



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 **7:00 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 SEPTEMBER 2023

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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 August 2023 be confirmed as
circulated.



ORDINARY MEETING MINUTES

16 AUGUST 2023

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 7PM.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Tim Elstone
Councillor Brian Beaumont (Via Video Conference)
Councillor Peter Crisp
Councillor Steve Heywood
Councillor Daniel Linklater
Councillor Jane MacAllister
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)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council notes the apology of Cr Cooper and grants the Leave of Absence Request from Cr Heywood from 11 – 20 September inclusive.

Moved Cr. MacAllister, Seconded Cr Crisp

CARRIED UNANIMOUSLY

4 DISCLOSURES OF INTERESTS

NIL

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 19 July 2023 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 19 July 2023 be confirmed as circulated.

Moved Cr. Nichols, Seconded Cr Linklater

CARRIED UNANIMOUSLY

Recommendation

That the Minutes of the Extraordinary Meeting held 26 July 2023 be confirmed as circulated.

Council Resolution

That the Minutes of the Extraordinary Meeting held 26 July 2023 be confirmed as circulated.

Moved Cr Rodda, Seconded Cr Crisp

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/23/457

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

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

Officer Recommendation

That Council receives and notes the list of outstanding matters as at 9 August 2023.

Council Resolution

That Council receives and notes the list of outstanding matters as at 9 August 2023.

Moved Cr. Heywood, Seconded Cr Linklater

CARRIED UNANIMOUSLY

6.2 HARDWASTE COLLECTION

File Number: RPT/23/483

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

Strategy: 3.4 Use and manage our resources wisely

Summary

Historically Council has been offering a hard rubbish collection for its residents and ratepayers every 3 years for more than a decade.

At the March Council Meeting the issue of whether Council could look at making the hard rubbish collection a more permanent service instead of every 3 years was raised.

Research has been conducted across a variety of Councils in NSW, Victoria and South Australia which has indicated that Councils are moving away from the practice of a fixed date arrangement to a system where residents and ratepayers contact the Council to book/request a collection with each property being eligible for one collection per year.

Recommendation

That Council endorse a trial of Option 2 – Booking a collection through Council for the hardwaste collection.

That Council endorse a trial of Option 2 – Booking a collection through Council for the hardwaste collection.

Moved Cr Rodda, Seconded Cr. Nichols

Amendment

That Council endorse a trial of Option 1 – Fixed date collection service. Council for the hardwaste collection.

Moved: Cr Nichols

LAPSED

Council Resolution

That Council endorse a trial of Option 2 – Booking a collection through Council for the hardwaste collection.

Moved Cr Rodda, Seconded Cr. Beaumont

CARRIED

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

Against the Motion: *Clr. Nichols.*

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/23/455

Recommendation

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

Council Resolution

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

Moved Cr Linklater, Seconded Cr Rodda

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

8.1 WILLANDRA LAKES REGION WORLD HERITAGE ADVISORY COMMITTEE MEETING REPORT JUNE 2023

File Number: RPT/23/461

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

Cr MacAllister is the Local Government representative for the Willandra Lakes Region World Heritage Advisory Committee. The following report is provided for the June 2023 meeting of the committee.

Recommendation

That Council receives and notes the report from the Willandra Lakes Region World Heritage Advisory Committee meeting June 2023.

Council Resolution

That Council receives and notes the report from the Willandra Lakes Region World Heritage Advisory Committee meeting June 2023.

Moved Cr. MacAllister, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT

File Number: RPT/23/456

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

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

1. OLG Circulars
Circular 23-09
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note

Recommendation

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

Council Resolution

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

Moved Cr Rodda, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.2 Murray Darling Association 79th National Conference and Annual General Meeting

File Number: RPT/23/458

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

Objective: 3.0 Wentworth Shire is a community that works to enhance and protect its physical and natural environment
Strategy: 3.3 Minimise the impact on the natural environment

Summary

The Murray Darling Association's 79th National Conference and Annual General Meeting is being held from the 25-28 September 2023 in Murray Bridge. The focus of the Conference is, "*Partnership through collaboration across the Basin*". Traditionally Council nominates its Murray Darling Association representatives to attend the Conference and Annual General Meeting.

Recommendation

That Council nominates the Murray Darling Association representatives to attend the Murray Darling Association's 79th National Conference and Annual General Meeting from 25-28 September 2023.

Council Resolution

That Council nominates the Murray Darling Association representatives Cr Elstone, Cr Linklater & Cr Heywood to attend the Murray Darling Association's 79th National Conference and Annual General Meeting from 25-28 September 2023.

Moved Cr Crisp, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.3 VARIATION TO TOURISM & PROMOTIONS BUDGET

File Number: RPT/23/467

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

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

Summary

It has been recognised that the current Tourism & Promotion budget allocation is no longer sufficient to cater for the level of activity that is required for providing an adequate amount of Shire promotion and marketing and continue to host a range of community events. Further to this, the extra cost to sufficiently stock the Visitor Information Centre with an adequate amount of souvenir items.

Previously, the Tourism & Promotion budget was underutilised due to the absence of a Manager Tourism & Promotion and money was often re-allocated to other departments. After receiving a large amount of funding throughout 2022, the Tourism & Promotion budget needs to be reassessed to continue to maintain the current level of tourism and event activity being undertaken.

A variation to the Tourism & Promotion budget is required with the amounts recommended by the Manager Tourism & Promotion and extended Visitor Information Centre team, taking into consideration the increased costs necessary for each budget category, moving forward.

This report recommends approving the proposed Tourism & Promotion budget, with variations made to the yearly budget moving forward, as well as various one-off inclusions to assist with the final stages of re-branding and the purchasing of additional stock to prepare to move into a bigger Visitor Information Centre space.

Recommendation

That Council approves the following variations:

- a) Increase in tourism expenditure budget - \$219,700
- b) Increase in tourism revenue budget - \$100,000

That Council approves the following variations:

- a) Increase in tourism expenditure budget - \$219,700
- b) Increase in tourism revenue budget - \$100,000

Moved Cr Crisp, Seconded Cr. Rodda

Amendment**Council Resolution**

That Council Increase the tourism expenditure budget by \$200,000 from general revenue for the current financial year to be reviewed for the 24/25 budget pending a full review of tourism strategy and budget allocation.

Moved Cr Rodda, Seconded Cr. MacAllister

CARRIED

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

Against the Motion: *Clr. Heywood.*

9.4 MONTHLY FINANCE REPORT - JULY 2023

File Number: RPT/23/466

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

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

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

Summary

Rates and Charges collections for the month of July 2023 were \$935,259.95. After allowing for pensioner subsidies, the total levies collected are now 9.34%. For comparison purposes 6.95% of the levy had been collected at the end of July 2022. Council currently has \$49,209,683.77 in cash and investments.

Recommendation

That Council receives and notes the Monthly Finance Report.

Council Resolution

That Council receives and notes the Monthly Finance Report.

Moved Cr Linklater, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.5 MONTHLY INVESTMENT REPORT - JULY 2023

File Number: RPT/23/469

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

Summary

As at 31 July 2023 Council had \$42 million invested in term deposits and \$7,209,683.77 in other cash investments. Council received \$56,901.84 from its investments for the month of July 2023.

In July 2023 Council investments averaged a rate of return of 4.38% and it currently has \$7,982,662.92 of internal restrictions and \$31,967,224.16 of external restrictions.

Recommendation

That Council receives and notes the monthly investment report.

Council Resolution

That Council receives and notes the monthly investment report.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.6 QUARTERLY OPERATIONAL PLAN PROGRESS REPORT

File Number: RPT/23/463

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

Summary

In accordance with the Local Government Integrated Planning and Reporting Framework, Council develops a four year Delivery Program and a one year Operational Plan which details the actions to be undertaken by Council to implement the strategies established in the Community Strategic Plan.

The *Local Government Act 1993* requires that progress is reported to Council with respect to the principal actions detailed in its Operational Plan at least every six months. To better align with the Quarterly Budget Review Process, the Operational Plan progress report is also compiled on a quarterly basis.

New Actions added in the 4th Quarter:

- 2.3.11 – Para Fire Station
- 3.2.31 – Carramar Sporting Complex Cricket Nets
- 3.2.32 – Buronga Pump Track Stage 2
- 3.2.33 – Remote Roads Upgrade Pilot Project – Arumpo Road Upgrade
- 3.2.34 – Wentworth Aerodrome additional facility upgrade
- 3.4.17 – Gol Gol Water Treatment Plant Drainage & Fencing
- 3.5.16 – Woorlong Drive Drainage Basin

78 actions were completed during the quarter.

Of the 56 progressing actions 34 Actions have already been reprogrammed into the new financial year. An assessment of the other will be undertaken and included in the 2023-2024 first quarter progress report.

Other highlights for the quarter include the following:

- Ongoing clean up and flood recovery efforts continued during the quarter. Major works to reconstruct River Road and Boeill Creek Road commenced and where completed in early July.
- Flood waters coming down the Anabranh receded enough by mid-June to allow Council staff to commence assessing the damage. Ongoing clean up and recovery works will continue into the new financial year

Recommendation

That Council:

- a) Receives and notes the report
- b) Approves the seven new actions added to the Operational Plan during the 4th Quarter.

Council Resolution

That Council:

- a) Receives and notes the report
- b) Approves the seven new actions added to the Operational Plan during the 4th Quarter.

Moved Cr Rodda, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.7 JUNE QUARTERLY BUDGET REVIEW - FINAL QUARTER 2022-2023

File Number: RPT/23/482

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

Summary

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.

If approved, the net result of variances for June 2023 is an unfavourable operational variance of \$429,000 and a favourable capital variance of \$1,815,000 resulting in a total favourable budget variation of \$1,386,000.

Recommendation

That Council:

- a) Note the 2022/2023 Fourth Quarter Budget Review
- b) Note the proposed revised 2022/2023 Changes to Operational and Capital Expenditure.
- c) Resolve to amend the 2022/2023 budget in accordance with the changes recommended in the Quarterly Budget Review Statement for the period of 1 April to 30 June 2023

Council Resolution

That Council:

- a) Note the 2022/2023 Fourth Quarter Budget Review
- b) Note the proposed revised 2022/2023 Changes to Operational and Capital Expenditure.
- c) Resolve to amend the 2022/2023 budget in accordance with the changes recommended in the Quarterly Budget Review Statement for the period of 1 April to 30 June 2023

Moved Cr. Nichols, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

9.8 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/23/474

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Annette Fraser - Team Leader Customer Service

Objective: 2.0 Wentworth Shire is a great place to live
Strategy: 2.4 A well informed, supported and engaged community

Summary

Council has provided an allocation of \$200,000.00 for the 2023/24 financial year for consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$112,974.00 has been granted to a variety of organisations through the annual fees and charges "Exemptions from the Application" process.

The total value of requests granted so far under delegated authority is \$320.00. The total value of requests for this August 2023 funding application period totals \$33,374.80, which if granted in full would leave a balance in the financial assistance program of \$53,331.20.

Recommendation

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

Council Resolution

That Council having considered the current requests for financial assistance, grant the full value of all requests to each of the applications from the Financial Assistance program.

Moved Cr Linklater, Seconded Cr. MacAllister

CARRIED UNANIMOUSLY

9.9 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - MINIMUM LOT SIZE

File Number: RPT/23/470

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Strategic Planning Officer

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

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

Wentworth Shire Council has received a Planning Proposal from James Golsworthy Consulting on behalf of three (3) land holders.

The Planning Proposal seeks to amend the Wentworth Local Environmental Plan 2011 by reducing the Minimum Lot Size of 506, 551, 719 & 822 DP 756961 from 5000 square metres to 3000 square metres.

Recommendation

That Council resolves to:

- a) Submit the planning proposal to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination to amend the Wentworth Local Environmental Plan 2011 in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council resolves to:

- a) Submit the planning proposal to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination to amend the Wentworth Local Environmental Plan 2011 in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979
- b) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr. Nichols, Seconded Cr. Heywood

CARRIED

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

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

Against the Motion: ***Clr. MacAllister.***

9.10 PROJECT & WORKS UPDATE - AUGUST 2023

File Number: RPT/23/460

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the months of July 2023 and the planned activities for August 2023.

Recommendation

That Council receives and notes the major works undertaken in July 2023 and the scheduled works for the following month.

Council Resolution

That Council receives and notes the major works undertaken in July 2023 and the scheduled works for the following month.

Moved Cr. Heywood, Seconded Cr Crisp

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 JAMES KING PARK USER GROUP

Cr Jo Rodda asked when there will be a meeting of the James King Park User Group and who is on it?

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 Purchase of land - 5 Wakefield Lane part Lot 17 DP 807828 Curlwaa. (RPT/23/468)

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.

Council Resolution

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items

considered during the course of the Closed Session be withheld unless declassified by separate resolution.

Moved Cr Linklater, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 PURCHASE OF LAND - 5 WAKEFIELD LANE PART LOT 17 DP 807828 CURLWAA

File Number: RPT/23/468

Responsible Officer: Ken Ross - General Manager

Responsible Division: Office of the General Manager

Reporting Officer: Ken Ross - General Manager

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (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 that Council resolved to acquire 1625 square metres adjoining Lot 17 DP807828 Curlwaa for the purpose of legalising the existing council infrastructure for a sum of thirty thousand dollars and authorised the mayor and general manager to attach the council seal and sign the contract on behalf of council.

13 CONCLUSION OF THE MEETING

The meeting closed at 8:48pm

NEXT MEETING

20 September 2023

.....
CHAIR

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/23/569

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government



Summary

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

Officer Recommendation

That Council receives and notes the list of outstanding matters as at 13 September 2023.

Attachments

1. Outstanding Actions as at 13 September 2023  

Division: Committee: Ordinary Council Officer: Outstanding Action Items Report				Date From: Date To: Printed: Wednesday, 13 September 2023 10:14:01 AM
Meeting	Item	Title	Item	Action Record (latest first)
Ordinary Council 20/07/2022	10.5	<i>Darling Street Pavers</i>	Cr Brian Beaumont asked if Council should be focussing on the issue raised on Facebook with the pavers in Darling Street	07 Sep 2023 12:36pm Kelly, Jamie-Lee Information on tree protection implications delayed. Due for review mid-September. Rescheduled report to Council on path options/cost to October meeting.
Ordinary Council 16/11/2022	10.4	<i>GOL GOL Water Tower</i>	Cr Jo Rodda asked if the Gol Gol water tower could be used for a mural. The General Manager advised that it wasn't the first time a request had been made however there were some issues when it was investigated due to the tower location close to the highway and parking issues.	13 Sep 2023 10:05am Marsden, Gayle Awaiting information regarding costings from some councils that were contacted.
Ordinary Council 16/11/2022	10.1	<i>PS RUBY</i>	Cr Brian Beaumont requested that the future of the PS Ruby be placed back on the outstanding action list to be discussed at a future meeting.	13 Sep 2023 10:10am Marsden, Gayle Council is applying to have the PS Ruby listed as a State Heritage item and also exploring future management options and cost implications.
Ordinary Council 17/05/2023	10.1	<i>Arthur Street Water Tanks Mural</i>	Cr Steve Cooper enquired if a mural could be painted on the water tanks at Arthur Street Wentworth and for the mural to represent Barkandji heritage.	13 Sep 2023 10:10am Marsden, Gayle Awaiting information regarding costings from some councils that were contacted.
Ordinary Council 28/06/2023	10.5	<i>UPDATE ON 40KM PROPOSA L FOR WENTWORTH TOWNSHIP</i>	Cr Steve Heywood would like an update on the proposed 40km zone in Wentworth Township through TfNSW.	07 Sep 2023 12:42pm Kelly, Jamie-Lee TfNSW confirmed approval & concept for the project together with required budget allocation for 23/24 financial year. Timing of the works by end of October 2023 to be confirmed by TfNSW.
Ordinary Council 16/08/2023	10.1	<i>James King Park User Group</i>	Cr Jo Rodda asked when there will be a meeting of the James King Park User Group and who is on it?	07 Sep 2023 10:29am Kelly, Jamie-Lee Due to Alcheringa Tennis Club being the only licenced user a User Group is not necessary. The club can meet with the General Manager's Office as required.

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/23/517

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Elstone for the period of 17 August 2023 – 20 September 2023 and to appoint the Deputy Mayor as Acting Mayor during the Mayor's leave of absence.

