



WENTWORTH SHIRE COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING** of Wentworth Shire Council will be held in the **MIDWAY CENTRE, BURONGA AND VIA VIDEO CONFERENCING** commencing at **10.00AM**.

KEN ROSS
GENERAL MANAGER

ORDINARY MEETING AGENDA

16 SEPTEMBER 2020

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1 OPENING OF MEETING

THE MAYOR REQUESTS THAT THE GENERAL MANAGER MAKES
ANNOUNCEMENTS REGARDING THE LIVE-STREAMING OF THE MEETING.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4 DISCLOSURES OF INTERESTS

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 19 August 2020 be confirmed as
circulated.



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

19 AUGUST 2020

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:14am

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Melisa Hederics (Mayor)
Councillor Tim Elstone (Deputy Mayor)
Councillor Greg Evans
Councillor Steve Heywood
Councillor Jane MacAllister
Councillor Don McKinnon (Via Video Conference)
Councillor Susan Nichols
Councillor Peter Nunan
Councillor Bill Wheeldon OAM

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant General Manager)
April Crouch (Human Resources Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Councillor Nichols declared significant non-pecuniary conflict of interest in Item 9.5 and Item 9.16 because she is the Vice President of the Wentworth Bowling Club.

Councillor Wheeldon declared a non-pecuniary conflict of interest in Item 9.5 due to his involvement with Murray House and the Wentworth Rotary Club.

Councillor McKinnon declared a pecuniary conflict of interest in Item 9.6 as his son is employed at the landfill.

Councillor Heywood declared a non-pecuniary conflict of interest in Item 9.6 as a family member is employed at the landfill.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 15 July 2020 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 15 July 2020 be confirmed as circulated.

Moved Cr. Nichols, Seconded Cr. Elstone

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/20/404

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

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

The Outstanding Matters report provides details of activities raised at previous Council meetings that remain outstanding.

Officer Recommendation

That Council notes the list of outstanding matters as at 10 August 2020.

Council Resolution

That Council notes the list of outstanding matters as at 10 August 2020.

Moved Cr. Nunan, Seconded Cr. Elstone

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/20/403

Recommendation

That Council notes the information contained in the Mayoral report.

Council Resolution

That Council notes the information contained in the Mayoral report.

Moved Cr. Hederics, Seconded Cr. Elstone

CARRIED

8 REPORTS FROM COMMITTEES

8.1 INTERNAL AUDIT AND RISK MANAGEMENT COMMITTEE

File Number: RPT/20/412

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Hodi Beauliv - Manager Finance

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

A meeting of the Internal Audit and Risk Management Committee was held on 28 July 2020. The Minutes of the meeting are attached to this report for the information of Councillors.

The Committee has requested that the Reporting Officer seeks resolutions of Council on the following:

- approval of the Quarterly Budget Review Statement
- adoption of the various policies (attached) endorsed by the committee

The Committee has also requested Council notes:

- the six-monthly Operational Plan progress report
- the interim management letter presented to the committee by the Audit Office of NSW and Council's auditors, Nexia Australia

Officer Recommendation

That Council:

1. approves the variations to the 2019/20 Operational Plan adopted at the Council meeting on 26 June 2019
2. adopts the recommended changes to the following policies:
 - a. Deferred Payment Arrangements
 - b. Donations, Contributions and Grants
 - c. Private Works
 - d. Rates – reduction of Developer Costs
 - e. Rating Sewerage Service
 - f. Capital Contributions towards sporting facilities and community
 - g. Asset Accounting
 - h. Asset Disposal
 - i. Media Statements
3. notes the six-monthly progress report against the 2019/20 Operational Plan
4. notes the interim management letter from the Audit Office on Council's interim audit

Council Resolution

That Council:

1. approves the variations to the 2019/20 Operational Plan adopted at the Council meeting on 26 June 2019
2. adopts the recommended changes to the following policies:
 - a. Deferred Payment Arrangements
 - b. Donations, Contributions and Grants
 - c. Private Works
 - d. Rates – reduction of Developer Costs
 - e. Rating Sewerage Service
 - f. Capital Contributions towards sporting facilities and community
 - g. Asset Accounting
 - h. Asset Disposal
 - i. Media Statements
3. notes the six-monthly progress report against the 2019/20 Operational Plan
4. notes the interim management letter from the Audit Office on Council's interim audit

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

8.2 MURRAY DARLING ASSOCIATION (MDA) DELEGATES REPORT JULY 2020

File Number: RPT/20/429

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

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets
Strategy: 3.5 Recognise the importance of a healthy Murray-Darling River system

Summary

At the 20 April 2020 Murray Darling Association (MDA) Board meeting it was resolved that a monthly Delegate's Report be forwarded to all member Councils & delegates.

Recommendation

That Council notes the Delegate's Report for July 2020 from the Murray Darling Association.

Council Resolution

That Council notes the Delegate's Report for July 2020 from the Murray Darling Association.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

**8.3 WILLANDRA LAKES REGION WORLD HERITAGE ADVISORY COMMITTEE REPORT
APRIL 2020**

File Number: RPT/20/466

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

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

Cr MacAllister attended a meeting of the Willandra Lakes Region World Heritage Advisory Committee as Councils delegate on 21 and 22 April 2020. The April 2020 report of the Committee is attached.

Recommendation

That the information provided by Cr MacAllister on the activities of the Willandra Lakes Region World Heritage Advisory Committee.

Council Resolution

That the information provided by Cr MacAllister on the activities of the Willandra Lakes Region World Heritage Advisory Committee.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/405

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

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

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

Details of OLG circular 20-29 to 20-30

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

Nil

Recommendation

That Council notes the information contained within the report from the General Manager.

Council Resolution

That Council notes the information contained within the report from the General Manager.

Moved Cr. Nichols, Seconded Cr. Evans

CARRIED

9.2 CALL FOR MOTIONS LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

File Number: RPT/20/409

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

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

At the 19 February 2020 meeting Council endorsed the Mayor and General Manager to represent Council at the Local Government NSW Annual Conference. The conference dates have been changed and it will now occur 22 to 24 November 2020. A call for motions closes 28 September 2020.

Recommendation

That Council nominate motions to be put forward for the Local Government NSW Annual Conference.

Council Resolution

That Council formulate motions for the Local Government NSW Annual Conference to be brought to the September meeting of Council.

Moved Cr. Elstone, Seconded Cr. Nichols

CARRIED

9.3 DPIE ASSESSMENT OF TAKE AND PROTECTION DURING FIRST FLUSH FLOWS IN THE NORTHERN BASIN REPORT

File Number: RPT/20/438

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

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

Strategy: 3.5 Recognise the importance of a healthy Murray-Darling River system

Summary

Department of Planning, Industry and Environment has released their *Assessment of take and protection during first flush flows in the Northern Basin* report. (attached)

In January and February 2020, the NSW Northern Murray Darling Basin received significant rainfall and inflows, following an extended dry period. These flows were protected from take by section 324 restrictions under the *Water Management Act 2000*, to meet critical human and environmental needs in the northern valleys and the Lower Darling.

Council has also received a related request from Maryanne Slattery of Slattery & Johnson who specialise in water policy and management in the Murray-Darling Basin. This request asks for a financial contribution toward the proposed Floodplain Harvesting Project (attached).

Slattery & Johnson have been engaged by Southern Riverina Irrigators to map and estimate on-farm storages in Northern NSW.

Recommendation

That Council notes the *Assessment of take and protection during first flush flows in the Northern Basin* report.

That Council considers the Floodplain Harvesting Project Proposal from Slattery and Johnson determines a financial contribution to the project.

Council Resolution

That Council notes the *Assessment of take and protection during first flush flows in the Northern Basin* report.

That Council grants the Floodplain Harvesting Project Proposal from Slattery and Johnson a financial contribution of \$5000.

Moved Cr. MacAllister, Seconded Cr. Wheeldon

CARRIED

COUNCILLOR NUNAN, COUNCILLOR NICHOLS, COUNCILLOR MCKINNON AND COUNCILLOR EVANS REQUESTED THAT THEIR VOTE AGAINST PROVIDING A FINANCIAL CONTRIBUTION TO THE FLOODPLAIN HARVESTING PROJECT BE RECORDED.

9.4 POLICY REVIEW - WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

File Number: RPT/20/450

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Hodi Beauliv - Manager Finance

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

The Acknowledgement of Country Policy was last adopted by council on 28 June 2017. It was presented to the Internal Audit and Risk Management Committee for endorsement, but a number of issues were identified with the policy. It was agreed rather than wait until the next meeting, the changes should be forwarded to Council for consideration.

Recommendation

That Council approves the draft Welcome and Acknowledgement of Country Policy.

Council Resolution

That Council adopts the Welcome and Acknowledgement of Country Policy.

Moved Cr. Nichols, Seconded Cr. Evans

CARRIED

9.5 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/20/434

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Shenay Harris - Coordinator Finance and Policy

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

Councillor Wheeldon left the meeting room at 11:16am as he declared a conflict of interest.

Councillor Nichols left the meeting room at 11:16am as she declared a conflict of interest.

Summary

Council has provided an allocation of \$187,000.00 (inclusive of GST) for the 2020/21 financial year for the consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$99,401.00 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 for this financial year totals \$0.00.

The total value of requests for this August 2020 funding application period totals \$14,580.72 which if granted in full, would leave a balance in the Donations, Contributions and Grants fund of \$73,018.28.

Recommendation

That Council having considered the current requests for financial assistance, makes appropriate recommendations on the level of funding to be provided to each of these applications, from the Donations, Contributions and Grants program.

Motion

That Council grant funding to all items as listed in the table as nominated.

Moved Cr. MacAllister

In the absence of a seconder for the motion, the motion lapsed.

Amendment

That Council grant funding to each of the applications listed with the exception of the Alcheringa Saints Basketball Club Inc reduced to \$3000, Fort Courage & Ozfish Unlimited reduced to \$2500 and the Wentworth Bowling Club Inc reduced to \$1600 provided the event goes ahead from the Donations, Contributions and Grants program. Where there is a grant that there be an acquittal process.

Moved Cr. Nunan, Seconded Cr. Elstone**Council Resolution**

That Council grant funding to each of the applications listed with the exception of the Alcheringa Saints Basketball Club Inc \$3000, Fort Courage & Ozfish Unlimited \$2500 and the Wentworth Bowling Club Inc \$1600 provided the event goes ahead from the Donations, Contributions and Grants program. Where there is a grant that there be an acquittal process.

Moved Cr. Nunan, Seconded Cr. Elstone**CARRIED**

Councillor Wheeldon & Councillor Nichols returned to the meeting room at 11:28am

9.6 WASTE MANAGEMENT FACILITIES OPERATIONS UPDATE

File Number: RPT/20/443

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth 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

Councillor McKinnon left the meeting at 11.35am as he declared a conflict of interest.

Councillor Heywood left the meeting room at 11.35am as he declared a conflict of interest.

Summary

At the Ordinary Council held on 18 December 2019, Council endorsed the recommendation to explore alternative options for the management of Council's waste facilities.

Recommendation

That Council notes the Waste Management Facilities update.

That Council process the site expansion Development Application prior to commencing the tender for operations of Council's waste facilities.

Council Resolution

That Council notes the Waste Management Facilities update.

That Council process the site expansion Development Application prior to commencing the tender for operations of Council's waste facilities.

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

Councillor McKinnon and Councillor Heywood returned to the meeting at 11.33 am

Council Resolution

That Standing Orders be suspended for the purpose of morning tea.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

Meeting suspended at 11:33am

Council Resolution

That Standing Orders be resumed.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

Meeting resumed at 11:44am

9.7 MONTHLY FINANCE REPORT

File Number: RPT/20/419

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

Rates and Charges collections for the month of July 2020 were \$739,381.24. After allowing for pensioner subsidies, the total levies collected are now 8.47%. For comparison purposes 9.15% of the levy had been collected at the end of July 2019. Council currently has \$26,871,471.00 in cash and investments.

Recommendation

That Council notes the monthly finance report.

That Council approves the incorrectly charged water account of \$6,314.40 to be written off

Council Resolution

That Council notes the monthly finance report.

That Council approves the incorrectly charged water account of \$6,314.40 to be written off.

Moved Cr. Nunan, Seconded Cr. Elstone

CARRIED

9.8 MONTHLY INVESTMENT REPORT

File Number: RPT/20/373

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Hodi Beauliv - Manager Finance

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

As at 31 July 2020 Council had \$23,005,304.11 invested in term deposits and \$2 million in a cash at call account. Council received \$18,314.08 from its investments for the month of July 2020.

In July 2020 Council investments averaged a rate of return of 1.23% and it currently has \$8,466,832.09 of internal restrictions and \$14,177,723.24 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. MacAllister, Seconded Cr. Evans

CARRIED

9.9 REQUEST TO AFFIX SEAL - DISCOVERY HOLIDAY PARKS VARIATION TO BURONGA CARAVAN PARK LEASE

File Number: RPT/20/387

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 3.0 Wentworth 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

Summary

Council has entered into a lease (AP523893) agreement with Discovery Holiday Parks. In part of this lease is an agreed Capital Works Schedule to upgrade a number of infrastructure and compliance issues in three stages, within an agreed timeframe.

Discovery Parks has requested an extension of time to complete stage 1. The challenges of COVID-19 has caused a delay in completing all the proposed works, therefore a variation to the original lease capital works target dates has been requested.

A Variation of Lease has been prepared by the Discovery Holiday Parks which is required to be signed, sealed and delivered under seal.

Recommendation

That Pursuant to Clause 400 of the *Local Government (General) Regulation 2005* Council endorses the variations to the lease and authorises the Mayor and General Manager to execute the agreement and affix the seal of the Wentworth Shire Council.

Council Resolution

That Pursuant to Clause 400 of the *Local Government (General) Regulation 2005* Council endorses the variations to the lease agreement with Discovery Holiday Parks and authorises the Mayor and General Manager to execute the agreement and affix the seal of the Wentworth Shire Council.

Moved Cr. Elstone, Seconded Cr. Nunan

CARRIED

**9.10 REQUEST TO AFFIX SEAL - ROAD SERVICES COMPENSATION AGREEMENT /
TRONOX MINING AUSTRALIA - A52 NOB ROAD**

File Number: RPT/20/393

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

Strategy: 1.1 Grow the potential for business and industry to develop and expand

The General Manager advised that Item 9.10 has been withdrawn from the agenda based on the advice from Tronox Mining Australia that they will not be proceeding.

9.11 REQUEST TO AFFIX COUNCIL SEAL - A43 HENDY ROAD BURONGA - DEED OF AGREEMENT LANDHOLDERS COMPENSATION

File Number: RPT/20/416

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

Strategy: 3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long term interests of future generations

Summary

Council is entering into a Deed of Agreement for Easement with affected landholders of the Hendy Road Buronga, Sewer Pump Station stage #1 and #2 upgrade works.

Under the terms of the Land Acquisition Act 1991, Council is responsible for any cost that the owner reasonably incurs in association with Council acquiring the easement for sewer over his/her land which an underground sewer main has been installed.

Subject to the terms of this Deed, the Landowner has agreed to grant the Easement over their land to Council, for the operation, protection and maintenance of the works, for which compensation is payable.

Recommendation

That Pursuant to Clause 400 of the *Local Government (General) Regulation 2005* Council endorses the Deed of Agreement and authorises the Mayor and General Manager to execute the agreement and affix the seal of the Wentworth Shire Council.

Council Resolution

That Pursuant to Clause 400 of the *Local Government (General) Regulation 2005* Council endorses the Deed of Agreement and authorises the Mayor and General Manager to execute the agreement and affix the seal of the Wentworth Shire Council.

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

9.12 NAMING OF WENTWORTH SHOWGROUNDS PAVILION

File Number: RPT/20/417

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest
Strategy: 2.5 Maintain/create desirable open spaces and recreation facilities

Summary

Council has received a request from the Wentworth Show Society to rename the newly constructed community purpose building the "Wentworth Showgrounds Community Pavilion".

The Wentworth Show Society Committee resolved at their 9 July 2020, General Meeting to endorse the renaming of the "Barrett Pavilion" to the "Wentworth Showgrounds Community Pavilion" as this tells you where it is, what it is and that it is for the whole of the community. The Committee feels that the newly chosen name is inclusive and will be relevant for a very long time.

Recommendation

That Council endorses the request to formally rename the newly built community pavilion at the Wentworth Showgrounds the "Wentworth Showgrounds Community Pavilion".

Council Resolution

That Council endorses the request to formally rename the newly built community pavilion at the Wentworth Showgrounds the "Wentworth Showgrounds Community Pavilion".

Moved Cr. Nichols, Seconded Cr. MacAllister

CARRIED

9.13 DELEGATED AUTHORITY APPROVALS AS AT END OF JULY 2020

File Number: RPT/20/456

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Nicky Meredith - Coordinator Health and Planning

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

Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

For the month of July 2020, a total of 18 Development Applications and six S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$4,984,015.00. This brings the year to date total to 90 Development Applications and 25 S4.55 Applications approved, with an estimated development value of \$22,763,809.00.

Recommendation

- a) That Council receives and notes the report for the month of July 2020.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Council Resolution

- a) That Council receives and notes the report for the month of July 2020.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

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

For the Motion : ***Clr.s Elstone, Evans, Hederics, Heywood, MacAllister, McKinnon, Nichols, Nunan and Wheeldon.***

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

9.14 DARETON MEN IN A SHED - FUTURE NEEDS

File Number: RPT/20/440

Responsible Officer: Matthew Carlin - Director Health and Planning
Responsible Division: Health and Planning
Reporting Officer: Matthew Carlin - Director Health and Planning

Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest
Strategy: 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination

Summary

The Secretary of Dareton Men in a Shed have written to Council seeking our assistance in any way possible to help them relocate to a new purpose-built facility to be constructed on the parcel of land behind the existing public swimming pool on Lot 101 DP 1232722 in Matong Street, Dareton.

Recommendation

That Council supports the concept of the Dareton Men in a Shed infrastructure being located on Lot 101 DP 1232722 subject to the regulated approvals process; and further that Dareton Men in a Shed be encouraged to lodge a formal development application to officially commence the process.

Council Resolution

That Council supports the concept of the Dareton Men in a Shed infrastructure being located on Lot 101 DP 1232722 subject to the regulated approvals process.

That Dareton Men in a Shed be encouraged to lodge a formal development application to officially commence the process.

Moved Cr. Nunan, Seconded Cr. Elstone

CARRIED

9.15 WENTWORTH AERODROME UPGRADE - PROJECT UPGRADE

File Number: RPT/20/378

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Administration Officer

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

Summary

As part of the OLG Capital Expenditure Review, quarterly project update reports are required to be provided to Council.

The report includes overall progress of the project, identifies any budget variances that may impact on the project and also identifies any issues that may have an adverse impact on the works.

Council are currently undertaking a major upgrade of the Wentworth Aerodrome. The works include the construction of a new 08/26 Runway and redevelopment of the existing 08/26 Runway to a parallel taxiway, plus an upgrade and expansion of the existing apron area. The new runway and supporting infrastructure have been designed to Code 2B instrument, non-precision requirements in accordance with the Part 139 (Aerodrome) Manual of Standards 2019 (MOS).

As part of the project Pilot Activated Lighting (PAL) will be installed enabling 24-hour usage of the Aerodrome. This incorporates Aeronautical Ground Lighting (AGL), Apron Floodlighting and Illuminated Wind Direction Indicators (IWDI).

NSW Treasury confirmed in May 2019 that Council was successful in securing \$8,420,000 in Restart funding through the Regional Growth: Economic Activation Fund – Growing Local Economies Program. With Council's contribution of \$700,000 the overall budget for the project equals \$9,120,000.

Recommendation

That Council notes the information contained in this report.

Council Resolution

That Council notes the information contained in the Wentworth Aerodrome upgrade report.

Moved Cr. Nichols, Seconded Cr. MacAllister

CARRIED

9.16 PROJECT AND WORKS REPORT UPDATE - AUGUST 2020

File Number: RPT/20/431

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Administration Officer

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

Summary

This report provides a summary of the major works undertaken by the Roads and Engineering Division which have been completed during the months of June and July 2020 and the planned works for August 2020.

Recommendation

That Council notes the major works undertaken for June and July and the proposed works for August 2020.

Council Resolution

That Council notes the major works undertaken for June and July and the proposed works for August 2020.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 MENINDEE LAKES WATER SAVINGS PROJECT

File Number: RPT/20/406

Motion

That Wentworth Shire Council rejects all options put forward by consultants GHD and strongly questions the integrity of the process in relation to the Menindee Lakes Water Savings Project.

Further, that Wentworth Shire Council write to the NSW Premier and Federal Minister for Water, the Hon. Keith Pitt, advising that the process of engagement is deliberately divisive, lacks factual content and is therefore unsatisfactory and that numerous valid community concerns have not been addressed and continue to be avoided, putting water recovery under the Basin Plan in jeopardy

Council Resolution

That Wentworth Shire Council rejects all options put forward by consultants GHD and strongly questions the integrity of the process in relation to the Menindee Lakes Water Savings Project.

Further, that Wentworth Shire Council write to the NSW Premier and Federal Minister for Water, the Hon. Keith Pitt, advising that the process of engagement is deliberately divisive, lacks factual content and is therefore unsatisfactory and that numerous valid community concerns have not been addressed and continue to be avoided, putting water recovery under the Basin Plan in jeopardy.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

10.2 STURT HIGHWAY - IGA SUPERMARKET BURONGA

Cr Susan Nichols asked when the works at the entrance to the IGA Supermarket at Buronga will be fixed and completed.

The Director of Roads and Engineering advised that design issues had stalled the project which have now been rectified. Works are on track to be completed at the end of September.

10.3 WILLOWBEND CARAVAN PARK KITCHEN

Cr Susan Nichols asked when the transportable kitchen building will be moved to the Willowbend Caravan Park.

The General Manager advised that the transportable buildings are required to be removed by the end of August 2020.

Councillor Nunan left the meeting at 12:24pm

10.4 WENTWORTH SKATEPARK

Cr Susan Nichols asked if there could be toilets provided closer to the skatepark.

The Director of Roads advised there will be works undertaken at the Wentworth

Swimming Pool to allow access to the toilets from the Skatepark.

Councillor Nunan returned to the meeting at 12:27pm

10.5 THE BIG YABBY

Cr Steve Heywood advised he is willing to move the Big Yabby. Where should it be placed?

The General Manager advised the Big Yabby is currently not a project and would like Council's position on this matter.

10.6 SURVEY OF DARETON PROPERTIES

Cr Don McKinnon asked if a survey of Dareton properties that need to be cleaned up is completed and action taken where required.

The Director of Health and Planning advised that the Compliance Officer has completed a survey.

10.7 WENTWORTH EFFLUENT DISPOSAL STATION

Cr Bill Wheeldon if we have funding for the upgrade of the Wentworth Effluent Disposal Station.

The General Manager advised Council has received funding for the upgrade of the Wentworth Effluent Disposal Station project and works are required to be completed by June 2022.

10.8 EFFLUENT DISPOSAL STATION BURONGA

Cr Greg Evans asked when the Buronga effluent disposal station will be completed.

10.9 PUBLIC TOILET UPGRADE WENTWORTH

Cr Greg Evans asked when the Public Toilet upgrade at Wentworth in Darling Street will be completed.

11 CONCLUSION OF THE MEETING

Meeting closed at 12:39pm

NEXT MEETING

16 September 2020

.....
CHAIR

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/20/562

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

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

The Outstanding Matters report provides details of activities raised at previous Council meetings that remain outstanding.

Officer Recommendation

That Council notes the list of outstanding matters as at 8 September 2020.

Additional Information

Nil

Attachments

1. Outstanding Actions Report [↓](#)

Outstanding Division: Ordinary Council Committee: Officer: Outstanding Action Items Report				Date From: Date To: Printed: Tuesday, 8 September 2020 11:03:06 AM
Meeting	Item	Title	Item	Action Record (latest first)
Ordinary Council 24/06/2020	10.2.11	New footpath at Midway Centre	Cr Melisa Hederics asked if a footpath could be installed to connect the top carpark at the Midway Centre with the Midway Function Centre.	7 Sep 2020 - 3:29 PM - Tarryn Kampman Engineering staff have finalised proposed options and included in the 2020/21 works program. Action Completed
Ordinary Council 15/07/2020	10.2	Dareton Town Plan	Cr Peter Nunan asked about the progress of the Dareton Town Plan	7 Sep 2020- 1:07 PM - Matthew Carlin A community survey has been completed. The results will assist with formulation of the Dareton Town Plan.
Ordinary Council 15/07/2020	10.4	Update on flats at Dareton	Cr Melisa Hederics requested an update on a clean-up order that has been issued to the owner of flats in Dareton.	8 Sep 2020 - 10:24 AM - Matthew Carlin An Order has been issued and expires on 26 September 2020.
Ordinary Council 19/08/2020	9.6	Waste Management Facilities Operations Update	<u>Council Resolution</u> That Council notes the Waste Management Facilities update. That Council process the site expansion Development Application prior to commencing the tender for operations of Council's waste facilities. Moved Cr. Elstone, Seconded Cr. MacAllister CARRIED	8 Sep 2020 - 10:24 AM - Simon Rule Initial scoping meeting held with Department of Planning on 8 September 2020.
Ordinary Council 19/08/2020	9.14	Dareton Men in a Shed - future needs	<u>Council Resolution</u> That Council supports the concept of the Dareton Men in a Shed infrastructure being located on Lot 101 DP 1232722 subject to the regulated approvals process.	8 Sep 2020 - 10:22 AM - Matthew Carlin Dareton Men in a Shed have been advised on the information they need before lodging a formal development application - Action Complete.

Outstanding

Division:
Committee:
Officer:

Ordinary Council

Outstanding Action Items Report

Date From:
Date To:

Printed: Tuesday, 8 September 2020 11:03:06 AM

			<p>That Dareton Men in a Shed be encouraged to lodge a formal development application to officially commence the process.</p> <p>Moved Cr. Nunan, Seconded Cr. Elstone</p> <p>CARRIED</p>	
<p>Ordinary Council 19/08/2020</p>	<p>10.1</p>	<p><i>Menindee Lakes Water Savings Project</i></p>	<p>Council Resolution</p> <p>That Wentworth Shire Council rejects all options put forward by consultants GHD and strongly questions the integrity of the process in relation to the Menindee Lakes Water Savings Project.</p> <p>Further, that Wentworth Shire Council write to the NSW Premier and Federal Minister for Water, the Hon. Keith Pitt, advising that the process of engagement is deliberately divisive, lacks factual content and is therefore unsatisfactory and that numerous valid community concerns have not been addressed and continue to be avoided, putting water recovery under the Basin Plan in jeopardy.</p> <p>Moved Cr. MacAllister, Seconded Cr. Heywood</p> <p>CARRIED</p>	<p>2 Sep 2020 - 3:43 PM - Gayle Marsden</p> <p>Letters sent to the Premier and the Federal Water Minister - Action Complete</p>
<p>Ordinary Council 19/08/2020</p>	<p>10.2</p>	<p><i>Sturt Highway - IGA Supermarket Buronga</i></p>	<p>Cr Susan Nichols asked when the works at the entrance to the IGA Supermarket at Buronga will be fixed and completed.</p> <p>The Director of Roads and Engineering advised that design issues had stalled the project which have now been rectified. Works are on track to be completed at the end of September.</p>	<p>7 Sep 2020 - 3:31 PM - Tarryn Kampman</p> <p>DRE advised that design issues have stalled the project which have now been rectified. Works are on track to be completed end September. ACTION COMPLETE</p>
<p>Ordinary Council 19/08/2020</p>	<p>10.3</p>	<p><i>Wentworth Skatepark</i></p>	<p>Cr Susan Nichols asked if there could be toilets provided closer to the skatepark.</p> <p>The Director of Roads advised there will be works undertaken at the Wentworth Swimming Pool to allow access to the toilets from the skatepark.</p>	<p>7 Sep 2020 - 3:28 PM - Tarryn Kampman</p> <p>DRE advised there will be works undertaken at the Wentworth Swimming Pool to allow access to the toilets from the skatepark</p>

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/20/502

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by the Mayor for the period 10 August 2020 – 4 September 2020.

Recommendation

That Council notes the information contained in the Mayoral report.

Report

The following table lists the meetings attended by the Mayor for the period 10 August 2020 – 4 September 2020.

Date	Meeting	Location
10 Aug 2020	Cross Border Commissioner	Video Conference
10 Aug 2020	Meeting with Minister Local Government Hon. Shelley Hancock	Video Conference Buronga
11 Aug 2020	Mayoral Meeting	Wentworth
12 Aug 2020	Cross Border Commissioner	Video Conference
12 Aug 2020	Far West Joint Organisation Board Meeting	Video Conference
14 Aug 2020	Cross Border Commissioner	Video Conference
17 Aug 2020	Cross Border Commissioner	Video Conference
18 Aug 2020	Mayoral Meeting	Wentworth
19 Aug 2020	Ordinary Council Meeting Briefing	Buronga
19 Aug 2020	Ordinary Council Meeting	Buronga
20 Aug 2020	Cross Border Commissioner	Video Conference
24 Aug 2020	Cross Border Commissioner	Video Conference
25 Aug 2020	Mayoral Meeting	Buronga
26 Aug 2020	Cross Border Commissioner	Video Conference
27 Aug 2020	Southern Border Recovery Committee	Video Conference
28 Aug 2020	Cross Border Commissioner	Video Conference
28 Aug 2020	Far West Joint Organisation Board Meeting	Video Conference Buronga
31 Aug 2020	Cross Border Commissioner	Video Conference
31 Aug 2020	Opening of CHAC Wentworth Medical Centre	Wentworth
2 Sept 2020	Cross Border Commissioner	Video Conference

2 Sept 2020	Southern Border Recovery Committee	Video Conference
3 Sept 2020	Mayoral Meeting	Wentworth
4 Sept 2020	Cross Border Commissioner	Video Conference

Attachments

Nil

7.2 STATUTORY MEETING ITEM - ELECTION OF MAYOR AND DEPUTY MAYOR

File Number: RPT/20/486

Summary

In accordance with the *Local Government Act 1993 (the Act)* a Mayor elected by Councillors holds the office of mayor for 2 years (section 230). The Deputy Mayor may be elected for the mayoral term or a shorter term (section 231(2)), and to this end on 21 September 2016 Council resolved that the position of Deputy Mayor be for two years, in line with the term of office for Mayor.

In line with amendments to *the Act* due to Covid-19, the General Council elections have been postponed for 12 months until September 2021, therefore there is a requirement under *the Act* to hold a Mayoral election. The elected Mayor and Deputy Mayor will hold office for a 12 month period until September 2021, being the next general election of Council.

