrong and Rodda.

Council Resolution

That Standing Orders be suspended for the purpose of comfort break.

Moved Cr. Rodda, Seconded Cr. Starick

CARRIED UNANIMOUSLY

9.21 DA2026/107 DWELLING WITH GARAGE, CARPORT, RETAINING WALL AND SWIMMING POOL WITH SAFETY BARRIER 18 HENDY ROAD LOT 570 DP 1306000 BURONGA

File Number: RPT/26/427

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

A development application (DA2026/107) was received by Council on 16 June 2026 for a Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier at 18 Hendy Road Buronga (Lot 570 DP 1306000).

The subject site is zoned RU5 Village of the Wentworth Local Environmental Plan 2011 (WLEP 2011), with the proposed development being permitted with consent. The Dwelling and attached Garage is the primary use and the Carport, Retaining Wall and Swimming Pool with Safety Barrier being ancillary uses. The proposed development must also satisfy the requirements under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The subject site is located adjacent to the Murray River, with proposed setbacks from the high bank of the river being 23.5 metres (a variation of 22%) for the dwelling and 8.62 metres (a variation of 71%) for the swimming pool and safety barrier. Therefore, the provisions of Clause 7.6 Development on river front areas in the WLEP 2011 are relevant to the application.

The **River front area** is defined as “the land between the river front building line and the highest bank of the Murray River or, if there is no river front building line, the land within 30 metres of the highest bank of the River” in the WLEP 2011.

The **Murray River** is defined as “includes the Darling River and the Great Darling Anabranch” in the WLEP 2011.

Clause 7.6(2) specifies the types of developments that are permissible within the river front area. The proposed developments applicable to DA2026/107 are not listed under this clause. Therefore, the applicant has submitted a Variation Request in accordance with Clause 4.6 of the WLEP 2011, to vary the numerical development standard to support the application.

As the variation request is greater than 10%, the application cannot be determined under delegated authority and must be determined by Council.

Recommendation

That Council:

1. Approve subject to conditions DA2026/107 Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier at 18 Hendy Road Buronga (Lot 570 DP

1306000).

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

Council Resolution

That Council:

1. Approve subject to conditions DA2026/107 Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier at 18 Hendy Road Buronga (Lot 570 DP 1306000).
2. Call a division in accordance with S375A of the *Local Government Act 1993* (NSW).

Moved Cr. Armstrong, 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 Armstrong, Beaumont, Crisp, Evans, Linklater, Nichols, Rodda, Starick and Weeding.***

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

9.22 DA2026/113 DWELLING (CONCEPT APPLICATION) RIVER ROAD LOT 1 DP 1313154 POMONA

File Number: RPT/26/403

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

A development application (DA2026/113) was lodged on 2 July 2026 for a dwelling concept application at Lot 1 DP 1313154 Pomona.

Under the RU4 Primary Production Small Lot zoning of the Wentworth Local Environmental Plan 2011 (WLEP 2011), the proposed concept development (dwelling house) is permitted with consent if the requirements under section 4.15 of the Environmental Planning and Assessment Act 1979 are met.

Clause 4.2B of the WLEP 2011 relates to "Erection of dwelling houses on land in Zones RU1, RU4, R5, C3 and C4" and establishes that development consent may only be granted for dwelling houses within the specified zones in instances where:

- a) *a lot that is at least the minimum lot size specified for that land by the Lot Size Map,*
or
- b) *a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*
- c) *a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.*

The proposed erection of a dwelling house on the site does not meet the requirements of clause 4.2B(3)(a), (b) & (c) shown above as follows:

- a) The lot is below the Minimum Lot Size (MLS) for the zone at 1.277 ha where the MLS is 10ha.
- b) Allotment was approved and created after the commencement of the WLEP 2011.

The proposed development is on land with an area of 1.277 ha, below the MLS of 10ha. This variation is greater than 10%, and as such, the application cannot be determined by delegated authority and must be determined by Council.