Recommendation

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

Report

The following table lists the meetings attended by Mayor Elstone for the period of 17 August 2023 – 20 September 2023.

Date	Meeting	Location
21 Aug 2023	MDA Region 4 Meeting	Video Conference
22 Aug 2023	Mayoral Meeting	Wentworth
23 Aug 2023	Citizenship Ceremony	Wentworth
23 Aug 2023	Site Visit Civic Centre	Wentworth
25 Aug 2023	Sussan Ley informal meeting	Wentworth
26 Aug 2023	Helen Dalton MP Meeting	Wentworth
26 Aug 2023	Wentworth Show Official Opening	Wentworth
28 Aug 2023	Secure Energy Camp & Site Tour	Buronga
5 Sept 2023	Mayoral Meeting	Wentworth
7 Sept 2023	AVL Site Visit Merbein Packing Facility	Merbein
12 Sept 2023	Mayoral Meeting	Wentworth
13 Sept 2023	Joint Wentworth Shire Council and Mildura Regional City Council meeting	Wentworth
19 Sept 2023	Mayoral Meeting	Wentworth
20 Sept 2023	Grants Commission Visit	Wentworth
20 Sept 2023	Mildura Regional Development	Wentworth
20 Sept 2023	Pre-Meeting Briefing	Wentworth
20 Sept 2023	Ordinary Council Meeting	Wentworth

Attachments

Nil

7.2 WESTERN DIVISION OF COUNCILS ANNUAL GENERAL MEETING

File Number: RPT/23/520

Summary

Cr Peter Crisp and Ken Ross, General Manager attended the Western Division of Councils Annual General Meeting and Conference held in Cobar 9 – 11 August 2023.

Recommendation

That the information contained in the report from Councillor Crisp be noted.

Additional Information

Annual General Meeting Report

Cr Dave Gallagher – Broken Hill City Council was elected President

Cr Jarrod Marsden – Cobar Shire Council was elected Deputy President

Cr Jim Hickey – Broken Hill City Council was elected as the Executive Member

The following motions were carried:

AGE OF CRIMINAL RESPONSIBILITY – Bourke Shire Council

1. That as Councils at the forefront of youth criminal activity in western NSW, the Western Division Councils of NSW have as a policy position absolute opposition to any increase in the age of criminal responsibility from ten years to either twelve or fourteen years.
2. That the Western Councils of NSW write to express such policy position to the NSW Premier, the Hon Chris Minns MP, the NSW Attorney General, the Hon Michael Daley MP, the NSW leader of the Opposition the Hon Mark Speakman SC MP, the NSW Shadow Attorney-General Mr. Alister Henskens SC MP, the Shadow Minister for Regional NSW Mr. Dugald Saunders MP, and the Minister for Barwon Mr. Roy Butler MP.

BETTER BAAKA PROGRAM – Bourke Shire Council

That the NSW Government provide the required resources and take the necessary action to work with the Australian Government to expedite consultation, preparation of comprehensive business plans, as required, and necessary project planning in respect of the identified weir renewals as part of the Better Baaka Program along the Darling River.

FINANCIAL ASSISTANCE GRANTS - Bourke Shire Council

That the Western Division Councils of NSW call on the Australian Government to increase funding for local government Financial Assistance Grants to a level of at least 1% of Commonwealth taxation revenue.

NATURAL DISASTER FUNDING - Bourke Shire Council

That the Western Division Councils of NSW call on the NSW Government to include betterment funding in the natural disaster funding arrangements to allow councils to repair or build-back an asset that can better withstand future natural disasters.

MOBILE PHONE BLACK SPOTS - Bourke Shire Council

That the Western Division Councils of NSW request the Australian Government to undertake an audit of the Western Division area of NSW to determine which areas have mobile phone black spots and which areas do not provide adequate data, so the problem can be identified and fixed by Government, as a priority.

LOCAL ROADS FUNDING – Bourke Shire Council

That the NSW Government be called on to provide a commitment to the extension of the Fixing Local Roads Funding Program for a further five (5) years.

BRANCH BANKING CLOSURES – Bourke Shire Council

That the Western Division Councils of NSW correspond with the Australian Banking Association to acknowledge the revised Customer Care Standards adopted by the Association in respect of future bank closures by its members and, in doing so, acknowledge the higher level of communication and transparency in their decision-making processes.

AMENDMENT TO THE BIODIVERSITY CONSERVATION ACT 2016 - Wentworth Shire Council

That the Western Division Group of Councils writes to the Minister for the Environment, the Minister for Planning and Public Spaces and the Minister for Regional & Western New South Wales requesting that the Biodiversity Conservation Act 2016 be amended pending the outcome of the Henry review in such a manner as to allow the recommencement of development of housing and industry in Regional NSW, unhindered by the devastating impacts of this Act.

CROSS BORDER USAGE OF NSW BENEFITS – Broken Hill Council

That the NSW Government cross border commissioner investigate arrangements for the use of any NSW benefits in neighboring states for cross border communities e.g. First Lap Grant, Travel Benefits at United Service Stations and write to all local members with cross border councils regarding this matter.

INSTALLATION OF SIGNAGE ON EDGE OF TOWNS – Broken Hill City Council

That the Western Division Councils of NSW calls on the State Government to install signage at the edge of towns to advise motorists of the distance to the next fuel outlet, for the safety of travellers due to the vast distances in Far West NSW.

SENIOR REGIONAL TRAVEL CARDS – Broken Hill City Council

That the Western Division Councils of NSW calls on the State Government to continue the Senior Regional Travel Card or similar program to be implemented to ensure Seniors still have fair and equitable access to the necessity travel in regional NSW.

CLUBS GRANTS SCHEME – Broken Hill City Council

1. That the Western Division of Councils supports that the administration and delivery of the ClubsGrants scheme remain local and not changed so that the funds are paid into consolidated State revenue, with no local control on how the funds are donated.
2. That the Western Division of Council writes to LGNSW, Premier of NSW, Minister for Liquor and Gaming, NSW Opposition Leader, and Shadow Minister for Liquor and Racing stating that the Western Division of Councils support ClubGrants remaining under local LGA control.

Conference dot points

Keynote Speaker – Minister Local Government Hon. Ron Hoenig MP

- \$7b needs to be found in the upcoming State budget
- Rate capping methodology may change
- The Code of Conduct framework needs to change and will be a priority

- Concerns and Issues with planning will be some time coming
- There is a need to tighten your belts

Shadow Minister for Transport and Roads – Sam Farraway MLC

- Stronger Country Communities Fund is gone
- Resources for Regions may not be safe

Deputy Secretary Office of Local Government Brett Whitworth

- OLG is struggling with Code of Conduct issues
- Changing role of Mayors particularly with media and disasters
- Any changes to the Local Government Act will take some time

Attachments

Nil

8 REPORTS FROM COMMITTEES

8.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE

File Number: RPT/23/541

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 Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

A meeting of the Audit, Risk and Improvement Committee was held on 11 August 2023 and the draft Minutes of the meeting are attached to this report for the information of Councillors.

The Committee considered the following item of business:

- Audit Office of NSW Update
- Internal Audit Report and 3 year Internal Audit Plan
- Procurement Review
- Audit, Risk and Improvement Committee Annual Report
- Development of the 2023-2024 Work Plan
- Review of the Committee Terms of Reference
- Quarterly Operational Plan Progress Report
- Quarterly Budget Review – Fourth Quarter 2022-2023

Officer Recommendation

- a) That Council receive and note the draft minutes of the Audit, Risk and Improvement Committee Meeting held on 11 August 2023.

Additional Information

A meeting of the Audit, Risk & Improvement Committee was held on 11 August 2023. The agenda for the meeting covered the following areas of responsibilities as defined in the Committee's Terms of Reference:

Internal Audit

Principle

That Council has an effective internal audit function and receives maximum value from its internal audit activities.

Council's Internal Auditor RSD Audit presented the results of their first internal audit engagement which was to undertake a risk assessment of Council to allow them to gain a better understanding of Council to ensure that potential internal audit projects that have been proposed for the three (3) year internal audit plan are addressing the key risks of Council.

The report identified eight (8) areas for improvement for Senior Management to consider, four (4) which were rated as medium and four (4) that were rated as low.

RSD Audit have used the findings of the risk assessment audit to develop a three (3) year audit plan that will assist Council with its risk management and compliance activities as well as reviewing internal control systems.

External Audit

Principle

That Council receives maximum value from its external audit activities

As outlined in the Annual Engagement Plan, the Audit Office's external service provider, Nexia Australia commenced the interim Audit in June. An update on the outcome of the audit was provided to the Committee.

In late June the NSW Auditor General tabled the NSW Audit Office report into the audit of Local Government for the 2021-2022 financial year. A representative of the Audit Office spoke to the content of the report and responded to queries from Committee members.

The Committee Chair was invited to attend a forum for the Chairs of NSW Local Government Audit, Risk and Improvement Committee's hosted by the NSW Auditor General on July 20. A verbal report was provided to the Committee.

Risk Management

Principle

That Council has an effective risk management framework that successfully identifies and manages the risks it faces.

Council's Internal Auditor RSD Audit presented the results of their first internal audit engagement which was to undertake a risk assessment of Council to allow them to gain a better understanding of Council to ensure that potential internal audit projects that have been proposed for the three (3) year internal audit plan are addressing the key risks of Council.

The report identified eight (8) areas for improvement for Senior Management to consider, four (4) which were rated as medium and four (4) that were rated as low.

RSD Audit have used the findings of the risk assessment audit to develop a three (3) year audit plan that will assist Council with its risk management and compliance activities as well as reviewing internal control systems.

Financial Management

Principle

That Council has an effective financial management framework, sustainable financial position and positive financial performance.

The Committee reviewed the procedures for management review and consideration of the financial position and performance of Council by considering the quarterly budget review for the fourth quarter of the 2022-2023 Financial Year.

Strategic Planning

Principle

That Council has an effective framework that ensures it achieves its strategic plans and objectives under the Integrated Planning and Reporting (IP&R) Framework.

- The Committee reviewed and advised Council on whether Council is successfully implementing and achieving its IP&R objectives and strategies by considering the Quarterly Operational Plan Report for the period July 2022-June 2023.

Service Reviews and Business Improvement

Principle

That Council has an effective framework to ensure it is delivering services and conducting its businesses and functions to an expected standard.

Section 428A(2)(g) and Section 428A(3) of the *Local Government Act 1993* (NSW) (the Act) now requires Council to undertake regular service reviews to ensure that it is delivering services and conducting its business and functions to an expected level, and the community is receiving value for money for the services it receives.

Following an internal review by the General Manager and the Director Finance & Policy it was determined that it was an appropriate time to undertake a review of Council's procurement framework.

Morrison Low was engaged to undertake an independent review and assessment of the framework and report back to the General Manager.

The review identified a number of areas of improvement for Senior Management to consider that will strengthen an already robust framework that promotes transparency and accountability.



Additional Information

The Committee discussed a proposed work plan for the next 12 months, this will be finalised and endorsed at the next meeting in November.

As required by the Risk Management and Internal Audit for local government in NSW guidelines the Committee also considered the following:

- An Annual Report on the operations of the Committee for the last 12 months. The report also included feedback from the self-assessment questionnaire completed by each of the Committee Members. The Committee requested a detailed report in relation to the questionnaire which will be presented to the next meeting in November. A copy of the report has been attached to this report for the information of Councillors.
- The guidelines also recommend that the Committee review its Terms of Reference on an annual basis to ensure that they are still relevant. The Committee reviewed the Terms of Reference and were satisfied that there is no need to change anything at this time.

Attachments

1. Annual Report - Audit, Risk and Improvement Committee 11 August 2023 [↓](#) 
2. Minutes - Audit, Risk and Improvement Committee 11 August 2023 [↓](#) 

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING AGENDA 11 AUGUST 2023

7.4 Annual Report

File Number: RPT/23/327

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Report Author: Simon Rule - Director Finance and Policy

Summary

The Committee's Terms of Reference state that the Committee will provide assessment to the governing body each year on the Committee's work and its opinion on how Council is performing. This will ensure that Council is fully informed of the Committee's work over the last 12 months.

It is important that the work of the Committee is regularly assessed, and that the Committee is accountable for its performance. This ensures that the Committee is making a valuable contribution to the Council and allows the Council to determine whether any changes to the Committee terms of reference or membership are required.

As this has been the first year of operations for the Committee the focus of this year's Annual Work Plan has been to bring the Committee up to speed on Council's operating context and to set the foundations and frameworks for future work plans.

Now that the majority of this has been completed the Committee is looking forward to the next 12 months and continuing to perform our role to provide independent assurance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

Recommendation

The Committee recommends that Council notes the report.

Detailed Report**Introduction**

The purpose of this report is to outline the work done by the Committee over the last 12 months.

Report Detail

The Committee's Terms of Reference state that the Committee will provide assessment to the governing body each year on the Committee's work and its opinion on how Council is performing. This will ensure that Council is fully informed of the Committee's work over the last 12 months.

In accordance with Section 428A of the *Local Government Act 1993* (NSW) (the Act), the role of the Committee is to review and provide independent advice to the Council regarding the following aspect of the Council's operations:

- Compliance
- Risk Management
- Fraud Control
- Financial Management
- Governance
- Implementation of the strategic plan, delivery program and strategies

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING AGENDA 11 AUGUST 2023

- Service reviews
- Collection of performance measurement data by the Council, and
- Internal audit

It is important that the work of the Committee is regularly assessed, and that the Committee is accountable for its performance. This ensures that the Committee is making a valuable contribution to the Council and allows the Council to determine whether any changes to the Committee terms of reference or membership are required.

The Act required Council to appoint an Audit Risk and Improvement Committee by June 2022. At the Ordinary Council meeting held on 16 February 2022 Council resolved to appoint a standalone Committee comprising:

- An Independent Chairperson;
- 2 Independent Members; and
- 1 non-voting Councillor

At the Ordinary Council meeting held on 20 April 2022, Council made the following appointments to the Committee:

- Rosanne Kava – Interim Independent Chairperson
- Dianne Schmidt – Independent Committee Member
- Caroline Smith – Independent Committee Member
- Cr Brian Beaumont – Non-voting Councillor

The Committee met on five (5) occasions during the period that this report covers:

- 26 July 2022
- 30 September 2022 (standalone meeting to review the Annual Financial Statements)
- 28 October 2022
- 3 February 2023
- 5 May 2023

At its first meeting the Committee formally reviewed and endorsed a Terms of Reference that set out the Committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements. The Terms of Reference were then formally adopted by Council at its ordinary Council meeting held on 17 August 2022.

The following table outlines the activities of the Committee during the reporting period under the areas of responsibilities as defined in the Committee's Terms of Reference.

Internal Audit**Principle**

That Council has an effective internal audit function and receives maximum value from its internal audit activities.

28 October 2022

- The Committee reviewed the draft Internal Audit Charter and provided feedback to Council on the appropriateness of appointing an outsourced Internal Audit function and the appointment of the Director Finance & Policy as Council's Chief Audit Executive.

3 February 2023

- As required by the Draft Guidelines, the Chief Audit Executive consulted with the Committee on the appropriateness of the skills, knowledge and experience of the three respondents to the Internal Audit Function EOI prior to appointing the preferred provider.