Recommendation

That Council determines the process to elect the Mayor and Deputy Mayor by open voting.

That the General Manager receives nominations for the position of Mayor for the ensuing 12 month period and declares whether an election is required, and if so conducts the election.

That the General Manager receives nominations for the position of Deputy Mayor for the ensuing 12 month period and declares whether an election is required, and if so conducts the election.

Report**Purpose**

The purpose of this report is to conduct an election for the positions of Mayor and Deputy Mayor.

Background

Council was advised through the Office of Local Government Circular 20-10 that in line with amendments to the *Local Government Act 1993 (the Act)*, due to Covid-19, the General Council elections have been postponed for 12 months until September 2021, therefore there is a requirement under *the Act* to hold a Mayoral election. The elected Mayor and Deputy Mayor will hold office for the 12 month period until September 2021, being the next general election of Council.

The last election for Mayor and Deputy Mayor was conducted at the Statutory Meeting on 19 September 2018, therefore in accordance with the provisions of *the Act* Council is required to conduct an election for the office of Mayor and in accordance with the resolution of Council on 21 September 2016 Council is required to conduct an election for the role of Deputy Mayor.

Returning Officer

The General Manager is the Returning Officer.

Nomination

In accordance with the regulations:

- A Councillor may be nominated without notice for election as mayor or deputy mayor.
- The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

- The nomination is to be delivered or sent to the returning officer.
- The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

Election

In accordance with the regulations:

- If only one Councillor is nominated, that Councillor is elected.
- If more than one Councillor is nominated, the council is to resolve whether the election is to proceed by **preferential ballot**, by **ordinary ballot** or by **open voting**.
- The election is to be held at the council meeting at which the council resolves on the method of voting.

It is noted that in accordance with Schedule 7 (clause 3(4))

- ballot has its normal meaning of secret ballot.
- open voting means voting by a show of hands or similar means.

Attachments

Nil

7.3 STATUTORY MEETING ITEM - DELEGATIONS

File Number: RPT/20/487

Summary

The purpose of this report is to establish the delegated authority of the Mayor and Deputy Mayor. There have been no amendments made to the existing delegation schedules of Delegation Policy (GOV009) since the last election of Mayor.

Recommendation

That Council, pursuant to Section 377 of the Local Government Act 1993, revokes all previous delegations to the Mayor and Deputy Mayor.

That Council retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009.

That Council, pursuant to Section 377 of the Local Government Act 1993, delegates to the Mayor, as elected at the Council Meeting on 16 September 2020, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).

That Council resolves that in the absence of the Mayor, and when officially acting in the position of Mayor, the Deputy Mayor, as elected at the Council Meeting on 16 September 2020, is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).

That the delegations remain in place for a period of 12 months, or until revoked or amended by Council.

Report**Purpose**

The purpose of this report is to establish the delegated authority of the newly elected Mayor and Deputy Mayor.

Background

Section 377 of the Local Government Act 1993 provides for the delegation of powers, duties, authorities and functions of Council. This Council has traditionally ratified the Delegations to the Mayor and Deputy Mayor immediately following the ballot held at the statutory meeting.

Attachments

1. Delegations Policy GOV009 [↓](#)

Wentworth Shire Council

Word: DOC/19/17134

PDF: DOC/17/12215

Council Policy No. GOV009

DELEGATIONS POLICY**DOCUMENT SUMMARY**

This Official Council Policy deals with the delegation of powers and functions from the Local Government Act.

1. STATEMENT OF POLICY INTENT

The intent of this policy is to establish the functions of Council that it retains, and those it has delegated to others.

2. POLICY SCOPE

This policy is applicable to Council, the Mayor, the GM and formally s355 Committees of Council. The policy also extends to delegations from the General Manager to staff.

3. BACKGROUND INFORMATION

The Local Government Act 1993 part 3 establishes the functions of a Council that can and can't be delegated.

- Schedule 1 of this policy outlines the functions that are retained by Council, as required under section 377 of the Act.
- Schedule 2 of this policy outlines the functions of Council that it delegates to the Mayor.
- Schedule 3 of this policy outlines the functions of Council that it delegates to s355 Committees of Council (where applicable).
- Schedule 4 of this policy outlines the functions of Council that it delegates to the GM.

4. DEFINITIONS AND ABBREVIATIONS (used in this policy)

This table summarises the main definitions and abbreviations contained within this policy

The Act	Local Government Act 1993 (NSW)
Regulations	Local Government Act (General) Regulations 2005 (NSW)
GM	General Manager

5. POLICY

It is the policy of this Council that:-

- 5.1 Council retains all functions, duties and responsibilities outlined in schedule 1 of this policy.
- 5.2 Council delegates to the Mayor all powers, authorities, duties and functions outlined in schedule 2 of this policy.
- 5.3 There, there being no section 355 committees of council, no delegations of functions are provided to section 355 Committees
- 5.4 Council delegates to the General Manager all powers, authorities, duties and functions outlined in schedule 4 of this policy.
- 5.5 The Local Government Act and regulations will, at all times, have precedence over any contradictory decision of council.
- 5.6 The General Manager is to maintain a Delegations Register for all delegations made to staff.
- 5.7 The Audit, Risk and Improvement Committee will review the exercising of delegations in its rolling audit program.

Document Approval

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on the 17/10/2018. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

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Wentworth Shire Council

Word: DOC/19/17134

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Council Policy No. GOV009

DELEGATIONS POLICY

6. ATTACHMENTS TO THIS POLICY

Schedule 1 - Council retained functions

Schedule 2 - Council to the Mayor

Schedule 3 - Council to Section 355 Committees

- Nil

Schedule 4 - Council to the GM



5 Nov 2018

A/ Approved by Council and signed by
General Manager of Wentworth Shire Council

Signed & Dated

Document Approval

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Wentworth Shire Council

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Council Policy No. GOV009

DELEGATIONS POLICY**SCHEDULE 1 – COUNCIL RETAINED FUNCTIONS**

Pursuant to section 377 of the Local Government Act 1993 (NSW), the Council retains the following functions, duties and responsibilities.

- a) the appointment of a general manager,
- b) the making of a rate,
- c) a determination under section 549 as to the levying of a rate,
- d) the making of a charge,
- e) the fixing of a fee,
- f) the borrowing of money,
- g) the voting of money for expenditure on its works, services or operations,
- h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- i) the acceptance of tenders which are required under this Act to be invited by the council,
- j) the adoption of an operational plan under section 405,
- k) the adoption of a financial statement included in an annual financial report,
- l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
- p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- s) the making of an application, or the giving of a notice, to the Governor or Minister,
- t) this power of delegation,
- u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

The above retained delegations are consistent with those listed in Section 377 General power of the council to delegate, which specifically prevents the council from delegating the above mentioned functions.

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Wentworth Shire Council

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Council Policy No. GOV009

DELEGATIONS POLICY**SCHEDULE 2 - DELEGATIONS FROM THE COUNCIL TO THE
MAYOR**

Pursuant to the Local Government Act and Regulations, and any expressed policy or direction of Council, the Council in accordance with the provisions of Section 377 of the Local Government Act 1993 and every other enabling statutory power, delegates to the person who occupies the position of Mayor, to perform on behalf of Council the following powers, authorities, duties or functions.

1.0 Executive Functions

- 1.1 On behalf of the Council, supervise the General Manager in terms of the Local Government Act 1993 and Council's policies and delegations and to control and advise the General Manager in the execution of Council's decisions and policies.
- 1.2 Fulfill the functions of chief elected member of the Council and to perform all duties imposed upon the Mayor under the Local Government Act or other Acts or Regulations.
- 1.3 To give effect to the resolutions of Council in conjunction with the General Manager.
- 1.4 Approve leave for the General Manager, attendance at conferences and seminars in the terms and provisions of the General Managers Contract of Employment with Council.
- 1.5 Be the necessary witness to documents requiring the Council's seal.

2.0 Communications, media and public relations

- 2.1 To respond to media publicity on Council matters.
- 2.2 To issue media releases and make statements to the media on behalf of council.
- 2.3 To sign letters (such as letters of support, letters to Government Ministers and the like) on behalf of the Council.

3.0 Council meetings

- 3.1 To call extraordinary meetings of the Council as deemed necessary.

4.0 Legal

- 4.1 When considered necessary or urgent, to request the General Manager to obtain legal advice or legal representation in any matter in which the Council is or may become involved.

5.0 Policy

- 5.1 To exercise in cases of necessity for the efficient and effective administration of the Council, the policy making functions of the governing body of the Council between meetings of the Council.

6.0 Urgent Works (unbudgeted items)

- 6.1 To authorise any work which is deemed urgent at a cost not exceeding \$5,000 provided that such expenditure is reported to the Council at its next Ordinary Meeting.

Document Approval

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Council Policy No. GOV009

DELEGATIONS POLICY

**SCHEDULE 3 - DELEGATIONS FROM THE COUNCIL TO S355
COMMITTEES**

Nil

Document Approval

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Wentworth Shire Council

Word: DOC/19/17134

PDF: DOC/17/12215

Council Policy No. GOV009

DELEGATIONS POLICY**SCHEDULE 4 - DELEGATIONS FROM THE COUNCIL TO THE
GENERAL MANAGER**

Pursuant to the Local Government Act and Regulations, and any expressed policy or direction of Council, the Council in accordance with the provisions of Section 377 of the Local Government Act 1993 and every other enabling statutory power, delegates to the person who occupies the position of General Manager, to perform on behalf of Council the following powers, authorities, duties or functions.

1. The functions of Council as specified in:
 - i. The Act, and related instruments; and
 - ii. Other Acts under which Council has powers, authorities, duties and functions;
 - iii. Any lawful resolution of Council.
2. Any function delegated to the council by the Director General, unless specifically retained by Council in Schedule 1.
3. The functions delegated in accordance with and subject to all current policies and codes officially adopted by the Council.

The General Manager is not delegated to undertake any of the roles, responsibilities and functions of Council as set out in Schedule 1 of this policy.

The General Manager is not delegated to undertake any of the roles, responsibilities and functions set out in Schedule 3 of this policy.

The General Manager may delegate functions, duties, roles and responsibilities to staff members of the Council, however the General Manager retains ultimate accountability for the actions of all Council employees.

NB- these same delegations are extended to a person who is officially nominated, by a formal resolution of Council, as the Acting General Manager for a period of time, however, these delegations do not automatically flow to an Acting General Manager unless that person, by resolution of Council, is deemed to be the Acting General Manager.

Document Approval

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This policy may be amended or revoked by Council at any time.

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7.4 STATUTORY MEETING ITEM - COUNCIL MEETING DATES AND TIME

File Number: RPT/20/488

Summary

The purpose of this report is to set the date and time for the Ordinary Meetings of Council.

Recommendation

That Council determines the following in relation to Ordinary Meetings of Council:

1. Ordinary Council meetings will be held on the third Wednesday of all months excluding June
2. The June 2021 meeting will be held on Wednesday 23 June
3. All ordinary meetings of council will commence at 10.00am

Report

Purpose

The purpose of this report is to set the date and time of Ordinary Meetings of Council.

Background

In the last 12 months, Council has held its Ordinary Meetings on the third Wednesday of each month, commencing at 10:00am. From October 2019 to March 2020 meetings were held in the Council Chambers in Wentworth, however due to Covid-19 restrictions meetings from April 2020 to date have been held via Video Conferencing and face to face at Midway Centre, Buronga.

Section 365 of the Local Government Act requires that Council meets at least ten times each year, each time in a different month.

The Local Government Act or the Regulation does not cover the time a council meeting should start.

The meeting time and dates for Ordinary Council meetings are required to be advertised in accordance with the requirements of the Local Government Act.

If an Ordinary Meeting of Council clashes with an event, Council is in a position to alter the date of a particular Council Meeting by resolution of Council. It is also possible for Council to call an Extraordinary meeting of Council for specific reasons on a different day and time from that of the Ordinary meeting of Council.

The June meeting is typically held in the last week of June to ensure the draft Operational Plan, endorsed at the May meeting, is on public exhibition for the required 28 days.

Options

There are virtually no restrictions of what Council is able to resolve other than ensuring that at least ten meetings are held in the year. Council must decide the following:

- 1) The time of the Council meetings (10:00am or another time).
- 2) The date and the day of the month of Council meetings (third Wednesday or another day).
- 3) Whether a meeting will be held each month (The January meeting has in the past been discussed in relation to this)
- 4) The date for the June meeting to allow the draft Operational Plan, endorsed at the May meeting, is on public exhibition for the required 28 days

Conclusion

The Local Government Act requires Council to hold a minimum of ten meetings a year. Council is able to determine the day and time for each Council meeting and the meeting location.

Attachments

Nil

7.5 STATUTORY MEETING ITEM - REVIEW OF INTERNAL COMMITTEES AND WORKING GROUPS

File Number: RPT/20/489

Summary

The Statutory meeting of Council is an opportunity for Council to review the committee structure that it requires for the upcoming 12 month period. Council is able to determine the number and type of committees that it wishes to establish and the functions of each committee.

Recommendation

That Council determines its preferred committee structure for the upcoming 12 months.

Detailed Report**Advisory Committees**

The following committees have been operating as Advisory Committees that have no delegated authority and no decision making responsibilities. All recommendations from the Committee are presented to Council for consideration. The members of these committees previously included both Councillors and Council Officers. The Australia Day Committee, Cemeteries Committee, Wentworth Civic Centre Redevelopment Committee and the Waste Facilities Committee consisted of all Councillors and nominated staff.

- Internal Audit and Risk Management Committee
- Floodplain Risk Management Committee
- Australia Day Committee
- Council Roads and Road Safety Committee
- Cemeteries Committee
- Willowbend Advisory Committee
- Waste Facilities Advisory Committee
- Wentworth Civic Centre Redevelopment Committee
- PS Ruby Advisory Committee

User Groups

Council has also established a number of User Groups, namely:-

- James King Park User Group
- George Gordon Oval User Group
- Carramar Drive Sporting Complex User Group
- Wentworth Showgrounds User Group
- Wentworth Sporting Precinct User Group

Conclusion

By strategically reviewing its committee structure at the September meeting each year, Council can ensure that the committee structure remains relevant to the needs of Council and its community. Additionally, the annual review of the committee structure enables

Council to ensure that Councillors are maximising the use of their time, and that staff are able to adequately resource the requirements of each committee.

Attachments

1. Internal Committees [↓](#)

AGENDA

Listing of Committees and User Groups			
Advisory Committees (not open to the public)	Meeting Frequency	Council Delegate(s)	Other members
Australia Day Committee	As required	All Councillors	General Manager and his nominated delegate(s)
Cemeteries Committee	As required	All Councillors	General Manager and his nominated delegate(s)
Floodplain Risk Management Committee	As required	Mayor, Cr. Heywood, Cr. Wheeldon, and Cr. Elstone	Director Health and Planning, external members
Internal Audit and Risk Management Committee	Min. Quarterly	Mayor, Cr. Nichols, Cr. Nunan, Cr. MacAllister and Cr. Evans (Cr Elstone as an alternate)	General Manager and his nominated delegate(s).
PS Ruby Advisory Committee	Monthly (2 nd Tues.)	Mayor, Cr. Heywood, Cr. Evans and Cr. Nichols	General Manager and his nominated delegate(s)
Roads and Road Safety Committee	Min. Quarterly	Mayor, Cr. Wheeldon, Cr. Heywood and Cr. Elstone	N/a
Waste Facilities Advisory Committee	As required	All Councillors	General Manager and his nominated delegate (s)
Willowbend Advisory Committee (est. 7/2/18)	As required	Mayor, Deputy Mayor, Cr Heywood	General Manager and his nominate delegate(s), Tony & Ana Smith
Wentworth Civic Centre Redevelopment Committee	As required	All Councillors	General Manager
User Groups	Meeting Frequency	Delegate(s)	Alternate Councillor(s)
Carramar Drive Sporting Complex User Group	When required	Mayor and Cr. MacAllister	N/a
George Gordon Oval User Group	To be advised	Cr. Nunan and Cr. Elstone	N/a
James King Park User Group	When required	Mayor and Cr. MacAllister	N/a
Wentworth Showgrounds User Group	When required	Cr. Heywood and Cr. Nichols	N/a
Wentworth Sporting Precinct User Group	To be advised	Cr. Elstone, Cr. Heywood and Cr. Nichols	N/a

7.6 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEE REPRESENTATION

File Number: RPT/20/490

Summary

In order to respond to the needs of its community, Council annually reviews the External Committees to which it has appointed representatives.

The nominated representatives on each committee are responsible for providing a Delegate's Report to Council when required.

Recommendation

That Council considers the list of External Committees and determines appropriate representation.

Detailed Report

Council generally reviews the listing of external committees on which it has representation annually. Additionally, the nominated delegate on each committee is also reviewed annually.

The listing of External Committees to which council has appointed representatives is attached for information.

Attachments

1. External Committees [↓](#)

AGENDA

Council periodically determines its representatives to a number of external bodies as indicated in the table below.

Committee	Meeting Frequency	Nominated Representative(s)
Arts Mildura	When required	Cr. Evans
Australian Inland Botanic Gardens	Monthly	Cr. MacAllister
Bottle Bend Reserve Land Manager	Monthly	Cr. MacAllister (Cr. Nichols as alternate)
Bush Fire Management Committee	Twice per annum	Cr. Wheeldon (Cr. Elstone as alternate)
Central Murray Transport Forum	Quarterly	Cr. Evans (15/05/19 Cr MacAllister as alternate)
ClubGRANTS Category One (1) Funding Committee	Twice per annum	Mayor
Country Mayor's Association of NSW	As required	Mayor
Community Safety Precinct Meeting	When required	Cr. Nichols
Critical Water Advisory Group	When required	Cr MacAllister & Cr Elstone
Far West Joint Organisation – Broken Hill, Wentworth, Balranald, Central Darling	As required	Mayor and Deputy Mayor
Joint Regional Planning Panel	When required	Cr. Nunan (Cr. Wheeldon and Nichols as alternates)
Menindee Lakes SDLAM Stakeholder Advisory Group (SAG)	When required	Cr MacAllister
Murray Darling Association (Region 4)	Min. 4 times per year	Cr. MacAllister (Chair), Cr. Elstone and Cr Heywood
North West Rail Alliance	4 times per year	Cr MacAllister
NSW Locks 8 & 9 SDLAM Stakeholder Advisory Group (SAG)	When required	Cr Wheeldon (Cr MacAllister as alternate)
Public Libraries NSW	Twice per annum	Cr. Wheeldon
Wentworth Regional Tourism Inc.	Monthly	Cr. Nichols (Cr. Wheeldon as alternate)
Wentworth Shire Health Interagency Group (WSHIG) – approved 03/04/19	Monthly	Cr MacAllister
Wentworth Shire Liquor Accord Committee	When required	Cr. Nichols
Western Division Group of Councils	Min. 3 times per annum	Mayor, noting also that Cr. Evans is a member of the executive committee.

8 REPORTS FROM COMMITTEES

8.1 MURRAY DARLING ASSOCIATION (MDA) DELEGATES REPORT AUGUST 2020

File Number: RPT/20/500

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Chloe Horne - Business Support Officer

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets
 Strategy: 3.5 Recognise the importance of a healthy Murray-Darling River system

Summary

At the 20 April 2020 Murray Darling Association (MDA) Board meeting it was resolved that a monthly Delegate's Report be forwarded to all member Councils & delegates.

Recommendation

That Council notes the Delegate's Report for August 2020 from the Murray Darling Association.

Detailed Report

Purpose

The purpose of this report is to provide Council with a summary of the activities for August 2020 of the Murray Darling Association of which Council is member.

Background

The Murray Darling Association (MDA) is Australia's peak body representing local government across the Murray-Darling Basin. Wentworth Shire Council is part of MDA Region 4 and Cr MacAllister is the Chair of Region 4.

Report Detail

The attached report gives detail of the activities of the MDA for August 2020.

Attachments

1. MDA Delegates Report August 2020 [📄](#)

MDA Delegate's Report for tabling at council

August 2020



The Murray Darling Association (MDA) is Australia's peak body representing local government across the Murray-Darling Basin. The following delegate's report provides a detailed report for tabling at council, including a summary of MDA Board Meeting 400, CEO's report, region meetings and the latest edition of the Basin Bulletin.

1. MDA Board Meeting 400

The Murray Darling Association held its Ordinary Meeting of the Board Meeting 400 on Monday 20th of July 2020. The minutes are now available [here](#).

Key motions include:

Motion 5.2: That the Board:

- a) adopt the Strategic Plan – Vision 2025
- b) approve a public launch of the document.
- c) Conduct a workshop to discuss operational and monitoring & evaluation components of the plan, facilitated by Karen Legge Consulting

D Thurley / J MacAllister

Carried

Motion 5.8: That the MDA continue to work with the Acting Manager of Water Relationships, DPIE Water Group Peter Hansen, and with the Department to

- a) Notify our networks and communities of upcoming consultation and engagement activities scheduled by the DPIE
- b) Urge NSW DPIE to revise its Water Stakeholder and Community Engagement Policy to more actively involve and collaborate with communities, as described in the IAP2 Spectrum.
- c) Invite NSW DPIE to collaborate with the MDA in the development of an agreed community consultation standard.

P Raison / J Campbell

Carried

2. CEO's Report

Vision 2025: The way forward for Basin communities

The much-anticipated final draft of the Strategic Plan 2020-2025 Murray Darling Association: **Vision 2025** was adopted by the board this month and is now available [online](#).

Vision 2025 represents the culmination of almost 2 years of consultation and engagement with you, our members, and stakeholders, and is the next step in defining the powerful identity, purpose, and vision of the MDA as we face a dynamic future ahead. I thank you for your incredible contribution to it.

MDA 76th National Conference & AGM

Themed **Local Leadership: A National Priority**, the MDA's 76th National Conference & AGM will be delivered as a fully virtual event, exploring the relationship between Basin councils and our national plans and priorities.

We are actively encouraging not only councillors but also executive staff and officers to register for this amazing event.

With keynote speakers including Professor Tim Flannery and author Bruce Pascoe joined by senior politicians and public servants, authors, experts and community leaders to talk through solutions for the Basin's future and the critical role that local communities play, this is a must-see for everyone at council.

The cost for 10 registrations will be less than the cost of sending a single person to a traditional conference, giving terrific value to our councils across the footprint and support for the amazing line-up of speakers assembled. We are targeting 10 registrations per council. We invite you to **register early and register often!!**

Register now: <https://cvent.me/aQzwae>

For more information, a comprehensive CEO's report is available [here](#).

3. Region Meetings

Region meetings are an important platform for Basin communities to collaborate and work together within and across their regions. The following region meetings were held throughout the June to August 2020 period:

Region	Meeting Type	Date	Minutes
Region 8	Ordinary Meeting	26 June 2020	Available here
Region 9	AGM & Ordinary Meeting	26 June 2020	Available soon
Region 10	Ordinary Meeting	21 July 2020	Available soon
Region 6	Ordinary Meeting	7 August 2020	Available soon
Region 11	Ordinary Meeting	14 August 2020	Available soon

4. Basin Bulletin Issue 36 – July Newsletter

The MDA publishes the Basin Bulletin newsletter monthly. This month's newsletter (Issue 36) included the following stories:

- Officially launch of the 76th MDA National Conference and AGM registration page
- Updates on the latest Basin reports
- Summary of the latest Basin news
- The latest CEO report

Basin Bulletin Issue 36 can be accessed [here](#). To receive the next edition of the Basin Bulletin, please register on the MDA website (www.mda.asn.au) or [email](#) MDA Comms and Engagement Officer Jess to request to be added to the distribution list.

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/503

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

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

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
Circulars 20-31 to 20-33
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note
Nil

Recommendation

That Council notes the information contained within the report from the General Manager.

Detailed Report

1. OLG Circulars

1.1 OLG Circular 20-31

- Councils must amend their codes of meeting practice to require recordings of meetings of the council and committees that comprise only of councillors to be retained on the council's website for 12 months or more if they do not already provide for this.
- Councils are still required to livestream their meetings via an audio-visual link where members of the public are excluded from attending meetings due to COVID-19.

1.2 OLG Circular 20-32

- The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.
- Council's should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.

- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.

1.3 OLG Circular 20-33

- Councils should use the Calendar of Compliance and Reporting Requirements 2020-21 to assist in planning strategic and operational tasks throughout the year.

2. Meetings

Following is a list of meetings or events attended by the General Manager for the period 10 August 2020 – 4 September 2020.

Date	Meeting	Location
11 Aug 2020	Mayoral Meeting	Wentworth
12 Aug 2020	Local Emergency Management Committee	Dareton
13 Aug 2020	West Darling Arts Meeting	Wentworth
18 Aug 2020	Mayoral Meeting	Wentworth
19 Aug 2020	Ordinary Council Meeting Briefing	Buronga
19 Aug 2020	Ordinary Council Meeting	Buronga
20 Aug 2020	Wentworth Shire Council Interagency Meeting	Buronga
25 Aug 2020	Mayoral Meeting	Buronga
28 Aug 2020	Far West Joint Organisation Board Meeting	Video Conference/Buronga
31 Aug 2020	Opening of CHAC Wentworth Medical Centre	Wentworth
3 Sept 2020	Mayoral Meeting	Wentworth

3. Events

Following is a list of upcoming events, conferences or committee meetings, including out of region meetings where the Shire has been requested to attend in an official capacity.

Date	Meeting	Proposed Attendees	Location
10 Sept 2020	Wentworth Showground User Group Meeting	Cr Nichols & Cr Heywood	Wentworth
11 Sept 2020	Willandra Lakes Regional World Heritage Advisory Committee Meeting	Cr MacAllister	Video Conference
14 Sept 2020	MDA National Conference	Cr MacAllister & Cr Heywood	Video Conference
15 Sept 2020	Mayoral Meeting	Mayor, Cr Elstone & General Manager	Wentworth
17 Sept 2020	Wentworth Shire Health Interagency Meeting	Mayor, Cr MacAllister & General Manager	Buronga

25 Sept 2020	Far West Joint Organisation General Manager Meeting	General Manager	Video Conference/Burongana
28 Sept 2020	Bottlebend Reserve Land Manager Meeting	Cr MacAllister	Buronga
5-6 Oct 2020	LGNSW Water Management Conference	Cr Heywood	Video Conference
15 Oct 2020	Wentworth Shire Health Interagency Meeting	Cr MacAllister	Video Conference
15 Oct 2020	Wentworth Shire Liquor Accord Meeting	Cr Nichols	Coomealla

4. Other items of note

Nil

Attachments

1. OLG Circular 20-31 [↓](#)
2. OLG Circular 20-32 [↓](#)
3. OLG Circular 30-33 [↓](#)



Office of
Local Government

Circular to Councils

Circular Details	20-31 / 14 August 2020 / A717113
Previous Circular	20-08 Release of the Guide to Webcasting Council and Committee Meetings
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Council Governance / (02) 4428 4100 / olg@nsw.gov.au
Action required	Council to Implement

New requirement for councils to retain recordings of meetings on their websites for a minimum of 12 months

What's new or changing

- Since 14 December 2019, councils have been required to webcast meetings of the council and committees that comprise only of councillors. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.
- The *Model Code of Meeting Practice for Local Councils in NSW* requires councils to specify in their codes of meeting practice, the minimum time period that a webcast recording will be made publicly available on a council's website but does not prescribe a minimum period.
- Based on NSW State Archives and Records guidance, the Office of Local Government's (OLG) [Guide to Webcasting Council and Committee Meetings](#) recommends that webcast recordings of meetings should be retained on councils' websites for a minimum of 12 months.
- The requirement for councils to retain recordings of meetings on their websites for at least 12 months is now prescribed under the *Local Government (General) Regulation 2005*.

What this will mean for your council

- Councils must amend their codes of meeting practice to require recordings of meetings of the council and committees that comprise only of councillors to be retained on the council's website for 12 months or more if they do not already provide for this.
- Councils are still required to livestream their meetings via an audio-visual link where members of the public are excluded from attending meetings due to COVID-19.

Key points

- The amendments to the Regulation require each meeting of a council or committee that comprises only of councillors to be recorded by means of an audio or audio-visual device.
- The recording is to be made publicly available on the council's website at the same time as the meeting is taking place, or as soon as practicable after the meeting.
- The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

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- At the start of each meeting of a council or council committee, the chairperson must inform the persons attending the meeting that the meeting is being recorded and made publicly available on the council's website, and persons attending the meeting should refrain from making any defamatory statements.
- These requirements do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the *Local Government Act 1993*.
- The requirements do not apply to joint organisations.

Where to go for further information

- Contact OLG's Council Governance Team by phone on (02) 4428 4100 or by email at olg@olg.nsw.gov.au.



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Office of
Local Government

Circular to Councils

Circular Details	20-32 / 14 August 2020 / A708384
Previous Circular	19-25 – <i>Penalties available to councils for code of conduct breaches by councillors</i>
Who should read this	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
Contact	Council Governance Team/ 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

What's new or changing

- The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.
- Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.
- The new prescribed Model Code of Conduct and Procedures are available on the Office of Local Government's (OLG) website.

What this will mean for your council

- The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.
- Councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.
- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.

Key points

Amendments to the Procedures

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
 - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or

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- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
 - allow panels of conduct reviewers to be appointed without a resolution of the council, and
 - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

Amendments to the Model Code of Conduct

- The Model Code of Conduct has been amended to:
 - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
 - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
 - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
 - lift the \$50 cap on the value of gifts that may be accepted to \$100
 - clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed

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- clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
 - remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

Where to go for further information

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



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Office of
Local Government

Circular to Councils

Circular Details	20-33 / 21 August 2020 / A706590
Previous Circular	19-18
Who should read this	Councillors / General Managers / All council staff
Contact	Performance Team / (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Calendar of Compliance and Reporting Requirements 2020-21

What's new or changing

The Calendar of Compliance and Reporting Requirements for councils has been updated for the 2020-21 financial year.

What this will mean for your council

Councils should use the Calendar of Compliance and Reporting Requirements 2020-21 to assist in planning strategic and operational tasks throughout the year.

Key points

- The Calendar of Compliance and Reporting Requirements 2020-21 includes key statutory and other reporting deadlines for councils (including temporary deadline changes introduced in response to the COVID-19 pandemic).
- Councils' statutory and other reporting deadlines are not limited to those included in the Calendar of Compliance and Reporting Requirements 2020-21.
- The online Calendar of Compliance and Reporting, developed by the Office of Local Government (OLG), will be updated to reflect the Calendar of Compliance and Reporting Requirements 2020-21.

Where to go for further information

- The Calendar of Compliance and Reporting Requirements 2020-21 is available on the OLG website at www.olg.nsw.gov.au
- A Joint Organisation Calendar of Compliance and Reporting Requirements 2020-21 has been prepared (Circular 20-34) and can be located at: <https://www.olg.nsw.gov.au/circulars/>

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9.2 CHRISTMAS LEAVE ARRANGEMENTS

File Number: RPT/20/492

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

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

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.

