



# 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 **WENTWORTH SHIRE COUNCIL CHAMBERS, SHORT STREET, WENTWORTH**, commencing at **6:30 PM**.

*The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast.*

*All speakers should refrain from making any defamatory comments or releasing personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings – all liability will rest with the individual who made the comments.*

*The meeting must not be recorded by others without prior written consent of the Council in accordance with the Council's code of meeting practice.*

*Councillors & staff are obligated to declare Conflicts of Interest as required under the Local Government Act 1993 and Councils adopted Code of Conduct.*

*Councillors are reminded of their Oath of Office whereby they have declared and affirmed that they will undertake the duties of the Office of Councillor in the best interests of the people of Wentworth Shire and the Wentworth Shire Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.*

**KEN ROSS**  
**GENERAL MANAGER**

## **ORDINARY MEETING**

## **AGENDA**

## **20 APRIL 2022**

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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 16 March 2022 be confirmed as  
circulated.



# **WENTWORTH SHIRE COUNCIL**

## **ORDINARY MEETING MINUTES**

**16 MARCH 2022**

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## 1 OPENING OF MEETING

The Mayor opened the meeting at 6:35 pm.

## 2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

### PRESENT:

**COUNCILLORS:** Councillor Tim Elstone (Mayor)  
Councillor Brian Beaumont  
Councillor Steve Cooper  
Councillor Peter Crisp  
Councillor Greg Evans  
Councillor Steve Heywood  
Councillor Daniel Linklater  
Councillor Susan Nichols  
Councillor Jo Rodda

**STAFF:** Ken Ross (General Manager)  
Matthew Carlin (Director Health and Planning)  
Geoff Gunn (Director Roads and Engineering)  
Simon Rule (Director Finance and Policy)  
Gayle Marsden (Executive Assistant to General Manager)  
Jess O'Neill (Business Support Officer)

## 3 APOLOGIES AND LEAVE OF ABSENCE

Nil

## 4 DISCLOSURES OF INTERESTS

Nil

## 5 CONFIRMATION OF MINUTES

### Recommendation

That the Minutes of the Ordinary Meeting held 16 February 2022 be confirmed as circulated.

### Council Resolution

That the Minutes of the Ordinary Meeting held 16 February 2022 be confirmed as amended.

**Moved Cr Rodda, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

### Council Resolution

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

**Moved Cr Crisp, Seconded Cr Linklater**

**CARRIED UNANIMOUSLY**

*The meeting was adjourned at 6:37pm*

Mr Andrew Buffon addressed Council in relation to Item 9.9

**Council Resolution**

That Council reconvenes into open session.

**Moved Cr Linklater, Seconded Cr Evans**

**CARRIED UNANIMOUSLY**

## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

### 6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/212

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Jess O'Neill - 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 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 9 March 2022.

#### Council Resolution

That Council receives and notes the list of outstanding matters as at 9 March 2022.

**Moved Cr. Nichols, Seconded Cr. Heywood**

**CARRIED UNANIMOUSLY**



## **7 MAYORAL AND COUNCILLOR REPORTS**

### **7.1 MAYORAL REPORT**

File Number: RPT/22/175

#### **Summary**

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Elstone for the period of 21 February 2022 – 10 March 2022.

#### **Recommendation**

That Council notes the information contained in the Mayoral report.

#### **Council Resolution**

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

**Moved Cr. Elstone, Seconded Cr Linklater**

**CARRIED UNANIMOUSLY**

## **8      REPORTS FROM COMMITTEES**

Nil

## 9 REPORTS TO COUNCIL

### 9.1 GENERAL MANAGER'S REPORT

File Number: RPT/22/176

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Jess O'Neill - 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 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  
Circular 22-02 and Circular 22-03
2. Meetings  
As listed
3. Upcoming meetings or events  
As listed
4. Other items of note

#### **Recommendation**

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

#### **Council Resolution**

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

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

**CARRIED UNANIMOUSLY**

**9.2 2022 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE**

File Number: RPT/22/41

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Jess O'Neill - 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 2022 Australian Local Government Women's Association (ALGWA) Conference is being held from Thursday 7 July 2022 to Saturday 9 July 2022 in Fairfield City. The Annual Conference is an opportunity to come together and engage in learning and networking that will foster personal and professional development.

**Recommendation**

That Council receive and note the content of the report. Consider the options nominated within the report and identify which option is the preferred course of action.

**Council Resolution**

That Council receives and notes the content of the report and nominates Cr Rodda & Cr Nichols to attend the conference.

**Moved Cr Crisp, Seconded Cr. Heywood**

**CARRIED UNANIMOUSLY**

**9.3 POLICY REVIEW - OFFICE OF GENERAL MANAGER**

File Number: RPT/22/194

Responsible Officer: Ken Ross - General Manager  
Responsible Division: Office of the General Manager  
Reporting Officer: Jess O'Neill - 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**

After each general election of Councillors, the *Local Government Act 1993* requires Council to review all official policies of Council. There are currently 74 policies in place of which 21 are the responsibility of the Office of the General Manager.

For this Council meeting the Office of the General Manager has reviewed four policies and are presenting them to Council for adoption.

**Recommendation**

That Council adopt the following revised policies:

- a) Diverse Community Policy (CC005)
- b) Asbestos Management Policy (CC009)
- c) Use of Council Vehicle Policy (AF017)

That Council rescind the Annual Staff Excellence Awards Policy (WR001).

**Council Resolution**

That Council adopt the following revised policies:

- a) Diverse Community Policy (CC005)
- b) Asbestos Management Policy (CC009)
- c) Use of Council Vehicle Policy (AF017)

That Council rescind the Annual Staff Excellence Awards Policy (WR001).

That Council investigate the costing of car port structures for passenger vehicles stored in the Wentworth Depot and report back to Council.

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

**CARRIED UNANIMOUSLY**

**9.4 MONTHLY INVESTMENT REPORT**

File Number: RPT/22/193

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

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 28 February 2022 Council had \$29 million invested in term deposits and \$5,808,405.18 in other cash investments. Council received \$10,595.47 from its investments for the month of February 2022.

In February 2022 Council investments averaged a rate of return of 0.52% and it currently has \$6,778,145.40 of internal restrictions and \$22,604,242.77 of external restrictions.

**Recommendation**

That Council notes the monthly investment report.

**Council Resolution**

That Council receives and notes the monthly investment report.

**Moved Cr. Heywood, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.5 MONTHLY FINANCE REPORT**

File Number: RPT/22/186

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 February 2022 were \$1,086,821.02. After allowing for pensioner subsidies, the total levies collected are now 74.76%. For comparison purposes 68.62% of the levy had been collected at the end of February 2021. Council currently has \$34,808,405.18 in cash and investments.

**Recommendation**

That Council notes the Monthly Finance Report.

**Council Resolution**

That Council receives and notes the Monthly Finance Report.

**Moved Cr Rodda, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

**9.6 POLICY REVIEW - DEPARTMENT FINANCE AND POLICY**

File Number: RPT/22/177

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**

After each general election of Councillors, the *Local Government Act 1993* (the Act) requires Council to review all official policies of Council. There are currently 74 policies in place of which 26 are the responsibility of the Finance & Policy Department.

For this Council meeting the department has reviewed four policies and are presenting them to Council for adopting.

The department is also presenting a new credit policy to Council for consideration and reporting on the result of the public exhibition period for the four draft policies adopted at the January Council meeting.

**Recommendation**

That Council adopt the following revised policies:

- a) AF001 – Subdivision Deferred Payment Arrangement Policy
- b) AF007 – Rates – Reduction of Developer Costs Policy

That Council rescinds the following policy:

- a) AF010 – Subdivision – Financial Development Incentives Policy

That Council adopt the following policies in draft and place them on 28 days public exhibition:

- a) AF003 – Financial Assistance Policy
- b) GOV024 – Credit Card Policy

That Council, following the completion of the public exhibition period and there being no submissions, adopt the following draft policies:

- a) CC010 – Media Policy
- b) GOV010 – Payment of Expenses and Provision of Facilities Policy
- c) GOV011 – Councillor and Staff Interaction Policy
- d) GOV023 – Conflict of Interest Policy



**Council Resolution**

That Council adopt the following revised policies:

- a) AF001 – Subdivision Deferred Payment Arrangement Policy
- b) AF007 – Rates – Reduction of Developer Costs Policy

That Council rescinds the following policy:

- a) AF010 – Subdivision – Financial Development Incentives Policy

That Council adopt the following policies in draft and place them on 28 days public exhibition:

- a) AF003 – Financial Assistance Policy
- b) GOV024 – Credit Card Policy

That Council, following the completion of the public exhibition period and there being no submissions, adopt the following draft policies:

- a) CC010 – Media Policy
- b) GOV010 – Payment of Expenses and Provision of Facilities Policy
- c) GOV011 – Councillor and Staff Interaction Policy
- d) GOV023 – Conflict of Interest Policy

**Moved Cr. Heywood, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**9.7 DISCLOSURES OF DESIGNATED PERSONS**

File Number:	RPT/22/178
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**

Council's Code of Conduct Policy, requires Councillors to disclose their personal interests by completing a publicly available returns of interests.

The returns are required to be lodged within 3 months of taking office and must be tabled no later than the first available Council meeting after that 3 month period.

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 after they have been noted by Council.

**Recommendation**

That Council notes the tabling of the Disclosure Returns for Councillors.

**Council Resolution**

That Council receives and notes the tabling of the Disclosure Returns for Councillors.

**Moved Cr Linklater, Seconded Cr Crisp**

**CARRIED UNANIMOUSLY**

**9.8 POLICY REVIEW - HEALTH AND PLANNING DIRECTORATE**

File Number: RPT/22/179

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

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**

After each general election of Councillors, the Local Government Act 1993 (the Act) requires Council to review all official policies of Council. There are currently 73 policies in place of which 15 are the responsibility of the Health and Planning Department.

For this Council meeting Health and Planning has reviewed three policies. Two of them are presented for adopting. One new policy is being introduced to go out to public exhibition. The third policy that was reviewed is proposed to be rescinded due to significant changes in the NSW planning framework.

**Recommendation**

1) That Council adopt the following policies:

- a) AF011 - Subdivision Water Rights Transfer
- b) AF002 – Finance for Future Growth

2) That Council approve PR018 – Provision of Electricity Supply and Telecommunications Service for Subdivisions to go out to public exhibition for 28 days per Councils Community Participation Plan.

**Council Resolution**

1) That Council adopt the following policies:

- a) AF011 - Subdivision Water Rights Transfer
- b) AF002 – Finance for Future Growth

2) That Council approve PR018 – Provision of Electricity Supply and Telecommunications Service for Subdivisions to go out to public exhibition for 28 days per Councils Community Participation Plan.

**Moved Cr Linklater, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

**9.9 DA2022/008 DWELLING EXTENSIONS UNIT 1 5 PERRY STREET LOT 6 & 7  
SECTION 42 DP 759074 WENTWORTH**

File Number: RPT/22/189

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: 1.2 Encourage and support population growth and resident attraction

**Summary**

A development application (DA2022/008) was received by Council for a dwelling extension to be located at Unit 1 5 Perry Street Lot 6 & 7 Section 42 DP 759074 Wentworth.

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

The proposed dwelling extension is 16m from the high bank of the river, while the required river setback under the WLEP 2011 is 30m. The applicant has provided a variation application, to allow the dwelling extension to be located closer to the river than is allowed by legislation. Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

**Recommendation**

1. That Council approve to issue development approval for DA2021/011 being a dwelling located at Unit 1 5 Perry Street Lot 6 & 7 Section 42 DP 759074 Wentworth.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Council Resolution**

1. That Council approve to issue development approval for DA2021/011 being a dwelling located at Unit 1 5 Perry Street Lot 6 & 7 Section 42 DP 759074 Wentworth with the deferred commencement condition removed.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

**Moved Cr. Heywood, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

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

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

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

**9.10 FLOOD RISK MANAGEMENT COMMITTEE**

File Number: RPT/22/45

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

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

Strategy: 3.3 Prepare for natural disasters, biosecurity risks and climate change

**Summary**

Wentworth Shire Council has previously managed the Flood Risk Management project through the Floodplain Risk Management Committee comprising of Councillors, community members, state agency representatives and Council staff. This committee has now been superseded by the Flood Risk Management Committee.

Therefore, prior to the new committee meeting to allow the Flood Risk Management project to continue, Council needs to determine both Councillor and community representation on the committee.

**Recommendation**

That Council:

1. Endorse the Flood Risk Management Committee Working Group Charter.
2. Nominate three (3) Councillors for representation on the Flood Risk Management Committee.
3. Select three (3) community members for representation on the Flood Risk Management Committee from the Expression of Interest submissions received.

**Council Resolution**

That Council:

1. Endorse the Wentworth Shire Flood Risk Management Committee Working Group Charter.
2. Nominate Cr Elstone, Cr Evans and Cr Linklater to be the Council representatives on the Wentworth Shire Flood Risk Management Committee.
3. Readvertise the Expression of Interest for community representatives for the Wentworth Shire Flood Risk Management Committee with the inclusion of providing information to support the applications.

**Moved Cr Crisp, Seconded Cr Linklater**

**CARRIED UNANIMOUSLY**

**9.11 NSW DEPARTMENT OF PLANNING AND ENVIRONMENT - EMPLOYMENT ZONES REFORM**

File Number: RPT/22/88

Responsible Officer: Matthew Carlin - Director Health and Planning  
Responsible Division: Health and Planning  
Reporting Officer: Michele Bos - Strategic Development 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**

The Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order) has been amended to give effect to the employment zones reform that, on completion, will replace the existing Business and Industrial zones. All Standard Instrument local environmental plans in NSW must be made in accordance with the SI LEP Order, which means that a translation amendment to the Wentworth LEP is required.

The Department of Planning and Environment (DPE) is coordinating the translation of LEP amendments and the public exhibition of all LEP amendments in April 2022.

**Recommendation**

That Council:

1. Endorse the Employment zones reform translation for Wentworth LEP 2011 for the purposes of public exhibition to be conducted by the Department of Planning and Environment.
2. Request the Department of Planning and Environment to update the Geographic Information System (GIS) maps on the ePlanning Spatial Viewer on behalf of Wentworth Shire Council.
3. That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

**Council Resolution**

That Council:

1. Endorse the Employment zones reform translation for Wentworth LEP 2011 for the purposes of public exhibition to be conducted by the Department of Planning and Environment.
2. Request the Department of Planning and Environment to update the Geographic Information System (GIS) maps on the ePlanning Spatial Viewer on behalf of Wentworth Shire Council.
3. That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

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

**CARRIED UNANIMOUSLY**

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

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

*Against the Motion:*              *Nil.*

**9.12 DELEGATED AUTHORITY APPROVALS AS AT END OF FEBRUARY 2022**

File Number: RPT/22/187

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration 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**

For the month of February 2022, a total of 5 Development Applications and two S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$781,115.30. This brings the year to date total to 14 Development Applications and 4 S4.55 Applications approved, with an estimated development value of \$2,574,291.30.

**Recommendation**

- a) That Council receives and notes the report for the month of February 2022.
- 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 February 2022.
- 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 Cooper, Seconded Cr Rodda**

**CARRIED UNANIMOUSLY**

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

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

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



**9.13 PROJECTS & WORKS REPORT UPDATE - MARCH 2022**

File Number: RPT/22/184

Responsible Officer: Geoff Gunn - Director Roads and Engineering  
Responsible Division: Roads and Engineering  
Reporting Officer: Samantha Wall - Projects Administration

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets  
Strategy: 3.2 Plan for and develop the right assets and infrastructure

**Summary**

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the month of February 2022 and the planned activities for March 2022.

**Recommendation**

That Council notes the major works undertaken in February and the scheduled works for the following months.

**Council Resolution**

That Council receives and notes the major works undertaken in February and the scheduled works for the following months.

**Moved Cr Rodda, Seconded Cr Cooper**

**CARRIED UNANIMOUSLY**

## 10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

### 10.1 WATER RELEASES FROM MENINDEE LAKES

File Number: RPT/22/210

#### Motion

That Council calls on the Head of DPIE - Jim Betts. cc Minister Anthony Roberts and the Chair WaterNSW – Kaye Dalton to urgently undertake an Engineering assessment of the Menindee levee banks that are preventing 25,000ML/day releases and establish what remediation measures are required to the levees to allow 25,000ML/ day releases as per the recommendation of the South Western Water Users Association.

#### Council Resolution

That Council calls on the Head of DPIE - Jim Betts. cc Minister Anthony Roberts and the Chair WaterNSW – Kaye Dalton to urgently undertake an Engineering assessment of the Menindee levee banks that are preventing 25,000ML/day releases and establish what remediation measures are required to the levees to allow 25,000ML/ day releases as per the recommendation of the South Western Water Users Association.

**Moved Cr Crisp, Seconded Cr Linklater**

**CARRIED UNANIMOUSLY**

### 10.2 GREEN WASTE TOKENS

Cr Jo Rodda asked how ratepayers receive green waste tokens if they receive electronic rate notices.

The Director of Finance and Policy advised there was a separate mail out to the people who receive electronic rate notices.

Cr Crisp declared a pecuniary interest in Item 10.3 as his employer has been involved in trying to resolve this issue

*Cr Crisp left the chambers at 8:15pm*

### 10.3 BIRD DROPPINGS AT WENTWORTH SHOWGROUND COMMUNITY PAVILION

Cr Susan Nichols advised there is a bird droppings issue at the Wentworth Showground Community Pavilion under the verandah.

The Director of Roads and Engineering advised quotations have been received to address this issue.

*Cr Crisp returned to the chambers at 8:17pm*

### 10.4 CRAZY BRICKS WENTWORTH SHOWGROUND COMMUNITY PAVILION

Cr Susan Nichols advised the bricks in the path at the Wentworth Showground Community Pavilion are shifting and requested this be investigated.

## 11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

Despite the right of members of the public to attend meetings of a council, the council may choose to close to the public, parts of the meeting that involve the discussion or receipt of certain matters as prescribed under section 10A(2) of the Local Government Act.

With the exception of matters concerning particular individuals (other than councillors) (10A(2)(a)), matters involving the personal hardship of a resident or ratepayer (10A(2)(b)) or matters that would disclose a trade secret (10A(2)(d)(iii)), council must be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

The Act requires council to close the meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected. (section 10B(1)(a))

Section 10A(4) of the Act provides that a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Section 10B(4) of the Act stipulates that for the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:-

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may -
  - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the council or committee.

### **Recommendation**

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

#### **12.1 Wentworth Sewerage Rationalisation Scheme - PT1819/15. (RPT/22/59)**

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

#### **12.2 Plant Replacement - Approval on Tenders for Replacement of Plant 670 - Ford Everest - VR2122/670. (RPT/22/183)**

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.

**12.3 Pooncarie - Menindee Road Reconstruction - Supply Road Base Material - PT2122/07. (RPT/22/185)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

**Council Resolution**

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

**Moved Cr. Evans, Seconded Cr Linklater**

**CARRIED UNANIMOUSLY**

## 12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

### 12.1 WENTWORTH SEWERAGE RATIONALISATION SCHEME - PT1819/15

File Number: RPT/22/59

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Ashton Cowling - Engineering Assistant

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

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

#### **REASON FOR CONFIDENTIALITY**

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

The General Manager advised Council approved an extension of \$392,421.28 ex GST to the contract for the Wentworth Sewer Rationalisation Scheme project, Tender No. PT1819/15 with All State Earthworks.

12.2 Plant Replacement - Approval on Tenders for Replacement of Plant 670 - Ford Everest - VR2122/670

File Number: RPT/22/183

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

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

### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.*

The General Manager advised that Council approved the tender from Davison Motor Group for the supply of one (1) Ford Everest Wagon that met the specification at the price of \$73,569.40 inc GST and the trade price of \$55,000.00 inc GST, with a changeover price of \$18,569.40.

12.3 Pooncarie - Menindee Road Reconstruction - Supply Road Base Material - PT2122/07

File Number: RPT/22/185

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

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

### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.*

The General Manager advised that Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from Mallee Earthmoving and Excavations to carry out the supply of road base material for Contract PT2122/07 in the amount of \$673,420.00 inc GST, and authorised the Mayor and General Manager to sign the contract documentation and affix the council seal.

## **13 CONCLUSION OF THE MEETING**

Meeting closed at 8:41pm.

## **NEXT MEETING**

20 April 2022

.....  
**CHAIR**



## 6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

### 6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/216

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 receives and notes the list of outstanding matters as at 11 April 2022.

#### **Attachments**

1. Outstanding Actions as at 11 April 2022 [↓](#)

<b>Division:</b> Ordinary Council <b>Committee:</b> <b>Officer:</b> <b>Outstanding Action Items Report</b> <b>Date From:</b> <b>Date To:</b> <b>Printed:</b> Monday, 11 April 2022 10:20:44 AM				
Meeting	Item	Title	Item	Action Record (latest first)
Ordinary Council 31/01/2022	10.1	Buronga / Gol Gol Water issues	<p>Cr Susan Nichols requested if it was possible to assess the cost for a new water tower at the southern end of the Shire as it is required and Council has \$10.5M in the water fund. Also water pressure in Wentworth is a problem and could it be assessed at the same time</p> <p>The Director of Roads and Engineering advised that Public Works Advisory are working on the Integrated Water Cycle Management Strategy for the whole Shire and the Buronga / Gol Gol issue has been highlighted to them as an urgent issue. It has been requested that this be looked at first. The Director advised he will follow up with Public Works Advisory. He also advised there are no outstanding customer request regarding this matter.</p> <p>Cr Crisp requested the matter be escalated to the Minister overseeing Public Works Advisory to get the Strategy completed in a timely manner.</p>	<p><b>06 Apr 2022 2:45pm Wall, Samantha</b>            Overall water treatment plant upgrades in Wentworth included as part of identified works in Integrated Water Cycle Management project., Water &amp; Waste Water Team Leader is undertaking a series of pressure testing at selected locations throughout Wentworth township to assess pressure issues.</p>
Ordinary Council 16/02/2022	10.1	Future Branding	Cr Jo Rodda acknowledged there had been some work completed on future branding and requested that be updated and brought before Council.	<p><b>11 Apr 2022 10:20am Marsden, Gayle</b>            Awaiting further information from Councillors</p>
Ordinary Council 16/03/2022	10.4	Crazy Bricks Wentworth Showground Community Pavilion	Cr Susan Nichols advised the bricks in the path at the Wentworth Showground Community Pavilion are shifting and requested this be investigated.	<p><b>06 Apr 2022 2:42pm Wall, Samantha</b>            Contractor has addressed a number of pavers out of tolerance. Council will continue to monitor and co-ordinate with building contractor to address any further issues.</p>

## 7 MAYORAL AND COUNCILLOR REPORTS

### 7.1 MAYORAL REPORT

File Number: RPT/22/217

#### Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Elstone for the period of 11 March 2022 – 12 April 2022.

#### Recommendation

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

#### Detailed Report

The following table lists the meetings attended by Mayor Elstone for the period of 11 March 2022 – 12 April 2022.

Date	Meeting	Location
14 Mar 2022	OLG Representative	Wentworth
15 Mar 2022	Mayoral Meeting	Wentworth
15 Mar 2022	Wentworth Business Meeting	Wentworth
16 Mar 2022	Pre-Meeting Briefing	Wentworth
16 Mar 2022	Ordinary Council Meeting	Wentworth
18 Mar 2022	MDA Board Meeting	Video Conference
22 Mar 2022	Mayoral Meeting	Wentworth
22 Mar 2022	Interview – Junction Island	Wentworth
23 Mar 2022	Buronga Gol Gol Senior Citizens	Buronga
23 Mar 2022	Council Advisory Meeting	Wentworth
29 Mar 2022	Mayoral Meeting	Wentworth
30-31 Mar 2022	Meeting Minister Saunders & Minister Anderson	Sydney
5 Apr 2022	Mayoral Meeting	Wentworth
5 Apr 2022	Joint Mildura Rural City Council and Wentworth Shire Council Network Event	Mildura
12 Apr 2022	Mayoral Meeting	Wentworth
12 Apr 2022	Helen Dalton Meeting	Wentworth

#### Attachments

Nil

**8      REPORTS FROM COMMITTEES**

Nil

## 9 REPORTS TO COUNCIL

### 9.1 GENERAL MANAGER'S REPORT

File Number: RPT/22/214

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  
Circular 22-04 – 22-08
2. Meetings  
As listed
3. Upcoming meetings or events  
As listed
4. Other items of note

#### **Recommendation**

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

#### **Detailed Report**

##### **1. Circulars**

###### **Circular 22-04**

###### **Payment of Councillor superannuation**

- To exercise the option of making superannuation contribution payments for their councillors, councils must first resolve at an open meeting to make superannuation contribution payments for the councillors.
- Where a council resolves to make superannuation contribution payments for its councillors, the amount of the payment is to be the amount the council would have been required to contribute under the Commonwealth Superannuation Guarantee (Administration) Act 1992 as superannuation if the councillors were employees of the council.
- As of 1 July 2022, the superannuation guarantee rate will be 10.5%. The rate will increase by half a percent each year until 1 July 2025 when it reaches 12%. • The superannuation contribution payment is to be paid at the same intervals as the annual fee is paid to councillors.
- To receive a superannuation contribution payment, each councillor must first nominate a superannuation account for the payment before the end of the month to which the payment relates. The superannuation account nominated by councillors must be an account for superannuation or retirement benefits from a

scheme or fund to which the Commonwealth Superannuation Guarantee (Administration) Act applies.

- Councils must not make a superannuation contribution payment for a councillor if the councillor fails to nominate an eligible superannuation account for the payment before the end of the month to which the payment relates.
- Individual councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Councillors must do so in writing. Strengthening local government
- Councils must not make superannuation contribution payments for councillors during any period in which they are suspended from their civic office or their right to be paid any fee or other remuneration, or expense, is suspended under the Act.
- Councillors are also not entitled to receive a superannuation contribution payment during any period in which they are not entitled to receive their fee under section 254A of the Act because they are absent.

#### **Circular 22-05**

#### **Companion Animals Amendment (Rehoming Animals) Act 2022**

- This means that the *Companion Animals Act 1998* has been amended to prescribe the actions that local councils must take when seeking to rehome a companion animal that has been seized or surrendered.
- Key changes include:
  - The need for councils to give written notice to at least 2 rehoming organisations that the animal is available for rehoming and will remain available for at least 7 days from the date the notice is given.
  - The need to take reasonable steps to advertise on a webpage or through a social media platform that the animal is available for rehoming.
  - New record-keeping requirements in relation to:
    - the identification of animals either rehomed or destroyed, and
    - in the case of animals that are destroyed, the actions a council took to rehome that animal.
- The Office of Local Government (OLG) recognises the critical role that local councils have in rehoming companion animals, and that these changes formalise the actions councils currently undertake.
- Local Government NSW indicated its support for the Bill and described the amendments as straightforward and reasonable.

#### **Circular 22-06**

#### **Information about ratings for 2022-23**

#### **Boarding House Tariffs**

In accordance with section 516 of the Local Government Act 1993 (the Act), it has been determined that for the purpose of the definition of 'boarding house' and 'lodging house', the maximum tariffs, excluding GST, that a boarding house or lodging house may charge tariff-paying occupants are:

- a) Where full board and lodging is provided:
  - \$409 per week for single accommodation; or
  - \$675 per week for a family or shared accommodation
- b) Where less than full board or lodging is provided:
  - \$275 per week for single accommodation; or

\$454 per week for family or shared accommodation

### **Maximum Interest Rate on Overdue Rates and Charges**

In accordance with section 566(3) of the Act, it has been determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive) will be 6.0% per annum.

The methodology used to calculate the interest rate applicable for the period 1 June 2022 to 30 June 2023 is the Supreme Court methodology (the Reserve Bank cash rate plus 6%), rounded to the nearest half per cent of the maximum interest rate for the previous year. The cash rate used for the purposes of the maximum interest rate for local government is based on the cash rate set by the Reserve Bank on 7 December 2021.

Notice giving effect to these decisions will be published in the NSW Government Gazette.

### **Section 603 Certificate**

Under section 603 of the Act, councils may issue a certificate as to the amount (if any) of rates, charges, etc due or payable to the council for a parcel of land. Section 603(2) states the application must be accompanied by the approved fee. In accordance with the approved methodology, the approved fee for 2022-23 is determined to be \$90. This is an increase of \$5 from the 2021-22 fee.

This determination applies to the issuing of a certificate for the matters specified in section 603(2) of the Act. Where a council offers to provide other information as an optional service, the council is not prevented from separately determining an approved fee for that additional service. Furthermore, a council is not prevented from determining approved fees for additional services required by an applicant for the expedited processing of a section 603 certificate.

### **Statutory limit on the maximum amount of minimum rates**

Following a recommendation by IPART, clause 126 of the Local Government (General) Regulation 2021 will be amended on 1 July 2022 by the Local Government (General) Amendment (Minimum Amounts of Rate) Regulation 2022 so that under section 548(3)(a) of the Act, the maximum amount of the minimum ordinary rate to be \$569 for 2022-23.

The maximum amount of a minimum special rate (not being a water supply special rate or a sewerage special rate) prescribed by section 548(3)(b) of the Act will remain unchanged at \$2.

### **Circular 22-07**

#### **Guidelines for Additional Special Variation (ASV) Process for 2022-23**

**\*\*\* The ASV Guidelines set out in this circular apply in place of, and supersede, the ASV Guidelines issued in Circular 22-03 \*\*\***

- The ASV Guidelines set out in this Circular apply where council is applying for:
  - temporary or permanent single year special variation for 2022-23 under section 508(2) of the Local Government Act 1993 (the Act), AND
  - the percentage sought in the application is the lower of:
    - 2.5% (including population factor) or
    - the council's assumed 2022-23 rate peg as set out in its 2021- 22 IP&R documentation (including population factor)
- For ASV applications made under the Guidelines set out in this Circular, councils will need to provide IPART with the following information:
  - Council's 2021-22 IP&R documentation identifying that council budgeted for an income increase above the percentage specified for the council for 2022-23 under section 506 of the Act; and
  - Where councils are applying for a permanent special variation, in addition to the above information, the council's 2021-22 IP&R documentation identifying that the council forecast an average Operating Performance Ratio (OPR) of 2% or lower over the next 5 years or, alternatively, evidence of need, for

- example, but not limited to, that the council needs to maintain a higher OPR so it can meet its capital funding requirements; and
- Council has resolved to apply for the special variation under section 508(2) of the Act and that the resolution clearly states:
  - whether the resolution is for a temporary or permanent special variation under section 508(2) of the Act; and
  - the additional income that council will receive if the special variation is approved; and
  - why the special variation is required; and
  - that the council has considered the impact on ratepayers and the community in 2022-23 and, if permanent, in future years if the special variation is approved and considers that it is reasonable.
- The ASV application process is a simpler more targeted application process.
- IPART will not require councils to demonstrate community consultation or criteria outside of the processes outlined above. To demonstrate community consultation, IPART will consider the consultation undertaken through the IP&R process and consider the resolution to apply for a ASV meets the requirements outlined above.
- Revised application forms and further information will be released by IPART shortly.
- Under this ASV round of applications:
  - IPART will accept applications until 29 April 2022;
  - IPART will publish applications to enable community consultation for a period of at least three weeks; and
  - IPART will notify councils of its decision no later than 21 June 2022.

## Circular 22-08

### Model Social Media Policy and Model Councillor and Staff Interaction Policy

- The Office of Local Government (OLG) has finalised the *Model Social Media Policy* and *Model Councillor and Staff Interaction Policy*.
- The model policies have been developed following two rounds of consultation with the local government sector and represent a 'best practice' approach.
- The model policies are also informed by advice provided by key NSW Government agencies, including:
  - The Independent Commission Against Corruption
  - The Information and Privacy Commission
  - The State Archives and Records Authority, and
  - Resilience NSW.
- The model policies are not mandatory, and councils are free to choose whether to use them or to adapt them for their own purposes. If adopted, the policies will operate to supplement the provisions of councils' adopted codes of conduct.

## 2. Meetings

Following is a list of meetings or events attended by the General Manager for the period of 11 March 2022 – 12 April 2022.

Date	Meeting	Location
14 Mar 2022	OLG Representative	Wentworth
15 Mar 2022	Mayoral Meeting	Wentworth
15 Mar 2022	Wentworth Business Meeting	Wentworth
16 Mar 2022	Water Engagement Webinar	Wentworth



16 Mar 2022	Pre Meeting Briefing	Wentworth
16 Mar 2022	Ordinary Council Meeting	Wentworth
17 Mar 2022	Ellerslie Community Strategic Plan Consultation	Ellerslie
18 Mar 2022	Mt Dispersion Event Meeting	Mt Dispersion
21 Mar 2022	Essential Energy Regulatory Proposal	Video Conference
22 Mar 2022	ABC Radio Interview	Phone
22 Mar 2022	Mayoral Meeting	Wentworth
22 Mar 2022	Interview – Junction Island	Wentworth
23 Mar 2022	Pomona School Community Strategic Plan Consultation	Wentworth
23 Mar 2022	Buronga Gol Gol Senior Citizens	Buronga
23 Mar 2022	Council Advisory Meeting	Wentworth
29 Mar 2022	Mayoral Meeting	Wentworth
30-31 Mar 2022	Meeting Minister Saunders & Minister Anderson	Sydney
11 Apr 2022	Coomealla Health Aboriginal Corporation	Coomealla
12 Apr 2022	Mayoral Meeting	Wentworth
12 Apr 2022	Helen Dalton 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
27 Apr 2022	Far West Joint Organisation AGM	Mayor Elstone & General Manager	Video Conference
29 Apr 2022	Nhuuralli Story Line Event	Councillors & General Manager	Mt Dispersion
2 May 2022	Wentworth Regional Tourism	Cr Rodda	Coomealla
5 May 2022	Wentworth Showgrounds User Group	Cr Beaumont, Cr Heywood, Cr Evans	Wentworth
10 May 2022	Australian Inland Botanic Gardens	Cr Linklater and Cr Rodda	Mildura

### 4. Other items of note

Nil

### Attachments

1. Circular 22-04 [🔗](#)
2. Circular 22-05 [🔗](#)

3. Circular 22-06 [↓](#)
4. Circular 22-07 [↓](#)
5. Circular 22-08 [↓](#)



Office of  
Local Government

## Circular to Councils

<b>Circular Details</b>	22-04/ 15 March 2022/ A811265
<b>Previous Circular</b>	21-07 <i>Commencement of Local Government Amendment Act 2021</i>
<b>Who should read this</b>	Councillors / General Managers / Council Governance Staff
<b>Contact</b>	Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information / Council to Implement

### Payment of councillor superannuation

#### What's new or changing

- Following an amendment to the *Local Government Act 1993* (the Act) last year, councils may make payments as a contribution to a superannuation account nominated by their councillors, starting from the financial year commencing on **1 July 2022**.
- The making of superannuation contribution payments for councillors is optional and is at each council's discretion.

#### What this will mean for your council

- To exercise the option of making superannuation contribution payments for their councillors, councils must first resolve at an open meeting to make superannuation contribution payments for the councillors.
- Where a council resolves to make superannuation contribution payments for its councillors, the amount of the payment is to be the amount the council would have been required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act 1992* as superannuation if the councillors were employees of the council.
- As of 1 July 2022, the superannuation guarantee rate will be 10.5%. The rate will increase by half a percent each year until 1 July 2025 when it reaches 12%.
- The superannuation contribution payment is to be paid at the same intervals as the annual fee is paid to councillors.
- To receive a superannuation contribution payment, each councillor must first nominate a superannuation account for the payment before the end of the month to which the payment relates. The superannuation account nominated by councillors must be an account for superannuation or retirement benefits from a scheme or fund to which the *Commonwealth Superannuation Guarantee (Administration) Act* applies.
- Councils **must not** make a superannuation contribution payment for a councillor if the councillor fails to nominate an eligible superannuation account for the payment before the end of the month to which the payment relates.
- Individual councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Councillors must do so in writing.

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 20 770 707 468

- Councils must not make superannuation contribution payments for councillors during any period in which they are suspended from their civic office or their right to be paid any fee or other remuneration, or expense, is suspended under the Act.
- Councillors are also not entitled to receive a superannuation contribution payment during any period in which they are not entitled to receive their fee under section 254A of the Act because they are absent.

**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](mailto:olg@olg.nsw.gov.au).

**Melanie Hawyes**  
**Deputy Secretary, Crown Lands and Local Government**

Office of Local Government  
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Office of  
Local Government

## Circular to Councils

<b>Circular Details</b>	22-05/15 March 2022/A811129
<b>Previous Circular</b>	N/A
<b>Who should read this</b>	Councillors / General Managers / Companion Animal staff
<b>Contact</b>	Policy Team / (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

### Companion Animals Amendment (Rehoming Animals) Act 2022

#### What's new or changing

- On 23 February 2022, a Private Members Bill, the *Companion Animals Amendment (Rehoming Animals) Bill* passed Parliament.
- The Bill seeks to improve rehoming outcomes for pet cats and dogs in the care of NSW council pounds and shelters.

#### What this will mean for your council

- This means that the *Companion Animals Act 1998* has been amended to prescribe the actions that local councils must take when seeking to rehome a companion animal that has been seized or surrendered.
- Key changes include:
  - The need for councils to give written notice to at least 2 rehoming organisations that the animal is available for rehoming and will remain available for at least 7 days from the date the notice is given.
  - The need to take reasonable steps to advertise on a webpage or through a social media platform that the animal is available for rehoming.
  - New record-keeping requirements in relation to:
    - the identification of animals either rehomed or destroyed, and
    - in the case of animals that are destroyed, the actions a council took to rehome that animal.
- The Office of Local Government (OLG) recognises the critical role that local councils have in rehoming companion animals, and that these changes formalise the actions councils currently undertake.
- Local Government NSW indicated its support for the Bill and described the amendments as straightforward and reasonable.

#### Key points

- The changes will standardise the rehoming process and create a consistent approach to rehoming across all NSW councils.
- It will also foster the development of closer partnerships with local rehoming organisations that will enable the development of a system that works best for both parties, including shared, cost-effective arrangements for the collection of animals from pounds.
- Importantly, the prohibition on selling or giving away a dangerous, menacing or restricted dog remains in place.

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- There is an exception in place for animals that, in the opinion of a veterinary practitioner, are so severely injured, so diseased or in such a physical condition that it is cruel to keep them alive.
- Along with the new record-keeping requirements, guidelines may be developed in relation to the reporting of that information to the Departmental Chief Executive or the public, or both.
- OLG will consult with councils on the development of these guidelines.
- Importantly, the Rehoming Practices Review announced in November 2021 is a separate process to these amendments and will encompass a broader examination of current rehoming practices and factors driving euthanasia rates.
- The Review will be undertaken in consultation with metropolitan, regional and rural councils and rehoming organisations to collect and analyse more information and data to better understand euthanasia rates and trends.
- It will examine breeding, desexing and rehoming practices and their impacts on euthanasia rates. It will also look at ways to reduce euthanasia rates including any need for legislative reform, improvements to impounding processes, and better data collection.
- Any regulatory changes or process improvements recommended in the Review will be fully costed.
- Further details regarding the Review and how councils can participate will soon be made available.

#### Where to go for further information

- Further information on the *Companion Animals Amendment (Rehoming Animals) Act 2022* is available on the NSW Parliament website [here](#).

**Melanie Hawyes**

**Deputy Secretary, Crown Lands and Local Government**

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## Circular to Councils

<b>Circular Details</b>	22-06 / 1 April 2022 / A814194
<b>Previous Circular</b>	21-04 – Information about Rating 2021-22
<b>Who should read this</b>	Councillors / General Managers / Council staff
<b>Contact</b>	Performance Team / (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information / Council to Implement

### Information about Ratings 2022-23

#### What's new or changing

- The maximum boarding house tariffs for 2022-23 have been determined.
- The maximum interest rate payable on overdue rates and charges for 2022-23 has been determined.
- The section 603 certificate fee for 2022-23 has been determined.
- The statutory limit on the maximum amount of minimum rates for 2022-23 has been determined for commencement on 1 July 2022.

#### What this will mean for your council

Councils should incorporate these determinations into their 2022-23 rating structures and Operational Plan Statement of Revenue Policies.

#### Key points

##### Boarding House Tariffs

In accordance with section 516 of the *Local Government Act 1993* (the Act), it has been determined that for the purpose of the definition of 'boarding house' and 'lodging house', the maximum tariffs, excluding GST, that a boarding house or lodging house may charge tariff-paying occupants are:

- Where **full board and lodging** is provided:  
**\$409** per week for single accommodation; or  
**\$675** per week for a family or shared accommodation
- Where **less than full board or lodging** is provided:  
**\$275** per week for single accommodation; or  
**\$454** per week for family or shared accommodation

##### Maximum Interest Rate on Overdue Rates and Charges

In accordance with section 566(3) of the Act, it has been determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive) will be **6.0% per annum**.

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The methodology used to calculate the interest rate applicable for the period 1 June 2022 to 30 June 2023 is the Supreme Court methodology (the Reserve Bank cash rate plus 6%), rounded to the nearest half per cent of the maximum interest rate for the previous year. The cash rate used for the purposes of the maximum interest rate for local government is based on the cash rate set by the Reserve Bank on 7 December 2021.

Notice giving effect to these decisions will be published in the NSW Government Gazette.

#### Section 603 Certificate

Under section 603 of the Act, councils may issue a certificate as to the amount (if any) of rates, charges, etc due or payable to the council for a parcel of land. Section 603(2) states the application must be accompanied by the approved fee. In accordance with the approved methodology, the approved fee for 2022-23 is determined to be **\$90**. This is an increase of \$5 from the 2021-22 fee.

This determination applies to the issuing of a certificate for the matters specified in section 603(2) of the Act. Where a council offers to provide other information as an optional service, the council is not prevented from separately determining an approved fee for that additional service. Furthermore, a council is not prevented from determining approved fees for additional services required by an applicant for the expedited processing of a section 603 certificate.

#### Statutory limit on the maximum amount of minimum rates

Following a recommendation by IPART, clause 126 of the *Local Government (General) Regulation 2021* will be amended on 1 July 2022 by the *Local Government (General) Amendment (Minimum Amounts of Rate) Regulation 2022* so that under section 548(3)(a) of the Act, the maximum amount of the minimum ordinary rate to be **\$569** for 2022-23.

The maximum amount of a minimum special rate (not being a water supply special rate or a sewerage special rate) prescribed by section 548(3)(b) of the Act will remain unchanged at **\$2**.

#### **Where to go for further information**

The NSW legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).



**Melanie Hawyes**  
**Deputy Secretary**  
**Crown Lands and Local Government**

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Local Government

## Circular to Councils

<b>Circular Details</b>	22-07/6 April 2022/A815377
<b>Previous Circular</b>	22-03 Guidelines for Additional Special Variation (ASV) Process for 2022-23
<b>Who should read this</b>	Councillors / General Managers / Rating and Finance Staff
<b>Contact</b>	Policy Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information

### Subject

#### Guidelines for Additional Special Variation (ASV) Process for 2022-23

**\*\*\* The ASV Guidelines set out in this circular apply in place of, and supersede, the ASV Guidelines issued in Circular 22-03 \*\*\***

#### What's new or changing

- The Independent Pricing and Regulatory Tribunal (IPART) will accept and process an additional round of 2022-23 Special Variation (ASV) applications from councils.
- For applications made under the ASV process, the ASV Guidelines set out in this circular apply in place of the [Guidelines for the preparation of an application for a special variation to general income](#) issued by the Office of Local Government in 2020.
- The ASV Guidelines set out in this circular apply in place of, and supersede, the ASV Guidelines issued in Circular 22-03.
- For more information on when these ASV Guidelines apply, please see 'What this will mean for your council' below.
- This one-off ASV round is available for the 2022-23 financial year only.
- This one-off ASV round is for councils that can show that the special variation will enable them to meet the obligations they set for 2022-23 in their 2021-22 Integrated Planning and Reporting (IP&R) documentation.
- Councils seeking a permanent special variation will also need to demonstrate the need for the special variation to be included in their rate base on an ongoing basis.
- Separately, IPART has also agreed to undertake a broader review of its rate peg methodology, including the Local Government Cost Index, with outcomes from the review expected to shape rate peg determinations in future years.

#### What this will mean for your council

- The ASV Guidelines set out in this Circular apply where council is applying for:
  - a temporary or permanent single year special variation for 2022-23 under section 508(2) of the *Local Government Act 1993* (the Act), AND
  - the percentage sought in the application is the lower of:
    - 2.5% (including population factor) or

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- the council's assumed 2022-23 rate peg as set out in its 2021-22 IP&R documentation (including population factor)
- For ASV applications made under the Guidelines set out in this Circular, councils will need to provide IPART with the following information:
  - Council's 2021-22 IP&R documentation identifying that council budgeted for an income increase above the percentage specified for the council for 2022-23 under section 506 of the Act; and
  - Where councils are applying for a permanent special variation, in addition to the above information, the council's 2021-22 IP&R documentation identifying that the council forecast an average Operating Performance Ratio (OPR) of 2% or lower over the next 5 years or, alternatively, evidence of need, for example, but not limited to, that the council needs to maintain a higher OPR so it can meet its capital funding requirements; and
  - Council has resolved to apply for the special variation under section 508(2) of the Act and that the resolution clearly states:
    - whether the resolution is for a temporary or permanent special variation under section 508(2) of the Act; and
    - the additional income that council will receive if the special variation is approved; and
    - why the special variation is required; and
    - that the council has considered the impact on ratepayers and the community in 2022-23 and, if permanent, in future years if the special variation is approved and considers that it is reasonable.
- The ASV application process is a simpler more targeted application process.
- IPART will not require councils to demonstrate community consultation or criteria outside of the processes outlined above. To demonstrate community consultation, IPART will consider the consultation undertaken through the IP&R process and consider the resolution to apply for a ASV meets the requirements outlined above.
- Revised application forms and further information will be released by IPART shortly.
- Under this ASV round of applications:
  - IPART will accept applications until 29 April 2022;
  - IPART will publish applications to enable community consultation for a period of at least three weeks; and
  - IPART will notify councils of its decision no later than 21 June 2022.

### Key points

- In late 2021, IPART announced the rate peg for the 2022-23 financial year was set at an increase of between 0.7% and 5.0%.
- Special variations provide an opportunity for councils to vary general income by an amount greater than the annual rate peg. However IPART's normal period for special variation applications in relation to the 2022-23 rate peg has now passed.
- The Office of Local Government and IPART recognise that, due to the delayed council elections and the determination of the 2022-23 rate peg at a lower rate than councils had forecast, councils may not have had sufficient time to prepare special variation application within the normal timeframe.

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This may result in some councils not having sufficient funds to pay for required infrastructure and services.

- As such the NSW Government and IPART have agreed to a one-off ASV round for the 2022-23 financial year only.
- This process is not intended to address applications from councils that require a special variation (above 2.5%) to achieve long term financial sustainability for reasons other than those set out in the criteria above, which should be addressed through the standard special variation process.
- [IPART's website](#) will be updated with revised application forms and information papers shortly.

#### **Where to go for further information**

- For further information please contact IPART on 02 9290 8400 or by email to [ipart@ipart.nsw.gov.au](mailto:ipart@ipart.nsw.gov.au).

**Melanie Hawyes**

**Group Deputy Secretary, Crown Lands and Local Government**

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Office of  
Local Government

## Circular to Councils

<b>Circular Details</b>	22-08 / 7 April 2022 / A806228
<b>Previous Circular</b>	21-08: Consultation on draft Model Social Media and Councillor and Staff Interaction Policies and on the development of a Model Media Policy
<b>Who should read this</b>	Councillors / General Managers / Council governance and communications staff
<b>Contact</b>	Council Governance/ (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information / Council to Implement

### Model Social Media and Councillor and Staff Interaction Policies

#### What's new or changing

- The Office of Local Government (OLG) has finalised the *Model Social Media Policy* and *Model Councillor and Staff Interaction Policy*.
- The model policies have been developed following two rounds of consultation with the local government sector and represent a 'best practice' approach.
- The model policies are also informed by advice provided by key NSW Government agencies, including:
  - the Independent Commission Against Corruption
  - the Information and Privacy Commission
  - the State Archives and Records Authority, and
  - Resilience NSW.

#### What this will mean for your council

- The model policies are not mandatory, and councils are free to choose whether to use them or to adapt them for their own purposes. If adopted, the policies will operate to supplement the provisions of councils' adopted codes of conduct.

#### Key points

- OLG has previously issued a *Model Councillor Expenses and Facilities Policy* for use by councils.
- The *Model Social Media Policy*, *Councillor and Staff Interaction Policy* and *Councillor Expenses and Facilities Policy* are available on OLG's website [here](#).

#### Where to go for further information

- For further information, contact OLG's Council Governance Team on (02) 4428 4100.

**Melanie Hawyes**

**Deputy Secretary, Crown Lands and Local Government**

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## 9.2 REDEVELOPMENT OF THE WENTWORTH SHIRE CIVIC CENTRE PROJECT UPDATE

File Number: RPT/22/275

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

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

As part of the Office of Local Government (OLG) Capital Expenditure Review, quarterly project update reports are to be provided to Council. The report is to include detail of project progress, identify any budget variances that may impact on the project, and recognise any issues that may have an adverse impact on the works.

Council have been successful in securing the following funding:

Funding Program	Funding Amount excluding GST
2019/20 Public Library Infrastructure Grant (State Library of New South Wales) for the Relocation of the Wentworth Shire Library.	\$500,000.00
Round 7 of the Resources for Regions Program for the relocation of the Wentworth Visitor Information Centre to the Civic Centre.	\$941,023.00
Phase 2 of the NSW Government Local Roads and Infrastructure Program Extension for the construction of the Wentworth Library Outdoor Riverfront Gathering Space ( <i>Library Courtyard</i> ).	\$487,539.00
Round 3 of the Federal Government's Economic Development Program for the Wentworth Community Space and Convention Centre.	\$713,339.00
Buiding Better Regions – Round 5 for the Wentworth Community Space and Convention Centre	\$713,339.00
Phase 3 Local Roads and Community Infrastructure for the Interpretive Space at the Civic Centre	\$990,000.00

### Recommendation

That Council receives and notes the information contained within this report.

### Detailed Report

Further to the quarter report of 31 January 2022, the following works have been completed:

- Tender for the Wentworth Shire Civic Centre Courtyard (*Wentworth Library Outdoor Riverfront Gathering Space*) being Stage One of the overall redevelopment, was accepted from CPM Building Contractors Pty Ltd in the amount of \$647,148.00.
- A Construction Certificate for the Courtyard has been approved by Regional Building Consultants on 23 February 2022.
- GSD Architects continue to progress tender documentation for the construction and fit out of the Civic Centre building, including "For Tender Issue" drawings and specification.

Drawing plans and specification includes provision of electrical, mechanical, and hydraulic design. Currently 95% of the detail for this component has been compiled.

- Fire service assessment is completed with Fire Service Engineers preparing a Performance Based Assessment under the performance requirements of the *Building Code of Australia 2019* (BCA). “Deemed to Satisfy” solutions have been prepared for the

Installation of a booster pump, diesel pump set, and tanks for static storage within the shared carpark of the Wentworth Shire Civic Centre and the Wentworth Grande Resort.

- Tender documentation is being compiled for the development of interpretive and interactive themes proposed within the Visitor Information and Experience Centre. The tender will encompass stage two of the overall redevelopment, with Council seeking the engagement of a firm to design and construct the interpretive and interactive exhibitions, and displays.

### **Attachments**

Nil

### 9.3 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

File Number: RPT/22/218

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

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

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

#### **Summary**

The 2022 National General Assembly of Local Government (NGA) is being held in Canberra from 19-22 June 2022. The NGA provides an opportunity for Councils to identify and discuss national issues of priority for the sector.

In previous years the Mayor and the General Manager have represented Council at the National Assembly of Local Government.

#### **Recommendation**

That Council endorses the attendance of the Mayor and General Manager at the National General Assembly of Local Government "Partners in Progress" 19-22 June 2022 in Canberra.

#### **Detailed Report**

##### **Purpose**

The purpose of this report is to inform Council that the 2022 National General Assembly of Local Government is taking place on 19-22 June 2022 in Canberra which provides an opportunity for Councils to identify and discuss national issues of priority for the sector and for council to identify which delegate(s) should attend.

The theme of this year's National General Assembly "Partners in Progress" reflects the important role local governments play in building a stronger, more inclusive, sustainable Australia and the willingness of local governments to work with other levels of government to achieve this.

With a fast approaching Federal Election, the 2022 National General Assembly of Local Government will be an ideal opportunity to engage with either a new or re-elected Federal Government about building stronger relationships and partnerships.

The Prime Minister, the Leader of the Opposition, and key ministers have been invited to share their vision for Australia's future and how we can all work together for the benefit of all communities.

Key opportunities by engaging in this event include:

- Exploring new ideas through keynote addresses, panels, concurrent sessions, and networking;
- Engaging with federal leaders and senior officials as they discuss Australia's recovery;
- Connecting with partners and service providers in the Exhibition Space; and

- Learning more about how Australian Local Government Association's policy and advocacy programs are supporting recovery efforts in communities.

The registration brochure for the Assembly, which includes a provisional program, is attached.

Registration costs face to face:

- Early Bird \$ 989.00
- Late \$1099.00

Virtual Attendance

- Full \$689.00
- 1 day (either Mon or Tues) \$489.00

### **Attachments**

1. 2022 National General Assembly Registration Brochure [↓](#)





AUSTRALIAN  
LOCAL GOVERNMENT  
ASSOCIATION

PARTNERS IN PROGRESS

# 2022 NATIONAL GENERAL ASSEMBLY

19 - 22 JUNE 2022

REGISTRATION BROCHURE



# Provisional Program

## SUNDAY 19 JUNE

9.00am	Registrations Open
9.30am - 5.00pm	Regional Forum (Additional registration required)
5.00pm - 7.00pm	Welcome Reception & Exhibition Opening

## MONDAY 20 JUNE

8.00am	Registrations Open
9.00am	Opening Ceremony Welcome to Country
9.20am	ALGA President Opens the Assembly
9.30am	Prime Minister Address <i>(invited)</i>
10.00am	ALGA President's Address Cr Linda Scott, ALGA President
10.30am	MORNING TEA
11.00am	Keynote Address: Thinking Differently for a New Future of Local Government in Australia Alicia McKay, Strategic Leadership Expert, NZ
11.45am	Panel: What is Progress? Panelists TBC
12.30pm	LUNCH
1.30pm	Debate on Motions
3.30pm	AFTERNOON TEA
4.00pm	Keynote Address: Economic Recovery Jennifer Westacott AO, Business Council of Australia
4.30pm	Minister for Local Government Address <i>(invited)</i>
5.00pm	Closing Remarks
7.00pm - 11.00pm	Networking Dinner National Museum

**TUESDAY 21 JUNE**

9.00am	Panel: Building Stronger Communities Panelists TBC
9.45am	Panel: Federation Reborn Paul Tilley, Author Graham Jarvis, AEC Group Additional Panelists TBC
10.45am	<b>MORNING TEA</b>
11.15am	Keynote Address: Global Democracy Presenter TBC
12.00pm	<b>LUNCH</b>
1.00pm	Debate on Motions
2.00pm	Panel: Workforce Skills and Housing Panelists TBC
3.00pm	<b>AFTERNOON TEA</b>
3.30pm	Concurrent Sessions <ul style="list-style-type: none"> <li>Strategic Community Leadership with Alicia McKay</li> <li>Disaster Management and Recovery</li> <li>Climate Change</li> <li>Update from Department of Infrastructure, Transport, Regional Development and Communications</li> </ul>
5.00pm	Closing Remarks
7.00pm - 11.00pm	General Assembly Dinner Exhibition Park in Canberra (EPIC)

**WEDNESDAY 22 JUNE**

9.00am	Opposition Leader Address ( <i>invited</i> )
9.30am	Keynote Address: The New Political Landscape Presenter TBC
10.00am	Keynote Address: Local Government - A Global View Jonathan Carr-West, CEO, Local Government Information Unit
10.30am	<b>MORNING TEA</b>
11.00am	Panel: Future of Local Government Mayors and Councillors TBC
12.00pm	Keynote Address Val Dempsey, 2022 Senior Australian of the Year
12.30pm	Closing Session ALGA President Closing Address
1.00pm	<b>LUNCH</b>

**Alicia McKay Leadership Masterclass**

Join Alicia McKay, our keynote and MC, for an exclusive introductory masterclass to strategic community leadership.

Get a live taste of her newly launched program designed exclusively for local government leaders and enjoy a special offer for delegate enrolments.

Spaces are limited to just 50 places so be sure to pre register online <https://engage.aliciamckay.co.nz/scl-nga>

## Key Dates

**25 MARCH  
2022**

2022 NGA  
Call for Motions  
Closes

**20 MAY  
2022**

Close of  
Early Bird  
Registration Rate

**19 JUNE  
2022**

Regional  
Cooperation &  
Development Forum

**20 -22 JUNE  
2022**

National  
General  
Assembly



# **REGIONAL FORUM**

National Convention Centre Canberra

**2022**

Sunday 19 June

[regionalforum.com.au](https://regionalforum.com.au)

## PROVISIONAL PROGRAM

9.00AM	Registrations Open
9.30AM	Welcome to Country
9.40AM	ALGA President Opening Cr Linda Scott, ALGA President
9.50AM	Minister for Local Government Address (Invited)
10.15AM	Facilitated Q&A
10.30AM	Panel: Regional Tourism Post-Pandemic Coralie Bell, Australian Regional Tourism James Goodwin, Australian Airports Association Additional Panelists TBC
11.00AM	MORNING TEA
11.30AM	Keynote Address: Leadership During an Uncertain Climate Presenter TBC
12.00PM	Keynote Address and Panel: Regional Leadership Matt Linnegar, Australian Rural Leadership Foundation
1.00PM	LUNCH
2.00PM	Keynote Address: Increasing Our Resilience to Fires and Floods Adrian Turner, Minderoo Foundation Fire and Flood Resilience Initiative
2.30PM	Panel: Regional Housing and Population Challenges Liz Ritchie, Regional Australia Institute Professor Andrew Beer, University of South Australia
3.30PM	AFTERNOON TEA
4.00PM	Department of Infrastructure, Transport, Regional Development and Communications Presenter TBC
4.30PM	Shadow Minister for Local Government Address (invited)
5.00PM	Closing Remarks

## GENERAL INFORMATION

### REGISTRATION FEES

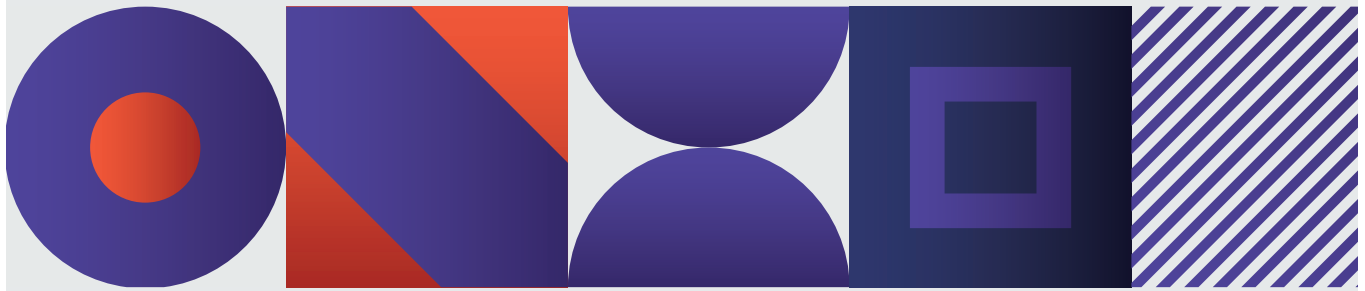
Forum Only Registration  
\$425

NGA Delegate Discount  
Registration  
\$225

Register Online Now:  
[regionalforum.com.au](http://regionalforum.com.au)

Dress Code: Smart Casual





# NGA22 Speakers



## **ALICIA MCKAY (NZ)**

Strategic Leadership Expert, NZ

Alicia McKay is a leading authority on organisational strategy and change, empowering senior leaders in government, business and the community to think smarter and make better decisions.

A celebrated author, speaker, facilitator, coach, and leader, she has a voice that cuts through the sea of corporate jargon to get real about what it takes to change our life, work and leadership.

Drawing on specialist accreditations in problem definition, strategy development and investment, Alicia launched Meetings that Matter in 2020, which is quickly becoming the gold standard for strategic facilitation in New Zealand and Australia.

Combining best-practice research, dynamic delivery and a cheeky grin, Alicia gets serious results in even the most challenging environments.

Alicia's latest book is titled "You Don't Need An MBA: Leadership Lessons that Cut through the Crap".



## **DR JOHNATHAN CARR-WEST (UK)**

CEO, Local Government Information Unit

Dr Jonathan Carr-West has been Chief Executive of LGIU (Local Government Information Unit) since February 2013, where he leads on all aspects of the think tank's policy, membership and influencing work.

Some of his particular interests are in participative democracy, the evolving nature of public services and devolution. With extensive media profile and sector credibility, he has published on topics as diverse as localism and public service transformation, cognitive and behavioural science, and the politics of cultural memory.

Prior to being appointed as Chief Executive, Jonathan was Director of Policy at the LGIU where he led on research and consultancy, policy development and piloting, best practice dissemination, learning and development.



#### **JENNIFER WESTACOTT AO**

CEO, Business Council of Australia

Jennifer Westacott AO has served as Chief Executive of the Business Council of Australia since 2011, bringing a unique combination of extensive policy experience in both the public and private sectors.

She has served as the Director General of the NSW Department of Infrastructure, Planning and Natural Resources; the Secretary of the Victorian Department of Education and Training; and the Director of Housing in Victoria. She was also the Deputy Director General of the NSW Department of Community Services, and the Deputy Director General of the NSW Department of Housing.

As a senior partner at KPMG, Jennifer advised major corporations on climate change and sustainability and advised governments across Australia on significant reform priorities.



#### **ADRIAN TURNER**

CEO, Minderoo Foundation Fire and Flood Resilience Initiative

Adrian is an influential Australian technology entrepreneur who spent 18 years in Silicon Valley building businesses before returning to Australia in 2015.