5 May 2023

- Council's new Internal Auditor RSD Audit presented the Committee the proposed

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING AGENDA 11 AUGUST 2023

scope and methodology for their first audit engagement. They sought feedback and endorsement from the Committee to proceed as outlined in the audit plan. The Committee endorsed the plan with works to commence in late June.
External Audit
<p>Principle</p> <p>That Council receives maximum value from its external audit activities</p> <p>The Committee provided input and feedback on the audit of financial statements proposed by external audit and provided feedback on the audit services provided;</p> <p>Reviewed all external plans and reports in respect of completed audit and provided advice to the General Manager on action taken on any significant issues raised in relevant external audit reports via the following meetings:</p> <p>26 July 2022</p> <ul style="list-style-type: none"> Audit Office of NSW presented Audit Engagement Plan for the 2021-2022 Audit and provided an update of the Interim Audit that was undertaken the week of 20 June 2022. <p>30 September</p> <ul style="list-style-type: none"> Reviewed the draft 2021-2022 Annual Financial Statements prior to them being referred to Audit. The Audit Office of NSW attended the meeting and provided an update on the conduct of audit. The Committee asked the Director Finance & Policy to provide a breakdown of the Revaluation Increase for the year. How much was due to mandatory revaluation updates and how much was attributed to additional revaluations caused by inflation and increased construction costs. Requested Information was circulated to Committee Members via email. <p>3 February 2023</p> <ul style="list-style-type: none"> The Committee reviewed the final audited 2021-2022 Annual Financial Statements and provided advice on Council's proposed actions to resolve issues identified in the Management Letter issued by the Audit Office following the completion of the audit. <p>5 May 2023</p> <ul style="list-style-type: none"> The Audit Office of NSW presented the Audit Engagement Plan for the planned 2022-2023 Audit of the Annual Financial Statements.
Risk Management
<p>Principle</p> <p>That Council has an effective risk management framework that successfully identifies and manages the risks it faces.</p> <p>28 October 2022</p> <ul style="list-style-type: none"> The Committee reviewed Council's Risk Management Framework and provided assurance that: <ul style="list-style-type: none"> the Framework is consistent with the Australian Risk Management Standard that appropriate policies and procedures are in place and that they are adequate and effective for identifying and managing the risks that Council faces. The Committee advised the General Manager that Council would benefit from having a risk maturity audit undertaken every couple of years.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING AGENDA 11 AUGUST 2023

5 May 2023

- The Committee endorsed the scope and methodology for the first audit by RSD Audit which will focus on completing an initial risk assessment to gain a greater understanding of Council, in addition to assessing the suitability of current risk management practices and reporting. This risk based approach is undertaken to ensure that potential internal audit projects being considered for inclusion in the Internal Audit Plan are addressing the key risk areas of Council.

Internal Control

Principle

That Council has an effective internal control framework that successfully identifies and manages the risk it faces.

3 February 2023

- As part of the review of the effectiveness of Council's fraud and corruption framework the Committee review the appropriateness of the internal controls in place to mitigate the risk of fraud as outlined in the fraud risk assessment.

Further work on Internal Controls will be scheduled into the next annual work plan for the Committee.

Compliance

Principle

That Council has an effective compliance framework that ensures it is complying with its legal obligations and other governance and contractual requirements when undertaking its functions.

3 February 2023

- The Committee was provided with a briefing on management's work and actions undertaken so far to comply with the requirements of:
 - Children's Guardian Act 2019* (NSW) as amended and the *Modern Slavery Act 2018* (NSW)

5 May 2023

- The Director Finance & Policy briefed the Committee on the status of Council's Compliance Framework including Council's Compliance Policy, the proposed Compliance Manual that will be presented to Council for consideration in coming months and Council's operational procedure/processes for monitoring compliance.

Fraud and Corruption

Principle

That Council has an effective fraud and corruption control framework in place that minimises the incidence of fraud and corruption

3 February 2023

- Reviewed and provided advice to Council of the adequacy and effectiveness of Council's fraud and corruption prevention framework and activities including Council's Fraud Control Policy, Fraud Control Plan and the adequacy of Fraud Risk Assessments.

Financial Management

Principle

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING AGENDA 11 AUGUST 2023

That Council has an effective financial management framework, sustainable financial position and positive financial performance.

30 September 2022

- Reviewed the appropriateness of Council's financial statement preparation procedures
- Reviewed the accuracy of Council's annual financial statements prior to external audit

3 February 2023

- Reviewed Council's proposed actions to implement recommendations on findings from the external audit outlined in the Management Letter.
- The Director Finance & Policy provided the Committee with an update on the 2023-2024 budget process.

5 May 2023

- Following the budget briefing provided to Councillors at their advisory meeting on 26 April a similar briefing was provided to the Committee.

The Committee reviewed the procedures for management review and consideration of the financial position and performance of Council by considering the quarterly budget reviews at the October, February and May Meetings.

Governance

Principle

That Council has an effective governance framework to ensure it is appropriately directing and controlling the management of Council.

3 February 2023

- Reviewed Council's draft Good Governance Framework
- Reviewed Council's Policy Framework

Strategic Planning

Principle

That Council has an effective framework that ensures it achieves its strategic plans and objectives under the Integrated Planning and Reporting (IP&R) Framework.

26 July 2022

- As part of the induction process, Committee members were provided with an overview of the environment that Council currently operates in, an introduction to the Integrated Planning & Reporting process and an overview of Council's recently adopted strategic documents including:
 - Community Strategic Plan
 - Delivery Program
 - Resource Strategy
 - Operational Plan
 - Disability Inclusion Action Plan

5 May 2023

- At the budget briefing provided to Councillors at their advisory meeting on 26 April where some of the key actions for the 2023-2024 Operational Plan were highlighted a similar briefing was provided to the Committee.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING AGENDA 11 AUGUST 2023

Reviewed and advised Council on whether Council is successfully implementing and achieving its IP&R objectives and strategies by considering the Quarterly Operational Plan Report at the October, February and May meetings.

Service Reviews and Business Improvement**Principle**

That Council has an effective framework to ensure it is delivering services and conducting its businesses and functions to an expected standard.

26 July 2022

- The Committee were briefed on the results of an internal assessment undertaken by the Director Finance & Policy on potential areas under consideration for Council's first service review.

Performance Data and Measurement**Principle**

That Council's performance management framework ensures that Council can measure its performance and if it is achieving its strategic goals.

Over the course of the year the Committee provided feedback to the General Manager on the benefits of providing appropriate performance indicators to help the Community measure the achievement of its strategic objectives while considering the quarterly Operational Plan progress reports.

Additional Comments

At the 26 July 2022 meeting where the Committee also discussed the following:

- The Office of Local Government draft Guidelines for Risk Management and Internal Audit for local government in NSW.
- Code of Conduct and Declaration of Interest Obligations
- Annual Committee Work Plan

The Committee Members have also undertaken a self assessment of their performance across its first 12 months of operations. The 4 Committee Members were asked to rank their performance out of 5 across 54 questions covering 17 areas referencing the Committee Terms of Reference and responsibilities outlined in the OLG guidelines. Committee Members were also asked to note areas that they would like to see the Committee focus on going forward.

Overall the average score across the 54 questions was 3.52 out of 5. Eight (8) questions scored equal highest of 4.75 out of 5, while 2 questions relating to Internal Audit scored the lowest with 0.25 out of 5. This was not surprising given that the Committee has not done a lot in this space over its first 12 months. It is expected that this score will improve as the Internal Audit function commences its work.

The Committee is keen to explore where the Internal Audit function goes. The Committee Members also felt that it still needs to get a better understanding of the environment in which Council operates and has suggested that key staff members attend meetings to provide the Committee with an overview of their role.

Committee Members also acknowledged that given the number of meetings they have it is challenging to be able to cover off everything that the OLG guidelines expect them to be across.

Conclusion

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING AGENDA 11 AUGUST 2023

As this has been the first year of operations for the Committee the focus of this year's Annual Work Plan has been to bring the Committee up to speed on Council's operating context and to set the foundations and frameworks for future work plans.

Now that the majority of this has been completed the Committee is looking forward to the next 12 months and continuing to perform our role to provide independent assurance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

Attachments

Nil



**AUDIT, RISK AND IMPROVEMENT
COMMITTEE MEETING
MINUTES**

11 AUGUST 2023

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 11 AUGUST 2023

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES11 AUGUST 2023

1 OPENING OF MEETING

The meeting opened at 11:01 am

Acknowledgement of Country

2 PRESENT**MEMBERS**

Roseanne Kava (Chair) (Via Video Conferencing)

Diane Schmidt

Caroline Smith

Councillor Brian Beaumont (Non-Voting)

STAFF (non- voting members)

Ken Ross (General Manager) (Via Video Conferencing)

Simon Rule (Director Corporate Services)

Gayle Marsden (Executive Assistant General Manager)

Kathy Teasdale (Independent Auditor)

Brett Hangar

Manuel Moncada (Audit Office)

3 APOLOGIES**4 DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST**

Diane Schmidt's husband is a subcontractor to a Contractor working for Council.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**Recommendation**

That the Minutes of the Audit, Risk and Improvement Committee Meeting held 5 May 2023 be confirmed as circulated.

Committee Resolution

That the Minutes of the Audit, Risk and Improvement Committee Meeting held 5 May 2023 be confirmed as circulated.

Moved DS Schmidt, Seconded CS Smith

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 11 AUGUST 2023

7 REPORTS**7.1 AUDIT OFFICE UPDATE**

File Number: RPT/23/346

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Report Author: Simon Rule - Director Finance and Policy

Summary

This report is a place holder to allow Council's external auditor, the Audit Office of New South Wales to update the Committee on a quarterly basis on any matter of importance.

Recommendation

The Committee receives and notes the report.

Committee Resolution

The Committee receives and notes the report.

Moved CS Smith, Seconded DS Schmidt

CARRIED UNANIMOUSLY

Rosanne provided a copy of the presentation given to the ARIC Chairs Forum that she attended on July 20. Rosanne then gave a verbal report on the key points discussed at the forum.

The Director Corporate Services gave an update on the progress of the asset revaluations being undertaken as part of the year end process.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 11 AUGUST 2023

7.2 INTERNAL AUDIT REPORT AND PROPOSED THREE (3) YEAR INTERNAL AUDIT PLAN

File Number: RPT/23/489

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

Summary

RSD Audit have completed their first audit engagement which was to undertake a risk assessment of Council to allow them to gain a better understanding of Council to ensure that potential internal audit projects that have been proposed for the three (3) year internal audit plan are addressing the key risks of Council.

The report identified eight (8) findings, four (4) which were rated as medium and four (4) that were rated as low. Senior Management have reviewed the findings and have accepted all eight (8) recommendations and have provided a time frame for the actioning of each recommendation.

RSD Audit have used the findings of the risk assessment audit to develop a three (3) audit plan that will assist Council with its risk management and compliance activities as well as reviewing internal control systems.

Recommendation

That the Committee:

- a) Notes the report
- b) Endorse the proposed 3 year Internal Audit Plan

Committee Resolution

That the Committee:

- a) Notes the report
- b) Endorse the proposed 3 year Internal Audit Plan with the possibility, dependant on budget, of Project and Contract Management audit being added to the plan.

Moved RK Kava, Seconded CS Smith

CARRIED UNANIMOUSLY

Going forward it was asked if RSA could provide a root cause analysis were necessary within their reports especially where they provide value add opportunities.

Cr Beaumont asked if consideration can be given to RSD undertaking a project/contract audit as well. RSD to provide a scope of work and indicative cost to undertake the audit. This will be reported back to the next meeting for the consideration of the committee.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 11 AUGUST 2023

7.3 PROCUREMENT REVIEW

File Number: RPT/23/374

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

Summary

Section 428A(2)(g) and Section 428A(3) of the *Local Government Act 1993* (NSW) (the Act) now requires Council to undertake regular service reviews to ensure that it is delivering services and conducting its business and functions to an expected level, and the community is receiving value for money for the services it receives.

The role of the Committee is to act as a forum for communication and monitoring of audits/reviews conducted and the implementation of any corrective actions/recommendations. It is also expected that the Committee advise Council and the General Manager on the following:

- If Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance;
- If appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and business performance; and
- How Council can improve its service delivery and Council's performance of its business and functions generally.

Following an internal review by the General Manager and the Director Finance & Policy it was determined that it was an appropriate time to undertake a review of Council's procurement framework.

The review has been undertaken by Morrison Low and is now presented for the consideration of the Committee.

Recommendation

The Committee notes the report.

Committee Resolution

The Committee notes the report and that an implementation plan be prepared and presented to next Audit, Risk and Improvement Committee meeting.

Moved R Kava, Seconded DS Schmidt

CARRIED UNANIMOUSLY

The Committee requested that the Director Corporate Services provide an action plan be presented to the next meeting. Ongoing progress on implementing the recommendations will then be reported to each meeting.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 11 AUGUST 2023

7.4 ANNUAL REPORT

File Number: RPT/23/327

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

Summary

The Committee's Terms of Reference state that the Committee will provide assessment to the governing body each year on the Committee's work and its opinion on how Council is performing. This will ensure that Council is fully informed of the Committee's work over the last 12 months.

It is important that the work of the Committee is regularly assessed, and that the Committee is accountable for its performance. This ensures that the Committee is making a valuable contribution to the Council and allows the Council to determine whether any changes to the Committee terms of reference or membership are required.

As this has been the first year of operations for the Committee the focus of this year's Annual Work Plan has been to bring the Committee up to speed on Council's operating context and to set the foundations and frameworks for future work plans.

Now that the majority of this has been completed the Committee is looking forward to the next 12 months and continuing to perform our role to provide independent assurance to Council by monitoring, reviewing and providing advice about Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

Recommendation

The Committee recommends that Council notes the report.

Committee Resolution

The Committee recommends that Council notes the annual report of the Audit, Risk and Improvement Committee.

Moved CS Smith, Seconded DS Schmidt

CARRIED UNANIMOUSLY

The Committee requested that a separate report on the outcomes of the self-assessment questionnaire be reported to the next meeting.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 11 AUGUST 2023

7.5 DEVELOPMENT OF 2023-2024 WORK PLAN

File Number: RPT/23/329

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

Summary

The Committee must develop an annual work plan to guide its work over the forward year. The Plan must be flexible enough to allow it to be reviewed and adjusted as necessary throughout the year in response to any changes to Councils risk or operations.

Consideration needs to be given to appropriate key performance indicators that can be used to measure the performance of the Committee and the value it is providing to Council.

Based on the discussion that takes place the Director Finance and Policy will develop a work plan for endorsement at the next meeting.

Recommendation

The Committee recommends that Council notes the report.

Committee Resolution

The Committee recommends that Council notes the report.

Moved DS Schmidt, Seconded CS Smith

CARRIED UNANIMOUSLY

Based on the discussion held the Director Corporate Services will develop a work plan that will be presented to the next meeting for endorsement. The Committee indicated that they would like to see more reporting in relation to Major Projects and a quarterly fraud report.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 11 AUGUST 2023

7.6 COMMITTEE TERMS OF REFERENCE REVIEW

File Number: RPT/23/328

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

Summary

At its first meeting held on 26 July 2022 the Committee endorsed the Terms of Reference which are based on the model template developed by the Office of Local Government and form part of the guidelines. The Terms of Reference were subsequently adopted by Council at its Ordinary Council Meeting in August 2022.

The guidelines require that the Committee should review the terms of reference annually to ensure that they are still relevant.

Any changes to the terms of reference will need to be approved by Council.

Recommendation

The Committee recommends that Council notes the report.

Committee Resolution

The Committee recommends that Council notes the report.

Moved CS Smith, Seconded RK Kava

CARRIED UNANIMOUSLY

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 11 AUGUST 2023

7.7 JUNE QUARTERLY BUDGET REVIEW - FINAL QUARTER 2022 - 2023

File Number: RPT/23/447

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Report Author: 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.

If approved, the net result of variances for June 2023 is an unfavourable operational variance of \$429,000 and a favourable capital variance of \$1,815,000 resulting in a total favourable budget variation of \$1,386,000.

Recommendation

The Committee:

- a) Note the 2022/2023 Fourth Quarter Budget Review
- b) Note the proposed revised 2022/2023 Changes to Operational and Capital Expenditure.

Committee Resolution

The Committee:

- a) Note the 2022/2023 Fourth Quarter Budget Review
- b) Note the proposed revised 2022/2023 Changes to Operational and Capital Expenditure.

Moved DS Schmidt, Seconded CS Smith**CARRIED UNANIMOUSLY**

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES 11 AUGUST 2023**7.8 QUARTERLY OPERATIONAL PLAN PROGRESS REPORT**

File Number: RPT/23/326

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

Summary

In accordance with the Local Government Integrated Planning and Reporting Framework, Council develops a Four Year Delivery Program and a One Year Operational Plan which details the actions to be undertaken by Council to implement the strategies established in the Community Strategic Plan.

The *Local Government Act 1993* requires that progress is reported to Council with respect to the principal actions detailed in its Operational Plan at least every six months. To better align with the Quarterly Budget Review Process, the Operational Plan progress report is also compiled on a quarterly basis.

New Actions added in the 4th Quarter:

- 2.3.11 – Para Fire Station
- 3.2.31 – Carramar Sporting Complex Cricket Nets
- 3.2.32 – Buronga Pump Track Stage 2
- 3.2.33 – Remote Roads Upgrade Pilot Project – Arumpo Road Upgrade
- 3.2.34 – Wentworth Aerodrome additional facility upgrade
- 3.4.17 – Gol Gol Water Treatment Plant Drainage & Fencing
- 3.5.16 – Woorlong Drive Drainage Basin

78 Actions were completed during the quarter.

Of the 56 progressing actions 34 Actions have already been reprogrammed into the new financial year. An assessment of the other will be undertaken and included in the 2023-2024 first quarter progress report.