Detailed Report

Christmas day in 2020 falls on a Friday, as does New Year's Day 2021.

The approved public holidays for 2020/21 Christmas/ New Year holiday period are Friday 25 December, Monday 28 December and Friday 1 January 2021.

Additionally, the Australia Day public holiday is on Tuesday 26 January 2021.

It is proposed that the Christmas close-down occurs at the close of business on Thursday 24 December with Council Libraries, Main office and Midway Centre to re-open on Monday 4 January 2021. The detailed list of arrangements is on the following table.

Council Area	
Main Administration Office, Midway Service Centre, Council Libraries and Workshop	<ul style="list-style-type: none"> Closed from close of business Thursday 24 December 2020. Re-open Monday 4 January 2021.
Visitor Information Centre	<ul style="list-style-type: none"> Closed Christmas day. Closed Saturday 26 and Sunday 27 (<i>conditional on COVID-19</i>) December 28 -31 - normal operating hours (<i>conditional on COVID-19</i>) New Year's Day - open 9am to 1pm Closed Saturday 2 and Sunday 3 January 2021 (<i>conditional on COVID-19</i>) Normal operating hours from 4 January 2021.
Council Landfill sites	<ul style="list-style-type: none"> Closed Christmas Day, Boxing Day and New Year's Day.
Depot Store	<ul style="list-style-type: none"> Closed Christmas Day, Boxing Day, Monday 28 December and New Year's Day.

In addition to the above mentioned arrangements, Council's roads team traditionally have annual leave in the month of January.

Alternate arrangements are made for any staff member that does not have sufficient leave to cover these holiday arrangements.

Attachments

Nil

9.3 UNION PICNIC DAY

File Number: RPT/20/494

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Glen Norris - Manager Human Resources

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

Union Picnic Day is an entitlement under the Local Government (State) Award for employees who are union members. Council is required to determine which day shall be regarded as the Union Picnic Day and whether non-union members are required to work on the allocated day.

Recommendation

That Council approves Tuesday 3 November 2020 as the Award holiday known as Union Picnic Day for all staff.

Detailed Report

Purpose

The purpose of this report is to inform Council of the provisions under the Award to enable a resolution of Council to be made about the Union Picnic Day.

Background

Under section 21B of the Local Government (State) Award, Union Picnic Day is:-

- a) Regarded as a holiday for employees who are financial members of unions defined under the Award, and is to be agreed upon between the Council and the union(s).
- b) The Union shall advise the employer of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.
- c) Employees who are not financial members of the union(s) and who are required to work on Union Picnic Day are paid ordinary pay for their normal working day.
- d) Employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day, may apply to Council to take annual leave, long service leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by Council or may be required by Council to make up time.

Council is requested to make a determination about which day is granted as the Union Picnic Day. Historically, Melbourne Cup Day has been the nominated day to fall in line with the Victorian Public Holiday and the Wentworth Races.

Historically, the office has been closed and all staff have been granted the holiday by Council.

Matters under consideration

As required by the Award, the Union is to advise management of the staff who are entitled this day.

Options

Based on the information contained in this report, the options available to address this matter are to:

- 1) Resolve that Tuesday 3 November 2020 is approved as the Union Picnic Day.
- 2) Determine whether non-union members are to be awarded the same day (as has been the case previously), or whether they will be required to work their normal hours.

Implications

The decision item has the following implications for Council:

- A decision to award all staff the Union Picnic Day holiday will result in the office (indoor and outdoor) being closed on Tuesday 3 November 2020.
- A decision not to grant all staff the holiday will result in non-union members needing to apply to take annual leave, time off in lieu or leave without pay. With staff being accustomed to having this day off, it is anticipated that a large number will still want to take the day off, which may result in an inability to provide an adequate level of service across the organisation.

Conclusion

Union members have traditionally nominated Melbourne Cup Day as the preferred day for Union Picnic Day. It is traditional that Melbourne Cup Day is granted to all staff as a holiday and that the office and depot is closed on that day. This report provides the opportunity for Council to consider its position on this matter.

Attachments

Nil

9.4 2020 SPECIAL LOCAL ROADS AND TRANSPORT CONGRESS

File Number: RPT/20/506

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Chloe Horne - Business Support 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

The ALGA Special Local Roads and Transport Congress will be held from 16-18 November 2020 in Wagga Wagga, New South Wales and virtually. This year ALGA has expanded its Special Local Roads and Transport Congress to encompass the issues of natural disaster impacts, recovery and resilience and the coronavirus pandemic.

Recommendation

That Council determines attendees to the 2020 Special Local Roads and Transport Congress.

Detailed Report

Purpose

The ALGA Special Local Roads and Transport Congress will be held from 16-18 November 2020 in Wagga Wagga, New South Wales and virtually. The purpose of this report is to bring the Congress to the attention of Council to identify whether a delegate should be appointed to attend.

Report Detail

Council is responsible for some of the most critical transport assets, connecting individuals, communities and businesses. This year the ALGA National Local Roads and Transport Congress will be delivered through onsite and virtual sessions. Onsite Congress registrations include:

- Attendance at all conference sessions on the days selected
- Morning tea, lunch and afternoon tea as per the conference program
- Conference satchel and materials

Virtual attendee registrations include:

- Online access to all conference sessions on the days selected
- Group chats setup during lunch breaks

The registration fee is \$989 for onsite attendees and \$450 for virtual attendees.

Last year Cr Heywood and the Director of Roads and Engineering attended the Local Roads and Transport Conference.

Conclusion

Attendance at the Congress is Council's recognition of the important role our transport assets play in the economic development of our region and the need therefore, for them to be

appropriately funded, to ensure that our roads and transport networks are fit-for-purpose now and into the future. Council is therefore requested to consider nominating delegates to attend the 2020 ALGA Special Roads and Transport Congress.

Attachments

Nil

9.5 MONTHLY FINANCE REPORT

File Number: RPT/20/505

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

Summary

Rates and Charges collections for the month of August 2020 were \$2,855,386.77. After allowing for pensioner subsidies, the total levies collected are now 34.73%. For comparison purposes, 34.26% of the levy had been collected at the end of August 2019. Council currently has \$31,329,093.85 in cash and investments.

Recommendation

That Council notes the monthly finance report.

Detailed Report

The purpose of this report is to indicate to Council the position in relation to the rate of collections and the balance of cash books.

Reconciliation and Balance of Funds held as at 31 August 2020

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 31 August 2020.

	Combined Bank Account
Cash Balance as at 1 August 2020	\$ 1,866,166.89
Add: Receipts for the Period Ending 31 August 2020	\$ 7,861,148.03
Rates, Debtors, Miscellaneous	
Less: Payments for the Period Ending 31 August 2020	
Cash Book entries for this Month	\$ 6,398,221.07
Cash Balance at at 31 August 2020	\$ 3,329,093.85
Investments	
Total Investments as at 31 August 2020	\$ 28,000,000.00
TOTAL	\$ 31,329,093.85

Collection of Rates and Charges

Rates and Charges collections for the month of August 2020 were \$2,855,386.77. After allowing for pensioner subsidies, the total levies collected are now 34.73%. A summary of the Rates and Charges situation as at 31 August 2020 is as follows:

	Rates and Charges	
Levies		
Balance Outstanding at 30 June 2020 - Rates / Water	1,206,927.30	
Rates and Charges Levied 22 July 2020	9,193,808.18	\$ 10,400,735.48
+ Additional Water Charges	476,845.70	
+ Supplementary Rates and Charges	1,996.30	
+ Additional Charges	4,005.00	
- Credit Adjustments	9,667.26	
- Abandonments	1,678.57	\$ 10,872,236.65
Deductions		
- Payments	3,594,768.01	
- Less Refunds of Payments	0.00	\$ 3,594,768.01
		\$ 7,277,468.64
- Pensioner Subsidy		
Government Subsidy	99,855.59	
Council Subsidy	81,693.95	\$ 181,549.54
Total Rates/Water Charges Outstanding		\$ 7,095,919.10

Note: For comparison purposes, 34.26% of the levy had been collected at the end of August 2019.

Council Loans Report

Name	Institution	Purpose	Interest Rate	Loan Amount	Amount Outstanding	Due Date
Loan 201	National Australia Bank	Buronga Landfill	4.550% Fixed	\$ 920,000.00	\$ 477,446.54	30/01/2025
Loan 202	ANZ Bank	Civic Centre	3.470% Fixed	\$ 850,000.00	\$ 701,609.73	21/10/2026
Loan 203	National Australia Bank	Midway Centre	3.586% Fixed	\$ 1,900,000.00	\$ 1,745,638.09	28/04/2023
Loan 204	Bendigo Bank	Buronga Landfill	5.290% Fixed	\$ 1,500,000.00	\$ 1,347,562.46	12/05/2037
				TOTAL	\$ 4,272,256.82	

Rates/Water write offs and adjustments

Rates and charges that have been written off under the delegated authority of the General Manager for the month of August 2020.

Account	Date	Amount	Comment
242-5	31/07/2020	295.00	Remove garbage charge from a vacant property - charged in error
926-175	31/07/2020	506.85	Incorrect water meter reading entered
503-6	12/08/2020	873.81	Reduction in rates due to change of rate category - Farmland-Licence to Business
659	13/08/2020	1000.00	Write off interest - Body Corporate Management changed 3 times and account was not received
673	17/08/2020	245.25	Meter reading was over estimated so a credit for overcharged water has been processed
2291/1, 1578-01002	17/08/2020	11.02	Ratepayer paid into wrong account through BPAY
SWARBRICK	17/08/2020	500.00	Write off lease charge of Wentworth Gaol due to COVID19

Overtime and Travelling

Month: August		Pay Periods	4&5		
Overtime					
	Time and a Half		Double Time		Total
Department	Hours	Amount	Hours	Amount	
Administration	0.25	\$ 15.69			\$ 15.69
Animal Services			6.25	\$ 383.02	\$ 383.02
Civil Works	18.50	\$ 919.52	8.50	\$ 532.11	\$ 1,451.63
Governance	11.50	\$ 739.68			\$ 739.68
Library	1.50	\$ 89.59			\$ 89.59
Parks & Gardens	8.00	\$ 296.66	13.50	\$ 667.76	\$ 964.42
Roads - Council	110.50	\$ 4,983.31	39.50	\$ 2,410.04	\$ 7,393.35
Roads - RMS	32.50	\$ 1,395.74	103.00	\$ 5,802.78	\$ 7,198.52
Roads & Engineering Indoo	1.00	\$ 71.00			
Waste Management	2.00	\$ 110.02	1.00	\$ 73.35	\$ 183.37
Water & Waste Water	35.50	\$ 1,866.09	83.50	\$ 5,966.39	\$ 7,832.48
Workshop					\$ -
Total	221.25	\$ 10,487.30	255.25	\$ 15,835.45	\$ 26,251.75
Travel Allowance					
Department	Kms	Amount			
Health & Planning	749.00	\$ 584.22			
Total	749.00	\$ 584.22			
Total overtime and travel for August 2019			\$ 26,906.97		

Conclusion

The report indicates to Council that its finances are in a favourable position.

Attachments

Nil

9.6 MONTHLY INVESTMENT REPORT

File Number: RPT/20/561

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Hodi Beauliv - Manager Finance

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

As at 31 August 2020 Council had \$26,000,000.00 invested in term deposits and \$2 million in a cash at call account. Council received \$27,530.82 from its investments for the month of August 2020.

In August 2020 Council investments averaged a rate of return of 0.85% and it currently has \$8,466,832.09 of internal restrictions and \$14,244,410.21 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Detailed Report

Purpose

The purpose of this report is to update Council on the current status of its investments.

Matters under consideration

As at 31 August 2020 Council had \$31,329,093.85 invested with seven financial institutions.

Breakdown of Total Funds Available

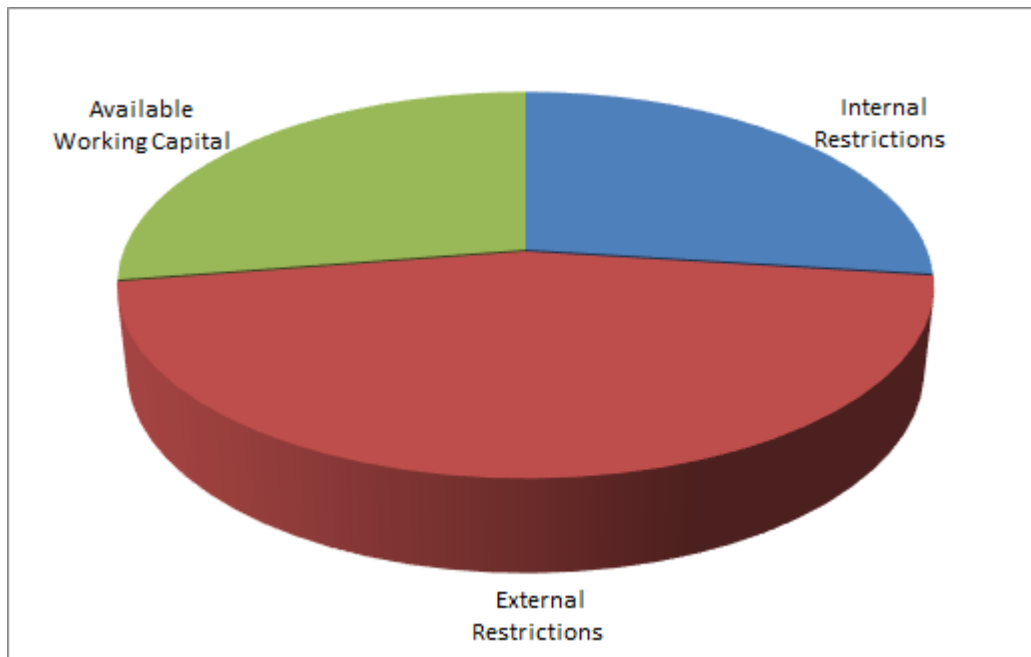
Financial Institution	Amount	Percentage of Available Funds
AMP	\$ 6,000,000.00	19.15%
Bank of Queensland	\$ 4,000,000.00	12.77%
Bendigo Bank	\$ 7,329,093.85	23.39%
IMB Bank	\$ 1,000,000.00	3.19%
Macquarie Bank	\$ 3,000,000.00	9.58%
Members Equity Bank	\$ 5,000,000.00	15.96%
National Australia Bank	\$ 5,000,000.00	15.96%
	\$31,329,093.85	100.00%

Investments on Hand as at 31 August

Investee	Date Invested	Date of Maturity	Effective Interest Rate	Investment Type	Amount Invested	Rating
AMP (10)	9/04/2020	7/01/2021	1.85%	Term Deposit	\$ 1,000,000.00	A2/BBB+
AMP (2)	7/05/2020	5/11/2020	1.65%	Term Deposit	\$ 1,000,000.00	A2/BBB+
AMP (5)	24/03/2020	22/09/2020	1.80%	Term Deposit	\$ 1,000,000.00	A2/BBB+
AMP (6)	14/04/2020	13/10/2020	1.85%	Term Deposit	\$ 1,000,000.00	A2/BBB+
AMP (7)	25/11/2019	25/05/2020	1.90%	Term Deposit	\$ 1,000,000.00	A2/BBB+
AMP (9)	13/05/2020	9/12/2020	1.65%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bank of Queensland (6)	23/04/2020	22/10/2020	1.50%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bank of Queensland (7)	13/08/2020	11/02/2021	0.75%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bank of Queensland (8)	3/06/2020	2/09/2020	0.85%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bank of Queensland (9)	26/08/2020	24/02/2021	0.70%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank (1)	24/08/2020	24/05/2021	0.65%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank (10)	31/07/2020	29/01/2021	0.65%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank (7)	29/04/2020	29/09/2020	0.95%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank (9)	19/08/2020	18/01/2021	0.60%	Term Deposit	\$ 1,000,000.00	A2/BBB+
IMB Bank	9/06/2020	9/09/2020	1.05%	Term Deposit	\$ 1,000,000.00	A2/BBB
Macquarie Bank	10/06/2020	8/10/2020	0.85%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank (2)	2/07/2020	3/12/2020	0.85%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank (3)	16/04/2020	16/07/2020	1.60%	Term Deposit	\$ 1,000,000.00	A1/A+
Members Equity Bank	24/08/2020	22/12/2020	0.65%	Term Deposit	\$ 1,000,000.00	A2/BBB
Members Equity Bank (2)	20/05/2020	16/09/2020	1.20%	Term Deposit	\$ 1,000,000.00	A2/BBB
Members Equity Bank (4)	31/07/2020	Ongoing	0.65%	Term Deposit	\$ 2,000,000.00	A2/BBB
Members Equity Bank (10)	16/06/2020	15/12/2020	0.85%	Term Deposit	\$ 1,000,000.00	A2/BBB
National Australia Bank (2)	13/08/2020	9/02/2021	0.73%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank (3)	30/06/2020	28/10/2020	0.85%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank (4)	31/08/2020	28/05/2021	0.75%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank (6)	28/07/2020	25/11/2020	0.75%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank (7)	29/05/2020	28/09/2020	0.96%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Total					\$ 28,000,000.00	
Operating Account					\$ 3,329,093.85	
Total Funds Available					\$ 31,329,093.85	
Representing:						
- Internal Restrictions						
- Employee Entitlements				\$ 2,376,437.00		
- Doubtful Debts				\$ 48,595.00		
- Tip Remediation				\$ 1,372,493.54		
- Future Development Reserve				\$ 1,113,213.94		
- Trust Account				\$ 356,092.61		
- Capital Projects				\$ 1,000,000.00		
- Plant Replacement Reserve				\$ 2,200,000.00	\$ 8,466,832.09	
- External Restrictions						
- Water Fund				\$ 9,320,330.90		
- Sewer Fund				\$ 2,641,454.58		
- Developer Contributions Reserve				\$ 619,065.20		
- Domestic Waste Management Reserve				\$ 104,796.78		
- Unexpended Grants				\$ 704,215.05		
- Crown Reserves Reserve				\$ 333,116.80		
- Loan Guarantee Reserve				\$ 10,774.04		
- Prepayments Cemeteries				\$ 510,656.86	\$ 14,244,410.21	
- Day to Day Liquidity					\$ 8,617,851.55	
Total Funds Available					\$ 31,329,093.85	

Note: Ratings provided are from Moody's and Standard & Poors Rating Agencies

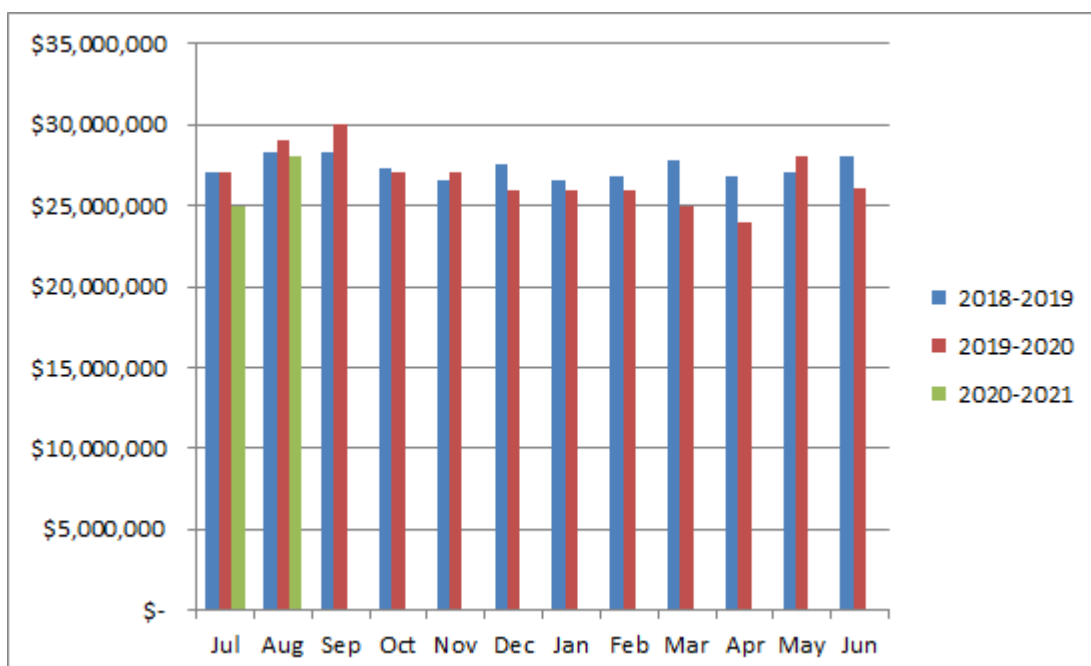
Breakdown



Summary – Unexpended Grants as at 31 August 2020

Grant	Amount
Block Grant	\$0.00
Pooncarie Weir	\$77,746.00
RFS R & M Grant 2011-2018	\$64,723.00
State Library Infrastructure Grant	\$500,000.00
Wentworth Riverfront BBQ's - SCCF	\$61,746.05
Total	\$704,215.05

Total funds invested



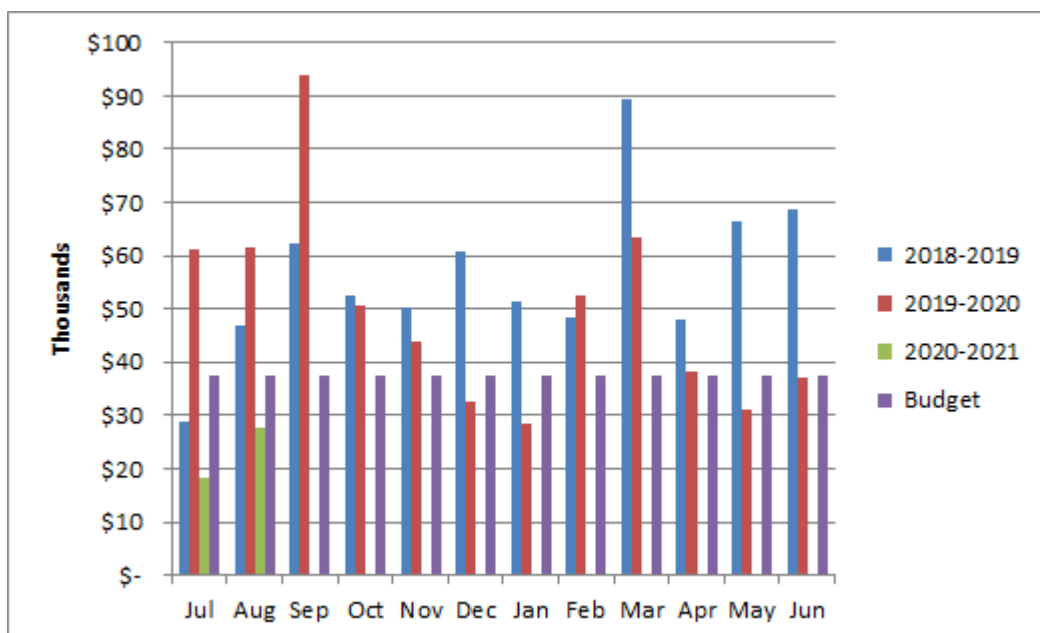
Four term deposits matured in May earning Council \$27,530.82 in interest. This included \$5,304.11 of interest inadvertently rolled forward with the Members Equity Term Deposit

invested in June. Those funds have been accrued back to last financial year. The budget for August was \$37,500. Year to date Council has received \$45,844.90 in interest. The year to date budget is \$75,000.

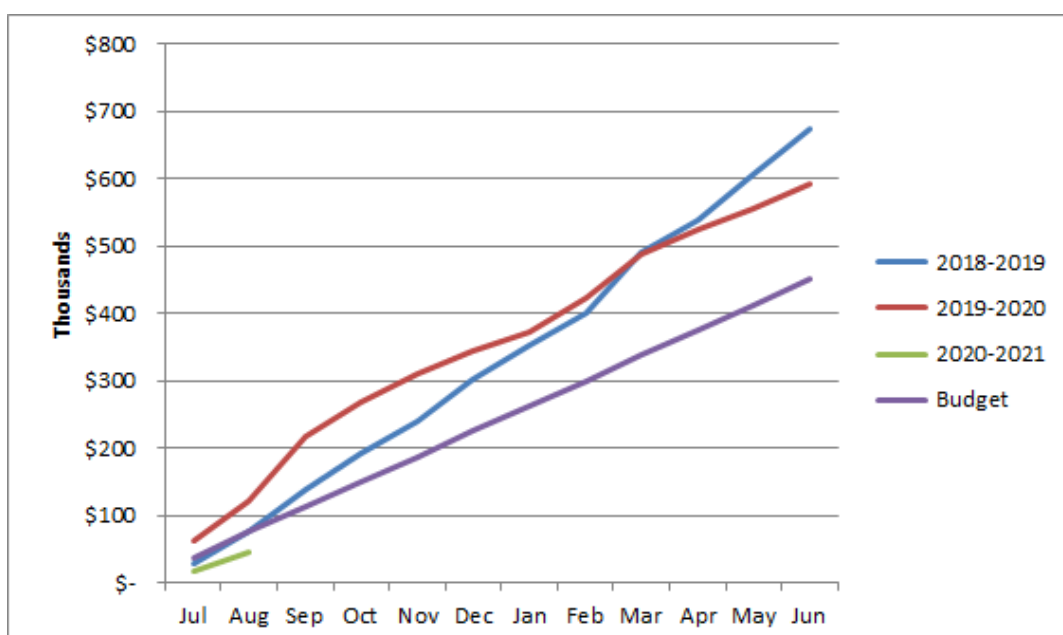
Investments maturing in August 2020

Investee	Date Invested	Date of Maturity	Effective Interest Rate	Investment Type	Amount Invested	Interest Earned
Bank of Queensland (7)	17/03/2020	13/08/2020	1.45%	Term Deposit	\$ 1,000,000.00	\$ 5,919.18
Bank of Queensland (9)	26/02/2020	26/08/2020	1.55%	Term Deposit	\$ 1,000,000.00	\$ 7,728.77
Bendigo Bank (9)	21/02/2020	19/08/2020	1.45%	Term Deposit	\$ 1,000,000.00	\$ 7,150.68
Member Equity Bank	24/06/2020	24/08/2020	0.85%	Term Deposit	\$ 1,005,304.11	\$6,732.19
Total						\$ 27,530.82

Interest received August 2020

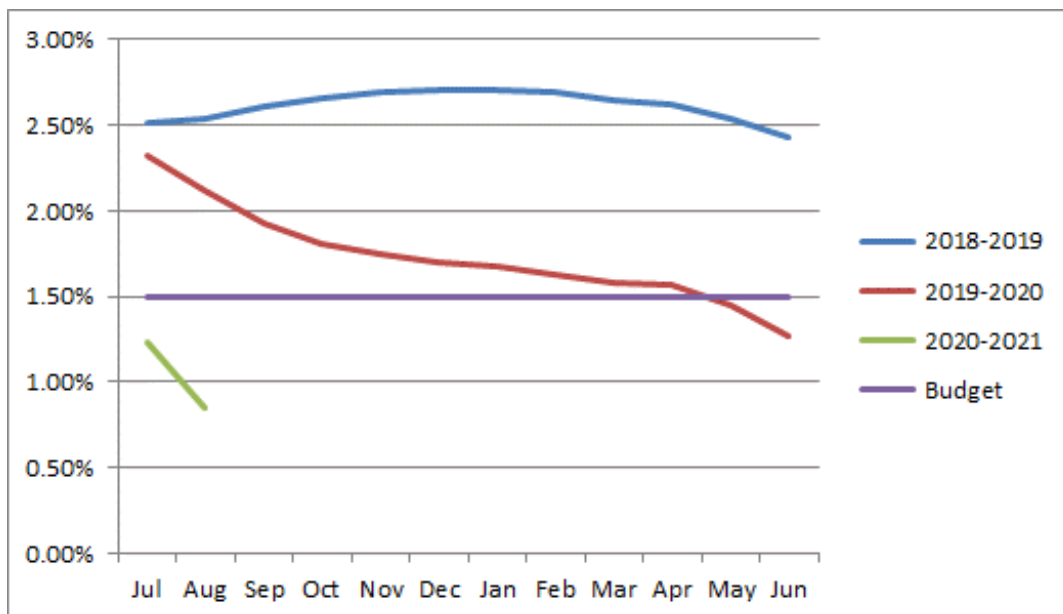


Total Interest received July 2020 – June 2021



For August 2020 Council's investments returned an effective average rate of 0.85%. Year to date the effective average rate has been 1.04%. The budget for 2020-2021 is 1.50%.

Effective average Interest Rate



Conclusion

The Director Finance and Policy certifies that all investments have been made in accordance with the Local Government Act 1993 (NSW), Local Government (General) Regulations 2005 and Council's investment policy.

Council is investing its funds prudently to optimise returns and reduce exposure to risk in accordance with legislation and its own investment policy.

Attachments

Nil

9.7 ANNUAL DISCLOSURES OF DESIGNATED PERSONS

File Number: RPT/20/567

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth 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

The Model Code of Conduct for Local Councils in NSW, requires Councillors and designated persons to disclose their personal interests by completing a publicly available returns of interests.

The annual returns are required to be lodged within 3 months of 30 June and must be tabled no later than the first available Council meeting in October.

As required by the Office of Local Government and the *Government Information (Public Access) Act 2009 (NSW)* the returns will be made publicly available on Council's website.

Recommendation

That Council notes the tabling of the Disclosure Returns for Councillors and Designated persons for the period 01/07/2019 to 30/06/2020.

Detailed Report

Purpose

The purpose of this report is to table the annual disclosure returns for Councillors and designated persons as required by the *Local Government Act 1993 (NSW)*

Report Detail

The following table details the Disclosure Returns that have been received for the period 01/07/2019 to 30/06/2020.

Councillor/Designated Person	Returned lodged and tabled
Cr Tim Elstone	Yes
Cr Greg Evans	Yes
Cr Melisa Hederics	Yes
Cr Steve Heywood	Yes
Cr Jane MacAllister	Yes
Cr Don McKinnon	Yes
Cr Susan Nichols	Yes
Cr Peter Nunan	Yes
Cr Bill Wheeldon	Yes

Ken Ross – General Manager	Yes
Simon Rule – Director Finance & Policy	Yes
Matthew Carlin – Director Health & Planning	Yes
Geoff Gunn – Director Roads & Engineering	Yes
Allan Eastmond – Manager Works	Yes
Hodi Beauliv – Manager Finance	Yes
Glen Norris – Manager Human Resources	Yes

Conclusion

Council has met its compliance obligations as required by the *Local Government Act 1993 (NSW)*

Attachments

Nil

9.8 TCORP LOAN AGREEMENT

File Number: RPT/20/576

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth 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

As part of its COVID-19 Economic Stimulus Package to safeguard jobs and service and infrastructure delivery across the State's 128 local councils the Government expanded the eligibility to allow all NSW Councils to access TCorp's lending facility subject to meeting TCorp's Credit Policy. Prior to this Council was unable to access the TCorp loan facility.