Most recently, Adrian has been appointed Deputy Chair of Prezzy, a conditional payments company dubbed the newest \$1 billion tech 'unicorn' and is leading the Minderoo Foundation's Fire and Flood Resilience Initiative, a program changing the way we deal with systemic fire and flood risk, helping to shift our national focus from response and recovery to disaster preparedness and resilience.

Prior to this Adrian was founding CEO at CSIRO's Data 61, the team that led the development of the national AI roadmap, AI ethics framework, standards advisory work for consumer data rights and open banking and the ICT stream for the national genomics mission.



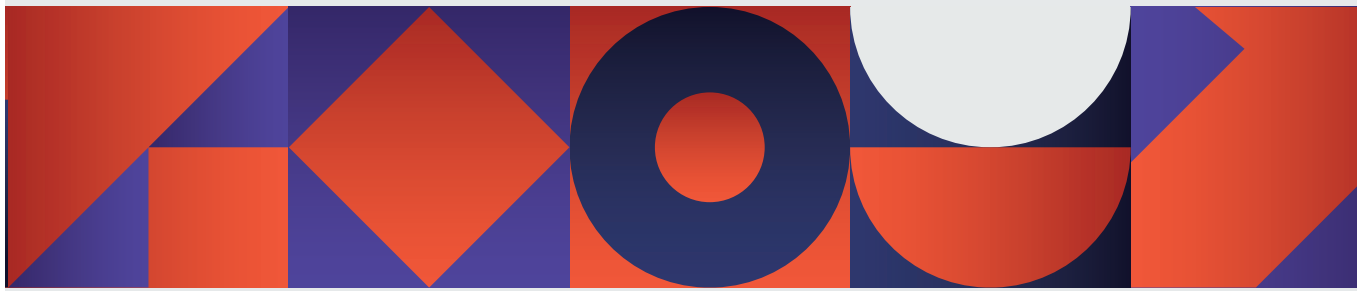
#### **LIZ RITCHIE**

CEO, Regional Australia Institute

Liz Ritchie is the CEO of the Regional Australia Institute, after joining in 2018 as the General Manager - Strategy and Partnerships.

For more than 20 years Liz has worked across the corporate, government and the not-for-profit sector, and she specialises in leading organisational transformation to build a sustainable future.

Liz is a change agent, a marketer, a researcher and an extremely passionate advocate for regional Australia, heralding from Deniliquin in NSW.



# NGA22 Speakers



**JAMES GOODWIN**

Chief Executive, Australian Airports Association

James Goodwin was appointed Chief Executive of the Australian Airports Association (AAA) in May 2020. The AAA represents the interests of airports across Australia including close to 200 local-government owned aerodrome assets.

James has a background in media, corporate affairs and government relations.

He has worked as a reporter and news presenter for major network news outlets in Sydney and Canberra, including several years in the Parliamentary Press Gallery, and is currently the Chair of St John Ambulance in the ACT.



**MATT LINNEGAR**

Chief Executive, Australian Rural Leadership Foundation

Matt Linnegar is the Chief Executive of the Australian Rural Leadership Foundation, and has more than 25 years of experience in for-purpose, representative and commercial roles focused on leadership, agriculture, water, natural resource management, trade, marketing, and rural Australia more broadly.

Matt joined the Foundation in mid-2014 after a successful three and a half-year period as CEO of the National Farmers' Federation.

Matt is President of the Carwoola Community Association and serves on the Charles Sturt University Strategic Advisory Committee, Bush Summit Advisory Panel, and Investing in Rural Communities Reference Panel.



**VAL DEMPSEY**

2022 Senior Australian of the Year

For more than 50 years Valmai (Val) Dempsey has dedicated her life to St John Ambulance.

In 2020, Val faced her biggest challenge yet – first with the 'Black Summer' bushfires, followed by the COVID-19 pandemic.

In response, she led 40 fellow volunteers as they supported fire-affected communities during the emergency that stretched over many weeks, and when the pandemic hit, she personally contacted every volunteer to check they were 'doing OK' in terms of welfare, mental health and morale.

It is these tireless commitments to St John that has led many in the community to know her lovingly as 'Auntie Val'.





#### **PROF ANDREW BEER**

Executive Dean, UniSA Business

Professor Andrew Beer is Executive Dean, UniSA Business. He is a former Chair of the London-based Regional Studies Association, a Fellow of the Regional Australia Institute and a member of the UK's Academy of Social Sciences.

Professor Beer has a long history of research on housing and regional issues, including work in both metropolitan and non-metropolitan Australia.

His recent work has included major publications on place based policy, a textbook on planning for economic development in a globalised economy, and work with the Regional Australia Institute on the rural housing crisis.



#### **CORALIE BELL**

Chair, Australian Regional Tourism

Having started life as a child in a front-line tourism business on the beautiful South Coast, today Coralie is the Tourism Manager for Shoalhaven City Council

Passionate about motivating teams and fostering relationships with everyone from Mum and Dad business owners to State Government organisations, Coralie is experienced in stakeholder communication and management.

Appointed to ART Chair in October 2018, Coralie is passionate about regional Australia, both as a place to live and destination to visit. She is committed to working regionally and making a real difference to the Shoalhaven and greater regional tourism sector.



#### **PAUL TILLEY**

Author

Paul Tilley was an economic policy adviser to governments for 30 years, working mainly in Treasury but also Prime Minister & Cabinet, the Treasurer's office and the Organisation for Economic Cooperation and Development.

He has since published a book on the history of the Treasury, *Changing Fortunes: A History of the Australian Treasury*, is a Visiting Fellow at the ANU's Tax and Transfer Policy Institute and a Senior Fellow at the Melbourne Law School.

Paul is currently writing a book on the history of tax reform in Australia.

# Registration Information

Registration form available at [nga22.com.au](https://nga22.com.au)

GENERAL ASSEMBLY REGISTRATION FEES		INCLUSIONS
Registration Fees — Early Bird Payment received by Friday 20 May 2022	\$989.00	<ul style="list-style-type: none"> <li>— Attendance at all General Assembly sessions</li> <li>— Morning tea, lunch and afternoon tea as per the General Assembly program</li> <li>— One ticket to the Welcome Drinks, Sunday</li> <li>— General Assembly satchel and materials</li> </ul>
Registration Fees — Late Payment received after Friday 20 May 2022	\$1,099.00	

VIRTUAL REGISTRATION FEES		INCLUSIONS
Full Virtual Registration	\$689.00	<ul style="list-style-type: none"> <li>— Virtual access to all General Assembly sessions for day(s) selected</li> <li>— Meeting hub to connect with other virtual attendees</li> </ul>
Virtual Day Registration (Monday or Tuesday)	\$489.00	

DAY REGISTRATION FEES		INCLUSIONS
Monday 20 June 2022	\$529.00	<ul style="list-style-type: none"> <li>— Attendance at all General Assembly sessions on the day of registration</li> <li>— Morning tea, lunch and afternoon tea as per the General Assembly program on that day</li> <li>— General Assembly satchel and materials</li> </ul>
Tuesday 21 June 2022	\$529.00	
Wednesday 22 June 2022	\$280.00	

SUNDAY REGIONAL FORUM REGISTRATION FEES	
Forum Only Sunday 19 June 2022	\$425.00
NGA Delegate Delegates attending the Regional Forum and the NGA are entitled to this discount	\$225.00

ACCOMPANYING PARTNERS REGISTRATION FEES		INCLUSIONS
Accompanying Partners Registration Fee	\$280.00	<ul style="list-style-type: none"> <li>— 1 ticket to the Welcome Reception, Sunday 19 June</li> <li>— Day tour Monday 20 June</li> <li>— Day tour Tuesday 21 June</li> <li>— Lunch with General Assembly Delegates on Wednesday 22 June</li> </ul>

*All amounts include GST*

#### 9.4 2022 WESTERN DIVISION OF COUNCILS ANNUAL CONFERENCE

File Number: RPT/22/220

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 2022 Western Division of Councils Annual Conference will be held from 1-3 May 2022 in Cobar.

#### **Recommendation**

That Council approve the attendance of Mayor Elstone, Deputy Mayor Linklater, Councillor Evans and General Manager Ken Ross to the 2022 Western Division of Council's Annual Conference to be held in Cobar from 1-3 May 2022.

#### **Detailed Report**

##### **Purpose**

The 2022 Western Division of Councils Annual Conference will be held from 1-3 May 2022 in Cobar. The purpose of this report is to bring the conference to the attention of council to identify which delegate(s) will attend. The Mayor and Cr Evans are Council's delegates on the Western Division of Council's, with Cr Evans being on the Executive Committee.

##### **Background**

The Western Division forum represents an excellent opportunity for Council to network with Western NSW community leaders. It will also offer firsthand experience regarding issues each community faces and provide an outline of the local-based solutions that are being adopted to deal with these challenges. The Western Division has over the years been an effective lobby group. Member Councils include Bourke, Cobar, Central Darling, Walgett, Wentworth, Balranald & Broken Hill. These councils make up the Far North West and Far West Joint Organisations. Last year, due to the conference being held close by in Broken Hill, Council nominated six Councillors and the General Manager to attend.

##### **Conclusion**

Attendance at the conference would be beneficial to Wentworth Shire Council as mutual interests and issues will be discussed and it will also provide an opportunity to network with other Councils with similar issues.

#### **Attachments**

Nil

## 9.5 2022 MURRAY DARLING BASIN AUTHORITY RIVER REFLECTIONS CONFERENCE

File Number: RPT/22/221

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 2022 Murray Darling Basin Authority *River Reflections* Conference will be held from 1-2 June 2022 in Mildura. *River Reflections* will provide the space and time for the diverse communities of the Murray Darling Basin to come together to listen and learn from one another.

### Recommendation

That Council determines attendees to the 2022 Murray Darling Basin Authority *River Reflections* Conference.

### Detailed Report

#### Purpose

The 2<sup>nd</sup> Annual Murray Darling Basin Authority *River Reflections* Conference will be held from 1-2 June 2022 in Mildura. The purpose of this report is to bring the conference to the attention of council and to identify which delegate(s) should be appointed to attend. Council did not attend the Conference last year in Griffith.

#### Background

The Murray Darling Basin Authority *River Reflections* Conference will see a wide range of national and local speakers sharing their insights and perspectives on challenges and innovations, community resilience, and river and ecosystem health.

The program includes a combination of on-the-ground tours, conference presentations, panel discussions and breakout sessions (attached).

Acclaimed demographer Simon Kuestenmacher will give an address on day 1, sharing insights on the macro trends created by the COVID-19 pandemic and the impacts and opportunities for Basin communities. On day 2, the MDBA Chair, Sir Angus Houston, will speak on the future of the Basin and the knowledge needed to support industries, communities and the environment for the long term.

The registration cost for the Conference is \$106.59 per person which includes the conference dinner on Wednesday night.

### Conclusion

Attendance at the conference would be beneficial to Wentworth Shire Council as mutual interests and issues will be discussed and it will also provide an opportunity to network with other Basin communities with similar issues.

**Attachments**

1. River Reflections Program [↓](#)



🏠 > [News, media & events ...](#) [River reflections confer... 2022 conference progra...](#)

[Page navigation](#)



## River reflections 2022 conference program



### Day 1 – Wednesday 1 June 2022

#### Morning feature: Capitalising on COVID

Macro trends in Australia and what it means for the Basin

**Simon Kuestenmacher**, Director, The Demographics Group

#### Panel discussion: regional perspectives – what is changing in my backyard?

**Liz Ritchie**, CEO Regional Australia Institute

**Simon Kuestenmacher**, Director, The Demographics Group

**Peter O'Donnell**, Chair, Mildura Airport and Southern Cross Farms

**Tony Sharley**, Owner, Murray River Trails

#### In the Hot Seat: An update

MDBA Chief Executive

#### Basin at a glance: a seasonal outlook

Executive Director, River Operations MDBA

**Trends in irrigation development on the Murray and Lower Darling (Baaka) River Systems****Kelly Fyfe**, SunRISE Mapping and Research**Balancing development risks and opportunities**

Shining a spotlight on local issues through growers' perspectives

**Dean Taylor**, grape grower and Managing Director, Taylors Survey and Development**Frank Dimasi**, Chair, Lower Murray Water Stakeholder Advisory Committee**Unpacking River Murray deliverability, shortfall risk and the Barmah Choke**

MDBA

**Tour of [Hattah-Kulkyne National Park](#)**

Environmental management in action, hosted by Mallee Catchment Management Authority

**Conference dinner (Willow and Ivie)****Vibrant regional communities**

Transformational change through adaptation and innovation

Panel conversation:

**Peter Kelly**, Business Manager, Murray Offroad Adventures**Aman Grewal**, Golden Grain Mills, Grewal Farms, Lake Cullulleraine**Kim Morison**, Managing Director, Argyle Capital Partners**Day 2 – Thursday 2 June 2022****Address: The future of the Basin****Sir Angus Houston**, Chair, Murray–Darling Basin Authority**Basin water compliance**

Office of Water Compliance

**Stories from the Basin: Conversations on regional success (choice of session – 3 sessions run concurrently)**Session 1: **Economic outcomes: diversity matters**

A northern Basin perspective

**Sam Heagney**, South Bunarba Agriculture

Industry perspective

**Tim Jackson**, CEO, Almond Board Australia

Regional development perspective

**Brett Millington**, CEO, Mildura Regional Development

## Session 2: **Fish, feathers and flows: environmental outcomes**

Water quality: trends, analysis and drivers

**Iain Ellis**, Senior Fisheries Manager, NSW Department of Planning and Environment - Fisheries

Gunbower: The Living Murray project

**Genevieve Smith**, North Central Catchment Management Authority

The Great Darling Anabranch water case study

**Mark Henderson**, Environmental Water Management Officer, NSW Department of Planning and Environment

## Session 3: **Sustainability for success: adapting to change with 3 grower representative's stories**

Citrus Australia

**Nathan Hancock**, CEO

Redgold Farm

**Andrew Young**, Owner

Chalmers Australia

**Kim Chalmers**, Director

## **Innovation and collaboration**

Promoting innovation through practical research, development and ingenuity

**Rebecca Wells**, CEO, Mallee Regional Innovation Centre

## **Connecting communities with Basin science**

MDBA

**Tour: [Food Next Door](#) Community Farm and Water Bank**

Supporting small-scale regenerative farming

**Tour: [First Peoples of the Millewa Mallee](#) Biocultural Resource Centre**



## Day 3 – Friday 3 June 2022

Optional all day self-drive tour from Mildura to Menindee Lakes (own transport required)

Updated: 24 Mar 2022



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## 9.6 REPRESENTATION ON WILLANDRA LAKES WORLD HERITAGE AREA ADVISORY COMMITTEE

File Number: RPT/22/288

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: 4.6 Collaborate with others to achieve desired outcomes for the local community

### **Summary**

The NSW Government is seeking expressions of interest for membership on the Willandra Lakes Region World Heritage Advisory Committee via LGNSW.

Council is invited to nominate two representatives for the Willandra Lakes Region World Heritage Advisory Committee, by Wednesday 4 May 2022, to be forwarded for the Minister's consideration.

### **Recommendation**

That Council nominate two representatives for local government membership on the Willandra Lakes Region World Heritage Advisory Committee.

### **Detailed Report**

#### **Purpose**

The purpose of this report is for Council to consider nominating two representatives for the Willandra Lakes Region World Heritage Advisory Committee.

#### **Background**

World Heritage advisory committees are responsible for providing advice to managing agencies and State and Australian Government ministers responsible for World Heritage, on the identification, protection, conservation, presentation and transmission of World Heritage values.

World Heritage advisory committee members are appointed by State minister/s responsible for World Heritage. The chairs are jointly appointed by State and Australian Government ministers responsible for World Heritage.

#### **Committee positions**

The Willandra Lakes Region World Heritage Advisory Committee is an 18-person committee with the following composition:

- 1 Independent Chair
- 9 First Nations representatives from the WLR-WH Aboriginal Advisory Group
- 2 Landholders (leaseholders within the World Heritage property)
- 3 Scientific representatives
- 1 Tourism representative
- 1 Local government representative
- 1 NPWS Regional Advisory Committee representative

Members and the chair of the committee are appointed for a term of three years. This is the second term of this Advisory Committee and it will commence on the 1 July 2022 and be appointed to the 30 June 2025.

### Report Detail

The following outlines selection criteria for the Local Government representatives.

#### 1. Standard selection Criteria for ALL committee member applicants

- 1.1 Familiarity with, and demonstrated interest in, Willandra Lakes Region World Heritage Property
- 1.2 Familiarity with Australia's obligations under the World Heritage Convention and the implementation of its Operational Guidelines

#### 5. Additional selection criterion for the Local Government representative is based on:

- 5.1 Nomination by Local Government, NSW

### Duties of all members include:

- providing advice to the management agencies and State and Australian Government ministers responsible for World Heritage on identification, protection, conservation, presentation and transmission to future generations, of the cultural and natural heritage from a community and academic viewpoint.
- identifying research priorities that will contribute to the protection and conservation of the outstanding universal value of the Willandra Lakes Region.
- respecting the tradition of First Nations people's rights and aspirations for the Willandra Lakes Region
- conduct Committee business consistent with the Terms of Reference for the Committee & the Advisory Committee Handbook
- maintaining adherence to the NSW Government Boards and Committees Guidelines for Ethics and Conduct at meetings

Committee members are not remunerated, but their travel and accommodation for attendance at the meeting is funded by NPWS.

### Conclusion

Council has, in the past, had a representative on The Willandra Lakes Region World Heritage Advisory Committee. It is recommended that Council nominate two representatives to represent Local Government on this committee.

### Attachments

1. Willandra Lakes Region World Heritage Advisory Committee - Handbook  
Endorsed - Nov 2021 [↓](#)

# Willandra Lakes Region World Heritage Advisory Committee Handbook

November 2021

NSW National Parks & Wildlife Service  
Endorsed by the Hon. Matt Kean Treasurer, and  
Minister for Energy and Environment  
10/11/2021



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<b>Author</b>	<b>National Parks and Wildlife Service</b>  <b>Department of Planning, Industry and Environment</b>
<b>Date of original endorsement:</b>	<b>10-11-2021</b>
<b>Date of effect:</b>	<b>10-11-2021</b>
<b>Date last modified/reviewed:</b>	<b>16/11/2021</b>
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<b>Document version number:</b>	<b>1.0</b>

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## 1. Purpose of the Handbook

The Handbook is designed to assist members of the Willandra Lakes Region (WLR) World Heritage Advisory Committee (the Advisory Committee) to understand the key governance arrangements to assist the Advisory Committee to perform its roles and discharge its duties and responsibilities. The Handbook outlines the Advisory Committee's objectives and also sets out details of how legislation, policies, administrative arrangements and conventions affect the roles, responsibilities and duties of the Advisory Committee.

The Handbook fulfils the requirements in the Department of Premier and Cabinet NSW Government Board and Committee Guidelines (2015) by incorporating the Code of Conduct (Attachment 1) which applies to Advisory Committee members. It also serves as a key tool in the induction of new members and guides the effective governance and operation of Advisory Committee meetings.

The Handbook, once adopted by the Advisory Committee, will be reviewed within five years of formal adoption by the Advisory Committee or at an earlier time if requested by the Advisory Committee. The revised Handbook will need to be adopted by the Advisory Committee to bring it into effect.

## 2. The Willandra Lakes Region World Heritage area

The [Willandra Lakes Region](#) was inscribed on the World Heritage list in 1981 for both natural and cultural values. The geological values enable a glimpse in arid-zone wetlands that encapsulate a record of environmental and climatic changes over the past 100,000 years. The archaeological values shifted the intellectual paradigm on how academics and scientists viewed the peopling of the world. Mungo Woman alone, put people in Australia 25,000 years earlier than previously thought. At 42,000 years old, Mungo Woman is also the earliest evidence for cremation, and ritualized burial, on the planet.

Additional resources on the Willandra Lakes Region is provided in the further readings section of this Handbook.

## 3. World Heritage Advisory Committees

### 3.1 Role of Australian World Heritage Advisory Committees

The Advisory Committee provides advice to the Australian and NSW Governments to ensure the identification, protection, conservation, presentation and transmission to future generations, of Australia's cultural and natural heritage of [outstanding universal value](#)<sup>1</sup>. The role of the Advisory Committee is set out in the terms of reference (Attachment 1). It is advisory only and does not make decisions, or endorse documents. The advice should be framed to assist in best practice management of the property such as strategic policies in relation to Australia's obligations under the World Heritage Convention.

The Advisory Committee is Ministerially appointed in accordance with the Australian World Heritage Intergovernmental Agreement (2009). As such, the Advisory Committee can be requested by the



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relevant Ministers and Intergovernmental Management Committee to provide advice or asked to consider and comment on any matter likely to have an impact on the World Heritage property.

The activities of the Committee are coordinated by the Intergovernmental Management Committee, also called the Willandra Management Committee (see below), which seeks and considers the Advisory Committee's advice as appropriate.

The terms of reference state that the advisory committee will provide advice, either at the request of the relevant Ministers, the Willandra Lakes Region World Heritage Management Committee, or the Area Manager Lower Darling or of its own volition, on matters relating to the protection, conservation, presentation and management of the World Heritage property.

The Advisory Committee shall:

- consider and advise on the views of community interests
- consider and advise on technical and scientific matters including scientific research priorities, relevant new information or developments in science, the scientific basis of management principles and practices, the appropriateness of current and proposed research, and the maintenance of the values and integrity of the Willandra Lakes Region
- provide advice on and monitor the implementation and review of the strategic plan
- provide advice to the management committee or the relevant ministers on issues referred to it for consideration or of its own volition.

## 4. The Willandra Lakes Region World Heritage: Governance

### 4.1 Introduction

The Willandra Lakes Region was inscribed on the World Heritage List in 1981. Over 40 years the Willandra Lakes Region has had a range of advisory bodies: the Willandra Consultative Committee (1984-1992), the Community Management Council (1993-2013), the Technical Scientific Advisory Committee (1995-2013), the Elders Council (1998-2013), and the two current advisory bodies which are the Aboriginal Advisory Group (AAG) (2015-present), and the Advisory Committee (2018-present) (see figure 1).

The current advisory bodies came about through extensive community consultation between 2012 and 2015. The current governance structure, with the AAG and Advisory Committee membership, means that 50% of the Advisory Committee membership is Aboriginal. This is consistent with best practice requirements to involve Indigenous peoples in the management of World Heritage properties.

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<sup>1</sup> Further information on outstanding universal value and how it is assessed can be found at (<https://www.environment.gov.au/heritage/about/world-heritage/outstanding-universal-value>)

Currently the Willandra Lakes Region has two stakeholder advisory bodies and one departmental body within its governance framework. The Aboriginal Advisory Group (AAG), the Advisory Committee and the Intergovernmental Management Committee (the Willandra Management Committee) (figure 2). In addition to these three bodies there are three reciprocal groups. The NSW National Parks and Wildlife Service (NPWS) Regional Advisory Committee (RAC), the Australian World Heritage Advisory Committee (AWHAC) and the Australian World Heritage Indigenous Network (AWHIN.) Each advisory body and their relationship to the Willandra Lakes Region is detailed below.

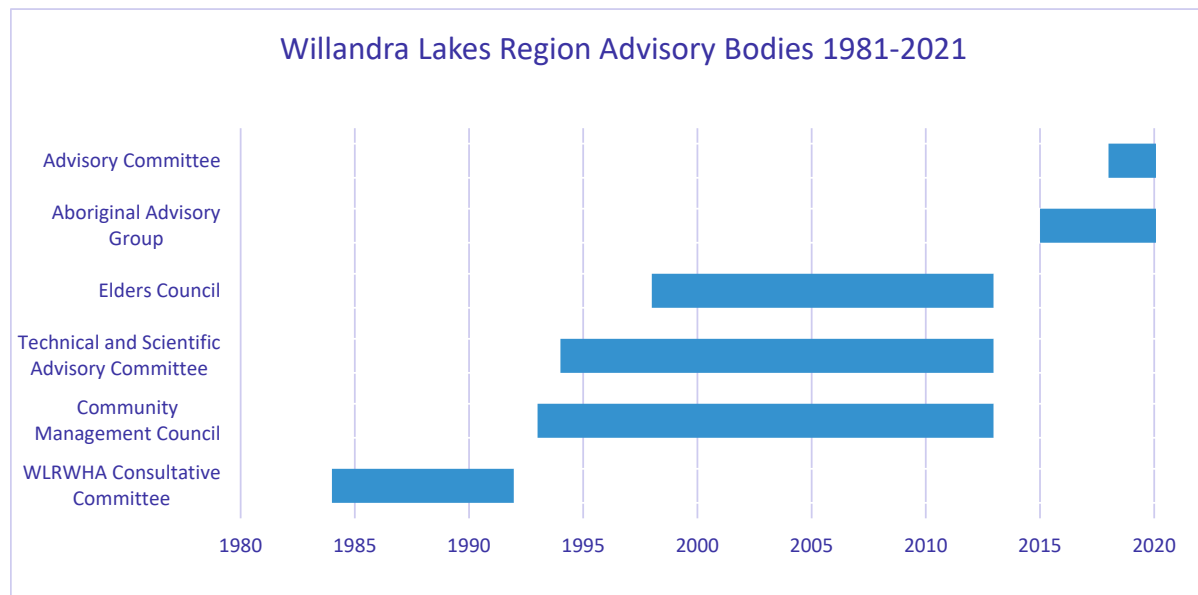


Figure 1. Past and present Willandra Lakes Region advisory bodies from 1981

## 4.1 Willandra Advisory Bodies

### 4.1.1 The Aboriginal Advisory Group

Formed in 2015 via an open, transparent Aboriginal community election (2015 & 2018), the AAG is the peak Aboriginal consultative and advisory body for the Willandra Lakes Region World Heritage property. The AAG provides advice to NPWS on Aboriginal Cultural Heritage matters within the World Heritage boundaries. It can also be consulted on matters within Mungo National Park. Where matters of AAG advice lie outside Mungo National Park on the Private Lease hold land, NPWS advises the Willandra Management Committee accordingly.

The AAG is a departmental advisory body whose Aboriginal members are nominated through a series of Aboriginal Community elections. In 2018, in recognition of the Barkandji/paakantyi Native Title determination, NPWS advised that 1 representative of the AAG will be appointed by the Barkandji Registered Native Title Group Aboriginal Corporation (Barkandji RNTGAC). This position is to represent the interests of the Barkandji RNTGAC.

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Following elections, all AAG members are appointed by the relevant Executive Director of NPWS. The elected members are also appointed to the Willandra Lakes Region World Heritage Advisory Committee by the relevant NSW Minister.

#### **4.1.2 The Willandra Lakes Region World Heritage Area Intergovernmental Management Committee**

The Willandra Lakes Region World Heritage Area Intergovernmental Management Committee (Willandra Management Committee) is an intergovernmental body represented by each agency responsible for the management of the Willandra Lakes Region World Heritage property. The agencies are:

- NPWS (a division within NSW Department of Planning, Industry and Environment)
- Crown Lands (also a division within NSW Department of Planning, Industry and Environment)
- the Commonwealth Department of Agriculture, Water and Energy.

The Willandra Management Committee has a role in:

- establishing the Advisory Committee and recommending member appointments and terminations
- seeking Advisory Committee advice on particular issues
- receiving advice from, undertaking or supporting periodic reviews of the Advisory Committee and supporting the implementation of review outcomes.

The Willandra Management Committee is responsible for:

- ensuring appropriate senior management representation at all meetings of the Advisory Committee
- making effective use of the Advisory Committee by seeking its advice through an established work program and on emerging issues
- wherever possible, undertaking early consultation with the Advisory Committee when strategy and policy matters are being developed
- ensuring that the NSW and Commonwealth Government Ministers responsible for World Heritage are made aware of the agency specific advice provided by the Advisory Committee
- providing feedback on the outcome of Advisory Committee advice in a timely manner
- providing adequate resourcing including administrative support to ensure papers are developed and circulated in sufficient time prior to meetings, and that draft minutes are prepared and distributed for consideration and adoption by the Advisory Committee
- expeditiously seeking nominations to fill Advisory Committee vacancies and forwarding these to the NSW and Australian Government Ministers responsible for World Heritage for consideration
- supplying incoming members with an induction package covering the role of the Advisory Committee as set out in this Handbook
- assist in the Advisory Committee's review of the Handbook and update as required
- support the Committee Chair and members to undertake their duties.

The Advisory Committee can advise the agencies via the Willandra Management Committee.



Figure 2. Governance structure and flow of advice for the Willandra Lakes Region 2015-present

## 4.2 Reciprocal Advisory Bodies

### 4.2.1 NSW NPWS Regional Advisory Committees (RAC)

The National Parks and Wildlife Act 1974 gives specific responsibilities to Regional Advisory Committees (RACs) for providing advice on policies and plans; activities or proposed activities; and draft plans of management for the administrative region for which it was constituted. For the Willandra Lakes Region, this is the NPWS Regional Advisory Committee (RAC) - West. Although bringing different perspectives, the two bodies are expected to coordinate and work closely together, demonstrating mutual respect and support. This coordination and support is facilitated through having a member of the NPWS RAC - West representative on the Willandra Lakes Region World Heritage Advisory Committee.

### 4.2.2 The Australian World Heritage Indigenous Network (AWHIN)

The Australian World Heritage Indigenous Network (AWHIN) is a network comprised of up to two Aboriginal members of advisory committees from each World Heritage property, providing advice to AWHAC (below). When AWHIN is reconstituted, the Aboriginal Advisory Group will nominate members.

### 4.2.3 The Australian World Heritage Advisory Committee (AWHAC)

The Australian World Heritage Advisory Committee (AWHAC) is a committee made up of the Chairs of the advisory committees for each World Heritage property and provides advice to Australia's Commonwealth, State and Territory governments on issues that affect Australia's World Heritage properties. The Independent Chair of the Willandra Lakes Region Advisory Committee will represent the property on the AWHAC for the duration they hold the position of Independent Chair.

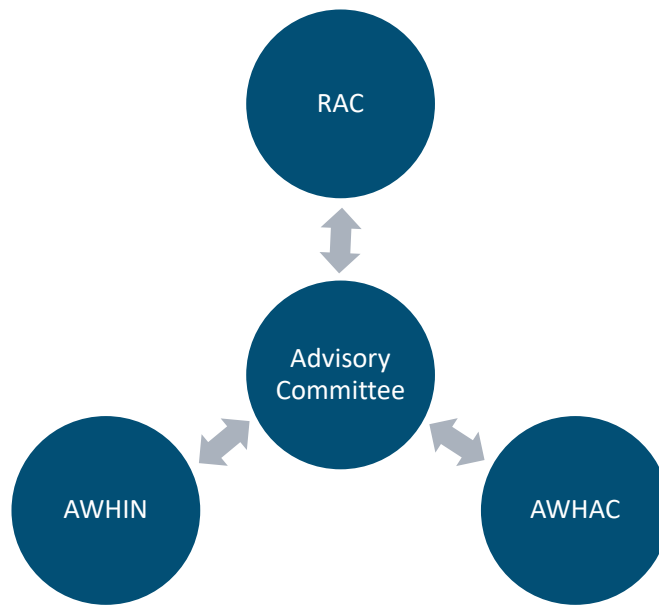


Figure 3. relationship between the Advisory Committee and reciprocal advisory bodies

## 5. The Advisory Committee - 2019 onwards

### 5.1 Membership of the Advisory Committee

Under the Terms of Reference (Attachment 1), endorsed by the NSW Minister for Energy and Environment, the Advisory Committee is to consist of:

- The independent Chairperson, being an independent, non-government person with no current direct financial or political vested interest in the way in which the Willandra Lakes Region World Heritage property is managed
- nine Aboriginal representatives as represented on the Aboriginal Advisory Group:
  - three representatives from Barkandji/Paakantyi, including a formal representative nominated by the Barkandji Native Title Aboriginal Corporation (see 5.1.1)
  - three representatives from Ngiyampaa
  - three representatives from Mutthi Mutthi
- two landholder representatives of the Willandra Lakes Region World Heritage property:
  - one representing the northern properties
  - one representing the southern properties
- three scientific representatives representing
  - archaeology
  - geomorphology
  - the earth sciences
- one tourism representative
- one local government representative to rotate between both relevant councils (Balranald Shire Council and Wentworth Shire Council)

- one representative from the National Parks and Wildlife Service Regional Advisory Committee, West Branch.

This is a Ministerial appointed Advisory Committee with no provision for proxies.

Member nominations are considered by the Willandra Management Committee before seeking the approval of both State and Commonwealth Ministers. An eligibility list of suitable nominees will be recommended for approval by the relevant NSW Minister who seeks approval from the Commonwealth Minister for the appointment of the Independent Chair. As per Section 4.1 of the Australian World Heritage Intergovernmental Agreement (2009), the States will:

- e) appoint, jointly with the Commonwealth, the Independent Chair of property-specific advisory committees or boards
- f) appoint, in consultation with the Commonwealth where appropriate, the members of property-specific advisory committees

Where there are differences between the Terms of Reference and the Intergovernmental Agreement, the Agreement prevails. Therefore, the decision maker for the advisory committee member appointments is the relevant NSW Minister.

Under the Terms of Reference, members are appointed for terms of three years and can be reappointed. Unless nominated by another body or organisation, members of the Advisory Committee are appointed in their own right and not as representatives of any particular organisation/s, institutions, disciplines or interest sectors. Members who have been nominated by another body or organisation are:

- the two Landholders who have been nominated by the Northern and Southern Landholders groups
- the Local Government nominated representative
- the Barkandji Native Title Group Aboriginal Corporation nominated representative
- the NSW NPWS Regional Advisory Committee nominated representative

#### **5.1.1 The Barkandji Traditional Owners #8 native title determination application and the Barkandji Native Title Group Aboriginal Corporation (“Barkandji Corporation”).**

Willandra Lakes Region falls partly within the previous claim area in the Barkandji Traditional Owners #8 native title determination application (NSD 6084/1998) however none of Mungo National Park is within the determination area. The consent determination recognising native title in this matter was made on 16 June 2015. The Barkandji Corporation holds the native title in trust for the Barkandji native title holders. While the Barkandji native title consent determination is that native title exists over only some parcels within the 1998 claim boundary, the claim was based on connection to Country within the region. NPWS respects and acknowledges this connection. Given this, NPWS and Barkandji Corporation agreed that the Barkandji Corporation will be represented on the AAG and Advisory Committee. This representation will enable ongoing collaboration between the AAG, AC and Barkandji Corporation on matters of First Nations cultural heritage values within the Willandra Lakes Region. The representative’s responsibility is to inform the Barkandji Corporation on AAG and AC proceedings and provide advice on behalf of the Barkandji Corporation at AAG and AC meetings.

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Mungo National Park was excluded from the Barkandji Traditional Owners #8 native title determination. Another claim could be put forward in future, should Mungo National Park be returned to Aboriginal ownership, when native title would be able to be determined over Aboriginal owned land. There is currently a research project to support Aboriginal people to be able to register as Aboriginal Owners for Mungo National Park, led by the NSW Office of the Registrar of the Aboriginal Lands Rights Act 1983 (NSW), which has not yet been completed.

#### **5.1.2 Expiry, reappointment and termination of appointments**

Members may leave the Advisory Committee for a variety of reasons including where the member's term has expired, the member has resigned or the member has been asked to resign. The terms of reference state that other than by resignation, a person's membership on the advisory committee can be terminated on the recommendation of the NSW Minister for Energy and Environment. Other than by resignation, a Chair can be terminated on the recommendation of the NSW Minister for Energy and Environment with the agreement of the Commonwealth Government Minister for Environment and Energy.

#### **5.1.3 Review of Terms of Reference**

The Terms of reference is endorsed by the relevant NSW Minister on approval to fill the committee. Once established, the committee can review the Terms of Reference which can be endorsed by the Willandra Management Committee. The relevant NSW Minister is not required to endorse the updated Terms of Reference.



## 5.2 Observers

### 5.2.1 Advisory Committee Observers

The Advisory Committee may, from time to time, invite other observers to attend meetings. As a courtesy, members are asked to inform the Independent Chair if an Advisory Committee member proposes to invite an observer before the Advisory Committee meetings. Advisory Committee observers are there only to observe the meeting. They cannot speak to a point unless invited by the Independent Chair. An Advisory Committee observer cannot propose or move a motion or 'sit in' for another member as their proxy.



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### 5.2.2 Agency Observers

There are formal NSW and Commonwealth Government agency observers identified as follows:

- up to two representatives from the NSW National Parks and Wildlife Service, within Environment, Energy and Science, NSW Department of Planning, Industry and Environment,
- up to two representatives from each agency that form the Willandra Management Committee
- one representative from the NSW Local Land Services - Western.

## 5.3 Roles, duties and responsibilities of Advisory Committee members

The role of the Advisory Committee is set out in the terms of reference.

Members contribute to fulfilling the role of the Advisory Committee by diligent application of their expertise. This includes:

- supporting the Advisory Committee to perform its functions
- attending meetings and participating in decision making processes
- undertaking consultation or research to support and promote discussion of the agenda items.

Specifically, Advisory Committee members are responsible for:

- recognising the primacy of the objectives of the Sustaining Willandra Plan of Management 1996, in all their deliberations
- prioritising and providing considered and timely advice in the development of any new Strategic Management Plan – previously referred to as the Plan of Management
- providing considered and timely advice to the Ministers and the Willandra Management Committee
- attending meetings of the Committee
- allowing the necessary time to prepare for meetings
- providing well prepared, balanced, reasoned and informed input to committee deliberations based on their area of expertise
- respectfully considering the diverse interests of the community and committee members
- respecting the integrity and confidentiality of the committee, committee meetings, meeting papers, and information provided to meetings at all times, subject to decisions to publicly release meeting reports or other documents as agreed by the Advisory Committee
- demonstrating respect towards the Independent Chair, all committee members, the staff of the NSW National Parks and Wildlife Service, the Willandra Management Committee and any other person involved in Advisory Committee matters at all times (refer to The Committee Code of Conduct at Attachment 1)
- playing an advocacy role in the community to support the work of the Advisory Committee and NSW National Parks and Wildlife Service across the Willandra Lakes Region
- cooperating with other members of the Advisory Committee, Regional Advisory Committees, Willandra Management Committee and Department of Planning, Industry and Environment (DPIE) representatives to execute the objectives of the Willandra Lakes Region Sustaining the Willandra Plan of Management until such time as it is revised.

Unless nominated to their positions, Advisory Committee members participate as individuals rather than delegates, taking into account the expertise and perspective of the stakeholder interest which has led to their appointment to the Advisory Committee where relevant.

Where an Advisory Committee member has been nominated by a particular stakeholder interest, it is expected that the member will maintain contact with that stakeholder group for the purpose of maintaining expertise and accurate understanding of the constituency to contribute effectively to formulating the advice of the advisory committee. The meeting reports can be used to assist in engaging the relevant stakeholder groups and relaying committee discussions and advice.

Other than the Independent Chair, it is acknowledged that all other Members may have an interest in the Willandra Lakes Region and its management. They have either been nominated or selected from an external Expression of Interest process for their respective interests or expertise in the property. As such, the potential for conflicts of interest to arise in Advisory Committee business is significant given that many Committee members are members of, and are nominated by, organisations that wish to influence government policy around matters in which the Advisory Committee has a formal role in providing advice to the Willandra Management Committee and Ministers.

Managing actual or perceived conflicts of interest is vital for sound governance and clear guidelines are provided in the Code of Conduct (Attachment 1).

### 5.3.1 Responsibilities of the Independent Chair

The Chair is responsible for leading the activities of the Advisory Committee including:

- ensuring that the Advisory Committee performs its roles, duties and responsibilities as outlined in the Handbook, acting within, legal obligations and complying with relevant policies (including whole of government policies)
- facilitating the conduct of meetings to allow frank and open discussion
- ensuring individual members make an effective contribution
- facilitate the development of research priorities that will contribute, in particular, to the protection and conservation of the Outstanding Universal Value of the Willandra Lakes Region
- work collectively with NPWS to induct and mentor new members
- facilitating the flow of information to members and stakeholders
- liaising with the relevant Ministers, Secretaries and Deputy Secretaries
- as requested by the Minister or relevant Deputy Secretary and or Secretary, represent the Advisory Committee at meetings.
- establish a sound working relationship with the Willandra Management Committee
- preside over and conduct Committee meetings in accordance with this Handbook
- ensure the Committee respects the tradition of Aboriginal people's rights and aspirations for the Willandra Lakes Region
- provide all members with the opportunity to effectively contribute to discussions
- ensure all members are informed of the Chair's activities including by way of an Independent Chair's report to Advisory Committee meetings
- ensure that Committee discussions remain focussed and conclude with a clear outline of advice proposed, resolutions and/or recommendations
- encourage feedback from members
- implement specific actions arising from Committee meetings e.g. approval and signing of correspondence

- provide reports to the Intergovernmental Management Committee and NSW and Commonwealth Government Ministers responsible for World Heritage, on the identification, protection, conservation, presentation and transmission of the cultural and natural heritage to future generations from the viewpoint of the community
- liaise with Advisory Committee secretariat staff to set agendas and finalise minutes
- represent the interests of the Advisory Committee in public and private forums as requested by the Advisory Committee, Willandra Management Committee or relevant Minister/s
- represent the Advisory Committee on the Australian World Heritage Advisory Committee (AWHAC) which will consider national and cross-cutting issues relevant to all World Heritage properties in Australia.

### 5.3.2 Secretariat support

The Executive Officer Willandra Lakes Region will provide secretariat support in accordance with the meeting procedures and requirements for operation of the Advisory Committee. Quality secretariat support is required to support the effective operation of the Advisory Committee. The NSW Department of Planning, Industry and Environment and the Commonwealth Department of Agriculture Water and Energy will make resources available to ensure appropriate levels of service are provided.

## 5.4 The Advisory Committee Workplan

### 5.4.1 Purpose of Work Plan

Each NSW advisory body is required to develop and implement a Work Plan. The Work Plan is designed to assist the Advisory Committee in scoping and keeping a razor-sharp focus on its primary role - providing advice to the Willandra Management Committee and to relevant Ministers. The Work Plan informs the Advisory Committee's agendas and ensures the Advisory Committee focuses on its priorities to meet its key advisory role. The Handbook will help maintain a sharp focus on what is important for the ongoing sound management of the World Heritage Property.

### 5.4.2 Developing the Work Plan

The Advisory Committee will need to develop the Work Plan in collaboration with the Willandra Management Committee and official observers by identifying key priority areas. This can happen at a general meeting or breakout session.

- The Work Plan needs to be formally adopted by the Advisory Committee at an ordinary meeting and should be reviewed annually.
- The Work Plan needs to remain flexible to address emerging strategic priorities. The Work Plan may be amended by resolution of the Advisory Committee at a normal meeting following appropriate consultation with the Willandra Management Committee.

### 5.4.3 Working Groups

- The Advisory Committee may establish Working Groups to discuss and advance a strategic priority and develop written and verbal reports to be provided to the Advisory Committee. The working groups and reports will focus on advice they suggest be relayed by the Advisory Committee to the Willandra Management Committee and to the Ministers

- Working Group Conveners and members are agreed by the Advisory Committee and advised by the Independent Chair in writing.
- Working Groups do not have quorum requirements, with the Convener giving notice of meetings at least three days in advance and all written reports to be sent to all members of the Working Group regardless of attendance at meetings.
- The Working Groups are
  - to have written agendas
  - be self-sufficient - although the Executive Officer may be able to assist with background information and previous reports
  - meet out of session
  - can meet in person or via telephone or video conference
  - agree by consensus
  - do not require meetings to be minuted
- Conflicts of interest should be requested by the Convener at the start of each meeting, declared and recorded and be attached to written reports to the Advisory Committee.
- The Convener reports to each meeting of the Advisory Committee outlining the Working Group's suggested advice that if adopted by the Advisory Committee be provided by the Advisory Committee to the Willandra Management Committee and/or to Ministers.

## 5.5 Operation of the Committee

The following are the standard procedures for operation of the Advisory Committee. These procedures may be amended by formal resolution of the Advisory Committee.

The Advisory Committee shall operate according to the following procedures:

### 5.5.1 Meetings

The Advisory Committee will normally meet three times throughout the year in locations in or around the Willandra Lakes Region. Changes to meeting dates may occur with the agreement of the Advisory Committee Chair. Where NPWS needs to cancel a meeting, it will endeavour to give at least one month's notice. Extraordinary meetings may be held if required in order for the Advisory Committee to fulfil its role and if agreed to by the Willandra Management Committee or requested by the Minister. Committee meetings may be attended by telephone or video conference where facilities for this exist. The relevant Ministers are welcome to attend every Advisory Committee meeting.

- if the Chair is absent from a meeting, the Committee shall elect a person to chair that meeting
- meeting papers are to be circulated 2 weeks prior to a scheduled meeting
- draft minutes are to be circulated within 3 weeks prior to a meeting

### 5.5.2 Quorum and voting

A quorum will be a simple majority of members.

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The diversity of opinion of Advisory Committee members is respected. Where possible, a consensus view is sought. However, in the absence of a consensus view, the Advisory Committee may choose to provide a range of views for consideration by decision makers. Where consensus is not attainable the report of the advisory committee shall record the number of members supporting a particular view and note the differing views of members not supporting a recommendation

Members who do not agree with the advice of the Advisory Committee may seek to have their views minuted. Where voting is required on an issue, a decision will be determined by a majority vote. The Chair will have a second or casting vote in the event of equal votes.

### 5.5.3 Agenda

The agenda for regular meetings of the Advisory Committee will:

- be developed by the Chair in consultation with NPWS and endorsed by NPWS
- allow for a Welcome to or acknowledgment of Country
- require members to declare and record any real, perceived or anticipated conflicts of interest in any agenda item or matter raised in any other business
- discuss issues of strategic or emerging significance for the management of the Willandra Lakes Region including those issues in the Advisory Committee's Work Plan

Members will have the opportunity to raise other relevant issues at an Advisory Committee meeting by way of:

- raising the matter initially with the Chair, but no less than three weeks prior to the meeting if it requires the circulation of papers for the meeting
- raising a matter outside of a meeting with the Director NPWS if they are not satisfied with the response of the Chair
- raising an item at the meeting in any other business.

The Advisory Committee will determine whether or how the issue will be addressed and can seek advice from the Aboriginal Advisory Group on matters relating to Aboriginal Cultural Heritage.

### 5.5.4 Minutes

Minutes of each meeting will be concisely recorded by the Executive Officer and distributed to all members of the Advisory Committee and the Willandra Management Committee. Draft meeting minutes will be circulated within three weeks of a meeting. Any early response may be sought for matters relating to priority issues where the Advisory Committee is confirming decisions as part of its advice to the Ministers. Minutes will ordinarily be presented for adoption at the subsequent meeting.

Advisory Committee minutes are not public documents. The Advisory Committee may agree on a summary report at the conclusion of the meeting which, following approval of the relevant NPWS Director, can be released to the public and other relevant advisory groups such as the NPWS Regional Advisory Committee - West, the Willandra Lakes Region Aboriginal Advisory Group and the Willandra Management Committee.

A report of each meeting shall be forwarded to the Willandra Management Committee within one month of each meeting (see section 7.3).

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### 5.5.5 Actual or Perceived Conflict of Interests

It is each member's responsibility to know what is being discussed on the meeting Agenda, and if a direct or pecuniary interest arises, the member must make this known to the Independent Chair. This should preferably be done prior to the meeting or at least prior to discussion of the agenda item at the meeting. Any declaration of interests will be recorded in the meeting minutes. The Independent Chair is responsible for promptly considering conflict declarations and ensuring appropriate arrangements are in place and documented. For more on conflict of interest see the Advisory Committee Code of Conduct at Attachment 1

## 6. NSW Boards and Committees Responsibilities

### 6.1 Expectations of Conduct

All members of NSW Government boards and committees must have a clear understanding of their public duty and legal responsibilities and always act for a proper public purpose and without exceeding their powers. Considerations of the Advisory Committee should be made in the light of applicable legislation, the Department of Premier and Cabinet NSW Government Board and Committee Guidelines (focusing on section 7 Conduct of Members), the Advisory Committee Code of Conduct (Attachment 2), Government policy and NPWS objectives which will be provided to advisory committee members.

The Advisory Committee must also comply with a broad range of whole of government regulations and policies including those stipulated in legislation, regulations, Ministerial Memoranda, Department of Premier and Cabinet Circulars, Treasury publications and Public Service Commission policy documents. This includes the Government Information (Public Access) Act 2009, the Independent Commission Against Corruption Act 1988, working with children checks (if required), rules relating to the contesting of elections, the lobbyist code of conduct, ethical decision making, management of conflicts of interest, efficient public expenditure and the adherence of a code of conduct.

Any of the above with which the Advisory Committee is required to comply will be made available to the Advisory Committee and a register will be maintained to which members can request access.

## 7. Resources

### 7.2 Remuneration

#### 7.2.1 Classification and remuneration framework for NSW Government Boards and Committees

The Public Service Commission has developed a *Classification and Remuneration Framework for NSW Government Boards and Committees* (the Framework) covering all NSW Government boards and committees. The Remuneration Framework provides a consistent, equitable and fiscally responsible approach to determining fees payable to Chairs and members.

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The Advisory Committee is classified in Group C: Advisory Boards, Councils and Committees, Level 1 (criteria C1-i, iii and v) according to the Framework. This level entitles the Chair to receive a sitting fee of \$350 per day.

In establishing the Advisory Committee, the Commonwealth and NSW Governments agreed that Advisory Committee membership is honorary and only the Chair is entitled to a daily sitting fee based on the higher workload of this position.

### **7.2.2 Out of pocket expenses**

Advisory Committee members may be reimbursed for legitimate expenses incurred while carrying out their duties such as travel, accommodation and meals. Receipts must be provided for all out of pocket amounts being claimed. The Australian Taxation Office (ATO) website provides guidelines on reasonable travel and meal allowances for various towns or regional country centers. It is advised that the rates stipulated by the ATO are adhered to. For all travel bookings it is preferable that NPWS books flights and accommodation.

On occasion, the advisory committee Independent Chair or members may receive invitations to attend meetings as part of a wider government consultation processes. Payment of sitting fees to the Chair or of out of pocket expenses for any member will only occur in these situations with the prior agreement of the Willandra Management Committee.

### **7.2.3 Use of private motor vehicles**

The Willandra Management Committee, or other appropriate approver, may authorise an Advisory Committee member and or Independent Chair to use a private motor vehicle when required to travel for official business where:

- it will result in greater efficiency or incur DPIE with less expense than if travel were undertaken by other means or
- the Advisory Committee member is unable to use another means of transport due to a disability.

## **7.3 Public reporting**

NSW Government boards and committees are encouraged to proactively release decisions of their meetings in accordance with the NSW Government's Open Government policy unless there is an overriding public interest against disclosure.

In keeping with this advice, the Advisory Committee will consider:

- preparation of a public annual report, included in departmental reporting
- whether to make copies of Advisory Committee advice, meeting summaries or meeting minutes available to the public, including through proactive disclosure under the Government Information (Public Access) Act 2009 through the NPWS website or otherwise
- developing public reports of each meeting

A draft public report can be prepared by the Executive Officer for each meeting for consideration by the Advisory Committee and relevant NPWS Director.

The *Government Information (Public Access) Act 2009* (GIPA Act) contains a right to information system for NSW Government to make government information more readily available and improve openness and accountability. The GIPA Act applies to all NSW Government agencies, including boards and committees.

## 7.4 Induction

The Advisory Committee, with support of the Willandra Management Committee, provides an induction program to new members consisting of an information pack. This Handbook fulfills the majority of the induction requirements. Additionally, the induction should include an opportunity to meet with the Independent Chair and other members. Apart from what is provided in this Handbook, the induction package may include:

- Letter of appointment specifying the term of appointment, roles, duties and responsibilities of the member
- A copy of the establishing documents including the Australian World Heritage Intergovernmental Agreement, the 1996 Sustaining Willandra Plan of Management, the NSW Premier and Cabinet Boards and Committees Guidelines, the Retrospective Statement of Outstanding Universal Values and this Handbook
- Information about current members and copies of minutes and reports from meetings held over the last 12 months
- A schedule of advisory committee meeting dates, and upcoming meeting dates
- an overview of the government agencies responsible for the Willandra Lakes Region
- Any Work Plan developed by the Advisory Committee
- Contact list for all Advisory Committee members, Intergovernmental Management Committee members and observers
- Geographical maps of NPWS reserves and NPWS administrative boundaries

Should any significant updates or revisions be made, these documents will also be made available to all existing Advisory Committee members.

## 8. References

The following resources have been consulted in preparation of this Handbook:

- Australian Government 2010 Australian World Heritage Intergovernmental Agreement
- Sustaining the Willandra: The Willandra Lakes Region World Heritage Property Plan of Management 1996 <https://www.environment.nsw.gov.au/research-and-publications/publications-search/sustaining-the-willandra>
- Department of Premier and Cabinet NSW Government Board and Committee Guidelines (2015) <https://www.psc.nsw.gov.au/legislation-and-policy/nsw-government-boards-and-committees>
- Public Service Commission Classification and Remuneration Framework for NSW Government Boards and Committees (2015) <https://www.psc.nsw.gov.au/legislation-and-policy/nsw-government-boards-and-committees>



- Operational Guidelines for the Implementation of the World Heritage Convention. UNESCO, Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, World Heritage Centre 10 July 2019 (<https://whc.unesco.org/en/guidelines/>)
- United Nations Declaration on the Rights of Indigenous Peoples. Resolution adopted by the General Assembly on 13 September 2007 (<https://en.unesco.org/indigenous-peoples/undrip>)

## 9. Acronyms

<b>AWHAC</b>	Australian World Heritage Advisory Committee
<b>AWHIN</b>	Australian World Heritage Indigenous Network
<b>DPIE</b>	Department of Planning, Industry and Environment
<b>WLR</b>	Willandra Lakes Region
<b>MOU</b>	Memorandum of Understanding
<b>NPWS</b>	NSW National Parks and Wildlife Service
<b>DAWE</b>	Department of Agriculture, Water and the Environment (Commonwealth)
<b>AAG</b>	Aboriginal Advisory Group
<b>WLR</b>	Willandra Lakes Region

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## **Attachment 1**

### **Willandra Lakes Region World Heritage Advisory Committee Terms of Reference**

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## **Willandra Lakes Region World Heritage Advisory Committee**

### **Terms of Reference**

#### **Membership**

There shall be 18 members of the Advisory Committee, comprising:

- one independent chairperson
- nine Aboriginal representatives, comprised of three representatives from each of the three Traditional Tribal Groups represented on the Aboriginal Advisory Group:
  - Barkandji/Paakantyi
  - Mutthi Mutthi
  - Ngiyampaa
- two landholder representatives: one representing the northern properties and one representing the southern properties of the Willandra Lakes Region World Heritage area
- three scientific representatives from archaeology, geomorphology and the earth sciences
- one tourism representative
- one local government representative to rotate between both relevant councils (Balranald Shire Council and Wentworth Shire Council)
- one representative from the National Parks and Wildlife Service Regional Advisory Committee, West Branch.

#### **Observers**

There shall be up to two observers from the NSW National Parks and Wildlife Service, within Environment, Energy and Science, NSW Department of Planning, Industry and Environment, up to two observers from the Commonwealth Government and one observer from Crown Lands, NSW Department of Planning, Industry and Environment. This represents the agencies that form the Willandra Lakes Region Management Committee, responsible for the Willandra Lakes Region World Heritage property. In addition, there will be one observer from the NSW Local Land Services - Western.

The Advisory Committee may, from time to time, invite other observers to attend meetings.

#### **Appointment**

Members and the Chair of the Advisory Committee will be recommended by the Willandra Lakes Region Management Committee. Approval will then be sought from the NSW Minister for Energy and Environment for the appointment of members and the approval of the respective NSW and Commonwealth Government Ministers for the appointment of the Chair. If agreement is not reached by the Willandra Lakes Region Management Committee, a list of candidates and the reasons for supporting and not supporting their membership will be put to the ministers for their decision.

Members and the Chair will be appointed for a three-year term and are eligible for reappointment. Members are appointed in their own right rather than strictly as representative of their organisation or institution.

The Committee may, from time to time, invite non-government observers to attend meetings.

**Termination**

Other than by resignation, a person's membership on the Advisory Committee can be terminated on the recommendation of the NSW Minister for Energy and Environment. Other than by resignation, a Chair can be terminated on the recommendation of the NSW Minister for Environment with the agreement of the Commonwealth Government Minister for Environment and Energy.

**Role of the committee**

The Advisory Committee will provide advice, either at the request of the relevant ministers, the Willandra Lakes Region World Heritage Management Committee, or the Area Manager Lower Darling or of its own volition, on matters relating to the protection, conservation, presentation and management of the World Heritage property.

The Advisory Committee shall:

- consider and advise on the views of community interests
- consider and advise on technical and scientific matters including scientific research priorities, relevant new information or developments in science, the scientific basis of management principles and practices, the appropriateness of current and proposed research, and the maintenance of the values and integrity of the Willandra Lakes Region
- provide advice on and monitor the implementation and review of the strategic plan
- provide advice to the management committee or the relevant Ministers on issues referred to it for consideration or of its own volition.

**Operation**

The Advisory Committee shall operate according to the following procedures:

- A quorum shall be a simple majority of members.
- The Advisory Committee shall meet three times per calendar year. It may also meet at the request of the ministers or the Willandra Management Committee.
- NPWS will provide secretariat support.
- If the Chair is absent from a meeting, the Advisory Committee shall elect a person to chair that meeting.
- The procedure for the conduct of business shall be by agreement. Where consensus is not attainable the report of the Advisory Committee shall record the number of members supporting a particular view and note the differing views of members not supporting a recommendation.
- There is no provision for proxies.
- A report of each meeting shall be forwarded to the Willandra Management Committee within one month of each meeting.

The NSW and Commonwealth Governments shall bear the costs of their agency members and observers attending meetings. No allowances or sitting fees to members or observers are paid. NPWS will fund accommodation and other related expenses directly.

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## **Attachment 2:**

### **Willandra Lakes Region World Heritage Advisory Committee Code of Conduct**



United Nations  
Educational, Scientific and  
Cultural Organization



Willandra Lakes Region  
inscribed on the World  
Heritage List in 1981

## Willandra Lakes Region World Heritage Advisory Committee Code of Conduct June 2020

### Respect and inclusion

Respect and inclusion are fundamental to a harmonious, productive and psychologically safe workplace where people feel safe to speak up about concerns. We're committed to ensuring the Advisory Committee is a safe environment in which everyone feels they can achieve their potential. Members of the Advisory Committee have the right to be treated with respect in the exercise of their functions and have an obligation to treat others with respect in the workplace.

The Department of Planning, Industry and Environment (Department) has no tolerance for harassment or victimisation. As an Advisory Committee member, you are responsible for:

- treating people with dignity and respect, and contributing to a positive and productive workplace
- making sure people feel valued and are able to fully participate in meetings
- not discriminating against, harassing or victimising anyone on any grounds, including:
  - sex, gender identity or sexual orientation
  - marital status
  - pregnancy
  - age
  - race or ethnicity
  - physical or intellectual disability
  - political or religious conviction
- demonstrating inclusive behaviours and using inclusive language
- creating a workplace that is safe and offers protection from sexual, physical and psychological harassment and neglect
- preventing bullying.

Bullying is behaviour that is repeated, unwelcome and unsolicited. It is considered offensive, intimidating, humiliating or threatening by the recipient or others who witness the actions or are affected by them. The Department has no tolerance for bullying.

### Examples of bullying behaviour

Examples of behaviour that could be considered bullying are:

- subjecting another person to ridicule and putting them down in front of colleagues
- using loud and abusive, threatening or derogatory language
- leaving offensive messages on email or by telephone, SMS, other messaging services and material posted online
- subjecting others to practical jokes that are humiliating, dangerous or offensive

## Managing conflict of interests

A conflict of interest occurs when an individual's private interests make it difficult to perform official Advisory Committee business impartially in the public interest. Conflicts are common and can arise, for example, from close personal relationships, family relationships, social friendships or animosities. When we have access to information or are in a position to provide advice that may benefit or detrimentally affect someone that we have a relationship with, there are possible conflicts of interests. This can include for example, decisions involving, community grants or regulatory advice. These may be described as:

- **actual conflict**—there is a direct conflict between your current duties and responsibilities and your private interests
- **reasonably perceived conflict**—a person could reasonably perceive that your private interests are likely to improperly influence the performance of your official duties, whether or not this is the case
- **potential conflict**—you have a private interest that could conflict with your official duties in the future.

If we fail to properly manage conflicts, we leave ourselves open to claims of corruption or maladministration. This can affect the reputation of the Advisory Committee, Department and individuals. Conflicts must be declared so they can be managed in a careful and transparent way.

There are a range of ways to handle conflicts, from removing yourself from the affected process to simply ensuring transparency by declaring the relationship. When you consider what action to take, think about things such as the closeness of the relationship and the significance of the benefit or detriment.

If you believe that you may have a conflict, you must:

- discuss it with either the Independent Chair or secretariat
- declare the conflict and detail the proposed action to manage it
- comply with the approved course of action for managing the conflict
- always place the Advisory Committee and public interest over your personal interest.

If you realise you have a conflict of interest that should have been declared previously, you must notify the Independent Chair or Secretariat promptly. It is much easier to fix problems and minimise effects if they are identified early. If in doubt, protect yourself, the Advisory Committee and the Department by declaring the situation. The independent Chair and secretariat are responsible for promptly considering conflict declarations and ensuring appropriate arrangements are in place and documented.

## 9.7 MURRAY DARLING ASSOCIATION REGION 4 NOMINATIONS

File Number: RPT/22/242

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**

Wentworth Shire Council continues to be a member of the Murray Darling Association (MDA); a membership-based organisation representing local government and communities across the Murray-Darling Basin since 1944.

The MDA works with and for member councils, in collaboration with state based local government associations such as Local Government NSW, Joint Organisations and other local government affiliations.

Wentworth Shire Council sits within Region 4; there are 12 regions.

The MDA Region 4 Annual General Meeting is scheduled to be held on 31 May 2022 at the Midway Centre, Buronga.