Other highlights for the quarter include the following:

- Ongoing clean up and flood recovery efforts continued during the quarter. Major works to reconstruct River Road and Boeill Creek Road commenced and where completed in early July.
- Flood waters coming down the Anabranh receded enough by mid June to allow Council staff to commence assessing the damage. Ongoing clean up and recovery works will continue into the new financial year

Recommendation

That the Committee receives and notes the report

Committee Resolution

That the Committee receives and notes the report

Moved DS Schmidt, Seconded CS Smith

CARRIED UNANIMOUSLY

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES

11 AUGUST 2023

8 ACTIONS

9 NEXT MEETING

3 November 2023

Future Meeting dates 9 February 2024, 10 May 2024 and 9 August 2024

10 CLOSURE

The meeting was declared closed at 1:07 pm.

9 REPORTS TO COUNCIL

9.1 STATUTORY MEETING ITEM - ELECTION OF MAYOR

File Number: RPT/23/513

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

Councils that elect their Mayors are required under section 290(1)(b) of the *Local Government Act 1993* (the Act) to hold mid-term mayoral elections in September 2023. Mayors elected in September 2023 will hold their office until council elections are held on 14 September 2024.

Schedule 7 of the *Local Government (General) Regulation 2021*, provides for the election of Mayor by Councillors by either ordinary ballot, open voting or by preferential ballot.

This procedure is overseen with the returning officer duties performed by the General Manager.

Recommendation

1. That Council determines in the event of two or more nominations being received for Mayor the process to elect the Mayor either by ordinary ballot **or** open voting **or** preferential ballot;
2. That the General Manager receives nominations for the position of Mayor and declares whether an election is required, and if so conducts the election.

Detailed Report

Purpose

The purpose of this report is to conduct an election of the Mayor.

Background

Schedule 7 of the *Local Government (General) Regulation 2021*, provides for the election of Mayor by Councillors by either ordinary ballot, open voting or by preferential ballot. In recent years Council has used either a show of hands (open ballot) or the ordinary ballot method of voting.

It should be noted that Councillors can participate in mayoral elections using an open ballot by audio visual link but not where the other two methods of election are used.

Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person to vote if the mayoral election is held using either of these methods.

Returning Officer

The General Manager is the Returning Officer.

Nominations

- i. A Councillor may be nominated without notice for election as Mayor.

- ii. The nomination is to be made in writing by two or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- iii. The nomination is to be delivered or sent to the Returning Officer.
- iv. The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

Election

- i. If only one Councillor is nominated, that Councillor is elected.
- ii. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- iii. The election is to be held at the Council Meeting at which the Council resolves on the method of voting.
- iv. In this Clause, ballot has its normal meaning of secret ballot, open voting means voting by a show of hands or similar means.

Deputy Mayor

The *Local Government Act 1993* Section 232 states:

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

Conclusion

Council is required to determine the process to conduct a Mayoral election. The Mayor elected in September 2023 will hold their office until council elections are held on 14 September 2024.

Attachments

- 1. Nomination Form - Mayor [↓](#) 



NOMINATION FOR MAYOR

Being elected Councillors of Wentworth Shire Council we hereby nominate

Councillor for the position of **MAYOR** of the Wentworth Shire Council.

Councillor
Print Name

Signed.....

Councillor
Print Name

Signed

Date

I hereby consent to being nominated for the position of **MAYOR**.

Councillor
Print Name

Signed

Date

9.2 STATUTORY MEETING ITEM - DELEGATIONS TO MAYOR AND DEPUTY MAYOR

File Number: RPT/23/512

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 purpose of this report is to establish the delegated authority of the Mayor. Council Policy GOV009 sets the delegations for these positions. The policy is attached for reference to the schedules. There have been no amendments made to the delegation schedules.

Recommendation

1. That Council retains all functions, duties and responsibilities outlined in schedule 1 of Council Policy GOV009.
2. That Council, pursuant to Section 377 of the *Local Government Act 1993*, delegates to the Mayor, as elected at the Council Meeting on 20 September 2023, the powers, duties, authorities and functions of the position as listed in schedule 2 of the Delegation Policy (GOV009).
3. That Council resolves that in the absence of the Mayor, and when officially acting in the position of Mayor, the Deputy Mayor, as elected at the Council Meeting on 10 January 2022 is authorised to exercise delegations of the Mayor as listed in schedule 2 of the Delegation Policy (GOV009).
4. That the delegations remain in place until the next Local Government election or until revoked or amended by Council.

Detailed Report

Purpose

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

Background

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

Attachments

1. Adopted Council Policy - GOV009 Delegations Policy [↓](#) 

Wentworth Shire Council

Word Document Reference: DOC/22/1980

Council Policy No:GOV009**DELEGATIONS POLICY****POLICY OBJECTIVE**

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

1. POLICY STATEMENT

This official Council ensures that Wentworth Shire Council establishes systems which deal with the delegation of powers and functions from the *Local Government Act 1993*.

2. POLICY COVERAGE

This policy applies to all areas of Council's operations and covers Council, the Mayor and the General Manager. The policy also extends to delegations from the General Manager to staff.

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

5. POLICY CONTENT

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

- Schedule 1 of this policy outlines the functions that are retained by Council, as required under section 377 of the Act.
- Schedule 2 of this policy outlines the functions of Council that it delegates to the Mayor.
- Schedule 3 of this policy outlines the functions of Council that it delegates to the General Manager.

It is the policy of this Council that:

- 5.1** Council retains all functions, duties and responsibilities outlined in schedule 1 of this policy.
- 5.2** Council delegates to the Mayor all powers, authorities, duties and functions outlined in schedule 2 of this policy.
- 5.3** There being no section 355 committees of council, no delegations of functions are required to section 355 Committees
- 5.4** Council delegates to the General Manager all powers, authorities, duties and functions outlined in schedule 3 of this policy.

Wentworth Shire Council

Word Document Reference: DOC/22/1980

Council Policy No:GOV009**DELEGATIONS POLICY**

- 5.5** The *Local Government Act 1993* and *Local Government (General) Regulations 2021* will, at all times, have precedence over any contradictory decision of council.
- 5.6** The General Manager is to maintain a Delegations Register for all delegations made to staff.
- 5.7** The Audit, Risk and Improvement Committee will review the exercising of delegations in its audit program.

6. RELATED DOCUMENTS & LEGISLATION*Local Government Act 1993 (NSW)**Local Government (General) Regulations 2021 (NSW)**Environmental Planning and Assessment Act 1979***7. ATTACHMENTS**

Schedule 1 - Council retained functions

Schedule 2 - Council to the Mayor

Schedule 3 - Council to the General Manager

8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 31 January 2022. 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: 

2 February 2022

General Manager Wentworth Shire Council**Date**

Wentworth Shire Council

Word Document Reference: DOC/22/1980

Council Policy No:GOV009**DELEGATIONS POLICY**

SCHEDULE 1 – COUNCIL RETAINED FUNCTIONS

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

- (a) The appointment of a general manager,
 - (b) The making of a rate,
 - (c) A determination under section 549 as to the levying of a rate,
 - (d) The making of a charge,
 - (e) The fixing of a fee,
 - (f) The borrowing of money,
 - (g) The voting of money for expenditure on its works, services or operations,
 - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) The acceptance of tenders which are required under this Act to be invited by the council,
 - (j) The adoption of an operational plan under section 405,
 - (k) The adoption of a financial statement included in an annual financial report,
 - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) The fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 8.2 of the Environmental Planning and Assessment Act 1979,
 - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) A decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) The making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) This power of delegation,
 - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

Wentworth Shire Council

Word Document Reference: DOC/22/1980

Council Policy No:GOV009

DELEGATIONS POLICY

(2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

(3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

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

Wentworth Shire Council

Word Document Reference: DOC/22/1980

Council Policy No:GOV009**DELEGATIONS POLICY**

SCHEDULE 2 - DELEGATIONS FROM THE COUNCIL TO THE MAYOR

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

1.0 Executive Functions

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

2.0 Communications, media and public relations

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

3.0 Council meetings

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

4.0 Legal

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

5.0 Policy

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

6.0 Urgent Works (unbudgeted items)

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

Wentworth Shire Council

Word Document Reference: DOC/22/1980

Council Policy No:GOV009**DELEGATIONS POLICY**

SCHEDULE 3 - DELEGATIONS FROM THE COUNCIL TO THE GENERAL MANAGER

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

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

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

The General Manager is not delegated to undertake any of the roles, responsibilities and functions of Council as set out in Schedule 2 of this policy.

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

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

9.3 STATUTORY MEETING ITEM - COUNCIL MEETING DATES AND TIMES

File Number: RPT/23/505

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

The purpose of this report is to set the dates and times for the ordinary meetings of council.

Recommendation

That the Ordinary meetings of council be held in the Council Chambers Wentworth at a nominated time on the following days:-

- Wednesday 18 October 2023
- Wednesday 15 November 2023
- Wednesday 20 December 2023 or 13 December 2023
- Wednesday 17 January 2024 or 24 January 2024 or not held
- Wednesday 21 February 2024
- Wednesday 20 March 2024
- Wednesday 17 April 2024
- Wednesday 15 May 2024
- Wednesday 26 June 2024
- Wednesday 17 July 2024
- Wednesday 21 August 2024
- Wednesday 18 September 2024

That a Pre meeting Briefing be held prior to the Council Meeting commencing at a time nominated by Council.

Detailed Report

Purpose

The purpose of this report is to set the dates and times of Ordinary Meetings of Council.

Background

Section 365 of the *Local Government Act 1993* requires that Council meets at least ten times each year, each time in a different month.

The *Local Government Act 1993* or the *Local Government (General) Regulations 2021* does not cover the time a Council meeting should start.

The meeting time and dates for Ordinary Council meetings are required to be advertised in accordance with the requirements of the *Local Government Act 1993*.

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

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

Report Detail

There are virtually no restrictions of what Council is able to resolve other than ensuring that at least ten meetings are held in the year. At this point in time due to video recording, audio and streaming meetings are required to be held in the Council Chambers in Wentworth. Council must decide the following:

- 1) The time of the Council meetings (currently 7:00pm).
- 2) The date and the day of the month of Council meetings (currently third Wednesday)
- 3) Whether a meeting will be held each month (the December & January meetings have in the past been discussed in relation to this) The next 12 month period sees the December meeting falling on 20 December 2023 which is the last week of the working year for staff with many staff already on leave. An option would be to move this meeting forward one week to the 13 December 2023. The January meeting falls on the 17 January 2024 with staff having to have all reports written and approved by 5 January 2024 after returning to work from the Christmas shut down on Tuesday 2 January 2024. The January meeting may be moved to 24 January 2024 giving staff a more reasonable timeframe to write reports or not hold the January meeting. Previous years the December meeting has been moved forward a week and the January meeting has not been held.
- 4) The date for the June meeting to allow the draft Operational Plan, endorsed at the May meeting, has been on public exhibition for the required 28 days

Options

- a) *Council determines to hold the Council meetings on the dates suggested with a choice of date for the December and January meeting to be made. Council determines a time for the Ordinary meetings and the Pre Meeting briefing.*
- b) *Council determines different dates for the Ordinary Council Meetings.*
- c) *Council determines a time for the premeeting briefing.*

Conclusion

The *Local Government Act 1993* requires Council to hold a minimum of ten meetings a year. Council is able to determine the day and time for each Council meeting and the meeting location.

Attachments

Nil

9.4 STATUTORY MEETING ITEM - REVIEW OF INTERNAL COMMITTEES

File Number: RPT/23/510

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

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

Recommendation

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

Detailed Report

Report Detail

The following committees are Advisory Committees and have no delegated authority and no decision making responsibilities. All recommendations from the Committees are presented to Council for consideration.

- Internal Audit and Risk Management Committee (Independent Advisory Committee)
- Floodplain Risk Management Committee
- Heritage and History Advisory Committee

Council has also established a number of User Groups namely:

- James King Park User Group (In line with open space single use tenants no Committee required)
- George Gordon Oval User Group
- Carramar Drive Sporting Complex User Group
- Wentworth Showgrounds User Group
- Wentworth Sporting Precinct User Group
- Pooncarie Sporting Reserve User Group

These groups also require Councillor representation and meeting minutes will be reported to Councillors.

Conclusion

Council strategically reviews its committee structure at the Statutory meeting each year, to ensure that the committee structure remains relevant to the needs of Council and its community and nominates representatives for the committees.

Attachments

1. Internal Committees as at July 2023 [↓](#) 

INTERNAL COMMITTEES

UPDATED JULY 2023

Listing of Internal Committees and User Groups			
Advisory Committees	Meeting Frequency	Council Delegate(s)	Other Advisory Officers
Floodplain Risk Management Committee	When required	Mayor, Cr Linklater, Cr Nichols	Robert Rigby, Michelle Kelly, David Buck, SES
Audit, Risk Improvement Committee	Min Quarterly	Cr Beaumont	Roseanne Kava (Chair) Diane Schmidt, Caroline Smith
Heritage and History Advisory Committee	When required	Councillor MacAllister and Cr Nichols Alternate Councillor - Cr Beaumont	Greg Harrison, Russell James, Robert Hannaford, Nikita Vanderbyl, Tony Bruce-Mullins & Staff
User Groups	Meeting Frequency	Delegate(s)	Alternate Councillor(s)
Carramar Drive Sporting Complex User Group	When required	Cr Linklater and Cr Rodda	Cr MacAllister
George Gordon Oval User Group	When required	Cr Cooper and Cr Crisp	Cr Heywood
James King Park User Group	When required	Cr Linklater and Cr Rodda	Cr MacAllister
Wentworth Showgrounds User Group	When required	Cr Beaumont, Cr Heywood & Cr Nichols	N/A
Wentworth Sporting Precinct User Group	When required	Cr Beaumont, Cr Heywood and Cr Cooper	N/A
Pooncarie Sporting Reserve User Group	When required	Cr Heywood	Cr Rodda

9.5 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEES

File Number: RPT/23/508

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.4 Provide strong leadership and work in partnership to strategically plan for the future

Summary

In order to respond to the needs of its community, Council annually reviews the External Committees to which it has appointed representatives. Representation on these committees is important in our community engagement obligations.

Recommendation

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

Detailed Report

Report Detail

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

The nominated representatives on each committee are responsible for providing a delegate's report to Council. As a Council representative on external committees the Councillors attend as observers, as such Councillors do not have voting rights unless the specific external committee charter nominates that they do.

The current list of external committees with the previous membership is attached for reference.

Conclusion

In order to respond to the needs of its community, Council annually reviews the External Committees and determines appropriate representation.

Attachments

1. External Committees as at March 2023  

EXTERNAL COMMITTEES

UPDATED MARCH 2023

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

Committee	Meeting Frequency	Nominated Representative(s)
Australian Inland Botanic Gardens	Monthly	Cr. Rodda (Cr Linklater as alternate)
Barkandji Indigenous Land Use Agreement Working Group	As required	Mayor, Deputy Mayor, Cr Nichols and General Manager
Bottle Bend Reserve Land Manager	Monthly	Cr. Linklater (Cr. Nichols as alternate)
Bush Fire Management Committee	Twice per annum	Cr. Linklater (Mayor as alternate)
ClubGRANTS Category One (1) Funding Committee	Twice per annum	Mayor
Country Mayor's Association of NSW	As required	Mayor
Community Safety Precinct Meeting	As required	Cr. Cooper
Critical Water Advisory Group	As required	Mayor & Cr Heywood
Far West Joint Organisation – Broken Hill, Wentworth, Balranald, Central Darling	As required	Mayor and Deputy Mayor
Joint Regional Planning Panel	As required	Cr. Crisp and Cr. Nichols (Cr. Heywood as alternate)
Menindee Lakes SDLAM Stakeholder Advisory Group (SAG)	As required	Mayor
Murray Darling Association (Region 4)	Min. 4 times per annum	Mayor, Cr Linklater & Cr. Heywood
NSW Locks 8 & 9 SDLAM Stakeholder Advisory Group (SAG)	As required	Cr Cooper (alternate Cr MacAllister)
Public Libraries NSW	Twice per annum	Cr. Nichols
Wentworth Regional Tourism Inc.	Monthly	Cr Rodda
Wentworth Shire Health Interagency Group (WSIG)	Monthly	Cr. MacAllister and Cr Rodda
Wentworth Shire Liquor Accord Committee	As required	Cr. Nichols (Cr Beaumont as alternate)
Western Division Group of Councils	Min. 3 times per annum	Mayor, Cr Nichols
Willandra Lakes Region World Heritage Advisory Committee	Min. 3 times per annum	Cr MacAllister (Local Government Representative)

9.6 DETERMINATION OF THE NUMBER OF COUNCILLORS FROM SEPTEMBER 2024 ELECTION

File Number:	RPT/23/521
Responsible Officer:	Ken Ross - General Manager
Responsible Division:	Office of the General Manager
Reporting Officer:	Gayle Marsden - Executive Assistant
Objective:	4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner
Strategy:	4.2 A strong, responsible and representative government

Summary

The next Local Government election will take place in September 2024.