As per the Council Operational Plan, Council Officers submitted a loan facility application to TCorp in mid-July and this was subsequently approved in early August.

TCorp requires a resolution from Council approving execution of the loan agreement by the Mayor and the General Manager.

Recommendation

That Council approves the execution of the TCorp Loan Agreement and delegates authority to the Mayor and the General Manager to sign the agreement and affix the Common Seal on behalf of Council.

Detailed Report

Purpose

The purpose of this report is to for Council approve the execution of the TCorp Loan Agreement

Background

As part of its COVID-19 Economic Stimulus Package to safeguard jobs and service and infrastructure delivery across the State's 128 local councils the Government expanded the eligibility to allow all NSW Councils to access TCorp's lending facility subject to meeting TCorp's Credit Policy. Prior to this Council was unable to access the TCorp loan facility.

During the 2020/21 operational plan process \$2,000,000 worth of Sewer and Stormwater infrastructure was identified as projects that maybe eligible for funding by TCorp.

At the June Council meeting the 2020/21 Operational Plan was approved which included applying to TCorp for a \$2,000,000 loan facility.

Matters under consideration

As per the Council Operational Plan, Council Officers submitted a loan facility application to TCorp in mid-July and this was subsequently approved in early August.

TCorp requires a resolution from Council approving execution of the loan agreement by the Mayor and the General Manager.

Conclusion

That Council approves the execution of the loan agreement and delegates authority to the Mayor and the General Manager to sign the agreement and affix the Common Seal on behalf of Council.

Attachments

1. NSW Treasury Corp / TCorp - Wentworth Shire Council LOAN AGREEMENT [↓](#)



Loan Agreement – NSW Local Councils

New South Wales Treasury Corporation

and

Wentworth Shire Council

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Loan Agreement

Date: The date specified in Schedule 1

Parties

1. **NEW SOUTH WALES TREASURY CORPORATION ABN 99 095 235 825**, constituted pursuant to the *Treasury Corporation Act 1983* (NSW) (**Lender**)
2. The party described in Schedule 1 (**Borrower**)

Background

- A. The New South Wales Government has approved the Lender establishing the Loan Scheme.
- B. The Lender's application for a loan under the Loan Scheme has been approved.
- C. The Lender has agreed to make a loan facility available to the Borrower on the terms and conditions set out in this agreement.

The Parties Agree

1. Interpretation

1.1 Definitions

In this agreement, unless expressed or implied otherwise:

Accounting Standards means the accounting standards, principles and practices applying by law or otherwise generally accepted and consistently applied in Australia.

ADI means Authorised Deposit Taking Institution.

Advance means an advance made by the Lender to the Borrower under this agreement or, where the context requires, the balance of the loan which is outstanding. The maximum number of Advances permitted under this agreement is specified at Item 1 of Schedule 1.

Amortising Loan means a loan whereby the principal outstanding is repaid progressively over the term of the loan.

Amortising Loan Amount means, in respect of an Amortising Loan, the payment required to be made by the Borrower to the Lender on each Interest Payment Date, as notified by the Lender to the Borrower.

Approved Purpose has the meaning specified Item 2 of Schedule 1.

Authorised Officer means:

- (a) in respect of the Borrower, any person from time to time nominated as an Authorised Officer by the Borrower by a notice to the Lender signed by the General

Manager of the Borrower, accompanied by certified copies of signatures of all persons so appointed (and in respect of which the Lender has not received notice of revocation of the appointment); and

- (b) in respect of the Lender, any person appointed by the Lender pursuant to its delegation authorities as authorised to sign documents, provide notices or take actions under this Agreement.

Availability Period means the period starting on the date of this agreement and ending on the date as set out in Item 3 of Schedule 1 (and which such date must not be later than 30 June of the financial year in which this agreement was entered into).

BBB Rate Sub Limit means **Error! Reference source not found.**% of the combined Portfolio Limit for BBB+ and BBB rated counterparty's detailed in Column B of the Table in clause 10.4.

Borrower's Bank Account means the account specified in Item 4 of Schedule 1.

Break Costs means any losses and costs incurred or suffered by the Lender and reasonably determined in the sole discretion of the Lender by reason of:

- (a) the liquidation, prepayment, repayment or re-employment of deposits, borrowings or other funds acquired or contracted for by or on account of the Lender to fund or maintain the Advance;
- (b) terminating, cancelling or varying any arrangements to fund or maintain the Advance or any interest rate or currency hedge or any related trading position entered into to hedge, fix or limit its effective cost of funding or maintaining the Advance and whether such arrangement is with a third party or established pursuant to any internal accounting policy,

and the amount of loss or cost may be determined by the Lender in such manner as it reasonably thinks fit including without limitation by reference to its estimation of current market interest rates for relevant bonds issued by the Lender or other similar market instruments or by reference to a pool of funds, notional borrowings, averaging techniques or such other reasonable methods adopted by the Lender rather than by reference to a specific borrowing or a specific contract made to fund or maintain the Loan.

Break Gains means any gains derived by the Lender and reasonably determined in the sole discretion of the Lender by reason of:

- (c) the liquidation, prepayment, repayment or re-employment of deposits, borrowings or other funds acquired or contracted for by or on account of the Lender to fund or maintain the Advance;
- (d) terminating, cancelling or varying any arrangements to fund or maintain the Advance or any interest rate or currency hedge or any related trading position entered into to hedge, fix or limit its effective cost of funding or maintaining the Advance and whether such arrangement is with a third party or established pursuant to any internal accounting policy,

and the amount of any gain may be determined by the Lender in such manner as it reasonably thinks fit including without limitation by reference to its estimation of current market interest rates for relevant bonds issued by the Lender or other similar market instruments or by reference to a pool of funds, notional borrowings, averaging techniques or such other reasonable methods adopted by the Lender rather than by reference to a specific borrowing or a specific contract made to fund or maintain the Loan.

Business Day means a day that banks are open for business in Sydney, but excludes a Saturday, Sunday or public holiday.

Cash Expense Ratio means on any Relevant Date, $(A/B) \times 12$, where

- (a) A is the cash and cash equivalents (including term deposits) for the financial year ending on that date; and
- (b) B is total expenses less depreciation and Interest Expense for the financial year ending on that date.

Compliance Certificate means a certificate in the form contained in Schedule 4.

Consumer Price Index or CPI means the "Weighted Average of Eight Capital Cities: All-Groups Index" as maintained and published quarterly by the Australian Bureau of Statistics ("ABS"), subject to:

- (a) if the ABS ceases to publish the CPI and publishes another index which it states to be in replacement of the CPI, then that index will be used as CPI for the purposes of this agreement; and
- (b) If a relevant CPI number is revised after the Annuity Payment Date, a subsequent adjustment will be made to the Annuity Payment to take account of any discrepancy.

Counterparty Limit with the exception of the BBB Rate Sub Limit, means the sub limit of the Portfolio Limit for each counterparty detailed in Column C of the Table in clause 10.4.

Debt Service Cover Ratio means on any Relevant Date, the ratio of A:B where:

- (a) A is EBITDA of the Borrower for the financial year ending on that date; and
- (b) B is the sum of principal repayments made in that financial year and Interest Expense for the financial year ending on that date.

Default Rate means the aggregate of the Interest Rate and 3% per annum.

Drawdown Notice means a notice given under clause 3.1.

EBITDA means the net operating result before Interest Expense, depreciation and amortisation.

Event of Default has the meaning given in clause 11.1.

Facility means the loan facility made available under this agreement for the purposes set out in clause 2.2.

Facility Limit means an aggregate amount equal the amount set out in Item 5 of Schedule 1 or such other amount as requested by the Borrower and agreed by the Lender (in its absolute discretion).

Final Repayment Date means the date specified in Item 11 of Schedule 1.

Finance Document means:

- (a) this Agreement;
- (b) any Related Loan Agreement; and

(c) a document that the Lender and the Borrower agree is a Finance Document.

Financial Liability means any present or future, actual or contingent indebtedness in respect of any financial accommodation, bill of exchange, credit or hedging arrangement, finance lease or hire purchase arrangement or any guarantee or other assurance given in respect of any such indebtedness.

Fixed Rate means the interest rate as determined by the Lender using the current TCorp benchmark midpoint yield curve and notified to the Borrower, in respect of the Advance, with such interest rate including the Margin.

Government Authority means any government or any governmental or semi-governmental entity, authority, agency, commission, corporation or body, local government authority, administrative or judicial body or tribunal.

GST means the goods and services tax levied under the GST Act.

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Interest Cover Ratio means, on any Relevant Date, the ratio of A:B where:

- (a) A is EBITDA of the Borrower for the financial year ending on that date; and
- (b) B is Interest Expense for the financial year ending on that date.

Interest Expense means, in respect of a financial year, interest and amounts in the nature of interest, or having a similar purpose or effect to interest, whether paid, payable or capitalised by the Borrower in respect of that financial year.

Interest Payment Date means the last day of each Interest Period.

Interest Period means each period of the number of months specified in Item 9 of Schedule 1, commencing on the date of the first Advance, with the final period ending on the Final Repayment Date.

Interest Rate means:

- (a) where the Interest Rate Type is "Fixed Rate", the Fixed Rate; and
- (b) where the Interest Rate Type is "Floating Rate", the Floating Rate.

Interest Rate Type means the type of interest rate nominated in Item 7 of Schedule 1.

Investment Funds means the total pool of investments made by the Borrower in compliance with the current Investment Order issued by the Minister for Local Government and the Borrower's Investment Policy.

LG Act means the *Local Government Act 1993* (NSW).

LG Regulation means the *Local Government (General) Regulation 2005* (NSW).

Letter of Offer refers to the Lenders Letter of Offer to the Borrower dated DD MMMM 202Y.

Loan Scheme means the loan scheme established by TCorp for the provision of loans to Councils in connection with the NSW Government's "Fit For The Future" reform program.

Long Term Debt Rating means the rating assigned by Standard and Poor's Rating Services and Moody's Investors Service Inc to the long term, unsecured and unsubordinated indebtedness of an ADI.

Loan Type means the form of the loan nominated in Item 6 of Schedule 1, being a Principal at Maturity Loan or an Amortising Loan.

Long Term Financial Plan means the Borrower's 10 year financial plan prepared in accordance with the integrated planning and reporting guidelines determined by the OLG.

Margin means the amount as set out in Item 10 of Schedule 1.

Obligations means all the liabilities and obligations of the Borrower to the Lender under or by reason of any Finance Document, and includes any liabilities or obligations which:

- (a) are liquidated or unliquidated;
- (b) are present, prospective or contingent;
- (c) are in existence before or come into existence after the date of this document;
- (d) relate to the payment of money or the performance or omission of any act;
- (e) sound in damages only; or
- (f) accrue as a result of any Event of Default,

and irrespective of:

- (g) whether the Borrower is liable or obligated solely, or jointly, or jointly and severally with another person;
- (h) the circumstances in which the Lender comes to be owed each liability or obligation, including any assignment of any liability or obligation; or
- (i) the capacity in which the Borrower and the Lender comes to owe or to be owed that liability or obligation.

OLG means the NSW Office of Local Government, a division of the NSW Department of Planning and Environment.

Permitted Use Certificate means a certificate substantially in the form provided by the Borrower in its Application, applicable as at the date of this document, signed by the Mayor and General Manager of the Borrower.

Portfolio Limit is the limit of the Council's Investment Funds detailed in Column B of the Table in clause 10.4 which varies according to the Long Term Debt Rating of the counterparty.

Potential Event of Default means any event which with the giving of notice, lapse of time, satisfaction of a condition or determination could constitute an Event of Default.

Principal at Maturity Loan means a loan where the principal is only repayable on the Final Repayment Date.

Principal Outstanding means the aggregate of all Advances drawn under this agreement.

Related Loan Agreement means any other loan agreement between the Lender and the Borrower in connection with the Loan Scheme, whether entered into before or after the date of this agreement.

Relevant Date means 30 June each year.

Rating Agency means Standard and Poor's Rating Services and Moody's Investors Service Inc.

Repayment Schedule means the repayment schedule substantially in the form set out in Schedule 3 or any updated repayment schedule provided by the Lender to the Borrower from time to time.

Settlement Date means, in relation to an Advance, the date on which funds are provided to the Borrower.

Statute means any legislation of the Parliament of the Commonwealth of Australia or of any State or Territory of the Commonwealth of Australia in force at any time, and any rule, regulation, ordinance, by-law, statutory instrument, order or notice at any time made under that legislation.

Taxes means all present and future taxes, levies, imposts, deductions, charges, fees and withholdings, in each case plus interest, related penalties, and any charges, fees or other amounts in respect of any of them.

TCorp Investments means the investments made by Council in TCorpIM funds, TCorp bonds and term deposits facilitated by TCorp.

TCorp Portal means the secure web-based TCorp Client Portal at portal.tcorp.nsw.gov.au/login (or such other platform made available as notified by TCorp).

Termination Date means the earlier of:

- (a) the Final Repayment Date; and
- (b) any date on which the Facility is terminated or cancelled by the Lender in accordance with this document.

1.2 Interpretation

In this agreement, unless the contrary intention appears:

1.2.1 a reference to:

- (a) a person includes an individual, the estate of an individual, a corporation, and authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
- (b) a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation and, in the case of a trustee, includes a substituted or an additional trustee;
- (c) a document (including this agreement) is to that document as varied, novated, ratified or replaced from time to time;

- (d) a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments and replacements;
 - (e) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;
 - (f) a party, clause, schedule, exhibit, attachment or annexure is a reference to a party, clause, schedule, exhibit, attachment or annexure to or of this agreement including all schedules, exhibits, attachments and annexures to it;
- 1.2.2 if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
- 1.2.3 'includes' in any form is not a word of limitation; and
- 1.2.4 a reference to '\$' or 'dollar' is to Australian currency.

2. Advances

2.1 Advances

- 2.1.1 On the Borrower's request the Lender agrees that it shall make one or more Advances to the Borrower at the time and in the amount specified in a Drawdown Notice during the Availability Period, provided that the total aggregate amount of Advances made by the Lender shall not exceed the Facility Limit.
- 2.1.2 The Borrower acknowledges the:
- (a) Facility Limit represents the amount of funds available for borrowing during the current financial year;
 - (b) Facility Limit may not represent all amounts required to be borrowed by the Borrower in connection with the Approved Purpose; and
 - (c) provision of the Loan under this Agreement does not oblige the Lender to provide additional funds to the Borrower, whether in respect of the Approved Purpose or otherwise, and should the Borrower require additional funds, it must submit a new loan application to the Lender in respect of such required funds.

2.2 Approved Purpose

The Borrower may only use the amounts borrowed by it under the Facility for the Approved Purpose.

2.3 Availability

- 2.3.1 Any amount which has not been drawn at 5.00pm on the last day of the Availability Period is cancelled.
- 2.3.2 The Borrower acknowledges that the Availability Period ends on 30 June of the financial year in which this agreement is executed, irrespective of whether the Approved Purpose for which the loan has been sought requires additional funds for completion.

2.4 Security

The parties acknowledge that the Facility and each Advance provided hereunder is secured by a charge on the income of the Borrower pursuant to section 623 of the LG Act and clause 229 of the LG Regulation.

2.5 Letter of Offer

The parties acknowledge that this agreement supersedes the Letter of Offer. To the extent of any inconsistency between the Letter of Offer and this agreement, this agreement prevails and the Letter of Offer is of no effect.

3. Drawdown**3.1 Notice**

- 3.1.1 The Borrower may draw down the Facility on a Business Day by giving written notice of its intention to do so to the Lender by way of a Drawdown Request sent through the TCorp Portal.
- 3.1.2 The proceeds of each Advance will be deposited directly to the Borrower's Bank Account (or such other account notified by the Borrower to the Lender in writing not less than 5 Business Days before a drawdown date).

3.2 Requirements of Drawdown Request

- 3.2.1 Each Drawdown Request will be irrevocable and must:
- (a) subject to the Loan Type and the other parameters of the loan set out in Schedule 1, specify the amount of the drawdown, term, repayment frequency and the proposed Settlement Date;
 - (b) be received by the Lender 3 Business Days before the proposed Settlement Date (or such other time as agreed between the Lender and the Borrower);
 - (c) be made by the General Manager or Authorised Officer of the Borrower; and
 - (d) not be given if the making of the Advance requested would cause the Facility Limit to be exceeded or otherwise would not comply with any term of this agreement.
- 3.2.2 When each Drawdown Request is given, the Borrower is deemed to make the following representations and warranties:
- (a) the proceeds of the Advance will be used only for the Approved Purposes;
 - (b) each representation and warranty made by the Borrower in, or in connection with, the Facility, including without limitation, those set out in clause 9, repeated with reference to the facts and circumstances subsisting at the date of the Drawdown Request, remains true and correct; and
 - (c) no Event of Default or Potential Event of Default has occurred which remains remedied or which has not been waived in writing or will occur as a result of the drawdown.

4. Conditions Precedent

4.1 Conditions Precedent to the First Advance

The obligation of the Lender to make the first Advance is subject to the condition that it has first received all of the following in form and substance satisfactory to it:

- 4.1.1 **Certificate:** a certificate in the form of Schedule 2 providing the details and annexures specified in that schedule dated not more than 20 days before the first Settlement Date, in respect of the Borrower;
- 4.1.2 **Permitted Use Certificate:** the Permitted Use Certificate;
- 4.1.3 **Insurance:** certificates of currency in relation to insurance held by the Borrower;
- 4.1.4 **Original Documents:** this document fully executed; and

4.2 Conditions precedent to each Advance

The obligation of the Lender to make each Advance is subject to the condition that:

- 4.2.1 **Representations and warranties true:** the representations and warranties set out in this document are true and correct as at the date of the Drawdown Request and the Settlement Date as though made at that date;
- 4.2.2 **No Event of Default:** no Event of Default or Potential Event of Default is subsisting at the date of the Drawdown Request and the Settlement Date or will result from the provision or continuation of the Advance.

4.3 Information regarding Advance

If the Lender provides an Advance to the Borrower, the Lender will issue the Borrower a notice setting out:

- 4.3.1 the amount of the Advance;
- 4.3.2 the applicable Interest Rate;
- 4.3.3 for a Principal at Maturity Loan, the Final Repayment Date;
- 4.3.4 for an Amortising Loan, a Repayment Schedule setting out the Amortising Loan Amounts and the payments due on each Interest Payment Date and the Final Repayment Date.

5. Interest Provisions

5.1 Application of Part 5

This part 5 applies to all Loan Types.

5.2 Interest

- 5.2.1 The Principal Outstanding bears interest on the principal outstanding from and including the initial Settlement Date up until, but excluding, the Final Repayment Date.

- 5.2.2 The interest rate for each Interest Period is the Interest Rate.
- 5.2.3 Each Interest Period in relation to the Principal Outstanding is the period commencing on:
- (a) in the case of the initial Interest Period, the Settlement Date for the initial Advance; and
 - (b) in the case of each subsequent Interest Period, on the day after the expiry of the immediately preceding Interest Period for the Advance,
- and ending on the last day of such Interest Period.
- 5.2.4 The term of each Interest Period is subject to any marginal adjustment as the Lender in its discretion determines so that the final Interest Period ends on the Termination Date.

5.3 Calculation of interest

- 5.3.1 Interest is to be computed on a daily basis on the actual number of days in a year.
- 5.3.2 Interest accrues during an Interest Period from day to day until it is paid.

5.4 Payment of interest

The Borrower will pay to the Lender all interest accrued during the course of an Interest Period in relation to the Loan in arrears on the Interest Payment Date.

5.5 Switching Interest Rates

- 5.5.1 The Borrower may by written notice to the Lender request to switch the type of interest payable in respect of the Loan. The Lender will use all reasonable endeavours to agree to the request, but it is not required to do so.
- 5.5.2 The Interest Rate on the Loan may only be changed as from the Interest Payment Date immediately following the Lender's agreement to the change requested.
- 5.5.3 If the Borrower is changing from a Fixed Rate to a Floating Rate:
- (a) where Break Costs are incurred in connection with such switch, the Borrower will be required to pay to the Lender such Break Costs; and
 - (b) where Break Gains are realised in connection with such switch, the Lender will pay to the Borrower such Break Gains.
- 5.5.4 In the case of a switch from Floating Rate to Fixed Rate, the Lender will notify the Borrower of the Interest Rate to apply to the loan as from the next Interest Payment Date.

6. Repayment

6.1 Application of Part 6

This part 6 applies to all Loan Types.

6.2 Repayment

- 6.2.1 If the Borrower has selected a Principal at Maturity Loan, the Borrower must pay to the Lender the Principal Outstanding on the Final Repayment Date.
- 6.2.2 If the Borrower has selected an Amortising Loan, the Borrower must pay to the Lender the Amortising Loan Amount (consisting of principal and interest and as notified to the Borrower) on each Interest Payment Date as set out in the Repayment Schedule, up to and including the Final Repayment Date. The Lender must notify the Borrower of the Amortising Loan Amount (and its components) as soon as practicable after it makes such determination.
- 6.2.3 In respect of Amortising Loan, any Repayment Schedule issued by the Lender forms part of this Agreement and is binding on the parties.

6.3 Prepayment

- 6.3.1 The Borrower may prepay the whole or part of the Loan on an Interest Payment Date on giving not less than 3 Business Days' prior written notice to the Lender, provided that any part repayment of the Loan must be for a minimum amount of A\$1,000,000 or the balance of the Principal Outstanding (whichever is lower).
- 6.3.2 Any notice of prepayment given by the Borrower is irrevocable and the Borrower is bound to prepay in accordance with the notice.
- 6.3.3 Interest accrued on any amount prepaid under this agreement must be paid at the time of prepayment.
- 6.3.4 Any prepayment is permanent and the Facility will be cancelled to the extent of the prepayment.
- 6.3.5 On the proposed prepayment date, the Borrower must:
- (a) pay the amount notified to be prepaid;
 - (b) pay all interest and other amounts accrued or due under this agreement on the amount prepaid; and
 - (c) if applicable, pay any Break Costs (or if any Break Gains are realised, any prepayment may be reduced by the amount of such Break Gains).
- 6.3.6 In respect of an Amortising Loan, after any partial prepayment of the Loan, the Lender will re-calculate the Repayment Schedule and issue such revised Repayment Schedule to the Borrower, and this Agreement will be taken to be amended by having the new Repayment Schedule supersede any prior Repayment Schedule.

7. Interest on Overdue Amounts**7.1 Payment of Interest**

The Borrower will pay interest on all amounts due and payable by it under or in respect of this document and unpaid, including any interest payable under this clause 7.

7.2 Accrual of Interest

Interest will accrue on all amounts due and payable from day to day from the day 2 Business Days after due date up to the date of actual payment, before and (as a separate and independent obligation) after judgment, at the Default Rate for successive 30 day periods (as if these were 30 day Interest Periods) commencing on the date of default and, if not paid when due, will itself bear interest in accordance with this clause 7.2.

8. Payments**8.1 Time and place**

Unless expressly provided otherwise in writing, all payments by the Borrower under this document are to be made to the Lender in dollars in immediately available funds not later than 11.00 am Sydney time on the due date to the account that the Lender from time to time designates, or as otherwise agreed between the Borrower and the Lender.

8.2 No deduction for Taxes and no set-off or counterclaim

All payments by the Borrower under this document, whether of principal, interest or other amounts due under this document, will be:

8.2.1 free of any set-off or counterclaim; and

8.2.2 without deduction or withholding for any present or future Taxes, unless the Borrower is compelled by law to deduct or withhold the same, in which event the Borrower will pay to the Lender any additional amount necessary to enable the Lender to receive, after all deductions and withholdings for Taxes, a net amount equal to the full amount which would otherwise have been payable had no such deduction or withholding been required to be made.

8.3 Merger

If the liability of the Borrower to pay any of the Obligations to the Lender becomes merged in any judgment or order, the Borrower will, as an independent obligation, pay interest at the rate which is the higher of that payable under this document and that fixed by or payable under the judgment or order.

8.4 GST gross-up

If any party:

8.4.1 is liable to pay GST on a supply made in connection with this agreement; and

8.4.2 certifies to the recipient of the supply that it has not priced the supply to include GST,

then the recipient of the supply agrees to pay that party an additional amount equal to the consideration payable for the supply multiplied by the prevailing GST rate.

9. Representations and Warranties**9.1 Representations and Warranties**

The Borrower represents and warrants to the Lender:

- 9.1.1 **Legal power:** it has full power and authority to own its assets and to enter into and perform the obligations under this agreement;
- 9.1.2 **Legally binding obligation:** this agreement constitutes a valid and legally binding obligation of the Borrower in accordance with its terms;
- 9.1.3 **Due authority:** it has taken all action required to enter into this agreement and to authorise the execution and delivery of this agreement and the satisfaction of its obligations under it; and
- 9.1.4 **Execution, delivery and performance:** the execution, delivery and performance of this agreement does not violate any Statute or law, or any document or agreement to which the Borrower is a party or which is binding on it or any of its assets;
- 9.1.5 **Filings:** it has filed all notices and document with the OLG and all of those filings are current, complete and accurate.
- 9.1.6 **No material adverse effect:** no litigation, arbitration, mediation, conciliation, criminal or administrative proceedings are current, pending or, to the knowledge of the Borrower, threatened, which, if adversely determined would or could have a material adverse effect on the financial condition of the Borrower;
- 9.1.7 **Solvency:** there are no reasonable grounds to suspect that it is unable to pay its debts as and when they become due and payable;
- 9.1.8 **Information accurate:** Any information provided by or on behalf of the Borrower to the Lender in writing in connection with this agreement was true and accurate in all material respects as at the date it was provided or as at the date (if any) at which it is stated, and nothing has occurred and no information has been given or withheld that results in the information provided by the Borrower being untrue or misleading in any material respect;
- 9.1.9 **Borrowings:** it is not in default in the payment of any material sum, or in the satisfaction of any material obligation in respect of any Financial Liability, and no event has occurred which with the giving of notice, lapse of time or other condition could constitute a default in respect of any Financial Liability;
- 9.1.10 **No Event of Default:** no event has occurred which constitutes an Event of Default;
- 9.1.11 **Statutes:** the Borrower has complied with all Statutes;
- 9.1.12 **Financial statements:** its most recent financial statements, together with the notes thereto complies with current accounting practice and all applicable laws, is a true and fair statement of its financial position and state of affairs as at the date to which it is prepared and discloses or reflects all its actual and contingent liabilities as at that date; and
- 9.1.13 **No adverse change:** since the date of the financial statements referred to in clause 9.1.12, there has been no change in its affairs which has had or may have a material adverse effect on it.

9.2 Representations and Warranties Repeated

Each representation and warranty in this document will be repeated on each day whilst any of the Obligations remain outstanding (whether or not then due for payment) or the Facility is available for drawdown, with reference to the facts and circumstances then subsisting, as if made on each such day.

10. Undertakings

10.1 General Undertakings

For as long as any amount is outstanding under the Facility or the Facility is available for drawdown, the Borrower undertakes to the Lender that it will:

- 10.1.1 **Satisfy Obligations:** satisfy the Obligations;
- 10.1.2 **Maintain all consents:** obtain, renew, maintain and comply with all consents, licences, approvals and authorisations necessary for the validity and enforceability of this agreement, the satisfaction of its obligations under this agreement, and it will promptly provide copies of these to the Lender when they are obtained or renewed;
- 10.1.3 **Provision of information:** supply to the Lender:
 - (a) as soon as they are available and within 180 days of the end of each financial year copies of its audited financial statements for that financial year;
 - (b) copies of any updated Long Term Financial Plan;
 - (c) promptly on request, any additional financial or other information the Lender may request (including, but not limited to, information in relation to the Borrower's management and structure);
- 10.1.4 **Comply with laws:** comply with all Statutes and all lawful requirements of every Government Authority, including any Ministerial directions issued in respect of the Borrower or councils generally;
- 10.1.5 **Insurance:** take out and keep in full force and effect insurance over all of its physical assets and premises for such amounts and against such risks as is reasonably prudent for a NSW local council;
- 10.1.6 **Notification of certain events:** immediately notify the Lender in writing if it becomes aware of the occurrence of the following:
 - (a) **Event of Default:** any Event of Default or Potential Event of Default;
 - (b) **Litigation:** any litigation, arbitration, criminal or administrative proceedings or labour disputes relating to the Borrower or the Borrower's property, assets or revenues that involves a claim against the Borrower that, if decided adversely to the Borrower, could have a material adverse effect on the ability of the Borrower to perform the Obligations.

10.2 Financial Covenant Undertakings

- 10.2.1 After the initial Settlement Date, the Borrower must ensure that on each Relevant Date up until the Final Repayment Date:
 - (a) **(Debt Service Cover Ratio)** the Debt Service Cover Ratio must be at least 1.50:1;
 - (b) **(Interest Cover Ratio)** the Interest Cover Ratio must be at least 3.00:1; and
 - (c) **(Cash Expense Ratio)** the Cash Expense Ratio must be at least 2 months.
- 10.2.2 The financial covenants referred to above shall be:

- (a) calculated by reference to the Accounting Standards; and
- (b) based on the then most recent audited financial statements of the Borrower.

10.2.3 At the time the Borrower provides the financial statements under clause 10.1.3(a), the Borrower must provide a Compliance Certificate demonstrating its compliance with the financial ratios in clause 10.2.1.

10.2.4 In addition, in connection with its financial projections in the most recently provided Long Term Financial Plan, the Borrower must include calculations demonstrating whether the financial projections of the Borrower for the following 5 years would comply with the financial covenants in clause 10.2.1.

10.2.5 Where the calculations made for the purposes of clauses 10.2.3 or 10.2.4 indicate that the Borrower has not, or may not in the future (as the case may be), comply with the financial ratios in clause 10.2.1:

- (a) the Lender and the Borrower will discuss the non-compliance as part of the annual review under clause 10.3; and
- (b) the Borrower acknowledges that the Lender may notify OLG of such non-compliance, which may lead to OLG seeking a performance improvement order in respect of the Borrower.

10.2.6 For the avoidance of doubt, a failure by the Borrower to comply with the financial ratios under this clause 10.2 is not to be taken as a breach of this agreement and does not entitle the Lender to take action against the Borrower under clause 12 of this Agreement or at general law.

10.3 Annual Review

10.3.1 The Lender will conduct an annual review of the Borrower, and the Borrower will provide the Lender with such information as reasonably required by the Lender for the purposes of the review.