Nominations are now being called for the position of Chair and executive committee members.

### **Recommendation**

That Council

1. Nominates delegate(s) for positions on the Executive Committee of MDA Region 4, and in doing so acknowledges its commitment to the nomination.
2. Determines if it will nominate a preferred delegate for the position of Chair of MDA Region 4, and in doing so acknowledges the obligations of the Region Chair and commits to providing the resources required to support the role of Chair.

### **Detailed Report**

#### **Purpose**

The purpose of this report is for Council to nominate delegates for positions on the Executive Committee of MDA Region 4 and also determine if Council wishes to nominate a delegate to the position of Chair of MDA Region 4. In regard to the Chair position Council also acknowledges the obligations of the Region Chair and commits to providing the resources required to support the role of Chair.

#### **Report Detail**

Wentworth Shire Council continues to be a member of the Murray Darling Association (MDA), a membership-based organisation representing local government and communities across the Murray-Darling Basin.

The purpose of the association is to provide effective representation of local government and communities at state and federal level in the management of Basin resources by:



- Providing information,
- Facilitating debate, and
- Seeking to influence government policy.

The MDA works with and for member councils, in collaboration with state based local government associations such as LG NSW, Joint Organisations and other local government affiliations.

The MDA Region 4 Annual General Meeting is scheduled to be held on 31 May 2022 at Midway Centre, Buronga. Nominations are now being called for the position of Chair and executive committee members. Nominations must be lodged by COB Thursday 19 May 2022.

Council is requested to:

1. Nominate delegate(s) for positions on the Executive Committee of MDA Region 4, and in doing so acknowledges its commitment to the nomination.
2. Determine if it will nominate a preferred delegate for the position of Chair of MDA Region 4, and in doing so acknowledges the obligations of the Region Chair and commits to providing the resources required to support the role of Chair.

The obligations of the Region Chair under Part 5, 16 (5) of the MDA Constitution (for nominations to Regional Chair) are as follows:

*The chair of the Region Executive is the chair of the Region, provided further:*

- (a) The chair must demonstrate both the initial and ongoing capacity to provide secretariat support for the activities of the Region;*
- (b) When the position of the chair becomes vacant for any reason, the Region Executive may appoint a temporary chair and a new chair must be appointed at the next Region Meeting;*
- (c) The chair must ensure minutes and other necessary records of Region Executive and Region Meetings are taken, kept and provided regularly to the MDA Board.*

### Conclusion

Considering the above detail Council is required to determine delegate(s) for positions on the Executive Committee of the Murray Darling Association (MDA) and determine whether to nominate a delegate for the position of Chair of MDA Region 4.

### Attachments

Nil

## 9.8 MONTHLY INVESTMENT REPORT

File Number: RPT/22/251

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

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 March 2022 Council had \$33 million invested in term deposits and \$4,361,346.10 in other cash investments. Council received \$15,617.57 from its investments for the month of March 2022.

In March 2022 Council investments averaged a rate of return of 0.73% and it currently has \$8,478,145.40 of internal restrictions and \$22,856,030.62 of external restrictions.

### **Recommendation**

That Council:

- a) Receives and notes the monthly investment report; and
- b) Approves the creation of an internal restricted reserve for the \$1,500,000 Caravan Park loan facility drawn down in March 2022.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to update Council on the current status of its investments and to approve the creation of an internally restricted reserve for the Caravan Park loan facility.

#### **Matters under consideration**

As at 31 March 2022 Council had \$37,361,346.10 invested with ten (10) financial institutions and One (1) Treasury Corporation.

Breakdown of Total Funds Available

Financial Institution	Amount	Percentage of Available Funds
AMP	\$1,000,616.28	2.68%
Bank of Queensland	\$1,000,000.00	2.68%
Bendigo Bank	\$3,340,074.40	8.94%
Commonwealth Bank	\$5,000,000.00	13.38%
IMB Bank	\$1,000,000.00	2.68%
Macquarie Bank	\$8,020,655.42	21.47%
ING Bank	\$2,000,000.00	5.35%
National Australia Bank	\$7,000,000.00	18.74%
Westpac	\$6,000,000.00	16.06%
Suncorp	\$2,000,000.00	5.35%
Northern Territory T-Corp	\$1,000,000.00	2.68%
<b>TOTAL</b>	<b>\$37,361,346.10</b>	<b>100.00%</b>

Investments on Hand as at 31 March 2022

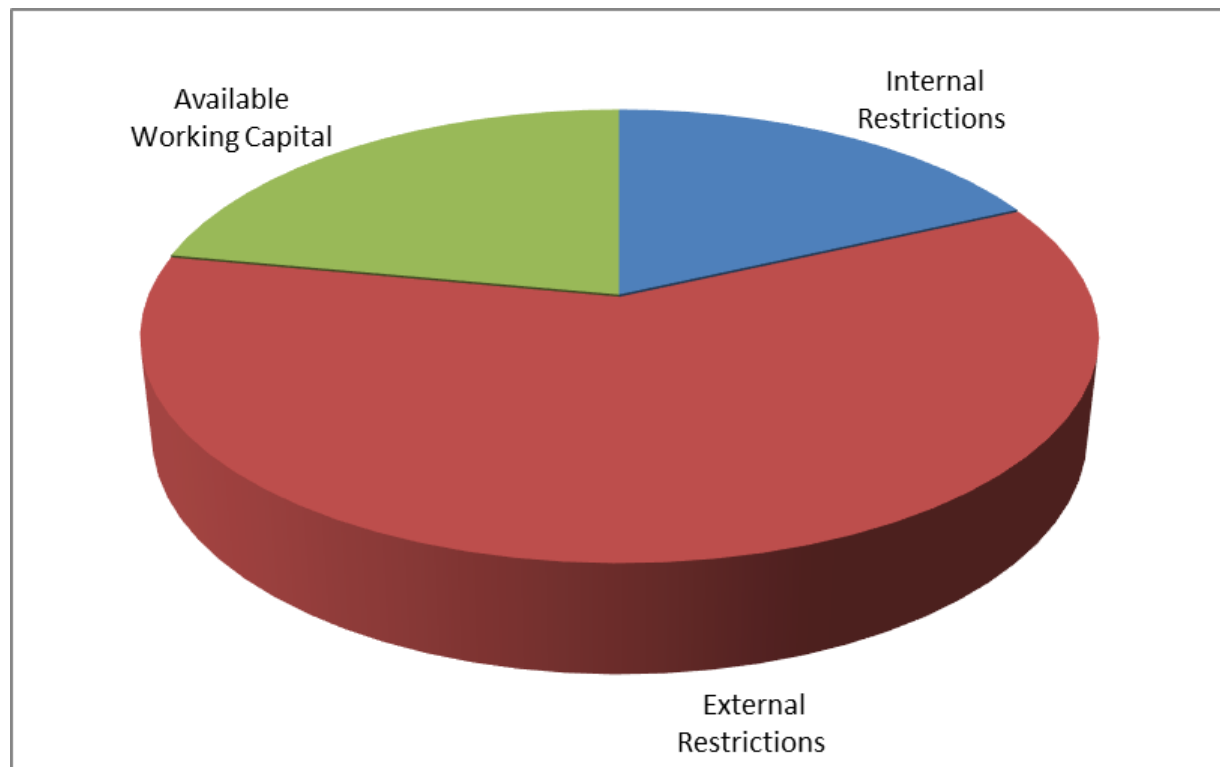
Investments on Hand as at 31 March 2022						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Investment Type	Amount Invested	Rating
AMP Bank	22/09/2021	22/09/2022	0.80%	Term Deposit	\$ 1,000,000.00	A2/BBB
Bank of Queensland	7/12/2021	5/09/2022	0.50%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	24/02/2022	24/02/2023	0.85%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	27/09/2021	27/06/2022	0.30%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Commonwealth Bank	11/08/2021	8/04/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	20/05/2021	20/05/2022	0.39%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	15/06/2021	15/06/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	14/07/2021	14/07/2022	0.46%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	27/08/2021	27/05/2022	0.37%	Term Deposit	\$ 1,000,000.00	A1+/AA-
IMB Bank	9/03/2022	9/06/2022	1.10%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Macquarie Bank	7/10/2021	24/08/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	3/12/2021	2/11/2022	0.50%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	22/02/2022	23/08/2022	0.65%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	23/03/2022	23/02/2023	1.25%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	8/03/2022	6/09/2022	0.65%	Term Deposit	\$ 1,000,000.00	A1/A+
National Australia Bank	18/08/2021	19/04/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	19/01/2022	19/07/2022	0.52%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	21/01/2022	18/10/2022	0.62%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	3/12/2021	4/04/2022	0.42%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	3/12/2021	1/07/2022	0.49%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	11/03/2022	11/03/2024	1.85%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	25/03/2022	20/02/2023	1.18%	Term Deposit	\$ 1,000,000.00	A1+/AA-
ING Bank	23/03/2022	23/03/2023	1.24%	Term Deposit	\$ 1,000,000.00	A1/A+
ING Bank	31/03/2022	31/03/2023	1.68%	Term Deposit	\$ 1,000,000.00	A1/A+
NT T-Corp	16/09/2021	15/12/2025	1.35%	Fixed Bond	\$ 1,000,000.00	A1+/AA-
Suncorp Bank	10/06/2021	10/06/2022	0.33%	Term Deposit	\$ 2,000,000.00	A1/A+
Westpac Banking Corporation	24/11/2021	20/10/2022	0.52%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	28/02/2022	25/11/2022	0.63%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	28/02/2022	28/12/2022	0.71%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	7/01/2022	5/08/2022	0.46%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	3/12/2021	3/06/2022	0.35%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	11/03/2022	11/03/2024	1.92%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Total					\$ 33,000,000.00	
Other Cash Investments						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Rating	
Bendigo Bank - Operating A/c	N/A	Ongoing		\$ 1,340,074.40	A2/BBB+	
AMP (11)	23/10/2020	Ongoing	0.55%	\$ 616.28	A2/BBB+	
Macquarie Bank (4) - Ongoing	3/12/2020	Ongoing	0.60%	\$ 3,020,655.42	A1/A+	
Total Funds Available					\$ 37,361,346.10	

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

Restrictions

<b>Internal Restrictions</b>		
- Employee Entitlements	\$2,376,437.00	
- Doubtful Debts	\$124,556.00	
- Future Development Reserve	\$1,076,217.20	
- Trust Account	\$700,935.20	
- Caravan Park Loan Facility	\$1,500,000.00	
- Capital Projects	\$1,200,000.00	
- Plant Replacement Reserve	\$1,500,000.00	\$8,478,145.40
<b>External Restrictions</b>		
- Water Fund	\$10,401,889.82	
- Sewer Fund	\$4,176,404.29	
- T-Corp Loan Balance	\$1,127,094.07	
- Developer Contributions Reserve	\$663,375.97	
- Unexpended Grants	\$5,719,277.19	
- Crown Reserves Reserve	\$213,700.14	
- Loan Guarantee Reserve	\$3,460.91	
- Prepayments Cemeteries	\$550,447.68	\$22,856,030.62
<b>Day to Day Liquidity</b>		\$6,077,170.08
<b>Total Funds Available</b>		<b>\$37,361,346.10</b>

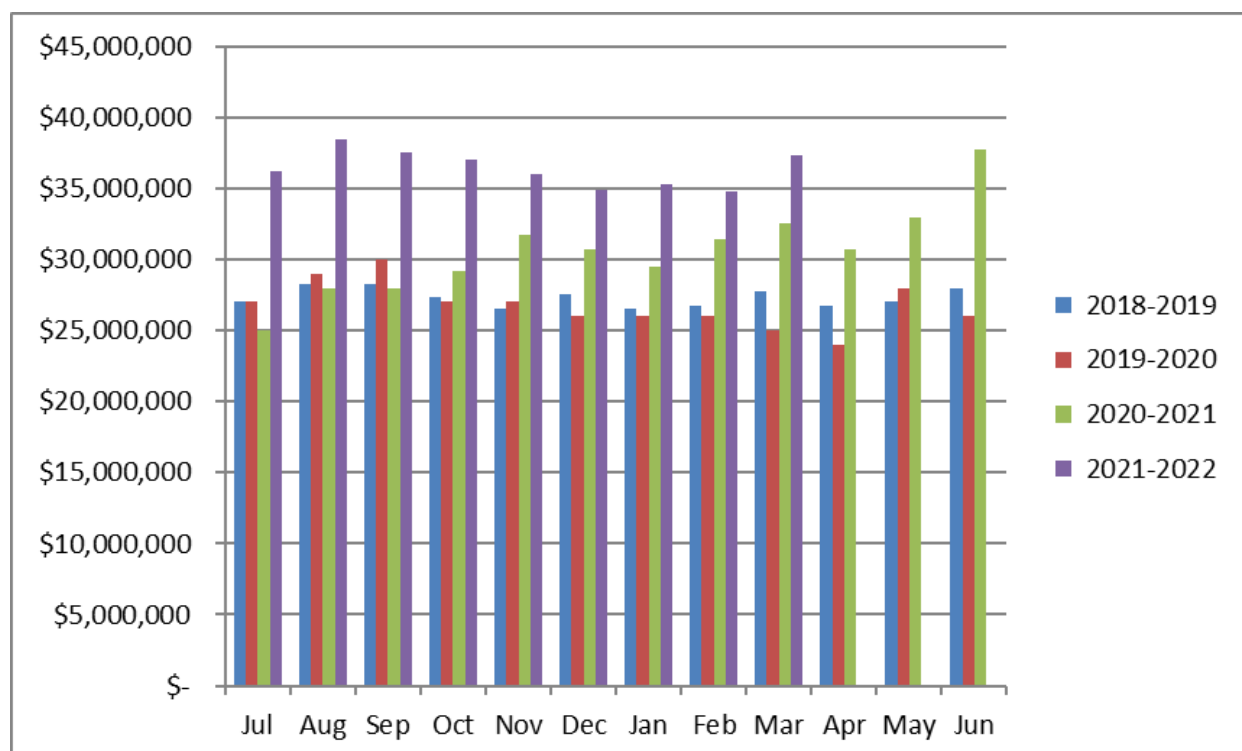
Breakdown



Summary – Unexpended Grants as at 31 March 2022

Grant	Amount
Library Infrastructure Grant	\$477,685.19
Resources For Regions VIC Relocation	\$423,300.55
State Library Grant	\$500,000
Wentworth Extended Day Care	\$58,833.09
SCCF Wentworth Rowing Club	\$66,110.80
Crown Reserve Improvement Fund Astronomy Park	\$663,488.58
Crown Reserve Improvement Fund Pooncarie Racecourse	\$29,700.00
Resources For Regions Junction Island Bridge	\$162,439.93
Wentworth Showgrounds Sewer Upgrade	\$6,952.11
Main Road Block Grant	\$641,732.19
Crown Reserve Improvement Fund Wentworth Caravan Park Grant	\$1,000,000.00
EDS Grant	\$122,246.96
Murray Darling Basin Civic Centre Grant	\$487,539.00
Fixing Local Roads Grants	\$1,079,248.79
<b>Total</b>	<b>\$5,719,277.19</b>

Total Funds Invested



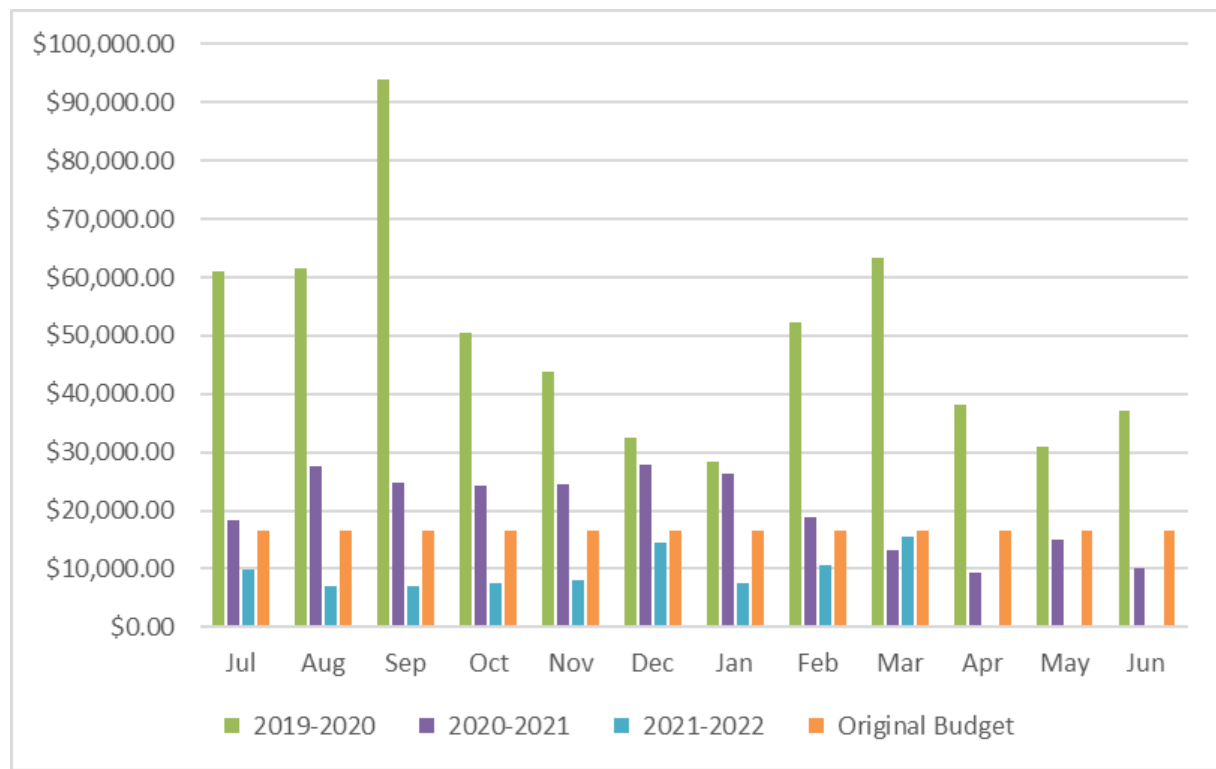
Five (5) Deposits and One (1) other account matured or provided interest in March earning Council \$15,617.57 in interest. The budget for March was \$16,666.67. Year to date Council has received \$87,687.88 in interest. The budget for the current financial year is currently set at \$200,000.00.

Currently on the back of the new investment policy approval Council is restructuring their investments into longer term deposits, bonds and managed investments from which we hope to see increased returns by end of financial year 2022.

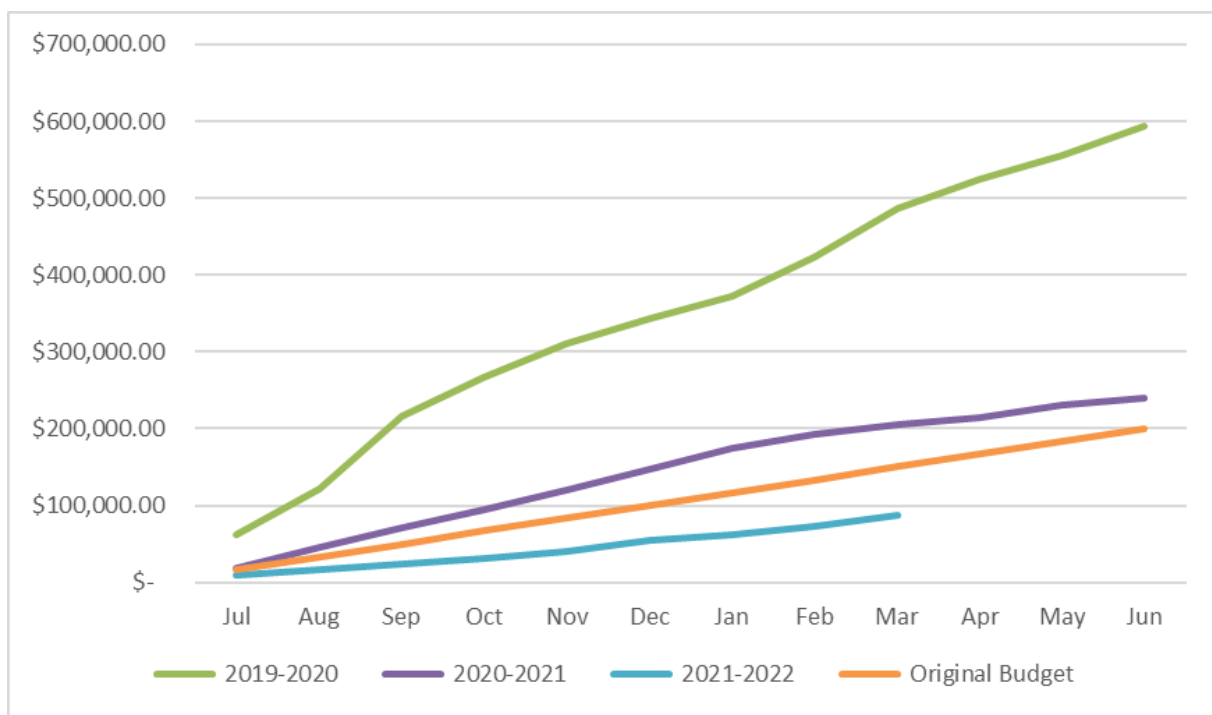
Investment Revenue in March 2022

Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Interest Earned
<b>Term Deposits</b>					
Macquarie Bank	10/06/2021	8/03/2022	0.40%	\$1,000,000.00	\$2,969.86
Members Equity Bank	9/06/2021	9/03/2022	0.45%	\$1,000,000.00	\$3,365.75
IMB Bank	9/12/2021	9/03/2022	1.10%	\$1,000,000.00	\$2,490.41
National Australia Bank	28/06/2021	25/03/2022	0.30%	\$1,000,000.00	\$2,219.18
NT T-Corp	16/09/2021	15/12/2025	1.35%	\$1,000,000.00	\$3,375.00
<b>Other Cash Investments</b>					
Macquarie Bank	3/12/2020	Ongoing	0.60%	\$3,019,458.05	\$1,197.37
<b>Total</b>					<b>\$15,617.57</b>

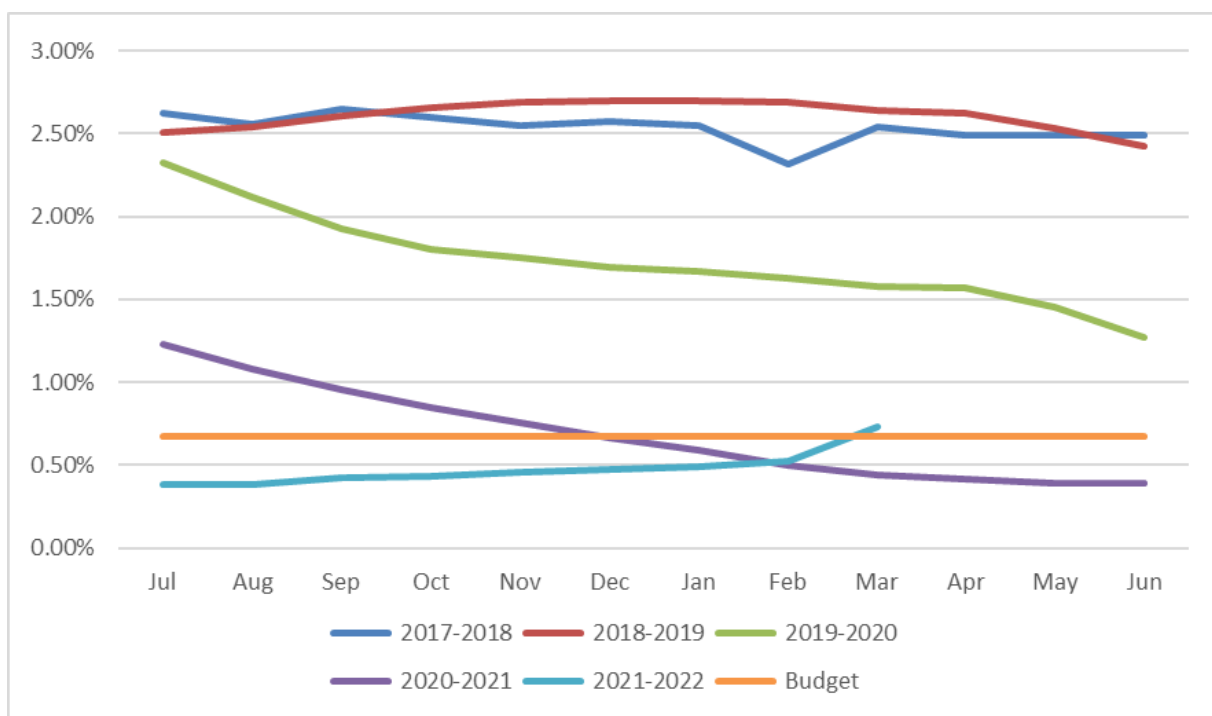
Investment Revenue received March 2022



Total Interest received July 2021 – June 2022



For March 2022 Council's investments returned an effective average rate of 0.73%. Year to date the effective average rate has been 0.48%. The budget for 2021-2022 was set at 0.67%.



### Conclusion

The Director Finance & Policy certifies that all investments have been made in accordance with the *Local Government Act 1993* (NSW), Local Government (General) Regulations 2021 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



## 9.9 MONTHLY FINANCE REPORT

File Number: RPT/22/249

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

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future  
Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

### Summary

Rates and Charges collections for the month of March 2022 were \$536,146.64. After allowing for pensioner subsidies, the total levies collected are now 75.93%. For comparison purposes 74.77% of the levy had been collected at the end of March 2021. Council currently has \$37,361,346.10 in cash and investments.

### Recommendation

That Council receives and 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 March 2022

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 31 March 2022.

	Combined Bank Account
<b>Cash Balance as at 1 March 2022</b>	<b>\$ 1,789,871.11</b>
Add: Receipts for the Period Ending 31 March 022 Rates, Debtors, Miscellaneous	\$ 8,697,291.25
Less: Payments for the Period Ending 31 March 2022 Cash Book entries for this Month	\$ 9,147,087.96
<b>Cash Balance at at 31 March 2022</b>	<b>\$ 1,340,074.40</b>
<b>Investments</b>	
Total Investments as at 31 March 2022	\$ 36,021,271.70
<b>TOTAL</b>	<b>\$ 37,361,346.10</b>

#### Collection of Rates and Charges

Rates and Charges collections for the month of March 2022 were \$ 536,146.64. After allowing for pensioner subsidies, the total levies collected are now 75.93%. A summary of the Rates and Charges situation as at 31 March 2022 is as follows.

	Rates and Charges	
<b>Levies</b>		
Balance Outstanding at 30 June 2021 - Rates / Water	957,794.11	
Rates and Charges Levied 20 July 2021	9,545,527.09	\$ 10,503,321.20
+ Additional Water Charges	1,392,824.00	
+ Supplementary Rates and Charges	78,122.64	
+ Additional Charges	55,960.87	
- Credit Adjustments	19,289.46	
- Abandonments	804.97	\$ 12,010,134.28
<b>Deductions</b>		
- Payments	8,954,045.46	
- Less Refunds of Payments	13,747.13	\$ 8,940,298.33
		\$ 3,069,835.95
- Pensioner Subsidy		
Government Subsidy	98,442.27	
Council Subsidy	80,543.68	\$ 178,985.95
<b>Total Rates/Water Charges Outstanding</b>		<b>\$ 2,890,850.00</b>

Note: For comparison purposes 74.77% of the levy had been collected at the end of March 2021.

Rates/Water write offs and adjustments

Rates and charges that have been written off or adjustments made under the delegated authority of the General Manager for the month of March 2022.

Account	Date	Amount	Comment
<b>Debtors</b>			
Gol Gol Football Club	29.3.2022	1860.00	Reduction of 2021 User fees due to COVID restrictions
Eathworks Bobcat Hire	18.3.2022	11.00	Credit - overcharged at Landfill
BR Woods	9.3.2022	208.00	Cancelled Permissive Occupancy
<b>Rates</b>			
775	21.3.2022	8.33	Ratepayer requested 50% of water written off, water was not written off but agreed to interest being written off
298.025	10.3.2022	4.37	Ratepayer requested interest is written off as it was his first time paying late
943	11.3.2022	1.54	Credit interest - payment receipted to water and should have been rates
1446-10002	14.3.2022	10.80	Credit interest - payment receipted to incorrect property
131	14.3.2022	0.07	Credit interest - payment receipted to incorrect property
1446-10001	14.3.2022	0.54	Credit interest - payment receipted to incorrect property
717-205	14.3.2022	282.92	Adjustment to Rates levied due to a reduction in land valuation
<b>Water</b>			
1493	28.3.2022	591.15	Adjusted water account due to incorrect reading
1075-11	17.3.2022	544.75	Credit water account - meters were on wrong property after subdivision, correct property has been levied
1287.2	16.3.2022	210.00	Adjusted water account due to incorrect reading
703	15.3.2022	540.50	Adjusted water account due to incorrect reading
1148	15.3.2022	35.00	Credit water account - reading was over estimated
302.59	11.3.2022	532.00	Adjusted water account due to incorrect reading
1516-105	14.3.2022	463.35	Adjusted water account due to incorrect reading
798	14.3.2022	348.85	Credit water account - replaced water meter details were not provided and an incorrect charge was generated

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	\$ 313,394.29	30/01/2025
Loan 202	ANZ Bank	Civic Centre	3.470% Fixed	\$ 850,000.00	\$ 636,875.95	21/10/2026
Loan 203	National Australia Bank	Midway Centre	3.586% Fixed	\$ 1,900,000.00	\$ 1,566,483.45	28/04/2023
Loan 204	Bendigo Bank	Buronga Landfill	5.290% Fixed	\$ 1,500,000.00	\$ 1,267,937.84	12/05/2037
CFWC31 0604	T-Corp	Trentham Cliffs Sewer	1.82% Fixed	\$ 750,000.00	\$ 715,589.05	4/06/2031
CFWC31 0624	T-Corp	Burong/Gol Gol Stormwater	1.79% Fixed	\$ 1,250,000.00	\$ 1,192,209.45	24/06/2031
Loan 205	National Australia Bank	Willowbend Caravan Park	Fixed 2.2%	\$ 1,500,000.00	\$ 1,500,000.00	25/01/2027
Loan 206	Bendigo Bank	Buronga Landfill #3	Fixed 1.85%	\$ 900,000.00	\$ 841,335.19	25/09/2028
				<b>TOTAL</b>	<b>\$ 8,033,825.22</b>	

Overtime and Travelling

Month	Mar-22	Pay Periods	18 & 19	
<b>Overtime</b>				
	<b>Time and a Half</b>		<b>Double Time</b>	
<b>Department</b>	<b>Hours</b>	<b>Amount</b>	<b>Hours</b>	<b>Amount</b>
Animal Services	6.50	\$ 310.75	12.00	\$ 774.22
Civil Works	6.00	\$ 315.19	7.00	\$ 459.24
Finance	-	\$ -	-	\$ -
Parks & Gardens	19.50	\$ 935.87	21.00	\$ 1,284.11
Roads - Council	202.00	\$ 8,886.32	32.00	\$ 2,027.56
Roads - RMS	4.50	\$ 221.44	-	\$ -
Roads & Eng Indoor	37.50	\$ 2,593.74	12.00	\$ 1,157.93
Waste Management	4.50	\$ 261.80	4.50	\$ 349.07
Water & Waste Water	55.00	\$ 2,657.18	64.50	\$ 4,310.71
<b>Total</b>	<b>335.50</b>	<b>\$ 16,182.29</b>	<b>153.00</b>	<b>\$ 10,362.84</b>
<b>Grand Total</b>		<b>\$ 26,545.13</b>		

Conclusion

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

**9.10 MARCH QUARTERLY BUDGET REVIEW**

File Number: RPT/22/266

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

**Summary**

A full analysis of Council's Income, Operating Expenditure and Capital Expenditure has been undertaken. A number of variations have been identified against the original budget as outlined in this report. Council's revenue and expenditure is reviewed on a quarterly basis to identify any potential areas requiring a variation.

	YTD Actual (31-MAR-22)	% of Original Budget	% of Revised Budget
Revenue	\$26,584,988	65.10%	66.36%
Operational Expenditure	\$19,443,128	76.90%	69.58%
Capital Expenditure	\$10,329,615	34.44%	38.01%

If approved, the net result of variances for the March 2022 Quarter is an unfavorable operational variance of \$5,844,000 and a favorable capital variance of \$8,453,000 resulting in a total favorable budget variation of \$2,609,000.

**Recommendation**

That Council approves the variations to the 2021/22 Operational Plan adopted at the 30 June 2021 Ordinary Council Meeting.

**Detailed Report****Introduction**

The purpose of this report is to review the financial performance of Council for the quarter ending 31 March 2022 in accordance with S407 (1) of the *Local Government Act 1993* and Council's 2021/22 Operational Plan.

**Report Detail**

The Quarterly Budget Review Statement is attached for your information identifying the Adopted Budget, Recommended Changes for Council Resolution, Projected Year End Budget, March 2022 Quarterly Review Changes, Year to Date Actual Revenue and Actual Expenditure to 31 March 2022.

Council has recorded \$26.584 million in revenue as at 31 March 2022. This equates to 65.10% of the original revenue budget or 66.36% of the revised revenue budget. Notable revenue during this quarter includes:

- Transport for NSW Segment 40 payment - \$2,608,031
- General Assistance Grant \$861,964
- Landfill \$579,630

Council's total operating expenditure to 31 March 2022 is \$19,443,128. This is 76.90% of the original expenditure budget or 69.58% of the revised expenditure budget. Notable operating expenditure for this quarter includes:

- Water Operations - \$472,725
- Local Roads - \$321,695
- Sewer Operations \$260,981
- Landfill Operations - \$227,073
- Regional Roads - \$197,346
- Tourism \$112,698

Expenditure on Capital projects to the end of March 2022 has been \$10,329,615. This equates to 34.44% of the original capital budget or 38.01% of the revised capital budget. Notable capital expenditure for this quarter includes:

- Aerodrome Capital Works - \$365,981
- Landfill 100,000 Tonnes Upgrade - \$228,103
- Showgrounds Sewer Upgrade – \$150,348
- Wentworth Riverfront Wall Remediation - \$108,252

#### Matters under consideration

A list of recommended changes for Council resolution to the original budget are included on the note's pages within the Quarterly Budget Review Statement. This statement includes notes to explain the reason for the variations, using alphabetical note references against both the operational and capital budgets.

To provide additional information to Councillors to help explain any variances of actuals compared to projected budget, numerical note references have also been included. Comments are provided for any year to date variance greater than 10% against 25% of the proposed budget, given we are at the start of the financial year.

#### Conclusion

If approved, the net result of variances for the March 2022 Quarter is a unfavorable operational variance of \$5,844,000 and a favorable capital variance of \$8,453,000. Resulting in a total favorable budget variation of \$2,609,000.

#### Attachments

1. March 2022 Quarterly Budget Report [↓](#)

Wentworth Shire Council

**Quarterly Budget Review Statement**  
for the period 01/01/22 to 31/03/22

**Report by responsible accounting officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

**31 March 2022**

It is my opinion that the Quarterly Budget Review Statement for Wentworth Shire Council for the quarter ended 31/03/22 indicates that Council's projected financial position at 30/6/22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



date: 6/04/2022

Simon Rule  
Responsible accounting officer

## Mentworth Shire Council

Quarterly Budget Review Statement  
for the period 01/01/22 to 31/03/22

## Income &amp; expenses budget review statement

Budget review for the quarter ended 31 March 2022

## Income &amp; expenses - Council Consolidated

	Original budget 2021/22	Approved Changes				Revised budget 2021/22	Variations for this Mar Qtr	Notes	Projected year end result	Actual YTD figures	Variance Surplus (Deficit)	Notes	% Actuals by Projected
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs								
<b>Income</b>													
Rates and annual charges	9,370			2,727	58	9,428	870	a	9,428	9,429	1	1	100.0%
User charges and fees	5,286					8,013		b	8,883	7,550	(1,333)	2	85.0%
Other revenues	1,232					1,232		c	1,232	1,248	16	3	101.3%
Grants and contributions - operating	9,850				418	10,268		e	10,268	4,687	(5,581)	4	45.6%
Grants and contributions - capital	14,664			1,058	810	16,532	(6,714)	f	9,818	3,571	(6,247)	5	36.4%
Interest and investment revenue	334					334		g	334	99	(235)	6	29.6%
Net gain from disposal of assets	100					100		h	100	-	(100)	7	0.0%
<b>Total income from continuing operations</b>	<b>40,836</b>	<b>-</b>	<b>-</b>	<b>3,785</b>	<b>1,286</b>	<b>45,907</b>	<b>(5,844)</b>		<b>40,063</b>	<b>26,584</b>	<b>(13,479)</b>		<b>66.4%</b>
<b>Expenses</b>													
Employee benefits and on-costs	10,291					10,291		i	10,291	7,566	2,725	8	73.5%
Borrowing costs	291					291		j	291	122	169	9	41.9%
Materials and services	4,051			2,244	90	6,385		k	6,385	3,956	2,429	10	62.0%
Depreciation and amortisation	7,123					7,123		l	7,123	5,342	1,781	11	75.0%
Other expenses	3,526				328	3,854		m	3,854	2,457	1,397	12	63.8%
<b>Total expenses from continuing operations</b>	<b>25,282</b>	<b>-</b>	<b>-</b>	<b>2,244</b>	<b>418</b>	<b>27,944</b>	<b>-</b>		<b>27,944</b>	<b>19,443</b>	<b>8,501</b>		<b>69.58%</b>
<b>Net operating result from continuing operations</b>	<b>15,554</b>	<b>-</b>	<b>-</b>	<b>1,541</b>	<b>868</b>	<b>17,963</b>	<b>(5,844)</b>		<b>12,119</b>	<b>7,141</b>	<b>(4,978)</b>		<b>58.9%</b>
Discontinued operations - surplus/(deficit)						-		p	-			13	
<b>Net operating result from all operations</b>	<b>15,554</b>	<b>-</b>	<b>-</b>	<b>1,541</b>	<b>868</b>	<b>17,963</b>	<b>(5,844)</b>		<b>12,119</b>	<b>7,141</b>	<b>(4,978)</b>		<b>58.9%</b>
<b>Net Operating Result before Capital Items</b>	<b>890</b>	<b>-</b>	<b>-</b>	<b>483</b>	<b>58</b>	<b>1,431</b>	<b>870</b>		<b>2,301</b>	<b>3,570</b>	<b>1,269</b>		

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2022 and should be read in conjunction with the total QBRs report



Wentworth Shire Council

**Quarterly Budget Review Statement**

for the period 01/01/22 to 31/03/22

**Income & expenses budget review statement****Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

**Notes Details**

b	<b>User Fees and Charges</b>	
	Buronga Landfill Fees	\$320,000
	State Hwy 14	\$550,000

**Income and Expenditure Budget Review Statement****Explanatory Notes**

b	<b>User Fees and Charges</b>	
	Buronga Landfill Fees - Increase in budgeted income for the 2022 financial year	
	State Hwy 14 - Increase in expected income due to completion of Segment 40 capital works.	

**Quarterly Budget Review Statement**  
for the period 01/01/22 to 31/03/22

Wentworth Shire Council

**Capital budget review statement**

Budget review for the quarter ended 31 March 2022

**Capital budget - Council Consolidated**

(\$'000's)	Original budget 2021/22	Approved changes				Revised budget 2021/22	Variations for this Mar Qtr	Notes	Projected year end result	Actual YTD figures	Variance Surplus (Deficit)	Notes	% Actuals by Projected
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs								
<b>Capital expenditure</b>													
New assets													
- Plant & equipment	904			75	95	1,074	350	a	1,074	1,016	58	a	94.6%
- Land & buildings	3,347				275	3,622		b	3,972	948	3,024	b	23.9%
- Other	1,310					1,310		c	1,310	138	1,172	c	10.5%
Renewal assets (replacement)													
- Plant & equipment	1,929	320				2,249		d	2,249	523	1,726	d	23.3%
- Land & buildings	7,577	307	98	98	229	8,309	(5,475)	e	2,834	1,108	1,726	e	39.1%
- Roads, bridges, footpaths	12,180	904	56	1,148	1,090	15,378	(3,750)	f	11,628	5,075	6,553	f	43.6%
- Other	571	180	30			781		g	781	249	532	g	31.9%
Loan repayments (principal)	635					635		h	635	329	306	h	51.8%
Water Infrastructure	642	355				997	30	i	1,027	564	463	i	54.9%
Sewer Infrastructure	895	375				1,270	392	j	1,662	379	1,283	j	22.8%
<b>Total capital expenditure</b>	<b>29,990</b>	<b>2,441</b>	<b>184</b>	<b>1,321</b>	<b>1,689</b>	<b>35,625</b>	<b>(8,453)</b>		<b>27,172</b>	<b>10,329</b>	<b>16,843</b>		<b>38.01%</b>
<b>Capital funding</b>													
Rates & other unified funding	7,973	1,520		263	190	9,946	(2,331)	k	7,615	3,422	(4,193)	k	44.9%
Capital grants & contributions	14,664		184	1,058	810	16,716	(6,714)	l	10,002	4,734	(5,268)	l	47.3%
Reserves:													
- External restrictions/reserves	1,453	921			489	2,863		m	2,863	1,073	(1,790)	m	37.5%
- Internal restrictions/reserves					200	200	592	n	792	200		n	
New loans	5,900					5,900		o	5,900	900	(5,000)	o	15.3%
Receipts from sale of assets													
- Plant & equipment								p				p	
- Land & buildings								q				q	
<b>Total capital funding</b>	<b>29,990</b>	<b>2,441</b>	<b>184</b>	<b>1,321</b>	<b>1,689</b>	<b>35,625</b>	<b>(8,453)</b>		<b>27,172</b>	<b>10,329</b>	<b>(16,251)</b>		<b>38.0%</b>
<b>Net capital funding - surplus/(deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>	<b>-</b>	<b>592</b>		

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2022 and should be read in conjunction with the total QBRs report

Wentworth Shire Council

# Quarterly Budget Review Statement

for the period 01/01/22 to 31/03/22

## Capital budget review statement

### Recommended changes to revised budget

Budget variations being recommended include the following material items:

Notes	Details	
b	<b>New Assets - Land &amp; Buildings</b>	
	Showgrounds Sewer Upgrade	\$100,000
	Landfill 100,000 Tonnes Upgrade	\$250,000
e	<b>Renewal - Land &amp; Buildings</b>	
	Junction Island Bridge	\$125,000
	Wentworth Civic Centre Redevelopment	-\$5,000,000
	CRIF Astronomy Park	-\$600,000
f	<b>Renewal - Roads Bridges &amp; Footpaths</b>	
	Aerodrome Taxiway Extention	\$63,000
	Aerodrome Water Main	\$37,000
	George Gordon Oval Carpark	\$300,000
	Pooncarie - Menindee Road	-\$4,150,000
i	<b>Water Infrastructure</b>	
	Mourquong Filtered Water Main	\$30,000
k	<b>Rates and Other Untied Funding</b>	
	Wentworth Civic Centre Redevelopment Council Contribution	-\$2,611,000
l	<b>Capital Grants and Contributions</b>	
	Resources For Regions - Junction Island Bridge	\$125,000
	Resources For Regions - George Gordon Carpark Upgrade	\$300,000
	Wentworth Civic Centre Redevelopment Various Grants	-\$1,389,000
	Joint Organisation Contribution	-\$1,000,000
	Pooncarie - Menindee Road Funding	-\$4,150,000
	Crown Reserve Fund Astronomy Park	-\$600,000
n	<b>Internal Restrictions/Reserves</b>	
	Capital Works Reserve	\$200,000

## Capital Budget Review Statement

### Explanatory Notes

b	<b>New Assets - Land &amp; Buildings</b>
	Showgrounds Sewer Upgrade - Further funding needed for project variations, pump station and switchboard upgrade.
	Landfill 100,000 Tonnes Upgrade - Further funding required for certification of cell expansion.
e	<b>Renewal - Land &amp; Buildings</b>
	Junction Island Bridge - Bridge to be purchased in coming months with construction currently out for quote.
	Wentworth Civic Centre Redevelopment - Project start delayed due to fire servicing requirements, budget revised for 2022/23 Financial Year.
	Crown Reserve Fund Astronomy Park - Currently in design phase with construction expected to commence in July 2022

f	<b>Renewal - Roads Bridges &amp; Footpaths</b> Aerodrome Taxiway Extension/Water Main - Project variations for aerodrome upgrade to support future subdivision infrastructure. George Gordon Oval Carpark - New project expected for completion by June 2022 Pooncarie Menindee Road - Rebudgeted for 2023 due to delay obtaining AHIP and REF. Works estimated to commence in June.
i	<b>Water Infrastructure</b> Mourquong Filtered Water Main - Further funding required for land acquisitions relating to the project.
k	<b>Rates and Other Untied Funding</b> Wentworth Civic Centre Redevelopment Council Contribution- Rebudgeting of funds to 2022/23 financial year due to project delays.
l	<b>Capital Grants and Contributions</b> Funding for the Junction Island Bridge and George Gordon Oval Carpark. Reallocation of grant funds to the 2022/23 financial year in line with project expenditure.
n	<b>Internal Restrictions/Reserves</b> Funding from the Capital Works Reserve to contribute towards the construction of the Showgrounds Sewer and Aerodrome Upgrades.

Wentworth Shire Council

**Quarterly Budget Review Statement**

for the period 01/01/22 to 31/03/22

**Cash & investments budget review statement**

The YTD cash &amp; investment figure reconciles to the actual balances held as follows:

**\$ 000's**

Cash at bank (as per bank statements)

1,340

Investments on hand

36,021

less: unpresented cheques

(Timing Difference)

7

add: undeposited funds

(Timing Difference)

4

**Reconciled cash at bank & investments****37,361****Balance as per QBRS review statement:****37,361**

Difference:

-

**Recommended changes to revised budget**

Budget variations being recommended include the following material items:

**Notes   Details**

## Wentworth Shire Council

# Quarterly Budget Review Statement

for the period 01/01/22 to 31/03/22

## Key performance indicators budget review statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2022

(\$'000's)	Current projection		Original budget 21/22	Actuals prior periods 20/21 19/20
	Amounts 21/22	Indicator 21/22		

NSW local government industry key performance indicators (OLG):

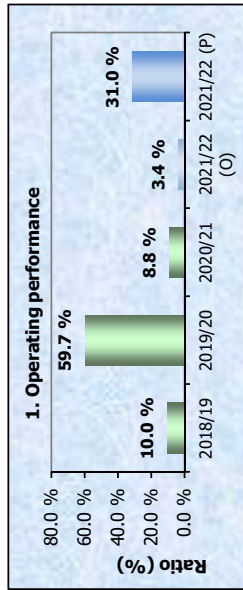
### 1. Operating performance

Operating revenue (excl. capital) - operating expenses	7141
Operating revenue (excl. capital grants & contributions)	23013

8.8 % 59.7 %

3.4 %

31.0 %



This ratio measures Council's achievement of containing operating expenditure within operating revenue.

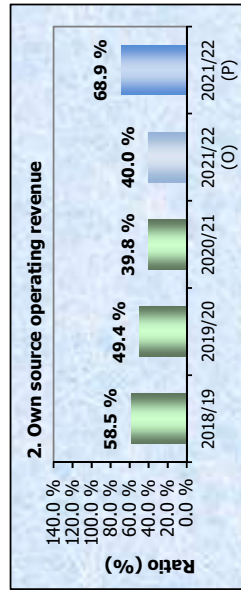
### 2. Own source operating revenue

Operating revenue (excl. ALL grants & contributions)	18326
Total Operating revenue (incl. capital grants & cont)	26584

39.8 % 49.4 %

40.0 %

68.9 %



This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.

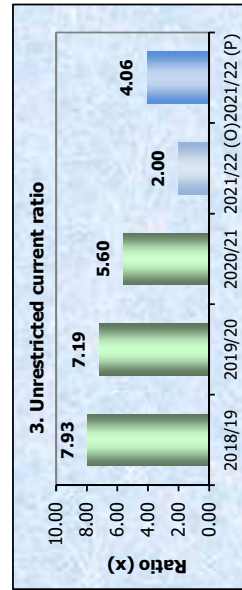
### 3. Unrestricted current ratio

Current assets less all external restrictions	13036
Current liabilities less specific purpose liabilities	3211

5.60 7.19

2.00

4.06



To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

## Wentworth Shire Council

# Quarterly Budget Review Statement

for the period 01/01/22 to 31/03/22

## Key performance indicators budget review statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2022

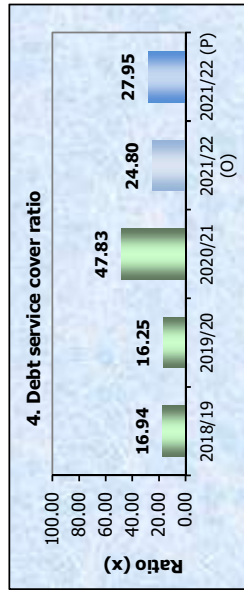
(\$000's)	Current projection		Original budget 21/22	Actuals prior periods 20/21 19/20
	Amounts 21/22	Indicator 21/22		

NSW local government industry key performance indicators (OLG):

### 4. Debt service cover ratio

Operating result before interest & dep. exp (EBITDA)	12605	27.95	24.80	47.83	16.25
Principal repayments + borrowing interest costs	451				

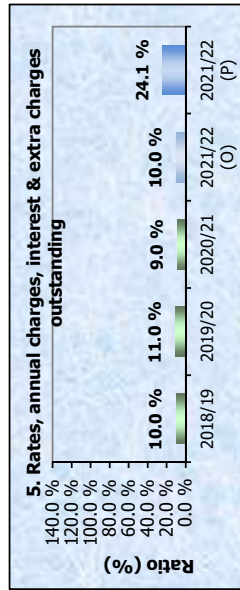
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.



### 5. Rates, annual charges, interest & extra charges outstanding

Rates, annual & extra charges outstanding	2890	24.1 %	10.0 %	9.0 %	11.0 %
Rates, annual & extra charges collectible	12010				

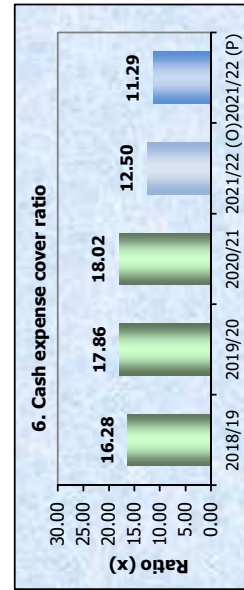
To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.



### 6. Cash expense cover ratio

Current year's cash & cash equivalents (incl. term deposits)	37361	11.29	12.50	18.02	17.86
Operating & financing activities cash flow payments	3308				

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.



## Wentworth Shire Council

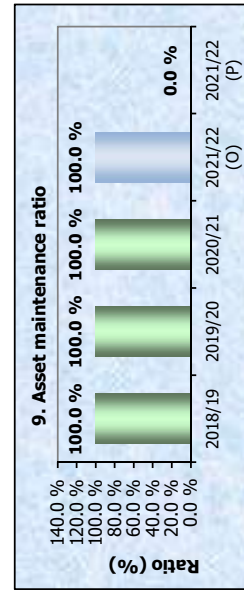
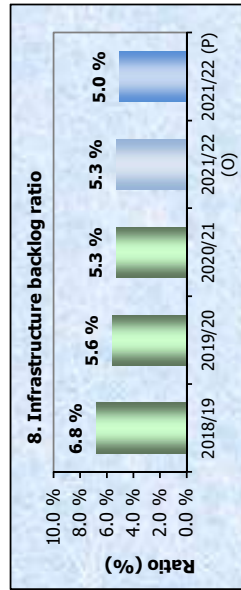
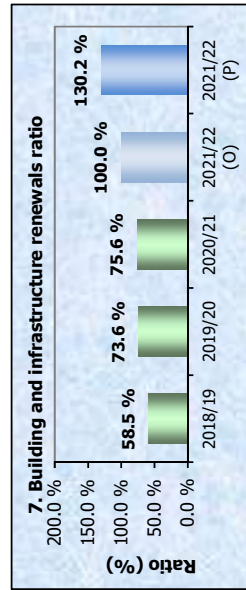
# Quarterly Budget Review Statement

for the period 01/01/22 to 31/03/22

## Key performance indicators budget review statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2022

(\$'000's)	Current projection		Original budget 21/22	Actuals prior periods 20/21 19/20	
	Amounts 21/22	Indicator 21/22			
NSW Local Government Infrastructure Asset Performance Indicators (OLG):					
7. Building and infrastructure renewals ratio					
Asset renewals (building, infrastructure & other structures)	6955	130.2 %	100.0 %	75.6 %	73.6 %
Depreciation, amortisation & impairment	5342				
To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.					
8. Infrastructure backlog ratio					
Estimated cost to bring assets to a satisfactory condition	21450	5.0 %	5.3 %	5.3 %	5.6 %
Total value of infrastructure, building, other structures & depreciable land improvement assets	424867				
This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.					
9. Asset maintenance ratio					
Actual asset maintenance	N/A	0.0 %	100.0 %	100.0 %	100.0 %
Required asset maintenance					
Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the Infrastructure Backlog growing.					





## Wentworth Shire Council

# Quarterly Budget Review Statement

for the period 01/01/22 to 31/03/22

## Key performance indicators budget review statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2022

(\$'000's)	Current projection		Original budget 21/22	Actuals prior periods 20/21 19/20
	Amounts 21/22	Indicator 21/22		

### NSW Local Government Infrastructure Asset Performance Indicators (OLG):

#### 10. Cost to bring assets to agreed service level

Estimated cost to bring assets to an agreed service level set by council

Gross replacement cost	21450	3.4 %	4.0 %	5.3 %	5.3 %
	628542				

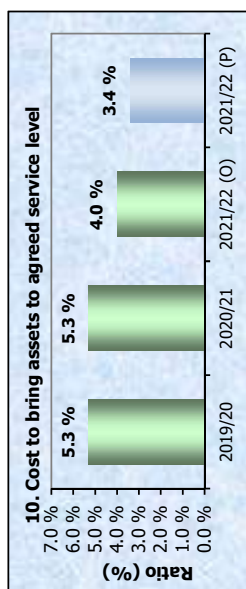
This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.

#### 11. Capital expenditure ratio

Annual capital expenditure  
Annual depreciation

	10329	1.9	N/A	N/A	N/A
	5342				

To assess the extent to which a Council is expanding its asset base thru capital expenditure on both new assets and the replacement and renewal of existing assets.



**Quarterly Budget Review Statement**  
for the period 01/01/22 to 31/03/22

Wentworth Shire Council

**Contracts budget review statement**

Budget review for the quarter ended 31 March 2022

**Part A - Contracts listing** - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract value	Start date	Duration of contract	Budgeted (Y/N)	Notes
Agg-Tech Machinery	RPT/22/37	\$ 135,822.00	01/02/22	Until Completion	Y	
CPM Building Contractors	RPT/22/49	\$ 588,316.36	TBC		Y	
All State Earthworks	RPT/22/59	\$ 392,421.28	16/02/22		Y	
Davidson Motor Group	RPT/22/183	\$ 66,881.27	21/03/22	Until Completion	Y	
Mallee Earthmoving and Excavations	RPT/22/185	\$ 673,420.00	TBC	Until Completion	Y	
Teleo Design Pty Ltd		\$ 109,039.00	09/03/22	Until Completion	Y	
OZ Linemarking Pty Ltd		\$ 84,178.00	22/02/22	Until Completion	Y	
Aprilla Grids Pty Ltd		\$ 99,172.36	14/02/22	Until Completion	Y	

**Notes:**

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2022 and should be read in conjunction with the total QBRs report

Wentworth Shire Council

# **Quarterly Budget Review Statement**

for the period 01/01/22 to 31/03/22

## **Consultancy & legal expenses budget review statement**

Consultancy &amp; legal expenses overview

<b>Expense</b>	<b>YTD expenditure (actual dollars)</b>	<b>Budgeted (Y/N)</b>
Consultancies	749,909	Y
Legal Fees	75,655	Y

### **Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

### **Comments**

Expenditure included in the above YTD figure but not budgeted includes:

### **Details**

## 9.11 DELIVERY PROGRAM PROGRESS UPDATE

File Number: RPT/22/271

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

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 progress report on the implementation of Council's 4-year Delivery program is required to be presented at least every six (6) months (LGA s404(5)). This report details the activities implemented under the annual operational plan in the last quarter, as per the Delivery program. It aligns with the expenditure provided in the March Quarterly Budget Review.

### **Recommendation**

That Council receives and notes the quarterly progress update on the 2021/22 Operational Plan activities.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to provide council with an update on all 2021/22 Operational Plan activities.

#### **Background**

The adopted 2021/22 Operational Plan detailed a budget totalling \$55.272 million being \$29.990 million in Capital Expenditure and \$25.282 million in Operational Expenditure.

At the March quarterly review, the amended operational plan revised total budget was \$63.099 million. After the revised budget changes proposed in the March quarterly budget review of \$5,844,000 operational variance and an \$8,453,000 capital variance the revised budget will be \$54.079 million.

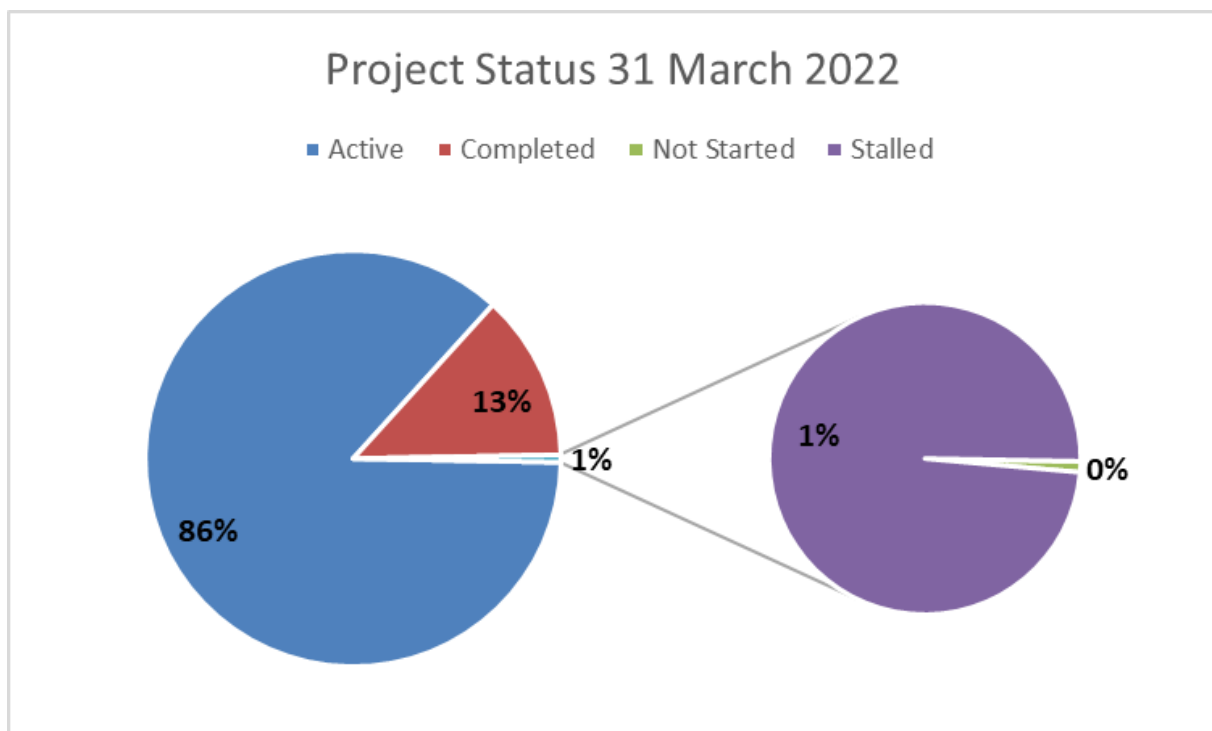
#### **Report Detail**

### **Project Status by Strategic Plan Objective**

The attached report shows the progress against the Operational Plan for the third quarter of the 2021/22 financial year. It is based on activity completed as at 31 March 2022, in line with the expenditure reflected in the March Quarterly Budget Review Statement, but presents it in relation to Council's Delivery Program strategies. Specific feedback is provided in the Quarterly Budget Review Statement where there is a change to expenditure or revenue. The report is broken down into five different sections, as outlined in the table below:

Section	Categories within that section
Operational Plan	Each of Council's Strategies from the 4-year delivery program
Financial statement category	Capital Project, Operational
Funding Source	Council, Grant Funding, Other
Project Status	Not Started, Stalled, Active, Complete
Project Stage (for active projects only)	Annual Program, Planning, Tender, Pre-Construction, Construction, Implementation, Legal, Close Out

As at 31 March 2022 the Operational Plan included 150 individual projects. 104 of these projects were originally budgeted for the financial year, 29 are carried forward from last financial year and 17 are new projects that arose during the first half of the financial year. The combined value of all projects included in the operational plan post the March review was \$54.079 million. Of these projects, 74 projects are active with a value of \$16.809 million; 37 are completed (valued at \$5.205 million); 1 is yet to commence (valued at \$0.050 million) and 4 are stalled. The remaining 37 projects are recurring annual programs which amount to \$29.502 million.



Of the 150 projects, the break down by Strategic Plan objective is as follows:

	Project s	Budget as at Q3	Exp March YTD
1.1 Grow the potential for business and industry to develop and expand	2	\$359,212	\$311,873
1.2 Encourage and support population growth and resident attraction	11	\$4,497,328	\$2,643,235
2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination	6	\$4,331,277	\$1,012,174

2.2 Enhance access to local health and aged care services	1	\$295,505	\$92,304
2.4 Enhance access to education, skills and training.	2	\$78,500	\$46,363
2.5 Maintain/create desirable open spaces and recreation facilities	35	\$5,394,320	\$3,255,397
3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long-term interests of future generations	39	\$7,794,362	\$3,493,530
3.2 Plan for and develop the right assets and infrastructure	27	\$18,248,240	\$13,278,939
3.3 Prepare for natural disasters, biosecurity risks and climate change	1	\$71,000	\$90,326
3.4 Reduce, reuse and recover waste	7	\$3,246,267	\$2,357,905
4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery	19	\$9,763,246	\$4,544,324

The total expenditure to date, compared to budget is highlighted in the table below.