It is a requirement of the Local Government Act 1993 the council must determine the number of Councillors for the following term of office, 12 months before the next election.

Recommendation

That Council continues with nine (9) Councillors, one of whom is the mayor, for the next term of office.

Detailed Report

Purpose

The purpose of this report is for Council compliance with section 224 of the Local Government Act by nominating the number of Councillors for the following term of office.

Background

The following has been extracted from the Local Government Act.

LOCAL GOVERNMENT ACT 1993 - SECT 224

How many Councillors does a council have?

224 How many Councillors does a council have?

- (1) A council must have at least 5 and not more than 15 Councillors (one of whom is the mayor).*
- (2) Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its Councillors for the following term of office.*
- (3) If the council proposes to change the number of Councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum.*

Matters under consideration

Wentworth Shire Council has previously seen fit to have nine elected Councillors, however, in accordance with Section 224(2) council is required to nominate the number of Councillors it wishes to have for the following term of office.

Section 224(3) requires that there be a constitutional referendum if council proposes to change the number of Councillors.

The advice from the Office of Local Government Governance Team is that if Council is considering a change in the number of Councillors the most cost effective way to conduct a constitutional referendum is to run it in conjunction the next election.

Council may wish to consider recommending a reduction in the number of Councillors, on the basis that:

- There are now more onerous responsibilities on Councillors to undertake ongoing professional development, ultimately resulting in additional costs to Council (and its ratepayers).
- The legislative requirement to have an Audit, Risk and Improvement Committee with the voting members being external. This requirement has necessitated the payment of sitting fees for external committee members, ultimately resulting in additional costs to Council (and its ratepayers).
- Elected representatives are expected to devote a significant amount of time to their roles as Councillors and future Councillors may seek to increase the amount of remuneration to the maximum amount of the entitlement, ultimately resulting in additional costs to Council (and its ratepayers).

Options

Council maintain the status quo and remain with 9 Councillors providing representation for the Wentworth Shire

Or

Council determine to reduce the number of Councillors.

Conclusion

With the next election of Councillors occurring in September 2024, a decision on the number of Councillors for the following term of office is required at this meeting. Additionally, an early decision on any proposal to reduce the number of Councillors would enable 12 months to engage with the community prior to the referendum being held at the September 2024 election.

Attachments

Nil

9.7 GENERAL MANAGERS REPORT

File Number: RPT/23/518

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

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

1. OLG Circulars

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

The General Manager will be on leave from 23 September 2023 to 1 October 2023 inclusive. During his absence it is recommended that Director Finance and Policy Simon Rule be Acting General Manager.

Recommendation

That Council:

- a) Receives and notes the information contained within the report from the General Manager
- b) Appoints the Director of Finance and Policy to be the Acting General Manager from 23 September 2023 to 1 October 2023 inclusive.

Detailed Report

1. Circulars

2. Meetings

Following is a list of meetings or events attended by the General Manager for the period of 17 August 2023 – 20 September 2023.

Date	Meeting	Location
17 Aug 2023	TCorp	Wentworth
22 Aug 2023	Mayoral Meeting	Wentworth
23 Aug 2023	Reconstruction Authority	Wentworth
23 Aug 2023	Citizenship Ceremony	Wentworth

23 Aug 2023	Site Visit Civic Centre	Wentworth
25 Aug 2023	Sussan Ley Informal meeting	Wentworth
26 Aug 2023	Wentworth Show Official Opening	Wentworth
28 Aug 2023	Secure Energy Site Tour	Buronga
29 Aug 2023	Regional Emergency Management Committee meeting	Wentworth
31 Aug 2023	Wentworth / Balranald Shire Councils Drought Resilience Plan Project Control Group Meeting	Video Conference
5 Sept 2023	Mayoral Meeting	Wentworth
7 Sept 2023	General Managers Meeting	Video Conference
12 Sept 2023	Mayoral Meeting	Wentworth
13 Sept 2023	Joint Wentworth Shire Council and Mildura Regional City Council meeting	Wentworth
14 Sept 2023	Wentworth / Balranald Shire Councils Drought Resilience Plan Project Control Group Meeting	Video Conference
19 Sept 2023	Mayoral Meeting	Wentworth
20 Sept 2023	Grants Commission Visit	Wentworth
20 Sept 2023	Mildura Regional Development	Wentworth
20 Sept 2023	Pre-Meeting Briefing	Wentworth
20 Sept 2023	Ordinary Council 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 from 21 September 2023 – 18 October 2023.

Date	Meeting	Proposed Attendees	Location
21 Sept 2023	Wentworth Shire Interagency Group	Cr MacAllister & Cr Rodda	Buronga
26 Sept 2023	Carramar Drive Sporting Complex User Group	Cr Rodda & Cr Linklater	Buronga
27 Sept 2023	Advisory Meeting	Councillors & Senior Staff	Wentworth
2 Oct 2023	Wentworth Regional Tourism Inc Meeting	Cr Rodda	Dareton
5 Oct 2023	Wentworth Showgrounds User Group Meeting	Cr Beaumont, Cr Heywood & Cr Nichols	Wentworth
13 Oct 2023	Pooncarie Sporting Reserve User Group Meeting	Cr Heywood	Pooncarie
17 Oct 2023	Wentworth Sporting Complex User Group Meeting	Cr Beaumont, Cr Heywood & Cr Cooper	Wentworth

18 Oct 2023	Ordinary Council Meeting	Councillors and Senior Staff	Wentworth
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4. Other items of note

The General Manager will be on leave from 25 September 2023 to 29 September 2023 inclusive. During his absence it is recommended that Council appoint the Director Finance and Policy, Simon Rule to be Acting General Manager.

Tourism Officers Report

Update on Events

Wentworth Show Saturday Night Street Party

- The Wentworth Show Saturday Night Street Party was held on Saturday 26 August from 4.00pm – 8.00pm in Darling Street.
- The event was well attended with around 500 people enjoying the atmosphere throughout the course of the night.
- The mechanical bull was popular as always and a new addition of a roving magician was very well received by attendees.
- Security and a shuttle bus were also organised to ensure the night ran smoothly.

Country Music Festival Twilight Event

- The Country Music Festival Twilight Event will be held on Friday 29 September from 3.30pm – 7.30pm in Darling Street.
- The event location change was requested by the local community – instead of most of the Country Music Festival Wentworth events being held near the Wharf, this was to be held on Darling Street so the local shops can be involved and a market can be held.
- The event will feature market stalls, late night shopping and live music by Matt Manning, Aaron Schembri, The Long n Short of It and Kaelin Haines.
- Many stallholder expressions of interest have been received already and advertising has commenced.

Gol Gol Twilight Markets

The next market is set to run on Saturday 14 October at the Gol Gol Riverfront.

Wentworth Shire Council Christmas Event Calendar

Due to a few conflicting events happening in the region, some dates have been moved to accommodate our Christmas events.

Wentworth Twilight Christmas Markets

Friday 1 December, 4.00pm – 8.00pm

Darling Street, Wentworth

Dareton Christmas Markets

Saturday 9 December, 8.30am – 12.00pm

Tapio Street, Dareton

Gol Gol Carols with a Twist

Sunday 10 December, 4.00pm – 8.00pm

Carramar Oval, Gol Gol

General Tourism Update

Storytowns Audio Guide

An opportunity has arisen to be able to capture some of Wentworth's local community members stories as an audio tour. Prominent Wentworth locals, who are linked to a particular tourism attraction, will have the chance to tell a story based on the history of one of Wentworth's top tourism attractions.

This audio tour will cover ten of Wentworth's top tourism attractions – Wentworth Wharf, Rendelsham & the Nunnery, Lock 10 + Weir, Old Wentworth Gaol, Perry Sandhills, PS Ruby, The Junction, Wentworth Court House, Junction Island and the Old Wentworth Post Office.

Tourists will be able to access the audio tour via an app on their phone to either listen on their phones if they prefer a walking tour or in their cars as they drive around.

Mundi Mundi Bash Travellers

There were lots of travellers through Wentworth either on the way to Mundi Mundi or returning – so many cars and caravans on the road. Great to see the township of Wentworth buzzing throughout the week.

Murray Regional Tourism Quarterly Tourism Managers Forum

The quarterly Tourism Managers Forum was held on 22 - 23 of August 2023. A great opportunity to catch up with other Tourism Managers and VIC staff within the region to discuss upcoming tourism and marketing opportunities, current trends and recent events.

Attachments

Nil

9.8 UNION PICNIC DAY

File Number: RPT/23/506

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.3 An effective and efficient organisation

Summary

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

Recommendation

That Council:

- a) Approves Tuesday 7 November 2023 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union;
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Requires Non-union members to apply for 7 November 2023 from leave entitlements to enable the above arrangements

Detailed Report

Purpose

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

Background

Under section 21B of the Local Government (State) Award 2023:

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

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

The United Services Union have respectfully requested that Council abide by Clause 21B of the Local Government (State) Award 2023 and ask Council to require non-union members to apply for leave if they wish to have the Union Picnic Day off. This effectively leaves areas of work under resourced and accordingly the previous arrangements have been to close the offices, depot libraries, landfills and Visitor Information Centre with those non-members of a Union being requested to take leave on that day.

Matters under consideration

As required by the Award, the Union is to advise management of the staff who are entitled this day. This will equate to 29 staff having the day off in accordance with the award. Last year this matter was reported to Council in the same manner and timeframe. The Council of the day resolved to endorse the Union Picnic Day on Melbourne Cup day and additionally grant a free good will day to all non-members. This was not accepted by the United Services Union due to the union members not having their entitlement respected. This inadvertently led to a good will Melbourne Cup Day Holiday being granted in accordance with the resolution of Council to all staff and an additional day granted separately to the Union Members

Conclusion

Union members have traditionally nominated Melbourne Cup Day as the preferred day for Union Picnic Day. Previously Melbourne Cup Day has been granted by Council to all staff as a holiday and that the office, depot, libraries, landfills and Visitor Information Centre be closed on that day. Last year this course of action was not received favourably by the United Services Union. This report provides the opportunity for Council to consider its position on this matter.

Attachments

Nil

9.9 CHRISTMAS LEAVE ARRANGEMENTS

File Number: RPT/23/507

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.3 An effective and efficient organisation

Summary

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

Recommendation

That Council approves the Christmas and New Year holiday arrangements.

Detailed Report

Purpose

Christmas Day in 2023 falls on a Monday, as does New Year's Day 2024.

The approved public holidays for 2023/24 Christmas/New Year period are Monday 25 December 2023, Tuesday 26 December 2023 and Monday 1 January 2024.

Additionally, the Australia Day public holiday is on Friday 26 January 2024.

It is proposed that the Christmas close-down occurs at the close of business on Friday 22 December with Council Libraries, Main Office and Midway Centre to re-open on Tuesday 2 January 2024. The detailed list of arrangements is on the following table.

Council Area	
Main Administration Office, Midway Service Centre, Council Libraries and Workshop	<ul style="list-style-type: none"> Closed from close of business Friday 22 December 2023. Re-open Tuesday 2 January 2024.
Visitor Information Centre	<ul style="list-style-type: none"> Closed Monday 25 December and Tuesday 26 December 2023 Normal operating hours between public holidays Closed Monday 1 January 2024 Normal operating hours from Tuesday 2 January 2024
Council Landfill sites	<ul style="list-style-type: none"> Closed Monday 25 December 2023, Tuesday 26 December 2023 and Monday 1 January 2024.
Depot Store	<ul style="list-style-type: none"> Closed Monday 25 December 2023, Tuesday 26 December 2023 and Monday 1 January 2024.

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

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

Attachments

Nil

9.10 LGNSW 2023 ANNUAL CONFERENCE

File Number: RPT/23/499

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

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

The Local Government New South Wales 2023 Annual Conference is being held from Sunday 12 November 2023 to Tuesday 14 November 2023 at the Grand Pavilion, Rosehill Gardens Racecourse, Rosehill. This forum is the main local government policy making forum for Local Government New South Wales. Council has previously been represented by the Mayor and General Manager at the Conference.

Recommendation

That Council determines the attendees to the Local Government New South Wales 2023 Annual Conference 12 November 2023 to Tuesday 14 November 2023 and nominates Council's voting delegate.

Detailed Report

Purpose

The purpose of this report is to consider who should attend the Local Government New South Wales Conference and who will be the Council's voting delegate.

Background

The Local Government New South Wales 2023 Annual Conference is being held from Sunday 12 November 2023 to Tuesday 14 November 2023 at the Grand Pavilion, Rosehill Gardens Racecourse, Rosehill. This forum is the main local government policy making forum for Local Government New South Wales.

Report Detail

The Annual Conference is the main policy making event for the local government sector. Motions passed at the Conference become resolutions, which Local Government New South Wales will take forward on Council's behalf as part of their sectors advocacy agenda. Wentworth Shire Council is entitled to one voting delegate which is usually the Mayor. It is also advantageous to Council for the opportunity for the Mayor and/or Deputy Mayor and General Manager to network with various Members of Parliament on a one to one basis. These networking opportunities are particularly useful when advocating for various issues.

The Conference program is attached but subject to change.

Cost

Registration for Local Government New South Wales 2023 Annual Conference is \$1155.00 per person. The Conference Dinner is an additional \$230 per attendee.

This cost is not inclusive of flights or accommodation.

Conclusion

Council has previously been represented by the Mayor and General Manager at the Conference. It is recommended that the Mayor and General Manager attend the Local Government New South Wales 2023 Annual Conference

Attachments

1. Program LGNSW Conference 2023  

PROGRAM 12 NOVEMBER 2023

12.30pm–5.00pm	<p>Registration Operational</p> <p>Exhibition open from 1pm</p> <p>Optional off-site visit to PHIVE at Parramatta Square, hosted by City of Parramatta Council (Limited spaces. Book when registering for conference).</p>
2.30pm– 3.00pm	<p>Afternoon Tea in exhibition area</p>
3.00pm–5.00pm	<p>Plenary Room</p> <p>3pm to 3.30pm – Official welcomes (LGNSW President and Mayor)</p> <p>3.30pm to 3.55pm – AR Bluett Memorial Awards presentation</p> <p>3.55pm to 4.55pm – Housing Crisis and affordability Forum</p> <p>4.55pm to 5.00pm– President's Welcome Reception Partner Landcom address</p>
5.00pm	<p>Bus transfers to CommBank Stadium for President's Welcome Reception</p>
5.30pm–7.30pm	<p>President's Welcome Reception at CommBank Stadium, Parramatta</p> <p>7.30pm: Delegates make own arrangements for dinner and then own arrangements to return to accommodation</p>

PROGRAM 13 NOVEMBER 2023

From 7.45am	Doors open – Registration opens. Light refreshments in exhibition area.
8.00am–8.50am	Ground floor Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors (voting for all positions at the one time)
8.50am–9.00am	Distribution of electronic voting handsets and delegates are seated in the Grand Pavilion plenary room
9.00am–9.10am	Conference Welcome – Chief Executive LGNSW Welcome to Country
9.10am–9.20am	Ministerial address
9.10am–9.20am	CE LGNSW thanks Minister and explains voting on motions procedure and housekeeping
9.30am–10.45am	From 9.30am to 10am: Opening of the Federal and State Conferences, adoption of standing orders, business sessions and consideration of motions and conference business. Opening Address by Cr Darriea Turley AM President, LGNSW Presentation of financial reports

Start of consideration of motions and conference business	
Morning refreshments	10.45am–11.45am
AEC Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors	
Address by Elite partner Statewide Mutual	11.45am–11.50am
Consideration of Conference Business (continued)	11.50am–1.00pm
Delegate lunch in Exhibition area sponsored by Distinguished Partner Active Super	1.00pm–2.15pm
AEC Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors (until 2.10pm)	
Premier Partner – StateCover Mutual Members' Lunch GMs and CEOs join StateCover Mutual for member networking and lunch (level 1)	1.05pm – 2.15pm
Consideration of Conference Business (continued)	2.20pm–3.30pm
Afternoon Refreshments in trade exhibition (ground level)	3.30pm–4.30pm
AEC Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors during afternoon tea	
Networking in trade exhibition	4.35pm–6.35pm

LGNSW Conference Dinner and entertainment. Elite Partner – **Statewide Mutual**.
Presentation LG Service Awards

PROGRAM 14 NOVEMBER 2023

7.00pm–10.30pm

7.30am–8.45am

ALGWA Breakfast

Sponsored by ALGWA Breakfast Partner Maddocks.
MC Steph Brantz.