10.3.2 The Long Term Financial Plan is to be provided as soon as available and within 180 days of the end of the financial year.

10.4 Investments

10.4.1 The Borrower is required to observe the following limitations for Investment Funds. The Borrower must ensure that:

- (a) by 31 December 2020, its existing investments with an ADI which have a Long Term Debt Rating of BBB+ and BBB meets the Portfolio Limit;
- (b) by 31 December 2020, its existing investments with an ADI which have a Long Term Debt Rating of BBB+ and BBB meets the Counterparty Limit;
- (c) by 31 December 2020 its existing investments with an ADI which have a Long Term Debt Rating of BBB+ and BBB meets the Maximum Tenor;
- (d) subject to (a),(b) and (c) above, throughout the Term of the Facility, the combined investments having a Long Term Debt Rating outlined in Column A of the following Table complies with the:
 - (i) Portfolio Limit (Column B);

(ii) Counterparty Limit (Column C); and

(iii) Maximum Tenor (Column D).

Column A		Column B	Column C	Column D
Long Term Debt Rating				
S&P	Moody's	Portfolio Limit	Counterparty Limit	Maximum Tenor
AAA	Aaa	100%	100%	Not applicable
AA+ to AA-	Aa1 to Aa3	100%	100%	5 years
A+ to A	A1 toA2	100%	100%	3 years
A-	A3	40%	20%	3 years
BBB+	Baa1	35%	10%	3 years
BBB	Baa2		5%	12 months
BBB- and below: Local ADIs	Baa3 and below: Local ADIs	0%	-	12 months
BBB- and below: Other	Baa3 and below: Other		-	12 months
TCorp Investments (including rated & unrated investments)		100%	100%	Not applicable

10.4.2 A BBB Rate Sub Limit of 15% shall apply at all times when calculating the Portfolio Limit investments with a Long Term Debt Rating of (i) BBB+ and BBB (S&P) and (ii) Baa1 and Baa2 (Moody's).

10.4.3 For the avoidance of the doubt, the Long Term Debt Rating of a Council's investments for the purposes of this clause 10.4 will be determined as follows: (i) if only one Rating Agency provides a long term debt rating, the long term debt rating will be based on the rating of that Rating Agency and (ii) if a long term debt rating has been assigned by both Rating Agencies and such ratings are not equivalent, the lower of such ratings shall apply.

11. Default and Termination

11.1 Events of Default

Each of the following events is an Event of Default, whether or not the cause is beyond the control of the Borrower, or any other person:

- 11.1.1 **Failure to pay:** the Borrower does not pay at or within 5 Business Days of the due date and in the manner specified in this agreement or otherwise in accordance with the Obligations;
- 11.1.2 **Failure to comply:** the Borrower defaults in fully performing and observing any provision of this agreement other than a provision requiring the payment of money as contemplated by clause 11.1.1, and that default is not remedied within 20 Business Days of its occurrence;
- 11.1.3 **Untrue warranty:** any representation, warranty or statement made, repeated or deemed to be made or repeated in this agreement or in connection with the Facility or any accounts, or any opinion furnished under this document is proved to be untrue in any material respect when made or repeated or deemed to be made or repeated (as the case may be);

- 11.1.4 **Breach of undertaking:** the Borrower breaches any undertaking given at any time to the Lender or fails to comply with any condition imposed by the Lender in agreeing to any matter (including any waiver);
- 11.1.5 **Cross default:** any other Financial Liability provided to the Borrower greater than 5 % of the Borrowers Total Equity (as shown in its most recent audited financial statements) is not paid when due or becomes due and payable before its stated date of maturity by reason of an event of default (howsoever described);
- 11.1.6 **Void or voidable:** this agreement, becomes or is claimed by the Borrower to be void, voidable or unenforceable in whole or in part;
- 11.1.7 **Illegality:** at any time it is unlawful for the Borrower to perform any of its obligations under this agreement;
- 11.1.8 **Failure to comply with Statutes:** the Borrower fails to duly and punctually comply with all Statutes binding on it;
- 11.1.9 **Material change:** any other event or series of events whether related or not (including, any material adverse change in the material assets or financial condition of the Borrower) occurs which in the reasonable opinion of the Lender could affect the ability of the Borrower to satisfy all or any of its respective obligations under this agreement.

11.2 Lender's Rights on Event of Default

If any Event of Default occurs and if it continues, the Lender may (but is not obliged to), by written notice to the Borrower:

- (a) declare the Lender's obligations under this document to be cancelled immediately (including, but not limited to, any obligation to provide any further advance) and the same and the Facility (including any part of the Facility) will be cancelled immediately; and/or
- (b) declare the Principal Outstanding, interest on the Principal Outstanding and all other money the payment of which forms part of the Obligations immediately due and payable, and the same are immediately due and payable,

and for the avoidance of doubt, any decision by the Lender to reserve its rights or not to exercise its rights under this clause 12.2 is not to be interpreted as waiver of, or election in reaction to, such rights.

11.3 Appointment of consultants and disclosures:

- 11.3.1 The Lender may where it considers an Event of Default has or is likely to have occurred or is reasonably likely to occur within 12 months:

- (a) appoint consultants (in this clause, **Investigating Consultants**) to investigate the affairs and financial position of the Borrower; and
- (b) notify the OLG of the occurrence (or potential occurrence) of an Event of Default or appointment of Investigating Consultants.

11.3.2 The Borrower:

- (a) unconditionally authorises the Investigating Consultants to take all actions which may be reasonably necessary for the investigation; and
- (b) undertakes to give the Investigating Consultants all reasonable assistance for that purpose.

- 11.3.3 The Borrower unconditionally authorises the disclosure by:

(a) Investigating Consultants to the Lender, OLG and its legal and other professional advisers all information and documents obtained or generated in the course of or in connection with the investigation; and

(b) the Lender to the OLG all information and documents relating to the occurrence (or potential occurrence) of an Event of Default.

11.3.4 The Borrower is liable for the costs and expenses of the investigations described in this clause 11.3 and must upon demand by the Lender pay the Investigating Consultants and reimburse the Lender for any such costs or expenses incurred or paid by it.

12. Indemnities, change in law or circumstance

12.1 Borrower to indemnify Lender

The Borrower will on demand indemnify the Lender against any loss or reasonable costs or expenses which the Lender may sustain or incur as a consequence of:

12.1.1 any sum payable by the Borrower under this document not being paid when due;

12.1.2 the occurrence of any Event of Default; or

12.1.3 the Lender receiving payments of principal other than on the last day of an Interest Period (or any other day permitted under the terms of this agreement)

12.2 Unlawfulness

If, at any time, the Lender reasonably determines that the introduction of or a change in a law, guideline, direction, request or requirement (whether or not having the force of law) or in the interpretation or application of any of them by a Government Authority makes it unlawful for the Lender to make, fund or maintain the Facility or an Advance, or to otherwise give effect to a provision of this agreement, then:

12.2.1 the Lender may notify the Borrower of its determination;

12.2.2 on that notification, the Facility is cancelled and the obligation to make, fund or maintain the Facility or an Advance or give effect to the relevant provision ceases; and

12.2.3 the Borrower must pay the Principal Outstanding (plus all accrued interest) to the Lender within:

(a) 60 days; or

(b) another period specified in the notice and certified by the Lender as being required or permitted by the relevant law.

12.3 Increased costs

If the Lender reasonably decides that:

12.3.1 the cost to it of providing, funding or maintaining the Facility is increased; or

12.3.2 an amount payable or the effective return to it under this agreement is reduced;

because of any law or regulation or a directive by a Government Authority (including, but not limited to, those relating to taxation, other change in tax rules (in each case, not being a tax imposed on its overall net income), capital adequacy or reserve requirements or banking or monetary control or any policy with which it habitually complies) or any change in the way they are interpreted or applied, then:

- 12.3.3 the Lender must promptly notify the Borrower of that decision; and
- 12.3.4 the Borrower indemnifies the Lender against that loss and must pay the Lender on demand whatever amount the Lender certifies is reasonably necessary to indemnify it.

13. Expenses and Taxes

13.1 Expenses

The Borrower must reimburse the Lender on demand for, and indemnifies the Lender against all reasonable expenses, including legal fees, costs and disbursements (on a solicitor/own client basis) incurred in connection with:

- 13.1.1 **Consents:** any consent, agreement, approval, waiver, or amendment relating to this agreement; and
- 13.1.2 **Enforcement:** exercising, enforcing or preserving, or attempting to exercise, enforce or preserve, rights under this agreement, including any expenses incurred in the evaluation of any matter of material concern to the Lender.

13.2 Taxes

The Borrower:

- 13.2.1 must pay all stamp duty, transaction, registration and similar Taxes, including fines and penalties and debts tax which may be payable to or required to be paid by any appropriate authority or determined to be payable in connection with the execution, delivery, performance or enforcement of this agreement or any payment, receipt or other transaction contemplated by them; and
- 13.2.2 indemnifies the Lender against any loss or liability incurred or suffered by it as a result of the delay or failure by the Borrower to pay Taxes.

14. Assignment

14.1 Assignment by Lender

The Lender may at any time assign or otherwise transfer all or any part of its rights under this agreement and may disclose to a proposed assignee or transferee any information in the possession of the Lender relating to the Borrower.

14.2 Assignments by the Borrower

The Borrower cannot assign any of its rights under this agreement without the Lender's prior written consent (not to be unreasonably withheld).

15. Miscellaneous

15.1 Governing law and jurisdiction

- 15.1.1 This agreement is governed by and must be construed according to the law applying in New South Wales.

- 15.1.2 Each party irrevocably submits to the non-exclusive jurisdiction of the courts of New South Wales, and the courts competent to determine appeals from those courts, with respect to any proceedings which may be brought at any time relating to this agreement.

15.2 Certificate of Lender

A certificate in writing signed by the Lender or by an officer of the Lender certifying the amount payable by the Borrower under this document to the Lender or stating any other act, matter or thing relating to this agreement is conclusive and binding on the Borrower in the absence of manifest error on the face of the certificate.

15.3 Counterparts

This agreement may be executed in any number of counterparts and by the parties on separate counterparts. Each counterpart constitutes an original of this agreement, and all together constitute one agreement.

15.4 Amendment

No provision of this agreement may be amended, supplemented, waived, varied or charged in any way or assigned (subject to clause 8 above), novated or transferred (in whole or part) without the prior written consent of the parties hereto.

15.5 Notices

Any notice required or permitted to be given by a party hereunder will be left at, sent by registered or recorded delivery post to the address below:

15.5.1 Lender

New South Wales Treasury Corporation
Level 7, Deutsche Bank Place
126 Phillip Street
SYDNEY NSW 2000

Attention: General Counsel

Facsimile: 02 9325 9333
Email: legal@tcorp.nsw.gov.au

15.5.2 Borrower

See Schedule 1

15.6 Severance

If at any time a provision of this agreement is or becomes illegal, invalid or unenforceable in any respect under the law of any jurisdiction, that will not affect or impair:

15.6.1 the legality, validity or enforceability in that jurisdiction of any other provision of this agreement; or

15.6.2 the legality, validity or enforceability under the law of any other jurisdiction of that or any other provision of this agreement.

15.7 Waiver

- 15.7.1 A waiver or consent given by the Lender under this agreement is only effective and binding on the Lender if it is given or confirmed in writing.
- 15.7.2 No waiver of a breach of a term of this agreement operates as a waiver of another breach of that term or of a breach of any other term of this agreement.

Signing Page

Executed as an agreement

NEW SOUTH WALES TREASURY CORPORATION
by its authorised signatories:

Authorised signatory

Authorised signatory

Name (please print)

Name (please print)

The Seal of **WENTWORTH SHIRE COUNCIL**
was affixed to this Loan Agreement in the presence
of the Mayor and General Manager:

Mayor

General Manager

Name (please print)

Name (please print)

Schedule 1 - Variables

Date of Agreement: 2020

Borrower: Wentworth Shire Council
ABN 99 095 235 825

Notice Details: 26-28 Adelaide Street, Wentworth, NSW, 2648

Attention: Ken Ross, General Manager

Email: ken.ross@wentworth.nsw.gov.au

Item		
1.	Advances	Two
2.	Approved Purpose	Installation of sewer main and pump station, Installation of new stormwater infrastructure
3.	Availability Period	Until 30 June 2021
4.	Borrower's Bank Account	BSB No.: 633-000 Account No.: 108992090 Account Name: Wentworth Shire Council Operating Account
5.	Facility Limit	\$2,000,000
6.	Loan Type	Amortising Loan
7.	Interest Rate Type	Fixed Rate
8.	Term	10 years
9.	Interest Period	Semi-annual
10.	Margin	0.55% p.a.
11.	Final Repayment Date	

Schedule 2 - Condition precedent certificate

To: New South Wales Treasury Corporation (the "**Lender**")

This condition precedent certificate is given under clause 4 of the Loan Agreement between the Lender and Wentworth Shire Council ("Borrower"). Terms defined in the Loan Agreement have the same meaning in this condition precedent certificate.

I, Ken Ross, being the General Manager of the Borrower, certify that true, complete and up to date copies of an extract of minutes (marked "Annexure A") of a duly convened meeting of the governing body of the Borrower approving execution of the Loan Agreement are attached to this Certificate, which minutes are fully effective and have not been varied or revoked.

Signed: _____
General Manager

Date:

Schedule 3 – Repayment Schedule

Interest Type	Date	Interest (\$)	Total (\$)

Schedule 4 - Compliance Certificate

Date: _____

To: New South Wales Treasury Corporation (the "Lender")

Financial Covenants Reporting Financial Year End Date: [Insert]

This compliance certificate is given under clause 10.2.3 of the Loan Agreement between the Lender and Wentworth Shire Council ("Borrower"). Terms defined in the Loan Agreement have the same meaning in this compliance certificate.

I, Ken Ross, being the General Manager of the Borrower, certify that

- (a) **(Debt Service Cover Ratio)** = [Insert], calculated as follows: [Insert/attach calculations]
- (b) **(Interest Cover Ratio)** = [Insert], calculated as follows: [Insert/attach calculations]
- (c) **(Cash Expense Ratio)** = [Insert], calculated as follows: [Insert/attach calculations].

Signed: _____
General Manager

9.9 BURONGA GOL GOL STRUCTURE PLAN 2020

File Number: RPT/20/371

Responsible Officer: Matthew Carlin - Director Health and Planning
 Responsible Division: Health and Planning
 Reporting Officer: Paul Amoateng - Development Services Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire
 Strategy: 1.2 Encourage and support population growth and resident attraction

Summary

Wentworth Shire Council endorsed the draft Buronga Gol Gol Structure Plan 2020 for public exhibition at its Ordinary Meeting held 22 April 2020.

Nineteen (19) submissions were received at the end of the public exhibition period and these have been considered in the final plan.

This report seeks Council's adoption of the final Buronga Gol Gol Structure Plan 2020.

Recommendation

That Council resolves to adopt the Buronga Gol Gol Structure Plan 2020 and submit the Plan to the Department of Planning, Industry and Environment requesting endorsement of the Plan.

Detailed Report

Purpose

The purpose of this report is to provide Councillors the opportunity to review the final document and to formally adopt the Buronga Gol Gol Structure Plan 2020. A copy of the plan has been distributed separately to all councilors and can be downloaded from council's website.

Background

Council's Health and Planning Division has prepared the Buronga Gol Gol Structure Plan (BGGSP) to facilitate quality and sustainable urban development of the Buronga Gol Gol area.

The BGGSP has been prepared following extensive research and in-depth analysis of local and regional conditions, as well as consideration of the community interests and needs.

Matters under consideration

Council conducted public exhibition of the draft BGGSP for 32 days from 09 May to 09 June 2020.

Consultation included the following:

- Regular advertisements in the Sunraysia Daily and Mildura Weekly
- Letter/email of advice to affected land owners, businesses and community groups
- Letter/email advice to state government agencies
- Wentworth Shire Council website

A total of nineteen (19) submissions were received at the close of the exhibition period.

A summary of the content of the submissions received has been tabled, together with a response to each of the topics submitted.

Refer to Attachment 1 – Summary of Submissions and Outcomes.

As indicated in the submissions table, minor amendments have been made to the draft BGGSP in response to issues raised in the submissions.

Options

Based on the information contained in this report, the options available to address this matter are:

- A. Adopt the BGGSP to finalise the project and allow for the plan to published on Council's website and endorsed by DPIE; or
- B. Refuse to adopt the BGGSP, subject to specific reasons

Legal, strategic, financial or policy implications

The adoption of the BGGSP provides Council with the opportunity to finalise this project and allow relevant Council officers to commence enactment on actions as recommended by the plan.

Conclusion

The most appropriate course of action is for Council to adopt the Buronga Gol Gol Structure Plan 2020. Adoption of the plan will finalise the project and allow publication on Council's website while seeking final endorsed from DPIE.

Attachments

1. Summary of Submissions & Outcomes BGGSP [↓](#)
2. Submission No. 1a (Under Separate Cover) [⇒](#)
3. Submission No. 1b (Under Separate Cover) [⇒](#)
4. Submission No. 2 (Under Separate Cover) [⇒](#)
5. Submission No. 3 (Under Separate Cover) [⇒](#)
6. Submission No. 4 (Under Separate Cover) [⇒](#)
7. Submission No. 5 (Under Separate Cover) [⇒](#)
8. Submission No. 6 (Under Separate Cover) [⇒](#)
9. Submission No. 7 (Under Separate Cover) [⇒](#)
10. Submission No. 8 (Under Separate Cover) [⇒](#)
11. Submission No. 9 (Under Separate Cover) [⇒](#)
12. Submission No. 10 (Under Separate Cover) [⇒](#)
13. Submission No. 11 (Under Separate Cover) [⇒](#)
14. Submission No. 12 (Under Separate Cover) [⇒](#)
15. Submission No. 13 (Under Separate Cover) [⇒](#)
16. Submission No. 14 (Under Separate Cover) [⇒](#)
17. Submission No. 15 (Under Separate Cover) [⇒](#)
18. Submission No. 16 (Under Separate Cover) [⇒](#)
19. Submission No. 17 (Under Separate Cover) [⇒](#)
20. Submission No. 18a (Under Separate Cover) [⇒](#)
21. Submission No. 18b (Under Separate Cover) [⇒](#)

Summary of Submissions and Outcomes

Submission number	Submission	Comment/Response
Submission 1 Roy Costa Planning & Development on behalf of owner of Lot 108 DP 756946 (DOC/20/8232 & DOC/20/12707)	Rezoning Request 191 Pitman Avenue Lot 108 DP 756946 Buronga from RU1 Primary Production to RU5 Village zone. The land is already used for rural residential purposes, has access to all existing services for residential development and is not suitable for any form of agricultural use.	Following a thorough analysis of residential land demand and supply it was determined that Lot 108 DP 756946 would not be required for residential development during the term of the structure plan. However, the lot is located in the area identified as a future urban growth area so it can be considered for rezoning to RU5 Village in the medium term. It should be noted that the structure plan seeks to reduce the MLS applied to the area encompassing this lot, which would facilitate development of the lot for rural residential purposes.
Submission 2 Roy Costa Planning & Development on behalf of owner of Lot 100 DP 756946, Lot 220 DP 43259 (DOC/20/8192)	Request update on future rezoning of 104 Corbett Avenue Buronga Lot 100 DP 756946 Lot 220 DP 43259	Lot 100 DP 756946 is recommended to be rezoned from RU1 Primary Production to RU5 Village zone Lot 220 DP 43259 is recommended to be rezoned from RU1 Primary Production to IN1 General Industrial zone
Submission 3 Owner of Lot 405 DP756961 (DOC/20/10574)	<p>Council is to be congratulated on such a thorough and visionary draft Buronga Gol Gol Structure Plan. Impressed with the research and summary of present situation and vision for the future.</p> <p>Suggest consideration of a boat ramp downstream of the Weir in Buronga. As far as we are aware there is not a boat ramp until Dareton, could one be constructed off River Road opposite Apex Park near the private pumps.</p> <p>Also suggest official walking access to river environs</p>	The location suggested for boat ramp is outside the Buronga Gol Gol study area and is also crown owned land. The provision of additional boat ramps in the shire can be more adequately considered as part of a shire-wide tourism strategy which is an action identified in Council's Local Strategic Planning Statement, as well as in future infrastructure planning.

	from Pitman Avenue West. At present there is a broken-down fence to enter and it is not very encouraging. Is there any intention to develop this area like the Bridge Road area?	Footpaths have been proposed along Pitman West Road and within Evans Flat Reserve as part of the active transport corridor which will provide direct, safe access to the riverfront.
Submission 4 Petition by residents in West Buronga (DOC/20/11862)	<p>The proposal to rezone the West Buronga area from RU1 Primary Production to E4 Environmental Living will give property owners more opportunity to utilise their land in line with the permitted uses applicable to the E4 but is unlikely to have any impact on the current under-utilisation of these properties. Local residents aim to utilise their blocks for residential subdivision as most properties are too small for profitable farming and too large to manage as residential properties. Residential development has significant potential given the close proximity to existing infrastructure and Mildura services. Would like to see the area considered for rezoning to R5 Large Lot Residential.</p> <p>The unnamed dry creek which runs from West Road towards and across Pitman Avenue is not mentioned in the document. It is neglected and filled with rubbish, overgrown/invasive cactus and boxthorns. There is an opportunity to improve and protect the significant biodiversity of the area. Local residents have expressed interest in working together with appropriate authorities to address the issues of this creek.</p>	<p>The E4 Environmental Living zone is considered the most appropriate zone for the area as the area is subject to flooding and includes areas of significant biodiversity. Subject to the outcome of the Wentworth Shire flood study, a suitable minimum lot size will be determined that ensures optimum use of the properties and minimum flood risk to the area and surrounds. The biodiversity of the area also needs to be protected.</p> <p>A footpath has been proposed along the banks of the creek as part of the active transport corridor. It is anticipated that the creek and its surrounds would be maintained as part of the routine maintenance of this proposed footpath.</p>
Submission 5 Owner of Lot 5 DP 236223	In general, we support the draft structure plan. However, we object to the construction of a local road on our eastern boundary where there is no public road	The track identified in the plan for construction has been removed from the map identified as Figure 5.8 – Future Road Network and indicative subdivision in the plan as the

(DOC/20/11913)	at present.	track has been identified as an access to a river pump on private property.
Submission 6 Representative of Landowners (DOC/20/11929)	<p>One of the best strategic planning documents Council has ever exhibited. The structure plan includes allowance for a significant increase in the Buronga Gol Gol population and fills in many gaps.</p> <p>We believe the Northbank tourism/lifestyle amenities will complete the Structure Plan. Northbank is a priority project in the Destination Riverina Murray NSW Plan and Western Murray Regional Economic Development Strategy 2018-2022.</p> <p>The proposed B2 zone for commercial development is still a very small area compared to Mildura considering the increase in the Buronga Gol Gol population. Without Northbank residents will still have to travel to Mildura to watch movies, do most shopping or engage in most non-traditional sport/recreation.</p> <p>Aged Care and Seniors Housing is compatible with the Northbank site and would allow the Dawn Avenue and Sturt Highway land to be used for other purposes (this area is prone to flooding where Northbank is not). If Aged Care and/or Seniors Housing was permitted on the Northbank site, 5 acres could be set aside for this specific use.</p> <p>Northbank fits seamlessly into the Structure Plan by potentially providing a range of entertainment and hospitality services that both residents of Buronga Gol Gol, Mildura and tourists will use. Given that Council has previously shown its support for Northbank, a new section entitled Tourism & Entertainment Facilities</p>	<p>In Sections 2.1 & 2.4.4, the structure plan acknowledges North Bank on Murray as one of the developments and planning proposals that would influence the growth and development of Buronga Gol Gol if approved.</p> <p>The tourism and economic development implications of Northbank can be more appropriately considered in a shire-wide tourism strategy which is an action identified in Council's Local Strategic Planning Statement.</p> <p>The extent of the impacts of this planning proposal on the growth of the area can be more appropriately assessed and integrated into the Plan during the scheduled review of the plan following this planning proposal having been issued a gateway determination to proceed.</p> <p>Council supports the investigation into alternative future uses for the land that will be provide economic and social benefits to the overall community.</p>

	<p>should be in the Structure Plan. As the Northbank site represents almost 30-40% of the Structure Plan study area it is suggested that the adoption of the Structure Plan be delayed until a final outcome for the Northbank Planning Proposal is received. Or alternatively, a mini review of the Structure Plan be undertaken when the outcome is known.</p> <p>The site could be suitable for other uses such as large lot residential, aged care, caravan park, bulky goods retail however an integrated tourism development is the very best outcome for the Buronga Gol Gol community.</p> <p>The biodiversity mapping applied to our land needs to be amended in line with recent approved clearing of the site. Cultural and Indigenous Heritage map should not include this site in line with the submitted evidence.</p> <p>Council support is requested to remove the redundant road reserve for Highway diversion that runs east through our site and others. The necessity for the diversion, being salinity problems no longer exist, it creates problems for all impacted landowners and all would prefer it to be removed.</p> <p>We request that the 10,000 ha minimum lot size mapping be removed as per the Planning Proposal as it is inappropriate when all land to the east has a MLS of</p>	<p>The biodiversity and cultural & indigenous heritage maps have been amended to reflect the current state of the land.</p> <p>Highway diversion road reserve – The diversion commences on the subject land and traverses through numerous properties until it re-intersects with the Sturt Highway at Paringi. The diversion is land owned by Transport for NSW and therefore any affected landowners should raise their issues directly with TfNSW.</p> <p>The recommendation to change the minimum lot size applied to the lots north of the study area was informed by the rural residential pattern already emerging in the area. A similar situation has not been observed on the</p>
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	<p>around 4,000 sqm.</p> <p>The proposal for a second bridge across the Murray River is supported. The location of a second bridge should be between Gol Gol and the Trentham Cliffs highway service centre as this location will benefit residents to access Mildura and divert truck traffic away from Buronga and Gol Gol.</p>	<p>Northbank land. It is also noted that the minimum lot size applied to Northbank will change if the current planning proposal for the land is given the approval to proceed.</p> <p>Noted.</p>
Submission 7 Environmental Protection Authority (DOC/20/11854)	<p>Buffer Zones - creating buffer zones is a very important component of the planning process. EPA considers that suitable separation distances should be established at the planning stage between sensitive land uses and industry.</p> <p>Agricultural/Industrial Industries - the rezoning of land from rural to more sensitive land uses should consider the impacts and distance between the proposed rezoning and any existing or proposed agricultural industries and other activities. Noise, dust and odours are difficult to control after the event. Noise Matters - Inadequate noise control measures and buffer zones often result in offensive noise being generated and affecting the amenity of residents. Industries likely to generate high noise levels should be located a suitable distance from noise sensitive land uses. Air Matters - Odour impacts on residential and other sensitive land areas stems mostly from inappropriate land use decisions. Once land is developed the range of odour</p>	<p>The structure plan proposes adequate buffers at the interfaces of residential, industrial and agricultural land uses in the area. The structure plan also includes interventions for minimising noise impacts from highways on the amenity of Buronga Gol Gol residents.</p>

	<p>control measures that are available is restricted. Planning and proper site selection are the most important criteria in addressing potential odour impacts from intensive agricultural industries.</p> <p>Domestic sewage - The EPA supports the intention to service the area covered in the structure plan. Council should ensure there is adequate capacity to handle the increase in wastewater.</p>	<p>The existing sewerage headwork has adequate capacity to support the anticipated development of the area during the term of this structure plan. Specific future upgrade requirements can be more adequately assessed as part of the preparation of the Integrated Sewerage Masterplan recommended by this structure plan.</p>
Submission 8 NSW Crown Lands (DOC/20/11829)	Any additional redevelopment work proposed to be undertaken on recreational and reserve land may require departmental consent, licences and/or land acquisition. Continued consultation between the department and Wentworth Shire Council shall continue in relation to any future changes proposed under the Structure Plan.	Council will continue to consult with Crown Lands and obtain the required consents at the design and implementation stage of all proposed works on crown land.
Submission 9 Owner of Lot 138 DP 756946 (DOC/20/12025)	Objection to the proposal to rezone Gol Gol North area from RU1 Primary Production zone to E4 Environmental Living zone and reduce minimum lot size.	The E4 Environmental Living zone proposed for the area will reflect the current pattern of land uses occurring in the area. The planning proposal that would be prepared to rezone the area will be used to determine a suitable minimum lot size that ensures optimum use of properties in the area in consultation with the property owners. Property owners are under no obligation to subdivide their land following the change of zone or minimum lot size applied to the area.

	There is no provision in the plan for future commercial development in the Gol Gol township should an existing business wish to expand or relocate.	Section 5.2.2 recommends 15 hectares of land in the Midway area to be rezoned to B2 Local Centre which will accommodate future commercial development in the BGG area. This location is considered ideal to create a centralised commercial precinct to provide commercial services to both towns. Should any existing business outside the proposed B2 zone wish to expand, there would be no prohibition under the RU5 Village zone to permit the expansion.
Submission 10 Biodiversity and Conservation Division of DPIE (DOC/20/12043)	An extensive submission from the Biodiversity and Conservation Division of DPIE. The submission provided detailed advice on Aboriginal cultural heritage, biodiversity, native vegetation clearing where development or activity is permitted with and without consent, natural hazards relating to flooding and climate change.	Council will consider the advice provided by the Division in all future strategic planning and development assessments. The heritage map has been updated to reflect comments and advice provided in this submission. Applicable planning principles and recommendations of the Plan have been revised to address issues raised in the submission.
Submission 11 Owner of Lot 141 DP 756946 (DOC/20/12071)	Objection to rezoning of Gol Gol North from RU1 Primary Production to E4 Environmental Living.	The E4 Environmental Living zone proposed for the area will more accurately reflect the current pattern of land uses occurring in the area. There will be no prohibition for existing uses to continue.
Submission 12 Owner of Lot 151 DP 756946 (DOC/20/12063)	Objects rezoning of Gol Gol North from RU1 Primary Production to E4 Environmental due to potential impact on farming activities.	Agricultural activities such as Extensive agriculture and Intensive plant agriculture are permissible without consent in the E4 Environmental Living zone under the Wentworth LEP 2011 and this will continue to apply to the Gol Gol North area. No new restrictions on agricultural activities would be introduced as a result of the rezoning. It should also be noted that all existing uses will be permitted under existing use rights.