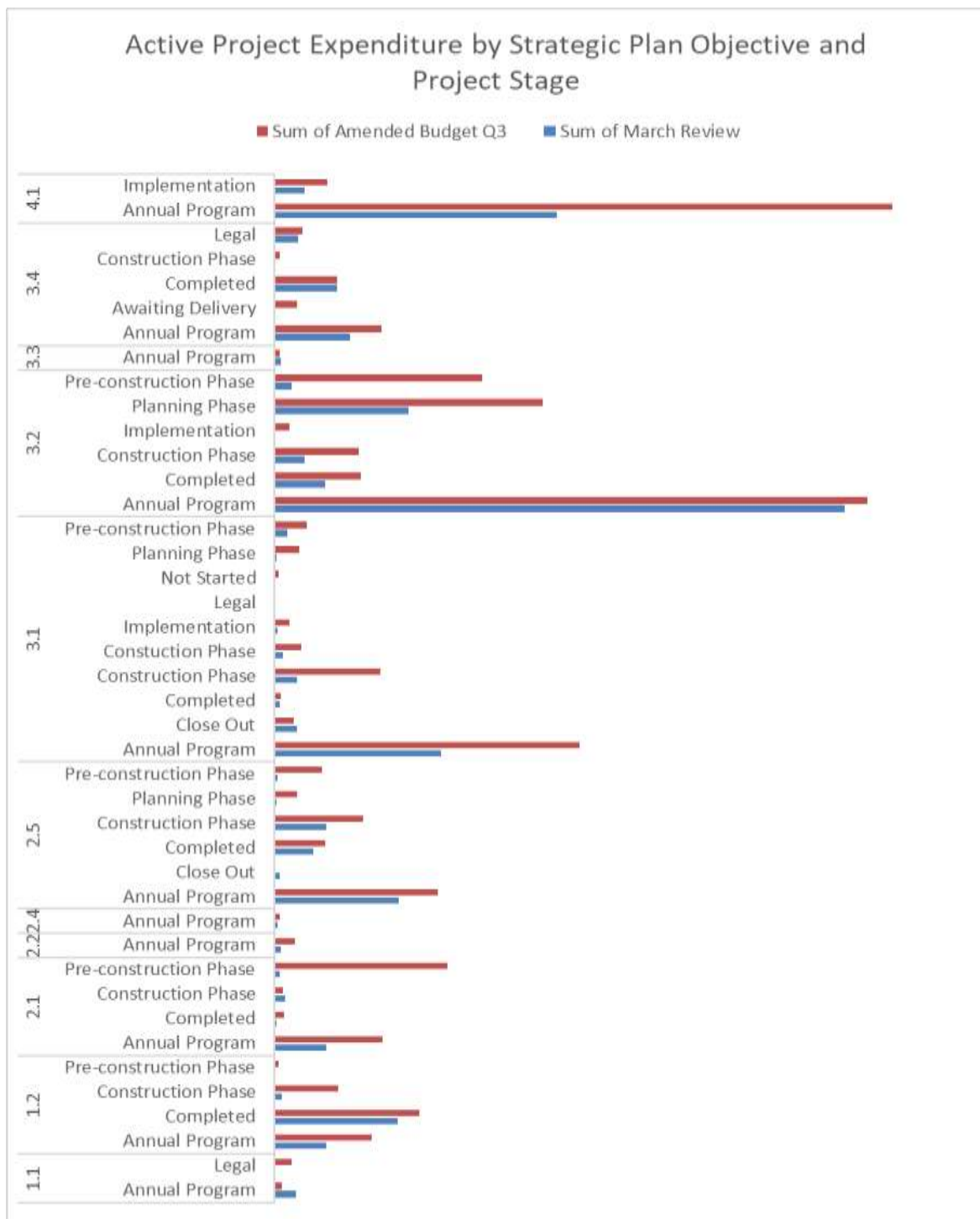
Active projects can be at various stages of project implementation including:

- Planning – Finalising the concept or design
- Tender – Procurement process
- Pre-Construction – Procurement complete awaiting availability of contractor
- Construction – Works underway
- Close Out – Works finalised, finalising payments
- Annual Program – Ongoing Council projects budgeted each year
- Implementation – Commencement of a project not involving construction
- Legal – Commenced legal works, particularly relevant to land acquisitions

**Stalled projects:**

- Wilga Road Stormwater Upgrade
  - Pending Transport for NSW confirmation of road structure designs
- Pooncarie Water Treatment Plan + Pooncarie Reservoirs
  - Pending funding for projects and completion of Integrated Water Cycle Management plans
- Wentworth Riverfront BBQ Area
  - Delayed due to park defects requiring repairs by the contractor.
- Wentworth Caravan Park Redevelopment
  - Contract negotiations ongoing with McMahons

The following table highlights the total year to date and budgeted expenditure by Strategic Plan Objective and Project Stage.



### Conclusion

Due to the unprecedented number of external funding opportunities, Council is undertaking a larger than normal project workload. While every effort will be made to deliver these projects within the allotted timeframes, it may be necessary for Council to amend milestone delivery timelines with the funding body on some projects.

### Attachments

1. Delivery Program Progress Update March 2022 [↓](#)



## Quarterly Progress Report against 2021/22 Operational Plan

	Exp Prev Fin Yrs	Amended Budget	March Review
<b>1.1 Grow the potential for business and industry to develop and expand</b>	<b>\$392,032.93</b>	<b>\$359,212.00</b>	<b>\$311,873.45</b>
<u>Active</u>			
Annual Program			
Building Control Operational Costs		\$109,212.00	\$311,873.45
Legal			
1930-2999-0018 Land Acquisitions	\$392,032.93	\$250,000.00	
<b>1.2 Encourage and support population growth and resident attraction</b>	<b>\$7,510,175.55</b>	<b>\$4,497,328.00</b>	<b>\$2,643,235.34</b>
<u>Active</u>			
Annual Program			
1555-2999-0006 Waste Bins Replacement	\$0.00	\$12,500.00	\$0.00
1865-2999-0010 Sharedways	\$2,612.25	\$40,000.00	\$0.00
Housing & Community Amenities Operational Costs		\$1,365,406.00	\$749,532.95
Construction Phase			
1316-2999-0002 WW Extended Day Care	\$32,856.82	\$879,422.00	\$95,971.95
1445-2999-0005 Cemetery Shed Upgrades	\$2,403.00	\$38,000.00	\$4,659.60
Pre-construction Phase			
1915-2999-0012 Purchase and Installation of Flagtrax	\$0.00	\$60,000.00	\$931.89
<u>Completed</u>			
1865-2999-0009 Pitman Ave Shared Path & Ramps	\$2,830.28	\$104,000.00	\$84,809.57
1865-2999-0025 Active Transport Sharedway Gol	\$97,638.65	\$0.00	\$34,832.32
1870-2999-0000 Aerodromes - Capital Works	\$7,371,834.55	\$1,898,000.00	\$1,572,732.29
1870-2999-2000 Aerodrome Taxiway Extension	\$0.00	\$63,000.00	\$62,390.00
1870-2999-2001 Aerodrome Water Main	\$0.00	\$37,000.00	\$37,374.77
<b>2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination</b>	<b>\$336,458.19</b>	<b>\$4,331,277.00</b>	<b>\$977,913.61</b>
<u>Active</u>			
Annual Program			
Economic Affairs Operational Costs		\$1,544,277.00	\$744,151.11
1551-2999-0005 Street Furniture	\$0.00	\$21,000.00	\$0.00
Construction Phase			
1546-2999-0015 Dareton Travellers Rest	\$2,066.93	\$124,000.00	\$143,547.46
<u>Completed</u>			
1547-2999-0001 Buronga Riverfront Masterplan	\$313,951.42	\$100,000.00	\$20,881.25
1548-2999-0005 Pooncarie Bird Hides along Camp Ground & River x2	\$6,026.09	\$30,000.00	\$2,081.26
<u>Stalled</u>			
Pre-construction Phase			
1960-2999-0003 Willowbend Caravan Park Redevelopment	\$14,413.75	\$2,512,000.00	\$67,252.53
<b>2.2 Enhance access to local health and aged care services</b>		<b>\$295,505.00</b>	<b>\$92,304.70</b>
<u>Active</u>			
Annual Program			
Health Services Operational Costs		\$295,505.00	\$92,304.70
<b>2.4 Enhance access to education, skills and training.</b>	<b>\$52,941.54</b>	<b>\$78,500.00</b>	<b>\$46,363.93</b>
<u>Active</u>			
Annual Program			
1505-2999-0001 New & Replacement Bookstocks	\$41,691.83	\$55,000.00	\$35,965.23
1505-2999-0014 Library Local Special Project	\$11,249.71	\$23,500.00	\$10,398.70
<b>2.5 Maintain/create desirable open spaces and recreation facilities</b>	<b>\$4,146,225.21</b>	<b>\$5,394,320.69</b>	<b>\$3,255,397.57</b>
<u>Active</u>			
Annual Program			
1555-2999-0003 Tree Replace Under Power Lines	\$5,045.75	\$25,000.00	\$0.00
1555-2999-0005 Tree Management Strategy	\$31,811.49	\$30,000.00	\$8,793.54
1555-2999-0008 Shire Wide Post & Rail Replacement	\$42,224.73	\$20,000.00	\$1,681.82
Recreation & Culture Operational Costs		\$2,292,098.69	\$1,801,382.62
Construction Phase			
1547-2999-0018 Bike Safety Track	\$5,642.44	\$180,000.00	\$149,134.54
1555-2999-0013 CCTV Wentworth	\$478.24	\$20,000.00	\$21,880.00
1556-2999-0003 Wentworth Showgrounds Sewer Upgrade	\$171.92	\$639,732.00	\$321,744.49
1556-2999-0004 WW Showground Tower & Shade	\$7,546.58	\$250,000.00	\$79,382.79
1557-2999-0001 Wentworth Sporting Complex	\$372,891.50	\$200,000.00	\$179,284.83
1556-2999-0005 Female Jockey Changerooms SCCF	\$0.00	\$0.00	\$1,010.48
Planning Phase			
1545-2999-0030 WW Rowing Club Building Extension	\$1,669.88	\$219,187.00	\$11,894.32
1520-2999-0006 Midway Centre Eastern Side Shade Shutters	\$0.00	\$21,000.00	\$0.00
1545-2999-0039 CRIF Astronomy Park	\$0.00	\$79,316.00	\$15,794.51
Pre-construction Phase			
1535-2999-0004 Wentworth Pool Tiling	\$5,169.26	\$80,000.00	\$0.00
1545-2999-0006 Junction Island Bridge	\$17,645.04	\$125,000.00	\$7,357.05
1505-2999-0027 WW Library Outdoor Space	\$0.00	\$487,539.00	\$27,728.53
<u>Completed</u>			

## Quarterly Progress Report against 2021/22 Operational Plan

1526-2999-0001 Curlwaa Hall Renewal	\$564,201.81	\$25,000.00	\$22,243.24
1528-2999-0001 Anabranah Hall Upgrade	\$195,000.26	\$0.00	\$3,669.00
1543-2999-0003 Carramar Drive Oval Fencing	\$15,360.40	\$15,000.00	\$23,909.15
1545-2999-0012 Wentworth Riverfront Wall Remediation	\$192,391.31	\$435,000.00	\$386,908.04
1545-2999-0023 Wentworth Showgrounds Pavillion	\$1,097,007.00	\$25,000.00	\$13,996.38
1545-2999-0031 W/Worth Rowing Club Reserve Electrical Upgrade	\$38,805.83	\$25,000.00	\$16,458.00
1545-2999-0032 Junction Park Reserve Electrical upgrade	\$23,578.40	\$20,000.00	\$1,266.22
1545-2999-0033 BBQ & Picnic Tables Fotherby Park	\$23,983.93	\$18,000.00	\$15,812.03
1546-2999-0017 Dareton Reserves Electrical Upgrades	\$15,496.49	\$18,000.00	\$1,165.27
1546-2999-0018 BBQ & Picnic Table Dareton	\$8,237.31	\$0.00	\$10,706.98
1547-2999-0008 Buronga Reserves Electrical Upgrade	\$15,496.47	\$20,000.00	\$2,390.11
1547-2999-0009 George Gordon Oval Fencing	\$15,497.47	\$0.00	\$277.82
1547-2999-0010 Buronga Riverfront Stage 2	\$77,258.00	\$22,000.00	\$22,742.00
1548-2999-0001 Pooncarie Parks Toilet Block	\$105,327.55	\$65,000.00	\$120.00
1549-2999-0001 James King Park Redevelopment	\$954,549.71	\$0.00	\$1,172.39
1549-2999-0008 Playground Equipment James King Park	\$39,924.07	\$0.00	\$2,075.05
1545-2999-0037 Junction Park Fitness Equipmen	\$15,928.00	\$37,447.00	\$0.00
1527-2999-0002 Pooncarie Hall Septic Replace	\$99,743.22	\$1.00	\$29,395.03
<b>Stalled</b>			
Close Out			
1545-2999-0025 Wentworth Riverfront BBQ Area	\$158,141.15	\$0.00	\$74,021.34
<b>3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long term interests of future generations</b>	<b>\$10,384,799.30</b>	<b>\$7,794,362.95</b>	<b>\$3,493,530.08</b>
<b>Active</b>			
Annual Program			
1436-2999-0001 Stormwater Drainage	\$18,756.76	\$9,000.00	\$150.70
2005-2999-0050 Water Stop Valves and Fire Plugs	\$6,799.46	\$10,000.00	\$0.00
2005-2999-0101 Infrastructure Upgrade	\$0.00	\$266,515.00	\$0.00
3005-2999-0101 Infrastructure Upgrade	\$0.00	\$170,840.00	\$0.00
3005-2999-0126 Sewer Main Refurbishment	\$24,048.27	\$224,000.00	\$0.00
3005-2999-0127 Sewer Pit Lids	\$0.00	\$10,000.00	\$0.00
3005-2999-0136 Sewer Design Works	\$0.00	\$50,000.00	\$13,778.41
Environment 3.1 Operational Costs		\$288,034.00	\$170,746.24
Sewer Administration Operational Costs		\$1,407,400.95	\$824,487.54
Water Supplies Operational Costs		\$1,993,681.00	\$1,414,973.27
Close Out			
1440-2999-0002 EDS Facilities	\$532,304.95	\$207,471.00	\$36,594.03
2005-2999-0207 Gol Gol WTP - Process Upgrade	\$2,248,644.50	\$30,000.00	\$74,180.80
2005-2999-0234 Mourquong Filtered Water Main	\$50,048.32	\$30,000.00	\$195,296.02
3005-2999-0044 Sewer Rationalisation Project Dareton	\$2,119,101.97	\$10,000.00	\$13,999.52
Construction Phase			
1436-2999-0002 Gol Gol Heights Endwall Repair	\$3,760.50	\$105,000.00	\$18,811.62
1436-2999-0013 Buronga/Gol Gol Stormwater Constraints	\$73,675.12	\$1,000,000.00	\$0.00
1436-2999-0018 Midway Stormwater Upgrade	\$192,112.02	\$0.00	\$5,705.03
2005-2999-0200 Trentham Cliffs Water Install	\$396,180.82	\$355,000.00	\$264,042.22
3005-2999-0123 Hendy Road Main Replacement	\$865,061.50	\$0.00	\$28,527.57
3005-2999-0135 Septic Waste Receivable Upgrade	\$3,750.00	\$40,000.00	\$0.00
2005-2999-0255 GGWTP Power Offset	\$0.00	\$30,000.00	\$8,950.00
Constuction Phase			
3005-2999-0043 Sewer Rationalisation Project Wentworth	\$2,192,183.88	\$392,421.00	\$116,357.41
Implementation			
3005-2999-0121 Intregrated Water Cycle MS	\$3,253.08	\$219,000.00	\$37,354.53
Legal			
3005-2999-0047 Acqu'n - East WW Sewer Works	\$23,175.08	\$0.00	\$4,145.41
3005-2999-1041 Acquisition East Wentworth Sewerage A41	\$5,567.80	\$0.00	\$1,918.17
Planning Phase			
1436-2999-0020 Pink Lake Stormwater Design	\$0.00	\$0.00	\$12,669.22
1440-2999-0005 Wentworth EDS	\$857.04	\$0.00	\$1,585.91
3005-2999-0139 King Ridge Sewer	\$11,710.00	\$100,000.00	\$0.00
3005-2999-0142 Sewer Pump Station No 5	\$11,710.00	\$250,000.00	\$7,055.50
Pre-construction Phase			
3005-2999-0200 Trentham Cliffs Sewer Install	\$374,059.81	\$375,000.00	\$171,982.85
1436-2999-0004 Woollong Drive Stormwater	\$0.00	\$50,000.00	\$0.00
3005-2999-0141 Wood Street Sewer	\$11,710.00	\$35,000.00	\$3,800.00
<b>Completed</b>			
1436-2999-0014 Neville Street Stormwater	\$288,219.85	\$36,000.00	\$39,906.77
1436-2999-0003 Carramar Drv Basin Repair	\$25,252.00	\$50,000.00	\$609.53
1436-2999-0021 Moontongue Drainage Excavation	\$0.00	\$0.00	\$14,319.19
2005-2999-0256 WTP Pond Outlet	\$0.00	\$0.00	\$9,136.82
<b>Not Started</b>			
2005-2999-0252 Gol Gol Pump Station Drainage/Stabilisation	\$0.00	\$50,000.00	\$1,995.19
<b>Stalled</b>			
Planning Phase			
1436-2999-0019 Wilga Road Stormwater Upgrade	\$19,935.68	\$0.00	\$450.61

## Quarterly Progress Report against 2021/22 Operational Plan

2005-2999-0242 Pooncarie WTP	\$867,089.47	\$0.00	\$0.00
<b>3.2 Plan for and develop the right assets and infrastructure</b>	<b>\$1,349,392.89</b>	<b>\$18,248,240.00</b>	<b>\$11,667,756.10</b>
<b>Active</b>			
Annual Program			
Transport Operational Costs		\$8,623,243.00	\$8,302,316.33
Construction Phase			
1549-2999-0002 King Ridge Est Open Space	\$0.00	\$0.00	\$1,000.00
1825-2999-0011 Native Ridge Lane (FLR-R2)		\$319,727.00	\$141,570.79
1825-2999-0012 Little Manly Road (FLR-R2)		\$152,544.00	\$69,963.29
1805-2999-0006 Wentworth Public School SZ Upg	\$0.00	\$70,874.00	\$31,052.31
1805-2999-0007 Buronga Public School SZ Upgra	\$0.00	\$35,955.00	\$45,859.44
1805-2999-0008 Dareton Public School Crossing	\$0.00	\$29,967.00	\$24,204.22
1805-2999-0009 Gol Gol Public School Delineat	\$0.00	\$14,050.00	\$8,446.38
1805-2999-0010 Pomona Public School Delineati	\$0.00	\$7,028.00	\$8,242.59
1805-2999-0011 Palinyewah Public School SZ Up	\$0.00	\$25,848.00	\$10,103.10
1805-2999-0012 FLR#3 Punt Road	\$0.00	\$146,521.00	\$1,260.20
1815-2999-0002 FLR#3 Fletchers Lake Road	\$0.00	\$217,739.00	\$77,026.77
1825-2999-0013 FLR#3 Bridge Road	\$0.00	\$208,940.00	\$8,960.44
1549-2999-0003 Moontongue Basin Landscaping	\$0.00	\$0.00	\$3,455.74
Implementation			
2005-2999-0218 Integrated Water Cycle MP	\$11,964.42	\$219,000.00	\$10,606.50
Planning Phase			
1825-2999-0007 Upgrade Old Wentworth Road Sealing	\$0.00	\$1,557,460.00	\$52,113.77
Road Renewals Included in Operating expenditure		\$2,345,183.00	\$1,888,014.64
Pre-construction Phase			
1005-2999-0017 Wentworth Civic Centre	\$246,479.34	\$250,000.00	\$73,145.01
1548-2999-0007 CRIF Pooncarie Race Track	\$6,027.09	\$29,700.00	\$0.00
1830-2999-0001 Pooncarie-Menindee Road	\$0.00	\$2,500,000.00	\$165,619.10
1825-2999-0014 FLR#3 Log Bridge Road	\$0.00	\$236,961.00	\$7,460.61
<b>Completed</b>			
1825-2999-0006 Upgrade High Darling Sealing	\$229,772.23	\$1,031,500.00	\$485,881.78
1825-2999-0009 Golf Course Road	\$113,992.34	\$39,000.00	\$36,045.52
1825-2999-0010 High Darling Link Road	\$200,906.65	\$119,000.00	\$97,025.63
1895-2999-0003 Dareton Street Lights	\$87,356.88	\$50,000.00	\$55,439.30
1915-2999-0015 Foot Traffic Counters	\$9,200.00	\$0.00	\$126.95
1526-2999-0004 Old Curlwaa Hall Demolition	\$443,693.94	\$18,000.00	\$17,573.33
<b>3.3 Prepare for natural disasters, biosecurity risks and climate change</b>		<b>\$71,000.00</b>	<b>\$90,326.68</b>
<b>Active</b>			
Annual Program			
Environment 3.3 Operational Costs		\$71,000.00	\$90,326.68
<b>3.4 Reduce, reuse and recover waste</b>	<b>\$157,125.74</b>	<b>\$3,246,267.63</b>	<b>\$2,357,905.50</b>
<b>Active</b>			
Annual Program			
Environment 3.4 Operational Costs		\$1,552,167.63	\$1,099,953.96
Awaiting Delivery			
1421-2999-0028 Buronga Landfill 11m3TipTruck	\$0.00	\$246,000.00	\$0.00
1421-2999-0029 Buronga L/fill 12m3DogTipTrail	\$0.00	\$74,000.00	\$0.00
Construction Phase			
1421-2999-0018 Community Recycling Centre	\$0.00	\$70,000.00	\$8,447.54
Legal			
1421-2999-0019 100,000 Tonnes Upgrade	\$157,125.74	\$400,000.00	\$340,904.00
<b>Completed</b>			
1421-2999-0026 Buronga Landfill Excavator	\$0.00	\$260,000.00	\$261,600.00
1421-2999-0027 Buronga Landfill Compactor	\$0.00	\$644,100.00	\$647,000.00
<b>4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery</b>	<b>\$2,419,042.80</b>	<b>\$9,763,246.37</b>	<b>\$4,544,324.00</b>
<b>Active</b>			
Annual Program			
1005-2999-0014 Office Equipment	\$65.17	\$100,000.00	\$8,274.10
1007-2999-0001 Computer Replacement	\$30,693.00	\$200,000.00	\$113,324.49
1010-2999-0001 Capital Plant Replacement	\$1,046,350.47	\$1,500,000.00	\$321,253.76
1010-2999-0012 Minor Plant Purchases	\$50,201.08	\$50,000.00	\$33,602.59
1010-2999-0015 Asbestos Management Plan	\$8,403.31	\$20,000.00	\$385.83
Community Services Operational Costs		\$84,002.00	\$65,977.76
Finance and Policy Administration Operational Costs		\$3,145,036.69	\$1,395,006.20
Governance & GMO Administration Operational Costs		\$2,549,596.68	\$1,400,331.16
Public Order & Safety Operational Costs		\$1,166,952.00	\$583,920.87
Roads & Engineering Administration Operational Costs		\$177,696.00	\$185,921.19
Implementation			
1005-5100-0005 Loan Repayments - Midway	\$210,354.53	\$110,071.00	\$91,102.22
1005-5100-0015 Loan Repayments WWCC - Loan \$850k	\$114,295.52	\$43,990.00	\$32,940.34
1005-5100-0016 Loan Repayments WWCC - Loan \$3.3m	\$0.00	\$87,217.00	\$0.00

## Quarterly Progress Report against 2021/22 Operational Plan

1005-5100-0017 Loan Repayments - Stormwater - T-Corp	\$0.00	\$45,792.00	\$57,790.55
1007-2999-0014 Integrated Management System	\$554,003.79	\$170,000.00	\$107,409.00
1421-5100-0001 Landfill Capital Loan Repayments	\$264,327.97	\$96,320.00	\$71,911.49
1421-5100-0002 Landfill Capital Loan Repayments #2 Loan	\$140,347.96	\$53,446.00	\$40,517.18
3005-5100-0001 Loan Repayments - Loan #1	\$0.00	\$45,792.00	\$34,655.27
1421-5100-0003 Landfill Capital Lease Payments	\$0.00	\$117,335.00	\$0.00
<b>Grand Total</b>	<b>\$26,748,194.15</b>	<b>\$54,079,259.64</b>	<b>\$29,480,930.96</b>

## 9.12 DRAFT COMMUNITY STRATEGIC PLAN

File Number: RPT/22/232

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**

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

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

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

### **Recommendation**

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

### **Detailed Report**

#### **Purpose**

The purpose of this report is to seek the endorsement of the Council to place the draft Community Strategic Plan on public exhibition to enable further community consultation to occur.

#### **Background**

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

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

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

#### **Matters under consideration**

Following an ordinary election of Councillors, Council must review the Community Strategic Plan before 30 June following the election. The statutory requirement is for the draft plan to be placed on public exhibition for a period of at least 28 days.

While the Community Strategic Plan is on public consultation Councillors Officers will continue to draft the Resource Strategy, Delivery Program, Operational Plan and Disability Inclusion Action Plan.

Consultation that has been undertaken to inform the draft Community Strategic Plan include:

## **Community Survey**

An online survey was placed on Council's website for a six week period from 1 November to 12 December 2021. The survey asked respondents to rank Council's performance and service delivery, how they feel about living in the Wentworth Shire, and the opportunities, threats, strengths and weakness for the community and where they would like to see the community in ten years' time. There were 112 respondents.

## **Community Consultation Sessions**

A series of 8 consultation sessions were held between November 2021 and March 2021 in the following locations:

- Wentworth
- Dareton
- Gol Gol/Buronga
- Curlwaa
- Anabran
- Pooncarie
- Pomona
- Ellerslie

A total of 106 residents attended the sessions which provided an opportunity to discuss the future of the Wentworth Shire and the actions required to achieve this future. Attendees were asked to identify what they felt were the top priorities going forward.

## **Targeted Consultation**

Workshops and/or focused meetings were held with the following organisations:

- Bendigo Community Bank Board
- BMEET
- Buronga Senior Citizens
- Commealla High School
- Coomealla Memorial Sporting Club Board
- Coomealla Working Party Namatjira
- Dareton Senior Citizens
- Dareton Public School
- Gol Gol Public School
- Mildura Base Public Hospital
- Mildura Rural City Council
- Murray House Board
- Pomona Public School
- Wentworth Interagency Group
- Wentworth Public School
- Wentworth Senior Citizens

In addition to the above, the General Manager has also undertaken a number of individual consultation sessions with residents.

A session was also held with Councillors in March, providing them the opportunity to review the process that had been undertaken so far, the feedback received, and to provide them with an opportunity to have input into the development of the plan.

*Legal, strategic, financial or policy implications*

It is a requirement of the *Local Government Act 1993* (NSW) for Council to review its Community Strategic Plan following the ordinary election of Councillors.

*Conclusion*

The draft Community Strategic Plan is required to be placed on public exhibition for a period of at least 28 days to enable continuing community consultation and to assist in the preparation of the four year Delivery Program.

**Attachments**

1. Draft Community Strategic Plan [↓](#)



# WENTWORTH SHIRE: OUR FUTURE IN FOCUS COMMUNITY STRATEGIC PLAN 2022-2032



**WENTWORTH  
SHIRE COUNCIL**  
WORTH THE DRIVE



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**Wentworth Shire Council would like to  
acknowledge the Traditional Custodians  
of the Land and pay its respects to Elders  
past, present and emerging.**

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# OUR WENTWORTH SHIRE 2032

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**WENTWORTH  
SHIRE COUNCIL**

## YOUR COUNCIL



Cr Tim Elstone - Mayor

Cr Daniel Lint

Cr Greg Evans



Cr Susan Nichols

Cr Susan Nichols

Cr Jo Rodda

Cr Brian Beaumont

Cr Peter Crisp

Cr Steve Cooper



## WENTWORTH SHIRE COUNCIL



### SHIRE AND SHIRE TOURISM PROFILE

Wentworth is the region's oldest town, located at the junction of Australia's two largest rivers, where the Darling ends and joins the Murray. Its location made Wentworth an important port in the paddle steamer era. Once the busiest inland port in NSW, it was considered as the site for the Australian capital.

In 1829 exploration parties headed out west of Sydney towards the then unknown Murray and Darling rivers in an endeavour to discover an inland sea. Although no inland sea was found, Captain Charles Sturt, entered the headwaters of a wide river which he named the Darling. On his return to Sydney a Government conceived expedition then sent Sturt to trace the Murrumbidgee River. It was during this expedition that he entered a mighty river which he named the Murray. In 1830, while navigating the Murray, he came across a river junction which he was convinced was the Darling.

Joseph Hawdon and Charles Bonney drove cattle overland from New South Wales to Adelaide along the Murray and arrived at the Darling/Murray junction in 1838. Other overlanders followed the route, which became

known as the Sydney/Adelaide 'highway', and the river junction spot became an established camp site known as Hawdon's Ford. The actual junction at the time was called "The Rinty". The settlement was later referred to as the "Darling Junction".

A number of squatters established reign over the land along the Darling and Murray Rivers, expanding their holdings westwards from the Murrumbidgee area and north eastwards from South Australia. In the mid 1840's the settlement was known as McLeod's Crossing", named for the first white residents of the settlement.

With the arrival of the river steamers in 1853, the small European settlement found itself to be ideally situated as an administrative and commercial centre for the untapped wealth of the vast Outback. For many years Sydney was the only port in New South Wales to handle more cargo than Wentworth. The steamers brought a new sophistication to the rugged river towns. They carried the hopes and dreams of fragile communities for over three quarters of a century.

## WENTWORTH SHIRE COUNCIL

In 1857, Surveyor General Barney considered it time to establish a proper township. The town site was approved in 1859 and was named after the New South Wales explorer and politician William Charles Wentworth, on June 21, 1859. The area was proclaimed a municipality on January 23, 1879, and is the region's oldest settlement.

Throughout the prosperous river trade days Wentworth Shire suffered extremes in fortune and despair. The area suffered floods, droughts, rabbit plagues and overstocking which in turn caused erosion and land degeneration. Nonetheless, the settlements continued to thrive and grow at a reasonably rapid pace and by 1929 a series of locks and weirs, to assist navigation and pumping, had been completed on the Murray River.

In the early 1900's the first irrigation settlement in New South Wales was commenced at Curlwaa, seven kilometres east of Wentworth. Irrigation breathed new life into the district which led to pastoral properties being divided into smaller allotments (now referred to as "blocks").

An improved system of road networks, state-wide rail links and motorised transport reduced the need for riverboats as a source of transportation, communication and trade, thus forcing an end to the riverboat era.

Wentworth continues to be an important centre for the surrounding landholders. It is a town steeped in history and as a tourist area of great diversity. Wentworth has much to offer including; the Junction of the Murray and Darling Rivers, Locks and Weirs, Paddle steamers and Houseboats, Water sports, Historic Buildings, The Old Wentworth Gaol, Pioneer Museum, Aboriginal Culture and Galleries, Wineries, Perry Sandhills. The Wentworth Shire boasts the Australian Inland Botanical Gardens, Mungo National Park and the Willandra Lakes World Heritage Area, unique scenery and native wildlife as key tourist attractions.

Wentworth is considered the gateway to Outback NSW and is situated on the junction of the Murray and Darling Rivers in South-Western New South Wales.

Mildura, situated on the Victorian side of the Murray, is the nearest commercial centre of any size. Wentworth Shire is a region of great diversity and it offers you the opportunity to experience an introduction to Outback Australia.

The area can be an arid and harsh landscape or a landscape that is soft and serene in solitude. It is a land of rivers, creeks and lagoons; miles and miles of saltbush, acacia, casuarina and Mallee, wide flat plains, drifting desert sands, red roads and cobalt blue skies.

Remarkably for tens of thousands of years prior to Sturt naming the Darling river, the traditional owners who lived along it had called the river Baaka, hence their name Barkindji people, meaning 'Kinship to the river'.

In recent years, 'Baaka' the traditional name for the river has been more widely used by the broader community, giving back cultural recognition and respect to the First Nations people. The rivers and water are vital to Aboriginal culture, spirituality, mythical identity and wellbeing. For this reason, the Barkindji Native Title Group Aboriginal Corporation (BNTGAC) are leading the way for the Baaka to be formally recognised as a dual name for the Darling River.

### The Canoe Tree

The magnificent canoe tree located in the Greater Murray Darling Junction Reserve makes for a grand entrance to Junction Island. These trees are remarkable examples of Aboriginal expertise and are the embodiment of the rich Aboriginal Cultural Heritage along the river.

To make a canoe, they would first make an outline of the shape required with cutting stones. Once the shape was decided, they would cut deeply into the tree to the heartwood (or xylem), prying the bark off in one piece with sticks or rocks. Some were made watertight by the addition of clay and grass in any leaky areas.



# WENTWORTH SHIRE COUNCIL

## THE SIGHTS AND EXPERIENCES OF WENTWORTH SHIRE

1. The Confluence of the Darling and Murray Rivers can be best viewed from the observation tower.



2. Stand on the island at the confluence of the river with a natural reserve walking track near the Wentworth District Hospital.
3. The Old Wharf on the Darling and the Captain John Egge Memorial. A short walk from the main street on the river front, once the scene of a busy river trade.
4. Australia Inland Botanic Gardens



5. The Wentworth Rotary Pioneer Museum and The Old Gaol for a taste of Wentworth's history.

6. The PS Ruby, Wentworth's flagship



7. Perry Sandhills – a natural wonder of Wentworth. Explore the drifting sands of this ice-age formation, home to mega fauna fossils and a second world war RAAF practice range. Enjoy a quiet stroll over the hills or go wild with the endless fun to be had up and down the dunes.
8. Visit the historic town of Pooncarie, once a thriving port town laden with wool plying the Darling downstream for South Australia.
9. Visit Mungo National Park with around 40,000 years of living culture. Mungo National Park is situated within the Willandra Lakes World Heritage Area; it is an area of international significance for its cultural, archaeological, and natural landscape features.
10. Visit the Fergie Monument – a standing legacy to the wonderful tractor that saved Wentworth and surround during the 1956 floods.



Data based on the 2016 Census data

# WENTWORTH SHIRE at a glance



\*Data collected from Remplan and ABS

# WENTWORTH SHIRE COUNCIL



## PURPOSE OF THE COMMUNITY STRATEGIC PLAN

As part of the Integrated Planning and Reporting (IP&R) Framework NSW, Wentworth Shire Council is required to develop a Community Strategic Plan. The purpose of the CSP is to outline the future vision and aspirations of the community to assist with long term planning, prioritisation and decision making.

This document is a forward-looking aspirational Plan, and while it recognises the rich and significant history of the region, it also explores new approaches to ensuring the community can move towards its aspirational vision through innovation, technology and strategic thinking.

Developing a CSP which reflects the vision of the whole community is a challenging task. As with any community, there are differing opinions and perspectives about where Council should use its limited resources to best meet the needs of the community.

In order to overcome this challenge, Council is committed to gaining as full an understanding as possible about the key issues and opportunities the region is facing in the future. This includes drawing on exiting strategies and plans, staff knowledge, additional research, and most importantly – feedback received from the community.

Bearing in mind the purpose of the CSP is to outline and deliver on the vision and aspirations for the community, consultation feedback plays an essential role in guiding this objective. It is the input from the community which has shaped this document, and a successful CSP will see the fruition of an ongoing consultation process realising the desires and aspirations of the community into the future.

The CSP is also a reference point for decision making, so at any stage, elected representatives, members of the community and council staff can look to the CSP to help support or review decisions being made on specific issues, and ensure these decisions

align with the community vision.

As with any long-term plan, the CSP will be reviewed regularly to ensure that the direction it offers remains congruent with community needs which may change over time. Ultimately, this is the document which should ensure that the community is listened to and provided for in years to come.

The Community Strategic Plan is not able to be wholly implemented in one term of Council. The themes and directions outlined in the plan will inform Council's Delivery Program. The Delivery Program represents what the Council expects to achieve during the term of election for the Council, typically four years. The annual Operational Plan identifies the individual activities and projects that will be completed within the next financial year of the Delivery Program, which in turn drives the Council budget.

A long-term vision will not be achieved without formal identification and allocation of resources. The Resource Strategy outlines Council's capacity to manage assets and deliver services over the next ten years. It determines Council's capacity to manage its finances effectively, to sustain its workforce and manage the overall costs of community assets. The strategy is prepared under the following guiding principles:

- Our community is our responsibility;
- We strive for innovation and continuous improvement;
- We are informed and make decisions based on data and community involvement;
- We are resilient; and
- We facilitate smart local choices to be made at a local level.

It is important to track how we are progressing in delivering our Community Strategic Plan. Council will report back to the community at regular intervals on what has been achieved and how it is progressing. These reports include:

- Regular Operational Plan Review – Every three months Council will report on the progress that has been achieved in implementing the Actions identified in that year's Operational Plan.
- Annual Report – This is a report to the community every year on the progress in implementing the Operational Plan and Delivery Program.
- End of Term Report – This is a report to the community in line with the election cycle on how successful the community has been in achieving the objectives identified in the Community Strategic Plan.

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**"Balancing competing needs  
and principles is the most pressing  
challenge for all local government"**

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*Bendigo Bank Agency 1st Birthday Celebration*

# PLAN ON A PAGE

## ECONOMIC



**A VIBRANT, GROWING  
AND THRIVING REGION**

### YOU TOLD US YOU WANTED

- 'Major employment opportunities for businesses'
- 'Continuing to grow as it has over the last three years'
- 'Larger population, more tourists'
- 'The vision must be for economic change to the community'
- 'We need money spent here and not in Victoria'
- 'Bring tourist dollars to the town and the local community and business'
- 'Bigger and more developed with additional services'
- 'Promote the natural attractions within the Shire'
- 'Make our riverfront a feature'
- 'Build other infrastructure and services to attract visitors to enhance the tourist experience'
- 'More riverfront attractions and improved wetlands and national parks'
- 'Completion of the Willow Bend Caravan Park as it's vital for tourism in the region'

Objectives	Council's role
1.1. - Promote the shire as an ideal location for investment and the establishment of innovative sustainable and diversified industries.	Provide
1.2. - Promote the Wentworth Region as a desirable visitor and tourism destination.	Provide/Collaborate
1.3. - High quality connectivity across the region.	Collaborate/Advocate
1.4. - Encourage lifelong learning opportunities.	Advocate
1.5. - Encourage and support initiatives that improve local employment opportunities.	Provide/Advocate

### POTENTIAL PARTNERS

- Business and Industry
- Developers
- State Government
- Department of Planning
- Department of Environment and Heritage
- Event organisers
- Far West Joint Organisation of Councils
- Regional Development Australia – Far West
- TAFE and Local Schools
- Destination NSW – Far West
- Murray Regional Tourism

### MEASURING PROGRESS

- Unemployment Rate
- Number of new industries and business in the region
- Regional economic activity
- Development applications approval time
- Population growth
- Visitation numbers (total visitors to the Wentworth region and total number of visitor nights)
- % Satisfaction with the Visitor Information Centre

## SOCIAL



**A GREAT PLACE TO LIVE**

### YOU TOLD US YOU WANTED

- 'Better access to healthcare services and facilities'
- 'Childcare facilities for families'
- 'More aged care facilities to accommodate our aging population'
- 'Stronger police presence'
- 'Another school in Buronga or Gol Gol to accommodate growth in the area'
- 'An enhanced events calendar so residents have more to do'
- 'Proper monitoring and management of projects to ensure timely progression and reporting'
- 'More public artwork that improves Wentworth's presentation'
- 'Better water pressure and quality'

Objectives	Council's role
2.1. - Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life.	Provide/Collaborate
2.2. - Work together to solve a range of social and health issues that may impact community well-being and vulnerable people.	Collaborate/Advocate
2.3. - To have a safe community.	Provide/Advocate
2.4. - A well-informed, supported and engaged community.	Provide
2.5. - We have a strong sense of place.	Provide

### POTENTIAL PARTNERS

- State and Federal Government
- Far West Local Health District
- Local sporting and community groups
- Health Care providers
- TAFE and Local Schools
- Tourism operators
- Department of Education
- Department of Primary Industries – Crown Land
- Far West Joint Organisation of Councils
- NSW Police
- Businesses

### MEASURING PROGRESS

- Number of community clubs, groups and organisations supported
- Capital works projects completed on time and budget
- % Satisfaction with Library Services
- Number of people volunteering in the Community
- % satisfaction of appearance of the Wentworth region
- Numbers attending library programs



# Strategies and Objectives

## ENVIRONMENTAL



**A COMMUNITY THAT WORKS TO ENHANCE AND PROTECT ITS PHYSICAL AND NATURAL ENVIRONMENT**

### YOU TOLD US YOU WANTED

- 'Better planning for infrastructures to support growth'
- 'A better waste management system that incorporates recycling and green waste bins'
- 'Stronger effort to protect our natural environment and waterways'
- 'Better maintenance of Council assets and infrastructure'
- 'More green spaces included in new developments'
- 'An environmentally sustainable Shire'
- 'Continued improvement of the Shire's presentation'

Objectives	Council's role
3.1. - Our planning decisions and controls ensure the community benefits from development.	Provide
3.2. - Ensure that community assets and public infrastructure are well-maintained.	Provide
3.3. - Minimise the impact on the natural environment.	Provide/Support
3.4. - Use and manage our resources wisely.	Provide/Collaborate
3.5. - Infrastructure meets the needs of our growing Shire.	Provide/Advocate

### POTENTIAL PARTNERS

- Businesses
- Far West Local Land Services
- Department of Environment and Heritage
- Land owners
- Department of Planning
- Department Primary Industries - Water
- Water NSW
- Transport for NSW
- Department of Infrastructure
- Businesses

### MEASURING PROGRESS

- Capital works projects completed on time and budget
- Drinking water quality indicators
- Satisfaction with condition and level of service of Council's assets
- % reduction in annual electricity costs
- % reduction in Council emissions
- Actions completed to decrease Council's energy consumption and greenhouse gas emissions

## CIVIC LEADERSHIP



**IS SUPPORTED BY STRONG AND ETHICAL CIVIC LEADERSHIP WITH ALL ACTIVITIES CONDUCTED IN AN OPEN, TRANSPARENT AND INCLUSIVE MANNER**

### YOU TOLD US YOU WANTED

- 'A council that's in tune with the needs of the community'
- 'Transparency, honesty, integrity in the Council and its staff'
- 'A council that looks after ALL its constituents in a similar manner'
- 'A more diverse council to reflect the current Shire demographics'
- 'Good decision-making by all who are in charge of our future'
- 'Proactive councillors, those who can make a vision reality, and be willing to influence change'
- 'Staff who are capable and passionate about the area'
- 'Broader community consultation'
- 'Inform the community and get community input'

Objectives	Council's role
4.1. - Consistently engage and consult the whole community to ensure feedback is captured and considered as part of decision-making and advocating purposes.	Provide
4.2. - A strong, responsible and representative government.	Provide
4.3. - An effective and efficient organisation.	Provide
4.4. - Provide strong leadership and work in partnership to strategically plan for the future.	Collaborate/Advocate
4.5. - Adopt practices of prudent asset, financial and human resource management across Council to ensure long term sustainability and efficiency.	Support/Collaborate

### POTENTIAL PARTNERS

- Businesses
- Event organisers
- Community Groups and Organisations
- Office of Local Government
- State and Federal Government
- Far West Joint Organisation
- Local Government NSW
- Department of Premier and Cabinet
- Neighbouring Councils
- Barkindji Native Title group
- Dareton Lands Council
- Indigenous Community and groups

### MEASURING PROGRESS

- Community satisfaction with the performance of Council
- Number of followers on Council's social media platforms
- Number of hits on Council's website
- Increased community participation in engagement activities
- Strong financial sustainability
- Our community will be more aware of our elected leaders and Council operations



Wentworth Public School Consultation Session

## THE PLAN

When the information we gathered was collated and analysed, 12 key themes emerged to describe the Wentworth Shire of the future.

Council has considered each of these themes, and underlying objectives and developed strategies to contribute towards achieving them.

This Plan is the overarching strategy to guide Council. All other strategies, plans and policies developed by Council seek to support the implementation of this Plan.

These are aligned to this Plan to ensure that what Council does within its area of control is always moving towards the aspirations the community has articulated.

Specifically, the plan aims to:

- Inform Council's priority setting and decision making;
- Set our principles and values that will guide our community;
- Inform the decision making of other agencies and organisations including State and Federal Governments;

- Inform stakeholders of the community's long-term vision for the Shire; and
- Guide local and regional planning documents and initiatives.

## Integrated Planning and Reporting

In line with the Local Government Integrated Planning and Reporting (IP&R) Framework each NSW Council is required, by legislation, to prepare a range of plans and integrate them to obtain the maximum leverage from their efforts to plan for the future.

The IP&R Framework includes the Community Strategic Plan, Resourcing Strategy, Delivery Program, Operational Plan and the Annual Report.

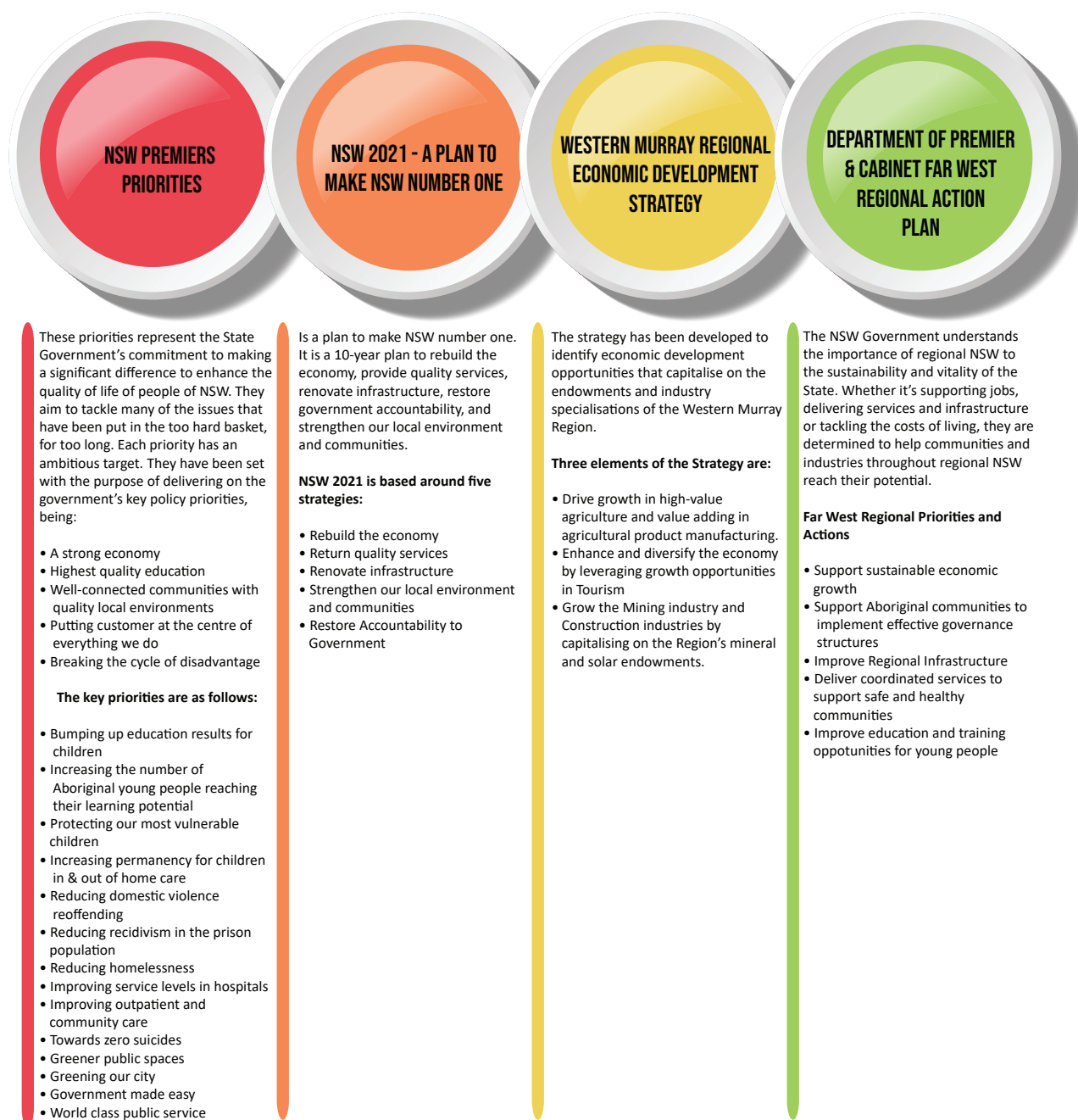
The aim of the IP&R Framework is to ensure each Council takes a long term, strategic approach to its activities and that these represents the needs of the community.

The relationship between community input and Council's plan is outlined in the following diagram of the IP&R Framework.





## ALIGNING OUR PLAN WITH OTHER INITIATIVES







## ENGAGEMENT ACTIVITIES

Community consultation is integral to the preparation of the Community Strategic Plan. This has been done to effectively identify the issues and opportunities in the community from a broad perspective and to assist in forming a vision and strategic objectives for the community.

The specific intents of the community consultation process were to:

- Ascertain and understand community and stakeholder views and opinions to inform the Plan;
- Identify issues and obtain community input on ways to resolve them;
- Assist in developing a vision for the community;
- Communicate and inform the community and stakeholders of the process and key

- messages of the Plan;
- Obtain feedback and input throughout the Plan preparation process; and
- Encourage public ownership of the final Plan.

Council aimed to provide numerous opportunities for the community and key stakeholders to provide formal and informal comment and feedback to assist with the continued preparation of the Plan. The consultation process allows the community and relevant stakeholders to identify various pertinent issues as being important for the future development, growth and sustainability of the Shire.

The specific consultation activities undertaken were:

## WENTWORTH SHIRE COUNCIL

### Engagement Strategy

In April and May 2021 Council reviewed and updated its Community Engagement Strategy. Through its Community Engagement Strategy, Wentworth Shire Council works hard to establish opportunities for valuable two-way communication with the community.

### Community Survey

An online survey was placed on Council's website for a six-week period from 1 November to 12 December 2021. The survey asked respondents to rank Council's performance and service delivery, how they feel about living in the Wentworth Shire, and the opportunities, threats, strengths and weaknesses for the community and where they would like to see the community in ten years' time. There were 112 respondents.

### Community Consultation Sessions

A series of 8 consultation sessions were held between November 2021 and March 2022 in the following locations:

- Wentworth
- Dareton
- Gol Gol / Buronga
- Curlwaa
- Anabranche
- Pooncarie
- Pomona
- Ellerslie

A total of 106 residents attended the sessions which provided an opportunity to discuss the future of the Wentworth Shire and the actions required to achieve this future. Attendees were asked to identify what they felt were the top priorities going forward.

### Targeted Consultation

Workshops and/or focused meetings were held with the following organisations:

- Bendigo Community Bank Board
- BMEET

- Coomealla High School
- Coomealla Memorial Sporting Club Board
- Coomealla Working Party Namatjira
- Dareton Senior Citizens
- Dareton Public School
- Gol Gol Public School
- Gol Gol Senior Citizens
- Mildura Base Public Hospital
- Mildura Rural City Council
- Murray House Board
- Wentworth Interagency Group
- Wentworth Public School
- Wentworth Senior Citizens

In addition to the above, the General Manager has also undertaken a number of individual consultation sessions with residents.

Feedback was collated and sorted into a series of themes which have been the source of the future directions outlined in this Community Strategic Plan.

### Where are we now?

Determining where we are now allows us to more clearly identify what we, as a community, value about Wentworth and what issues we might face in the future. It helps in monitoring progress towards the community vision and provides a foundation for community discussion.

### Where do we want to be?

Understanding where we want to be in the future is vital in developing the Community Strategic Plan. It helps us to communicate a shared vision and a set of outcomes statements that describe the hopes and aspirations of our community and also provides the basis for our road map for the future.

### How will we get there and who can help us get there?

Delivering on a long-term community vision takes a thorough, thoughtful and coordinated approach. In exploring 'how will we get there' we looked in detail at what actually needs to be done and who might be able to assist.

### How are we tracking?

With so many contributors to developing and

delivering on this Community Strategic Plan it is crucial that we have a clear and effective way to measure and track its implementation. What are the key indicators we need to monitor and report against to measure progress.

The vision and commitment to the community objectives outlined in the CSP have been developed fundamentally from community feedback and engagement.

Although this is a long-term strategic plan, the state of change currently being experienced in Wentworth Shire in terms of population growth and development calls for ongoing and meaningful dialogue between the community and Council.

This CSP will be reviewed again at the start of the next Council term in 2024, however this is an opportunity for Council and the community to build on the engagement which has taken place and shaped this plan.

This is also a chance to explore community lead engagement, and how Council can support the community Vision articulated in this Plan.

The community is invited to continue providing ideas and feedback as Council works towards delivering the Vision set out in this Plan, and to keep Council accountable to the commitments it has made to the community.





## Social Justice Principles

The Community Strategic Plan has been developed in accordance with the NSW Government's social justice strategy, which is based on the following interrelated principles:

### Equity

There should be fairness in decision making, prioritising and allocation of resources, particularly for those in need.

Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interests of people in vulnerable circumstances.

### Access

Everyone should have fair access to services, resources and opportunities to improve their quality of life.

### Participation

Everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives.

### Rights

Equal rights should be established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.

It is important that all communities have access to programs and services that support wellbeing, and have the opportunity to participate in the future of their region.

Participation helps build social cohesion and connectedness, and reduces isolation.

Many issues facing our community are beyond the direct control of Council, however, Council plays a lead role in advocating to government agencies and non-government organisations

to address social wellbeing issues affecting the community's quality of life.

## Principles of good governance

Good governance is having the best possible processes for Wentworth Council's decision making:

- Accountability is a fundamental requirement of good governance. Local government has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.
- People should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and what decision was made – what information, advice and consultation council considered, and which legislative requirements (when relevant) council followed.
- Local government should always try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.
- A community's wellbeing results from all of its members feeling their interests have been considered by council in the decision-making process. This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process.
- Local government should implement decisions and follow processes that make best use of the available people, resources and time to ensure the best possible results for their community.

Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision.

This can happen in several ways – community members may be provided with information, asked for their opinion, given the opportunity to make recommendations or, in some cases, be

## COMMUNITY VISION

**‘A thriving region, supported by a robust economic base, distinctive open spaces, and strong local governance and leadership’**



# WENTWORTH SHIRE COUNCIL



Our values	Our behaviour
Honesty and Integrity	<p>We deliver on promises.</p> <p>We act ethically.</p>
Accountability and Transparency	<p>We take responsibility for our actions and speak up respectfully.</p> <p>We communicate openly with our community.</p>
Respect	<p>We act professionally towards our community and our colleagues.</p>
Quality	<p>We do our best to provide the highest standard of goods and services to our community.</p>
Committment	<p>We are responsive to the needs of our community and always look for ways to serve our community better.</p> <p>We are dedicated to fulfilling the Shire's vision and goals.</p>



## COUNCIL'S ROLE AND SERVICES

Council has a number of key roles in working towards a sustainable future for the Shire with a healthy and resilient community, as a leader, advocate, custodian, facilitator, educator, regulator and service provider.

In order to help the community achieve its aspirations, Council will play the following roles:

- **Provide** services and infrastructure to the community
- **Collaborate** with other levels of government, agencies and community groups on projects and issues
- **Support** other organisations and groups to achieve outcomes by providing resources or bringing stakeholders together
- **Advocate** to decision makers on behalf of our community to raise issues and opportunities and inform other levels of government of local and regional priorities.

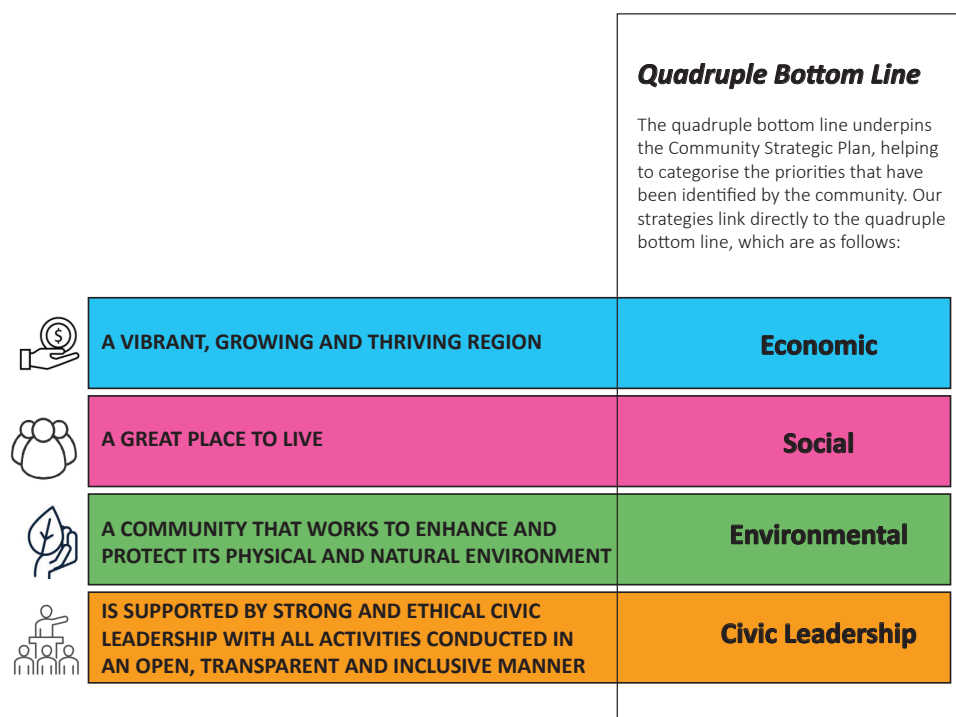
Council is committed to achieving our current vision as well as contributing to the ability of future generations to meet their needs.

To do this, Council applies a Quadruple Bottom Line (QBL) approach that combines social, environmental, economic and governance considerations.

The Community Strategic Plan also uses a QBL approach so that our objectives and supporting strategies deliver outcomes in a balanced and holistic way.

Many parts of our vision cannot be placed under only one area, as they are interrelated and it is important to remember that an action in one area creates impact across each of the others.

Recognising interrelationships encourages us to come together to work towards shared goals and can also highlight otherwise unanticipated consequences of our actions.



# COMMUNITY STRATEGIC PLAN

## OUR ECONOMY



### A VIBRANT, GROWING AND THRIVING REGION

In order to have a strong, sustainable economy it is important that existing core businesses and industries are enabled and encouraged to grow and prosper and that businesses are attracted to the region.

Further economic development can be achieved by seeking out opportunities to increase tourism and innovation, which will in turn provide more local employment, urban renewal and economic growth.

The visitor economy is a significant economic contributor for the Wentworth Region with a number of local tourist attractions and events.

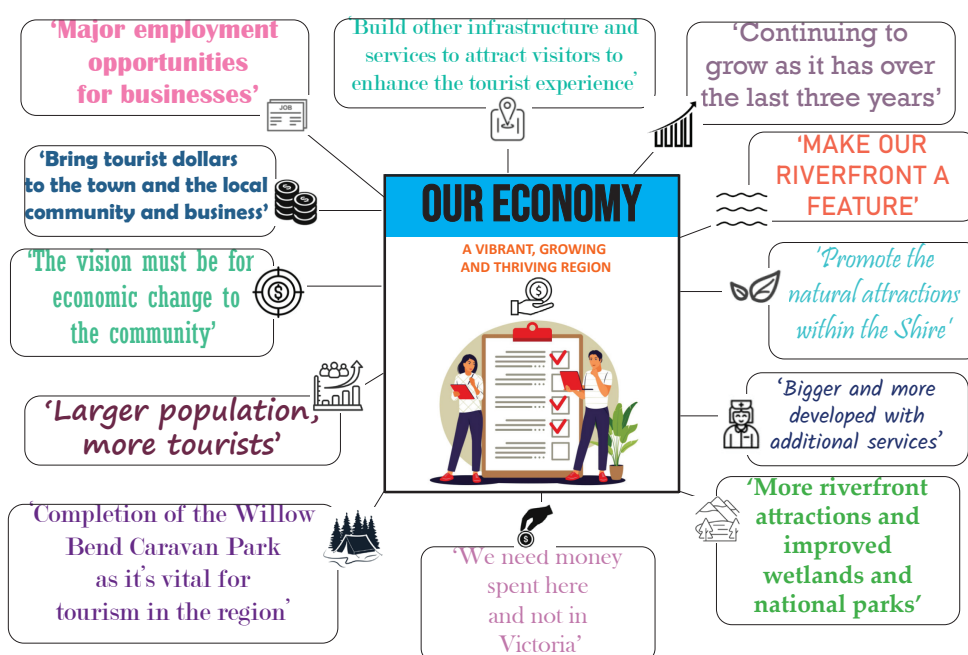
The community is concerned that more needs

to be done to promote the benefits of the region and to clearly define a clear point of difference in order to continue to attract tourist and visitors.

In terms of economic development, Council has both a direct and indirect role. Council provides employment for many residents as an employer of choice. Indirectly, Council can assist development by providing infrastructure and advocating on behalf of the business community.

Wentworth Shire is a growing region with an expanding sense of opportunity and there is a desire to capitalise on those possibilities for the benefit of all.