From 7.30am

LGNSW Information Desk and Exhibition and light refreshments – Exhibition Centre

9.00am–10.05am

Plenary Room

MC Steph Brantz

Keynote address and panel session followed by **Q&A**

10.05am– 10.15am

Speaker (to be announced)

10.15am–10.45am

Refreshment break in trade exhibition, ground floor

10.45am–10.55am

ALGA update

Cr Linda Scott, President ALGA

10.55am–11.45am	Plenary Room
	Panel session followed by Q&A
11.45am–12.45am	Plenary Room
	Keynote address followed by Q&A
12.45am–1.45pm	Lunch in trade exhibition
1.45pm–2.45pm	Presentation and Q&A: Department of Home Affairs
	Presentation and Q&A: ICAC
2.45pm–3.00pm	Final remarks from President LGNSW , including announcement of location for Annual Conference 2024

9.11 MONTHLY FINANCE REPORT - AUGUST 2023

File Number: RPT/23/539

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

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

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

Summary

Rates and Charges collections for the month of August 2023 were \$3,897,572.63. After allowing for pensioner subsidies, the total levies collected are now 42.41%. For comparison purposes 32.68% of the levy had been collected at the end of August 2022. Council currently has \$50,825,946.36 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 August 2023

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 31 August 2023.

	Combined Bank Account
Cash Balance as at 1 August 2023	\$ 2,317,759.62
Add: Receipts for the Period Ending 31 August 2023	\$ 7,053,509.29
Rates, Debtors, Miscellaneous	
Less: Payments for the Period Ending 31 August 2023	
Cash Book entries for this Month	\$ 6,451,229.72
Cash Balance of Operating A/C as at 31 August 2023	\$ 2,920,039.19
Trust Fund Balance	\$ 758,562.12
Investments	
Total Investments as at 31 August 2023	\$ 47,147,345.05
TOTAL	\$ 50,825,946.36

Collection of Rates and Charges

Rates and Charges collections for the month of August 2023 were \$3,897,572.63. After allowing for pensioner subsidies, the total levies collected are now 42.41%. A summary of the Rates and Charges situation as at 31 August 2023 is as follows:

	Rates and Charges	
Levies		
Balance Outstanding at 30 June 2023 - Rates / Water	975,306.94	
Rates and Charges Levied 21 July 2023	10,341,585.36	\$ 11,316,892.30
+ Additional Water Charges	493,637.63	
+ Supplementary Rates and Charges	9,164.51	
+ Additional Charges	25,056.15	
- Credit Adjustments	14,558.99	
- Abandonments	34,603.23	\$ 11,795,588.37
Deductions		
- Payments	4,832,832.68	
- Less Refunds of Payments	1,075.00	\$ 4,831,757.68
		\$ 6,963,830.69
- Pensioner Subsidy		
Government Subsidy	93,637.76	
Council Subsidy	76,612.72	\$ 170,250.48
Total Rates/Water Charges Outstanding		\$ 6,793,580.21

Note: For comparison purposes 32.68% of the levy had been collected at the end of August 2022.

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 August 2023.

Account	Date	Amount	Comment
Rates			
561.044	30.8.2023	1959.50	Rate assessment was cancelled but water & sewer charge were not cancelled in error
2106.5	30.8.2023	265.73	Cancelled 2nd Garbage service
491-2	29.8.2023	1205.90	Change of rating category from Business to Residential Rural
164-02	18.8.2023	548.83	Cancelled rate assessment
500.5	17.8.2023	993.13	Change of rating category from Business to Residential Rural
712	11.8.2023	493.50	Rate assessment was cancelled but water charge was not cancelled in error
863	10.8.2023	823.50	Credit garbage and reduce sewer charge to vacant land sewer charge
765	4.8.2023	235.98	Cancelled 2nd garbage service
2045	2.8.2023	661.00	Incorrect water meter reading entered
999-1	2.8.2023	261.19	Incorrect water meter reading entered
1012.59	27.7.2023	273.41	Incorrect water meter reading entered
302	27.07.2023	754.50	Rate assessment was cancelled but water & garbage charges were not cancelled in error
302.03	31.7.2023	371.30	Water meters were recorded incorrectly - raw as filtered and filtered as raw

Council Loans Report

Name	Institution	Purpose	Interest Rate	Loan Amount	Amount Outstanding	Due Date
Loan 201	National Australia Bank	Buronga Landfill	4.55% Fixed	\$ 920,000.00	\$ 188,082.04	30/01/2025
Loan 202	ANZ Bank	Civic Centre	3.47% Fixed	\$ 850,000.00	\$ 568,253.06	21/10/2026
Loan 203	National Australia Bank	Midway Centre	3.586% Fixed	\$ 1,900,000.00	\$ 1,412,426.04	1/06/2033
Loan 204	Bendigo Bank	Buronga Landfill	5.29% Fixed	\$ 1,500,000.00	\$ 1,186,752.20	12/05/2037
CFWC310604	T-Corp	Trentham Cliffs Sewer	1.82% Fixed	\$ 750,000.00	\$ 618,316.52	4/06/2031
CFWC310624	T-Corp	Burong/Gol Gol Stormwater	1.79% Fixed	\$ 1,250,000.00	\$ 1,009,905.32	24/06/2031
Loan 205	National Australia Bank	Willowbend Caravan Park	2.2% Fixed	\$ 1,500,000.00	\$ 1,419,095.00	25/01/2027
Loan 206	Bendigo Bank	Buronga Landfill #3	1.85% Fixed	\$ 900,000.00	\$ 665,869.85	25/09/2028
				TOTAL	\$ 7,068,700.03	

Overtime and Travelling

Month	August	Pay Periods	3 & 4		
Overtime from 22 July 2023 to 18 August 2023					
Overtime					
	Time and a Half		Double Time		Total
Department	Hours	Amount	Hours	Amount	
Animal Services	15.00	729.63	34.00	\$ 2,190.90	\$ 2,920.53
Civil	4.00	207.74			\$ 207.74
Health & Planning	2.00	94.63			\$ 94.63
Indoor Engineers	14.75	1,102.07	1.00	\$ 108.56	\$ 1,210.63
IT Support	1.50	113.42			\$ 113.42
Landfill Transfer Stations	5.50	298.73	16.00	\$ 1,232.72	\$ 1,531.45
Library			5.50	\$ 476.17	\$ 476.17
Parks & Gardens	8.00	352.52	12.00	\$ 705.04	\$ 1,057.56
Roads - Council	277.75	13,195.37	359.50	\$ 22,676.21	\$ 35,871.58
Roads - RMS	7.00	307.11	5.00	\$ 285.27	\$ 592.38
Tourism & Promotion	2.00	94.62	22.00	\$ 1,330.11	\$ 1,424.73
Water & Waste Water	54.00	2,886.05	58.00	\$ 3,959.91	\$ 6,845.96
Workshop Manager	3.50	209.33			\$ 209.33
Workshop/Mechanics	3.00	155.40			\$ 155.40
Total	398.00	19,746.62	513.00	\$ 32,964.89	\$ 52,711.51
Travel Allowance					
Department	Kms	Amount			
Total	0	0			
Grand Total		\$ 52,711.51			

Conclusion

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

Attachments

Nil

9.12 MONTHLY INVESTMENT REPORT - AUGUST 2023

File Number: RPT/23/545

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.5 Adopt practices of prudent asset, financial and human resource management across Council to ensure long-term sustainability and efficiency

Summary

As at 31 August 2023 Council had \$43 million invested in term deposits and \$7,825,945.36 in other cash investments. Council received \$96,431.17 from its investments for the month of August 2023.

In August 2023 Council investments averaged a rate of return of 4.46% and it currently has \$8,793,351.79 of internal restrictions and \$31,687,781.95 of external restrictions.

Recommendation

That Council receives and notes the monthly investment report.

Detailed Report

Purpose

The purpose of this report is to update Council on the current status of its investments as required by the *Local Government Act 1993* (NSW) and the associated regulation.

Matters under consideration

As at 31 August 2023 Council had \$50,825,946.36 invested with Nine (9) financial institutions and One (1) Treasury Corporation. This is an increase of \$1,616,262.59 from the previous month.

The investment of surplus funds remains in line with Council's Investment Policy. This ensures sufficient working capital is retained and restrictions are supported by cash and investments that are easily converted into cash.

Interest Received from Cash Investments in August 2023

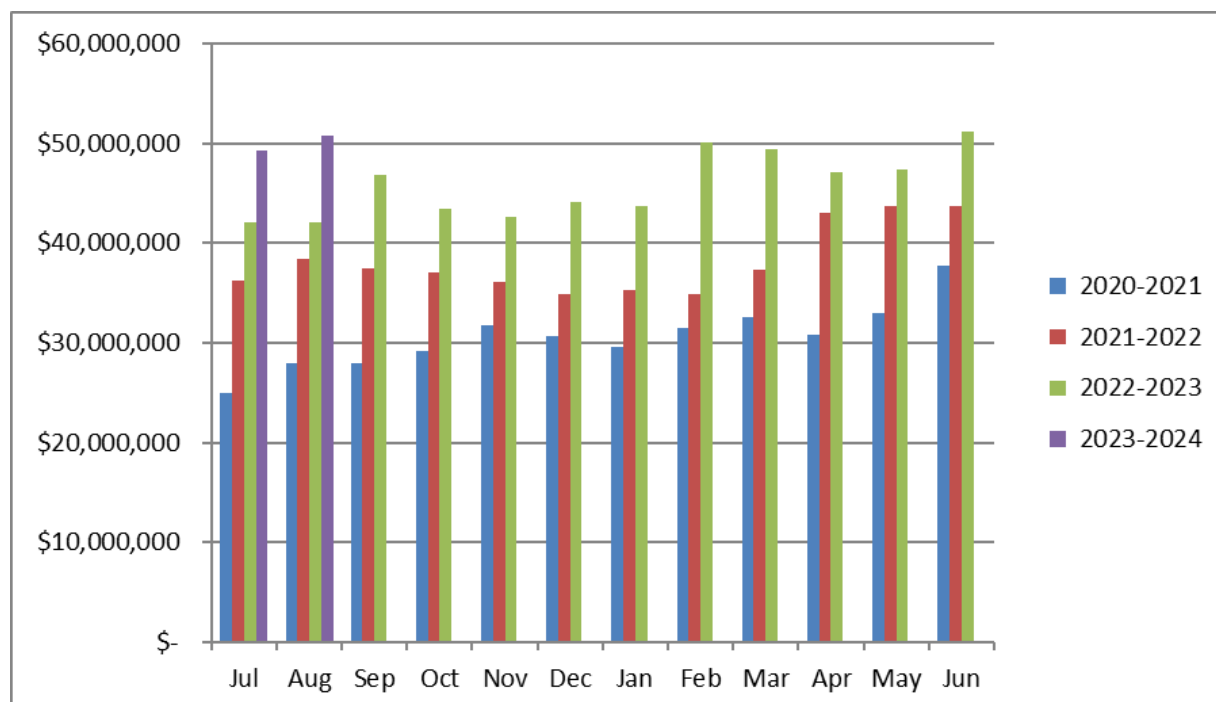
Two (2) deposits and One (1) other account matured or provided interest in August earning Council \$96,431.17 in interest. The budget for August was \$125,000. Year to date Council has received \$153,331.01 in interest based on cash accounting. Expired investments are now shown in the attached report along with a summary of accrued interest. The budget for the financial year was set at \$1,500,000. As shown in the attached report Council's investments are on track to return \$1,815,252.60 for the financial year.

**note the difference in interest received between this report and the Yield Hub report is from Council's at-call cash account which is paid monthly.*

Restrictions

Internal Restrictions		
- Employee Entitlements	\$2,294,469.28	
- Doubtful Debts	\$115,011.00	
- Future Development Reserve	\$1,076,217.20	
- Trust Account	\$1,748,890.19	
- Caravan Park Loan Facility	\$1,058,764.12	
- Capital Projects	\$1,000,000.00	
- Plant Replacement Reserve	\$1,500,000.00	\$8,793,351.79
External Restrictions		
- Water Fund	\$11,810,668.01	
- Sewer Fund	\$5,757,450.37	
- T-Corp Loan Balance	\$509,066.93	
- Developer Contributions Reserve	\$962,882.55	
- Unexpended Grants	\$11,869,347.82	
- Crown Reserves Reserve	\$213,700.14	
- Loan Guarantee Reserve	\$3,460.91	
- Prepayments Cemeteries	\$561,205.22	\$31,687,781.95
Day to Day Liquidity		\$10,344,812.62
Total Funds Available		\$50,825,946.36

Total Funds Invested





Summary – Unexpended Grants as at 31 August 2023

Grant	Amount
SCCF Wentworth Rowing Club	\$47,293.47
Crown Reserve Improvement Fund Astronomy Park	\$656,000.21
Crown Reserve Improvement Fund Pooncarie Racecourse	\$3,200.00
EDS Grant	\$42,042.62
Fixing Local Roads Grants - Stage 3	\$211,529.51
Fixing Local Roads Grants - Stage 4	\$41,872.22
Murray Darling Basin Upstairs Area	\$13,042.45
Resources for Regions Round 8	\$654,984.58
Pooncarie Menindee Road	\$2,191,230.06
Transport for NSW Pothole Repair Program	\$633,048.18
Resources for Regions Round 9	\$2,600,779.68
Rural Local Road Repair Program	\$3,318,052.79
NSW Office of Local Government Flood Grants	\$969,547.81
Strong Start Cadetship Program Grant	\$25,000.00
JEV Mosquito Eradication Grant	\$22,013.56
Stronger Country Communities Fund Round 5	\$314,710.68
Regional Drought Resilience Funding	\$50,000.00
Regional Leakage Reduction Program - Local Water Utility	\$75,000.00
Total	\$11,869,347.82