Submission 13 Owner of Lot 134 DP 756946 (DOC/20/10834)	Support proposal to rezone Gol Gol North. Would prefer to have water and sewerage services in the area.	Noted. Feasibility of extending water and sewerage services to the area can be more adequately assessed as part of the preparation of the Integrated Water Management Plan recommended by this structure plan.
Submission 14 Owner of Lot 4 DP 1093795 (DOC/20/12074)	Incorrect mapping of Lot 4 DP1093795. This land is dedicated for residential purposes as a continuation of our subdivision. Proposed site for second oval is low-lying and subject to flooding. A more suitable use would be as a water reserve or wetlands.	The mapping has been amended to show the northern part of Lot 4 DP1093795 to be rezoned to RU5 Village to allow extension of the subdivision along Carramar Drive. Maps have been amended to reflect the subdivision approval and intended use of the site. Council will continue to investigate the suitability of the site for recreational purposes and will consult with the affected landowners prior to any future decisions being settled. Therefore, for the purposes of initiating investigation and consultation for a second oval and recreation precinct, Figures 5.14 & 6.1 continue to reflect this use.
Submission 15 Owner of Lots 57 & 73 DP 756946 (DOC/20/12098)	A long time Gol Gol resident provided an extensive submission which was largely in support of the structure plan. Comments that required further consideration include: Include the proximity of the three state Electricity Interconnector Junction proposed. It is a \$1.5 billion project between Robertstown SA, Broken Hill NSW, Wagga Wagga NSW, Red Cliffs –Kerang Vic. Industrial lot sizes must be variable to suit a range of business requirement	The comments and suggestions provided by the submitter have been considered and incorporated into the plan. The Plan has been updated to highlight the proximity of the electricity interconnector to the study area and its potential impact on the area. The Plan does not seek to change the MLS applied to the industrial area, however, there is support for subdivision of lots in the industrial estate to cater for a range of

	<p>industrial businesses and uses.</p> <p>The BGGSP proposes a location for a second bridge Murray River in east Gol Gol. This indicative location has been determined in consultation with TfNSW. Council will continue to consult with TfNSW and relevant state authorities to advocate for a second river crossing.</p> <p>The Gol Gol Creek infrastructure and location of the radial arm and two other regulators have been shown in 2.23. Also, a recommendation for Council to explore alternatives crossings over Gol Gol Creek is included in Section 4.3.4</p> <p>BGGSP includes a recommendation for Council to encourage onsite water capture and usage in the large lot residential areas. This can be considered in more detail as part of the preparation of integrated water management plan recommended by Plan.</p> <p>The long-term benefits of providing sewerage services to lots and the environment have been determined to far outweigh the initial cost. Council's sewerage headworks have high excess capacity to support the extension and it</p>
<p>I believe a study by RTA (late 90-early 2000) determined that the most practical cost-effective siting to link NSW to Victoria was a position east of Monak. It is the narrowest high bank to high bank point that would connect the Sturt Highway NSW to the Sturt Highway Vic. The route connects via Kulkine Way, Werrimull Road, Meridian Road</p> <p>No reference to the Sturt Highway Gol Gol Creek Crossing & associated infrastructure. This is absolutely critical to the proposed development on both the East & West sides of Gol Gol Creek.</p> <p>Concerns over the water use statistics being above the national average. I believe it should be a regulation that all Large Lot Residential lots have a 22,500-litre holding tank for garden use, filled at the specified 0.9 l/m that can then be pressurised by pump. Current Raw water supply/pressure will struggle on high demand (volume) periods in large lot residential subdivisions.</p> <p>Installation of sewer in Large Lot Residential (low density) could be expensive for developers.</p>	

	Investigation of the potential to increase the 3 x pipes inlet size and deepen the existing retention basin on Moontongue Drive.	<p>will be facilitated by ongoing works to extend services to Trentham Cliffs.</p> <p>This is appropriately considered as part of the upgrade work to the basin recommended by Buronga Gol Gol Structure Plan.</p>
Submission 16 Murray-Darling Basin Authority (DOC/20/12188)	<p>In considering this Plan, it is the role of the Murray-Darling Basin Authority (MDBA) to ensure the water quality of the River Murray is maintained or improved, contributing to the protection of the riverine and floodplain environment. Additionally, we ensure there is no impact on the flow carrying capacity of the River Murray. Comments provided by MDBA were largely in support of the Plan. Comments that required some attention include:</p> <p>Page 28 - Remnant floodplain areas are supported by the MDBA and should be considered for suitable rezoning to avoid ongoing encroachment of development in these areas. Zoning along waterways, however, should be for the protection of waterways values, for public access and for enjoyment of these areas, along with protection of cultural and riparian values. The E4 Environmental Living zone should be considered only for areas located further back from the River Murray.</p> <p>Page 29 - The flood-affected land mapping (Figure 2.23) needs to be extended to ensure that impacts of</p>	<p>From the suite of land use zones in the standard instrument, the E4 Environmental Living is considered the most appropriate zone for promoting low-density development in areas with special environmental or scenic values. Therefore, the proposed E4 Environmental Living zone in West Buronga is not expected to have any significant adverse effect on the floodplain of the Murray River but rather formalise the existing rural residential development in the area and recognise the existing biodiversity values of the surrounding natural environment.</p> <p>Northbank is outside the coverage area of Council's current flood mapping and flood data. A site-specific flood</p>

	<p>flooding in the development area known as Northbank on the Murray is fully understood.</p> <p>Page 39 - The first site development and design principle under Water Sensitive Urban design should be amended to also include 'protection of water quality in receiving waterways'.</p>	<p>risk assessment would have to be undertaken as part of any future development of the land.</p> <p>This principle has been amended accordingly</p>
<p>Submission 17 James Golsworthy on behalf of owners of Lot 120-121 DP 756946 and Lot 2 DP 1236706 (DOC/20/12367)</p>	<p>The Buronga Gol Gol Structure Plan has been prepared to provide a clear long-term vision for the growth of the study area. Council should be commended on taking such an approach to the locality and the vision which is being established for the study area. The Plan identifies part of the land for Zone SP2 Infrastructure. The land has been identified as suitable for future educational purposes. We object to the land being identified for such purposes and request it remain as being included in Zone RU5. Urban development is being undertaken in Dawn Avenue south east of the land and in Pitman Avenue west of the land. It is therefore reasonably expected that reticulated services which would enable subdivision of the land, are available or if not available will be in a short time.</p>	<p>The land has been retained as RU5 Village zoned land as requested by the owner. Should an alternative site be required, a suitable location for this use will be determined in consultation with NSW Department of Education.</p>
<p>Submission 18 Transport for NSW (DOC/20/15375& DOC/20/16306)</p>	<p>Council received an extensive submission from Transport for NSW that mainly focused on the interaction of proposed development and traffic/road treatments the highways and the potential for impacts on the efficiency and safety of the classified road</p>	<p>Recommendations relating to intersection treatments have been revised to highlight the need for further investigation and consultations prior to their implementation. Council will also consider the advice provided by the TfNSW in all future strategic planning and</p>

	network.	development assessments.
Submission 19 Owner of Lot 2 DP1075225	This submission was verbal and made via a meeting with executive staff. The request made was for consideration and discussion of future development opportunities for the site to be included as part of the BGGSP.	At this stage, the lot pertaining to the submission has not been individually identified for a specific purpose or development. However, the area to the north of Pitman Avenue will eventually be required for future urban development. The first review of the Structure Plan, ideally to be conducted within the next 2 or 3 years, will further consider the future of this area and in particular, the subject parcel of land.

9.10 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL FOR WENTWORTH TOWNSHIP COMMERCIAL PRECINCT

File Number: RPT/20/491

Responsible Officer: Matthew Carlin - Director Health and Planning
 Responsible Division: Health and Planning
 Reporting Officer: Paul Amoateng - Development Services Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire
 Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

Wentworth Shire Council at its Ordinary Meeting held 16 October 2019 resolved to submit the Planning Proposal to amend the Wentworth Local Environmental Plan 2011, by rezoning fifty-one (51) lots located in the commercial precinct of Wentworth from RU5 Village to B2 Local Centre to the Department of Planning, Industry and Environment for consideration of a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.

A Gateway Determination to proceed was granted by the Department on 11 December 2019. The Gateway to proceed was subject to conditions, all of which have been satisfied.

This report seeks Council's endorsement to submit the Planning Proposal to Parliamentary Counsel for opinion and then to the Minister for the Department of Planning and Public Spaces to finalise and notify the amendment on the legislative website.

Recommendation

- a) That Council submits the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 by rezoning the subject sites from RU5 Village to B2 Local Centre to Parliamentary Counsel for opinion.
- b) That Council submits the Planning Proposal to the Minister for Planning and Public Spaces for finalisation and notification of the amendment to the Wentworth Local Environmental Plan 2011, in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.
- c) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Detailed Report

Purpose

The purpose of this report is to obtain Council's endorsement to progress to the final stage of the amendment process by submitting the Planning Proposal to Parliamentary Counsel for opinion and then to the Minister for Planning and Public Spaces for finalisation of the amendment to the Wentworth Local Environmental Plan 2011 and notification of the amendment on the legislative website.

Background

The Planning Proposal for the Wentworth commercial precinct was prepared as part of the implementation of actions contained in the Sustainable Wentworth Strategy 2016.

Council resolved to submit a Gateway Determination request to the Department at its Ordinary Meeting 16 October 2019. The Gateway Determination was issued by the Department dated 11 December 2019.

Refer to Attachment 1 - Gateway Determination issued 11 December 2019.

Matters under consideration

The Gateway Determination to proceed issued by the Department included seven conditions, of which all have been satisfactorily satisfied.

Public exhibition was conducted from 18 April 2020 to 18 May 2020. The public exhibition included:

- a) publishing the planning proposal documents on Council website;
- b) two regular advertisements in the Sunraysia Daily and Mildura Weekly;
- c) Letter mail-outs to affected landowners; and

Council received seven (7) submissions at the end of the public exhibition period.

A summary of the content of the submissions received has been tabled, together with a response to each of the topics submitted.

Refer to Attachment 2 – Summary of submissions & response.

Council also consulted with Department of Planning, Industry and Environment-Crown Lands as was condition by the Gateway Determination. Crown Lands did not object to the proposed rezoning as outlined in their response to Council.

Refer to Attachment 3 – Crown Lands response.

In response to issues raised by the community in the submissions, an amendment has been made to the proposed land use table to permit residential housing as a secondary use to the primary commercial use.

The final planning proposal is now before Council seeking approval to submit it to Parliamentary Counsel for opinion and then to the Minister for Planning and Public Spaces to finalise and notify the amendment to the Wentworth Local Environmental Plan 2011.

Refer Attachment 4 – Planning Proposal for Wentworth Township Commercial Precinct.

Options

Based on the information contained in this report, the options available to address this matter are to:

- Submit the planning proposal to Parliamentary Counsel for opinion, and
- Submit the planning proposal to the Minister for Planning and Public Spaces for finalisation and notification of the amendment

Legal, strategic, financial or policy implications

The resolution of Council as recommended by this report satisfies Council's obligations under the Environmental Planning & Assessment Act 1979 and the Local Government Act 1993 (NSW).

The finalisation of this planning proposal will facilitate the protection of suitably located lands in Wentworth to support growth of businesses and the commercial sector of the town.

Conclusion

It is concluded that the appropriate course of action is to resolve to submit this planning proposal to the Parliamentary Counsel for opinion and then to Minister for Planning and Public Spaces for finalisation and notification of the plan.

Attachments

1. Gateway Determination[↓](#)
2. Summary of Submissions and Responses[↓](#)
3. Crown Lands response[↓](#)
4. Planning Proposal for Wentworth Township Commercial Precinct[↓](#)



Planning,
Industry &
Environment

PP_2019_WENTW_002_00/IRF19/7393

Mr Ken Ross
General Manager
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Attention: Michele Bos, Strategic Development Officer

Dear Mr Ross

Planning proposal [PP_2019_WENTW_002_00] to amend Wentworth Local Environmental Plan 2011- Wentworth Commercial Area.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 51 lots with the township of Wentworth from RU5 Village Zone to B2 Local Centre Zone under the Wentworth Local Environmental Plan 2011.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office ten (10) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment (westernregion@planning.nsw.gov.au).

All related files for LEP Amendment, including PDF maps, Map Cover Sheet, planning proposal document and GIS data, if available, must be submitted to the Department via the Planning Portal website at www.planningportal.nsw.gov.au/reporting/online-submission-planning-data.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Haydon Murdoch from the Department of Planning, Industry and Environment, Western Region office, to assist you. Mr Murdoch can be contacted on 62297914.

Yours sincerely



11.12.19

Damien Pfeiffer
Director Western Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2019_WENTW_002_00): to rezone 51 lots with the township of Wentworth from zone RU5 Village to zone B2 Local Centre Zone under the Wentworth Local Environmental Plan 2011

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wentworth Local Environmental Plan (LEP) 2011 to rezone 51 lots with the township of Wentworth from zone RU5 Village to zone B2 Local Centre should proceed subject to the following conditions:

1. Prior to community consultation Council is required to provide an analysis that assesses and clearly articulates the existing permitted/prohibited land uses under the zone RU5 Village and the proposed zone B2 Local Centre.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with Department of Planning, Industry and Environment – Crown Lands under section 3.34(2)(d) of the Act. Department of Planning, Industry and Environment – Crown Lands is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;

- (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. Prior to the submission of the planning proposal under section 3.36 of the Act, mapping must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 11th day of December 2019.



Damien Pfeiffer
Director Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2019_WENTW_002_00 (IRF19/7393)

No.	Doc ID	Submission details	Response/Comments	Outcome
1	Doc/20/8772	Agreed that aim of the proposed zone is important to protect business land. However, many local businesses are supported by the residential activity on the business site by either being able to live on site or rent the residential accommodation.	The aim of the planning proposal is to protect business land from the encroachment of residential development, other than shop top housing. However, consideration should be given to retaining residential uses where it is determined it is a secondary land use to the business use. This will provide economic benefit to the landowner by allowing either the business operator to reside on site or the landowner to rent/lease both the business and residential premises.	The land use table contained within the Planning Proposal has been amended to include an additional objective to provide residential housing as a secondary use and include 'Dwelling' under the section 3 Permitted with consent.
2	Doc/20/8801	Concerned that the proposal will prohibit the ability to live on site, particularly as being able to live on site would allow us to put additional investment in to the business by not having to purchase a residential property or rent.	As per response above.	As per outcome above.
3	Doc/20/9296	<p>Objection to rezone the Wentworth Township to Commercial precinct as this will restrict any future residential development in the RU5 Village zone. The commercial zone will not benefit the township in the current economic times and the Covid 19 has brought local traders to their knees. Wentworth does not need more expensive rates in the RU5 Village.</p> <p>We have been told that Wentworth Shire may be moving to the building where the Wentworth Service club was. We believe the Information Centre should remain in the current location as it is easily located, friendly and accessible. The building is huge and not as welcoming as the current location.</p>	<p>The proposal is to rezone the commercial precinct of the township, not the entire town. The response above will ensure that residential development will still be permissible in the B2 Local Centre zone providing it is a secondary/ancillary use to the commercial use of the land.</p> <p>The proposed rezoning will not affect the rates applied to land as the rates are applied according to how the land used not zoned.</p> <p>Wentworth Council's administration and community services functions will be relocated to the 'Civic Centre' following the completion of an internal fit out of the building. Council's administrative services, the Library and Visitor Information Centre will all be located in the building to centralise services and utilise the space of the for Wentworth Services Club building.</p>	As per outcome above.
4	Doc/20/9528	Petition style submission supports initiative	A written response was prepared and a summary of	As per outcome above.

		that further develops business and economic attractiveness of the Wentworth township. Submission requested a response to questions relating to rate charges, increase in land value, new restrictions relating to continuing to use land including living on site, permissibility to replace the loss of a dwelling (eg. Fire), permissibility to renovate or extend an existing dwelling, sites that were excluded from the rezoning proposal. Request for a consultative public meeting with affected ratepayers would be considered appropriate.	<p>the responses are outlined below:</p> <ul style="list-style-type: none"> - Rate charges are determined by the valuation of land undertaken as determined by the NSW Valuer General. The rezoning of land will not change the rates a landowner pays on their property. - Under Division 4.11 of the Environmental Planning & Assessment Act 1979 existing uses can continue under the 'Existing Uses' provisions of the Act. - Clause 41 of the Environmental Planning & Assessment Regulation 2000 allows for a building or use under the existing use rights of the Act to be altered, extended or rebuilt. - Sites that were vacant were included in the proposal to rezone to facilitate new commercial development. The alignment of the rezoning proposal aimed to exclude as many residential properties as possible while not appearing adhoc and unplanned. Residential properties included in the rezone area are located adjacent to or within the commercial precinct area. - While Council has retained its business continuity during Covid19 restrictions and lock down, it was unable to conduct a drop in session for the Wentworth community. A public hearing or meeting was not required as part of the consultation requirements conditioned in the Gateway Determination to proceed, issued by the Department of Planning, Industry & Environment. 	
5	Doc/20/9794	Additional signatory to the Petition style submission.	As above.	As per outcome above.
6	Doc/20/9610 Doc/20/10844	Inconsistency in the proposed application of the rezoning, where one commercial	In addition to the responses above, the commercial property referred to as not being included is the	As per outcome above.

		<p>property, the Catholic Church grounds and Shire Office land has been excluded. Some residential houses have been randomly included and other excluded. The proposal is not clear as to the rating and valuation impacts and resale value on residential homes. The rezoning excludes Dwelling Houses from Permitted with Consent category in the B2 zone.</p> <p>The submission is forwarded seeking a Public Hearing.</p> <p>Objection to the proposed rezoning in its current form.</p>	<p>Service Station on the corner of Adam and Adelaide Streets. Due to the historic use of the site this property would be classed as a contaminated site due to the underground storage of fuel. As such, this site could not be redeveloped for a sensitive use unless extensive remediation was conducted on site to remove any contamination. Further advice will be obtained from the Department of Planning as to the necessity to include the site in the B2 Local Centre zone.</p> <p>The Catholic Church grounds were not included as they are a little removed from what is considered to be the commercial precinct in Wentworth. However, the site is vacant and should there be a need to expand the B2 zone to facilitate new commercial development, this site would be suitable for consideration.</p> <p>The Shire Office land has been excluded as it has been recommended for this site to be redeveloped as a Health Care Precinct following the relocation of the Council Administration Offices to the Civic Centre in Darling Street. Should this redevelopment proceed the site may be rezoned to more accurately reflect that new use.</p>	
7	Doc/20/10838	<p>Not comfortable with changing existing rules in our little township when current structure seems adequate. There are more important elements where Council resources could be better employed. Dismayed that substantial time and energy is being spent to achieve what seems to be very little.</p> <p>Rezone classification process and ability for Shire to alter rates to the detriment of ratepayers is an obvious concern.</p> <p>The NSW Government and Valuer General must be convinced that we have a unique</p>	As per responses above.	As per outcome above.

		<p>town that has to be self-sustaining while paying its fair share of rates and levies.</p> <p>Living on property while conducting business and flow-on restrictive conditions that affect business.</p> <p>Sale process and the right for use and existing rate structure must be retained without financial penalty.</p> <p>Being in the historic town of Wentworth we will be bound by existing heritage rulings.</p> <p>Clause 41 of Environmental Planning & Assessment Regulation 2000 appears okay as long as Council represents the ratepayer.</p> <p>The exclusion of the service station appears inconsistent.</p>		
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Planning,
Industry &
Environment

Wentworth Shire Council
PO BOX 81
Wentworth NSW 2648
Attention: Matthew Carling

Our ref: WL93H0002-3
File: DOC20/144722

8 July 2020

Dear Mr Carling

Subject: PLANNING PROPOSAL (PP_2019_WENTW_002_00) TO REZONE 51 LOTS WITHIN THE TOWNSHIP OF WENTWORTH FROM ZONE RU5 TO ZONE B2 LOCAL CENTRE ZONE UNDER THE WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011

I refer to your email dated 17 June 2020 seeking comment from the Department of Planning, Industry and Environment – Crown Lands (the department) regarding the rezoning of 51 lots within your local government area.

The Crown land outlined in the proposal has been identified as Crown Reserve 32015, gazetted for the purpose of “Public Building” on 31 December 1970. The proposed rezoning is consistent with the reserve purpose, which includes the following lots:

- Lot 73415 DP 114131;
- Lot 11 Section 25 DP 759074;
- Lot 7346 DP 1141317; and
- Lot 9 Section 25 DP 759074.

The department has no objection to the proposal to rezone the area from RU5 Village to B2 Local Centre Zone.

Should you require any further information or clarification, please contact Deena Robinson at deena.robinson@crownland.nsw.gov.au or (02) 6883 5459.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Barker'.

Shaun Barker
Group Leader, Property Management
Crown Lands – Far West Region



Planning Proposal

Rezoning of Wentworth Township Commercial Precinct



Document Control & Authorisation

Version	Purpose of Document	Author	Review	Approval
05.09.2019	Draft for Council Resolution	Paul Amoateng	Michele Bos	Michele Bos
24.08.2020	Final Planning Proposal for Council Endorsement & PCO	Paul Amoateng	Michele Bos	Michele Bos

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INTRODUCTION

This planning proposal relates to parcels of land located in the commercial precinct of Wentworth ('the subject land'). The planning proposal seeks to rezone the subject land from RU5 Village to B2 Local Centre. The planning proposal contains amendments to the Wentworth Local Environmental Plan (WLEP) 2011 land use table and land zoning maps.

The planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the NSW Department of Planning and Environment's: *A Guide to Preparing Planning Proposals 2016* ('the guide'). The planning proposal seeks a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979. The completed Information Checklist is provided in Appendix 1.

Council is seeking delegation to make this plan as the matters contained in the planning proposal are considered to be of local significance. The evaluation criteria for the delegation of plan making function checklist will be provided separately.

THE SUBJECT LAND

The subject land has a total area of 8.6 ha and comprises 51 individual lots of which four are Crown owned parcels, the balance of the lots are freehold as presented in Table 1. The subject land encompasses the commercial precinct of Wentworth and virtually all the commercial and service businesses in the town are located within this area (see Figure 1). Businesses located within the commercial precinct include the Supermarket, Restaurants and Cafes, Clothing and Giftware Shops, Post Office, Hotel/Motel, Medical Clinic, Pharmacy Shop Bank, Real Estate Agents, Employment Agencies and Service Station among others. The subject land is proposed for rezoning to mirror the existing business uses and also preserve suitably located lands to ensure ongoing availability of shop front premises for future commercial and business activities in Wentworth.

Table 1: Lots contained in the subject land

No.	Lot	Address	Land Tenure	Current Zoning
1	Lot 7 DP 1164403	84 Darling Street	Freehold	RU5 Village
2	Lot 1 DP 1047443	77 Adams Street	Freehold	RU5 Village
3	Lot 2 DP 1047443	14 Helena Street	Freehold	RU5 Village
4	Lot 2 Sec 25 DP 759074	75 Adams Street	Freehold	RU5 Village
5	Lot 3 Sec 25 DP 759074	73 Adams Street	Freehold	RU5 Village
6	Lot 1 DP 359161	71 Adams Street	Freehold	RU5 Village
7	Lot 2 DP 359161	72 Darling Lane	Freehold	RU5 Village
8	Lot 5 Sec 25 DP 759074	69 Adams Street	Freehold	RU5 Village
9	Lot 1 DP 877211	61-63 Adams Street	Freehold	RU5 Village
10	Lot 1 DP 132858	15 Sandwych Street	Freehold	RU5 Village
11	Lot 1 DP 89246	17 Sandwych Street	Freehold	RU5 Village
12	Lot 1 SP36464	64 Adams Street	Freehold	RU5 Village
13	Lot 7345 DP 1141317	Helena Street	Crown	RU5 Village

14	Lot 11 Sec 25 DP 759074	76 Darling Street	Crown	RU5 Village
15	Lot 7346 DP 1141317	Helena Street	Crown	RU5 Village
16	Lot 9 Sec 25 DP 759074	66 Darling Street	Crown	RU5 Village
17	Lot 1 SP 86362	62 Darling Street	Freehold	RU5 Village
18	Lot 1 SP 71990	61 Darling Street	Freehold	RU5 Village
19	Lot 13 DP 703145	51-53 Adams Street	Freehold	RU5 Village
20	Lot 1 DP 801822	41-49 Adams Street	Freehold	RU5 Village
21	Lot 2 DP 801822	29-39 Adams Street	Freehold	RU5 Village
22	Lot 11 Sec 23A DP 759074	27 Adams Street	Freehold	RU5 Village
23	Lot 6 Sec 23A DP 759074	52-58 Darling Street	Freehold	RU5 Village
24	Lot 5 Sec 23A DP 759074	48-50 Darling Street	Freehold	RU5 Village
25	Lot 2 DP 940039	42 Darling Street	Freehold	RU5 Village
26	Lot 1 DP 940039	36-38 Darling Street	Freehold	RU5 Village
27	Lot PT3 DP 667983	32 Darling Street	Freehold	RU5 Village
28	Lot 1 DP 1142413	28 Darling Street	Freehold	RU5 Village
29	Lot 2 Sec 23 DP 366258	11 Adelaide Street	Freehold	RU5 Village
30	Lot 1 Sec 23 DP 366258	24-26 Darling Street	Freehold	RU5 Village
31	Lot A DP 344513	57-59 Darling Street	Freehold	RU5 Village
32	Lot 5 DP 356235	55 Darling Street	Freehold	RU5 Village
33	Lot 1 DP 34800	53 Darling Street	Freehold	RU5 Village
34	Lot A DP 321536	51 Darling Street	Freehold	RU5 Village
35	Lot 4 DP 660139	49 Darling Street	Freehold	RU5 Village
36	Lot 3 DP 667984	47 Darling Street	Freehold	RU5 Village
37	Lot 1 DP 975023	47B Darling Street	Freehold	RU5 Village
38	Lot 1 DP129815	41 Darling Street	Freehold	RU5 Village
39	Lot 2 Sec 23 DP759074	41-45 Darling Street	Freehold	RU5 Village
40	Lot 1 DP 658860	33-39 Darling Street	Freehold	RU5 Village
41	Lot 11 DP 387344	29 Darling Street	Freehold	RU5 Village
42	Lot 1A DP 387344	3 Adelaide Street	Freehold	RU5 Village
43	Lot 2 DP 1042531	12 Adelaide Street	Freehold	RU5 Village
44	Lot 1 DP 1042531	12 Adelaide Street	Freehold	RU5 Village
45	Lot 1 DP 388931	10 Adelaide Street	Freehold	RU5 Village
46	Lot 1 DP1033391	8 Adelaide Street	Freehold	RU5 Village
47	Lot 2 DP1033391	8 Adelaide Street	Freehold	RU5 Village
48	Lot 11 Sec 22 DP 759074	14-16 Darling Street	Freehold	RU5 Village
49	Lot 10 Sec 22 DP 759074	14-16 Darling Street	Freehold	RU5 Village
50	Lot 6 Sec 23 DP 759074	4 Adelaide Street	Freehold	RU5 Village
51	Lot 1 DP 658861	2 Sandwyck Street	Freehold	RU5 Village



Figure 1: Subject Land

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

This planning proposal proposes an amendment to the land zoning map and land use table of the Wentworth Local Environmental Plan (WLEP) 2011. The specific objectives and intended outcomes of the planning proposal are to:

- a) Ensure protection and availability of the subject land for their current and future commercial uses.
- b) Ensure the zoning of the subject land accurately reflects the actual uses and purposes.
- c) Achieve optimum planning, land use and management outcomes and public interest for the subject land.

PART 2 – EXPLANATIONS OF PROVISIONS

The subject land is proposed to be rezoned to B2 Local Centre based on the assessed current uses and potential future uses under the Sustainable Wentworth Strategy 2016. The intended outcome will be achieved by amending the Wentworth Local Environmental Plan (WLEP) 2011 as follows:

- Introduce the *B2 Local Centre* zone and the associated Land Use Table as per Table 2.
- Insert an amended Land Zoning Map LZN 002D as per Figure 3.

Table 2: Land Use Table for Zone B2 Local Centre

Zone B2 Local Centre
1 Objectives of zone <ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To encourage the development and expansion of business activity that will contribute to the economic growth of Wentworth Shire. To provide residential housing if adequate amenity will be provided for residents where the use is secondary to the primary commercial use
2 Permitted without consent Environmental protection works; Home-based child care; Home occupations; Roads; Water reticulation systems
3 Permitted with consent Amusement centre; Artisan food and drink industry; Boarding house; Car park; Caravan park; Centre-based child care facility; Commercial premises; Community facility; Dwelling houses; Earthworks; Educational establishments; Emergency services facility; Entertainment facility; Environmental facility; Flood mitigation work; Function centre; Health services facility; Home business; Information and education facility; Place of public worship; Recreation facility (indoor); Registered club; Restricted premises; Service station; Shop top housing; Signage; Tank based aquaculture; Telecommunications facility; Tourist and visitor accommodation; Veterinary hospital
4 Prohibited Agricultural produce industry; Agriculture; Air transport facility; Airstrip; Animal boarding or training establishment; Aquaculture; Biosolids treatment facility; Boat building and repair facility; Boat launching ramp; Boat shed; Camping ground; Cemetery; Charter and tourism boating facility; Correctional centre; Crematorium; Depot; Electricity generating works; Eco-tourist facilities; Exhibition home; Exhibition village; Extractive industry; Farm building; Farm stay accommodation; Forestry; Freight transport facility; Group home; Heavy industrial storage establishment; Helipad; Highway service centre; Home industry; Home occupation (sex services); Industrial retail outlet; Industrial training facility; Industry; Mining; Mortuary; Passenger transport facility; Port facilities; Recreation facility (major); Recreation facility (outdoor); Research station; Residential accommodation; Residential care facility; Respite day care centre; Restriction facilities; Rural Industry; Sewerage system; Sex services premises; Storage premises; Transport depot; Truck depot; Underground mining; Vehicle body repair workshop; Vehicle repair station; Warehouse or distribution centre; Waste or resource management facility; Water supply system Any other development not listed in item 2 or 3

PART 3 – JUSTIFICATION

This section sets out the reasons for the intended outcomes and provisions in this planning proposal. The questions to which responses have been provided are taken from the guide.

Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is consistent with the Sustainable Wentworth Strategy. This document was adopted by the Wentworth Shire Council in August 2016 to guide the future development of the township of Wentworth and to provide opportunities for alternative uses of specific sites around the township.

The strategic document identifies and recommends the subject land for rezoning to facilitate future economic growth of the commercial sector in the town. The rezoning of the subject land will also ensure that the land zoning applied accurately reflects on the ground uses and purposes of the land.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal is considered to be the best means of achieving the objective and intended outcome for the subject land consistent with the Environmental Planning and Assessment Act 1979. The objective and intended outcomes aim to facilitate efficient and sustainable development and use of the subject land to meet current and future needs of the Wentworth community.