## YOU TOLD US WHAT YOU WANTED



## WENTWORTH SHIRE COUNCIL

Objectives	Council's role
1.1 – Promote the Shire as an ideal location for investment and the establishment of innovative, sustainable and diversified industries.	Provide
1.2 – Promote the Wentworth Region as a desirable visitor and tourism destination.	Provide/Collaborate
1.3 – High quality connectivity across the region.	Collaborate/Advocate
1.4 – Encourage lifelong learning opportunities.	Advocate
1.5 – Encourage and support initiatives that improve local employment opportunities.	Provide/Advocate

### What the Community can do

- Start a small business
- Shop locally to support our economy
- Create opportunities for traineeships, work experience and apprenticeships
- Promote our Shire as a tourism and business destination
- Upskill yourself
- Be a local tourist
- Work with Council to make this a great place to invest, work and live

### What the Council can do

- Land use and development control planning
- Support for major events
- Advocate for funding for economic infrastructure
- Tourism, promotion and visitor facilities
- Library Services
- Economic Development

### Links to various plans

- NSW Premiers Priorities
- NSW 2021
- Western Murray Regional Economic Development Strategy
- DPC Far West Regional Action Plan
- Department of Planning & Environment Far West Regional Plan
- Transport for NSW Future Transport Strategy

### Other potential partners

- Business and Industry
- Developers
- State Government
- Department of Planning
- Department of Environment and Heritage
- Event organisers
- Far West Joint Organisation of Councils
- Regional Development Australia – Far West
- TAFE & Local Schools
- Destination NSW – Far West
- Murray Regional Tourism

### Measuring Progress

- Unemployment Rate
- Number of new industries and business in the region
- Regional economic activity
- Development applications approval time
- Population growth
- Visitation numbers (total visitors to the Wentworth region and total number of visitor nights)
- % Satisfaction with the Visitor Information Centre
- Number of households with internet connection
- Number of young people (15-24 years old) employed
- Numbers attending library programs

## OUR COMMUNITY


**A GREAT PLACE TO LIVE**
**Social**

We have a unique community with a strong desire to have an input into the future of the region.

While there are many common features and pastimes which people enjoy, there are also many differing needs and priorities across a variety of demographics and segments of the community.

It is essential that all people, where ever they live, have access to services which enable them to feel included, to do what they love and to participate in cultural, sporting and social activities.

It is through these interactions that we are able

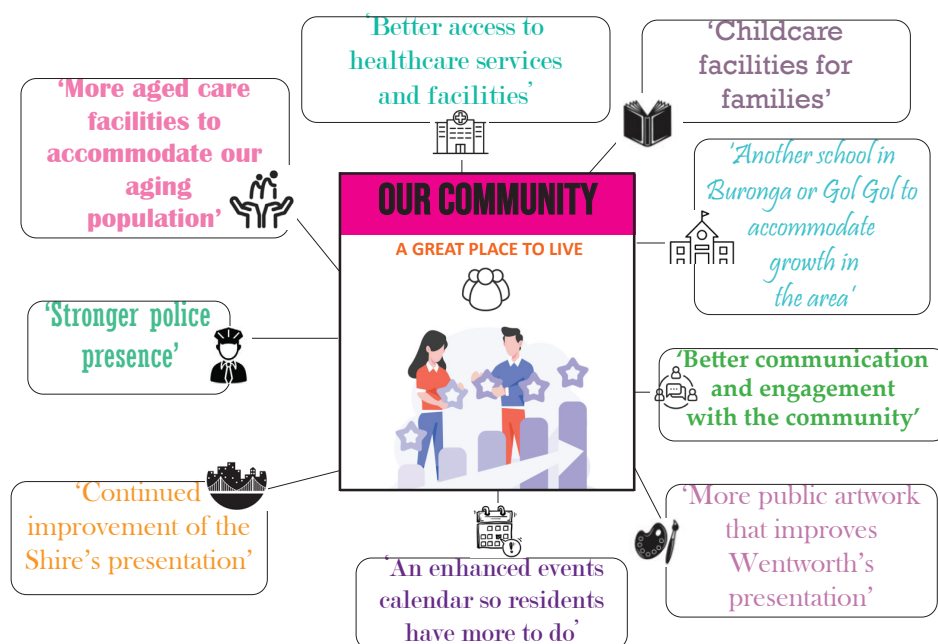
to maintain a strong sense of community.

The community expect to live in a safe and healthy community that offers equitable access to health and specialist services and supports the needs of the aged, disabled and disadvantaged.

We all need to provide opportunities for people to contribute to their community to build our sense of place and connection.

The challenge for Council is how we adapt to the changing requirements of our evolving community while advocating for the provision of essential social services in an equitable and affordable manner.

### YOU TOLD US WHAT YOU WANTED



Objectives	Council's role
2.1 – Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life.	Provide/Collaborate
2.2 – Work together to solve a range of social and health issues that may impact community wellbeing and vulnerable people.	Collaborate/Advocate
2.3 – To have a safe community.	Provide/Advocate
2.4 – A well informed, supported and engaged community.	Provide
2.5 – We have a strong sense of place.	Provide

### What the Community can do

- Attend, or live stream a Council meeting
- Use local facilities and services
- Participate in a community, sporting or cultural group
- Participate in local health lifestyle activities
- Be a responsible pet owner
- Volunteer
- Have a good work/life balance
- Show mutual respect and acceptance of others
- Report illegal and anti-social behaviour
- Become a mentor to a young person
- Western Murray Regional Economic Development Strategy
- DPC Far West Regional Action Plan
- Department of Planning & Environment Far West Regional Plan
- Transport for NSW Future Transport Strategy

### Other potential partners

- State and Federal Government
- Far West Local Health District
- Local sporting and community groups
- Health Care providers
- TAFE and Local Schools
- Tourism operators
- Department of Education
- Department of Primary Industries – Crown Land
- Destination NSW – Far West
- Murray Regional Tourism
- Far West Joint Organisation of Councils
- NSW Police
- Businesses

### What the Council can do

- Parks and open spaces
- Public amenities
- Road Safety initiatives
- Library Services
- Advocate for better health services
- Advocate for better educational opportunities
- Promote the availability of services and how to access them
- Partner with local police and other agencies to develop strategies to reduce crime and improve community safety

### Links to various plans

- NSW Premiers Priorities
- NSW 2021

### Measuring Progress

- Number of community clubs, groups and organisation supported
- Capital works projects completed on time and budget
- % Satisfaction with Library Services



- People volunteering in the Community
- % satisfaction with appearance of the Wentworth region
- % of people who feel that the Wentworth Region is a safe place to live
- Implementation of actions in the Disability Inclusion Action Plan
- Numbers attending library programs



## OUR ENVIRONMENT



**A COMMUNITY THAT WORKS TO ENHANCE AND PROTECT ITS PHYSICAL AND NATURAL ENVIRONMENT**

### Environmental

The distinctive landscape and environment across the region is a key part of our lifestyle.

It is important that measures and programs are in place to help our community adapt to ensure that future generations can enjoy the environment in which we live.

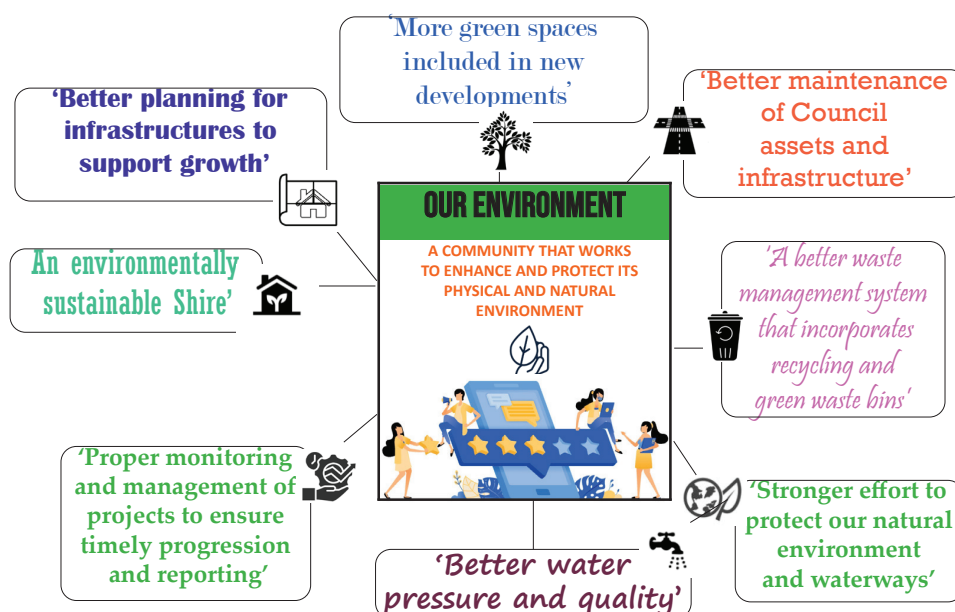
Council plays an important role in adopting sustainable practices itself and promoting them in the community. The community has expressed a desire to live more sustainably through improved resource management.

As a community there is a concern with the effect that the Region's growing population is having on the existing amenity of the Shire.

Council's strategic planning will focus on protecting the community from the effects of development and the need for infrastructure that reflects our current population profile and anticipated demographic changes.

Our infrastructure makes daily life possible, and it is essential that our infrastructure is maintained in a way which enables us to function in an effective and efficient manner as a community.

### YOU TOLD US WHAT YOU WANTED





Objectives	Council's role
3.1 – Our planning decisions and controls ensure the community benefits from development.	Provide
3.2 – Ensure that community assets and public infrastructure are well maintained.	Provide
3.3 – Minimise the impact on the natural environment.	Provide/Support
3.4 – Use and manage our resources wisely.	Provide/Collaborate
3.5 – Infrastructure meets the needs of our growing Shire.	Provide/Advocate

### What the Community can do

- Report safety and maintenance issues to Council
- Obey load limits on roads and bridges
- Drive to the conditions of the road and obey speed limits
- Take responsibility for drive ways and verge mowing
- Dispose of waste responsibly and minimise waste going to landfill
- Use water thoughtfully
- Know what to do in an emergency
- Report illegal dumping, polluting, littering
- Avoid excessive packaging
- Preserve trees and grow plants in your garden
- Install energy efficient fixtures and appliances at your home
- Consider alternative energy sources

### What the Council can do

- Flood levee banks
- Footpaths and cycleway networks
- Kerb and guttering
- Public facilities and Council buildings
- Water and sewerage network
- Stormwater network
- Street lighting and signage
- Keep streets clean
- Road network
- Environmental planning
- Noxious weeds control
- Waste management
- Sporting Facilities
- Community Facilities
- Swimming Pools

- Regulation and enforcement

### Links to various plans

- NSW Premiers Priorities
- NSW 2021
- DPC Far West Regional Action Plan
- Department of Planning & Environment Far West Regional Plan
- Transport for NSW Future Transport Strategy

### Other potential partners

- Businesses
- Far West Local Land Services
- Department of Environment and Heritage
- Land owners
- Department of Planning
- Department Primary Industries - Water
- Water NSW
- Transport for NSW
- Department of Infrastructure

### Measuring progress

- Capital works projects completed on time and budget
- Drinking water quality indicators
- Satisfaction with condition and level of service of Council's assets
- % Reduction in annual electricity costs
- % reduction in Council emissions
- Actions completed to decrease Council's energy consumption and greenhouse gas emissions

## OUR LEADERSHIP



**IS SUPPORTED BY STRONG AND ETHICAL CIVIC LEADERSHIP WITH ALL ACTIVITIES CONDUCTED IN AN OPEN, TRANSPARENT AND INCLUSIVE MANNER**

### Civic Leadership

The community will benefit from a strong Council which delivers tangible outcomes, advocates and builds successful partnerships, with the leadership, culture, people and capabilities to meet community expectations.

It is important that opportunities are available for people to have a say in decision making, and that access to local representation is made possible.

The community have expressed the need for timely, improved and transparent communications and community engagement from Council in decisions that impact everyone and the need for Council to be responsive to community needs.

The Local Government Act provides guiding principles for Council in terms of its functions, decision-making and community participation, as well as principles for sound financial management and integrated planning and reporting.

Council is required to ensure that it:

- Is accountable and makes sound decisions;
- Meets its statutory obligations;
- Is sustainable as an organisation;
- Provides effective and efficient services; and
- Consults, involves and is accountable to the community

## YOU TOLD US WHAT YOU WANTED



## WENTWORTH SHIRE COUNCIL

Objectives	Council's role
4.1 – Consistently engage and consult the whole community to ensure feedback is captured and considered as part of decision making and advocating purposes.	Provide
4.2 – A strong, responsible and representative government.	Provide
4.3 – An effective and efficient organisation.	Provide
4.4 – Provide strong leadership and work in partnership to strategically plan for the future.	Collaborate/Advocate
4.5 – Adopt practices of prudent asset, financial and human resource management across Council to ensure long term sustainability and efficiency.	Support/Collaborate

### What the Community can do

- Stand for election to Council
- Regularly visit Council's website and read/listen to local media to keep up-to-date with Council activities
- Connect with Council on social media
- Get involved with community engagement programs run by Council
- Provide feedback to Council regarding services and customer service
- Volunteer and take part in community groups
- Exercise your right to vote
- Get involved – take an interest in civic affairs
- Attend a Council meeting
- Respect our Shire's resources and assets

- Value and consider feedback
- Support community groups and organisations
- Provide open and clear lines of communication with the community
- Be an organisation people want to work for
- Ensure local needs are reflected in state and regional plans

### Links to various plans

- NSW Premiers Priorities
- NSW 2021
- DPC Far West Regional Action Plan
- Transport for NSW Future Transport Strategy

### Other potential partners

### What the Council can do

- Civic services and representation
- Community engagement
- Customer services
- Governance
- Integrated strategic planning
- Focus on reducing red tape and simplifying process

- Businesses
- Event organisers
- Community Groups and Organisations
- Office of Local Government
- State and Federal Government
- Far West Joint Organisation
- Local Government NSW
- Department of Premier and Cabinet
- Neighbouring Councils

## WENTWORTH SHIRE COUNCIL

- Barkindji Native Title Group
- Dareton Lands Council
- Indigenous Community and groups

### Measuring progress

- Community satisfaction with the performance of Council
- Number of followers on Council's social media platforms
- Number of hits on Council's website
- Increased community participation in engagement activities
- Strong financial sustainability
- Our community will be more aware of our elected leaders and Council operations
- % of residents who feel Council understands the community's needs and expectations





**WENTWORTH  
SHIRE COUNCIL**

Our values: Honesty and Integrity | Accountability and Transparency | Respect | Quality | Commitment



### 9.13 POLICY REVIEW - DEPARTMENT FINANCE AND POLICY

File Number: RPT/22/231

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**

After each general election of Councillors, the *Local Government Act 1993* (the Act) requires Council to review all official policies of Council. There are currently 73 policies in place of which 25 are the responsibility of the Finance & Policy Department.

For this Council meeting the department has reviewed four policies and are presenting them to Council for adoption.

#### **Recommendation**

That Council adopt the following revised policies:

- a) AF008 – Rates – Sewerage Service Policy
- b) AF009 – Capital Contributions Towards Community Facilities Policy
- c) AF018 – Asset Accounting Policy
- d) CC006 – Street Stalls & Raffle Stands Policy

That Council, following the completion of the public exhibition period and there being no submissions, adopt GOV018 – Code of Meeting Practice for Wentworth Shire Council.

#### **Detailed Report**

##### **Purpose**

The purpose of this report is to update Council on the process of reviewing Council policies that has begun following the general election of all Councillors.

##### **Background**

After each general election of Councillors, the Act requires Council to review all official policies of Council. There are currently 73 policies in place of which 25 are the responsibility of the Finance & Policy Department.

##### **Matters under consideration**

For this report staff within the Finance & Policy Department have reviewed the following policies:

AF008 – Rates – Sewerage Service Policy

AF009 – Capital Contributions Towards Community Facilities Policy

AF018 – Asset Accounting Policy

CC006 – Street Stalls & Raffle Stands Policy

As part of ongoing continuous improvement, a new template for both Council and Operational policies has been developed to ensure consistency and ease of use. As part of the review process all existing policies will be updated using the new policy template.



While reviewing these policies it has been determined that these policies are still required policies of Council and that the current scope and intent of the policies are still relevant, therefore only minor formatting and administrative updates in order to reflect best practice has been made to the policies.

At the February 2022 Council meeting the following draft policy was adopted and placed on 28 day public exhibition.

- GOV018 – Code of Meeting Practice for Wentworth Shire Council

The exhibition period closed on 23 March 2022. There have been no comments or submissions received from the public. Therefore, it is recommended that this policy be adopted.

Legal, strategic, financial or policy implications

The Act requires Council to review all of its official Council policies following a general election of all Councillors.

Conclusion

The Finance & Policy department is currently responsible for 25 Council policies. For this Council meeting the department has reviewed four policies and are presenting them to Council for adopting. It is the recommendation of the reporting officer that these policies be adopted.

**Attachments**

1. Revised Asset Accounting Policy [↓](#)
2. Revised Street Stalls & Raffle Stands Policy [↓](#)
3. Revised Rates - Sewerage Service Policy [↓](#)
4. Revised Capital Contribution towards Community Facilities Policy [↓](#)
5. Wentworth Shire Council Code of Meeting Practice - GOV018 [↓](#)

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF018****ASSET ACCOUNTING POLICY****POLICY OBJECTIVE**

Wentworth Shire Council (Council) is committed to ensuring that the value of its non-current assets is reported in a true and proper manner.

**1. POLICY STATEMENT**

The intent of this policy is to ensure that non-assets controlled by Council reflect the value that they have in providing future economic benefits to the Wentworth Shire Community.

**2. POLICY COVERAGE**

Unless otherwise stated, this policy is applicable to all non-current assets held by Council.

**3. STRATEGIC PLAN LINK**

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.

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Accounting Standards</b>	A set of rules that govern the way in which financial statements are prepared to ensure that these statements are comparable through time for an entity and across similar entities.
<b>Asset</b>	An asset is a future economic benefit controlled by the entity as a result of a past transaction or other past events.
<b>Australian Accounting Standards Board (AASB)</b>	The AASB is an independent agency of the Australian Government with responsibility to make accounting standards under section 34 of the Corporations Act, to formulate accounting standards for other purposes and to participate in and contribute to the development of a single set of international accounting standards for worldwide use. The Chairman of the AASB reports to the responsible Minister regarding the organisation's operations.
<b>Carry amount</b>	Carrying amount includes to mean: <ul style="list-style-type: none"> <li>(a) In relation to an asset, the amount at which the asset is recorded in the accounting records as at a particular date.</li> <li>(b) In application to a depreciating asset, carrying amount means the net amount after deducting accumulated depreciation; and</li> </ul> In relation to a class of assets, the sum of the carrying amounts of the assets in the class.
<b>Componentisation</b>	Componentisation is the segment of complex assets into identifiable components that have varying useful lives.



## Wentworth Shire Council

Word Document Reference: TBC

Council Policy No: AF018

**ASSET ACCOUNTING POLICY**

<b>Depreciation</b>	Depreciation is an expense representing the using up of an asset overtime in providing services. It is recognised systematically for the purpose of allocating the depreciable amount of a depreciable asset over its useful life.
<b>Future Economic Benefit</b>	Future Economic Benefit represents the service potential of non-current assets to provide goods and services to the community in accordance with Council's objectives.
<b>Impairment loss</b>	Impairment loss is the amount by which the carrying amount of an asset exceeds its recoverable amount.
<b>Land under roads</b>	Land under roads includes land under roadways and road reserves, including land under footpaths, nature strips and median strips.
<b>Maintenance expenditure</b>	Maintenance expenditure is a component of operating expenditure, specifically on an asset, which is periodically required as part of the anticipated schedule of works needed to ensure that the asset achieves its estimated useful life, and is normally relatively low cost compared to the asset value. Maintenance expenditure includes reactive maintenance and repair, or planned maintenance.
<b>Materiality</b>	Information is material if its omission, misstatement or nondisclosure has the potential, individually or collectively, to influence the economic decisions made by the users on the basis of the financial statements.
<b>Minor assets</b>	Minor assets are those items acquired for a cost less than the capital threshold for that applicable category.
<b>Non-current Assets</b>	All assets other than current assets, including assets held but not traded by Council in order to carry out its activities. Such assets are intended for use, not exchange, and normally include physical resources such as land, buildings, drains, parks, water supply and sewerage systems.
<b>Operating expenditure</b>	Operating expenditure is a recurrent expenditure such as power, fuel, telephone, employee's costs, materials, cleaning, minor equipment, overheads, maintenance and depreciation. These costs are the day to day expenses associated with providing the service during the year of operations.
<b>Recognition</b>	Recognition is the decision to include an asset as capital expenditure.
<b>Useful life</b>	Useful life is the time period in which an asset is expected to be available for use.

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF018****ASSET ACCOUNTING POLICY**

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**5. POLICY CONTENT**

It is the policy of Council that:

**Classification of Councils Non-Current Assets**

Councils Non-Current Assets are classified in accordance with Schedule 1.

**Acquisition of Council's Non-Current Assets**

Councils Non-Current Assets may be acquired by purchase, construction, donation or received free of charge (as in the case of infrastructure assets received from developers in new land divisions).

In all cases of acquisition by purchase or construction, the requirements of Council's procurement policy must be followed.

Assets constructed by Council will include, where relevant, an appropriate internal allocation amount to represent indirect labour overheads and the use of Council's internal plant & machinery on the job. Labour overheads to be based on labour hours worked and plant & machinery allocation to be based on usage (either kilometers or hours).

**Capitalisation of Council's Non-Current Assets**

A capitalisation policy sets the threshold or materiality value for recognising capital expenditure. Expenditure below the capital threshold is expensed in the period in which it is incurred. The policy is important towards ensuring that intergenerational equity is maintained whereby the expenses of capital acquisitions is spread over their useful life, through the mechanism of depreciation, so that those who have the benefit of the assets can be charged, through rates or fees and charged for their use.

Capital expenditure threshold limits are defined in Schedule 2.

**Depreciation of Council's Non-Current Assets**

Non-Current assets are depreciated annually on a straight-line basis over their expected useful life. The useful life of an asset will vary based on the nature of the asset.

Assets will be depreciated in accordance with the useful life ranges outlined in Schedule 3.

**Revaluation of Council's Non-Current Assets**

Pursuant to the accounting standard AASB 116 section 31 asset revaluations must be made with sufficient regularity to ensure that the carrying amount of each Asset in the class does not differ materially from its fair value at the reporting date.

All assets will be revalued at their fair value, which is defined in accounting standard AASB13.

Consideration is also given to Circulars released by the Office of Local Government.

Comprehensive revaluations of Assets will be carried out at least every 5 years for selected asset classes and will be independently revalued where required, including the use of industry unit costs where relevant and available.

More frequent revaluations may be undertaken (via an indexation rate equivalent to the annual movement in the Local Government Cost Index, or in the case of land, annual movements in property valuations as provided by the Valuer General and/or qualified valuers) in instances where there is a material movement in the Fair Value of a class of Assets.

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**Council Policy No: AF018****ASSET ACCOUNTING POLICY**

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**Impairment**

A Non-Current Asset is impaired if its carrying amount exceeds the amount to be recovered through use or sale of the asset. In such instances, the asset is described as impaired and accounting standard AASB 136 requires the Council to recognise an impairment loss.

An assessment of asset impairment will be undertaken on an annual basis as at the reporting date (30 June) in accordance with accounting standards including where previously recognised asset impairments no longer exist.

An impairment loss on a non-revalued asset is recognised as an impairment loss in the Statement of Comprehensive Income. An impairment loss on a revalued asset is recognised directly against any revaluation reserve for the asset to the extent that the impairment loss does not exceed the amount in the revaluation reserve for that same class of asset.

**Disposal of Assets and Write Offs**

The sale of Land and Building assets must be authorised by Council.

The sale and/or trade-in of infrastructure/equipment/furniture and fittings is subject to budget approval from Council.

An asset disposal worksheet will be completed for each asset sold/auctioned/traded-in, reconciling the gain/loss on disposal, and authorised by the Director Finance & Policy.

An asset is written off when:

- The asset is obsolete and/or beyond economic repair and cannot be sold;
- A physical stock take fails to locate the asset;
- The asset is known to be stolen; or
- The asset has been demolished.

Authority to process asset write-offs is restricted to the General Manager (or his delegate).

An asset is of value to Council, only in so much as it continues to cost effectively support the delivery of the Council's services. Assets that are no longer needed should be disposed of promptly. The "disposal" must achieve best value for money such that Council obtains the best possible return for the assets it sells.

The disposal method that is chosen must promote fair and effective competition to the greatest extent possible, and disposals should be conducted in an ethical manner. The disposal process should be as follows:

**Wentworth Shire Council**

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**Council Policy No: AF018****ASSET ACCOUNTING POLICY**

Council staff should check and declare that there is no conflict of interest on their behalf prior to the commencement of each disposal activity. If there is a conflict of interest the staff member should seek advice from their Departmental Director or Manager.

Before any disposal action can be taken, it is necessary to seek approval that goods are appropriate for disposal from the Departmental Director. Council staff must consider the following common criteria for determining whether assets may be suitable for disposal:

- No longer required;
- Unserviceable or beyond economic repair;
- Technologically obsolete;
- Surplus to current or immediately foreseeable needs;
- Part of an asset replacement program; and/or
- Contains any environmentally sensitive or hazardous material.

The disposal method chosen must be appropriate to the value, nature, quantity and location of the goods, and to promote fair and effective competition to the greatest extent possible. Negotiated assets sales and internal expressions of interest for sales of asset to staff will not be allowed. To help achieve these objectives the following methods are to be utilised:

- Destruction / Land filling – where items are of no value.
- Verbal quotes – Goods valued up to \$5,000 GST Inc. may be disposed of by verbal quotes. A minimum of 3 quotes must be obtained.
- Written quotes - Goods valued up to \$50,000 GST Inc. may be disposed of by written quotes. Trade-ins are considered as equivalent in process to written quotes. A minimum of 3 quotes must be obtained.
- Auction – Goods valued up to \$250,000 GST Inc. may be disposed of by public auction.
- Tender – Goods over \$250,000 GST Inc. The tendering process must be utilised pursuant to the Local Government Act and Regulation.

Having chosen the most appropriate method of disposal, the council officer must seek approval from the appropriate Director or manager for permission to proceed with the disposal. This must be in writing via an appropriate email or file note.

Regardless of the method of disposal, probity must be maintained and any changes to the disposal process, terms and conditions must be communicated to all potential participating parties.

Irrespective of the disposal method applied, all prospective buyers must be advised in writing that items are disposed of, at the buyer's risk ('buyer beware'). Buyers are to rely on their own

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF018****ASSET ACCOUNTING POLICY**

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investigations regarding the condition and workability of the items and Council will not be responsible for any repairs or maintenance of the asset.

For all disposals, irrespective of whether the goods are written off, the asset registers must reflect the relevant details and the accounting records must be adjusted.

**Donations to Community Groups/Charities**

Donations of assets with a value of less than \$5,000 may only be made with the authority of the relevant Director and only after exploring all avenues for recouping a fair value for Council. Council staff should only consider donations in response to a formal written request. In considering any request, staff should keep in mind the following:

- Community groups should receive equitable treatment to avoid possible claims of bias.
- A check should be made to ensure the group is not a disguised business operation providing funds or remuneration to the principals.
- A check should be made to ensure the group is non-profit and that the intended use of the asset is non-commercial (i.e. non-profit)
- Where the donation is seen as appropriate but there is a potential claim of bias the matter should be referred to the General Manager.
- The charity/community group must remove the asset themselves and at no cost to Council.

Donations of assets with a value exceeding \$5,000 can only be approved by Council.

**Physical Inspection / Safekeeping**

All members of staff to whom assets are assigned are responsible for the safeguarding of assets provided for their use. The person responsible for the asset is required to notify the Director Finance & Policy of any movement of, damage to, or loss of assets.

A physical Stocktake of Plant & Equipment and Furniture & Fitting assets is undertaken periodically. Such stocktakes ensure that such assets continue to be appropriately accounted for.

**Insurance**

Council will ensure that its Non-current Assets are appropriately insured

The Director Finance and Policy will ensure that asset acquisitions and disposals are accurately accounted for in Council's asset insurance schedule.

The Director Finance and Policy is responsible for negotiating appropriate insurance values with Council's insurers.

**6. RELATED DOCUMENTS & LEGISLATION****Legislation**

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*

**Council Policies**

- AF005 – Plant Replacement Policy
- AF016 – Asset Management Policy
- GOV005 – Procurement Policy
- GOV009 – Delegations Policy

**Wentworth Shire Council**

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**Council Policy No: AF018****ASSET ACCOUNTING POLICY**

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- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy
- GOV023 – Conflicts of Interest Policy

**Council Document**

- Legislative Compliance Framework
- Governance Framework
- Asset Management Plans
- Asset Management Strategy
- Delegations Manual
- Conflict of Interests Register

**7. ATTACHMENTS**

Schedule 1 – Classification of Non-Current Assets  
Schedule 2 – Capital Expenditure Threshold Limits  
Schedule 3 – Depreciation Schedule

**8. DOCUMENT APPROVAL**

**For Council Policies please use the following, otherwise delete**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

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

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

**General Manager Wentworth Shire Council**

[Click here to enter a date.](#)

**Date**

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF018**

**ASSET ACCOUNTING POLICY**

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**Schedule 1**

**CLASSIFICATION OF NON-CURRENT ASSETS**

**Asset Class**

- Plant and equipment
- Office equipment
- Furniture and fittings
- Land
  - Operational Land
  - Community Land
  - Land under roads (post 30/06/2008)
- Land improvements
- Infrastructure
  - Buildings
  - Other structures
  - Roads
  - Bridges
  - Footpaths
  - Bulk earthworks
  - Stormwater drainage
  - Water supply network
  - Sewerage network
  - Swimming pools
  - Other open spaces/recreational assets
  - Other infrastructure
- Other assets
  - Library Books
- Reinstatement, rehabilitation and restoration assets
  - Tip assets

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF018****ASSET ACCOUNTING POLICY**

## Schedule 2

**TABLE OF CAPITAL EXPENDITURE THRESHOLD LIMITS**

<b>Asset Type</b>	<b>Capital</b>
Sealed Roads	<ul style="list-style-type: none"> <li>• All resealing</li> <li>• All other reconstruction and renewal work &gt; \$10,000</li> <li>• Any new assets acquired (e.g. from land developments)</li> </ul>
Unsealed Roads – Road shoulders	<ul style="list-style-type: none"> <li>• Estimated work &gt; \$10,000</li> </ul>
Unsealed Roads – Patch / Repairs	<ul style="list-style-type: none"> <li>• Projects requiring &gt; 200 tonnes of materials</li> </ul>
Unsealed Roads – Resheeting	<ul style="list-style-type: none"> <li>• All resheeting</li> </ul>
Footpaths / Kerbs / Stormwater / Drainage	<ul style="list-style-type: none"> <li>• All (re)construction work &gt; \$10,000</li> <li>• Any new assets acquired (e.g. from land developments)</li> </ul>
Street Furniture	<ul style="list-style-type: none"> <li>• All Bus shelter &gt;\$10,000</li> <li>• All Guard rails &gt;\$10,000</li> <li>• All Cattle grids &gt;\$10,000</li> </ul>
Water Supply and Sewer	<ul style="list-style-type: none"> <li>• All reconstruction / replacement work on existing assets &gt; \$10,000</li> <li>• Any new assets acquired (e.g. from land developments)</li> </ul>
Bridges and Culverts	<ul style="list-style-type: none"> <li>• Construction work &gt; \$20,000</li> <li>• All bridge barrier replacement is deemed to be maintenance</li> </ul>
Parks, Gardens & Reserves	<ul style="list-style-type: none"> <li>• All development of existing reserves &gt; \$10,000</li> <li>• Value of all new assets acquired (e.g. from land developments)</li> </ul>
Buildings	<ul style="list-style-type: none"> <li>• New buildings</li> <li>• Replacing whole of a building</li> <li>• Replacing a component of a building (e.g. roof, ceiling replacement) &gt; \$10,000</li> <li>• All repainting is deemed to be maintenance</li> </ul>
Plant & Equipment	<ul style="list-style-type: none"> <li>• Individual assets &gt; \$5,000</li> </ul>
Streetscaping	<ul style="list-style-type: none"> <li>• Individual assets &gt; \$5,000</li> </ul>
Furniture & Fittings	<ul style="list-style-type: none"> <li>• Individual assets &gt; \$5,000</li> </ul>
Land	<ul style="list-style-type: none"> <li>• Landfill &gt; \$10,000</li> <li>• Improvement &gt; \$10,000</li> <li>• Value of all new assets acquired (e.g. from land developments)</li> </ul>
All Other Assets	<ul style="list-style-type: none"> <li>• Swimming Pools &gt; \$10,000</li> <li>• Fences &gt;\$10,000</li> <li>• Other Open space / Recreational Assets &gt;\$10,000</li> </ul>

*NB: All expenditure on assets not meeting the above criteria will be treated as maintenance and expensed to Council's Income Statement.*



## Wentworth Shire Council

Word Document Reference: TBC

Council Policy No: AF018

## ASSET ACCOUNTING POLICY

## Schedule 3

## DEPRECIATION SCHEDULE

Sch No.	Asset Type	Useful Life Range	Determining Factor
1	<b>Transport</b>		
	Sealed Pavement	Up to 100 years	Road Hierarchy and Construction Type
	Unsealed Pavement	Up to 100 years	Road Hierarchy and Construction Type
	Sealed Surface	15 to 25 years	Road Hierarchy and Construction Type
	Formation (Sealed & Unsealed)	infinite	
	Footpaths / Sharedpaths	Up to 60 years	Construction Type
	Kerb and Gutters	Up to 100 years	Construction Type
	Bridges - Concrete	80 to 100 years	Construction Type
	Bridges - Others	Up to 50 years	Construction Type
	Culverts	60 to 80 years	Construction Type
	Cattle Grids	Up to 50 years	Construction Type
	Bus Shelters	25 to 40 years	Construction Type
	Guard Rails	Up to 30 years	Construction Type
2	<b>Stormwater Drainage</b>		
	Drainage Pits	Up to 100 years	Construction Type
	Drainage Pipes	Up to 100 years	Construction Type
3	<b>Water Supply and Sewer</b>		
	Dams and Reservoirs	80 to 100 years	Construction Type
	Bores	20 to 40 years	Construction Type
	Reticulation Pipes	25 to 80 years	Construction Type
	Trunk Mains	Up to 80 years	Construction Type
	Pumps and Telemetry	15 to 20 years	Construction Type
	Stand Pipes	Up to 20 years	Construction Type

## Wentworth Shire Council

Word Document Reference: TBC

Council Policy No: AF018

**ASSET ACCOUNTING POLICY**

	Rising Mains	Up to 70 years	Construction Type
	Treatment Plants	Up to 50 years	Construction Type
<b>4</b>	<b>Buildings</b>		
	Council owned / controlled buildings	20 to 100 years	Construction Type
<b>5</b>	<b>Other Infrastructure Assets</b>		
	Landfill Sites	50 to 100 years	Construction Type
	Land Improvements	10 to 100 years	Construction Type
	Swimming Pools	30 to 40 years	Construction Type
	Playground Equipment	5 to 15 years	Construction Type
	Fences	Up to 40 years	Construction Type
	Other Structures	10 to 50 years	Construction Type
<b>6</b>	<b>Plant and Equipment</b>		
	Motor Vehicles (sedans, utes, vans trucks etc.)	Up to 10 years	Asset Type
	Minor plants	Up to 10 years	Asset Type
	Major Plants (Grader, backhoe, loaders etc.)	5 to 10 years	Asset Type
	Computer Equipment	3 to 5 years	Asset Type
	Office Furniture and Fittings	Up to 10 years	Asset Type
	Communication Equipment	2 to 10 years	Asset Type

**Wentworth Shire Council**

Word Document Reference: DOC/22/6387

**Council Policy No: CC006****Street Stalls and Raffle Stands**

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**POLICY OBJECTIVE**

This Official Council Policy deals with the conduct of and approval for street stalls and raffle stands that are carried out for the purposes of raising funds for local community and charitable organisations.

**1. POLICY STATEMENT**

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which provide consistent, balanced and equitable approval to individuals, community and charitable organisations to carry out street stall activities and raffle stands for the purpose of raising funds, while ensuring pedestrian and road traffic are not unduly affected.

**2. POLICY COVERAGE**

This policy applies to all areas of Council's operations and covers all individuals, community and charitable organisations seeking to carry out street stall activities and raffle stands on footpaths within the Wentworth Shire. This policy does not apply to street stalls and raffle stands that are to be held on rural road reserves or verges. These requests will be referred to the appropriate Council Department for comment.

**3. STRATEGIC PLAN LINK**

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.

**4. DEFINITIONS AND ABBREVIATIONS**

Nil.

**5. POLICY CONTENT**

It is the policy of this Council that:

- Any individual, community and charitable organisation that is wishing to conduct a street stall or raffle stand on a footpath within the Wentworth Shire must complete an Application Form and submit it to Council no later than 14 days prior to the date required;
- A copy of the applicant's Certificate of Currency of Public Liability is to be provided in all cases;
- Obtain permission from the owner and / or manager of the business adjacent to the proposed stall site;
- Ensure tables, chairs, etc from stall site does not protrude onto the footpath by more than one (1) metre;
- No fee will be charged for street stalls and raffle stands held by non-profit organisations.
- A maximum of 12 bookings per calendar year, each of not more than two (2) calendar days per month will apply to any one organisation; and
- All applications must abide by all legislative requirements as outlined in the application form.

**6. RELATED DOCUMENTS & LEGISLATION**

[Legislation](#)

**Wentworth Shire Council**

Word Document Reference: DOC/22/6387

**Council Policy No: CC006****Street Stalls and Raffle Stands**

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- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*
- *Privacy & Personal Information Protection Act 1998 (NSW)*
- *Health Records & Information Privacy Act 2002 (NSW)*

Council Policies

- GOV022 – Legislative Compliance Policy
- GOV013 – Enterprise Risk Management Policy

Council Document

- Legislative Compliance Framework
- Governance Framework
- Enterprise Risk Management Framework
- Enterprise Risk Management Plan
- Risk Management Framework
- Privacy Management Plan
- Records & Information Management Policy (Operational)

**7. ATTACHMENTS**

Nil.

**8. DOCUMENT APPROVAL****For Operational Policies please use the following, otherwise delete.**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

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

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

**General Manager Wentworth Shire Council**[Click here to enter a date.](#)**Date**

**Wentworth Shire Council**

Word Document Reference:TBC

**Council Policy No: AF008****RATES – SEWERAGE SERVICE POLICY****POLICY OBJECTIVE**

This Official Council Policy deals with the rating of sewerage services.

**1. POLICY STATEMENT**

The intent of this policy is to outline clear and appropriate procedures which will be undertaken by Wentworth Shire Council (Council) when rating sewerage services.

**2. POLICY COVERAGE**

This policy is applicable to all properties connected to Councils sewerage network.

**3. STRATEGIC PLAN LINK**

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.

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Act</b>	<i>Local Government Act 1993 (NSW)</i>
<b>Council</b>	Council of the Shire of Wentworth
<b>Pedestal Charge</b>	A charge imposed by Council for each toilet connected to their sewerage network.
<b>Regulations</b>	<i>Local Government (General) Regulation 2021 (NSW)</i>

**5. POLICY CONTENT**

It is the policy of Council that:

- Council will comply with the Act and Regulations in order to rate sewerage charges on every eligible property as outlined below:
  - Residential flats (not strataed) are charged one sewerage charge plus 50% of a charge for each additional flat;
  - Non-rateable properties are charged a full sewerage charge for the first two toilets and thereafter an additional pedestal charge will apply as determined in Council's Operational Plan; and
  - For all other properties a sewerage charge will apply for the first two toilets and thereafter an additional pedestal charge will apply as determined in Council's Operational Plan.

**6. RELATED DOCUMENTS & LEGISLATION**Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*
- *Privacy & Personal Information Protection Act 1998 (NSW)*

**Wentworth Shire Council**

Word Document Reference:TBC

**Council Policy No: AF008****RATES – SEWERAGE SERVICE POLICY**

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- *Health Records & Information Privacy Act 2002 (NSW)*

Council Policies

- GOV007 – Privacy Management Policy
- GOV022 – Legislative Compliance Policy

Council Document

- Legislative Compliance Framework
- Governance Framework
- Privacy Management Plan
- Records & Information Management Policy (Operational)
- Operational Plan

**7. ATTACHMENTS**

Nil.

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**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF009****FINANCIAL CONTRIBUTIONS TOWARDS COMMUNITY FACILITIES POLICY****POLICY OBJECTIVE**

To provide a framework for Wentworth Shire Council (Council) to enter into partnerships with community organisations to contribute financially to the construction or upgrade of Council controlled community facilities.

**1. POLICY STATEMENT**

The intent of this policy is to guide and manage community contributions towards improvements to Council controlled community facilities.

**2. POLICY COVERAGE**

This policy applies to any community group or organisation wishing to contribute to upgrades or construction of Council controlled community facilities.

**3. STRATEGIC PLAN LINK**

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

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

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
<b>Community Organisation</b>	Not-for-profit, formally incorporated group, association, club etc who provide the community and its members with opportunities to engage in local community, cultural, leisure and educational activities.
<b>Council</b>	Council of the Shire of Wentworth
<b>Controlled facilities</b>	Facilities that are managed on behalf of the community by Council.

**5. POLICY CONTENT**

It is the policy of Council that:

Council will endeavour to ensure value for money through the efficient and effective use of Council resources when considering upgrades or construction of community facilities.

Council will ensure that the upgrade or construction of community facilities enhances participation opportunities by maximising the shared use of facilities by multiple user groups for a range of purposes.

Council and the community organisation(s) will enter into an agreement regarding financial contributions prior to the commencement of the project.

Where a community organisation is partially or fully funding a project, they must contribute financially prior to the project commencement.

Council will consider allowing community contributions to be paid in instalments where the proposed project benefits the wider community.

External sponsorship, grants or donations gained by the community organisation will be deemed as part of that organisation's contribution to the project.

**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF009****FINANCIAL CONTRIBUTIONS TOWARDS COMMUNITY FACILITIES POLICY**

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Generally, Council will not accept in-kind contributions (volunteer labour or donated goods or services) as an alternative to a full cash contribution, as in-kind contributions have the potential to expose Council to some degree of risk due to the changing nature of volunteers and problems that can arise with the quality of in-kind contributions of goods or services.

In the instance that Council does accept in-kind contributions, the proposed contributions will only be accepted from suitably qualified contractors or supplies approved by Council. Prior to approval, Council officers must be satisfied that an appropriate degree of guarantee is afforded Council with regard to quality of workmanship and materials.

**6. RELATED DOCUMENTS & LEGISLATION**Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*

Council Policies

- AF016 – Asset Management Policy
- GOV005 – Procurement Policy
- GOV013 – Enterprise Risk Management Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy
- GOV023 – Conflicts of Interest Policy

Council Document

- Legislative Compliance Framework
- Governance Framework
- Risk Management Framework
- Risk Management Plan
- Asset Management Plans
- Asset Management Strategy
- Conflict of Interests Register

**7. ATTACHMENTS**

Nil.



**Wentworth Shire Council**

Word Document Reference: TBC

**Council Policy No: AF009****FINANCIAL CONTRIBUTIONS TOWARDS COMMUNITY  
FACILITIES POLICY**

---

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Signed: .....

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**

# **WENTWORTH SHIRE COUNCIL**

## **WORTH THE DRIVE**

### **WENTWORTH SHIRE COUNCIL**

### **CODE OF MEETING PRACTICE**

(Policy GOV018, based on the 2021 Model Code of Meeting Practice)

Adopted by Council XXXX

GOV018 WSC Code of Meeting Practice (DOC/22/6981)

**WSC CODE OF MEETING PRACTICE**

This Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW. A table of the clauses amended by Wentworth Shire Council is included at the end of this document.

2021

**ACCESS TO SERVICES****Main administration office:**

Street Address: 26-28 Adelaide Street, Wentworth NSW 2648

**OFFICE HOURS**

Monday to Friday

8.30am to 5.00pm

Postal Address: PO Box 81, Wentworth, NSW 2648

Phone: 03 5027 5027

Fax: 03 5027 5000

Email: [council@wentworth.nsw.gov.au](mailto:council@wentworth.nsw.gov.au)

Website: [www.wentworth.nsw.gov.au](http://www.wentworth.nsw.gov.au)

**Wentworth Civic Centre: (Currently Closed)**

Street Address: Darling Street, Wentworth, NSW 2648

**OFFICE HOURS**

Monday to Friday

8.30am to 5.00pm

Postal Address: PO Box 81, Wentworth, NSW 2648

Phone: 03 5027 5027

Fax: 03 5027 5000

Email: [council@wentworth.nsw.gov.au](mailto:council@wentworth.nsw.gov.au)

Website: [www.wentworth.nsw.gov.au](http://www.wentworth.nsw.gov.au)

**Midway Service Centre:**

Street Address: Midway Drive, Buronga, NSW 2739

**OFFICE HOURS**

Monday to Friday

9.00am to 5.00pm

Postal Address: PO Box 81, Wentworth, NSW 2648

Phone: 03 5027 5027

Fax: 03 5027 5000

Email: [council@wentworth.nsw.gov.au](mailto:council@wentworth.nsw.gov.au)

Website: [www.wentworth.nsw.gov.au](http://www.wentworth.nsw.gov.au)

**DISCLAIMER**

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## 1 INTRODUCTION

This Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

In accordance with the requirements of the Act councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

Additional provisions made by resolution of the Wentworth Shire Council have been inserted using bold italicised font (***bold italicised font***).

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

## 2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

*Transparent:* Decisions are made in a way that is open and accountable.

*Informed:* Decisions are made based on relevant, quality information.

*Inclusive:* Decisions respect the diverse needs and interests of the local community.

*Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.

*Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

*Respectful:* Councillors, staff and meeting attendees treat each other with respect.

*Effective:* Meetings are well organised, effectively run and skilfully chaired.

*Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

## 3 BEFORE THE MEETING

### Timing of ordinary council meetings

3.1 Not Applicable.

3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

**Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.**

**Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.**

### Extraordinary meetings

3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

**Note: Clause 3.3 reflects section 366 of the Act.**

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

**Note: Clause 3.4 reflects section 9(1) of the Act.**

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 reflects section 367(1) of the Act.**

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.8 reflects section 367(3) of the Act.**

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.9 reflects section 367(2) of the Act.**

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **seven (7)** business days before the meeting is to be held.

- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.13 Not Applicable

Questions with notice

3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.

3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:

- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
- (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
- (d) any business of which due notice has been given under clause 3.10.

3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.

3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**

3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the



public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

#### **Statement of ethical obligations**

- 3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement regarding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

#### **Availability of the agenda and business papers to the public**

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.25 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

- 3.26 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

#### **Agenda and business papers for extraordinary meetings**

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

#### Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

## **4 PUBLIC FORUMS**

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council via email to [council@wentworth.nsw.gov.au](mailto:council@wentworth.nsw.gov.au). Applications to speak at the public forum must be received by the close of business two (2) business days before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the

item. (EXAMPLE: for a meeting at 6.30pm on a Wednesday, notice is to be received by COB the Monday prior)

- 4.5 A person may apply to speak on no more than two (2) items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs two (2) business days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed three (3) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to one (1) minute.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors or council staff.

- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to five (5) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

**Note 1: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**

***Note 2: When a public forum is required to be held prior to a council meeting, the council meeting will be opened by the mayor at the advertised time, and then immediately adjourned for an allotted time for the purpose of conducting the public forum.***

***Note 3: A record will be kept within the council minutes detailing the adjournment of the meeting, the names of those who addressed council, and whether they spoke "for" or "against" the item of business. Additionally, the record will detail any conflicts of interest declared by councillors as per clause 4.23.***

## 5 COMING TOGETHER

### Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this Code

- 5.3 Not Applicable

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5a Requests as outlined in 5.5 can be made either in writing or via email, and must be received by the general manager at least four (4) hours prior to the commencement of the Ordinary Council meeting. A copy of the request is to be tabled by the general manager at the meeting.

5.5b Requests for Leave of Absence cannot be made by one councillor on behalf of another.

- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.7 reflects section 234(1)(d) of the Act.**

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

### The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

**Note: Clause 5.9 reflects section 368(1) of the Act.**

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.10 reflects section 368(2) of the Act.**

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency *or because of localised civil unrest*, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

### Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

**Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

**Attendance by councillors at meetings by audio-visual link**

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
  - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual

link, their link to the meeting is to be terminated.

- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

#### Entitlement of the public to attend council meetings

- 5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note: Clause 5.31 reflects section 10(1) of the Act.**

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.33 reflects section 10(2) of the Act.**

**Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person,**



including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

#### Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
  - (b) as soon as practicable after the meeting
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

**Note: Clause 5.34 – 5.38 reflection section 236 of the Regulation.**

- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

#### Attendance of the general manager and other staff at meetings

- 5.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note: Clause 5.40 reflects section 376(1) of the Act.**

- 5.41 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.41 reflects section 376(2) of the Act.**

- 5.42 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.42 reflects section 376(3) of the Act.**

- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

## 6 THE CHAIRPERSON

### The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

### Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

## 7 MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

## 8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 Not Applicable.
- 8.2 The general order of business for an ordinary meeting of the council shall be: **[councils may adapt the following order of business to meet their needs]**

- 01 Opening meeting
- 02 Prayer or Acknowledgement of country
- 03 Apologies and applications for a leave of absence **or attendance by audio-visual link** by councillors
- 04 Confirmation of minutes
- 05 Outstanding matters from previous meetings
- 05 Disclosures of interests
- 06 Mayoral and Councillor Reports (includes Mayoral minute(s))
- 07 Reports of committees
- 08 Reports to council
- 09 Notices of motions/Questions with notice
- 10 Confidential matters
- 11 Conclusion of the meeting

*8.2a The chairperson will determine whether to deliver a Prayer or Acknowledgement of Country*

- 8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: If adopted, Part 13 allows council to deal with items of business by exception.**

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

## 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

### Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it **should** identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council **may** defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

#### Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

#### Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## **10 RULES OF DEBATE**

#### Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

**Additional WSC provision to be read in conjunction with clause 10.11**

***10.1a Recommendations made in a staff report become a motion (and can then be debated) when the recommendation is both moved and seconded.***

***10.1b Alternatively, a staff report can be opened for debate when a councillor puts forward a lawful motion and that motion is seconded.***

#### Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

#### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

#### Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

### Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

### Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

### Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 11 VOTING

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**



- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.
- 11.4 Not Applicable.

#### Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.11 Not Applicable.

#### Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

**Note: Clauses 11.12–11.15 reflect section 375A of the Act.**

**Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.**

## 12 COMMITTEE OF THE WHOLE

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 10.20–10.30 limit the number and duration of speeches.**

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

## 13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.

- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

## 14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

### Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

### Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 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.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The council, or a committee of the 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.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **close of business, two (2) business days** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **three (3)** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **three (3)** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **one (1)** minute to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

#### Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

#### Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public

under section 10A of the Act.

#### Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.20 reflects section 10D of the Act.**

#### Resolutions passed at closed meetings to be made public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

## **15 KEEPING ORDER AT MEETINGS**

#### Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

#### Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

#### Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or Regulation or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
  - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

- 15.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) (b), or (e), or
  - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
  - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

#### How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether

the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

#### Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 Not Applicable.

**Note: Clause 15.14 confers a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. Clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting.**

15.16 Clause 15.15 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

**Note: Clause 15.17 reflects section 233(2) of the Regulation.**

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

#### **How disorder by councillors attending meetings by audio-visual link may be dealt with**

15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.



### Use of mobile phones and the unauthorised recording of meetings

- 15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

## **16 CONFLICTS OF INTEREST**

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

## **17 DECISIONS OF THE COUNCIL**

### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

**Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later **than the close of business on the second business day after** the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and

- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

#### Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## **18 TIME LIMITS ON COUNCIL MEETINGS**

18.1 Meetings of the council and committees of the council are to conclude no later than **11pm**.

18.2 If the business of the meeting is unfinished at **11pm** the council or the committee may, by resolution, extend the time of the meeting.

18.3 If the business of the meeting is unfinished at **11pm** and the council does not resolve to extend the meeting, the chairperson must either:

- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
- (b) adjourn the meeting to a time, date and place fixed by the chairperson.

18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:

- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 AFTER THE MEETING

### Minutes of meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

**Note: Clause 19.1 reflects section 375(1) of the Act.**

19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.
- (f) details of a Point of Order raised at a council meeting. (to be read in conjunction with clauses 15.1-15.7)**

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 19.3 reflects section 375(2) of the Act.**

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 19.5 reflects section 375(2) of the Act.**

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 19.8 reflects section 11(1) of the Act.**

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

**Note: Clause 19.12 reflects section 335(b) of the Act.**

## 20 COUNCIL COMMITTEES

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
  - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Not Applicable.
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

#### Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

#### Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

#### Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a meeting and of any amendments moved to it,

- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

20.24 Not Applicable.

20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 21 IRREGULARITIES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

**Note: Clause 21.1 reflects section 374 of the Act.**

## 22 COUNCIL SEAL (WSC Provision)

Note: This section has been inserted by Wentworth Shire Council and follows the provisions contained within section 400 of the Local Government (General) Regulation 2005

22.1 Council's seal will be used only for documents that relate to the business of council, and without limiting the use of the seal, will normally only include specifically:

- a) the exercise by Council of its functions in relation to the purchase, exchange, leasing, disposal of, and otherwise dealing with, real property, or
- b) executing a contract of employment for the General Manager, or
- c) completing agreements or contracts from state or federal government departments where they have requested the agreements or contracts be under seal, or



- d) entering into planning agreements.

22.2 Council's seal will not be used for documents such as references or certificates of service for Council employees.

22.3 The seal of a council must be kept by the mayor or the general manager, as the council determines. To this end, in December 2012 Council resolved that the seal be held by the Mayor, under lock and key, in the Mayoral Chamber.

22.4 The seal of a council may be affixed to a document only in the presence of:

- a) the mayor and the general manager, or
- b) at least one councillor (other than the mayor) and the general manager, or
- c) the mayor and at least one other councillor, or
- d) at least 2 councillors other than the mayor.

22.5 The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.

22.6 The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

## 23 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time

year	means the period beginning 1 July and ending the following 30 June
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#### 9.14 APPOINTMENT OF AUDIT, RISK AND IMPROVEMENT COMMITTEE MEMBERS.

File Number: RPT/22/233

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**

At the February 2022 Ordinary Council meeting, Council resolved to appoint a standalone Audit, Risk and Improvement Committee consisting of the following:

- An Independent Chairperson;
- 2 Independent Members; and
- 1 non-voting Councillor

Council has undertaken an expression of interest process for the appointment of the two independent members. Two nominations were received. Both applicants are residents of the Shire and will bring a strong mix of skills and experience to the committee. Both applicants met the independence criteria requirements to appointed to the committee.

In order to have a fully functioning committee it is recommended that Council appoint an interim Chairperson for a period of up to 12 months until such time as a suitably qualified Chairperson can be appointed.

Council is also able to appoint a Councillor as a non-voting committee member subject that Councillor satisfying certain criteria.

#### **Recommendation**

That Council:

- a) Resolves to appoint the two nominations to the Audit, Risk and Improvement Committee;
- b) Resolves to appoint one committee member for an initial period of two years and one committee member for an initial period of three years;
- c) Resolves that both committee members positions have the option to be reappointed for a further four year period subject to the completion of a satisfactory performance review;
- d) Resolves to appoint an interim independent chair for a period of up to 12 months from the two candidates; and
- e) Resolves to nominate a Councillor as a non-voting committee member subject to that Councillor satisfying certain criteria.

#### **Detailed Report**

##### Purpose

The purpose of this report is to approve appointments of committee members to the Audit, Risk and Improvement Committee.

**Background**

At the February 2022 Ordinary Council meeting, Council resolved to appoint a standalone Audit, Risk and Improvement Committee consisting of the following:

- An Independent Chairperson;
- 2 Independent Members; and
- 1 non-voting Councillor

Following that meeting Council commenced an expression of interest process for the appointment of the two Independent Members.

Nominations were received from:

- Di Schmidt
- Caroline Smith

Copies of their qualifications have been attached to this report. (see separate attachment).

**Matters under consideration**

Council offers have undertaken a due diligence process including interviewing both applicants and their nominated referees.

Both applicants are residents of the Shire and will bring a strong mix of skills and experience to the Committee.

All committee members must be independent to ensure they have no real or perceived bias or conflicts of interest that may interfere with their ability to act independently and can provide Council with robust, objective and unbiased advice about how Council is functioning. An assessment of the applicants indicate that they meet the required independence criteria.

To ensure that the committee continues to offer new perspectives and remains independent, it is important that committee members are rotated periodically to maintain a fresh approach and avoid any perceptions of bias or conflicts of interest. The initial term of appointment to the committee should not be greater than four years.

Committee members can be reappointed for a further term but the total period of continuous membership on the committee cannot exceed eight years.

Care is to be taken to ensure that membership renewal dates are staggered so knowledge of Council operations, financial reporting structure and other important aspects are not lost to the committee when members change.

Ideally, no more than one member should leave the committee because of rotation in any one year.

It is therefore recommended that the two nominees are appointed to the Committee, one for a period of two years and one for a period of three years with both having the option for reappointment for a further period of four years subject to the successful completion of a performance review.

The appointment of the Independent Chairperson must be made using the NSW Government's prequalification scheme. At the time of writing this report Council is unable to access the scheme until such time as the final Risk Management and Internal Audit for local councils in NSW guidelines are approved by the Minister for Local Government.

In order to have a fully functioning committee by the required time it is recommended that Council appoint an interim Chairperson for a period of up to 12 months until such time as a suitably qualified Chairperson can be appointed.

Council officers have spoken to two potential candidates and both have expressed an interest in undertaking the role.

Roseanne Kava is currently the Chairperson of the Audit, Risk and Improvement Committee at Balranald Shire Council and is currently the acting CEO at Swan Hill Rural City Council.

Previously she has worked at CEO at Gannawarra Shire Council and as senior executive level in both local and federal government.

Chris Parham is currently the General Manager Corporate Services at Mildura Rural City Council. He oversees the following functions at Council:

- Financial Services
- Information Systems
- Human Resources
- Organisational Development
- Corporate Administration
- Internal Audit

He has a Masters of Business Administration and is a member of the Australian Institute of Company Directors. His previous work experience in information and communications technology would add strong IT knowledge to the committee especially when comes to assessing IT internal controls, cyber security etc.

It is recommended that Council appoints an interim Chairperson from the two candidates outlined in this report.

Council is also able to appoint a Councillor as a non-voting member to the committee. The non-voting Councillor must satisfy the following criteria to be appointed as a committee member. The Councillor must:

- Be financially literate;
- Have a good understanding of one or more of the following that would provide a valuable contribution to the committee:
  - Internal audit and external audit;
  - Risk management;
  - Governance;
  - Performance management;
  - Financial management and reporting;
  - Accounting;
  - Human resources management;
  - Internal control frameworks;
  - Fraud and corruption prevention;
  - IT/cyber security;
  - The local community; or
  - Another relevant subject matter; and
- Undertake any training on the operation of the committee as recommended by the Chair, based on their assessment of the skills, knowledge and experience of the committee member.

The mayor cannot be appointed as a Councillor member of the committee. The Councillors appointment to the committee ends at the completion of each Council term.

It is therefore recommended that Council nominate a Councillor to the committee as a non-voting member.

*Legal, strategic, financial or policy implications*

The Local Government Act requires Council to have appointed an Audit, Risk and Improvement Committee by 4 June 2022.

**Conclusion**

Council has undertaken an expression of interest process for the appointment of the two independent members. Two nominations were received. Both applicants are residents of the Shire and will bring a strong mix of skills and experience to the committee. Both applicants met the independence criteria requirements to appointed to the committee.

In order to have a fully functioning committee it is recommended that Council appoint an interim Chairperson for a period of up to 12 months until such time as a suitably qualified Chairperson can be appointed.

Council is also able to appoint a Councillor as a non-voting committee member subject that Councillor satisfying certain criteria.

**Attachments**

1. Expression of Interest - Di Schmidt (Under Separate Cover)⇒
2. Expression of Interest - Caroline Smith (Under Separate Cover)⇒



## 9.15 APPROVAL TO AFFIX THE COUNCIL SEAL

File Number: RPT/22/254

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**

At the February 2022 Ordinary Council meeting, Council resolved that any budget shortfall for the Willowbend Caravan Park redevelopment be funded via an extension to the already approved loan with that being capped at \$4,500,000.

The National Australia Bank has approved the extension to the loan facility and the revised loan agreement requires the signature of the Mayor and the General Manager and the Council seal to be affixed.

### **Recommendation**

That Council authorises the Mayor and the General Manager to sign the revised loan documentation and affix the Council Seal.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to seek approval from Council to sign the revised loan agreement and affix the Council seal.

#### **Background**

At the February 2021 Ordinary Council meeting, Council approved a \$1,500,000 loan from the National Australia Bank to contribute towards the funding of the Willowbend Caravan Park upgrade. At the time of the loan being approved the total budget for the project was \$2,500,000.

At the February 2022 Ordinary Council meeting, Council resolved to delegate authority to the General Manager to enter into negotiations with the contractor to perform additional work in accordance with the original tender specification.

Council further resolved that the budget shortfall be funded via an extension to the already approved loan with that being capped at \$4,500,000.

#### **Matters under consideration**

Since the February 2022 meeting the reporting officer has been working with the National Australian Bank to extend the already approved loan.

The bank has approved the extension to the loan facility and the revised loan agreement requires the signature of the Mayor and the General Manager and the Council seal to be affixed.

#### **Conclusion**

Following the Council resolution of February 2022, the National Australia Bank have approved an extension to the original loan facility from \$1,500,000 to the capped amount of \$4,500,000.

**Attachments**

Nil

## 9.16 POLICY REVIEW - HEALTH AND PLANNING DEPARTMENT

File Number: RPT/22/235

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

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**

After each general election of Councillors, the Local Government Act 1993 (the Act) requires Council to review all official policies of Council. There are currently 73 policies in place of which 15 are the responsibility of the Health and Planning Department.

For this Council meeting Health and Planning has reviewed three (3) policies which are now presented for adoption.

### **Recommendation**

That Council adopt the following policies:

- a) PR0022 – Radio Active Waste Policy
- b) PR004 – Swimming Pool Safety Policy
- c) PR013 – Contaminated Lands Policy

### **Detailed Report**

#### **Purpose**

The purpose of this report is to update Council on the process of the review of Council policies that is ongoing following the election of all Councillors.