Recommendation

That Council:

1. Determine DA2026/113 for a dwelling (concept application) at Lot 1 DP 1313154 Pomona from the two nominated options within the report.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

1. Approve DA2026/113 for a dwelling (concept application) at Lot 1 DP 1313154 Pomona subject to draft conditions of consent.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

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, Beaumont, Crisp, Evans, Linklater, Nichols, Rodda, Starick and Weeding.***

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

9.23 DA2026/114 DWELLING (CONCEPT APPLICATION) RIVER ROAD LOT 2 DP 1313154 POMONA

File Number: RPT/26/406

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

A development application (DA2026/114) was lodged on 2 July 2026 for a dwelling concept application at Lot 2 DP 1313154 Pomona.

Under the RU4 Primary Production Small Lot zoning of the Wentworth Local Environmental Plan 2011 (WLEP 2011), the proposed concept development (dwelling house) is permitted with consent if the requirements under section 4.15 of the Environmental Planning and Assessment Act 1979 are met.

Clause 4.2B of the WLEP 2011 relates to "Erection of dwelling houses on land in Zones RU1, RU4, R5, C3 and C4" and establishes that development consent may only be granted for dwelling houses within the specified zones in instances where:

- a) *a lot that is at least the minimum lot size specified for that land by the Lot Size Map,*
or
- b) *a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*
- c) *a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.*

The proposed erection of a dwelling house on the site does not meet the requirements of clause 4.2B(3)(a), (b) & (c) shown above as follows:

- a) The lot is below the Minimum Lot Size (MLS) for the zone at 1.277 ha where the MLS is 10ha.
- b) Allotment was approved and created after the commencement of the WLEP 2011.

The proposed development is on land with an area of 1.086 ha, below the MLS of 10ha. This variation is greater than 10%, and as such, the application cannot be determined by delegated authority and must be determined by Council.

Recommendation

That Council:

1. Determine DA2026/114 for a dwelling (concept application) at Lot 2 DP 1313154 Pomona from the two nominated options within the report.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

1. Approve DA2026/114 for a dwelling (concept application) at Lot 2 DP 1313154 Pomona subject to draft conditions of consent.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr. Armstrong, 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 Armstrong, Beaumont, Crisp, Evans, Linklater, Nichols, Rodda, Starick and Weeding.***

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

9.24 DEVELOPMENT APPLICATION DETERMINATION REPORT - JULY 2026

File Number: RPT/26/425

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Chloe Stephenson - Coordinator Health & Planning

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 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

For the month of July 2026, a total of 15 Development Applications and four (4) Modification Applications were determined.

The estimated value of the determined developments was \$6,181,166.29. This brings the financial year to date total to 15 Development Applications with an estimated development value of \$6,181,166.29 and four (4) Modification Applications.

Recommendation

That Council receives and notes the report for the Determined Development Applications for the month of July 2026.

Council Resolution

That Council receives and notes the report for the Determined Development Applications for the month of July 2026.

Moved Cr. Rodda, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.25 PROJECT & WORKS REPORT AUGUST 2026

File Number: RPT/26/416

Responsible Officer: Geoff Gunn - Director of Roads & 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: 3.5 Infrastructure meets the needs of our growing Shire

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 July 2026, and the planned activities for August 2026.

Recommendation

That Council receives and notes the major works undertaken in July 2026 and the scheduled works for August 2026.

Council Resolution

That Council receives and notes the major works undertaken in July 2026 and the scheduled works for August 2026.

Moved Cr. Nichols, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

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 Wentworth Flood Risk Management Process. (RPT/26/399)

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 PT2425/01 - Sewer Rehabilitation Works (year 2). (RPT/26/455)

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.

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12.2 PT2425/01 - Sewer Rehabilitation Works (year 2). (RPT/26/455)

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Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 WENTWORTH FLOOD RISK MANAGEMENT PROCESS

File Number: RPT/26/399

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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 our natural environment

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 endorse the engagement of Lyall and Associates to conduct the next stage of the Flood Risk Management Process.

12.2 PT2425/01 - SEWER REHABILITATION WORKS (YEAR 2)

File Number: RPT/26/455

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Scott Barnes - Manager Engineering Services

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

Strategy: 3.2 Our public assets are well maintained and able to meet the growing population demands

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 authorised the General Manager to approve the second-year scope (2026) as submitted by Insituform Pacific Pty Ltd for the extended Schedule of Rates amount of \$496,406.50 (GST inc) be accepted for the 2026 Sewer Rehabilitation works.

13 CONCLUSION OF THE MEETING

The meeting concluded at 6:02pm

NEXT MEETING

16 September 2026

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CHAIR