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

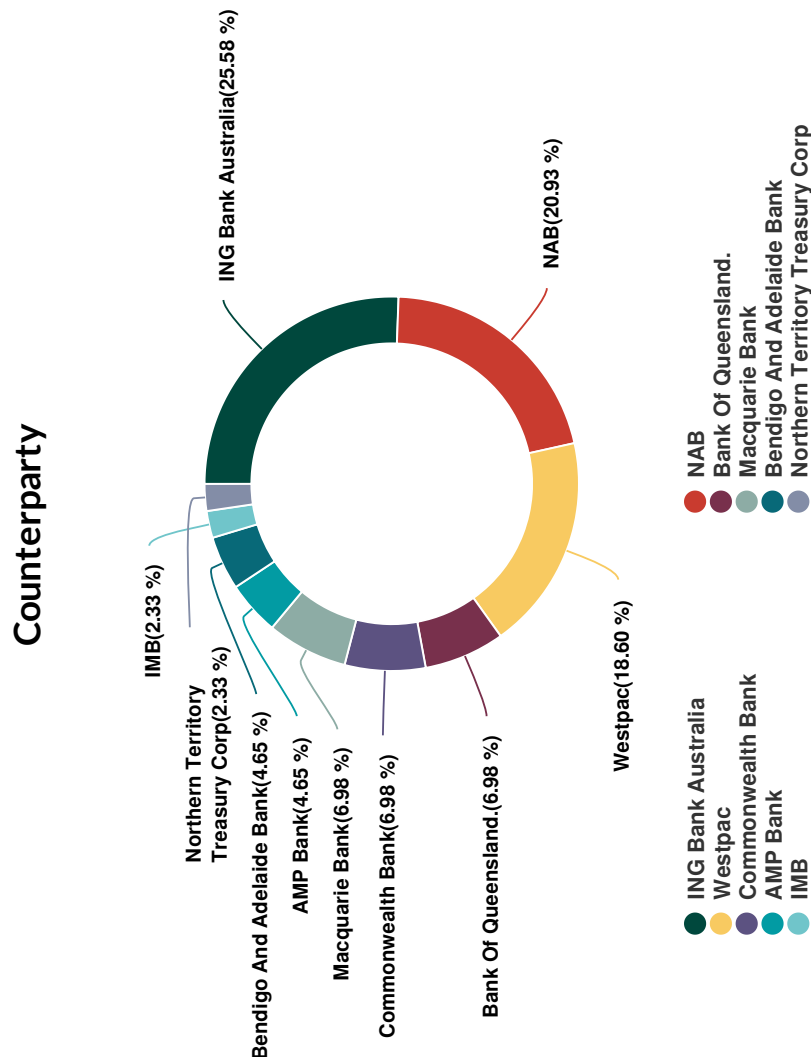
1. August 2023 - Investment Report  

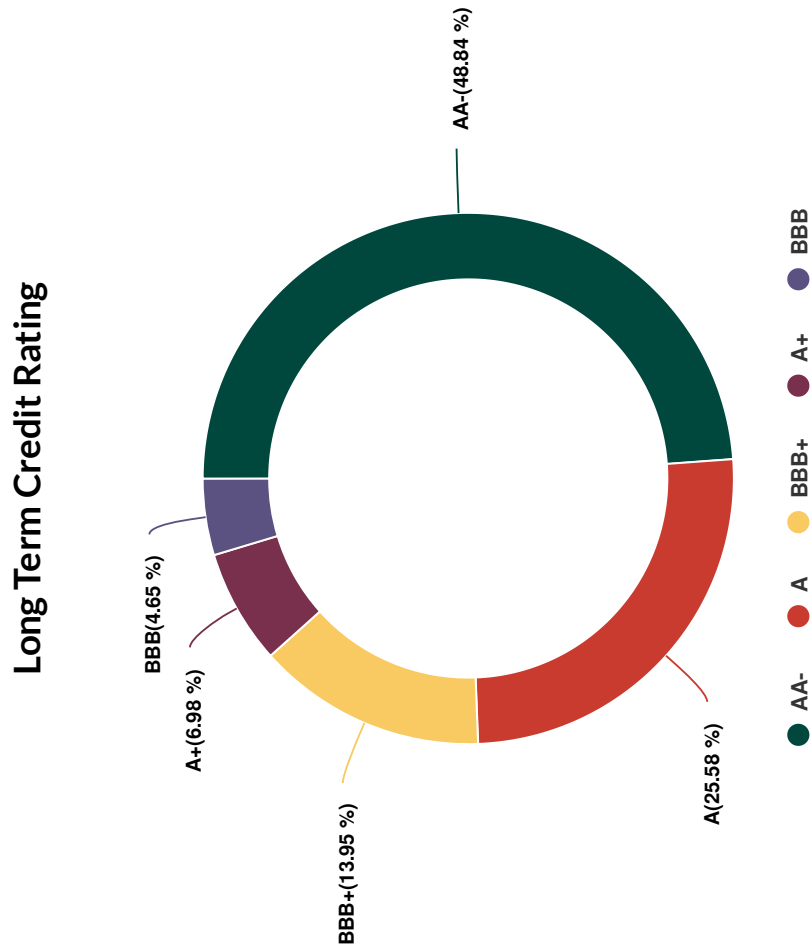


31 August 2023
Wentworth Shire Council - Monthly Report

Summary

Total Cost	\$43,000,000.00
Total Portfolio Value	\$43,951,817.83
Weighted Average Term	195
Weighted Average Yield	4.45 %
90 day BBSW	2.38 %
Total Monthly Accrued Interest	\$152,049.05
Total Interest Received this month	\$82,400.00
Total Interest Received this FY	\$125,353.43
Total Interest Expected this FY	\$1,815,252.60
Interest Payments this month	2
Matured Investments this month	2
Total Funds Matured this month	\$2,000,000.00
Investments this month	3
Total Funds Invested this month	\$3,000,000.00
Compliant Portfolio	Yes





Wentworth Shire Council - Monthly Report

Report Date: 31 August 2023

Investment Type	ADI/Security Name	Amount	Settlement Date	Maturity Date	Term in Days	Yield	Short Term Rating	Long Term Rating
Term Deposit	AMP Bank	\$1,000,000	05/09/2022	05/09/2023	365	4.300 %	A-2	BBB
Term Deposit	Macquarie Bank	\$1,000,000	06/09/2022	06/09/2023	365	4.09 %	A-1	A+
Term Deposit	IMB	\$1,000,000	06/06/2023	10/09/2023	96	5.16 %	NR	NR
Term Deposit	AMP Bank	\$1,000,000	23/09/2022	25/09/2023	367	4.500 %	A-2	BBB
Term Deposit	Bank Of Queensland.	\$1,000,000	06/04/2023	03/10/2023	180	4.75 %	A-2	BBB+
Term Deposit	Macquarie Bank	\$1,000,000	04/10/2022	04/10/2023	365	4.500 %	A-1	A+
Term Deposit	Macquarie Bank	\$1,000,000	05/10/2022	05/10/2023	365	4.500 %	A-1	A+
Term Deposit	NAB	\$1,000,000	18/10/2022	18/10/2023	365	4.300 %	A-1+	AA-
Term Deposit	Commonwealth Bank	\$1,000,000	02/11/2022	02/11/2023	365	4.44 %	A-1+	AA-
Term Deposit	Commonwealth Bank	\$1,000,000	02/11/2022	02/11/2023	365	4.44 %	A-1+	AA-
Term Deposit	Westpac	\$1,000,000	25/11/2022	27/11/2023	367	4.43 %	A-1+	AA-
Term Deposit	NAB	\$1,000,000	15/12/2022	15/12/2023	365	4.35 %	A-1+	AA-
Term Deposit	ING Bank Australia	\$1,000,000	19/12/2022	19/12/2023	365	4.500 %	A-1	A
Term Deposit	Bendigo And Adelaide Bank	\$1,000,000	22/12/2022	22/12/2023	365	4.300 %	A-2	BBB+
Term Deposit	NAB	\$1,000,000	03/01/2023	03/01/2024	365	4.500 %	A-1+	AA-
Term Deposit	NAB	\$1,000,000	27/02/2023	23/01/2024	330	4.92 %	A-1+	AA-
Term Deposit	Commonwealth Bank	\$1,000,000	30/01/2023	30/01/2024	365	4.69 %	A-1+	AA-
Term Deposit	NAB	\$1,000,000	09/02/2023	09/02/2024	365	4.700 %	A-1+	AA-
Term Deposit	Bank Of Queensland.	\$1,000,000	09/02/2023	09/02/2024	365	4.600 %	A-2	BBB+
Term Deposit	NAB	\$1,000,000	20/02/2023	20/02/2024	365	4.85 %	A-1+	AA-
Term Deposit	Bendigo And Adelaide Bank	\$1,000,000	24/02/2023	23/02/2024	364	4.700 %	A-2	BBB+
Term Deposit	NAB	\$1,000,000	27/02/2023	27/02/2024	365	5.0 %	A-1+	AA-
Term Deposit	Westpac	\$1,000,000	27/02/2023	27/02/2024	365	4.98 %	A-1+	AA-
Term Deposit	Westpac	\$1,000,000	11/03/2022	11/03/2024	731	1.92 %	A-1+	AA-
Term Deposit	NAB	\$1,000,000	11/03/2022	11/03/2024	731	1.85 %	A-1+	AA-
Term Deposit	Bank Of Queensland.	\$1,000,000	15/03/2023	14/03/2024	365	4.45 %	A-2	BBB+
Term Deposit	ING Bank Australia	\$1,000,000	20/03/2023	19/03/2024	365	4.45 %	A-1	A

Wentworth Shire Council - Monthly Report

Report Date: 31 August 2023

Investment Type	ADI/Security Name	Amount	Settlement Date	Maturity Date	Term in Days	Yield	Short Term Rating	Long Term Rating
Term Deposit	ING Bank Australia	\$1,000,000	23/03/2023	22/03/2024	365	4.600 %	A-1	A
Term Deposit	ING Bank Australia	\$1,000,000	31/03/2023	02/04/2024	368	4.68 %	A-1	A
Term Deposit	ING Bank Australia	\$2,000,000	05/04/2023	04/04/2024	365	4.68 %	A-1	A
Term Deposit	ING Bank Australia	\$1,000,000	19/04/2022	19/04/2024	731	3.09 %	A-1	A
Term Deposit	ING Bank Australia	\$1,000,000	18/05/2023	17/05/2024	365	4.900 %	A-1	A
Term Deposit	ING Bank Australia	\$1,000,000	26/05/2023	27/05/2024	367	4.94 %	A-1	A
Term Deposit	Westpac	\$1,000,000	06/06/2023	06/06/2024	366	5.04 %	A-1+	AA-
Term Deposit	ING Bank Australia	\$2,000,000	28/06/2023	27/06/2024	365	5.62 %	A-1	A
Term Deposit	Westpac	\$1,000,000	26/07/2023	26/07/2024	366	5.25 %	A-1+	AA-
Term Deposit	Westpac	\$1,000,000	27/07/2023	29/07/2024	368	3.27 %	A-1+	AA-
Term Deposit	Westpac	\$1,000,000	24/08/2023	26/08/2024	368	5.100 %	A-1+	AA-
Term Deposit	Westpac	\$1,000,000	24/08/2023	26/08/2024	368	5.100 %	A-1+	AA-
Term Deposit	NAB	\$1,000,000	29/08/2023	28/08/2024	365	5.200 %	A-1+	AA-
Term Deposit	Northern Territory Treasury Corp	\$1,000,000	16/09/2021	15/12/2026	1,916	1.35 %	NR	NR
		\$43,000,000						

Wentworth Shire Council - Monthly Report

Report Date: 31 August 2023

Transaction Date	Contract Number	ADI/Security Name	Type	Amount	Credit/Debit	Long Term Rating	Designation	Comments	Maturity Date
24/08/2023	065623	Westpac	Interest	\$41,200	Debit	AA-	Unclassified		24/08/2023
24/08/2023	065624	Westpac	Interest	\$41,200	Debit	AA-	Unclassified		24/08/2023
Total				\$82,400					



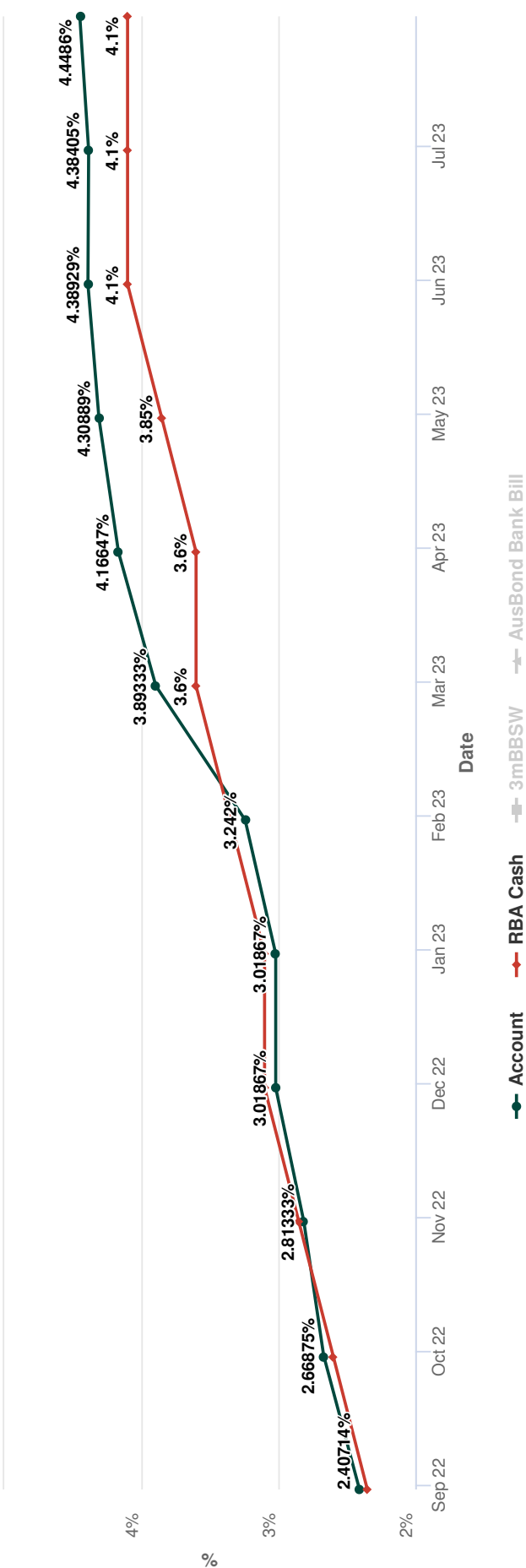
Wentworth Shire Council - Monthly Report

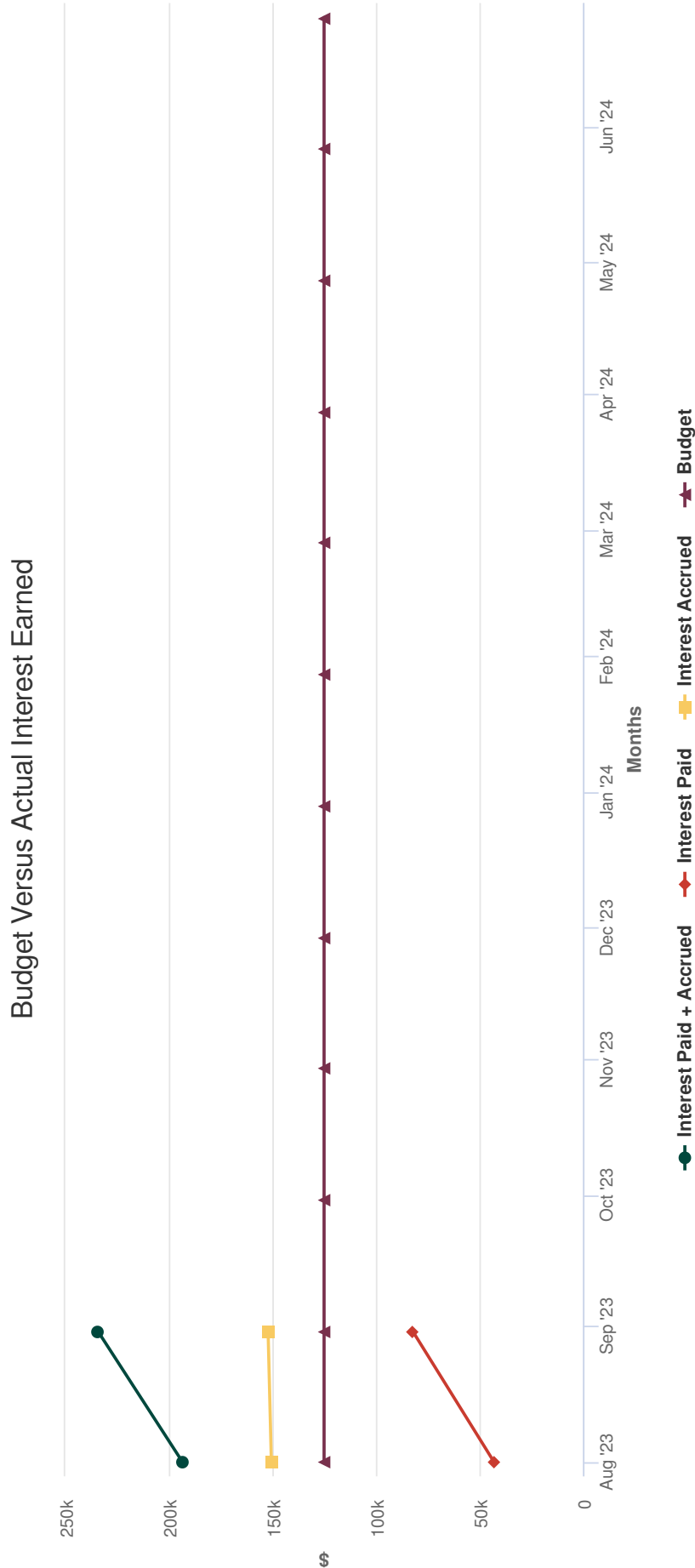
Report Date: 31 August 2023

Account vs RBA Cash vs 3m BBSW vs Bloomberg AusBond Bank Bill Index

Term	Account	RBA Cash	3m BBSW	Outperformance	AusBond Bank Bill	Outperformance
1m	4.40 %	4.10 %	4.16 %	0.23 %	4.09 %	0.31 %
3m	4.37 %	4.10 %	4.23 %	0.14 %	4.16 %	0.21 %
6m	4.14 %	3.85 %	3.99 %	0.15 %	3.90 %	0.25 %
12m	3.46 %	3.39 %	3.52 %	-0.06 %	3.49 %	-0.03 %

Month End Performance





9.13 PUBLIC INTEREST DISCLOSURE POLICY

File Number: RPT/23/576

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Deborah Zorzi - Governance Officer

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.2 A strong, responsible and representative government

Summary

On 1 October 2023 the new public interest disclosure (PID) legislation will come into effect in NSW, completely replacing the *Public Interest Disclosures Act 1994* (1994 Act). The *Public Interest Disclosures Bill 2021* was introduced in response to recommendations of two parliamentary inquiries – the Joint Committee on the Ombudsman, Law Enforcement Conduct Commission and the Crime Commission; and the Joint Committee on the Independent Commission Against Corruption – both reporting in 2017.