#### **Background**

After each general election of Councillors, the Act requires Council to review all official policies of Council. There are currently 73 policies in place of which 15 are the responsibility of the Health and Planning Department.

#### **Matters under consideration**

For this report, staff within the Health and Planning Directorate have reviewed the following policies:

PR0022 – Radio Active Waste Policy

PR004 – Swimming Pool Safety Policy

PR013 – Contaminated Lands Policy

As part of ongoing continuous improvement, a new template for both Council and Operational Policies has been developed to ensure consistency and ease of use. As part of this review process, all existing policies submitted for review have been updated using the new policy template.

While reviewing the above policies it has been determined they are still required by Council and that the current scope and intent of these policies are still relevant. Only minor formatting

and administrative updates were needed of this policy. It is therefore recommended these policies be adopted.

**Conclusion**

The Local Government Act 1993 requires Council to review its official Council Policies following a general Election of Council. The Health and Planning Department is responsible for 15 Council policies. For this meeting Council has reviewed three policies for adoption

**Attachments**

1. PR002 Radioactive Waste Policy [↓](#)
2. PR004 - Swimming Pool Safety Policy [↓](#)
3. PR013 - Contaminated Lands Policy [↓](#)
4. Contaminated Lands Policy and procedures ADOPTED 5 April 2017 [↓](#)

**Wentworth Shire Council**

Word Document Reference: DOC/22/6837

**Council Policy No: PR002****RADIOACTIVE WASTE POLICY****POLICY OBJECTIVE**

This Official Council Policy addresses the matter of the disposal of radioactive waste within the Shire of Wentworth.

**POLICY STATEMENT**

The intent of this policy is to establish the Council's view on the storage, transport, and processing of radioactive materials and waste within the Shire of Wentworth.

**1. POLICY COVERAGE**

This policy applies to all areas of the Shire of Wentworth

**2. STRATEGIC PLAN LINK**

Objective: 4.0 Wentworth is a caring, supportive 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

**3. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
Radioactive substance	Means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour (including any article or compound whether it has or has not been subjected to any artificial treatment or process) which emits ionising radiation spontaneously with a specific activity greater than the prescribed amount and which consists of or contains more than the prescribed activity of any radioactive element whether natural or artificial (NSW Radiation Control Act 1990)
Controlled Facility	Means: a nuclear installation, a prescribed radiation facility or a prescribed legacy site (Australian Protection and Nuclear Safety Act 1998)
High level radioactive material (ARPANSA)	High level waste typically has levels of activity concentration of in the range of $10^4$ - $10^6$ terabecquerel/m <sup>3</sup> . Note: 1 terabecquerel (TBq) equals $10^{12}$ Bq or a thousand billion Bq (ARPANSA).

**4. POLICY CONTENT**

It is the policy of this Council that:-

1. Council will strongly oppose any proposal to establish any facility that stores Radioactive Waste, including high level radioactive material, anywhere within the Wentworth Shire Local Government Area.
2. No uranium, nuclear waste nor other radioactive materials connected with any nuclear power industry, radioactive and nuclear material processing facility or associated storage

**Wentworth Shire Council**

Word Document Reference: DOC/22/6837

**Council Policy No: PR002****RADIOACTIVE WASTE POLICY**

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facility shall be processed or stored within or transported within or through the municipality.

3. Council is not opposed to the responsible use of radioisotopes in medical, dental and veterinary practices and for mining and industrial purposes. Council is of the opinion that the benefits to the users and the community generally outweighs the risks to the community at large.
4. Council will continue to act to have the Shire of Wentworth declared a Nuclear Free Zone.

**5. RELATED DOCUMENTS & LEGISLATION***Radiation Control Act 1990 (NSW)**Radiation control Regulation 2013 (NSW)**Protection of the Environment Operations (Waste) Regulation 2005*

Statutory Review: Radiation Control Act 1990 – NSW EPA

Guide for classification of Radioactive Waste: Radiation Protection Series G-4 – Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) October 2020

**6. ATTACHMENTS**

Nil.

**7. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date](#). All previous versions of this policy are null and void.

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

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**

**Wentworth Shire Council**

Word Document Reference: DOC/22/6281

**Council Policy No:PR004****SWIMMING POOL SAFETY POLICY****POLICY OBJECTIVE**

This Official Council Policy deals with the obligations of Council and the public in relation to the requirements applying to swimming pools as provided under the Swimming Pool Act and regulation

**1. POLICY STATEMENT**

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which save and protect lives by preventing drowning in backyard pools and to inform pool owners of their responsibilities and obligations under the *Swimming Pool Act 1992*.

**2. POLICY COVERAGE**

This Policy applies to swimming pools, both outdoor and indoor, that are situated, or proposed to be constructed or installed, on premises on which a residential building, a moveable dwelling or tourist and visitor accommodation is located, but does not apply to swimming pools that are situated, or proposed to be constructed or installed, on any premises occupied by the Crown or by a public authority.

**3. STRATEGIC PLAN LINK**

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

Strategy: 4.6 Collaborate with others to achieve desired outcomes for the local community

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
Swimming Pool	A permanent or temporary excavation, structure or vessel that is: <ul style="list-style-type: none"> <li>capable of being filled to a depth of 300mm or more; and</li> <li>solely or principally used, or that is designed, manufactured, or adopted to be used for the purpose of swimming, wading, paddling or any other human aquatic activity and includes a spa pool or tub but does not include a spa bath situated within a private bath room.</li> </ul>
AS	Australian Standard

**5. POLICY CONTENT**

It is the policy of this council to:-

- 5.1 Commit to the monitoring of swimming pools through an inspection program within the Local Government Area in a cost-effective manner to ensure where possible a safe, compliant environment in conformity with:
- Swimming Pool Act 1992
  - AS 1926.1-2012
  - Community expectations
  - Relevant regulatory requirements.

**Wentworth Shire Council**

Word Document Reference: DOC/22/6281

**Council Policy No:PR004****SWIMMING POOL SAFETY POLICY**

In order to achieve this aim, in partnership with stakeholders & relevant agencies, the Council will:

- Educate the community in relation to the requirement of registering their swimming pool on line within the state register at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).
- Undertake mandatory swimming pool compliance inspections on all tourist and visitor accommodation every three (3) years.
- Undertake an inspection of a swimming pool located on a property prior to the sale or lease of that property where requested by the property owner(s) or by a person acting on behalf of a property owner(s). The inspection request must be made to Council using the appropriate application form.
- Undertake an inspection of a swimming pool at any time where requested by a property owner(s) or by a person acting on behalf of a property owner(s).
- Inspect any swimming pool which is the subject of a complaint.
- Charge a fee for the service inspection regime with inspections being charged at the fee nominated in Council's annual fees and charges.
- Continually review and improve our practices by assessing performance against Council's commitments and stakeholder expectations.

**6. RELATED DOCUMENTS & LEGISLATION**

*Swimming Pool Act 1992*

**7. ATTACHMENTS**

Nil.

**8. DOCUMENT APPROVAL**

**For Council Policies please use the following, otherwise delete**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

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

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)

**General Manager Wentworth Shire Council**

**Date**



**Wentworth Shire Council**

Word Document Reference: DOC/22/6891

**Council Policy No: PR013****CONTAMINATED LAND MANAGEMENT POLICY**

---

**POLICY OBJECTIVE**

This policy provides a framework for the management of contaminated or potentially contaminated land in the Shire of Wentworth.

**1. POLICY STATEMENT**

The intent of this policy is to identify how the management of contaminated land is integrated into Council's planning and development processes.

**2. POLICY COVERAGE**

This policy applies to all land in the Shire of Wentworth.

**3. STRATEGIC PLAN LINK**

Objective: 4.0 Wentworth is a caring, supportive 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

**4. DEFINITIONS AND ABBREVIATIONS**

Refer to attachment DOC/18/210

**5. POLICY CONTENT**

When carrying out planning functions under the Environmental Planning and Assessment Act 1979, Council must consider the possibility that the previous and / or current land uses, and / or a nearby land use, has caused contamination of the site, and the potential risk to human health and the environment from that contamination.

Council shall not approve a Development Application or support a Planning Proposal unless it is satisfied on the basis of information available to it under this Policy that:

- a) Contamination has been considered
- b) If the land is contaminated, that the land is suitable in its contaminated state (or will be suitable following remediation) for all the uses permissible under the approval
- c) If the land is contaminated, that conditions can be placed in planning instruments or on development consents and approvals under Part 4 of the Environmental Planning and Assessment Act 1979 that will ensure any contaminated land can be remediated to a level appropriate to its intended use, prior to, or during the development stage.

Information to be disclosed on a Section 10.7(2) Planning Certificate is specified in the Environmental Planning and Assessment Regulation 2000 (Schedule 4) and s59(2) of the Contaminated Land Management Act 1997. Council therefore has a legal obligation to provide certain information through Section 10.7(2) Planning Certificates in relation to land contamination.

Section 10.7(2) Planning Certificates issued by Council are to:

- a) Contain information on matters prescribed under Section 59(2) of the Contaminated Land Management Act 1997 that are relevant to the property

**Wentworth Shire Council**

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**Council Policy No: PR013****CONTAMINATED LAND MANAGEMENT POLICY**

- b) Identify whether or not any adopted policy of Council or any other public authority restricts the development of the land (the subject of the certificate) because of the likelihood of any risk of contamination
- c) Provide notations on the certificates where Council is aware of any other matter

Section 10.7(5) Planning Certificates issued by Council are to provide information that is provided to Councils by the NSW EPA in accordance with s 58 of the Contaminated Land Management Act, that is not already included in a s10.7(2) Planning Certificate.

If Council is aware that a site has been notified to the NSW EPA under S.60 of the Contaminated Land Management Act, but is currently in various stages of being reviewed by the NSW EPA to assess if the contamination is significant enough to warrant regulation, it will provide information to this effect on the s10.7(5) certificate.

Where Council has a Contaminated Land Information Management System in place, the following additional information included in the system will be provided on Section 10.7(5) Planning Certificates:

- a) Contamination category
- b) Any activities listed in Table 1 of the Planning Guidelines that Council records show have occurred on the land
- c) Any information to Council's knowledge, that indicates the property may be affected by emerging contaminants or contaminating activities of concern
- d) References to any site investigations included in the register ☐ Any notifications of remediation.

**6. RELATED DOCUMENTS & LEGISLATION**

Resilience and Hazards SEPP

*Contaminated Land Management Act 1997*

*Contaminated Land Management Regulation 2013*

*Environmental Planning and Assessment Act 1979*

*Environmental Planning and Assessment Regulation 2000*

*Local Government Act 1993*

*Local Government (General) Regulation 2021*

*Wentworth Local Environmental Plan 2011*

**7. ATTACHMENTS**

DOC/18/210 – Adopted Policy and Procedure

Notes:

- a) Any reference to 'SEPP 55' should now be read as 'Resilience and Hazards SEPP'
- b) Any reference to 149 certificates should now be read as 10.7 certificates
- c) Any reference to 149(2) or (5) should now be read as 10.7(2) or (5).

**Wentworth Shire Council**

Word Document Reference: DOC/22/6891

**Council Policy No: PR013****CONTAMINATED LAND MANAGEMENT POLICY**

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**8. DOCUMENT APPROVAL**

This Operational Policy has been approved and signed by the General Manager. All previous versions of the policy are null and void.

This policy may be amended or revoked by the General Manager at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

Click here to enter a date.

**General Manager Wentworth Shire Council****Date**

# Policy Document

## Contaminated Land Management Policy



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ORGANISATION OF COUNCILS



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- Albury City Council
- Coolamon Shire Council
- Former Corowa Shire Council (Federation Council)
- Former Deniliquin Shire Council (Edward River Shire Council)
- Griffith City Council
- Temora Shire Council
- Former Tumbarumba Shire Council (Snowy Valleys Council)
- Former Tumut Shire Council (Snowy Valleys Council)
- Wagga Wagga City Council



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# Policy

## 1. ABOUT THIS POLICY

This policy, known as the Contaminated Land Management Policy, outlines requirements relating to the use and / or development of land that is or may be contaminated.

This policy has been developed under the provisions of the *Contaminated Land Management Act*<sup>1</sup> (CLM Act), its associated State Environmental Planning Policy No. 55 – Remediation of land<sup>2</sup> and the Managing Land Contamination – Planning Guidelines<sup>3</sup> in regards to the principles of:

- i. Ensuring that changes of land use, or new development proposals, will not increase the risk to human health or the environment;
- ii. Avoiding inappropriate restrictions on land use; and
- iii. Providing information to support decision making and to inform the community.

### 1.1 LAND TO WHICH POLICY APPLIES

All land in the Wentworth Shire Local Government Area (LGA).

### 1.2 DATE ADOPTED BY COUNCIL

This policy was adopted by Council at XXXXX on XXXX.

### 1.3 TERMS AND DEFINITIONS

Terms and definitions are set out in Appendix 1.

### 1.4 PURPOSE

This policy provides a framework for the management of contaminated or potentially contaminated land in the Wentworth Shire LGA. The policy identifies how the management of contaminated land is integrated into Council's planning and development processes.

---

<sup>1</sup> Contaminated Land Management Act 1997

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+140+1997+cd+0+N>

<sup>2</sup> State Environmental Planning Policy No. 55 – Remediation of Land

[http://www5.austlii.edu.au/au/legis/nsw/consol\\_reg/seppn55ol537/](http://www5.austlii.edu.au/au/legis/nsw/consol_reg/seppn55ol537/)

<sup>3</sup> Managing Land Contamination – Planning Guidelines

[http://www.epa.nsw.gov.au/resources/clm/gu\\_contam.pdf](http://www.epa.nsw.gov.au/resources/clm/gu_contam.pdf)



## 1.5 OBJECTIVES

The integration of contaminated land management into the local planning and development control process will enable Council to:

- Ensure that the Council exercises its functions in relation to the development of contaminated land with a reasonable standard of care and diligence and that decisions are made in good faith;
- Ensure that the likelihood of land contamination is considered as early as possible in the planning and development control process;
- Ensure that planning and development decisions take into account available information relating to the likelihood of land contamination;
- Link decisions about the development of land with the information available about contamination possibilities;
- Ensure that any development of contaminated land will not result in unacceptable levels of risk to human health or the environment;
- Avoid inappropriate restrictions on the development of contaminated land;
- Ensure that site investigations and remediation work are carried out in a satisfactory manner, and where appropriate, are independently verified by site audits;
- Facilitate the provision of consistent and reliable information to the public about land contamination;
- Ensure that ongoing responsibility for management and monitoring of contaminated land is clearly and legally assigned;
- Ensure that the community is not unduly disadvantaged by increased health and environmental risks or increased management costs when accepting the dedication of public assets;
- Adopt a policy approach that will provide strategic and statutory planning options based on the information about contamination; and
- Exercise statutory planning functions with a standard of care.

## 1.6 POLICY APPLICATION

This policy applies to the following planning functions of Council:

- The preparation and amendment of Local Environmental Plans
- The preparation, approval and amendment of Development Control Plans
- The preparation and adoption of Plans of Management for Community Land
- The determination of Development Applications
- The modification of Development Consents;
- The determination of activities pursuant to Part 5 of the Environmental Planning and Assessment Act 1979; and
- The storage and sharing of contaminated land information through Section 149 planning certificates.

## 1.7 GUIDELINES

This policy has been developed from the State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) and in conjunction with the *Contaminated Land Management Act 1997* (CLM Act) and Wentworth Local Environmental Plan 2011.

Effective management of contaminated land in land-use planning is necessary in managing the risk of harm potentially posed by land contamination to human health and the environment.

In the context of land contamination, councils are the planning and consent authorities and are thereby expected to act in "good faith" and in accordance with the requirements of the NSW CLM Act. "Good faith" provisions also extend to the subordinate State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55), and its Planning Guidelines.

Councils have responsibilities under the *Environmental Planning and Assessment Act*<sup>4</sup> (EP&A Act) in regard to the early identification of contaminated sites, the consideration of land contamination issues in planning functions, data and information management regarding land contamination, and to inform the public on contamination matters (e.g. Section 149 planning certificates).

Under the CLM Act, the Environment Protection Authority (EPA) regulates contaminated sites where the contamination is significant enough to warrant regulation. Contaminated sites that are not regulated by the EPA are managed by local councils through land-use planning processes.

## 1.8 CHANGE MANAGEMENT

This policy will require management and review every 4 years or as legislation and regulations are updated. Any change must be made in accordance with the relevant legislation and regulations applicable at the time, and/or any regulatory changes.

## 2. OBLIGATIONS

### 2.1 DUTY TO REPORT

The CLM Act requires persons to notify the EPA if they become aware that their activities have contaminated land so as to present an unacceptable risk to human health or the environment.

The Act also requires landowners to notify the EPA if they become aware that their land has been contaminated so as to present an unacceptable risk of harm to human health or the environment. This requirement applies whether the contamination occurred before or during the current owner's tenure of the land and the notification must be made as soon as practicable after becoming aware of the risk (See Appendix 2 – Activities that may cause contamination).

To assess this risk, the land owner and/or persons who have caused the contamination should consult Guidelines on the Duty to Report Contamination under the CLM Act.

Section 60 of the CLM Act imposes a duty on owners of land, and persons who have contaminated land, to immediately notify the EPA when they become aware that contamination presents a significant risk of harm.

According to the Guidelines on the Duty to Report Contamination under the CLM Act a person is taken to be aware of the contamination if it is considered that they are aware or should have reasonably become aware of the contamination. Factors taken into account in determining when a person should reasonably have become aware of the contamination are;

- i. The persons' abilities, including their experience, qualifications and training

- ii. Whether the person could reasonably have sought advice that would have made them aware of the contamination
- iii. The circumstances of the contamination.

## 2.2 CONSULTANTS

Contaminated land consultant certification schemes have been developed to ensure any consultants dealing with contaminated sites have the necessary competencies to carry out the work. The certification schemes recognised by the EPA under the Consultants and Site Auditor Scheme are detailed on the EPA website<sup>5</sup>.

- Site Contamination Practitioners Australia (SCPA); and
- Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP)

Where reports are required to be submitted to the EPA and/or Council they must comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a practitioner certified under an EPA recognised scheme. This requirement includes reports associated with a:

- Preliminary investigation order
- Management order
- Voluntary management proposal
- Ongoing maintenance order
- Duty to report contamination

Where required to be submitted to Council, reports must be prepared in accordance with the current relevant guidelines approved under the CLM Act and in accordance with SEPP 55. Council will require the following to be submitted:

- Preliminary investigation
- Detailed investigation
- A Remediation Action Plan
- Validation, monitoring and remediation reporting

The front cover of a submitted report must include the details of the consultant's certification. For a CLA Specialist CEnvP this involves affixing the CEnvP logo and for SCPA the certified practitioner is to affix their seal.

As the contaminated land consultant certification schemes are new, there is a 24 month transition period to enable consultants to become certified. Any requirements for reporting undertaken after 1 July 2017 must be prepared, or reviewed and approved, by a certified consultant.

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<sup>4</sup> Environmental Planning and Assessment Act  
<http://www.legislation.nsw.gov.au/viewtop/inforce/act+203+1979+first+0+N>

<sup>5</sup> EPA Consultants and the Site Auditor Scheme  
<http://www.epa.nsw.gov.au/clm/selectaclmcons.htm>

### 3. COUNCIL RECORDS AND INFORMATION MANAGEMENT

Council has a responsibility to provide information regarding land use history, land contamination and remediation.

The SEPP 55 Guidelines emphasises the importance of local government information systems in ensuring that adequate information is available to Council staff and the community in relation to both actual and potential land contamination.

Council also has a statutory responsibility to include certain information regarding land contamination on planning certificates issued under Section 149(2) and 149(5) of the EP&A Act.

Council's records regarding contaminated land are dynamic and will change over time as land is investigated, remediated and validated, and as new sites of potential contamination are identified. Existing records in relation to contaminated land should be kept on individual property files for each parcel of land. To assist Council in the management of information the following is (without limitation) records for individual parcels of land (where available / known):

- a) Site contamination reports submitted to Council (i.e. Preliminary Investigation, Detailed Investigation, Remedial Action Plans Validation and Monitoring Reports);
- b) Site Audit Statements received;
- c) EPA declarations and orders issued under the CLM Act (Including voluntary investigation management proposals approved by the EPA);
- d) Development Applications for Category 1 remediation works;
- e) Prior notification to Council of Category 2 remediation works;
- f) Notification of completion of Category 1 and Category 2 remediation works;
- g) Information regarding previous or current land uses which are likely to have resulted in land contamination; and
- h) Written complaints to Council about contamination.

Notations may be made on Council's property information system in relation to investigations and remediation work carried out for individual properties. This will assist staff to identify land that has been fully remediated or remediated for specific land uses. Some properties listed on the information system may be subject to legal notices under legislation administered by the EPA. The public should also consult with the EPA for up-to-date information on any such land in the local government area.

#### 4. PLANNING (SECTION 149) CERTIFICATES

Under Section 149 of the EP&A Act a person may request from Council a planning certificate that contains advice on land contamination matters about a property from Council. For example, a planning certificate would show the existence of a council policy to restrict the use of land.

Such matters relating to land contamination that must be included on section 149(2) planning certificates are as set out in section 59(2) of the CLM Act will also include:

- a) Whether Council has adopted a policy to restrict the use of land due to the risk of land contamination;
- b) Whether the land is an investigation area or remediation site;
- c) Whether the land is subject to an investigation order or remediation order; and
- d) Whether a site audit statement of the land is held by Council.

Council is formally advised whenever a notice is issued under the CLM Act and accordingly annotates its planning certificates. Section 149(2) planning certificates will not include specific information about actual or potential contamination (such as the types, extent and level of contamination) on a parcel of land.

Council may also elect to provide additional information on section on 149(5) certificates regarding the contamination status of a property.

# PROCEDURE

## 1. ABOUT THIS PROCEDURE

The procedure applies to a planning process in which there is a need to consider a potential or known contaminated site in the development application or a planning proposal process. It is premised on SEPP 55 Planning Guidelines and sets out steps to ensure decisions are made in good faith, adequately manage harm and that the land is appropriate for its intended use.

A separate procedure exists for the management of data and information relating to potential or to known contaminated land, including managing notifications from the NSW EPA, Site Assessment Statements, consultant reports, historical land use information, etc (See Appendix 12).

## 2. COUNCIL'S PROCEDURE FOR CONSIDERING LAND CONTAMINATION ISSUES FOR PLANNING PROPOSALS

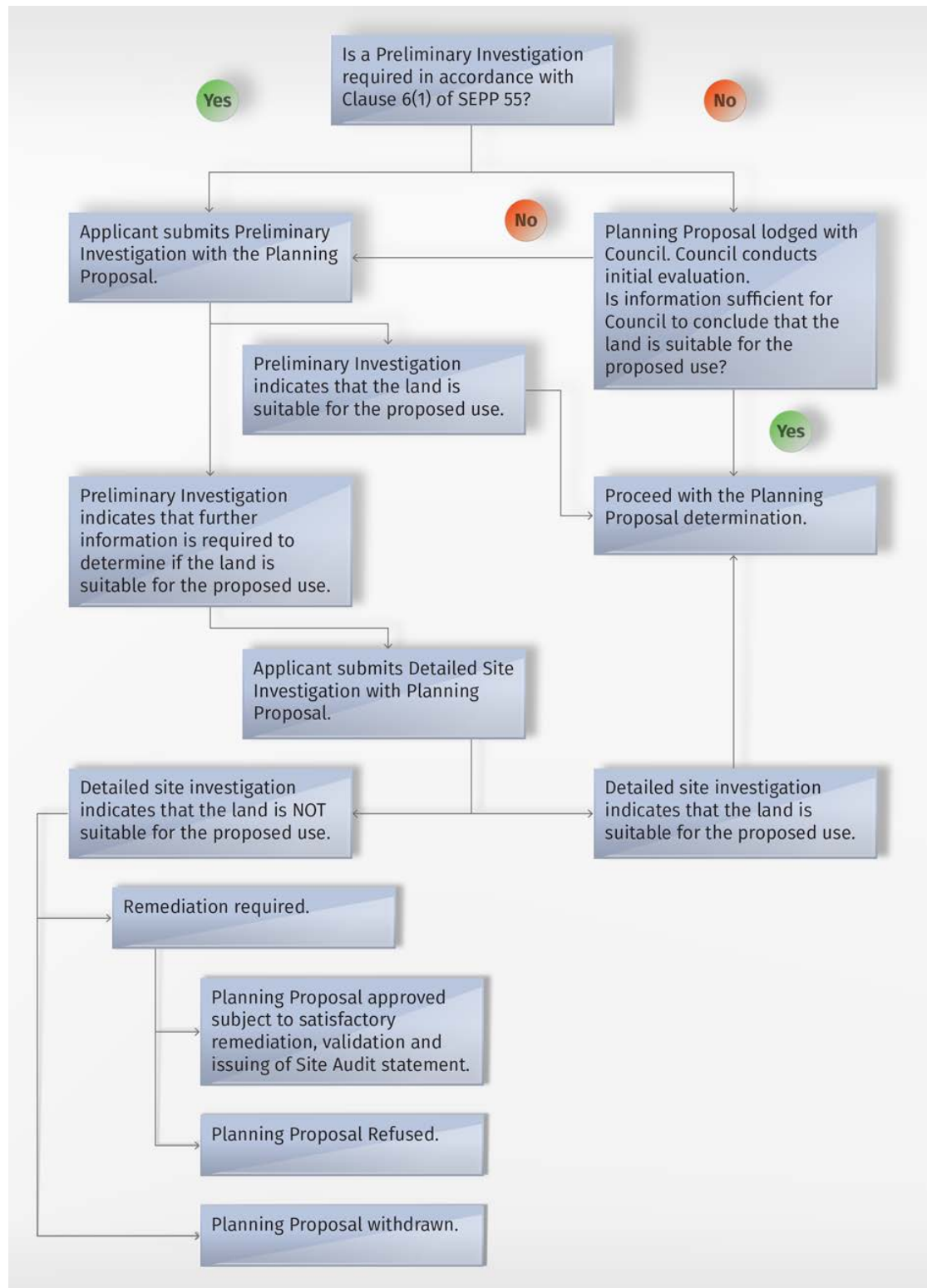
All land subject to a planning proposal must be considered as to whether the issue of contamination is relevant. If it is, investigations may be required to determine the level of contamination present on the land and identify any remediation works necessary to support the proposed zoning or land use.

An initial evaluation is an assessment of readily available factual information. Its purpose is to determine whether contamination is an issue that requires further investigation as a part of the preparation and finalisation of the planning proposal and whether a site investigation is required to be carried out.

The preliminary investigation is to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment.

The detailed site investigation shall be undertaken by an experienced and certified consultant at the cost of the applicant, and shall be undertaken in accordance with the guidelines made or approved by the EPA under Section 105 of the CLM Act.

Figure 1: Preliminary Investigation process for planning proposals



## 2.1 INITIAL EVALUATION

An initial evaluation is to comprise an assessment of readily available factual information. Its purpose is to determine whether contamination is an issue that requires further investigation prior to the preparation of the plan, or to determine the matter and whether a site investigation process is required.

The initial evaluation will be based on readily available factual information and should be carried out regardless of the nature of the proposed use or the current use. This information may include:

- the current zoning and permissible land uses;
- records from previous zoning;
- historical land uses;
- aerial photographs (including historical aerials);
- development and building applications; and
- property files and information provided by the applicant or other information available to Council.

Council may also carry out a site inspection of the land as part of the initial evaluation process.

As part of the initial investigation, applicants may request Council undertake a search of its records to determine previous approved developments at the site.

If Council is satisfied that the initial evaluation concludes that contamination is not an issue, then Council will not require any further investigation.

If, after an initial evaluation, there is nothing to suggest that the land might be contaminated, or that further enquiry is warranted, Council and the proponent may process without further reference to this policy. However; if there are indications that:

- the land is or may be contaminated; or
- there is insufficient information on which to make a decision;

a site investigation process is to be carried out in accordance with the Contaminated Land Planning Guidelines.

Insufficient information on which to make a decision exists if there are significant gaps in historical information for a site, or if land uses are not described in sufficient detail to identify the presence or absence of possible contaminating land uses during periods in which such uses could be lawfully carried out.

The circumstances in which a site investigation process is required also include those specified in clause 6 of SEPP 55 – Remediation of Land. In accordance with this clause, Council will require a preliminary investigation to be submitted with zoning and rezoning applications where the land concerned is.

- Land that is within an investigation area;
- Land on which a potentially contaminating land use is being, or is known to have been carried out;



- Land on which it is proposed to carry out development for residential, educational, recreational, child care purposes or for a hospital;
- Where there is no knowledge or incomplete knowledge as to whether potentially contaminating development has been carried out on the land; and
- Where it would have been lawful to carry out such development on the land during any period in respect of which there is no knowledge or incomplete knowledge.

See Appendix 5: Council procedure for Initial Evaluation for steps on undertaking this process.

## 2.2 PRELIMINARY INVESTIGATION

The objectives of a preliminary investigation are to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment.

Where contaminating activities are suspected to have had an impact on the land, sampling and analysis will be required to confirm and support any conclusion reached from the site history appraisal.

When undertaking a preliminary investigation landowners should consider that the information gained should be in accordance with the Guidelines on the Duty to Report Contamination under the CLM Act and may include:

- Description of activities that have occurred on the site
- Any large gaps in history that might hide a use
- Reliability of sources
- Historical permissible uses that may have occurred on site where there is a gap in land history
- Does that site pose a significant threat to human health or the environment?
- Does information conform to the relevant EPA guidelines?

As part of the preliminary investigation, applicants may request Council search its records to determine previous approved developments at the site.

Council will require further investigation (preliminary investigation) to be conducted and results submitted with planning proposals where it is found through the initial evaluation that the land concerned is:

- Land that is or that has been notified to the EPA under s60, or is regulated by the EPA under any other section, of the CLM Act;
- Land on which activities referred to in Appendix 2 are being undertaken, or are known to have been carried out; or
- Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 are being, or are known to have been carried out, and if the proposed development involved residential, educational, recreational, child care or hospital purposes.

Where an initial evaluation by Council identified that the land was previously used for agricultural or horticultural purposes, Council may request a preliminary investigation to be undertaken to determine the history of the property. If the preliminary investigation shows that the land was only used for broad acre agriculture then the application may, in most cases, proceed. Although it is likely that herbicides and pesticides were used for broad acre farming, the likelihood of elevated levels of residual pesticides in the soil would be low. However, if investigations show that the land was used for intensive agriculture or horticulture, or if there are any other reasons for Council to be concerned about contamination or misuse of potential contaminants then a further investigation may be required.

Council may also require further investigation when:

- There are reasonable grounds to believe that the land is contaminated because of its history, condition, or other factual information known (where it is available);
- The site has been investigated or remediated but there is insufficient information available about the nature and extent of contamination or remediation, or whether these circumstances have changed;
- Where the land use changes to a more sensitive land use (i.e. residential, recreational, school or hospital);
- There are restrictions on, or conditions attached to, the use of the site by regulatory or planning authority that are, or may be related to contamination, but there is insufficient information available about the nature and extent of contamination;
- Council records have demonstrated that the site is associated with pollution incidents or illegal dumping of waste; or
- The site is adjoining land that has been associated with activities that may cause contamination listed in Appendix 2 and it is likely that this may have contaminated the subject site.

The preliminary site contamination investigation shall be reported in accordance with the requirements of the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. The applicant is responsible for engaging a suitably certified, qualified and experienced consultant to undertake the preliminary site contamination investigation and is responsible for all costs borne in engaging the consultant and the works involved.

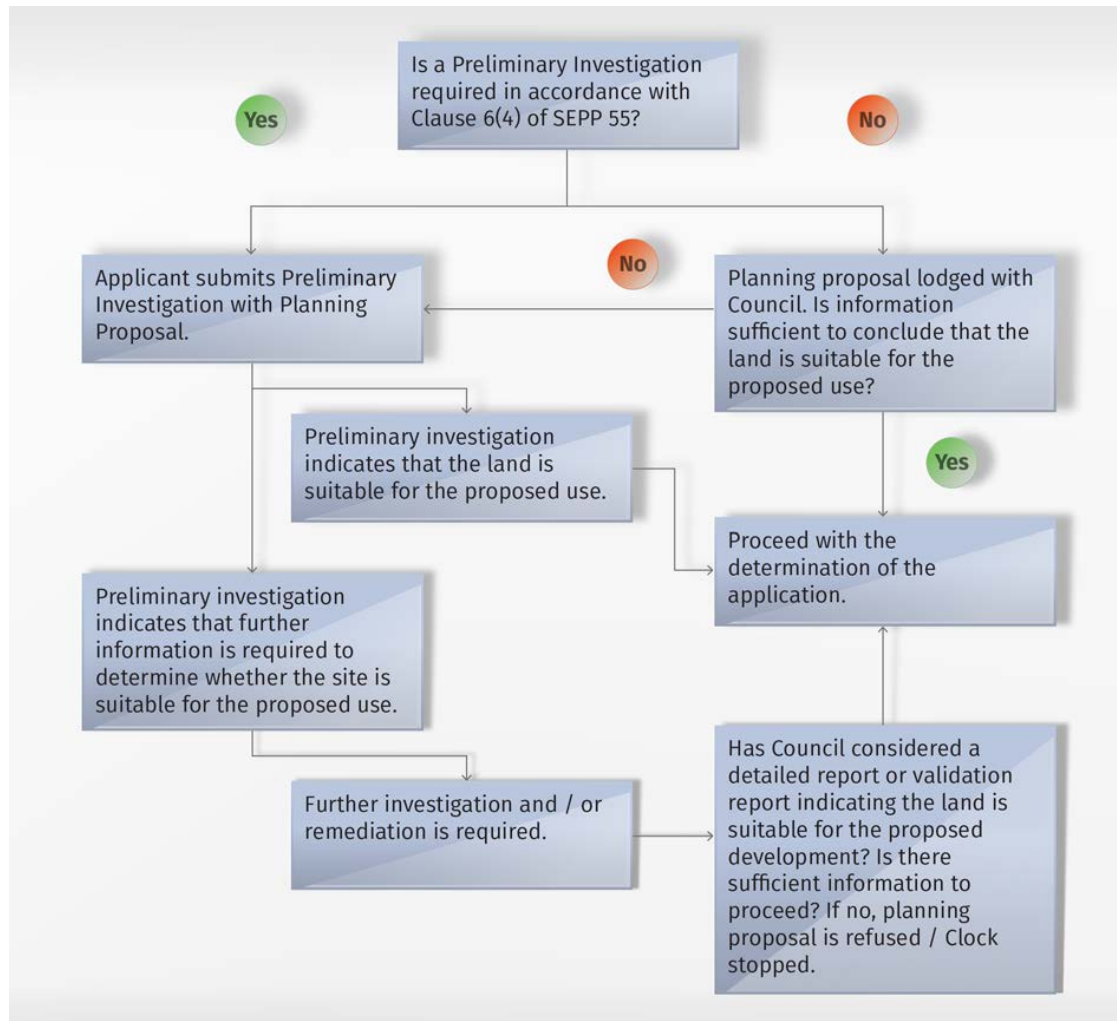
If after the preliminary investigation Council is satisfied that contamination is not an issue, then any further investigation may not be required.

See Appendix 6: Council procedure for Preliminary Site Investigation for steps on undertaking this process.

## 2.3 DETAILED INVESTIGATION

If the result of the preliminary investigation demonstrates the potential for, or existence of, contamination that may preclude the land from being suitable for the proposed zone or use, Council may require a detailed contamination investigation, which is described below. In some cases, the preliminary and detailed investigations may be combined (e.g. where it is known that the land is contaminated or that the land has been used for a potentially contaminating activity).

Figure 2: Consideration of planning proposals



The detailed site contamination investigation is to be undertaken, in accordance with the guidelines made or approved by the EPA under Section 105 of the CLM Act, by a suitably certified, qualified and experienced consultant at the cost of the applicant. The objectives of a detailed site investigation are to:

- Define the extent and degree of contamination;
- Assess the potential risk posed by contaminants to human health and the environment; and
- Obtain sufficient information for the development of a Remedial Action Plan (if necessary).

The detailed site contamination investigation shall state whether the site is suitable for the proposed use, and for all other purposes permissible in the zone if it can be made suitable through remediation.

If remediation is required, the report should also list the feasible remediation options available to make the site suitable for any purpose permitted within that zone. If a feasible option is available, the planning proposal can proceed with certain provisions.

If site contamination investigations show that the site is contaminated, but there are feasible remediation options, the landowner may enter into a Voluntary Planning Agreement (VPA) or Council may impose a Deferred Commencement condition, to ensure that remediation is addressed prior to the redevelopment of the land.

Section 4 outlines the process for remediation and validation prior to development in accordance with the approved planning proposal.

If the detailed site investigation shows that the site is contaminated, but there are no options to remediate, Council may not allow the planning proposal to proceed.

In the event that a detailed site investigation report is required to be assessed by Council, Council may hire an independent third party consultant to assess the investigations on Council's behalf, at the applicant's expense.

See Appendix 7: Council procedure for Detailed Site Investigation for steps on undertaking this process.

### 3. COUNCIL'S PROCEDURE FOR CONSIDERING LAND CONTAMINATION ISSUES FOR DEVELOPMENT APPLICATIONS

#### 3.1 GENERAL

Section 79C of the EP&A Act requires Council to consider the suitability of the site for the proposed development when assessing development applications. This includes any risk from contamination to public health and/or the environment.

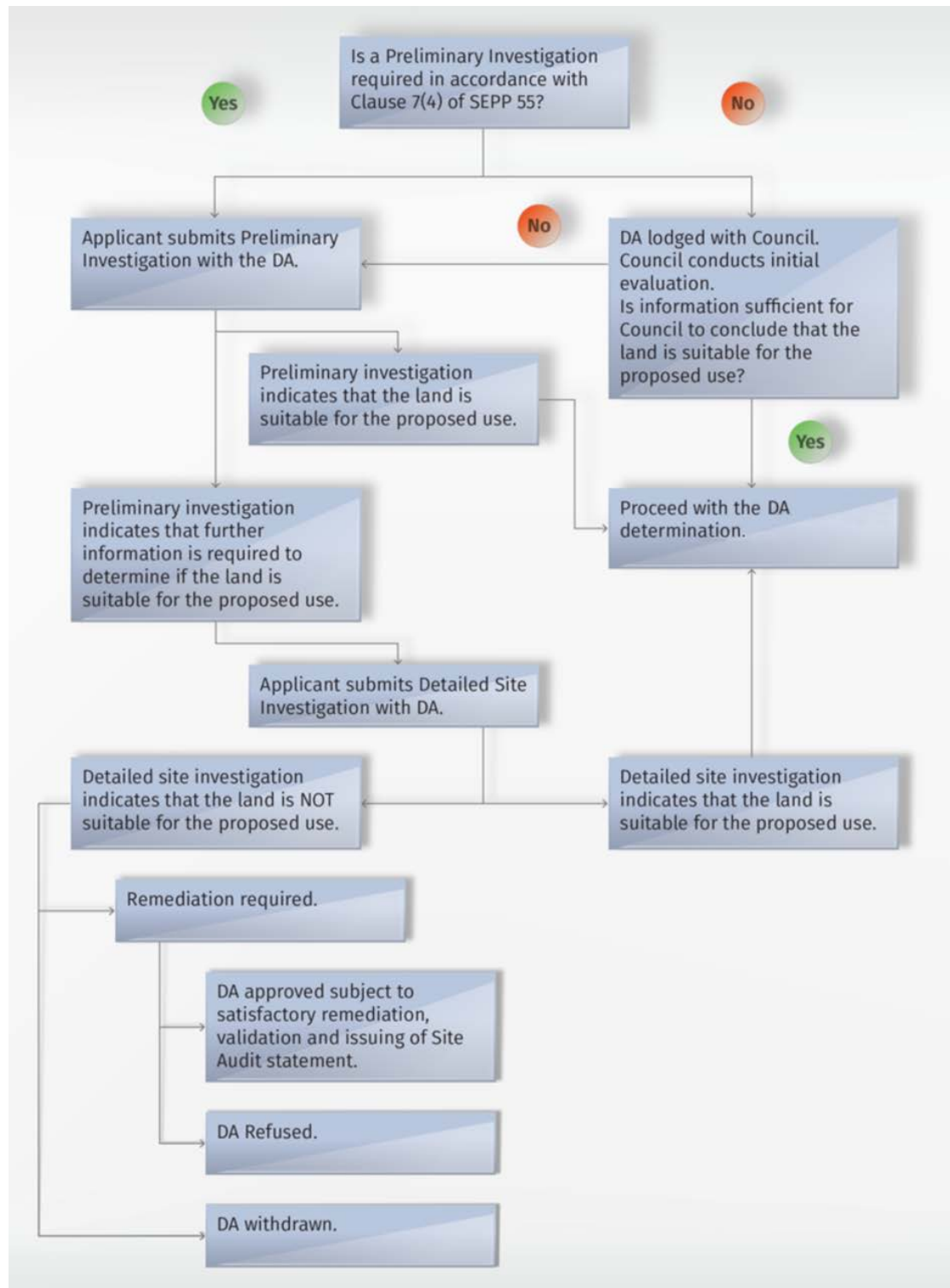
Council will not grant consent to the development of any land unless there has been consideration of whether the land is contaminated, and;

- If the land is contaminated, Council is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes of the proposed development; and
- If the land requires remediation to be made suitable for any purpose for which the development is proposed, Council is satisfied that the land will be remediated before the land is used for that purpose.

Upon lodging a development application for a change of use, the applicant can also become liable for the clean-up of any contamination on the site prior to their proposal being authorised. This is because when a change of use is approved, it can result in an increased risk of harm, even if the contamination itself does not change.

The following sections outline situations when Council will require site contamination information to be submitted with applications.

Figure 3: Preliminary Investigation process for development applications



### 3.2 INITIAL EVALUATION

Council will conduct an initial evaluation as part of the assessment process for a development application to determine if contamination is likely to be an issue and whether sufficient information is available to make a decision in good faith.

The initial evaluation will be based on readily available, factual information provided by the applicant and any other available information (e.g. previous contamination investigations, previous zoning and land use and restrictions relating to contamination issued by the EPA). For that purpose, the contamination may be within a building/structure or other structure on the land, rather than only within the soil of that land.

Where an initial evaluation by Council identified that the land was previously used for agriculture or horticulture purposes, Council may request a preliminary investigation to be undertaken to determine the history of the property. If the preliminary investigation shows that the land was only used for broad acre agricultural then the application may proceed. Although it is likely that herbicides and pesticides were used for broad acre farming, the likelihood for elevated levels of residual pesticides in the soil would be low. However, if investigations show that the land was used for intensive agriculture or horticulture, or if there are any other reasons for Council to be concerned about contamination or misuse of potential contaminants then a further investigation may be required.

See Appendix 5: Council procedure for Initial Evaluation for steps on undertaking this process.

### 3.3 PRELIMINARY INVESTIGATION

The objectives of a preliminary investigation are to identify any past or present potentially contaminating activities and to provide a preliminary assessment of site contamination. The preliminary investigation typically contains a detailed appraisal of the site history and a report based on visual site inspection and assessment.

Council will require further investigation where it is found through the initial evaluation that the land concerned is:

- Land that is within an investigation area, under Div. 2 of Part 3 of the CLM Act, that has been notified as such by the EPA;
- Land on which activities referred to in Appendix 2 are being, or are known to have been carried out; or
- Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 are being carried out, and if the proposed development involved residential, educational, recreation, child care or hospital purposes.

Council may also require further investigation when:

- There are reasonable grounds to believe that the land is contaminated because of the land's history, condition, or other information known (where it is available);
- The site has been investigated or remediated but there is insufficient information available about the nature and extent of contamination or remediation, or where these circumstances have changed;

- The land use has changed to a more sensitive land use (i.e. residential, recreational, school or hospital);
- There are restrictions on, or conditions attached to the use of the site by a regulatory or planning authority that are, or may be related to contamination, but there is insufficient information available about the nature and extent of contamination;
- Council records have demonstrated that the site is associated with pollution incidents or illegal dumping of wastes; or
- The adjoining land has been associated with activities that may cause contamination listed in Appendix 2 and is likely that this may have contaminated the subject site.

The preliminary site contamination investigation shall be carried out in accordance with the requirements of the *NSW EPA Guidelines for Consultants Reports on Contaminated Sites*. The applicant is responsible for engaging a suitably qualified and experienced consultant to undertake the preliminary site contamination investigation and is responsible for all costs borne in engaging the consultant.

As part of the preliminary investigation, applicants may request Council undertake a search of its records to determine previous approved developments at the site.

If after the preliminary investigation Council is satisfied that contamination is not an issue, then any further investigation may not be required.

See Appendix 6: Council procedure for Preliminary Investigation for steps for undertaking this process.

### 3.4 DETAILED INVESTIGATION

If the results of the preliminary investigation demonstrate the potential for, or existence of, contamination which may preclude the land from being suitable for the proposal, Council may require a detailed contamination investigation, which is described below. In some cases, the preliminary and detailed investigations may be combined (e.g. where it is known that the land is contaminated or that the land has been used for an activity that could cause contamination).

The lodgement of a development application may trigger the management and/or remediation of any significant contamination on the site prior to the development being authorised. The detailed site contamination investigation is to be undertaken by a suitably certified, qualified and experienced consultant (at the cost of the applicant) in accordance with the guidelines made or approved by the EPA under Section 105 of the CLM Act.

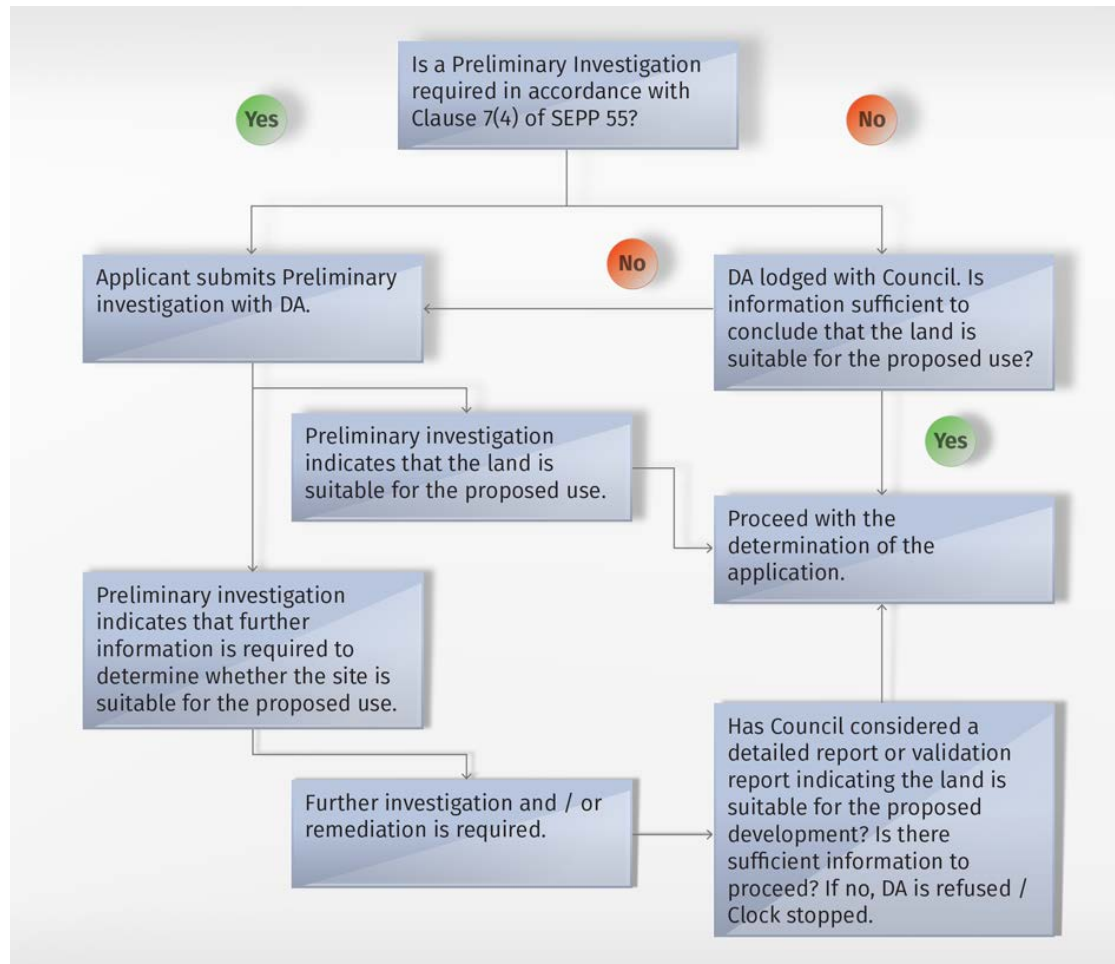
The objectives of a detailed site investigation are to:

- Define the extent and degree of contamination;
- Assess the potential risk posed by contaminants to human health and the environment; and
- If necessary, obtain sufficient information for the development of a Remedial Action Plan.

The detailed site contamination investigation shall state whether the site is suitable for the proposed use and for all other purposes permissible in the zone, or if remediation is necessary. If remediation is required, a remediation action plan will need to be prepared for Council outlining the feasible remediation options available to make the site suitable for the proposed use.

If the detailed site contamination investigation states (and Council is satisfied) that the site is suitable for the proposed use, then Council may determine the development application through Council's usual procedures.

**Figure 4: Consideration of development applications**



If the results of the detailed site contamination investigation demonstrate the existence of contamination that may preclude the land from being suitable for the proposed use, the applicant may choose to either withdraw the application or to remediate the land. Council's response will then depend on whether the remediation work constitutes Category 1 or Category 2 remediation work. A detailed explanation of what constitutes Category 1 remediation or Category 2 remediation is provided in Section 4.5 and 4.6 respectively.

If the remediation proposed is Category 1 remediation work (i.e. remediation work that requires development consent), Council may:

- Require the applicant to amend the application (if already submitted) to include a remediation proposal; or
- Require a new development application for the remediation to be submitted before the application is considered for the final use of the site.



If the proposed remediation is Category 2 remediation work (i.e. remediation work that does not require consent), Council may;

- Impose conditions on the development consent for the use, requiring the site to be remediated and validated either before other work commences or before occupation of the site; or
- Issue deferred commencement consent for the use of the site, and require the site to be remediated and validated before other work commences.

If the investigation finds that the land is unsuitable for the proposed use and may not be appropriately remediated, or the applicant does not wish to remediate:

- The application may be withdrawn and a new development application lodged for a use that is suitable for the land without remediation; or
- The application should be refused.

See Appendix 7: Council procedure for Detailed Investigation for steps outlining this process.

## 4. REMEDIATION PROCESSES

### 4.1 REMEDIATION

A Remedial Action Plan (RAP), is documentation describing remedial actions that should be prepared for all remediation proposals. A formal RAP must be developed by an experienced and certified consultant and be submitted to Council for all Category 1 remediation work (i.e. remediation work that required development consent). The RAP should also contain an environmental management plan and workplace health and safety plan for the remediation works and shall be submitted to Council prior to DA approval.

The objectives for the RAP are to:

- Set remediation objectives;
- Determine the most appropriate remedial strategy; and
- Identify necessary approvals that need to be obtained from any other regulatory authorities.

Remedial Action Plans are to be consistent with the SEPP 55 Planning Guidelines and all remediation is to be carried out in accordance with the EPA guidelines made under the CLM Act. The applicant is responsible for engaging an experienced and certified consultant to prepare the RAP and for all associated costs, including any remediation works as well as site audit costs if requested by Council.

The previous Figure 3 outlines the relationships between the Planning System and the CLM Act, and the role of Council in the process of site remediation.

See Appendix 8: Council procedure for Remediation for steps for undertaking this process.

#### 4.2 VALIDATION AND MONITORING REPORT

The objective of the validation and monitoring report is to demonstrate that the objectives of the RAP have been achieved and that any conditions of development consent in regard to contaminated land have been complied with.

Council will require a validation and monitoring report to be submitted by the applicant after remediation works have been completed, and prior to the commencement of any development works. Council will place a condition on the development consent requiring the submission and approval of a validation and monitoring report prior to the issue of a construction certificate, or if a construction certificate is not required, prior to occupying the site, or within a specified timeframe as stipulated in conditions of consent. The validation report will be required to be submitted to the satisfaction of the Council.

Alternatively, Council may issue a deferred commencement or staged consent for the proposed use or development, requiring that remediation and validation is undertaken prior to any other work commencing.

Ideally the same certified consultant should undertake the site investigation, remediation and validation of the site. The Validation Report must confirm that the remediated site complies with the clean-up criteria set for the site in the RAP and be prepared in accordance with the *EPA Guidelines for Consultants Reporting on Contaminated Sites*.

Council may require independent review of the remediation and validation by an EPA accredited auditor.

#### 4.3 VOLUNTARY REMEDIATION

Section 60 of the CLM Act places a duty on the owner and the polluter of contaminated land to report contamination to the EPA.

Owners of land that has been identified as being contaminated or potentially contaminated may wish to voluntarily undertake investigation and/or remediation at any time, regardless of whether they intend to carry out development, or apply for a planning proposal regarding that land.

Investigation by the owner must be undertaken in accordance with the relevant EPA guidelines by an experienced and certified consultant. Remediation must be carried out according to the NSW legislation and the process outlined in this Policy. Requirements for remediation are provided below in Section 4.4.

Council will consider the results of any investigation or remediation prior to providing a Section 149 planning certificate for the property.

See Appendix 9: Council procedure for Voluntary Remediation for steps for undertaking this process.

#### 4.4 REQUIREMENTS FOR REMEDIATION

In some situations remediation work itself has the potential for environmental impact and the planning process must ensure that these impacts are adequately identified and mitigated. Remediation work is classified as either Category 1 remediation work (i.e. remediation that requires development consent), or Category 2 remediation work (i.e. remediation work where no consent is required however the work must still be carried out in accordance with the requirements of SEPP 55).

All remediation work must be carried out by an experienced and certified consultant in conjunction with a Remedial Action Plan. Council's procedure for considering site remediation proposal is shown in Figure 3.

#### 4.5 CATEGORY 1 REMEDIATION WORK

Development consent is generally only required for remediation work where there is potential for significant environmental impacts from the work.

Remediation work that requires development consent is known as Category 1 remediation work. Category 1 work includes any work that is:

- Designated development; or
- Carried out on land that is declared to be critical habitat (for threatened species); or
- Likely to have a significant impact on critical habitat or a threatened species, population or ecological community; or
- Development for which another State Environmental Planning Policy or a regional environmental plan requires development consent; or
- In an area or zone to which any of the following classifications apply under an environment planning instrument:
  - A. Coastal protection;
  - B. Conservation or heritage conservation;
  - C. Habitat area, habitat protection area, habitat or wildlife corridor;
  - D. Environment protection;
  - E. Escarpment, escarpment protection or escarpment preservation;
  - F. Floodway;
  - G. Littoral rainforest;
  - H. Nature reserve;
  - I. Scenic area or scenic protection;
  - J. Wetland; or
- On any land in a manner that does not comply with a policy made under the contaminated land planning guidelines by the council for any local government area in which the land is situated.

All category 1 remediation work must be carried out in accordance with:

- The contaminated land planning guidelines;
- The guidelines published under the CLM Act; and
- A Remedial Action Plan prepared in accordance with the contaminated land planning guidelines and approved by the consent authority.

All other remediation work may be carried out without development consent and is known as Category 2 remediation work.

Note: under Clause 9(f) of SEPP 55, Council can nominate Category 1 remediation works, It is not a good idea to nominate everything, but if there is a concern, e.g.: removal of USTs/UPSS not being undertaken correctly or shallow groundwater, adjacent to a waterway etc., then the Council is able to nominate these works as Category 1.

#### 4.6 CATEGORY 2 REMEDIATION WORK

Category 2 remediation works is all remediation work that is not defined as Category 1 remediation work. Category 2 remediation work does not require development consent.

- Part 5 of the EP&A Act applies where development consent is not required under a planning instrument but where approval from a public authority is required. Each determining authority will consider the potential significance of any environment impacts from the proposed remediation.
- If the remediation is likely to significantly impact the environment, an Environmental Impact Statement (EIS) would be required.
- If consent is not required under SEPP 55 (e.g. Category 2 remediation works), it is unlikely that the remediation works will significantly impact the environment and therefore an EIS would not be required, however this would be determined on a case-by case basis.

Under Part 5 of the EP&A Act, Category 2 remediation works must take full account of all matters likely to impact the environment.

SEPP 55 requires that Council must be notified at least 30 days before Category 2 remediation works commence. Prior notice of Category 2 remediation works must also address the information in Appendix 3 – Requirements for Category 2 Remediation Works.

A copy of the Validation and Monitoring Report and Site Audit Statement from an EPA accredited auditor must be forwarded to Council within 30 days of the completion of remediation works. Council will not consider any subsequent development applications for the site until it is satisfied that the site suitable for the proposed use.

See Appendix 9: Council procedure for Remediation for steps for undertaking Category 1 and Category 2 remediation works.

#### 4.7 SITE AUDITING

A site audit is an independent review of any or all stages of the site investigation process, conducted in accordance with the CLM Act. A site audit may review a preliminary investigation, a detailed investigation, a Remedial Action Plan, or validation report.

A site audit will lead to the provision of a certificate called a Site Audit Statement, stating for what use the contaminated land is suitable. A Site Audit Statement must be prepared by an EPA accredited site auditor in accordance with the legislation.

Council may request a site audit to be undertaken at any stage during the contamination investigation or remediation works if Council:

- Believes on reasonable grounds that information, including that related to potential contamination or previous land use history, provided by the applicant is incorrect or incomplete;
- Wishes to verify whether the information provided by the applicant has adhered to appropriate standards, procedures and guidelines; or
- Does not have the internal resources to undertake a technical review.

If Council requires a site audit, the cost shall be borne by the applicant.

A site auditor can comment on, or verify information provided by the applicant:

- to determine if the contaminated land consultant complied with all appropriate standards, procedures and relevant EPA guidelines;
- to determine if further investigations or remediation is required before the land is suitable or determine any specified use or range of uses.
- to determine if the proposed remediation is adequate and, if undertaken, will render the site suitable for the proposed use.
- to determine if there is any acceptable off-site migration of contaminants, particularly via ground water; or
- to determine if the contamination conditions at the site are suitable for in-ground absorption of stormwater.

Before issuing a Site Audit Statement, the site auditor must prepare a Site Audit Summary Report. This report is a requirement of the EPA. It contains the key information and the basis of consideration that leads to the issue of the Site Audit Statement. The EPA Guideline for the NSW Site Auditor Scheme provides guidelines on the content of the statement and audit report.

See Appendix 10: Council procedure for Site Auditing for undertaking process steps.

## 5. PLANNING (SECTION 149) CERTIFICATES

Under Section 149 of the EP&A Act a person may request from Council a planning certificate that contains advice on land contamination matters about a property. For example, a planning certificate would show the existence of a council policy to restrict the use of land.

Such matters relating to land contamination that must be included on section 149(2) planning certificates area as set out in section 59(2) of the CLM Act and will also include:

- a) Whether Council has adopted a policy to restrict the use of land due to the risk of land contamination;
- b) Whether the land is an investigation area or remediation site;
- c) Whether the land is subject to an investigation order or remediation order; and
- d) Whether a site audit statement of the land is held by Council.

Council is formally advised whenever a notice is issued under the CLM Act and accordingly annotates its planning certificates. Section 149(2) planning certificates will not include specific information about actual or potential contamination (such as the types, extent and level of contamination) on a parcel of land.

Additional information regarding the contamination status of the site can be placed on the Section.149(5) section of a planning certificate.

See Appendix 11: Section 149 Certificates procedure for undertaking this process steps.