This planning proposal seeks to rezone the subject land from RU5 Village to B2 Local Centre given its locational characteristics and advantages. Although the current RU5 Village zoning applied to the subject land permits business land uses, it does not protect the land specifically for these purposes. This situation has already resulted in a shortage of shopfront premises within the commercial precinct of Wentworth, which could have adverse implications on the growth of the commercial sector in the town, especially in the future. It is envisaged that the proposed zone B2 Local Centre will help define and create a robust commercial precinct, as well as protect suitably located vacant land for business uses in the town. This will ensure ongoing availability of business land to facilitate and support future economic growth in the commercial sector of Wentworth.

These intended outcomes can only be achieved through a planning proposal to amend the land use table and the relevant land zoning map contained in the WLEP 2011.

Is there a net community benefit?

There is net community benefit from the planning proposal through generation of economic and social gains in the Wentworth Township. The planning proposal affords opportunity for business growth, land security and job creation in Wentworth by ensuring availability of land for future business expansion and development in the town. The application of the proposed zone B2 Local Centre to the subject land will facilitate the development of a range of commercial activities in Wentworth. This will ensure availability of essential retail and commercial services to the community as well as provide greater opportunity for continued economic growth in Wentworth.

Section B – Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The regional plans applicable to the planning proposal are the Far West Regional Plan 2036 and the Draft Murray Regional Strategy 2009-2036.

The Far West Regional Plan 2036 is the NSW Government's 20-year development blueprint for the future of Western NSW. The goal of the plan is to create a diverse economy supported by the right infrastructure, an exceptional natural environment and resilient communities in the Far West region. This planning proposal is consistent with the plan as the rezoning will facilitate growth of commercial and retail businesses in Wentworth.

The Draft Murray Regional Strategy 2009-2036 is a long-term land use planning strategy prepared by the NSW Government to guide sustainable land use and economic development in the NSW Murray Region over a period of 25 years. Among others, the strategy identifies the need for an adequate supply of new employment land and continued provision of adequate services and infrastructure to support residents and jobs in the region. The planning proposal is consistent with this strategy as it will provide opportunity for the growth of diverse commercial and retail businesses that are required to support and promote the long-term economic development and sustainability of the Wentworth Township.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

This planning proposal is consistent with the Wentworth Shire Council's Community Strategic Plan 2017-2027 and the Sustainable Wentworth Strategy 2016.

The Community Strategic Plan 2017-2027 articulates a vision of making the Wentworth Shire a thriving region, supported by a robust economic base, distinctive open spaces, and strong local governance and leadership. The four strategic goals of the plan are to make the Wentworth Shire a:

- a) vibrant, growing and thriving shire;
- b) desirable shire to visit, live, work and invest;
- c) community that works to enhance and protect its physical and natural assets; and
- d) caring, supportive and inclusive community that is informed and engaged in its future.

This planning proposal to rezone the subject land is consistent with the goals of the plan in that the proposed B2 Local Centre zone will promote business growth, job creation and local economic development in Wentworth. Thus, the objectives and intended outcomes of this planning proposal enable execution of strategies and actions developed to achieve the goals and deliver the vision of the strategic plan.

This planning proposal is consistent with the Sustainable Wentworth Strategy, which was adopted by the Wentworth Shire Council in August 2016. The strategic document was developed to guide development of the Wentworth Township to ensure continued provision and availability of services that meet the expectations and future needs of the residents. The recommendation section of the document states that the subject land which is currently zoned RU5 Village should be rezoned to support anticipated future land uses required for ensuring continued growth and sustainability of the township. Specifically 'Recommendation 11' identified and recommended the subject land to be rezoned to B2 Local Centre to better define the commercial precinct, ensure continued availability of land for business/retail development and facilitate future growth of the commercial sector in Wentworth. Therefore, this planning proposal in effect implements this strategic document, which was strongly supported by the community and the Council.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

There is no applicable SEPP for this site.

Is the Planning Proposal consistent with applicable Ministerial Directions (s. 9.1 Directions)?

The relevant Section 9.1 Directions are assessed in Table 3 below.

Table 3: Assessment of Site 16 against applicable Ministerial Directions

Section 9.1 Direction	Applicable (Y/N)	Consistent (Y/N)	Comment/Justification
1. Employment and Resources			
1.1 Business and Industrial Zones	Y	Y	This planning proposal is consistent with this direction, as it will provide opportunities for business establishment and growth in a suitable location in Wentworth.
2. Environment and Heritage			
2.3 Heritage Conservation	Y	Y	The planning proposal does not seek to modify or reduce any heritage protection and conservation standards applying to heritage items at the subject land.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Y	N	This planning proposal is inconsistent with this direction as it proposes to rezone the subject land from RU5 Village to B2 Local Centre. The inconsistency is of minor significance as this planning proposal does not seek to modify the permissible residential uses and densities applicable to the subject land. In addition, the planning proposal has the strategic support of the Sustainable Wentworth Strategy which identified the site for the proposed zone.
3.3 Home Occupations	Y	Y	This planning proposal is consistent with this Direction as it will encourage the carrying out of home occupations.
3.4 Integrating Land Use and Transport	Y	Y	This planning proposal is consistent with this direction as the proposed business zone is within walking and cycling distance and as such will not increase car dependent travel.
5. Regional Planning			
5.10 Implementation of Regional Plans	Y	Y	The planning proposal is consistent with all relevant regional plans as discussed under Section B of Part 3 above.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Y	Y	Council has consulted with Crown Lands and obtained approval to proceed with the proposed rezoning.

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed rezoning will not have adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other foreseen significant environmental effects associated with the proposed rezoning of the subject land.

How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will provide opportunities for economic growth in the commercial and service sectors in Wentworth by ensuring availability of retail and business premises in the commercial precinct.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal will not result in additional demand for public infrastructure.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council has consulted with Crown Lands and obtained approval to proceed with the proposed rezoning. No further consultation with any State or Commonwealth public authority has been conducted for this planning proposal.

PART 4 – MAPPING

This part contains the mapping for this planning proposal in accordance with the guide.

The planning proposal seeks to amend sheet **LZN_002D** of the Land Zoning Map of the Wentworth Local Environmental Plan 2011. Maps of the current and proposed land zoning for the subject land are presented in Figures 2 and 3 below.

Council requests the ability to lodge the template maps at Section 3.36 stage rather than prior to exhibition. The maps provided as part of this planning proposal are detailed enough for public exhibition purposes.

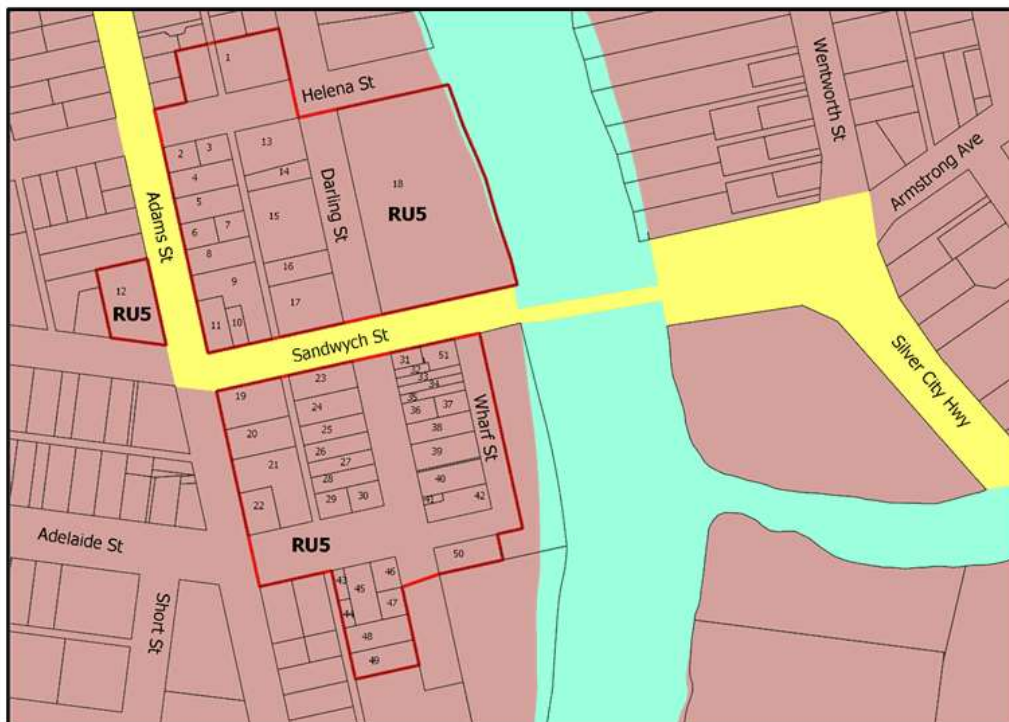


Figure 2: Current Land Zoning of Subject Land

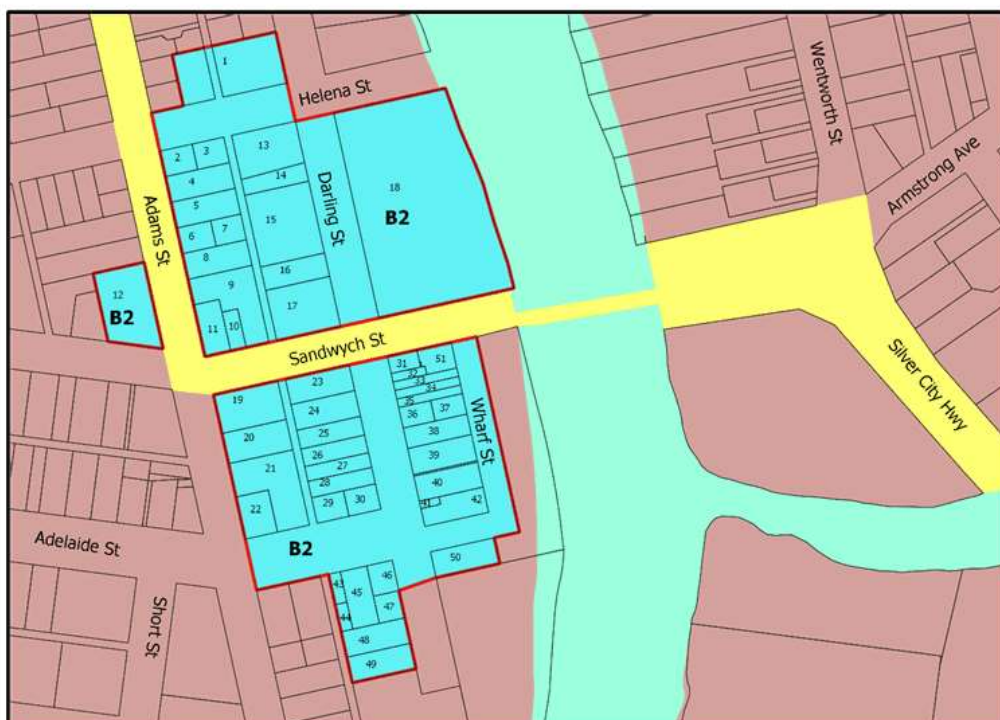


Figure 3: Proposed Landing Zoning for Subject Land

PART 5 – COMMUNITY CONSULTATION

Council has conducted initial consultation with DPI Crown Lands, as owner of some of the subject parcels of this planning proposal. DPI Crown Lands has consented to the proposed rezoning of those parcels of land.

In addition, community consultation was undertaken during the preparation of the Sustainable Wentworth Strategy 2016, which forms the basis of this planning proposal. As part of the consultation process, all owners of the parcels of land affected by this planning proposal were notified individually by mail. Of the numerous submissions received during consultation of the strategy, only one objection was submitted relating to the rezoning of the subject land to B2 Local Centre. This objection was considered and addressed by the strategy.

Additional public exhibition and community consultation will be undertaken by Council as part of the Gateway determination process. Given the minor scale and low impact nature of the planning proposal, it will be exhibited for a period of 28 days in accordance with Clause 4 of Schedule 1 of the EP&A Act 1979 and the NSW Department of Planning and Environment's: *A guide to preparing local environmental plans 2016*. A public hearing will be conducted as part of the public exhibition period if required by the Gateway determination.

PART 6 – PROJECT TIMELINE

The indicative timeframe for completing the planning proposal is presented in Table 4 below.

Table 4: Project timeline

Task	Timeframe
Anticipated commencement date (date of Gateway determination)	July 2019
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation as required by Gateway determination	
Pre-exhibition	August 2019
Post exhibition	November 2019
Commencement and completion dates for public exhibition period	September 2019
Dates for public hearing (if required)	Not applicable
Timeframe for consideration of submissions	October 2019
Timeframe for the consideration of a proposal post exhibition	December 2019
Date of submission to the Department to finalise the LEP	February 2020
Anticipated date RPA will make the plan (if delegated)	January 2020
Anticipated date RPA will forward to the Department for notification	February 2020

CONCLUSION

The planning proposal seeks to rezone various parcels of land in Wentworth consistent with a strategic plan for sustainable growth of the township. The subject land is proposed to be rezoned to promote growth of the commercial sector, as well as optimise the use of the land. The planning proposal will bring net community benefit to the Wentworth Township.

The planning proposal is consistent with the relevant Section 9.1 Ministerial Directions, regional plans and Council's strategic plans. The planning proposal is of minor local significance and will have no negative economic, environmental or social impacts on the local area.

APPENDIX 1: INFORMATION CHECKLIST

STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> Explanation of provisions Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
|--|--|

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A		To be considered	N/A
Strategic Planning Context			Flooding	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consistent with the relevant regional plan, district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land/site contamination (SEPP55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Seeking to update the current planning controls if they have not been amended in the last 5 years.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Urban Design Considerations		
Site Description/Context			Existing site plan (buildings vegetation, roads, etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site photos/photomontage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Local traffic and transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic Considerations		
TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic impact assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cycle and pedestrian movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Employment land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Considerations			Social and Cultural Considerations		
Bushfire hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Heritage impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Acid Sulphate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aboriginal archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open space management	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Flora and/or fauna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soil stability, erosion, sediment, landslip assessment, and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social & cultural impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stakeholder engagement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stormwater management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Infrastructure Considerations		
			Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>	<input type="checkbox"/>
			Miscellaneous/Additional Considerations		
			List any additional studies that should be undertaken post Gateway determination		

9.11 POLICY REVIEW - MOBILE FOOD VENDOR POLICY PR016

File Number: RPT/20/493

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

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

Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

The Mobile Food Vendor Policy PR016 was adopted by Council in May 2019. At the time, the policy was presented to the Internal Audit and Risk Management Committee for endorsement and was then presented to Council for adoption. A review of this Policy was sought by Council and on 24 June 2020, Council approved the public exhibition for a period of 28 days.

Recommendation

That Council resolves to adopt the policy as presented.

Detailed Report

Purpose

The purpose of this report is to seek a resolution from Council to amend and update the Mobile Food Vendor Policy.

Background

To meet our obligations for community consultation this policy was publicly exhibited for 28 days giving our residents, ratepayers and business owners an opportunity to comment and make submission on this updated policy. By the end of the exhibition period Council received three (3) submissions. All three submissions objected to the policy. The main issues raised are:

- By allowing Mobile Food Vendors (MFV) to operate in our Shire it will create competition for established static businesses in the townships
- 'Brick and mortar' shops will lose business if these vendors are allowed to trade per the locations and times in the policy
- The fact that mobile vendors by their nature are inexpensive to establish and operate with limited overheads gives them an unfair advantage over 'brick and mortar' businesses.
- Mobile food vendors should not become a permanent competition to established businesses.
- Council should protect existing established businesses in the Shire otherwise our townships will become 'ghost towns'.
- Other Councils in NSW do not allow for unlimited trading and expect the same level of restrictions to be made in this shire as other Councils do for theirs.

- It is difficult in the current pandemic to share the local dollar around with other established businesses. Allowing mobile food vendors to operate will create more difficulty for businesses to survive.

Matters under consideration

COVID-19 Pandemic Implications

Currently the NSW/VIC border is closed to help prevent the spread of COVID-19. While it is recognised this pandemic has caused hardship for many business owners due to significantly reduced through traffic and tourism coming into the shire, this pandemic will come to an end at some point. Using COVID-19 as a reason to prevent mobile food vendors from operating is not valid:

- a) per the legal implications above
- b) as there are a small number of mobile food vendor operators who live and work in the Shire
- c) under the current NSW Public Health Order, the NSW Minister for Health included premises open that serve 'pick-up'/'takeaway' only are allowed to trade with extended trading hours – this includes mobile food vendors.

Differences in Cost of Operation MFV vs 'Brick and Mortar'

While the differences in operational cost of the two types of operations have been identified it has no legal basis and therefore no local policy basis to influence whether or not mobile food vendors should be permitted to operate in our LGA. Costs of operating a business are simply that – the cost of doing business. This is not an argument that can be used to rationalise constricting/restraining the operation of mobile food vendors.

In the last financial year this Council issued two (2) Mobile Food Vendor Permits to the same MFV operator who is a locally owned business. In the current financial year, only one (1) Mobile Food Vendor Permit has been issued.

Increased Competition

While Council can appreciate that MFVs operating in our shire can create competition for established static premises, this policy strives to achieve a fair and equitable share of the market by approving specific locations MFVs can operate from and hours of operation and it can limit the number days from which a site is available to MFVs.

Given the significantly low numbers of MFVs operating in this shire over the last 18months, it is not necessary

Comparison to other Councils MFV Policies

It has been noted that other Councils in NSW have more constrained and restrictive MFV policies when compared to the one being presented here. For the most part this is true, for example: the City of Sydney only allows an MFV operator to be in one location for no more than 2 hours in only one location on any given day between the hours of 10am and 2pm. The City of Sydney is heavily populated and many MFV operators are competing for business. However, this MFV is written for the Shire of Wentworth. The actual numbers of MFV operators residing or coming to our Shire are significantly low.

Purpose of the Policy

The purpose of this policy is to update the PR016 and to provide the framework for the operation of mobile food vending vehicles in our Shire.

Legal, strategic, financial or policy implications

- Mobile food vendors are considered to be retail food businesses as they sell food to the public and need to comply with a range of requirements outlined in the *Food Act 2003* (NSW), *Food Regulation 2015* (NSW) as well as the Food Standards Code just as established 'brick and mortar' businesses do.

- The *Local Government Act 1993* (NSW) requires any person or entity who seeks to trade on a street front or roadside to have a local approval in place before engaging in their activity or trade.
- If Council were to resolve to prevent mobile food vendors from operating, it would contravene the objectives and intentions of Parliament so enacted through the legislation.

Options

Based on the information contained in this report, the options available to address this matter are to:

A – Do nothing

B – Adopt the policy as presented

C – Adopt the updated format of the policy only while keeping the original restrictions in place to satisfy the concerns identified in the submissions received

Conclusion

It is therefore recommended to Council that upon an evaluation of the legislative provisions, the current NSW Public Health Orders and the submissions received, that Option B – Adopt the policy as presented is the most appropriate

Attachments

1. ADOPTED COUNCIL POLICY PR016 Mobile Food Vendor Policy 2019 [↓](#)
2. ADOPTED COUNCIL POLICY PR016 Mobile Food Vendors Attachment 1 Approved Locations [↓](#)
3. Submission #1 (Under Separate Cover) [⇒](#)
4. Submission #2 (Under Separate Cover) [⇒](#)
5. Submission #3 (Under Separate Cover) [⇒](#)

DOCUMENT SUMMARY

This Official Council Policy deals with requests for mobile food vending vehicles to operate on Council-owned roads and managed land and managed land in the Wentworth Shire.

1. STATEMENT OF POLICY INTENT

The intent of this policy is to provide approval for outdoor, high-quality food vending activities with the Wentworth Shire, whilst managing the competing needs and interests of local business, residents, consumers and users of the Council's facilities.

2. POLICY SCOPE

This policy is applicable to all mobile food vendors to operate within prescribed locations within the Wentworth Shire.

The policy aims to:

- a) Ensure that mobile food vendors operate in accordance with the rules and restrictions on lawful parking spaces on Council-owned roads and managed land;
- b) Ensure that food sold through mobile food vending vehicles is safe and fit for human consumption;
- c) Provide guidance and assistance to people wanting to operate a mobile food vending vehicle on Council-owned roads and managed land in the Wentworth Local Government Area;
- d) Ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in vehicles are adequate;
- e) Minimise any potential adverse impacts of mobile food vending vehicles;
- f) Ensure the safe operation of mobile food vending vehicles;
- g) Ensure the operation of mobile food vending vehicles does not increase litter or waste in or from the trading location;
- h) Ensure that the operation of the mobile food vending vehicle does not adversely impact any surrounding sensitive land uses, and in particular residential amenity.

The policy applies to:

- a) All Council-owned roads and managed land within the Wentworth Local Government Area.
- b) The Policy does not apply to any food truck or food van that is operating pursuant to a separate "events" authorisation and/or sporting ground licence issued by Council. The use of Council parks, reserves and the like is prohibited unless expressly authorised by Council.
- c) The Policy does not apply to the use and operation of any food truck or food van that is used on private land. Such activities may be exempt from a requirement to obtain development consent, subject to the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

3. DEFINITIONS AND ABBREVIATIONS (used in this policy)

This table summarises the main definitions and abbreviations contained within this policy.

Mobile Food Vendor	A food vendor who has a <i>Mobile Food Vendor Permit</i> and operates a licensed food vending vehicle or trailer.
Mobile Food Vending Vehicle	<p>A mobile food vending vehicle is a vehicle location on Council-owned roads and managed land used in connection with the preparation and/or sale of food.</p> <p>It includes vehicles used for on-site food preparation (e.g. Hamburgers, hot dogs, and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food. For the purposes of this policy “<i>mobile food vending vehicle</i>” refers to both food trucks and food vans, being vehicles that are registered within the meaning of the <i>Road Transport Act 2013</i>.</p>
Council-owned roads	Council-owned roads includes all of the land used for vehicular traffic, plus any footway, shoulder, kerb and gutter.
Managed land	Council managed land includes all crown land and reserves within the Wentworth Local Government Area

4. BACKGROUND INFORMATION

This policy has been created in line with current legislation and Food Handling procedures for mobile food vendors.

Applications for mobile food vendors permits are to be made by completing relevant forms available on request by telephone, email, facsimile or in person at Council’s reception desk.

5. POLICY

It is the policy of this Council that:-

- 5.1 Mobile Food Vendors shall not trade on any Council-owned roads and managed land until a *Mobile Food Vendor Permit* has been issued by the Wentworth Shire Council in writing.
- 5.2 Mobile Food Vendors may only operate in the areas specified in Attachment 1 (locations may be updated from time to time). Maps and information of the approved locations are also available on Council's website.
- 5.3 Mobile Food Vendors shall adhere to all conditions outlined in Schedule 1 of the issued Mobile Food Vendors Permit.
- 5.4 Failure to comply with the conditions of the permit, including site access requirements, may result in the permit being cancelled.

6. ATTACHMENTS

- Attachment 1 - Wentworth Shire Council Approved Locations for Mobile Food Vending Vehicles (DOC19/626)

Approved by Council and signed by
General Manager of Wentworth Shire Council

6 May 2019

A handwritten signature in black ink, appearing to be 'R. Brown', followed by a period.

Signed & Dated

6.1 Wentworth – Junction Park, Cadell Street

*First two (2) car spaces on entry to right side car park
(please refer to the maps provided below)*

- a) Trading will be limited to the hours of 9:00am to 4:00pm each day of the week;
- b) Traders must vacate the site by 4:15pm;
- c) A maximum of two (2) traders may operate from the designated bays, as set out below; and
- d) Traders may operate up to a maximum of four (4) hours from the site each day.

Street View:



Aerial View (outdated image, for general location purposes only):



6.2 Curlwaa – O'Donnell Park Car Park, Silver City Highway

*First two (2) car spaces to the right side of the toilet block
(please refer to the maps provided below)*

- a) Trading will be limited to the hours of 9:00am to 4:00pm each day of the week;
- b) Traders must vacate the site by 4:15pm;
- c) A maximum of one (1) trader may operate from the designated bays, as set out below;
and
- d) Traders may operate up to a maximum of four (4) hours from the site each day.

Road View:



Aerial View (outdated image, for general location purposes only):



6.3 Dareton – Sturt Park, Sturt Place

*First two (2) on either end of the car spaces surrounding Sturt Park
(please refer to the map provided below)*

- a) Trading will be limited to the hours of 9:00am to 4:00pm each day of the week;
- b) Traders must vacate the site by 4:15pm;
- c) A maximum of two (2) traders may operate from the designated bays, as set out below; and
- d) Traders may operate up to a maximum of four (4) hours from the site each day.

Aerial View:**Dareton – Boat Ramp Car Park, Golf Course Road**

*First two (2) car spaces on entry to car park
(please refer to the map provided below)*



6.4 Buronga – Bus Interchange, Silver City Highway

End two (2) car spaces in car park

(please refer to the map provided below)

- a) Trading will be limited to the hours of 9:00am to 4:00pm each day of the week;
- b) Traders must vacate the site by 4:15pm;
- c) A maximum of two (2) traders may operate from the designated bays, as set out below; and
- d) Traders may operate up to a maximum of four (4) hours from the site each day.

Street View:



Aerial View:



6.5 Gol Gol – James King Park Car Park, Silver City Highway (NB - APPROVAL OF THIS LOCATION HAS BEEN DEFERRED BY COUNCIL)

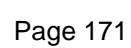
*One (1) equivalent car space on grassed area adjacent to the car parking bays
(please refer to the map provided below)*

- a) Trading will be limited to the hours of 9:00am to 4:00pm each day of the week;
- b) Traders must vacate the site by 4:15pm;
- c) A maximum of two (2) traders may operate from the designated bays, as set out below; and
- d) Traders may operate up to a maximum of four (4) hours from the site each day.

Park View:



Aerial View (outdated image, for general location purposes only):



9.12 DA2018/005 FARM STAY ACCMODATION - 83 WILLIAMSVILLE ROAD, LOT 3 DP 540613, CURLWAA S4.55/2020/025 APPLICATION TO MODIFY CONSENT

File Number: RPT/20/533

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

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

Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

Council is in receipt of an application (S4.55/2020/025) to modify the approved plans for DA2018/005.

The proposed modifications include:

- Changing the bedroom layout to dorms
- Converting the kitchen into a sundeck
- Erecting a new kitchen/dining/lounge building

The site falls under the RU1 Primary Production zone and in accordance with the Wentworth Local Environmental Plan 2011 (WLEP 2011) farm stay accommodation is permissible with consent in that zone.

The definition of farm stay accommodation is for a building or place to be used to provide temporary or short-term accommodation to paying guests on a working farm, with the use being a secondary business to primary production.

Recommendation

- 1) That Council, having considered the content of this report and attached documentation, resolves to issue modification approval for S4.55/2020/025 being a farm stay accommodation located at 83 Williamsville Road, Lot 3 DP 540613 Curlwaa.
- 2) That a division be called in accordance with s375A of the Local Government Act 1993 (NSW).

Detailed Report

Purpose

The purpose of this report is to provide sufficient information for Council to determine modification application s4.55/2020/025 for DA2018/005 having consideration to the detail provided both within this report and the modification application.

Background

Back in 2016, Council was apprised that the subject site may be being used as backpackers' accommodation. Subsequent to investigation and consultation with the landowner, it was determined that the use of the site for backpackers' accommodation was prohibited in the RU1 Primary Production zone and the landowner was requested to cease that use.

A Development Application was lodged with Council on 16 January 2018 seeking consent for farm stay accommodation on the subject site which was approved at an Ordinary Meeting of Council held on 18 December 2019.

A modification application was lodged with Council on 6 August 2020 seeking to modify the previously issued consent.

The application was publicly exhibited for 14 days as per Council's Community Participation Plan (CPP). No submissions were received by Council at the 14 end of day public notification period.

This application was been processed and is now being reported to Council for determination due to public interest in the development application being modified.

Refer to Attachment 1 Modification Application s4-55/2020/025.

Matters under consideration

In determining a modification application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.55 (1), (1A) or (2) of the *Environmental Planning and Assessment Act 1979*. This modification application was lodged for assessment under '(1A): Modifications involving minimal environmental impact'.

Assessment conducted under section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* concluded that:

- (a) The proposed modifications are of minimal environmental impact
- (b) It was substantially the same development as the development for which the consent was originally granted
- (c) Public notification has been duly conducted
- (d) No submissions were received during the public notification period.

Based on the assessment of the modification application and no submissions received during the notification period, it is determined that the proposed modification development is consistent with the WLEP 2011 and *Environmental Planning and Assessment Act 1979*.

Refer to Attachment 2 Assessment Report.

Options

Based on the information contained in this report, the options available to address this matter are to:

Approve Modification Application S4-55/2020/025 subject to conditions

Or

Refuse the modification S4-55/2020/025 subject to specific reasons

Legal, strategic, financial or policy implications

Should Council refuse to grant consent to the modification application, the applicant has the right to request for review of the determination to Council under Section 8.2 of the *Environmental Planning & Assessment Act 1987*.

The applicant also has the right to appeal the decision made by Council to the Land and Environment Court pursuant to Section 8.9 of the *Environmental Planning & Assessment Act 1987*.

Conclusion

Having consideration to the content of this report it is concluded that the appropriate course of action is to approve modification application S4.55/2020/025 subject to conditions contained within the assessment report.

Attachments

1. S4.55/2020/025 Modification Application (Under Separate cover)⇒
2. Section 4.15 Assessment Report (under separate cover)⇒

9.13 DELEGATED AUTHORITY APPROVALS AS AT END OF AUGUST 2020

File Number: RPT/20/564

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Nicky Meredith - Coordinator Health and Planning

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

Strategy: 1.1 Grow the potential for business and industry to develop and expand

Summary

For the month of August 2020, a total of 18 Development Applications and one S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$2,917,768.00. This brings the year to date total to 108 Development Applications and 26 S4.55 Applications approved, with an estimated development value of \$25,681,577.00.

Recommendation

- a) That Council receives and notes the report for the month of August 2020.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Detailed Report

Purpose

The purpose of this report is to provide Council with a list of Development Applications as tabled in Attachment 1, determined under delegated authority by the Director Health and Planning for the month of August 2020, hence complying with the requirements under section 3.20 of the Office of Local Government Promoting Better Practice Program.

Conclusion

The total value of determinations was \$2,917,768.00 for the month of August 2020, which was less than the previous month of \$4,984,015.00. The average determination time was 25 days.