## APPENDIX 1: TERMS AND DEFINITIONS

Category 1 Remediation Work under SEPP 55 <i>As defined in the SEPP 55 guidelines.</i>	Remediation work that requires development consent. Defined in Section 4.5 of this document.
Category 2 Remediation Work under SEPP 55 <i>As defined in the SEPP 55 guidelines.</i>	Remediation work that does not require development consent under SEPP 55. Defined in Section 4.6 of this document.
CLM Act	<i>Contaminated Land Management Act 1997</i>
Contaminated Land <i>As defined in the SEPP 55 guidelines.</i>	Land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.
Contamination <i>As defined in the CLM Act.</i>	The presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality being a presence that represents a risk of harm to human health or any other aspect of the environment.
Detailed Investigation <i>As defined in the SEPP 55 guidelines.</i>	An investigation to define the extent and degree of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information for the development of a remedial action plan if required.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Independent review <i>As defined in the SEPP 55 guidelines.</i>	An evaluation by an independent expert required by a planning authority of any information submitted by an applicant conducted at the applicant's expense.
Initial evaluation <i>As defined in the SEPP 55 guidelines.</i>	An assessment of readily available factual information to determine whether contamination is an issue relevant to the decision being made.
Investigation Order <i>As defined in the SEPP 55 guidelines.</i>	An order by the EPA under the Contaminated Land Management Act 1997 to investigate contamination at a site of within an area.
Notice of completion <i>As defined in the SEPP 55 guidelines.</i>	A notice to Council in accordance with the State Environmental Planning Policy No. 55 – Remediation of Land that remediation work has been completed.
Notification of remediation	Prior notice of Category 2 remediation work given to Council in

As defined in the SEPP 55 guidelines.	accordance with the State Environmental Planning Policy No.55 – Remediation of Land.
Planning authority As defined in the SEPP 55 guidelines.	A public authority or other person responsible for exercising a planning function.
Preliminary Investigation As defined in the SEPP 55 guidelines.	An investigation to identify any past or present potential contaminating activities and to provide a preliminary assessment of any site contamination.  The preliminary investigation typically contains detailed appraisal of the site history and a report based on visual site inspection and assessment.
Remedial Action Plan As defined in the SEPP 55 guidelines.	A plan that sets remediation goals and documents that outline the process required to remediate a site.
Remediation Order As defined in the SEPP 55 guidelines.	A direction from the EPA under the <i>Contaminated Land Management Act 1997</i> to remediate.
Remediation Site As defined in the SEPP 55 guidelines.	A site declared by the EPA under the Contaminated Land Management Act 1997 as posing a significant risk of harm.
Remediation Work As defined in the SEPP 55 guidelines.	Work in, on or under contaminated land, being work that: Removes the cause of contamination of the land; or Disperses, destroys, reduces, mitigates or contains the contamination of the land; or Eliminates or reduces any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on that land).
SEPP 55	State Environmental Planning Policy No.55 – Remediation of Land
Site Audit As defined in the CLM Act.	A review That relates to management of the actual or possible contamination of land; and That is conducted for the purpose of determining any one or more of the following matters The nature and extent of any contamination of the land The nature and extent of any management of actual or possible contamination of the land Whether the land is suitable for any specified use or range of uses What management remains necessary before the land is suitable



	<p>for any specified use or range of uses</p> <p>The suitability and appropriateness of a plan of management, long-term management plan or a voluntary management proposal.</p>
<p>Site Auditor</p> <p><i>As defined in the SEPP 55 guidelines.</i></p>	<p>A person accredited by the EPA under the <i>Contaminated Land Management Act 1997</i> to conduct site audits.</p>
<p>Site Auditor Statement</p> <p><i>As defined in the SEPP 55 guidelines.</i></p>	<p>A certificate issued by a site auditor for what use the land is suitable.</p> <p>OR</p> <p>A site audit statement prepared by a site auditor in accordance with the <i>Contaminated Land Management Act 1997</i>.</p>
<p>Site Audit Report</p> <p><i>As defined in the SEPP 55 guidelines.</i></p>	<p>A report containing the key information and the basis of consideration which leads to the issue of a site audit statement.</p> <p>OR</p> <p>A site audit report prepared by a site auditor in accordance with the <i>Contaminated Land Management Act 1997</i>.</p>
<p>Site History</p> <p><i>As defined in the SEPP 55 guidelines.</i></p>	<p>A land use history of a site that identifies activities or land uses that may have contaminated the site, establishes the geographical location of particular processes within the site, and determines the approximate time periods over which these activities took place.</p>
<p>Site Investigation Process</p> <p><i>As defined in the SEPP 55 guidelines.</i></p>	<p>The process of investigating land that may be, or is, contaminated, for the purpose of providing information to a planning authority.</p>
<p>Validation</p> <p><i>As defined in the SEPP 55 guidelines.</i></p>	<p>The process of determining whether the objectives for remediation and any development consent conditions have been achieved.</p>

## APPENDIX 2: ACTIVITIES THAT MAY CAUSE CONTAMINATION

Activities that may cause contamination, as listed by the Planning Guidelines SEPP 55 – Remediation of Land, are listed below. This should be used as a guide only. A conclusive contaminated or non contaminated status can only be determined after a site history investigation and sampling analysis (where required).

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation
- clandestine laboratories and hydroponic plantings\*

Source: Department of Urban Affairs and Planning & Environment Protection Authority. 1998. Managing Land Contamination Planning Guidelines. Table 1.

\* Not currently listed in SEPP 55 Guidelines Remediation of land.

### APPENDIX 3: REQUIREMENTS FOR CATEGORY 2 REMEDIATION

An applicant undertaking Category 2 remediation work must comply with the following requirements in order to maintain the amenity of adjoining owners, to prevent a risk to human health and to protect the environment.

The following detail should also be included in the development of a Remedial Action Plan in accordance with Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997.

#### 1. Hours of Operation

All remediation work (including the delivery/removal of materials or equipment) shall be limited to the following hours of work (unless through an alternative mutual agreement in writing with Council) to:

- Monday to Saturday 7.00am to 5.00pm
- Sunday and Public Holidays – no remediation work is permitted

Note: That hours of work listed above are in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008<sup>6</sup>.

#### 2. Noise and Vibrations

Any noise and vibrations from the site shall be limited by:

- Complying with the NSW EPA's Industrial Noise Policy where applicable;
- Ensuring that all machinery and equipment is operated in an efficient manner to minimise noise from the site on adjoining properties;
- Ensuring that the use of any plant and/or machinery does not cause vibrations in excess of legislation and Australian Standards, on any premises.

#### 3. Erosion and Sediment Control Plans

An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted to Council for approval prior to remediation works commencing onsite. The ESCP shall be developed with regard to the requirements detailed in Council's Soil and Water Management Policy and Council's Engineering Guidelines and Technical Specifications.

Sediment control structures shall be provided to prevent sediment entering drainage systems particularly where surfaces are exposed or where soil is stockpiled.

All erosion and sediment control measures must be maintained in a functional condition throughout the remediation works.

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<sup>6</sup> State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
<http://www.legislation.nsw.gov.au/inforce/17c080b8-4ec2-e8af-a364-e7cf43a568a2/2008-572.pdf>

#### 4. Stockpiles

No stockpiles of soil or other materials shall be placed on public land (i.e. footpaths, reserves or nature strips). All stockpiles shall be placed away from drainage lines, gutters or stormwater pits or inlets. All stockpiles of soil or other material shall be maintained to prevent dust, odours or seepage. All stockpiles of contaminated soils shall be secured to prevent dust, odour or seepage if being stored for more than 24 hours.

#### 5. Bunding

Any areas used for remediation or the stockpiling of construction materials or contaminated soils shall be controlled to contain surface water runoff and run-on and be designed and constructed so as to prevent the leaching of contaminants into the subsurface/groundwater. Locate stockpiles and construction materials away from drainage lines and provide bunding of disturbed areas and excavations to prevent runoff to waterways or stormwater where necessary. Ensure stabilisation as soon as possible. All surface water discharges from the area to Council's stormwater system shall not contain detectable levels of contaminants.

#### 6. Site Access and Vehicle Use

Vehicle access to the site shall be designated to prevent the tracking of sediment onto public roadways and footpaths. Soil, earth, mud or similar material must be removed from the roadway by sweeping, shovelling, or a means other than washing on a daily basis or as required by an appropriate authority. Soil residue from vehicle wheels shall be collected and disposed of in an appropriate manner.

All vehicles are to:

- Enter and exit the site in a forward motion;
- Comply with all road rules, including vehicle weight limits;
- Minimise the use of Local Roads by utilising State Roads where available;
- Be cleaned pre and post works to prevent the movement of weed seeds;
- Securely cover or seal all loads to prevent the release of any dust, fumes, soil or liquid emissions during transportation;
- Conduct deliveries of soil, materials, equipment or machinery during the hours of remediation work outlined in Section 1;

Note. Applicants may consult Council prior to selecting the most suitable transport route.

#### 7. Air Quality

Emissions of dust, odour and fumes from the site are to be appropriately controlled as per the EPA regulations and guidelines. These may include but are not limited to:

- Using water sprays to suppress dust;
- Establishing dust screens around work zones, the perimeter or the development site and any material handling areas;

- Securely covering loads entering/exiting the site;
- Covering stockpiles of contaminated soil that remain on site for more than 24 hours;
- Keeping excavation surfaces and stockpiles moist.

## **8. Groundwater and Surface Water**

Contaminated water is to be disposed of offsite at an appropriate waste treatment processing facility. Alternatively water that has been analysed for suspended solids, total solids, pH and contaminants identified in preliminary/detailed site investigations may be excavation pumped to stormwater if levels of all parameters tested meet EPA and Australian and New Zealand Guidelines (ANZECC) for fresh and marine water quality. Application may be made to Council for the water to be disposed of via sewer via a Trade Waste Agreement.

## **9. Existing Vegetation**

There shall be no removal or disturbance to trees or native understorey without the prior written consent through Council's Tree Preservation Order process. All trees that will be retained on the site must be suitably protected from damage during remediation works. This includes provision of protective fencing to protect the root zone of these trees. The fencing must extend to a minimum of the drip line of each tree. No stockpiling, storage, excavation, vehicle parking, or vehicle movement is to occur within the root zone protection area. Tree protection fencing must remain in place until the end of remediation works.

All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works.

## **10. Capping of Contaminated Soil**

Capping of contaminated soil should only occur after alternative remediation works have been investigated, particularly in urban zoning or areas identified as future growth in Wentworth's LEP/DCP.

Contaminated soil is only permitted to be capped if it does not prevent any permitted use of the land and it can be demonstrated that there will be no ongoing impacts on human or environment health. Capping of contaminated soil that exceeds zoning permissible levels, is classified as Category 1 Remediation Work and may only be permitted in accordance with a Development Consent.

Where site capping is carried out on a site and further maintenance is required, Council will require the placement of a covenant on the title of the land. The covenant will advise of any maintenance works required to be carried out. Records of any maintenance undertaken on the site shall be kept for future reference and provided to Council on an annual basis. The cost of the preparation of covenant is borne by the applicant.

## **11. Contaminated Soil Disposal**

Disposal of contaminated soil must be in accordance with the Protection of the Environment Operations Act and Regulations and any EPA guidelines relevant at the time (such as the NSW EPA publication NSW EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (2004)).

Any enquires associated with the off-site disposal of waste from a contaminated site should be referred to the EPA helpline (phone 131 555). If contaminated soil or other waste is transported to or from a site a licensed waste transport contractor must be used.

The Wentworth Shire Council's Waste Management Facility only accepts waste in accordance with its Environment Protection Licence (20209). Section L5 Waste requires that waste be 'General Solid Waste'. Analysis of the contaminated soil is to be undertaken to verify that the waste is 'General Solid Waste'. All documentation is to be provided to Council's Waste Management Team and approved prior to the waste entering the landfill.

## **12. Work Health and Safety**

It is the employer's responsibility to ensure that all site remediation works comply with the Work Health and Safety legislation and other applicable SafeWork (previously known as WorkCover) NSW requirements.

## **13. Importation of Fill**

All fill imported to the site shall be validated as Virgin Excavated Natural Material (VENM/ENM) as defined in the Protection of the Environment Operations Act 1997 (POEO Act) to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Council may in certain instances require details of the appropriate validation of imported fill material to be submitted with any application for the future development of the site.

Fill is permitted for use provided that:

- It itself is not contaminated;
- It is weed and pest free;
- It is compatible with the existing soil characteristic so as not to adversely affect site drainage.

## **14. Site Security and Lighting**

The site shall be secured to ensure against all unauthorised access by using appropriate fencing.

It is recommended that security lighting is used to deter unauthorised access. If security lighting is used it shall be shielded to protect the amenity of adjoining landowners.

## **15. Rodents and Vermin**

Rodents and vermin are to be adequately controlled and disposed of in an environmentally appropriate manner.

## **16. Consultation**

Written notification to adjoining owners/occupants is to occur at least two days prior to the commencement of remediation works. Notification is to include:

- Estimated length of works;
- Contact details of Site Manager;

Signage visible from the road and adjacent to site access is to display the Site Manager and Remediation Contractor contact details for the duration of the works.

#### 17. Removal of Underground Petroleum Storage Systems (UPSS)

The removal of all UPSS is to be completed in accordance with the:

- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2014)<sup>7</sup>
- Australian Institute of Petroleum's Code of Practice: The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994)<sup>8</sup>;
- NSW Work Cover requirements;
- Australian Standard/s including AS 2601 – 1991 Demolition of Structures and AS 1940 – 2004 Storage and Handling of Flammable and Combustible Liquids.

Following the removal of underground storage systems containing fuel, the site area, which includes bowser lines and fuel lines, shall be assessed, remediated if need be, and validated in accordance with the requirements above. All documents must be submitted to Council, including but not limited to a tank pit validation prepared in accordance with the POEO regulations.

#### 18. Hazardous Materials

Hazardous and/or intractable wastes arising from the remediation work shall be removed and disposed of in accordance with the requirements of the NSW EPA and SafeWork (previously known as WorkCover) NSW, together with the relevant regulations, namely:

- NSW Work Health and Safety Act 2011;
- NSW Work Health and Safety Regulation 2011;
- Contaminated Land Management Act and Regulations; and
- Environmentally Hazardous Chemicals Act 1985 and Regulations.

Under the Protection of the Environment Operations Act 1997 the transportation of Schedule 1 Hazardous Waste is a scheduled activity and must be carried out by a transporter licensed by the NSW EPA.

#### 19. Site clean-up/rehabilitation

The remediation work site must be stabilised to ensure that no offsite impacts occur on the site post completion.

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<sup>7</sup> Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 <http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+565+2014+cd+0+N>

<sup>8</sup> NB: Australian Institute of Petroleum's Code of Practice: The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) has been withdrawn by AIP

## 20. Site Validation

All Category 2 remediation work shall be validated by a site auditor accredited by the EPA under Part 4 of the CLM Act and a copy provided to Council within 90 days of completion and prior to the commencement of building construction works. The validation report is to:

- Contain a copy of any reports or records taken during remediation or following completion of validation works;
- Contain a validation statement detailing all works have been undertaken and completed satisfactorily;
- Demonstrate that the objectives of any relevant Remedial Action Plan (RAP) have been achieved, any conditions of development consent have been complied with or whether any further remediation work or restrictions on land use are required;
- Provide evidence confirming that all NSW EPA, SafeWork (previously known as WorkCover) and other regulatory authorities license conditions and approvals have been met;
- Identify the need for continued monitoring in situations where clean-up is not feasible or on-site containment has occurred;
- State the suitability of the site for its current or proposed use.

Successful validation is the statistical confirmation that the remediated site complies with the clean-up criteria set for the site.

The site auditor must:

- Be currently accredited by the NSW EPA;
- Comply with all relevant publications of the NSW EPA;
- Not have a conflict of interest or a pecuniary interest, within the meaning of Section 54 of the Contaminated Land Management Act 1997.

The full cost of the validation will be borne by the applicant and not Council.



## Category 2 Remediation Works Checklist

Requirement	Completed
Remediation works are not classified as designated development under the <i>Environmental Planning and Assessment Act 1979</i> or any other planning instrument (i.e. not Category 1 remediation works)..	
Remediation works are not proposed on land that is: Identified as critical habitat under the <i>Threatened Species Conservation Act 1995</i> ; or Likely to have a significant impact on threatened species, populations, ecological communities or their habitats; or In an area or zone classified under an Environmental Planning Instrument as conservation or heritage conservation, habitat area, habitat protection area, habitat or wildlife corridor, environment protection, floodway, nature reserve, scenic area or scenic protection, or wetland; or Requiring consent under another State Environmental Planning Policy.	
Remediation work is consistent with the <i>Requirements for Category 2 Remediation of Contamination Land</i> , or you have received written confirmation from Council.	
Details of category 2 remediation work has been submitted 30 days prior to commencement, unless otherwise exempt.	
Written notification to adjoining owners/occupants has occurred at least two days prior to the commencement of remediation works detailing the estimated length of the works and contact details of the Site Manager.	
Have provided written correspondence to Council and members of the public who raised written concerns relating to the remediation works within 2 working days of commencement.	
Signage is visible from the road and adjacent to site access; displaying the Site Manager and Remediation Contractor contact details.	
Have provided notice of completion of remediation work within 30 days after the completion of the works to Council and any other consent authority in accordance with Clauses 17 and 18 of SEPP 55.	
Have provided independent verification within 90 days of remediation works being completed.	
If applicable, have notified Council of maintenance required in order for a covenant to be placed on the title.	
Have a mechanism in place to provide Council details of maintenance completed annually.	

## APPENDIX 4: CONDITIONS OF CONSENT

The following conditions have been created for use with development applications involving contaminated land. Not all conditions will be relevant to every development application and they will be used as appropriate and where relevant to a particular application. Amendments may also be made, where appropriate, to reflect legislative or other changes.

### **Contaminated Land**

The subject land has been contaminated from past land use or development. Accordingly, the applicant is advised to make contact with the SafeWork NSW (previously known as WorkCover) for advice regarding minimising harm to workers during operations. Any soil or debris that may need to be removed from the site may only be deposited at licensed landfill sites able to receive potentially contaminated wastes. Reference should be made to Wentworth Shire's Contaminated Land Management Policy.

### **Contamination – Recommendations**

The recommendations contained in (insert section) of the document entitled (insert title) prepared by (insert author) dated (insert date) and supplied to Council (insert date) are adopted as conditions of this Consent subject to the following additional requirements.

- a) Insert
- b) Insert

### **Contamination – Notation on Title**

A notation is to be registered on the title of (insert Lot and DP) advising prospective purchasers to the effect that:

- a) The land is classified as contaminated land as past uses of the land may have contaminated, or contributed to the contamination of, the land; and
- b) Remediation works have been partial and localised only; and
- c) Contaminants may remain in both the soil and groundwater; and
- d) Further investigation and remediation may be required prior to any particular use of the land being undertaken or approved.

### **Environmental - site remediation works**

Site remediation works (as may be required) are to be carried out generally in accordance with the approved contamination report and remedial action plan, the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and to Wentworth Shire Council, if Council is not the Principal Certifying Authority:

- a) Written notification that the site remediation works have been completed is to be submitted within 30 days of the works being completed.

- b) The report is to certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan and relevant NSW Environment Protection Authority requirements. (D436)

***State Environmental Planning Policy 55 – guidelines and notices***

All remediation work must, in addition to complying with any requirement under the Environmental Planning and Assessment Act or any other law, be carried out in accordance with:

- a) the contaminated land planning guidelines; and
- b) the guidelines (if any) in force under the Contaminated Land Management Act 1997.

In addition a notice of completion of remediation work on any land must be given to the Council. The notice is to be given within 30 days after the completion of the work.

**Completion of Remediation Works – Prior to the commencement of any other works**

Upon the completion of any remediation works stated in the RAP, the person acting on this consent must submit to Council a Validation and Monitoring Report. The report is to be prepared in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites 1998.

**Completion of Remediation Works – Prior to Occupation**

Upon the completion of the approved remediation works stated in the approved Remediation Action Plan and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites 1998.

**Environmental Management Plan**

Prior to the issue of a Construction Certificate, an Environmental Management Plan (EMP) for the site is to be submitted to Wentworth Shire Council for consideration and approval. The EMP is to be prepared by an experienced and certified consultant in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The EMP is to:

- a) Address all environmental aspects of the development's construction and operational phases; and
- b) Recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s); and
- c) Incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP should include but is not limited to the following:

- i. Soil and water management
- ii. Air Quality
- iii. Water Quality
- iv. Dust suppression
- v. Litter control
- vi. Noise control
- vii. Waste management
- viii. Dangerous/hazardous goods storage
- ix. Emergency response and spill contingency.

The relevant aspects of the approved EMP are to be implemented during the relevant phase(s) of the development.

- Employment of Environmental Consultant

An experienced and certified environmental consultant is to be employed to supervise the implementation of the development in accordance with the relevant aspects of the approved EMP as identified at each phase of the development (e.g. prior to commencement of works, construction and post-construction/ ongoing operations of the development). Details of the environmental consultant, including contact details, employed to oversee the development is to be submitted to Wentworth Shire Council with the 'Notification of Commencement' 2 days before any works are to commence on site.

Note: An appropriately qualified and experienced environmental consultant must be certified by one of the certification schemes recognised by the EPA:

- Site Contamination Practitioners Australia (SCPA); and
- Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP).

- Add following paragraph if required:

Operational matters of the development, Compliance Certificates or other written document are to be obtained from a qualified environmental consultant certifying that the aspects of the approved EMP are complied with. The Compliance Certificate or other written documentation is to be submitted to Wentworth Shire Council on an annual basis, on the anniversary of the Occupation Certificate being issued for the development.

### **Erosion and Sediment Control**

Run-off and erosion control measures must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The control measures must be in accordance with Wentworth Shire Council's adopted Erosion and Sediment Control Guidelines for Building Sites.

Erosion and sediment control measures must address and incorporate general site management material handling practices, soil stabilisation, wind erosion, access measures and shall provide for:

- a) The diversion of uncontaminated run-off around cleared or disturbed areas.
- b) The erection of a silt fence to prevent debris escaping into drainage systems or waterways.

- c) The prevention of tracking of sediment by vehicles onto roads.
- d) Covering of vehicles entering/exiting the site with material.
- e) The stockpiling of topsoil, excavated material, construction and landscaping supplies and debris within the site, and the removal or utilisation (where appropriate) of that stockpile after completion of the works.
- f) Maintenance of control measures until the land is effectively rehabilitated and stabilised beyond the completion of construction. (C430)

**Maintenance of soil erosion and pollution controls**

All measures specified in Council's Soil and Water Management Policy to minimise the effects of soil erosion and pollution are to be installed then maintained until disturbed areas are rehabilitated and landscaped. Council may issue infringement notices incurring a monetary penalty where measures are not provided or maintained.

**Environmental - dust control**

Effective dust control measures shall be introduced and maintained at all times. Full details of the proposed method of dust control shall be submitted to and approved by Council with the construction certificate.

**Environmental - dust suppression**

Dust suppression techniques are to be employed during works to reduce any potential nuisances to surrounding properties.

**Waste Disposal**

All waste generated on site during the project shall be classified and separated in accordance with the NSW EPA Waste Classification Guidelines and transported to a facility that may lawfully accept the waste.

**Secure Remediation Area**

Prior to commencement of works on site, a secure fence shall be installed around the proposed remediation area to prevent access by unauthorised persons, which shall be removed following completion of remediation works.

**Landscape Plan**

Prior to the issue of a Construction Certificate, a detailed Landscape Plan that includes the following will be required:

- a) Identification and accurate mapping of all trees suitable for retention based on health and condition.
- b) Report detailing species, health, condition and hazard rating of trees identified as suitable for retention.
- c) Trees identified for retention to be clearly tagged on site to allow for assessment by Council officers.

- d) A tree planting/revegetation plan detailing species and location.
- e) Methods of tree protection during engineering works for trees identified to be retained.

## APPENDIX 5: COUNCIL PROCEDURE FOR INITIAL EVALUATION

Process: Initial Evaluation

Exceptions: If an application is sent directly to the NSW Department of Planning and Environment as the land is deemed to be contaminated, and that the contamination is significant enough to be declared Significantly Contaminated under the CLM Act.

Trigger: An application is submitted to Council by an applicant for a given site.

Checklist process:

Step	Process	Yes	No
1	Does the application include a statement that the land (or neighbouring land) is, or is likely to be contaminated?	Go to Step 1A.	Initiate Preliminary site investigation process – Appendix 6.
1A	Did the application include a Site Audit Statement or Remedial Action Plan?	Go to site auditing or to Remediation process. - Appendix 8 and 10 respectively.	Go to Step 2.
2	Is the application requiring a change in land use to residential, educational, recreational, child care or hospital?	Need to be mindful of this when deciding as to whether a preliminary site investigation is required before proceeding.	Go to Step 3.
3	Is the site; under consideration (or neighbouring sites) included in the Register as 'significantly contaminated' or 'remediated land'? Listed on the EPA's notifications list i.e. sites which are awaiting assessment?	Go to Step 3A.	Go to Step 4.
3A	Does the Site Audit Statement or Remedial Action Plan place limitations on the use of the land?	Initiate preliminary site investigation process – Appendix 6.	Go to Step 4.
4	Is the site under consideration (or neighbouring sites) included in the register as potentially contaminated land?	Go to Step 4A.	Go to Step 5.

4A	Determine previous land use history and contamination potential. Is contamination possible?	Initiate preliminary site investigation – Appendix 6.	Go to Step 5.
5	Has the site under consideration been subject to either a preliminary or detailed site contamination investigations in the past?	Go to Step 5A.	Go to Step 6.
5A	Locate and review Site Audit Statement and the Validation and Monitoring Report. Do restrictions and/or conditions on the land use require further investigation?	Initiate preliminary site investigation – Appendix 6.	Go to Step 6.
6	Is the application outlining no change in land use, but the existing land use involves an activity listed in Appendix 2 of the Policy?	Go to Step 6A.	Go to Step 7.
6A	Is the previous/existing land use related to industrial/commercial or to intensive broadacre?	Consider if a preliminary site investigation is warranted before proceeding.	Go to Step 7.
7	<p>Does information on current zoning and permissible land uses (e.g. restrictions and/or conditions on land use relating to land contamination contained in the LEP, DCP etc), or records from previous zonings, development and building applications, property files and information provided by the applicant <u>suggest land contamination may be an issue for this or in neighbouring sites?</u></p> <p>Does the Local Environment Plan or Development Control Plan place restrictions or conditions for the development of the site?</p> <p>Is an identified historical land use for the land (or neighbouring land) listed in Appendix 2 of the Policy?</p> <p>Is an identified historical land use (or neighbouring land) related to agriculture or intensive horticulture? (excludes broadacre</p>	Yes or maybe to one or more – Initiate preliminary site investigation - Appendix 6.	No to all. Proceed with normal planning assessment process. Process finalised.



horticulture).		
Is or has the site (or neighbouring land) been subject to land use restrictions related to contamination?		
Is or has the site (or neighbouring land) been subject to conditions on its use?		
Is or has the site (or neighbouring land) been subject to remediation action?		
Is or has the site (or neighbouring land) been subject to pollution incidents and/or illegal dumping of waste?		
Did a site inspection identify any land contamination issues?		

Key decision for check list:

Initial Evaluation Report (as a file note) concludes that:

1. Reasonable efforts have been made to come to a conclusion that there is no risk in the development application relating to land contamination, hence the assessment of the Development Application continues business-as-usual; or
2. There is insufficient information to determine whether the land under consideration in the development application is not contaminated land, in that the land concerned is either:
  - Land that is within an investigation area that has been notified as such by the EPA;
  - Land on which activities referred to in Appendix 2 of the Contaminated Land Management Policy are being, or are known to have been carried out, especially in regards to agriculture and intensive horticulture activities; or
  - Land on which there is incomplete knowledge about whether activities referred to in Appendix 2 of the Contaminated Land Management Policy are being, or are known to have been carried out, and if the proposed development involved residential, educational, recreational, child care or hospital purposes.

If 1): proceed with normal business process in the assessment of the development application.

If 2): notify the applicant in writing that a Preliminary Site Investigation is required.

## APPENDIX 6: COUNCIL PROCEDURE FOR PRELIMINARY SITE INVESTIGATION

Process: Preliminary Site Investigation

Exceptions: If an application or proposal is sent directly to the NSW Department of Planning and Environment (as a consenting authority) as the land is deemed to be contaminated, and that the contamination is significant enough to warrant regulation.

Trigger: Initial Evaluation could not conclude that the land under consideration in the application or proposal is not contaminated land.

Activity: Request the applicant to use a suitably qualified expert to undertake a preliminary site contamination investigation, and to undertake this investigation in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites. Request that the outcomes of this investigation are included in a revised application or proposal. (Note: this activity can be undertaken in conjunction with the Detailed Site Investigation).

Checklist process:

Step	Process	Yes	No
1	The application or proposal includes a Preliminary Site Investigation Report.	Go to Step 2.	Go to Step 1A.
1A	Request the applicant provide the Preliminary Site Investigation Report.	Go to Step 2.	Undertake Step 1A before proceeding.
2	Review the Preliminary Site Investigation Report and determine whether a Detailed Site Investigation is required.	Go to Step 3.	Undertake Step 2A before proceeding.
3	Preliminary Site Investigation Report (as a file note with the report) demonstrates the potential for, or existence of, contamination, which may preclude the land of being suitable for the proposed use.	Go to Detailed Site Investigation – Appendix 7.	Go to Step 4.
4	Is there a requirement for conditions of consent (refer to Appendix 4).	Go to step 5.	Process the application or proposal. Process finalised.
5	Process application or proposal with Conditions of Consent.	Process finalised.	Step 5 needs to be undertaken before process can be finalised.

## APPENDIX 7: COUNCIL PROCEDURE FOR DETAILED SITE INVESTIGATION

Process: Detailed Site Investigation

Exceptions: If an application or proposal is sent directly to the NSW Department of Planning and Environment (as the consenting authority) as the land is deemed to be contaminated, and that the contamination is significant enough to warrant regulation.

Trigger: Preliminary Site Investigation Report identifies the potential for, or existence of, contamination which may preclude the land of being suitable for the proposed use.

Activity: Request the applicant to use a suitably qualified expert to undertake a detailed site contamination investigation, and to undertake this investigation in accordance with the NSW EPA Guidelines for Consultants Reports for Contaminated Sites. Request that the outcomes of this investigation are included in a revised development application or proposal. (Note: this activity can be undertaken in conjunction with the Preliminary Site Investigation).

Checklist process:

Step	Process	Yes	No
1	The application or proposal includes a Detailed Site Investigation Report.	Go to Step 3.	Go to Step 2.
2	Request the applicant provide a Detailed Site Investigation Report	Go to Step 3.	Undertake Step 2 before proceeding.
3	Does the Detailed Site Investigation Report include a statement that the site is contaminated and that the contamination is significant enough to warrant regulation?	Go to Step 4.	Go to Step 3A.
3A	Request the applicant submit a revised Detailed Site Investigation Report to include a statement on the suitability.	Go to Step 3B.	Cannot proceed until Step 3A is undertaken.
3B	Revised Detailed Site Investigation report received.	Go to Step 4.	Cannot proceed until revised detailed site investigation report is received.
4	The Detailed Site Investigation Report includes a statement on whether the site is suitable for the proposed use and for all other purposes permissible in the zone, or if it can be made suitable through remediation.	Go to Step 5.	Go to Step 4A.

4A	Request a statement on whether the site is suitable for the proposed use and for all other purposes permissible in the zone, or if it can be made suitable through remediation.	Go to Step 5.	Undertake Step 4A before proceeding.
5	Does the Detailed Site Investigation Report include a statement that the site is potentially contaminated and that the contamination is significant enough to warrant regulation?	Go to Step 5A.	Go to Step 6.
5A	Notify NSW EPA immediately.	Proceed with EPA directions.	No other action can be undertaken until Step 5A has occurred.
6	Does the Detailed Site Investigation Report conclude that the land is unsuitable for the proposed use and may not be appropriately remediated, or the applicant does not wish to remediate?	Go to Step 6A.	Go to Step 7.
6A	The application or proposal may be modified to a use that is suitable for the land without remediation (e.g. relating to a development application outlining no change in land use), provided a new development application is not required, or the application or proposal can be withdrawn, or the application or proposal can be refused by Council. Application or proposal modified for consent.	Go to Step 7.	Go to Step 6B.
6B	Has the applicant indicated its intent to withdraw the development application?	Go to Step 6C.	Go to Step 6D.
6C	Close the assessment of the application or proposal.	Process finalised.	Undertake Step 6C to finalise process.
6D	Application or proposal refused by Council.	Go to Step 6E.	Application or proposal is required to be modified, withdrawn or refused for process to be finalised.
6E	Consider if the site should be included on the Contaminated Lands site register and include	Process finalised.	Undertake Step 6E

	on register if required.		to finalise process.
7	Does the Detailed Site Investigation Report include a statement that the site is <u>contaminated</u> , which may preclude the land from being suitable for the proposed use?	Go to Step 8.	Go to Step 9.
8	Has the applicant indicated its intent to withdraw the development application?	Go to Step 6C.	Go to Step 9.
9	Is Council satisfied that the site is suitable for the proposed use and for all other purposes permissible in the zone?	Go to Step 10A.	Go to Step 9.
9A	Are conditions of consent required?	Go to Step 9B.	Go to Step 10.
9B	Include conditions of consent (see Appendix 4 of the Policy).	Process finalised.	Process can't be finalised until Step 9B is undertaken.
10	Council to develop restrictions and/or conditions for the land, including any restrictions relating to the intended land use or conditions on the remediation and also provision of a Validation and Monitoring Report prior to commencement of development work (e.g. construction certificate).	Go to Step 11.	Undertake Step 10 before proceeding.
11	Does the Detailed Site Investigation Report include a list of feasible remediation options available to remediate the site in order to make it suitable for the proposed use?	Go to Remediation – Appendix 8.	Go to Step 11A.
11A	Seek this information from the applicant.	Go to Remediation – Appendix 8.	Process cannot proceed until Step 11A has been undertaken.

Note: Subsequent to finding that the Detailed Site Investigation Report includes a statement that the site is contaminated and that the contamination is significant enough to warrant regulation, Council must notify the NSW EPA who may then declare the land as a 'Remediation Site' thereby subjecting the land to remediation works and processes under the Management Order issued by the EPA.

## APPENDIX 8: COUNCIL PROCEDURE FOR REMEDIATION

Process: Managing requirements of Council, the applicant and other parties relating to remediation of land and its congruence with SEPP 55 Planning Guidelines, and that remediation works will be undertaken in accordance with the relevant EPA Guidelines under the *Contaminated Land Management Act 1997*.

Exceptions:

- Category 1 remediation works with consent from the Department of Planning and Environment.
- Category 2 remediation works subject to a Remediation Order by the EPA without consent. Under this scenario the EPA declares that the land is a Remediation Site and a Remediation Order is issued by the EPA.
- A Site that is under voluntary remediation (i.e. Voluntary Remediation Plan) with the EPA declaring the site as a Remediation Site (See Section 4.3, Voluntary Remediation) and where the EPA does not require the specific works to be undertaken under the EP&A Act.

Trigger:

- Land covered by a development application requiring mediation to make the land suitable for the proposed use and for all other purposes permissible in the zone.
- Receipt of a notification regarding proposed Category 2 remediation works without consent.

Checklist process:

Step	Process	Yes	No
1	Is the remediation work likely to have a potential for significant environmental impacts from the remediation works?	Go to Step 1A	Go to Step 1B
1A	Remediation works would be considered as Category 1 remediation works with Council consent (go to sub-section Category 1 Remediation Works With Council Consent).	Proceed to subsection Category 1 Remediation Works with Council Consent.	N/A
1B	Considered as Category 2 remediation works without consent (go to sub-section Category 2 Remediation Works Without Consent).	Proceed to subsection Category 2 Remediation Works Without Consent.	N/A

Notes: Category 1 remediation work includes any work that is:

1. Designated development as listed in Schedule 3 under the Environmental Planning and Assessment Regulation (2000), and requires the applicant to prepare an Environmental Impact Statement.
2. Carried out on land that is considered as critical habitat under Part 3 of the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994* (for threatened species). .
3. Likely to have a significant impact on critical habitat or a threatened species, population or ecological community under Schedules 1, 1A and 2 of the *Threatened Species Conservation Act 1995*.
4. Development for which another SEPP requires development consent.
5. In an area or zone to which are classified for coastal protection, conservation or heritage conservation, habitat area, habitat protection area, habitat or wildlife corridor, environmental protection, floodway, nature reserve, scenic area or scenic protection, wetland, or any land in a manner that does not comply with the Policy made under the contaminated land planning guidelines by Council.
6. Any other works as nominated by Council under s.9(f) of SEPP 55 – Remediation of Land.
7. Council should notify NSW EPA that it considers remediation works associated with a planning proposal or development application to be Category 1 remediation works.

***Category 1 Remediation Work Subject to Management Order with Consent of Department of Planning and Environment.***

Notes:

1. Similar process to Category 1 Remediation Works with Council Consent except that Department of Planning and Environment manage the assessment steps and Council receives notifications at certain stages in the process.
2. A Remediation Action Plan must be prepared by the applicant and subsequently approved by the Department of Planning and Environment (as the consenting authority).
3. Department of Planning and Environment may require an Environmental Impact Statement (EIS) if the remediation is likely to significantly affect the environment.
4. A Remediation Action Plan, planning proposal or development application and an EIS is required to be submitted by the applicant to the Department of Planning and Environment.
5. Management Order is issued by the EPA.
6. Post-remediation: Validation and Monitoring Report and Site Audit Statement sent to the Department of Planning and Environment (under SEPP 55) and to the EPA (under the Remediation Order).

**Category 1 Remediation Work with Council Consent**

Step	Process	Yes	No
1.	Does the Category 1 remediation work include any work that is designated development listed in Schedule 3 of the Environmental Planning and Assessment Regulation?	Determine whether the applicant is required to submit an Environmental Impact Statement before proceeding.	Go to step 2.
2	If the remediation work is Category 1 remediation work, has the applicant submitted a Remedial Action Plan?	Go to 2A.	Remedial Action Plan required before proceeding.
2A	Is Council satisfied that the site can be remediated?	Go to Step 3.	Go to Step 2B.
2B	Request applicant provides a revised Remedial Action Plan or if unsure decide whether to use a Site Auditor to review the Remedial Action Plan.	Go to Step 3.	Undertake Step 2B before proceeding.
3	Are the proposed clean-up criteria appropriate for the future use of the site, considering possible human health and environmental impacts?	Go to Step 4.	Go to Step 3B.
3B	Has the applicant provided a suitable revised Remedial Action Plan and Council is satisfied the land can be remediated for the intended land use. If unsure decide whether to use a Site Auditor to review the Remedial Action Plan.	Go to Step 4.	Undertake Step 3B before proceeding.
4	Are the proposed plans for remediation work acceptable in that they include an operational plan, health and safety management plan, site environmental management plan, community relations plan and contingency plan and outline all necessary approvals required from regulatory authorities?	Go to Step 5.	Go to Step 4A.
4A	Request applicant provides revised Remedial work plans. Is council satisfied with the revised remedial work plans? Unsure – Decide whether to use a Site Auditor to review the Remedial Action Plan.	Go to Step 5.	Undertake Step 4A before proceeding.



5	Is a Site Auditor required to review the Remediation Action Plan?	Inform the applicant that Council intends to engage a Site Auditor, and that the cost of this auditor is with the applicant. Go to Step 6.	Go to Step 7.
6	Request the applicant to submit a satisfactory Remedial Action Plan. Process should be stopped until a satisfactory RAP is submitted.	Go to Step 7.	Undertake Step 6 before proceeding.
7	Does Council need to impose conditions on the development consent in relation to: Requiring the submission of a Validation and Monitoring Report after completion of the remediation work, but before commencement of the development work (i.e. before issuance of a construction certificate). Any other conditions and/or restrictions on the remediation work, including any condition of consent set out in appendix 3 of the Policy?	Go to Step 7A.  Go to Step 7B.	Go to Step 8.
7A	Prepare conditions of consent to reflect provision of a Validation and Monitoring Report upon completion of remediation works.	Go to Step 8.	Undertake step 7A before proceeding.
7B	Prepare conditions of consent to reflect identified conditions of consent relevant to the remediation works and ongoing management of the land under consideration in regards to occupational health and safety, site environmental management (including ongoing site monitoring) and any other identified matter.	Go to Step 8.	Undertake Step 8A before proceeding.
8	Any objections received on the advertised planning proposal or development application (including the Remedial Action Plan)?	Go to Step 8A.	Go to Step 9.
8A	Is the planning proposal or development consent a designated development?	Go to Step 8B.	Go to Step 9.
8B	These objections must be sent to the Department of Planning and Environment for comment.	Go to Step 9.	Undertake step 8B before proceeding.
8C	Planning proposal or development consent is not designated development, Council is to	Go to Step 9.	Undertake step 8C.

	review objections and make a determination on these		
9	Determine the development application, including any comments on objections received from the Department of Planning and Environment (if designated development).	Go to Step 10.	Undertake step 9 before proceeding.
10	Inform the applicant of determination.	Go to Step 11.	Undertake step 10 before proceeding.
11	Upon completion of the remediation works, and before a construction or occupation certificate is issued, has a notification from the applicant that includes the Validation and Monitoring Report been submitted to Council within 30 days of completion of the remediation works or as specified in the Development consent? (Note: sometimes submission for the validation report within 30 days of completion of remedial works and prior to construction certificate is not feasible. Some flexibility is required here.	Go to Step 12.	Go to Step 11A.
11A	Request the notification and Validation and Monitoring Report to be submitted to Council.	Go to Step 12.	Undertake step 11A before proceeding.
12	Does the Validation and Monitoring Report include: A statement that the land under consideration has been remediated in accordance with the approved Remedial Action Plan to make it suitable for its intended use or other purpose in that zone?	Go to Step 13.	Go to Step 12A.
12A	If the site was remediated in accordance with requirements, then request the report is modified to include such a statement, or; If the report identified that full remediation was not feasible or onsite containment of contamination is proposed, then ensure that a detailed ongoing monitoring strategy/program and site environmental management plan is provided.	Go to Step 13.	Undertake step 12A before proceeding.
13	Does the Validation and Monitoring Report include: A statement confirming that all licences,	Go to Step 13A.	Go to Step 13C.

	approvals and development consents have been complied with?		
13A	Did the Validation and Monitoring Report include any documentary evidence?	Go to Step 14.	Go to Step 13B.
13B	Request that the report is modified to include such documentary evidence.	Go to Step 14.	Undertake step 13B before proceeding.
13C	Request that the report is modified to include such a statement and documentary evidence.	Go to Step 14.	Undertake step 13C before proceeding.
14	Does the Validation and Monitoring Report include: A Site Audit Statement and Site Audit Summary Report?	Go to Step 15.	Go to Step 14A.
14A	Request that the Site Audit Statement and Site Audit Summary Report is provided.	Go to Step 15.	Undertake step 14A before proceeding.
15	Is Council satisfied with the Validation and Monitoring Report and the Site Audit Statement?	Process finalised.	Undertake step 15A
15A	Seek a Site Auditor to review with a view to verify information contained in the Validation and Monitoring Report (See Appendix 10 Site Auditing).	Go to Step 15.	Cannot proceed until Step 15A is undertaken.

Note: Site auditor will provide a report that will confirm the above questions and thereby dictate whether the process continues or if another iteration on the Remedial Action Plan is required. If no Remediation Action Plan is sought (or is not needed), then the remediation must be tested against standards endorsed by the EPA.

Include the relevant information in section 149(2) planning certificates, covenants on the title or annual reporting and other information made available under section 149(5).

### Category 2 Remediation Work Without Consent

Notes:

1. Category 2 remediation work is all remediation work that is not defined as Category 1 remediation work.
2. Category 2 remediation work does not require consent.
3. Council is required to be notified of any proposed category 2 remediation work at least 30 days before the works commence.
4. This notification is also required to address information contained in Appendix 3 Requirements for Category 2 Remediation Works.
5. Remediation Action Plans are not mandatory for Category 2 works without consent, but Council can deem the risk of contamination to be of the level requiring a Remediation Action Plan to be developed by the applicant.
6. A copy of the Validation and Monitoring Report and a Site Audit Statement from an EPA accredited auditor must be forwarded to Council within 30 days of the completion of the remediation works. Council will not consider any subsequent development applications for the site until it is satisfied that the site is suitable for the proposed use.
7. This section does not consider Category 2 Remediation Work Subject to a Remediation Order by the EPA – without consent, nor Category 2 remediation works relating to underground petroleum storage systems (even though Appendix 3 of the Policy includes UPSSs in the 'requirements for category 2 remediation works'). The UPSS regulatory framework is proposed to be changed in 2017 resulting in more responsibility given to local government.

Step	Process	Yes	No
1	For Category 2 remedial works, was Council notified at least 30 days before commencement of the works?	Go to Step 3.	Go to step 2.
2	Contact applicant to remind them of the notification requirement.	Go to Step 3.	Process cannot proceed until Step 2 is complete.
3	Did the notification include a proposal for the remediation works that addressed information contained in Appendix 3 of the Policy in relation to 'Requirements for Category 2 Remediation Works', and the dates in which	Go to Step 4.	Go to Step 3A.

	this work is to be undertaken?		
3A	Obtain this information from the applicant.	Go to Step 4.	Process cannot proceed until Step 3A is undertaken.
4	Did the notification seek any approvals from Council (e.g. dissolved hydrocarbon impact from open excavations to be taken to landfill or discharged to the sewer under consent conditions)?	Go to Step 4A.	Go to Step 5.
4A	Consult with relevant internal operational area.	Go to Step 5.	Undertake Step 4A before proceeding.
5	Did the notification require any approvals from other regulatory bodies (e.g. leaching [i.e. discharge] of toxic material to stormwater or sewer)?	Go to step 5A.	Go to Step 6.
5A	Request evidence of approval.	Go to Step 6.	Undertake Step 5A before proceeding.
6	Did the notification provide contact details?	Go to Step 6A.	Go to Step 7.
6A	Consult with relevant internal operational area.	Go to Step 7.	Undertake Step 6A before proceeding.
7	Has a remedial works plan been submitted with the notification?	Go to Step 8.	Go to Step 7A.
7A	Ask and receive the Remedial Works Plan from the applicant.	Go to Step 8.	Cannot proceed until Step 7A is undertaken.
8	Does the Remedial Works Plan state that it has been prepared in line with the SEPP55 Planning Guidelines, and that proposed remediation works will be undertaken in accordance with the relevant EPA Guidelines under the Contaminated Land Management Act?	Go to Step 9.	Go to Step 8A.
8A	Seek the applicant or proponent to provide this confirmation in writing.	Go to Step 9.	Undertake step 8A before proceeding.
9	Has a site inspection been undertaken?	Go to Step 10.	Go to Step 9A.
9A	Arrange and undertake a site inspection.	Go to Step 10.	Undertake step 9A before proceeding.

10	Upon completion of the remedial works has the following been provided to Council? Within 30 days of completion of the remediation works, a notification that remediation work and validation has been completed.	Go to Step 11.	Go to Step 10A.
10A	Contact the proponent and request this information is submitted to Council	Go to Step 11.	Cannot proceed until Step 10A is undertaken.
11	Upon completion of the remedial works has the following been provided to Council? Validation and Monitoring Report	Go to Step 12.	Go to Step 11A.
11A	Contact the proponent and request the Validation and Monitoring Report is submitted to Council.	Go to Step 12.	Cannot proceed until Step 11A is undertaken.
12	Upon completion of the remedial works is Council satisfied that the category 2 remediation works have been carried out?	Go to Step 13.	Go to Step 12A.
12A	Issue a clean-up notice under the <i>Protection of the Environment Operations Act 1997</i> requiring that further works be undertaken, or that a site auditor is appointed to review works to date and make suggestions on what additional works are required.	Go to Step 13.	Cannot proceed until Step 12A is undertaken.
13	Is Council satisfied with the content of the Validation and Monitoring Report and the Site Audit Statement?	Go to Step 14.	Go to Step 13A.
13A	If Council is not satisfied with the content of the site audit statement it should be reported to the EPA.	Go to Step 14.	Cannot proceed until Step 13A is undertaken.
14	Did the Validation and Monitoring Report and/or Site Audit Statement include: A statement that the land under consideration has been remediated to make it suitable for its intended use or other purpose in that zone?	Go to Step 15.	Go to Step 14A.
14A	Request that this information is provided.	Go to Step 15.	Undertake step 14A before proceeding.
15	Did the Validation and Monitoring Report and/or Site Audit Statement include:	Go to Step 15A.	Go to Step 16.

	Requirements relating to ongoing site management, including restrictions on use?		
15A	Include the relevant information in section 149(2) planning certificates, covenants on title or annual reporting and other information made available under section 149(5).	Go to Step 16.	Undertake step 15A.
16	Has a site inspection been undertaken?	Go to Step 17.	Undertake Step 16A.
16A	Undertake a site inspection.	Go to Step 17.	Cannot proceed until Step 16A is undertaken.
17	Council is satisfied with the remediation work.	Process finalised.	Process cannot be finalised until Council is satisfied with the remediation works.

Note: Some notifications on category 2 remediation works without consent list requests Council approvals. An example is the discharge of dissolved hydrocarbon impact to sewer or to take it to landfill to de-wet.

## APPENDIX 9: COUNCIL PROCEDURE FOR VOLUNTARY MANAGEMENT PROPOSALS

Process: -To manage data and/or information regarding any voluntary management proposal approved by the EPA.

Exceptions: None identified.

Objective: to ensure the appropriate management of data and information from activities related to voluntary management proposals.

Trigger:

- Land owner informs Council of intent to remediate identified contaminated land.
- EPA notifies Council of a voluntary management proposal to remediate a contaminated site.
- EPA notifies Council of completion of remediation works associated with a voluntary management proposal.

Checklist process:

Step		Yes	No
1	Notification received from EPA in regards to a voluntary management proposal?	Go to Step 2.	Process not applicable.
2	Record information in Council's systems in accordance with agreed procedures.	Go to Step 3.	Undertake Step 3 before proceeding.
3	Is Council satisfied that a section 149(2) planning certificate can be issued for the site?	Go to Step 4.	Go to Step 5.
4	Prepare appropriate text for the section 149(2) planning certificate (See Appendix 11 Section 149 Certificates).	Process Completed.	Process not completed until Step 4 is undertaken.
5	Liaise with EPA for clarification.	Process completed.	Process not completed until Step 5 is undertaken.



Notes:

1. Duty to Notify: Anyone whose activities have caused land to be contaminated, and owners of land who become aware, or ought reasonably to be aware, that the land has been contaminated must notify the EPA as soon as practicable after becoming aware of the contamination when a site owner provides an undertaking to voluntarily remediate a site that initiates a process via a notification to the NSW EPA. This is a requirement under section 60(3) of the Contaminated Land Management Act and supported by the Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act.
2. Management Orders: The EPA may order persons to manage significantly contaminated land in the following hierarchy: those responsible for the contamination, the landowner and the notional owner. Under worst-case scenarios this could see Council as the 'notional owner' of private land and thereby is responsible for remediation.
3. Voluntary Management Proposals: The EPA may approve a voluntary management proposal for the management of significantly contaminated land, with or without conditions. The voluntary management proposals subsumes the former voluntary investigation proposal and the voluntary remediation proposal.

## APPENDIX 10: COUNCIL PROCEDURE FOR SITE AUDITING

Process: To ensure that Council has confidence in information regarding contamination or potential contamination of land and verification thereof.

Exceptions: None identified

Trigger: Council:

- Believes on reasonable grounds that information including that related to potential contamination or previous land use history, provided by the applicant is incorrect or incomplete.
- Wishes to verify whether the information provided by the applicant has adhered to appropriate standards, procedures and guidelines.
- Does not have the internal resources to undertake a technical review.

Notes:

1. A Site Auditor is an individual accredited by the EPA under Part 4 of the CLM Act.
2. Site auditors review the work of contaminated site consultants. The CLM Act calls these reviews site audits and defines a site audit as an independent review.
3. Site auditors can prepare an independent review:
  - a. that relates to investigation or remediation carried out (whether under the CLM Act of otherwise) in respect of the actual or possible contamination of land; and
  - b. that is conducted for the purpose of determining any one or more of the following matters:
    - I. the nature and extent of any contamination of the land
    - II. the nature and extent of the investigation or remediation
    - III. whether the land is suitable for any specified use or range of uses
    - IV. what investigation or remediation remains necessary before land is suitable for any specified use or range of uses
    - V. the suitability and appropriateness of a plan of remediation, a long-term management plan, a voluntary investigation proposal or a remediation proposal.
4. Costs for Site Audit services are borne by the applicant.

Checklist process:

Step	Process	Yes	No
1	Develop a terms of reference for site audit.	Go to Step 2.	Undertake Step 1 before proceeding.
2	Package and provide all direct and background information required to be verified by the Site Auditor.	Go to Step 3.	Undertake Step 2 before proceeding.
3	After completion of the site audit, has the Site Audit Summary Report been provided with the Site Audit Statement?	Go to step 4.	Go to Step 3A.

3A	Seek Site Audit Summary Report from applicant.	Go to Step 4.	Undertake Step 3A before proceeding.
4	Is Council satisfied with the outcomes of the site audit?	Process completed.	Go to Step 5.
5	Liaise with site auditor to clarify findings or report to EPA for review.	Process Completed.	Process cannot be deemed completed until Step 5 (findings clarified or EPA reviewed) is undertaken.

## APPENDIX 11: SECTION 149 CERTIFICATES PROCEDURE

Process: To ensure that accurate information regarding land contamination matters including Council policy to restrict the use of land is included in planning certificates issued under section 149 of the EP&A Act.

Trigger: A request for information regarding a parcel of land that triggers a process under section 149 of the EP&A Act.

Steps:

1. Identify parcel of land of interest.
2. Check Register for annotations regarding contaminated land management issues.
3. Generate certificate.
4. Confirm correctness of statements included in the certificate regarding contaminated land management matters.

Under s.149 of EP&A Act, a person may request from Council a planning certificate containing advice on matters about the land that are prescribed in the EP&A Regulation including information regarding land contamination.

- (a) *Section 59(2) of the CLM Act provides that specific notations (as listed below) relating to contaminated land issues must be included on s. 149 certificates where:*
- (b) *that the land to which the certificate relates is significantly contaminated land within the meaning of that Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued;*
- (c) *that the land to which the certificate relates is subject to a management order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued;*
- (d) *that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued;*
- (e) *that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to an order at the date when the certificate is issued;*
- (f) *that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

In addition to detailing information relevant to the prescribed matters, all s.149(2) certificates issued by Council will also contain one of the following notations relating to land contamination:

Where Council's contaminated land policy restricts the use of land which:

- has a previous land use history which could have involved use of contaminants on the site, for examples, land which may have been used for an activity listed in Appendix 2, or
- is known to be contaminated, but
- has not been remediated,

an appropriate notation may be:

***'Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands that have previously been used for certain purposes. Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.'***

Where council's contaminated land policy restricts the use of land which:

- is known to contain contaminants, but
- has been remediated for a particular use or range of uses and some contamination remains on the site, for example encapsulated,

an appropriate notation might be:


***'Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which are considered to be contaminated, or on lands which have been remediated for a specific use. Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.'***

Where Council records do not contain a clear site history without significant gaps in information and council cannot determine whether or not the land is contaminated, and therefore the extent to which council's policy should apply, council may decide to take a cautious approach. In such cases an appropriate notation might be:

***'Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Council records do not have sufficient information about previous use of this land to determine whether the land is contaminated. Consideration of Council's adopted policy and the application or provisions under relevant state legislation is warranted.'***

Council may make additional notations upon S.149(2) or S.149(5) certificates where specific information is obtained in relation to the use of land.

## APPENDIX 12: PROCEDURE FOR STORING CONTAMINATED SITES INFORMATION

	<b>Health &amp; Planning Division</b> 26- 28 Adelaide Street Po Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 <a href="mailto:council@wentworth.nsw.gov.au">council@wentworth.nsw.gov.au</a>	<h3 style="text-align: center;">Contaminated Land Procedure</h3> <p style="text-align: right;">Version 1 April 2016</p>
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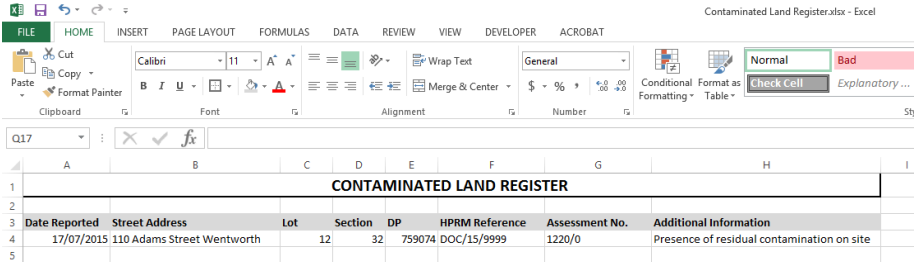
**Purpose:** This procedure outlines the steps to be completed on receipt of Contaminated Land Information from any source.

### Procedure

On receipt of Contaminated Land information the following steps should be undertaken:

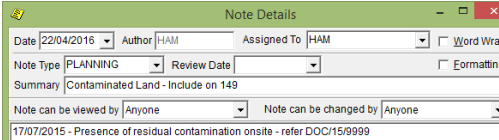
1. Check Contaminated Land Register N:\REGISTERS\Planning\Contaminated Land Register.xlsx to see if already listed
  - a. If Listed:

- i. Update information on register. E.g.



CONTAMINATED LAND REGISTER							
Date Reported	Street Address	Lot	Section	DP	HPRM Reference	Assessment No.	Additional Information
17/07/2015	110 Adams Street Wentworth	12	32	759074	DOC/15/9999	1220/0	Presence of residual contamination on site

- ii. Save any new information to property file in HPRM
    - iii. Update notes in Practical (on property file) and Practical Spreadsheet (J:\Planning - Practical Notes\Practical Notes.xlsx E.g.



Date: 22/04/2016		Author: HAM	Assigned To: HAM	<input type="checkbox"/> Word Wrap
Note Type: PLANNING	Review Date:	<input type="checkbox"/> Formatting		
Summary: Contaminated Land - Include on 149				
Note can be viewed by: Anyone		Note can be changed by: Anyone		
17/07/2015 - Presence of residual contamination onsite - refer DOC/15/9999				

- b. If not listed
        - i. Insert information into register
        - ii. Save information to property file in HPRM
        - iii. Add note with heading CONTAMINATED LAND – Include on 149 into Practical and also Practical Spreadsheet.

## 9.17 DELEGATED AUTHORITY APPROVALS AS AT END OF MARCH 2022

File Number: RPT/22/241

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**

For the month of March 2022, a total of twelve (12) Development Applications and four (4) S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$881,230. This brings the year to date total to twenty-six (26) Development Applications and eight (8) S4.55 Applications approved, with an estimated development value of \$3,455,521.30

### **Recommendation**

- a) That Council receives and notes the report for the month of March 2022.
- 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 the Attachment, determined under delegated authority by the Director Health and Planning for the month of March 2022, 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 \$881,230 for the month of March 2022. The average determination time was 28 days.

### **Attachments**

1. Delegated Authority Approvals March 2022 [↓](#)

**DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF MARCH 2022**

FILE NUMBER	APPLICANT	LOCATION	DESCRIPTION	VALUE (EX GST)	DETERMINATION DATE	ACTIVE DAYS
DA2022/009 PAN-189389	MH2	17 Morrison Court, Gol Gol	Dwelling	\$190,000	1/03/2022	29
S4-552022/002 PAN-187222	CPM Builders	24A River Drive, Buronga	Dwelling with Storage shed - Amend windows and external cladding	\$0	1/03/2022	28
DA2022/007 PAN-183125	James Golsworthy Consulting	172 Pitman Avenue West, Buronga	Alterations to ground floor of existing dwelling	\$45,000	2/03/2022	34
DA2022/005 PAN-18542	North West Developments Pty LTD	74B Native Ridge Lane, Gol Gol	Eight (8) lot subdivision	\$0	4/3/2022	43
DA2022/010 PAN-191273	James Golsworthy Consulting	39 Gol Gol North Road, Gol Gol	Alterations & additions to existing dwelling	\$225,000	10/3/2022	23
DA2022/012 PAN-186428	Mallee Sheds	222 Alcheringa Drive, Gol Gol	Storage shed	\$69,102	14/3/2022	27
DA2022/011 PAN-192395	Mallee Sheds	8 Lee Court, Gol Gol	Storage Shed	\$22,003	14/3/2022	28
S4-55/2022/009 PAN-196387	James Golsworthy Consulting	Opposite Lot1 DP1217509, Lot X DP388592, Boeill Creek Rd	Upgrade to existing pump station	\$50,000	17/3/2022	1



S4-55/2022/006 PAN-201373	James Golsworthy Consulting	56 Hendy Road, Buronga	Modify DA2021/148 change of use from 1a to 1b (restricted backpackers accommodation) - Change building class from 1b to 3	\$0	9/03/2022	20
DA2022/014 PAN-173247	Sally Moore	4-6 Wilga Road South, Gol Gol	Glass fence constructed around a Pond	\$14,000	22/03/2022	29
DA2022/018 PAN-195055	Fisher Planning	25 Midway Drive, Buronga	Two (2) shade sails added to existing two dwellings	\$10,000	24/03/2022	27
DA2022/015 PAN-197621	Fiona Black	112 River Road, Pomona	Storage Shed	\$19,200	24/03/2022	29
S4-55/2022/005 PAN-198829	MH2	16 The Cobb and Co Way, Gol Gol	Modify DA2021/127 Storage shed – addition of wet area	\$50,000	24/03/2022	22
DA2022/019 PAN-196088	Fisher Planning	20 Ashen Court, Gol Gol	Dwelling with garage	\$700,000	30/03/2022	27
DA2022/022 PAN-199168	Rebecca Vallance	3 Pamela Court, Gol Gol	Storage Shed	\$32,000	30/03/2022	26
DA2022/023 PAN-196516	Douglas Balcomb	145 Poencarie Road, Wentworth	Storage Shed	\$84,925	31/03/2022	24

**9.18 AUSTRALIAN INLAND BOTANIC GARDENS HERITAGE REQUEST**

File Number: RPT/22/250

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

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**

Council has received a request, from the Australian Inland Botanic Gardens, to add an item to the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage list.

The item is a 2,500 year old Eucalyptus Oleosa tree, also known as the WOW tree, located within the Botanic Gardens at 1183 River Road, Mourquong.

**Recommendation**

That Council:

1. Resolve to support the request for listing the 2,500 year old Eucalyptus Oleosa tree, known as the WOW tree, in the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage.
2. Resolve to prepare the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage on behalf of the Australian Inland Botanic Garden.
3. 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 details of the request received from the Australian Inland Botanic Gardens (AIBG) to add an item to the Wentworth Local Environmental Plan 2011 (WLEP) Schedule 5 Environmental heritage list and the process required to add the listing, should Council support the request.

**Background**

Council was contacted in July 2021 by the AIBG Office Manager seeking advice as to the process of heritage listing a 2,500 year old Eucalyptus Oleosa tree, also known as the WOW tree.

A subsequent onsite inspection of the tree, including a meeting with relevant Board members, was conducted to discuss the matter and the process of requesting Council to add an item to the WLEP heritage list.

Council is now in receipt of the request from AIBG to consider including the WOW tree to the WLEP Schedule 5 Environmental heritage list.

To support the request, the AIBG engaged a local forestry expert to prepare a report on the subject tree which includes comprehensive details of the tree, the state and national significance of the species and a heritage assessment of the tree based on NSW Heritage assessment criteria. It is considered that this report provides sufficient justification to support the request.

Refer to Attachment 1 – AIBG Request for Local Heritage listing of the WOW Tree.

Matters under consideration

The process to amend the WLEP, including adding items to the list contained in Schedule 5 Environmental heritage, is through the planning proposal process.

The planning proposal process is briefly outlined as follows:

- Preparation of a Planning Proposal which includes details of what the planning proposal aims to do, how it amends the WLEP, its consistency with strategic plans and state policy
- Submitting the Planning Proposal to the Department of Planning and Environment (DPE) requesting a Gateway Determination to proceed
- Exhibition of the Planning Proposal
- Consideration of submissions
- Request for Parliamentary Counsel Opinion
- Final submission to DPE for approval and notification of the amendment to the WLEP on the legislative website.

The request submitted to Council is not a Planning Proposal.

Council could support the request both in principle and by preparing the Planning Proposal on behalf of AIBG. Alternatively, Council could respond in writing advising that while it supports the request, a planning consultant will need to be engaged to prepare the Planning Proposal for the AIBG.

Options

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

- Support the request for adding the WOW tree as an item to the WLEP Schedule 5 Environmental heritage list, and
- Prepare the Planning Proposal on behalf of the AIBG, or
- Advise AIBG that a Planning Proposal must be prepared by a planning consultant to progress the request to add the WOW tree as an item to the WLEP Schedule 5 Environmental heritage list.

Legal, strategic, financial or policy implications

Should Council resolve to prepare the Planning Proposal on behalf of AIBG, the financial implications for Council include forfeiting the planning proposal fee, as per the 2021-2022 Fees and Charges, as it would then be a Council initiated Planning Proposal.

Conclusion

It is concluded that the most appropriate course of action is to advise AIBG that Council supports the request to list the WOW tree in Schedule 5 Environmental heritage of the WLEP and prepare the Planning Proposal on behalf of AIBG.

Attachments

1. AIBG Request for Local Heritage listing of WOW Tree (*Eucalyptus oleosa*).[↓](#)

**AUSTRALIAN INLAND BOTANIC GARDENS INC**  
**REG NO. A0007905N**

**APPLICATION FOR HERITAGE LISTING OF THE  
 2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)  
 AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

1. General Information	
<b>Local Council:</b>	Wentworth Shire Council, NSW
<b>Local Area:</b>	Mourquong, NSW
<b>State Electorate:</b>	Murray
<b>Name of Organization:</b>	Australian Inland Botanic Gardens Inc
<b>Address:</b>	1183, River Road, Mourquong, NSW 2739
<b>Postal Address:</b>	P. O. Box 2809, Mildura, VIC 3502
<b>Legal Status:</b>	Not-for-profit
<b>Date of Incorporation/Reg. No:</b>	15 <sup>th</sup> January 1986/ A0007905N
<b>Organization Structure:</b>	The Australian Inland Botanic Gardens Inc, is led by a Board of Management made up of volunteers. Volunteers work in every area of the Gardens, including the office. The only paid staff are currently the Coordinator and three employees all of whom engage in field work.
<b>Status re NSW Reserve</b>	NSW Crown Land Manager of Reserve nos. 230087 and 230088
<b>Name of Primary Contact:</b>	Christine Gunaratnam
<b>Position:</b>	Office Manager
<b>Contact Details:</b>	M. 0416-459-469; E: aibgfiles@gmail.com;
<b>Name of Secondary Contact:</b>	Brian Cuddy
<b>Position:</b>	Coordinator
<b>Contact Details:</b>	M. 0408-604-879; E: ausibgmw@gmail.com

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**2. Summary of Item Description:**

The majestic *Eucalyptus oleosa* at the Australian Inland Botanic Gardens (AIBG) is estimated to be around 2,500-years-old. It has weathered drought and threat of bushfire over centuries and has overcome the challenges of climate change. The estimate of its age was undertaken by Victor Eddy, a Forestry Expert who first volunteered his expertise to the AIBG in 2002 and has since then continued his voluntary services at AIBG (refer **Annex A** for Eddy's CV). The *Eucalyptus oleosa* is situated at the top of the ridge at AIBG some distance away from other trees which has enabled to some extent, its protection from bushfires. AIBG has avoided interfering with nature, thus promoting the natural growth and development of the tree. The only protection is a wooden fence erected around the tree as a signal to visitors that they should not progress beyond the fence.

Currently (September 2021), The lignotuber (mallee root) at ground level has an average diameter of 3.075metres (refer **Figure 1** below).

**Figure 1. Lignotuber of the WOW Tree**



Source: Cuddy, Brian (2021). Coordinator, Australian Inland Botanic Gardens.

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The lignotuber has five stems growing out of it. Some years ago (30+), prior to the creation of AIBG, for whatever reason the northern most stem was cut off at what foresters would refer to as "breast height" (the nominal point for measuring a tree's diameter is referred to as breast height which is 1.4m above ground-level on the high side of the tree if on sloping ground. Usually referred to as 'dbhob' or 'dbhub' depending on whether the measurement was over or under bark). At the time that stem was cut it measured 32.5cm dbhub. That stem now has 7 younger stems (referred to as epicormic shoots) growing out of the stump, these measured at breast height over bark (dbhob) are 21.6cm; 7.4cm; 6.0cm; 8.5cm; 8.4cm; 9.1cm; and 5.7cm. The tree is 13.125 meters tall.<sup>1</sup> (refer **Annex B - C** for photographs of the *E. oleosa*).

AIBG refers to this 'oil mallee' or 'giant mallee' as the '**WOW Tree**' in view of its longevity in comparison to its other neighbors at AIBG and in the local area.

### **3. Location of the WOW Tree:**

Enter the AIBG from River Road and drive the 400 metres through the colonnade of lemon scented gums (*Corymbia citriodora*) and park in the Rose Garden Carparks. At the top of the carparks turn right and walk the hilltop ridge to the west for approximately 450 metres. You will approach a 5-way crossroads intersection near the Australian Summerhouse. Just to the south of the intersection is the WOW Tree. The Tree is enclosed with a wooden post fence, which has a sign "WOW Tree, Australian Flora, Bed 6" and another display board detailing "The Story of the Mallee Tree" and a box of informative brochures about Mallee Trees. (Map of the AIBG - refer **Annex D**).

### **4. History of the species in Australia:**

According to a report prepared by ABARES for the Department of Agriculture, 77% equivalent to 101 million hectares of total native forest area is covered by Eucalypt<sup>2</sup>. The *Eucalyptus* is a genus of trees, shrubs and mallee that belong to the Myrtle family, Myrtaceae. The report further states that almost all types of *Eucalyptus* trees are native to Australia and can be found in all States. Eucalypt forests have remained throughout centuries, because of their unique ability to survive. There are between 700 and 900 species of *Eucalyptus* endemic to Australia. It is noted that over 50 per cent of them are known as Mallees.

Mallee is the Aboriginal name, now a part of common parlance, given to a large group of *Eucalyptus* species and comes from the Aboriginal word for a multi-stemmed or multi-trunked

<sup>1</sup> Eddy Vic, the WOW tree summary, email dated 13<sup>th</sup> September 2021.

<sup>2</sup> ABARES, (2019). [Australian forest profiles, Eucalypt](#).



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tree. The Mallee trees also give their name to the Mallee region. Mallee woodlands and shrublands are considered one of Australia's major vegetation groups.

Large scale clearing of the Mallee for farming began in the late 1800s. The pioneers cleared the land and planted crops only to find the Mallee reshooting and requiring further cutting back before harvest could commence. Serious wind erosion occurred, reducing the fertility due to topsoil losses and increasing the dryland salinity of the soil. However, the Mallee has the capacity to survive even in the harshest conditions.

Today, at least 35% of Mallee in New South Wales, 65% in Victoria and 75% of Mallee vegetation in South Australia has been cleared for agriculture.<sup>3</sup> Hence, it is important that remaining Mallee are protected as far as possible and the WOW Tree especially in view of its age from extinction.

#### **5. Background to the species in the Murray region:**

In 2016 of around 1.3 million hectares of native forests, 'Eucalypt Mallee Open' occupied 556,000 hectares in the Murray region<sup>4</sup>.

According to a UNESCO study (2017)<sup>5</sup>, the Barkindji Biosphere Reserve lies within the Murray-Darling River Basin. This Basin that encompasses New South Wales and Victoria consists of eleven land systems and the surface area is 191,823 hectares. Among the Administrative Authorities for the Reserve is the AIBG, as the land area falls within the Barkindji Biosphere.

The Barkindji were the original Aboriginal inhabitants of the biosphere area. Many of the Barkindji died in combat or moved away after the first Europeans moved into the area in 1830s. Today, the remnants of the Aboriginal community in the biosphere area are considered to be descendants of the Barkindji community.

It is a well-known fact that ancient Aboriginal communities had the capacity to live and adapt to the natural environment for over 60,000 years, in a way that was not mastered by more recent European settlers. Hence, the Mallee features significantly in Aboriginal history, and particularly in the biosphere.

To quote from the UNESCO report on the biosphere reserve:

"The Biosphere Reserve is of great ecological value, as it is home to 800-year-old river red gums and 3,500-year-old Mallee lignotubers." (UNESCO,2017).

<sup>3</sup> Eddy Victor, (2019). AIBG, Mallee Brochure.

<sup>4</sup> Department of Agriculture, (2021). "[About my region – Murray region New South Wales](#)".

<sup>5</sup> UNESCO,(2017). Barkindji.

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Hence, the above information gives some credibility to the existence of a 2,500-year-old Mallee tree.

The Aboriginal community's relationship to the Mallee and particularly the *Eucalyptus oleosa* is discussed in a subsequent section.

**6. Background to the *Eucalyptus oleosa*:**

The word '*oleosa*' is derived from the Latin word, '*olesosus*' that means bearing oil, as the *E. oleosa* has glossy-green oil-bearing leaves. The seedling can be distinguished by the 'dense, spiral linear seedling leaves.' The mature leaves are seen to have oil glands and in the past the leaves were used to manufacture cineole-based Eucalyptus oil.<sup>6</sup> Hence, the *E. oleosa* is also called the Oil Mallee or Giant Mallee. Refer **Figure 2** below for a picture of the leaf from the *E. oleosa* at the AIBG. Note the oil glands on the larger section of the leaf below. The tree generally grows to a height of 8 to 10 metres and forms a lignotuber. The lignotuber contains resources, such as starch and buds that may promote re-growth if the tree branches are destroyed for example in a bushfire

**Figure 2. The *Eucalyptus oleosa* (WOW Tree) Leaf**



Source: Cuddy, Brian, (2021). Coordinator, Australian Inland Botanic Gardens.

<sup>6</sup> Wikipedia, (2021). *Eucalyptus oleosa*.



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The *E. oleosa* is commonly found in the Southern parts of Australia, including Western Australia, Southern Australia, Victoria and New South Wales. It is a drought-tolerant tree and has water-bearing roots similar to certain other types in the species.

**7. Significance of the *Eucalyptus* in the State of NSW:**

The National Parks Association of NSW undertook a preliminary assessment of the Eucalypt forests in the north-east of NSW located in the World Heritage-listed Greater Blue Mountains range.<sup>7</sup> "Eucalypts are the defining feature of the Australian biota, with almost 900 species occurring continent wide". (p.8) states the report giving due importance to the Eucalyptus. The Eucalypts ability to adapt to diverse environments, taxonomy and ecology across the continent, has made it significant as a key part of a World Heritage site.

Whilst no other over 2000-year-old *Eucalyptus oleosa* could be identified in Australia, there were a few from other Eucalyptus species. One Eucalyptus is deemed to be around 13,000 years old and the article in the TIME magazine with photograph by renowned photographer Rachel Sussman reports that it is critically endangered and that there are less than five trees of the same kind remaining on the planet.<sup>8</sup>

Other Eucalyptus trees regarded as noteworthy both in and outside NSW are as follows<sup>9</sup>:

- A flooded gum, *Eucalyptus grandis* deemed to be around 400 years old in the Myall Lakes National Park, north of New Castle in NSW.
- Meelup Mallee, six *Eucalyptus phylacis*, that have sprouted from a clone deemed to be around 6,600 years old from a single ridgeline, south of Perth in Western Australia.
- Five Mongarlowe Mallee, *Eucalyptus recurva*, deemed to be in the range of 3,000 to 13,000 years old growing across four distinct sites in the Southern Tablelands of NSW. One of these ice age gums may be around 13,000 years old and corresponds to details of the Eucalyptus mentioned in the preceding paragraph. However, it is understood that it is not available for public viewing, given that it is critically endangered.

We note from the above information, that there appears to be no aged Eucalyptus tree other than those in South-West NSW mentioned above, and observe specifically that no such aged *Eucalyptus oleosa* similar to the WOW Tree exists in the State of NSW, or in Australia.

<sup>7</sup> Ceres Boudicca, (2012), The Eucalypt Forests of Northeast New South Wales.

<sup>8</sup> TIME, (2015). "These are 11 of the Oldest Things in the World.

<sup>9</sup> Rykers Ellen, (2017). "Oldest continuously living things in Australia", Australian Geographic.

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**8. Significance for the Aboriginal people of Australia:**

The Aboriginal people of Australia the earliest known inhabitants of Australia, deemed to have arrived here from around 40,000 to 60,000 years ago, lived close to nature. In their primitive state their lives revolved around satisfying their basic physiological needs utilizing their natural habitat. Water was a part of such basic needs, just as it is for most other organisms. Over centuries the Aborigines developed practices, some of which according to historical records could not be replicated by more recent settlers from the West. In this search for sustainable living plants and trees that had water-bearing roots became of paramount importance.

The first known reference to Aboriginals extracting root water from mallee trees was made by Edward Eyre on his acclaimed travels across southern Australia from 1840 to 1841.<sup>10</sup>

Ecologists, Noble and Kimber on the ethno-ecology of mallee root water mention that the *Eucalyptus oleosa* is one among the few mallee trees that retain water in their roots. Hence, in areas that are prone to drought and bushfires, the water bearing mallee trees were of great importance to the early Aboriginal communities, and a key part of their traditional and religious life. The said Ecologists mention that early Europeans were astonished at the abundance of clear, drinking water derived from the roots dug up by the Aborigines, and they (early Europeans) could not replicate this skill. Naturally, the water-bearing mallee became a life-giving resource for the Aborigines.

Quoting from Tindale's 1972 works:

'Men also wave *Eucalyptus oleosa*, water mallee branches, in the air to fetch cold, rainladen southerly winds.' (Tindale 1972, pp. 233, 236, 244)'

Hence, the *Eucalyptus oleosa* was regarded by the Aborigines as having spiritual properties in returning the rains to drought-ridden areas. In this context, it would not be wrong to observe that the *Eucalyptus oleosa* was revered by the Aboriginal community. It was hence, of cultural and spiritual value to the Aborigines who lived in the Murray region during and prior to European settlement in the area approximately 200 years earlier and their ancestors.

**9. Significance in terms of NSW heritage assessment criteria:**

Assessing the WOW Tree in terms of NSW heritage assessment criteria, it is observed as follows:

<sup>10</sup> Aboriginal History, Volume 21 1997, Noble, James C and Kimber, Richard G, On the ethno-ecology of mallee root water, pp. 170-202.

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- a. The WOW Tree species (*Eucalyptus oleosa*) occupies an important place in both the cultural and natural history of NSW, given its importance in the traditions and religious life of the Aborigines.
- b. This item has a special association with the life and works of 19<sup>th</sup> century ecologists/explorers who explored the Australian continent, including Edward Eyre, Ernest Giles, Richard Kimber and James Noble.
- c. It demonstrates aesthetic characteristics, in regard to its natural beauty in this semi-arid landscape as can be seen in Annexes B, C and D.
- d. It has special association with the Aboriginal community especially the Barkindji people who were the early inhabitants of the area and whose descendants still remain in and around the Murray region.
- e. The characteristics of the WOW Tree yield important information that enables an understanding of both NSW's natural as well as cultural history, as explained in the preceding sections.
- f. While the WOW Tree is not considered as uncommon or rare as regards its species, it is certainly rare in terms of age, estimated at 2,500 years.
- g. The WOW Tree being the only one of its kind and age according to existing records, is a stand-alone indicator of the ability to withstand natural disasters (bushfires, drought, climate change) over centuries in the natural environment.

**10. Analysis of heritage significance:**

The analysis of heritage significance is outlined below:

- a. Level of significance: research has not brought to light any other trees of the same or similar age group in the local government area of Wentworth Shire. The WOW Tree is observed to be the only survivor in this area, as well as in the Sunraysia and Murray regions and hence should be noteworthy in this context. Furthermore, it is the only one of the species *Eucalyptus oleosa* of this age in the State of NSW and there is no indication of such an aged *Eucalyptus oleosa* elsewhere in Australia.

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b. Statement of heritage significance:

The 2,500-year-old WOW Tree (*Eucalyptus oleosa*) in the Australian Inland Botanic Gardens is of significant importance in the local government area of Wentworth Shire, as well as in the greater Sunraysia area, as it is observed there are no records of other trees of the same age and same species in these areas. The WOW Tree is historically important to the Aboriginal community in NSW as it has water-bearing roots and hence, has cultural significance for ancient Aboriginal rain-making ceremonies, that has been mentioned in historical records, along with its spiritual significance to the Aborigines.

Hence, Australian Inland Botanic Gardens Inc, submits the heritage listing application for the 2,500-year-old WOW Tree (*Eucalyptus oleosa*), located at the Australian Inland Botanic Gardens in Mourquong, NSW for the further consideration of the Wentworth Shire Council.

**AUSTRALIAN INLAND BOTANIC GARDENS INC**  
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CV OF VICTOR I P EDDY

ANNEX A

**Curriculum Vitae**  
**Victor Ian Pierce Eddy B.Sc. (For) ANU**

5 Dr. Abramowski Court ~ Mildura 3500  
 Mobile 0488 038 835 ~ Home 03 5023 4795  
 E-mail [victor.eddy@bigpond.com](mailto:victor.eddy@bigpond.com)

5/5/1943 **BORN** in Epping Sydney

**EDUCATION**

1948-1954 Eastwood Infants and Primary School

1955-1960 Fort Street Boys' High School

1961-1965 Bachelor of Science (Forestry) ANU. [yrs 1 & 2 at Sydney University]

(1962-1965 Trainee, Forestry Commission of NSW. As a trainee 1963 was a compulsory field year which involved thinning natural regrowth *P. radiata* post 1939 wildfires; measuring both *P. radiata* and native hardwood inventory and research plots ranging from Tumut in the south to Coffs Harbour in the north)

**EMPLOYMENT**

It was the need of employment between school and tertiary education that led me to forestry as a career. I wanted paid work between completing the Leaving Certificate exams and receiving my results. The NSW Forestry Commission provided me with that employment and encouraged me to apply for one of their traineeships.

1966-1988 **Forestry Commission of New South Wales**

**Forester Mullumbimby (1966-68)**- Native hardwood management & assessment. I designed and established the continuous forest inventory for the native hardwood forests of the Mullumbimby Management Area

**Forester Kyogle (1968-70)** - Native hardwood, rainforest & hoop pine plantation management; road survey, design & construction; tree nursery supervision; forest fire control

**District Forester Forbes (1970-73)** - Cypress pine & river red gum management; Amenity nursery management & tree planting extension.

**District Forester Glen Innes (1973-84)**- Native hardwood management; Pine plantation establishment & management; road survey, design, & construction; forest fire control; management planning.

**District Forester Mildura (1984-88)** - River red gum forest and arid woodlands, management, protection, and marketing.

1989-2010 **Company Forester, A.B. Rowe & Son Pty Ltd.**

I provided management & initiated assessment of 17 000ha of private river red gum forest (1989 – 2006) on Yanga Station on the Murrumbidgee floodplain at Balranald. I liaised with NSW & Vic Govt. Forest Services. I was the company representative on various committees. Forestry consulting, specialising in all aspects of river red gum forests, standing forest value estimation, establishment, management, harvest and conservation. This position became redundant when NSW Government converted its River Red Gum State Forests to conservation reserves effectively terminating this company's involvement in the river red gum timber industry.

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**AUSTRALIAN INLAND BOTANIC GARDENS INC**  
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**CV OF VICTOR I P EDDY**

**ANNEX A**

**EXPERIENCE**

As the District Forester Forbes I managed one of the NSW Forestry Commission's five Amenity Nurseries. Forbes Nursery supplying tree seedlings and extension advice to serve the Central Western Slopes and Plains, and the Southern Tablelands of NSW.

For A.B. Rowe & Son I established some 10ha of woodlot/windbreak plantings involving irrigation including drip, flood, and furrow. I established 20x0.6ha inventory plots

For 19 years I supervised the salvage of 10,000+tonnes/annum of firewood from logging residue on Yanga and Glen Avon Stations

Since the early 2000s I have provided Culpra Station with advice on river red gum forestry. In 2008 and 2010 I supervised a harvesting operation in compliance with the NSW Code of Native Forest Practice for River Red Gum. Culpra Station of 15,884 ha has 230ha of river red gum river frontage. Purchased by the Indigenous Lands Council it has been divested to Culpra Milli Aboriginal Corporation.

Over the past 25 years I have been a keen observer of irrigated woodlot plantings both successful and less than successful. In particular they include effluent irrigation woodlots of Sunraysia, Loxton, and Wagga Wagga.

I have provided specific consultation on the effects of indiscriminate flooding, and irrigation drainage reuse for tree planting on lands to the west of the Murrumbidgee Irrigation Area (MIA).

In 1990 I attended the "Direct Seeding and Natural Regeneration" Conference of Greening Australia. Then in 1992 I presented a paper on "The Lowbidgee Experience" to the "Catchments of Green" Conference of Greening Australia.

In 1992 I attended an international biodiversity conference in Canberra.

In 1993 I presented a poster-paper on "Private Native Forests" to the Inaugural Maurice Wyndham Conference at the University of New England "Sustainable Forests in Australia".

Consultation has included advice on current condition and future management options of private forests, and value estimates of standing forests, both red gum and mountain ash.

In 2005 the NSW National Parks and Wildlife Service purchased Yanga Station owner of the 17,000ha river red gum forest referred to above, to become National Park, specifically for its red gum forest values. This forest was purchased because the NPWS considered it to be a forest in good condition.

**MEMBERSHIPS**

*Pre 1961*

I was a member of the Caloola Club that identified itself as an expeditionary society. It owned an ex-airways coach that could carry 27 members and all their necessary camping and hiking gear, Christmas 1959 we set out to survey the flora and fauna of Nadgee Fauna Reserve to the north of Cape Howe (NSW/Vic Border) but due to the weather we spent 2 weeks on Gabo Island instead. I remained a member until 1961.

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**AUSTRALIAN INLAND BOTANIC GARDENS INC**  
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**CV OF VICTOR I P EDDY**

**ANNEX A**

- 1966-2018** *Institute of Foresters of Australia.* I was Secretary/Treasurer of the North Coast NSW Branch 1969/70. From 1989 to 2009 I attended every annual conference. At an Annual Conference in Canberra, I moved a motion that the IFA affirm its support of native forest harvesting. Despite influential efforts to water that motion down it was passed.
- 1966-1980** *Association of Apex Clubs* Elected to Club Board in my first year. I was a member of Mullumbimby; Kyogle; Forbes; and Glen Innes Clubs. I was a Board Member for at least part of every year I was a member, and held the positions of Club President, District Governor, and Zone Secretary/Treasurer along the way.
- 1989-2010** On behalf of A.B.Rowe and Son I represented Glen Avon Station, Balranald on the following: Chairman and Project Manager **Redbank Riparian Landcare Group Inc.** which was a Land & Water Management Planning Committee, within the Lowbidgee Controlled Flooding and Irrigation District on the lower Murrumbidgee River.  
**Lowbidgee League**  
 Representative of the *League* to the **Murrumbidgee River Water Users Association** from 1997-2000  
**NSW Farmer's Association:** District delegate to Annual Conference 2008 & 2009
- 1989-2000** *Murray Darling Association* Private member.
- 1989-2001** *Australian Conservation Foundation;* Foundation member of the Sunraysia-Mallee Branch
- 1990-1993** *Nyah to the S.A. Border Salinity Management Planning Committee.* I was a member through to the launch of the completed salinity management plan. This Plan is for the private diversion of irrigation water in Victoria from the Murray River downstream of Nyah (near Swan Hill).
- 1994-2016** **Yelta Landcare Group Inc.** Treasurer since its foundation. I was also the Public Officer until the Act determined that this was to be the secretary's responsibility.
- 1995-2018** **Australian Forest Growers**
- 1996-2000** **Lower Murray-Darling Catchment Management Committee.** As a land user member.
- 1996-2003** **Murray-Riverina Farm Forestry.** This was a NSW Dept. Regional Development Committee set up to promote forest establishment, including irrigated plantations, and management. I was the NSW Forest Products Association representative.
- 1996-1997** *Friends of Nyah-Vinifera Forest:* Foundation member but resigned when they amended their constitution to deny those with a commercial interest the right to vote.
- 1998-2000** **Mallee Agroforestry Initiative Steering Committee** Set up by greening Australia in Sunraysia and comprising a select group of some 6 experienced people both private & govt.
- 1999-2003** *Western Riverina Regional Vegetation Committee* As a representative of rural interests through to completion of the management plan.

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**AUSTRALIAN INLAND BOTANIC GARDENS INC**  
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**CV OF VICTOR I P EDDY**

**ANNEX A**

- 2001- *Palm Terrace Owners Corporation*: A townhouse strata development. President 2008-9 Secretary from 2009.
- 2002-2006 *River Red Gum Forest Industry Strategy*: Chairman of the *Forest and Log Residue Working Group* 2003 to 2006.
- 2002-.... *Australian Inland Botanic Gardens*: Committee member. I was elected Vice-president 2010. From June 2012 to May 2016, I was the Honorary Director. Since June 2016 I have been President of The Friends of the Australian Inland Botanic Gardens. For the last three years I have been working as a volunteer to help overcome a labour shortage. These Gardens are owned and run by a not-for-profit committee and believed it could not afford to replace three staff members that left. I was awarded "Life Membership" on 7<sup>th</sup> March 2019.
- 2003-2004 *River Red Gum Grading Review & Log Grading Training Committee*: Represented the River Red Gum industry on the committee of State Forests, TEMS (training provider), and industry. Reviewed the Red Gum log grading manual and developed a training programme for the accreditation of red gum log graders. As a result, I received a certificate to certify me as competent to "Grade Logs and Mark for Segregation (Red Gum)" dated 5/07/2004
- 2004 *Private Native Forestry Working Group*: By Ministerial appointment I represented private forest owners and the red gum timber industry. This group's purpose was to write a Code of Forest Practice to serve as the Private Native Forest Regulation under the Native Vegetation Act 2003 (NSW). The Minister disbanded this group for not completing the code within six months and the task was handed to the newly formed Natural Resource Advisory Council (NRAC) Sub-committee. In October 2006, by invitation, I gave a presentation on river red gum silviculture to the NRAC PNF Sub-committee. After some 2.5 years that committee had not completed the regulatory code and the task was given to a Departmental Forester. I claim responsibility for a spatial condition being written into the code for river red gum forests which allows small dense clumps to be thinned.
- 2009-2010 *Private Native Forestry Training Steering Committee*: In March 2009 I was invited to represent the NSW Farmers' Association on this Committee.



**AUSTRALIAN INLAND BOTANIC GARDENS INC**  
**REG NO. A0007905N**

**THE WOW TREE (POST-DROUGHT) 2020**

**ANNEX B**



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AUSTRALIAN INLAND BOTANIC GARDENS INC  
REG NO. A0007905N

THE WOW TREE – 30<sup>TH</sup> SEPTEMBER 2021

ANNEX C



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**AUSTRALIAN INLAND BOTANIC GARDENS INC**  
**REG NO. A0007905N**

**MAP OF THE AUSTRALIAN INLAND BOTANIC GARDENS** **ANNEX D**




# Map : Australian Inland Botanic Gardens



# AUSTRALIAN INLAND BOTANIC GARDENS INC REG NO. A0007905N

## MAP OF THE AUSTRALIAN INLAND BOTANIC GARDENS

### ANNEX D

<p><b>Features of the Australian Inland Botanic Gardens</b></p> <p><b>Mallee Bed 16</b> (M 16) Combined with M 18 this bed is made up of plants donated by The Royal Melbourne Botanic Gardens to celebrate their 150<sup>th</sup> anniversary.</p> <p><b>Australia Bed 1</b> (Aus 1) This bed features a display of some Rare &amp; Threatened Species within a 200km radius of Mildura</p> <p><b>Australia Bed 6</b> (Aus 6) This bed is one of the gardens main features and contains only 1 plant, a 2500+ year old Mallee Tree. We call this our WOW tree.</p> <p><b>Australian Beds 17, 18, 19</b> (Aus 17, Aus 18, Aus 19) These beds contain a variety of Sub Tropical plants from throughout Australia</p> <p><b>The Australian Summer House</b> This typical Australian Treated Pine Summer House contains a beautiful Seed Pod Ceiling using an assortment of seed pods and dried flowers to create a spectacular ceiling display.</p> <p><b>The Rose Garden</b> The Rose garden consists of over 1500 roses set to range in height and colour. Beautiful scents and amazing colours.</p> <p><b>The Bush Chapel</b> The Bush Chapel was created to bring much needed cash injections to the gardens. It is a popular location for weddings, funerals, church services and christenings</p> <p><b>The Nature Trail</b> The Nature Trail is an 800m walk through a mixture of Australian Native plants. Interpretative signs, a Childrens class room and a mock Mallee Fowl Nest also add to the experience.</p> <p><b>The Salt Tolerant Walk</b> Take the time to walk through one of the first areas planted in the Gardens. This area was affected by salt due to a high water table. Salt Tolerant Australian Native Plants were placed in several beds and were very successful in removing the water table and salt problem. Left mostly untouched it is definitely worth a look.</p> <p><b>Desert Pea Display</b> The Desert Pea Display area is certainly worth a visit. Plants have been growing and regenerating for the last few years and when in flower create a beautiful carpet of red. Worth taking the time to find the plant with a different coloured boss (eye).</p> <p><b>Garrung Coffee Shop</b> Garrung Coffee Shop is located at the end of the bitumen drive. It is an amazing 150+ year old drop log homestead that was transported and re-erected at its current site in 1992. Have a look at the way the building was created whilst you enjoy a drink and something to eat.</p>	<p><b>Features of the Australian Inland Botanic Gardens</b></p> <p><b>Magenta In the Gardens</b> The Magenta Shearing Shed was erected in 2004 to serve as a function area for a lot of the weddings held at these gardens. It holds around 150 guests and although not re-built to look like a shearing shed inside, the structure, created using Chinese Migrant skills is well worth the look.</p> <p><b>Peaka Homestead</b> Peaka Homestead is another 150+ year old drop log homestead that has been added to Magenta. It has been built onto a modern frame and lined outside with all of the original materials. Inside is a modern catering kitchen allowing for the whole Wedding Function to be done in one place.</p> <p><b>Self Guided Tour Road</b> The Self Guide Tour road is designed to allow visitor to see as much of the 124 acres as possible. Starting at the Garrung Coffee Shop car park it is the only driveable track within the gardens. Car parks are located along its length to allow visitors to stop and wander to the various different sites around the gardens.</p> <p><b>Children's Garden</b> European Bed 3 has been adapted into an amazing Children's Garden full of fabulous things for the kids to play with, on or in. Relax on a park bench as the kids run amok.</p> <p>The gardens are a No Smoking area and we would appreciate those who smoke to please refrain unless you are in the designated area at the rear of Garrung Coffee Shop</p> <p>Dogs are permitted within the gardens but must be on a lead and you must clean up any accidents</p> <p>All tracks apart from the main driveway and the Self Guided Tour Road are walking tracks only. There are plenty of car parks to leave your car and have a wander. Please be aware of pedestrians and other moving vehicles.</p> <div data-bbox="1141 981 1241 1052">  </div> <div data-bbox="1141 878 1241 949">  </div>	<p><b>Events at the Australian Inland Botanic Gardens</b></p> <p><b>Big Brekkie</b> The Big Brekkie is held on the 4<sup>th</sup> Saturday of every month. Starting at 8:30 am and running to 12:00pm you can relax and enjoy a gourmet brekkie before doing a Tractor Train Tour of the gardens. These run at 10:00am and 11:00am</p> <p><b>Magenta Art Show</b> Held every Easter weekend, the Art Show is a major attraction. Artworks from all around Australia are on display and prizes are determined by reputable judges. A gold coin donation is welcome as you enter.</p> <p><b>Magenta Artists</b> The Magenta Artists is a group of people who create beautiful artwork using many different types of media. They operate out of Peaka Homestead every Wednesday from 10:00am until 4:00pm and you are more than welcome to visit them and see what they are creating.</p> <p><b>Weddings and Functions</b> These can be booked by going to <a href="mailto:venuehire.aibg@gmail.com">venuehire.aibg@gmail.com</a> or phoning Gwen Wilkinson on 0418 969 475</p> <p><b>Tractor Train Tours</b> Tractor Train Tours are available throughout the year. The train will seat 48 passengers and takes approximately 1 hour. The driver will give a running commentary over the PA system as you go along. The cost is \$10 per adult, children 12 and under ride free. To book the train you can ring 03 50233612 or speak to Brian On 0408 604879</p> <p>Please note that the drivers are volunteers and as such may not be available at certain times</p> <div data-bbox="1109 443 1209 533">  </div> <p>This Speed Limit applies throughout the gardens</p> <p>These Gardens are run by Donation Money. Please assist us by putting a donation in any of the donation boxes throughout the gardens</p>
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## 9.19 FLOOD RISK MANAGEMENT PROJECT

File Number: RPT/22/264

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

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

Strategy: 3.3 Prepare for natural disasters, biosecurity risks and climate change

### **Summary**

The Flood Risk Management project commenced with the signing of a Short Form Consultancy Agreement in July 2015 and an inception meeting of the committee held in August 2015.

A final draft Flood Study was received from the consultants, Advisian (formerly Worley Parsons) in July 2021.

This report seeks a resolution of Council to terminate the contract with Advisian to allow for the project to be progressed in a more efficient and beneficial manner for Council and the community.

### **Recommendation**

That Council resolves to advise Advisian (formerly Worley Parsons) that the Short Form Consultancy Agreement is terminated in accordance with Clause 15 of that agreement.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to provide Council with the information required to make an informed decision with respect to the progression of the Flood Risk Management project (the project).

#### **Background**

Following the commencement of this project in 2015, Council received a draft Flood Study in August 2017 which was referred to the Department of Planning (DPE) for review by the relevant officers who deal with flood risk management projects in the Western Region, currently the Biodiversity and Conservation division (BCD).

Further work on the document was required to be conducted by Advisian with a new draft Flood Study being submitted for review in August 2020.

Following a second review of the document by BCD, Council was advised that an updated Flood Frequency Analysis was required and as the document was 'aged' an update of references to state legislation and policy was also required.

A final draft was submitted to Council in July 2021.

#### **Matters under consideration**

Council has been liaising with BCD and there are concerns around the accuracy of the data and flood modelling software used to prepare draft study.

More specifically the issues relate to the RMA-2 model used by Advisian. TUFLOW is now considered to be the most accurate modelling software for flood assessment and is used extensively by consultants when preparing flood studies.

Additionally, there have been lengthy timeframes in which work is being conducted and documents submitted to Council, which has required a review of the project scope, timeframe schedule and budget adjustments.

Council has been invited to apply for grant funding from DPE to continue the project. Most importantly, the funding will assist with the preparation of all of the documents required by the Floodplain Development Manual by consultants who have recently completed similar flood projects for rural councils to the satisfaction of BCD.

#### Options

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

- Terminate the Short Form Consultancy Agreement with Advisian (formerly Worley Parsons) and
- Request all data related to the project be provided to Council, or
- Continue to work with Advisian (Worley Parsons) to complete the project.

#### Legal, strategic, financial or policy implications

Land use planning and management under the Environmental Planning & Assessment Act 1979 is the responsibility of Council. This requires Council to identify risks and manage development on flood prone land.

The Flood Risk Management project will guide, inform and facilitate appropriate amendments to the Wentworth Local Environmental Plan 2011 and local strategic planning decision making. It will also inform and guide Council and agencies when responding to and acting in an emergency capacity during a flood event.

#### Termination Clause of Contract

(15) Client may terminate this agreement if:

- (i) WorleyParsons breaches an essential item of this Agreement and does not remedy that breach within 14 days of being notified of the breach in writing; or
- (ii) Client gives WorleyParsons 30 day's written notice of its intention.

#### Conclusion

The recommendation in this report facilitates the progression of the Flood Risk Management project.

#### Attachments

Nil

## 9.20 POLICY REVIEW - DEPARTMENT ROADS & ENGINEERING

File Number: RPT/22/225

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

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

### **Summary**

After each general election of Councillors, the Local Government Act 1993 (the Act) requires Council to review all official policies of Council. There are currently 74 policies in place of which 8 are the responsibility of the Roads & Engineering Department.

For this Council meeting the department has reviewed three policies and are presenting them to Council for adopting.

### **Recommendation**

That Council adopt the following revised policies:

- a) AF005 – Plant Replacement Policy
- b) AF006 – Private Works Policy
- c) CC008 – Street Trees Policy

### **Detailed Report**

#### **Purpose**

The purpose of this report is to update Council on the process of reviewing Council policies that has begun following the general election of all Councillors.

#### **Background**

After each general election of Councillors, the Act requires Council to review all official policies of Council. There are currently 74 policies in place of which 8 are the responsibility of the Roads & Engineering Department.

#### **Report Detail**

For this report staff within the Roads & Engineering Department have reviewed the following policies:

- a) AF005 - Plant Replacement Policy
- b) AF006 - Private Works Policy
- c) CC008 - Street Trees Policy

As part of ongoing continuous improvement, a new template for both Council and Operational policies has been developed to ensure consistency and ease of use. As part of the review process all existing policies will be updated using the new policy template.

While reviewing the policies it has been determined that these policies are still a required policy of Council and that the current scope and intent of the policies are still relevant, therefore only minor formatting and administrative updates in order to reflect best practice have been made to these policies. It is therefore recommended that these policies be adopted.

Conclusion

The Roads & Engineering Department is currently responsible for 8 Council policies. For this Council meeting the department has reviewed three policies

And are presenting them to Council for adoption. It is the recommendation of the responsible officer that these policies be adopted.

Attachments

1. AF005 Plant Replacement Policy[↓](#)
2. AF006 Private Works Policy[↓](#)
3. CC008 Street Trees Policy[↓](#)
4. Street Trees Policy - Attachment 1 Preferred Species List[↓](#)



**Wentworth Shire Council**

Word Document Reference: DOC/22/5084

**Council Policy No: AF005****PLANT REPLACEMENT POLICY**

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**POLICY OBJECTIVE**

This official Council policy documents Council's system for the timely and appropriate replacement of plant items

**1. POLICY STATEMENT**

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which review the expected useful life and replacement schedule of Council's Plant items is conducted in a manner which represents best value for Council's procurement activities and is undertaken in accordance with Council's Procurement Policy.

**2. POLICY COVERAGE**

This policy applies to all Councils major plant & equipment items.

**3. STRATEGIC PLAN LINK**

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.

**4. DEFINITIONS AND ABBREVIATIONS**

Value for Money	The most advantageous financial outcome for Wentworth Shire Council.
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**5. POLICY CONTENT**

This policy establishes the expected useful life and replacement scheduling for major plant and equipment items and should be read in conjunction with Council's Asset Management Strategy & policy and Long-Term Financial Plan.

It is the policy of this Council that: -

- Where appropriate, items of plant are to be standardised, but at all times must demonstrate value for money for Council.
- Plant specifications are to be prepared by the relevant department and approved by the General Manager.
- Where an identified risk, hazard or default with an individual item of plant is identified, the need for risk mitigation will override the plant replacement schedule.
- Procurement of all major items of plant and equipment shall be undertaken in accordance with Council's Procurement Policy (GOV003) and be undertaken only by those members of staff with the appropriate levels of delegated authority (GOV009).
- Items of plant shall be replaced in line with the following schedule: -

**Wentworth Shire Council**

Word Document Reference: DOC/22/5084

**Council Policy No: AF005****PLANT REPLACEMENT POLICY**

General Manager & Mayor	2 years or 40,000 km
Sedans and 4 wheel-drives	4 years or 100,000 km
Utilities	4 years or 100,000 km
Medium and large trucks, Jet Patcher	8 years or 160,000 km
Rollers, tractors, backhoes	8 years or 6000 hrs
Graders, loaders	10 years or 10,000 hrs.
Mowers	3 years or 3,000 hrs.
Small plant and equipment	As need basis.

**6. RELATED DOCUMENTS & LEGISLATION**

- GOV009 - Wentworth Shire Council Procurement Policy
- GOV003 - Delegated Authority Policy
- Long Term Financial Plan
- Wentworth Shire Council Operational Policy

**7. ATTACHMENTS**

Nil.

**8. DOCUMENT APPROVAL**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

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

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)

**General Manager Wentworth Shire Council****Date**

**Wentworth Shire Council**

Word Document Reference: DOC/22/5378

**Council Policy No: AF006****PRIVATE WORKS POLICY**

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**POLICY OBJECTIVE**

This official Council policy documents how to promote full utilisation of Council's plant items.

**1. POLICY STATEMENT**

The intent of this policy is to ensure that Wentworth Shire Council establishes systems that provides members of the public the opportunity to hire Council's plant for unique situations that require specialised plant without entering into competition with local suppliers.

**2. POLICY COVERAGE**

This policy applies to all areas of Council's operations and is to be applied in exceptional circumstances only, at the discretion of Council senior management.

**3. STRATEGIC PLAN LINK**

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.

**4. DEFINITIONS AND ABBREVIATIONS**

Private Works	The undertaking of agreed works for private purposes
Fees & Charges	Fees & Charges listed in Council's Operations Plan – Annual Fees & Charges.

**5. POLICY CONTENT**

- 5.1 Council shall nominate items of plant to be hired out to members of the public. The items are listed in Council's Annual Fees and Charges.
- 5.2 It is not the intention of Council to enter into competition with local suppliers in undertaking Private Works.
- 5.3 Private Works are to be carried out on a full cost recovery basis, including appropriate overheads for staff time and administrative costs.
- 5.4 These costs are reflected in Council's Operational Plan - Annual Fees and Charges.
- 5.5 Private Works will only commence after the signing of an agreement between Council and the person responsible for payment of the applicable fees.
- 5.6 No Private Works agreement will be entered into if the person responsible for payment has outstanding monies owed to Wentworth Shire Council.
- 5.7 All Workplace Health and Safety standards must be adhered to at all times.

**6. RELATED DOCUMENTS & LEGISLATION**

- Wentworth Shire Council Operational Plan – Annual Fees & Charges

**7. ATTACHMENTS**

Nil.

**Wentworth Shire Council**

Word Document Reference: DOC/22/5378

**Council Policy No: AF006****PRIVATE WORKS POLICY**

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**8. DOCUMENT APPROVAL**

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

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**

**Wentworth Shire Council**

Word Document Reference: DOC/22/5398

**Council Policy No: CC008****STREET TREES POLICY****POLICY OBJECTIVE**

This Official Council Policy is to ensure a coordinated, collaborative and consistent approach to type, planting, maintenance and replacement of street trees in the Wentworth Shire Council Local Government area.

**1. POLICY STATEMENT**

The intent of this policy is to ensure that Wentworth Shire Council establish a system which provides consistency in relation to street trees., at the same time, considering the local climate, degree of maintenance required – including watering.

It also establishes protocols regarding responsibility where street trees are concerned.

**2. POLICY COVERAGE**

This policy is applicable to all street trees operations within the Wentworth Shire Council local government area.

**3. STRATEGIC PLAN LINK**

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.

**4. DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
Street Trees	Trees planted on nature strips and/or areas of Crown Land in the Wentworth Shire Council area.
Preferred Species	Wentworth Shire Council Preferred Species list Wentworth Shire of street trees. (Full list with description and photographs attached).
Heritage Significant Trees	A tree that has been Heritage listed, or deemed significant

**5. POLICY CONTENT**

It is the policy of this Council that:

- New street tree plantings are to be selected from the preferred species list – as per list attached to this policy.
- Where an owner or occupier requests the removal of live street trees, the work is to be carried out at their own expense, and that where replacements are required, suitable varieties and spacing be arranged through Council staff.
- New Street trees shall be provided by Council.
- Preferred species shall be selected considering: - the local climate, maintenance requirements and watering requirements.
- Spacing and number of street trees shall be determined by Council Parks and Garden staff and/or Council's Subdivision Officer.

**Wentworth Shire Council**

Word Document Reference: DOC/22/5398

**Council Policy No: CC008****STREET TREES POLICY**

- Developers shall be provided with a copy of the preferred species list.
- Street trees shall not impede power lines or other overhead obstacles.
- Street trees shall not impact underground services – i.e. water, sewer, power or telephone.
- Where an owner requests the removal of a dead street tree, or Council Parks and Garden staff deem a street tree to be dead, it shall be removed by Council and be replaced by Council; unless such street tree was relocated and replanted by the said owner to accommodate a vehicular crossing, it is then the responsibility of the owner to remove and replace the street tree at their own expense.
- Heritage listed, or “significant” trees shall be assessed by Council’s Parks and Gardens Staff with regard to condition and safety. Relevant authorities shall be included in decisions regarding such trees.

**6. RELATED DOCUMENTS & LEGISLATION**

- NSW Civil Liberties Act 2022 (No.22)
- Local Government Act 1993

**7. RELATED DOCUMENTS & LEGISLATION**

CC008 Attachment 1 – WSC Preferred Street Trees species list (DOC/19/755)

**8. ATTACHMENTS**

Nil.

**9. DOCUMENT APPROVAL****For Council Policies please use the following, otherwise delete**

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

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

A PDF copy of the signed document can be accessed from Council’s record management system and Reliansys.

Signed: .....

**General Manager Wentworth Shire Council****Date**

## CC008 Attachment 1 - Preferred Street Trees Species List (DOC/19/755)

### Street Trees – no power lines or overhead obstacles

1. *Pyrus Calleryana* 'Capital' - Ornamental Pear Varieties  
This tree has a narrow growth habit with luscious shiny green leaves that hang vertically from branches. An attractive curl in the foliage adds further interest and the slender, columnar shape lends itself well to tight spaces. In autumn, leaves turn a purple-red colour and spring brings a beautiful display of lovely white flowers followed by small, russet coloured fruits. Excellent for street planting.
2. *Fraxinus oxycarpa* 'Raywoodii' - Claret Ash  
An attractive, some say fast growing deciduous tree with an upright growth habit and open canopy. The foliage is deep green and narrow in summer and as autumn approaches, turns a rich claret colour, hence the name. This is a beautiful tree with stunning autumn colours, tolerant of frost and drought.
3. *Brachychiton Acerifolius* - Illawarra Flame Tree  
A drought tolerant, slow growing tree native to the warmer parts of the east coast of Australia, this tree is known for its masses of crimson flowers in spring-summer when the tree is totally devoid of foliage. Ideal for parks and streetscapes as a feature tree.
4. *Eucalyptus Leucoxydon* 'Rosea' – Red Flowering Yellow Gum  
This tree has a smooth trunk with cream to grey coloured bark which sheds in flakes. It has narrow shaped green leaves and as it matures, forms a large open canopy. From autumn to spring, an abundance of red flowers appear in clusters of three attracting a variety of birdlife. Can be used in parks, gardens and street plantings
5. *Lophostemon Confertus* - QLD Box Tree  
Is a fast growing tree which is rarely affected by pests and diseases? Dome-like in shape, it develops a very dense foliage cover of dark green, leathery leaves providing good shade. This variety rarely sheds limbs and has salmon coloured bark which flakes off over summer revealing orange-brown tones on the trunk. Summer also brings clusters of small white flowers. Great for parks and gardens and as a feature tree.

**Street Trees – under powerlines****1. *Fraxinus Griffithii* - Evergreen Ash**

This fast growing, drought tolerant, attractive tree has leaves that are green and shiny on the top and hairy silver coloured underneath. They are oval shaped with pointy tips. The flowers appear in panicles, are white and born in spring. Great for avenue planting.

**2. *Hakea Laurina* - Pincushion Hakea**

Small evergreen which can be grown as a tree or shrub. Long leathery leaves are thick and smooth with prominent veining and have a tendency to wave and curl. Fascinating, cherry red, ball like flowers appear from autumn to late winter, adorned with long, white pin-like stamens. It is a hardy, drought tolerant plant which attracts birds.

**3. *Eucalyptus Platypus* - Platypus Gum**

The multi stemmed nature of this variety together with its dense canopy of rounded leaves gives this tree a large shrubby look. Growing between 5 - 7 metres in height, it has a rounded form to ground level, making it a good choice for screening and windbreaks. Bark is smooth and light brown in colour. Creamy yellow to greenish yellow coloured flowers appear from spring through to autumn. Relatively fast growing, this variety will tolerate heavy soils and responds well to pruning.

**4. *Wilga Tree- Gerijera Parvifolia***

Slow growing native tree with attractive dark green foliage. Flowers are small and white and strongly-scented. With a rounded form to 9m. This tree is extremely hardy once established. It is tolerant to a wide range of soil and climate types.

**5. *Lagerstroemia Indica x Fauriei*- Crepe Myrtle**

Attractive flowering tree. They are deciduous, growing between 3-6m tall. Trusses of white, pink, mauve or purple blooms appear in late summer. Great as a feature tree.

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<sup>1</sup> Information sourced from Speciality Trees [www.specialitytrees.com.au](http://www.specialitytrees.com.au)



### Street Trees – no power lines or overhead obstacles

Eucalyptus Torquata - Coral Gum

- Removed

Pyrus Calleryana 'Capital' - Ornamental Pear Varieties



Eucalyptus Leucoxylon 'Rosea' – Red Flowering Yellow Gum



Fraxinus oxycarpa 'Raywoodii' - Claret Ash



Lophostemon Confertus - QLD Brush Box



Brachychiton Acerifolius - Illawarra Flame Tree

### Street Trees - under powerlines

**Fraxinus Griffithii - Evergreen Ash**



**Lagerstroemia Indica x Fauriei - Crepe Myrtle**

**Hakea Laurina - Pincushion Hakea**



**Callistemon Viminalis - Bottle Brush Varieties**

- Removed

**Eucalyptus Platypus - Platypus Gum**



**Wilga Tree - Gerijera Parvifolia**



## 9.21 PROJECT & WORKS REPORT UPDATE - APRIL 2022

File Number: RPT/22/224

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

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

### Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the month of March 2022 and the planned activities for April 2022.

### Recommendation

That Council notes the major works undertaken in March and the scheduled works for the following months.

### Detailed Report

Refer below for updates of the works completed in March and the planned activities scheduled for April 2022.

### Projects and Works Update for March 2022

#### Roads

- As part of the capital works renewal program 32 local, rural and regional roads throughout the Shire will have the second coat of line marking applied to complete upgrade works, works are scheduled to be completed in early May.
- A Review of Environmental Factors assessment is currently being undertaken for Old Wentworth, Log Bridge and Bridge Roads. Works will commence on these sections of road once the relevant approvals from the Review of Environmental Factors have been received.

#### Pooncarie – Menindee Road Reconstruction

- Tenders for Hire of specialised Plant & Equipment received and report to April Council meeting
- Site establishment & water access point construction delayed, awaiting Department approval of Review of Environmental Factors and Aboriginal Heritage Impact Permit.

#### Maintenance Grading

- Planned maintenance grading was undertaken on the following roads throughout March; Pooncarie – Menindee, Nob Road, High and Low Darling Roads and Wambera Road.

#### Road Safety Officer Projects

#### School Infrastructure Project

- All works complete at Wentworth Public school including two new wombat crossings, school zone line marking, new footpath on Arthur Street from Darling Street to Highway and all new line marked angle parking on Arthur Street.
- Palinyewah Public School bike path contract awarded and scope of works

negotiated with school and contractor.

- All line marking completed at 7 school zones.

**Projects Dareton Travellers Rest - Completed**

- Acrylic panel protectors were installed.

**Flagtrax- Banner Systems**

- Purchase order given to level 3 ASP designer to undertake assessment, which is underway

**Gol Gol Heights Culvert Headwalls**

- Approximately 60 headwalls have been delivered, ready for installation.
- The contractor has advised the installation will likely start 9 May, dependent on completion of an existing project.

**Gol Gol East Raw Water System**

- Hydraulic analysis, system assessment and concept designs on the Gol Gol Raw Water Pumping Station started via Public Works
- Block flushing of mains has been undertaken to clear dirty water issues from resident complaints
- Air scouring of reticulation mains has been completed to try to continue to resolve issues of isolated dirty water into residents' properties

**Integrated Water Cycle Management Strategy**

- Information still being gathered by WSC and continues to be forwarded onto Public Works

**Junction Island Bridge**

- Concept designs for bridge span have been received from Teleo and returned to them with comments.
- A request has now been made for updated concept designs from Taleo.

**Junction Island Footpath**

- Grant funding deed received.
- Process for review of environmental factors and cultural heritage commenced.

**Pink Lake**

- Council have undertaken soil testing through the northern township and Pink Lake area to aid in further developing the design report. The tests will determine the soil permeability, aiding in the sizing of proposed stormwater mains and basins.

**Sewerage Rationalisation Scheme – Wentworth**

- Sewer rising main connection at SPS 2 completed
- Flow meter #2 pit installed
- Switchboard at SPS 1 changed over from existing to new
- Switchboard modifications at SPS2 completed
- Communication antenna mast installed with antenna and radio equipment installed and operational
- Site acceptance testing (SAT) of control telemetry & pump station functionality conducted
- Proof of performance (PoP) 7 day system testing completed – system working as previously designed.

### **Wentworth Astronomy Park**

- Stakeholder meeting & site visit was held 3 March.
- Indigenous astronomy concept started being developed.
- Consultation commenced with Visitor Economy Development for Sturts Steps to incorporate the astronomy park.

### **Wentworth All Day Care Centre**

- Frame complete including sarking and plumbing rough in

### **Wentworth EDS**

- Detailed design works progressing
- Consultation to occur with Houseboat Group

### **Wentworth Riverfront BBQ and Nature Play Area**

- Flying fox footings and frames replaced – Project completed

### **Wentworth Showgrounds Sewer Upgrade – new completion July 2022**

- Pressure testing of the manholes and network has been completed.
- CCTV footage has been completed
- The build of the pump station and switchboard has been delayed due to re-work of hydraulic design. Delivery expected to be in May/June

### **Wentworth Showgrounds - Female Jockey Change Rooms**

- Initial draft plans were well received and approved by the Racing Club
- Soil test has been completed
- Request for Quotation is out for building plans & design

### **Wentworth Showgrounds Tower & Shade Structures**

- Tower footing has been completed and is now ready for the construction of the tower
- Shade structure has been installed

### **Wentworth Rowing Club Extension**

- Pressure test undertaking and Certified Fire System Designer advised watermain pressures are insufficient to service the required Fire Hose Reel. A new watermain to and pump system being quoted to meet the required system pressures

## **Projects and Works scheduled for April 2022**

### **Roads**

- Construction works on 8.5 km of Old Wentworth Road commenced in March. Works will include drainage culverts, road widening, lifting of pavement, bitumen sealing and installation of new line marking. Works are to be completed end of May.
- Undertaking reconstruction 1.8km of the Fletchers Lake Road
- Bridge Road – Stabilisation works to be starting 11<sup>th</sup> April and sealing works to be completed early May 2022.

### **Pooncarie – Menindee Road Reconstruction**

- Tenders for Hire of Specialised Plant & Equipment to be assessed and report to April Council Meeting.
- Anticipated commencement on site end April subject to Department approval of REF & AHIP.

### **Maintenance Grading**

- Planned maintenance grading will be undertaken on the following roads throughout April; Petro Mail Road, Arumpo Road and Top Hut Road.

**Road  
Safety  
Officer  
Projects**

**School Infrastructure Project**

- Palinyewah Public School bike path to commence in late April
- Gutter crossing works in Buronga and Dareton to commence
- Construction of new footpath on Ptiman Ave to commence

**Projects**

**Flagtrax- Banner Systems**

- Pending a positive assessment from the designer, Council will apply for approval of banner installation from Essential Energy

**Gol Gol Heights Culvert Headwalls**

- Waiting on May start date to commence installation.
- Delivery of notification letters for works near end of April.

**Gol Gol Cemetery Shed**

- Construction to commence, pending contractors forecast availability.

**Gol Gol East Raw Water System**

- Hydraulic analysis and design works continue via Public works. Have been advised that additional support stand and structure is likely to be required to allow additional infrastructure at Gol Gol Raw Water Pumping Station
- Procurement of a liner for “fire tank” being investigated to enable tank to be reconnected back into reticulation system

**Integrated Water Cycle Management Strategy (IWMS)**

- Information still being gathered by Council and continues to be forwarded onto Public Works

**James King Park beach retaining wall & footpath to highway**

- Review of Environmental Factors and concept design to be completed in preparation for quoting process.

**Junction Island Bridge**

- Updated concept designs to be sent through to Tonkin for finalisation of abutment and ramp design.

**Junction Island Footpath**

- Review of Environmental Factors process is continuing

**Wentworth Astronomy Park**

- Present final concept to user groups for feedback
- Detailed design of concept to be finalised by OuterSpace Landscape Architects

**Wentworth Long Day Care Centre**

- Roof installation to commence.

**Wentworth Riverfront BBQ and Nature Play Area**

- Repairs to flying fox complete in early April.
- Opening of the facility for public use.

**Wentworth EDS**

- Council aims to hold a User Group meeting to confirm the current pad and pontoon arrangement, pending the pontoon and gangway design being forwarded to Council mid-April.

**Wentworth Pool Tiling**

- Works to commence for three pools to be completely retiled.

### **Wentworth Showgrounds Tower & Shade Structure**

- Waiting on construction of tower to commence in May. Concrete slab to be poured for shade structure.
- Electrical works will follow on both structures once the tower has been built

### **Sewerage Rationalisation Scheme – Wentworth**

- Flow meter SPS 1 pit to be installed
- WSC undertaking cleaning of Wentworth West sewer treatment plant in readiness for demolition
- Contractor to finalise demolition plan and receive approval from WSC, to commence undertake demolition of Wentworth West Sewer Treatment Plant
- Installation of charcoal filters on air valves identified along Pooncarie Road due to resident complaints
- Reinstatement of road pavement at Francis Street Wentworth from sewer rising main works
- WSC requesting As Constructed drawings and documentation for project

### **Wentworth Showgrounds Sewer Upgrade**

- Ongoing re-establishment of grass
- Pump station and switchboard builds in progress

### **Wentworth Showgrounds - Female Jockey Change Rooms**

- Commence design work with architect
- Develop building specifications & scope of works

### **Wentworth Showgrounds Community Pavilion**

- Bird proofing of underside of veranda.
- Final quote being obtained to cap of exposed “C” section beams under veranda.
- Works completed by 30<sup>th</sup> June 2022

### **Pink Lake**

- Once the soil testing results have been summarised, the information will be forwarded to the stormwater consultant to further develop the design report.
- Final report expected early May.

### **Attachments**

1. Project & Works Report Photos [📄](#)

Projects and Works – project photos

Wentworth All Day Care Centre



Framing completed and plumbing roughed in

Wentworth Showgrounds Tower and Shade Structures



Tower Fabrication





Projects and Works – project photos

Sewerage Rationalisation Scheme – Wentworth



**10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**

Nil

## 11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

Despite the right of members of the public to attend meetings of a council, the council may choose to close to the public, parts of the meeting that involve the discussion or receipt of certain matters as prescribed under section 10A(2) of the Local Government Act.

With the exception of matters concerning particular individuals (other than councillors) (10A(2)(a)), matters involving the personal hardship of a resident or ratepayer (10A(2)(b)) or matters that would disclose a trade secret (10A(2)(d)(iii)), council must be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

The Act requires council to close the meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected. (section 10B(1)(a))

Section 10A(4) of the Act provides that a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Section 10B(4) of the Act stipulates that for the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:-

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may -
  - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the council or committee.

### **Recommendation**

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-

#### **12.1 Wentworth Bowling Club - Green surround. (RPT/22/260)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

#### **12.2 Peregrine Minerals Sands Pty Ltd - Bemax Resources Pty Ltd - Cristal Mining Australia Ltd - Imperial Mining (Aust) Pty Ltd - Court Costs. (RPT/22/228)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for

business relating to (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

**12.3 Project Management of the Wentworth Shire Civic Centre Redevelopment by GSD Architects. (RPT/22/270)**

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

**12.4 Plant Replacement - Approval for Tenders for replacement plant 519 & 902 - Diesel Powered Cab Chassis fitted with a 14,000 litre Water Tanker. (RPT/22/223)**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

**12.5 Sprayed Bituminous Surfacing Contact - PT2122/08. (RPT/22/226)**

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.

**12.6 Pooncarie - Menindee Road Reconstruction - Plant Hire Tenders. (RPT/22/269)**

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.

**12.7 Old Wentworth Road - Supply & Delivery of Road Base Material - PT2122/13. (RPT/22/262)**

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.

**12.8 PT2122/14 - Punt Road Reconstruction. (RPT/22/263)**

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 WENTWORTH BOWLING CLUB - GREEN SURROUND

File Number: RPT/22/260

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

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

Strategy: 4.2 Encourage locals to volunteer their time within their local community

#### **REASON FOR CONFIDENTIALITY**

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**12.2 PEREGRINE MINERALS SANDS PTY LTD - BEMAX RESOURCES PTY LTD -  
CRISTAL MINING AUSTRALIA LTD - IMPERIAL MINING (AUST) PTY LTD -  
COURT COSTS**

File Number: RPT/22/228

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

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

**REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.*

**12.3 PROJECT MANAGEMENT OF THE WENTWORTH SHIRE CIVIC CENTRE  
REDEVELOPMENT BY GSD ARCHITECTS**

File Number: RPT/22/270

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Rachael Withers - Subdivision 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

**REASON FOR CONFIDENTIALITY**

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**12.4 PLANT REPLACEMENT - APPROVAL FOR TENDERS FOR REPLACEMENT  
PLANT 519 & 902 - DIESEL POWERED CAB CHASSIS FITTED WITH A 14,000  
LITRE WATER TANKER**

File Number: RPT/22/223

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

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

**REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.*

## 12.5 SPRAYED BITUMINOUS SURFACING CONTACT - PT2122/08

File Number: RPT/22/226

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

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

### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.*

## 12.6 POONCARIE - MENINDEE ROAD RECONSTRUCTION - PLANT HIRE TENDERS

File Number: RPT/22/269

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works  
 Taygun Saritoprak - Project 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

### **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.*

## 12.7 OLD WENTWORTH ROAD - SUPPLY & DELIVERY OF ROAD BASE MATERIAL - PT2122/13

File Number: RPT/22/262

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

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

### **REASON FOR CONFIDENTIALITY**

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## 12.8 PT2122/14 - PUNT ROAD RECONSTRUCTION

File Number: RPT/22/263

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Taygun Saritoprak - Project 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

### **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**

18 May 2022