Attachments

1. Determination of Development Applications for the month of August 2020 [1](#)

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF AUGUST 2020

FILE NUMBER	OWNER	LOCATION	DESCRIPTION	VALUE (EX GST)	DETERMINATION DATE	ACTIVE DAYS TO 31/08/2020
DA2015/144	Jeremy & Julie McClure	Pitman Avenue West Lot 404 DP 756961 Buronga	Retaining wall & steps	\$44,048.00	5/08/2020	42
DA2020/051	Giuseppe Simonetta	39 Gol North Road Lot 83 DP 756946 Gol Gol	Packing facility loading bay	\$70,000.00	3/08/2020	66
DA2020/077	Joshua Fraser & Amanda Graham	4 Fiona Drive Lot 3 DP 1038712 Gol Gol	Storage shed	\$8,000.00	14/08/2020	24
DA2020/080	Kaine Behr & Brianna Cupper	3 Thomas Street Lot 40 DP 1259103 Gol Gol	Storage shed	\$20,000.00	3/08/2020	16
DA2020/081	Aaron Duck	27 Mitchell Court Lot 22 DP 1229757 Gol Gol	Dwelling, garage & storage shed	\$360,000.00	5/08/2020	18
DA2020/082	Kevin & Maria Laing	18-20 William Street Lot 2 Section 7 DP 758456 Gol Gol	Storage shed	\$50,000.00	11/08/2020	23
DA2020/083	Desmond & Patricia Follett	41 Wentworth Street Lot 1 DP 808299 Wentworth	Storage shed	\$30,000.00	14/08/2020	27
DA2020/084	Alysa Knoll	Ashen Court Lot 17 DP 1242927 Gol Gol	Storage shed & colorbond boundary fence	\$33,320.00	19/08/2020	28
DA2020/085	Desmond & Joyce Lush Bob Wheeldon	Sturt Highway Lot 2 DP 1233260 Mallee Woollong Station	Two lot subdivision	\$0.00	19/08/2020	32
DA2020/086	Daniel Carew & Melissa Howley	26 Lee Court Lot 42 DP 1259103 Gol Gol	Dwelling, garage & storage shed	\$355,500.00	24/08/2020	26

DA2020/087	Jamie-Lee & Nathan Kelly	28 Gum Lane Lot 8 DP 729492 Curlwaa	Demolition, replacement of existing dwelling & new carport	\$450,000.00	24/08/2020	25
DA2020/088	Trendvil Pty Ltd James & Barbara Harwood	26 Livingstone Drive Lot 39 DP 1229757 Gol Gol	Dwelling, garage & storage shed	\$330,000.00	24/08/2020	24
DA2020/089	Teneille Harwood	24 Livingstone Drive Lot 38 DP 1229757 Gol Gol	Dwelling, garage & storage shed	\$280,000.00	24/08/2020	24
DA2020/090	Joel & Letitia Wilson	16 Charon Drive Lot 41 DP 1242927 Gol Gol	Boundary fencing	\$6,900.00	14/08/2020	17
DA2020/091	Brendan & Kristen Simm	4 Modikerr Way Lot 17 DP 1130697 Gol Gol	Dwelling with garage	\$475,000.00	26/08/2020	25
DA2020/093	Jake Concol & Cherie Follett	68 Wood Street Lot 3 DP 1253735 Gol Gol	Dwelling, garage & storage shed	\$360,000.00	26/08/2020	21
DA2020/094	Ian & Julie Wakefield	12 Pine Road Lot 3 DP 877197 Gol Gol	Storage shed	\$20,000.00	31/08/2020	23
DA2020/095	Teighan Lewis	9 Modikerr Way Lot 18 DP 1103697 Gol Gol	Storage shed	\$25,000.00	31/08/2020	19
S4-55/2020/026	Gavin & Megan Mickle	55 Moontongue Drive Lot 18 DP 1204878 Gol Gol	Modify DA2018/011 amend dwelling inclusions	\$0.00	11/08/2020	2

9.14 RESERVE 89749 JUNCTION PARK REQUEST TO BECOME CROWN LAND MANAGER

File Number: RPT/20/513

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Kathy Collinson - Reserves and Acquisitions Officer

Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest
 Strategy: 2.5 Maintain/create desirable open spaces and recreation facilities

Summary

During an audit of Council owned or controlled land for the purpose of the proposed Plan of Management for Community Land, the Management Type for Junction Park was identified as Devolved to Council. This could present problems should Council ever wish to lease or licence any part of the Park as devolved land cannot be leased or licensed under Section 48 of the *Local Government Act 1993*. In the past land has devolved to a Local Government entity when a trustee arrangement has not been considered.

Recommendation

That Council resolve to forward a request to Crown Lands to change the Management Type for Reserve 89749 Junction Park to Crown Land Manager and omit the reference to Devolution.

Detailed Report

Purpose

The purpose of this report is to obtain Council authority to proceed to send a request to Crown Lands to change the Management Type to Crown Land Manager (formerly Trustee).

Background

The land that comprises of Junction Park was formerly in the ownership of Wentworth Shire Council. Council relinquished the land in favour of trusteeship to retain and secure the unique characteristics of the land for future generations. At that time Council should have been appointed Trustee.

Matters under consideration

The current Management Type is Devolved to Council which restricts any ability to lease or licence the land under Section 48 of the *Local Government Act 1993*. The action of alteration to Land Manager will rectify the issue.

Options

Based on the information contained in this report, the options available to address this matter are to:

Forward the request to Crown Lands or

Take no action and leave the Management Status as Devolved.

Conclusion

Prior to inclusion in the proposed Plan of Management it is important that Council considers any potential longer-term requirement to lease or licence part of the Reserve.

Attachments

1. Junction Park [📄](#)



**Wentworth
Shire Council**

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* This map is not to be sold or remade as part of a commercial product.

Junction Park

Created by: kathyc
Date: 8/09/2020
Scale: 1:3355
Projection:



9.15 A43 HENDY ROAD SEWER EASEMENT / COMPENSATION / DEED OF AGREEMENT FOR MULTIPLE LANDHOLDERS

File Number: RPT/20/559

Responsible Officer: Matthew Carlin - Director Health and Planning
 Responsible Division: Health and Planning
 Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 3.0 Wentworth 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

Summary

The Wentworth Shire Council undertook upgrades to Buronga Sewer Pump Station. A Council resolution is required for an easement for sewer pipeline over private land at Hendy Road, Buronga, NSW. It is proposed to be acquired by agreement under the *Land Acquisition (Just Terms Compensation) Act 1991* and by authority of the *Local Government Act 1993*.

NSW Public Works Advisory (PWA) has been engaged by Council to acquire the easement for sewer pipeline and on its behalf will consult with impacted residential property owners to set out the agreed terms in relation to such services and compensation to finalise the creation of the easement.

Over some of the effected land there is an existing easement for sewer, this will be extinguished by Council as the new infrastructure and proposed easement for sewer pipeline replaces it. Council is required to enable the Transfer Granting Easement Form for each matter to be authorised by Council. The Transfer Granting Easement form is required to be lodged at the NSW Land Registry Services (LRS) to enable the creation of the easement. Public Works Advisory requests that a report be prepared recommending that Council approve the acquisition of the easement for sewer pipeline over the effected land.

Recommendation

1. That Council proceed to acquire an easement for sewer pipeline shown as "(A) Proposed Easement for Sewer Pipeline 1 and 3 wide" in DP1263431 by agreement under the *Land Acquisition (Just Terms Compensation) Act 1991* and by authority contained in the *Local Government Act 1993*, over the following land;
 - 106 Hendy Road, Lot 3 DP803858
 - 108 Hendy Road, Lot 4 DP803858
 - 114-116 Hendy Road, Lot 2 DP816778
 - 118 Hendy Road, Lot 2 DP858624
 - 120 Hendy Road, Lot1 DP858624
 - 122 Hendy Road, Lot 50 DP756946
 - 128 Hendy Road, Lot 167 DP756946
 - 134 Hendy Road, Lot 54 DP756946
 - 136-138 Hendy Road, Lot 74 DP756946
 - 140A Hendy Road, Lot 2 DP1103082

- 142 Hendy Road, Lot 1 DP803596
 - 144-146 Hendy Road, Lots 1&2 DP848519
 - 148 Hendy Road, Lot 233 DP822003
 - 150 Hendy Road, Lot 234 DP822003
2. That minerals are to be excluded from this acquisition.
 3. That these acquisitions are not for the purpose of resale.
 4. That compensation be paid to the effected land-owners listed above as per valuation advice and a valuation report obtained from the valuer Heron Todd White.
 5. That Council extinguish an existing easement for sewer over the following land, Lot 3 DP 803858, Lot 2 DP 816778, Lot 1 & 2 DP858624, Lot 2 DP1103082, Lot 1 DP803596, Lots 1 & 2 DP848519, Lots 233 & 234 DP822003, shown as B, C, F, G and H in DP126343.
 6. That the General Manager be authorised to finalise each matter.

Detailed Report

Purpose

The purpose of this report is to rectify the land tenure status by creating an easement over private land for the continuation of operations, protections and maintenance.

Background

NSW PWA will consult with impacted residential property owners to set out the agreed terms in relation to such services and compensation to finalise the creation of the easement.

Herron Todd White completed an assessment of compensation on behalf of Wentworth Shire Council which was tabled at a closed session of the Ordinary Council Meeting on 24 June 2020 (RPT/20/340). Council resolved to proceed with compensation payable to each landholder.

At the Ordinary Council Meeting on 19 August 2020 (RPT/20/416) Council endorsed the Deed of Agreement and authorises the Mayor and General Manager to execute the agreement and affix the seal of the Wentworth Shire Council.

Legal, strategic, financial or policy implications

Council does not own the land on which this asset is located. The Landowner has agreed to grant the Easement to Council, for the operation, protection and maintenance of the works.

Conclusion

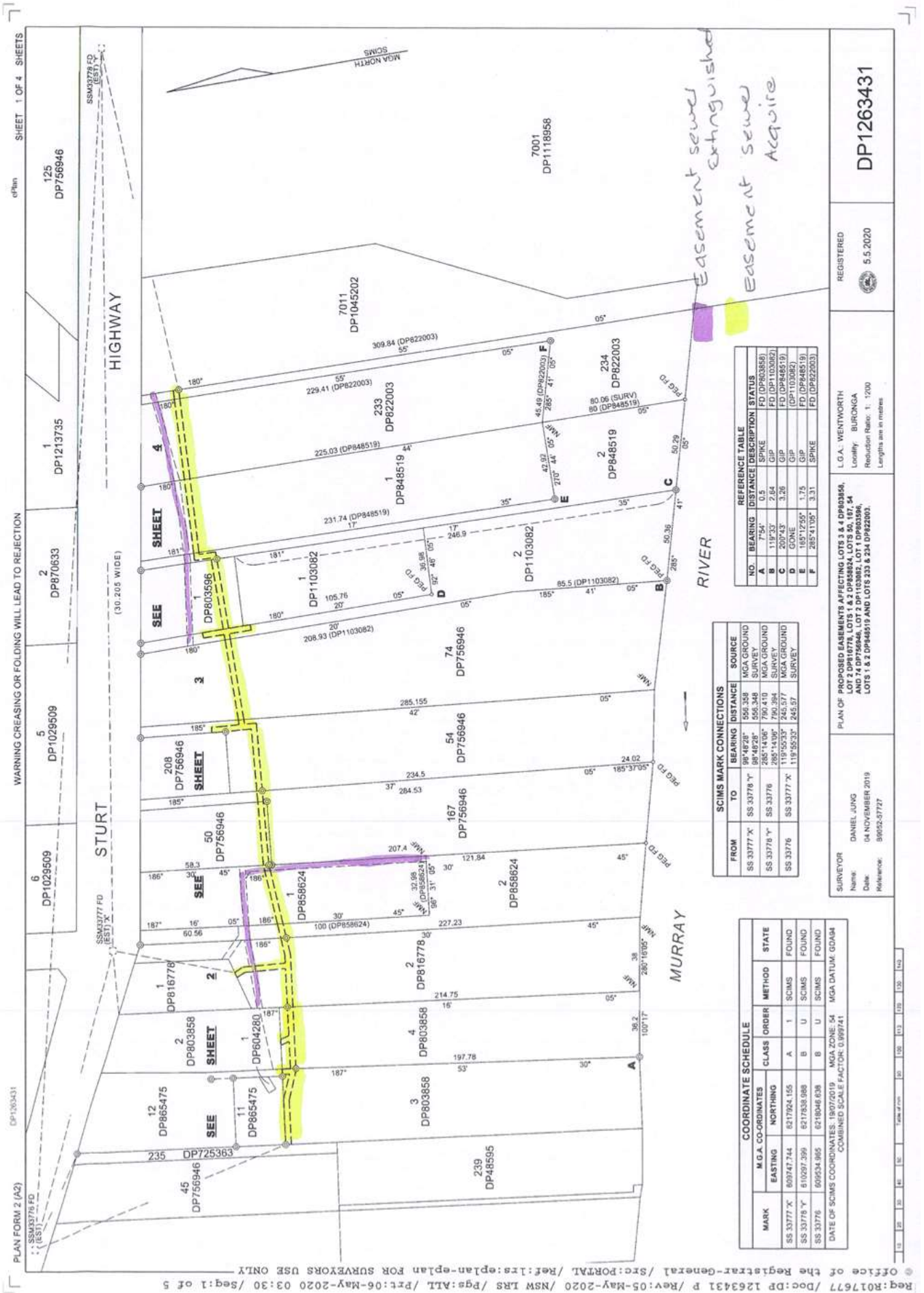
A Council resolution is required for an easement for sewer pipeline over private land at Hendy Road, Buronga, NSW. It is proposed to be acquired by agreement under the Land Acquisition (Just Terms Compensation) Act and by authority of the Local Government Act 1993.

Attachments

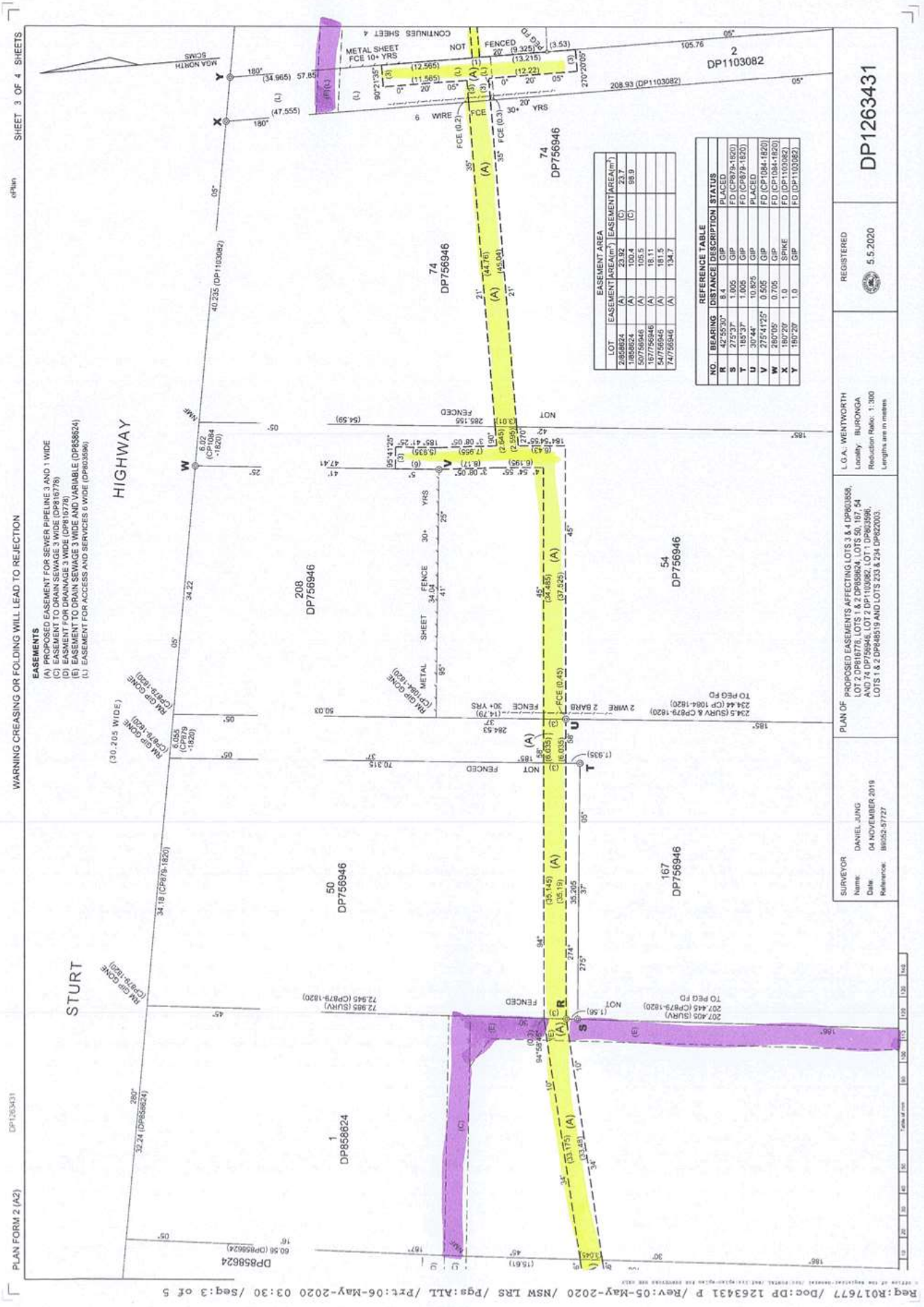
1. Terms of Easement [↓](#)
2. Deposited Plan - Easement identification / extinguish / acquire [↓](#)

TERMS OF EASEMENT**Easement for Sewer Pipeline**

FULL AND FREE right for the Body having the benefit of this easement and its successors and assigns (being a public or local authority) and every person authorised by any of them from time to time and at all times to pass and convey sewage in any quantities through the servient tenement TOGETHER WITH the right to use for the purpose of the easement any tunnel or pipe or line of pipes (including works ancillary thereto) already existing or laid within the servient tenement for the purpose of the passage and conveyance of such sewage or any tunnel, pipe or line of pipes (including works ancillary thereto) in replacement, substitution, or duplication therefor and where no such tunnel, pipe or line of pipes exists to tunnel and / or lay place and maintain a pipe or line of pipes of sufficient internal diameter (including works ancillary thereto) beneath the surface of the servient tenement AND TOGETHER WITH the right for the Body having the benefit of this easement and its successors and assigns (being a public or local authority) and every person authorised by any of them with any tools, implements or machinery, necessary for the purposes to enter such tunnel, pipe or line of pipes, but only beneath the servient tenement and to remain there for any reasonable time for the purposes of inspecting, cleansing, repairing, maintaining the tunnel (including works ancillary thereto) or inspecting, cleansing, repairing, maintaining or renewing such pipe or line of pipes or any part thereof (including works ancillary thereto).


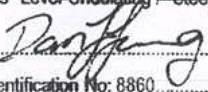








Req:R017677 /Doc:DP 1263431 P /Rev:05-May-2020 /NSW LRS /Pgs:ALL /Prt:06-May-2020 03:30 /Seq:5 of 5
 Office of the Registrar-General /Src:PORTAL /Ref:lrs:eplan-eplan FOR SURVEYORS USE ONLY

PLAN FORM 6 (2018)		DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 1 sheet(s)
Registered:  5.5.2020	Office Use Only		Office Use Only
Title System: TORRENS		DP1263431	
PLAN OF PROPOSED EASEMENTS AFFECTING LOTS 3 & 4 DP803858, LOT 2 DP816778, LOTS 1 & 2 DP858624, LOTS 50, 167, 54 AND 74 DP756946, LOT 2 DP1103082, LOT 1 DP803596, LOTS 1 & 2 DP848519 AND LOTS 233 & 234 DP822003.		LGA: WENTWORTH Locality: BURONGA Parish: GOL GOL County: WENTWORTH	
Survey Certificate I, DANIEL JUNG of PUBLIC WORKS ADVISORY a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , is accurate and the survey was completed on 04/11/2019....., or *(b) The part of the land shown in the plan ("being/excluding".....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , the part surveyed is accurate and the survey was completed on..... the part not surveyed was compiled in accordance with that Regulation, or *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> . Datum Line: X - Y Type: *Urban/*Rural The terrain is *Level-Undulating /*Steep-Mountainous. Signature:  Dated: 27/04/2020 Surveyor Identification No: 8860..... Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> *Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.		Crown Lands NSW/Western Lands Office Approval I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office:	
Subdivision Certificate I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of section 6.15 <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: Accreditation number: Consent Authority: Date of endorsement: Subdivision Certificate number: File number: *Strike through if inapplicable.			
Plans used in the preparation of survey/compilation. CP 591-1820 CP 778-1820 CP 879-1820 CP 1084-1820 DP 48595 DP 604280 DP 748746 DP 803596 DP 803858 DP 816778 DP 822003 DP 848519 DP 858624 DP 865475 DP 1103082		Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. IT IS INTENDED TO ACQUIRE EASEMENT A FOR SEWER ACQUISITIONS PROPOSED UNDER THE LOCAL GOVERNMENT ACT 1993	
Surveyor's Reference: B9052-57727		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	

9.16 PROJECT AND WORKS REPORT UPDATE - SEPTEMBER 2020

File Number: RPT/20/560

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Administration Officer

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

Summary

This report provides a summary of the major works undertaken by the Roads and Engineering Division which have been completed during the month of August 2020.

Recommendation

That Council notes the major works undertaken for August and the proposed works for October 2020.

Detailed Report

During August, the Roads and Engineering Division continued with maintenance grading on identified roads to remove known hazards and improve surface conditions.

Other projects

August has seen major works continuing on the Gol Gol Water Treatment Plant electrical and process upgrade, Wentworth and Dareton Sewer Upgrades and the Wentworth Aerodrome.

Attachments

1. Attachment 1 - Works and Project Update [↓](#)
2. Attachment 2 - Works and Projects Photos [↓](#)

Project update for August 2020**Roads**

- Preliminary planning has been completed for both regional and local roads construction and sealing program, included in the program is an additional 4km on Arumpo Road under the repair program.
- Traffic control for asphalt works at the new IGA Buronga have been delayed due to project design issues with TfNSW and development designers.
- Pricing and programming of 6,000m² of heavy patching for TfNSW has been completed with material supply and stabilisation works scheduled for late September commencement.

Maintenance Grading

- Roads and Engineering completed maintenance grading to remove known hazards and improve the conditions on; Top Hut, Arumpo, Wamberra and Petro Mail Road.

Projects**Wentworth Aerodrome Upgrade**

- Runway, taxiway and apron area construction completed last week of August.

Dareton Sewer Upgrade

- The power infrastructure has been energised at Dareton (new) pump station, with the Principal Contractor to start final testing and commission.
- Testing and commissioning has been conducted with Aquatec, the sub-contractor who supplied the preconstructed pump station.
- Pumping water from lagoon 1 to lagoon 3 and diversion of all waste from 1 to 3 completed.
- Lagoon 1 sludge removal stockpiled to dry out completed.
- Golf Course Road relocation of road pavement alignment to improve traffic safety and Golf Course Road electrical works / meter installation completed.

Wentworth Sewer Upgrade

- Works commenced on the installation of underground boring of Adams Street for the installation of the rising main beneath the Silver City Highway.
- SCADA works to Sewerage Pumping Stations 1 and 2 continuing.
- Installation of SPS1 Electrical switchboard continuing.

Gol Gol Water Treatment Plant Electrical and Process upgrade

- Works ongoing with new cabling through conduit system.
- Completed testing some of the local control panels for commissioning.
- Installation of telemetry mast at Balance tank and Raw Water Pump Station (RWPS) ongoing.
- Testing of completed Telemetry links ongoing.
- Filter stairs construction work with handrailing partially completed.
- Deployment of PLC and SCADA architecture ongoing.
- Completion of Lagoon 2 HDPE lagoon liner and inlet works.

Wentworth Riverfront

- Detailed design for both the landscaped area and retaining wall completed.
- The nature play area / playground request for quotes sent out with quotes to be received back to Council on 11 September.

- Review of Environmental Factors under final draft to capture Council's requested changes and inclusions.
- Electrical works request for quotes received and being reviewed by Council.
- Tender documents to be finalised for advertising in September.

Buronga EDS

- August progress has been limited to completion of the pile installation works.
- Works commenced on the buffers/brackets between pylons.

Buronga Riverfront

- Final design plans for Nature play area complete.
- Soil report completed for playground and shade structure footings.
- Estimated cost for works received.

Toilet Upgrades

- James King Park toilet block mural commissioned by McGowan Signs has been completed.
- Darling Street Toilet Block works continuing.

Dareton Pool Works – painting & tiling

- Lap pool tiling complete, with final silicone sealing works remaining.
- Intermediate and toddler pool tiling works scheduled for completion mid-September.

Wentworth Pool Works – painting & tiling

- Unexpected demolition and levelling issues at Dareton Pool resulted in extension to works completion. Delays have resulted in Wentworth Pool tiling works being re-scheduled after upcoming pool season concludes.

Willow Bend Caravan Park Upgrade

- Road crossing low voltage conduit from CT Chamber to proposed pillar location completed.
- Design approval received from Essential Energy for stage 1 and 3.
- Survey of Willow Bend Stage 1 complete.

Stronger Country Communities Grant Funded Projects

Barrett Pavilion

- Windows and skylights placed and trimmings occurring.
- Dado wall linings complete and boxing out of steel columns.
- Skirtings and architraves being placed.
- Plasterers commenced on site and majority of rough-in completed.
- Show Society building executive consulted and selected and final internal colour scheme.
- Air conditioners fully in place and plumbing, electrical rough-in complete.
- Council's Health Surveyor provided final review of the kitchen layout and no significant issue noted.

George Gordon Netball Courts

- New shade structures have arrived, installation scheduled for September.
- Additional fencing along main entrance side of courts requested due

to safety concerns. Awaiting secondary quote from contractor to extend fencing.

Wentworth Sporting Complex

- Line marking works completed.
- Bowls Victoria have been notified of the completion of the bowling green, bowling green requires onsite inspection prior to registration being granted. Covid-19 travel restrictions will delay inspection, date TBA.

Works scheduled for September 2020**Roads**

- Preconstruction works to commence for 6,000m² of heavy patching construction works on 4 sections of Sturt Highway.
- Traffic control for TfNSW asphalt works at the IGA Buronga to commence mid-September following approval from TfNSW.
- Regional Road REPAIR Program preliminary works to commence on upgrading 4km of Arumpo Road to sealed pavement.

Maintenance grading

- Scheduled maintenance grading to remove known hazards and improve the conditions on the following roads; Gol Gol, Ivanhoe, Pooncarie-Menindee and Karpa Kora Road.

Projects**Wentworth Aerodrome Upgrade**

- The installation of the runway and apron area lighting and electrical upgrades to commence middle of September with anticipated completion early November.
- Works to commence on construction of extra code B parking area under items listed in provisional contact works.

Dareton Sewer Upgrade

- Repair works for Lagoon 2 including Bentonite stabilisation to commence first week September.
- Final shaping of Lagoon 1 in preparation for Geofabric Clay Liner (GCL) to commence second week September, with liner installation first week November 2020.
- Council are currently undertaking planning for decommissioning of the Dareton Sewerage Treatment Plant along Kookaburra Drive, Dareton. This includes the development approval for the demolition of the existing plant at the Dareton site.

Wentworth Sewer Upgrade

- Continuation of SCADA works to Sewerage Pumping Stations 1 and 2.
- Construction of under road bore, Silver City Highway to be completed mid-September.
- Installation of communication pits to be installed mid-September.
- Completion of concrete inlet works at Lagoon 1.
- Pressure testing of completed pipelines ongoing throughout September.
- Reinstatement and bitumen sealing of all road openings to be completed by end of September.

Gol Gol Water Treatment Plant Electrical and Process upgrade

- Dosing pipework replacement to be completed mid-September.
- Valve replacement at flocculation tank outlet to be completed.
- Installation of Balance tank telemetry mast to be completed.
- Balance tank new overflow system to be installed
- Completion of backwash pump installations with new manifold system
- Council have made the decision to ensure the plant continues to function as part of Council's essential services / critical infrastructure. The project team and

contractor conducted a series of meetings to work through the best outcomes, and proceed to a slightly changed schedule even with the current environment, economy and the uncertainty. WSC and the contractor have been able to continue on with project requirements at a slower rate than previously scheduled.

Wentworth Riverfront

- Playground / Nature Play Area works to be awarded.
- Electrical works to be awarded 11 September.

Buronga EDS

- Buffers/brackets to be installed.
- Earthworks to commence.
- Pontoon, gangway and slab works to commence end September

Buronga Riverfront

- Request For Quote for the landscaping and playground construction, have come in over the RFQ limit, tender documentation being prepared to go out to tender end of September.

Toilet Upgrade

- Darling Street toilet block works scheduled for completion by 21 September.

Dareton Pool – painting & tiling

- Tiling of the 3 x pools will be completed by middle September.
- Annual pool painting to commence around Monday 14 September.

Willow Bend Caravan Park Upgrade

- Contractor has placed orders for stage 1 & 3 materials. Once materials have been confirmed an Essential Energy shut down notice will be issued.
- Proposed ground levels for stage 1 accounting for 1 in 20 floods levels to be completed.

Stronger Country Communities Grant Funded Projects**Barrett Pavilion**

- Internal framework and fit out works continuing

George Gordon Netball Courts

- Shade structures to be installed late September / early October.
- Fence quotes to be acquired in September.
- Tree to be removed mid-September.
- Synthetic turf to be installed mid-September.
- Lux testing for flood lights pending travel restrictions.
- Court repairs pending travel restrictions.

Wentworth Sporting Complex

- Marker peg installation to be installed mid-September.
- Finalising practical completion.



Photo 1 & 2 – internal works progressing on the new showground pavilion



Image 3 & 4 – Works continuing on the toilet block at Darling St Wentworth



Images 5, 6 & 7 – Wentworth Aerodrome runway construction



Images 8 & 9 – Tiling works at the Dareton Pools



Images 10 & 11 – FDS piles that are being installed



Images 12 & 13 – preparation works for the installation of synthetic turf at George Gordon Oval.



Image 14 – James King Park Mural painted by local Artist Terry McGowan

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 Duxsuper Pty Ltd and K Whitworth Investments Pty Ltd 31 Lot Residential Subdivision at Midway Drive, Buronga - Proposed Stormwater Upgrade of Existing Infrastructure. (RPT/20/566)

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 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 DUXSUPER PTY LTD AND K WHITWORTH INVESTMENTS PTY LTD 31 LOT RESIDENTIAL SUBDIVISION AT MIDWAY DRIVE, BURONGA - PROPOSED STORMWATER UPGRADE OF EXISTING INFRASTRUCTURE

File Number: RPT/20/566

Responsible Officer: Geoff Gunn - Director Roads and Engineering
 Responsible Division: Roads and Engineering
 Reporting Officer: Taygun Saritoprak - Project Officer
 Rachael Withers - Subdivision Officer

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire
 Strategy: 1.2 Encourage and support population growth and resident attraction

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.

13 CONCLUSION OF THE MEETING
NEXT MEETING