That Bill was a significant re-write of the 1994 Act with the NSW Ombudsman describing the Bill as addressing many weaknesses of that Act by being simpler and easier to navigate, expanding permissible recipients of public interest disclosures, providing more comprehensive protections for witnesses and investigators, placing clearer duties on agencies to deal with disclosures, and encouraging a ‘speak up culture’.

Having in place a framework that facilitates public interest reporting of wrongdoing by protecting those who speak up from detriment, taking active steps to maintain the confidentiality of reports, and imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them, is considered to be an integral part of that ‘speak up culture’. The *Public Interest Disclosure Act 2022* (the PID Act) is that framework.

Under Section 42 of the PID Act all agencies must have a public interest disclosure policy. That policy is required to be published on an agencies website and intranet. Section 43 outlines mandatory information and procedures to be included in that policy. Section 72 sets out the NSW Ombudsman’s functions under the PID Act, one of which is to publish guidelines and other materials to assist agencies with their functions under the PID Act. Council’s draft Public Interest Disclosure Policy is based on the Model Policy contained in guidelines developed by the NSW Ombudsman and released in August 2023.

Recommendation

That Council adopt the *Public Interest Disclosure Policy*.

Detailed Report

Purpose

The purpose of this report is to present a revised policy to Council, the *Public Interest Disclosure Policy*, which replaces *Council Policy GOV004 Internal Reporting Policy* that provided the framework for reporting public interest disclosures under the 1994 Act.

Background

The *Public Interest Disclosures Act 2022* (the PID Act) commences on 1 October 2023 and will replace the 1994 Act in its entirety. Implementing recommendations of two parliamentary

committees, it is considered to represent a significant enhancement to 'whistleblower' protections in NSW with objectives including to facilitate disclosure by public officials of serious wrongdoing in the public sector by establishing procedures for such disclosures and providing protection to persons who make them.

Report Detail

Council's draft *Public Interest Disclosure Policy* is based on the model policy developed by the NSW Ombudsman as part of guidelines that office is required to provide in support of the PID Act.

The mandatory information and procedures outlined in the Policy reflect a number of key changes from the previous Act, including the following:

- The disclosure process has changed including by introducing a 'no wrong door' approach:
 - Whilst PIDs are still to be made by public officials, the definition is broader and now captures statutory officers and people providing services or exercising functions on behalf of an agency, including contractors, subcontractors and volunteers
 - The making of a PID to a much broader range of recipients is now available including within an agency and including enabling a PID to be made to an agency whether or not the agency has jurisdiction to investigate it. Part of the rationale here was so that a maker of a PID did not lose protection by making it to a wrong recipient.
 - The *head of an agency*, a *disclosure officer*, or a person's *manager* (as defined) can now receive a PID. A manager who receives a PID must, as soon as reasonably practicable, communicate the disclosure to a disclosure officer.
- The categories of *serious wrongdoing* that can be the subject matter of a PID have been significantly broadened:
 - Under the 1994 Act '*maladministration*' was defined to be conduct of a serious nature however under the PID Act this category of conduct has been renamed '*serious maladministration*' and redefined to be conduct '*other than conduct of a trivial nature*'
 - The definition of *government information contravention* similarly excludes trivial failures however now also includes contraventions under the *State Records Act 1998*
 - An additional category of '*privacy contravention*' is provided, defined as a failure, other than a trivial failure, by an agency or public official to exercise functions in accordance with the *Privacy and Personal Information Protection Act 1998* NSW or the *Health Records and Information Privacy Act 2002* NSW.
- Three types of PIDs are established under the PID Act with all types receiving the protections outlined in the Act: voluntary PIDs, witness PIDs and mandatory PIDs:
 - Voluntary PIDs are disclosures of information about serious wrongdoing made by a public official. This is comparable with a PID under the 1994 Act
 - Witness PIDs are disclosures of information in an investigation of serious wrongdoing.
 - Mandatory PIDs are disclosures about serious wrongdoing made by a public official while meeting the ordinary requirements of the official's role or function, or under a statutory or legal obligation imposed by a code of conduct.

(Council's PID policy mostly relates to making a voluntary PID and how Council will deal with voluntary PIDs).

- Generally, the maker of a voluntary PID must honestly and on reasonable grounds believe that the disclosure shows or tends to show serious wrongdoing. The PID Act includes matters that are not PIDs. It also provides that willfully making a false statement to mislead or attempt to mislead in making a PID is an offence.
- The protections for PID makers have been enhanced under the PID Act including the following:
 - The test for a detrimental action offence has been lowered from '*substantially in reprisal*' for a PID to '*a contributing factor*'
 - Penalties have been increased
 - Damages recovered may include exemplary damages
 - Reasonable management action has been excluded from the detrimental action offence
 - New risk management provisions apply with agencies required to take steps to assess and minimize the risk of detrimental action.
- The PID Act prescribes awareness and training requirements for agencies:
 - An agency must ensure all public officials associated with the agency are aware of how to make a PID, the agency's PID policy, and avenues for further action if a person is dissatisfied with the way in which a voluntary PID has been dealt with
 - An agency must ensure each of the following persons receive training in relation to their responsibilities under the Act and the agencies PID policy
 - The head of the agency
 - A disclosure officer for the agency
 - A manager of a public official associated with the agency.
- The PID Act specifies how agencies should deal with voluntary PIDs and response to findings of serious wrongdoing or other misconduct.
- The frequency with which an agency is required to submit returns to the Ombudsman will be reduced from every 6 months to every 12 months, however the required content of annual returns will include measures taken by the agency during the return period to promote a culture in which public interest disclosures are encouraged.

Section 43(4) of the PID Act requires an agency's public interest disclosure policy to prominently include, or be accompanied by material specifying, information enabling disclosure officers for the agency to be contacted.

Council's PID policy discusses disclosure officer roles at page 5 of the Policy and lists those roles, and other roles that are considered to meet the definition under section 18 of the PID Act, at Annexure A.

That definition includes '*the most senior ongoing employee who ordinarily works at a permanently maintained worksite where more than one employee works*'. The positions captured within that definition may change as a result of employees transferring roles within the agency, in or out of the agency, and/or with relocation of worksites themselves and would

require updating at unknown intervals. To facilitate timely updating, the Annexures are considered to be operational accompaniments to the PID policy warranting endorsement of the Annexures by the General Manager, following Council adoption of the policy itself.

It is not proposed to publicly exhibit a draft version of this policy because it applies to the making of PIDs by public officials, predominantly Council officials, and is based on a model policy prepared in accordance with guidelines issued by the NSW Ombudsman. The adopted version of the Policy will be published on our website (and intranet) in accordance with legislative requirements.

Conclusion

The reporting officer recommends that Council adopt the policy and that Council endorse the notation that amendment to the Annexures for the purpose updating disclosure officer contact details can be endorsed by the General Manager.

Attachments

1. Working document - Council Policy Public Interest Disclosure Policy - Model Policy Version [!\[\]\(84553f6e9bee03dfb4925ad30529e52d_img.jpg\) !\[\]\(d14d1c62809d2d524d37561ee94c1cf7_img.jpg\)](#)

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Council Policy No:**PUBLIC INTEREST DISCLOSURE POLICY**

POLICY OBJECTIVE

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

At Wentworth Shire Council (Council) we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of our agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- how Council will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you under the PID Act.

This policy should be read in conjunction with Council's Code of Conduct; Fraud Control Policy; Procurement Policy; Delegation Policy; Complaints Management Policy; Statement of Business Ethics Policy; Legislative Compliance Policy; Conflict of Interest Policy; and Privacy Management Policy.

POLICY STATEMENT

The intent of this policy is to provide public officials with the following information:

- ways you can make a voluntary PID to Wentworth Shire Council under the PID Act
- the names and contact details for the nominated disclosure officers in Council
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Council
- what information you will receive once you have made a voluntary PID
- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- Council's procedures for dealing with disclosures
- Council's procedures for managing the risk of detrimental action and reporting detrimental action
- Wentworth Shire Council's record-keeping and reporting requirements
- how Council will ensure it complies with the PID Act and this policy.

1. POLICY COVERAGE

The PID Act is designed to encourage 'public officials' to report serious wrongdoing and to protect them when they do. This policy applies to, and for the benefit of, all public officials at Council.

All staff including volunteer staff at Wentworth Shire Council and including Councillors are public officials in accordance with the PID Act. A person providing services or exercising functions on behalf of Wentworth Shire Council, including a contractor or subcontractor, is also considered a public official in accordance with the PID Act.

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The General Manager of Wentworth Shire Council and other nominated disclosure officers and managers within Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities.

Other public officials who work in and for the public sector, but do not work for Wentworth Shire Council may use this policy if they want information on who they can report wrongdoing to within Council.

This policy does not apply to other people with complaints or grievances about Council services. Council's Complaint Management Policy sets out processes that apply to feedback and reporting of concerns from the community and stakeholders and is available on Council's website with an overview of various complaint mechanisms.

2. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is supported by a strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner.

Strategy: 4.2 Provide a strong, responsible and representative government.

3. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Agency	Section 16 of the PID Act provides the meaning of ' agency ' for the purpose of the Act. This includes a Public Service Agency, an integrity agency, and a local government authority, amongst others.
Council	Wentworth Shire Council
Detriment	In the PID Act, detriment to a person means disadvantage to the person, including the following – <ul style="list-style-type: none"> (a) Injury, damage or loss caused to the person, (b) Damage caused to the person's property, (c) Damage caused to the person's reputation, (d) Intimidation bullying or harassment, (e) Unfavourable treatment in relation to the persons' career, profession, employment or trade, (f) Discrimination, prejudice or adverse treatment, whether in relation to employment or otherwise, (g) Disciplinary proceedings or disciplinary action.
Detrimental action	In the PID Act, detrimental action against a person means an act or omission causing, comprising, involving or encouraging – <ul style="list-style-type: none"> (a) Detriment to the person, or (b) The threat of detriment to the person, whether express or implied
Disclosure Officer	In the PID Act, disclosure officer for an agency means a person responsible for receiving voluntary public interest disclosures on behalf of the agency,
Manager	Section 15 of the PID Act provides the meaning of ' manager ' of a public official for the purpose of the Act. For a public official at Council this means –

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	<ul style="list-style-type: none"> (a) A public official to whom the public official reports directly or indirectly, or (b) A public official who directly or indirectly supervises the public official in the exercise of the public official's functions.
Public Interest Disclosure (PID)	When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act. One such feature is that the public official <i>honestly and reasonably believes</i> that the information they are providing <i>shows (or tends to show) serious wrongdoing</i> .
Public Official	Section 14 of the PID Act provides the meaning of ' public official ' for the purposes of the Act. For Council this relevantly includes a person employed in or by an agency or otherwise in the service of an agency; and a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer; amongst others..
Serious wrongdoing	In the PID Act, serious wrongdoing means 1 or more of the following – <ul style="list-style-type: none"> (a) Corrupt conduct, (b) A government information contravention, (c) A local government pecuniary interest contravention, (d) Serious maladministration, (e) A privacy contravention, (f) A serious and substantial waste of public money.

4. POLICY CONTENT**4.1 HOW TO MAKE A REPORT OF SERIOUS WRONGDOING**Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, however if not, it may still raise important issues and will still be considered against one of several complaint handling policies and procedures in place including Council's Code of Conduct Policy, Staff Grievance Policy, and Complaint Management Policy and Framework.

Accurately identifying PIDs is important because, if a report is a PID, the public official who made the report will have special protections under the PID Act.

When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

1. *Voluntary PID*: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.

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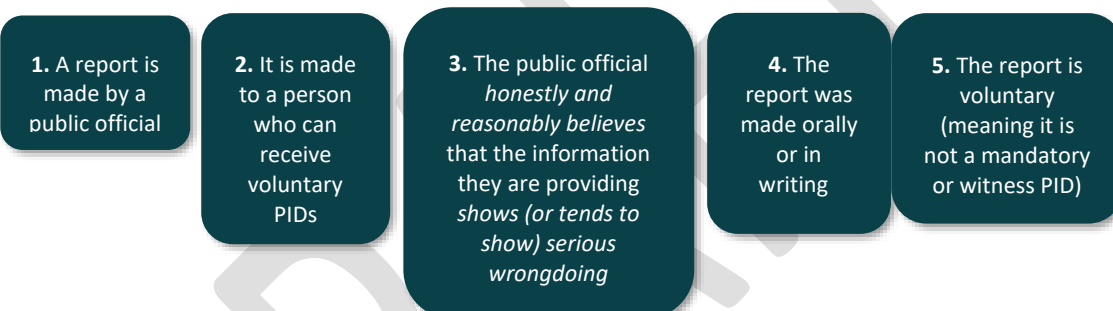
2. *Mandatory PID*: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. *Witness PID*: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 4.2 of this policy.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 4.7 of this policy.

Who can make a voluntary PID?

Any public official can make a PID.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the

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Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe
- *serious maladministration* — such as an agency systemically failing to comply with proper recruitment processes when hiring staff
- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- *a privacy contravention* — such as unlawfully accessing a person's personal information on an agency's database
- *a serious and substantial waste of public money* — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to us what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

You can make a report inside Council to:

- the General Manager
- a disclosure officer for Council — a list of disclosure officers for Wentworth Shire Council and their contact details can be found at Annexure A of this policy
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.
- Your Contract Manager at Council if you are a contractor or sub-contractor providing services to Council. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency
- an *integrity agency* — a list of integrity agencies is located at Annexure B of this policy
- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- a *Minister or a member of a Minister's staff* but the report *must be made in writing*.

If you choose to make a disclosure outside of Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

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You can also disclose a report of wrongdoing as a voluntary PID to an MP or journalist but only in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Council:
 - notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of Council's decision to investigate the serious wrongdoing
 - a description of the results of an investigation into the serious wrongdoing
 - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

What form should a voluntary PID take?

You can make a voluntary PID in writing or orally to a person who can receive a voluntary PID, this includes via email or face-to-face or via telephone or virtually.

You can make this anonymously without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.

What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

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Deeming that a report is a voluntary PID

The General Manager can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the General Manager to request that they consider deeming your report to be a voluntary PID.

4.2 PROTECTIONS**How is the maker of a voluntary PID protected?**

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
 - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
 - Once we become aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
 - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
 - A person may seek compensation where unlawful detrimental action has been taken against them.
 - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

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- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- *Protection from liability for own past conduct*

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily, as discussed in 4.1 above there are other types of reports that are recognized as PIDs under the PID Act: a *mandatory PID* and a *witness PID*.

Protection for makers of mandatory and witness IDs are detailed below:

- Protections for makers of mandatory and witness PIDs are as follows:
- **Detrimental action** — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.
- **Right to compensation** — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.
- **Ability to seek injunction** — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.
- **Immunity from civil and criminal liability** — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for:
 - breaching a duty of secrecy or confidentiality, or
 - breaching another restriction on disclosure

4.3 REPORTING DETRIMENTAL ACTION

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to us either in writing or orally to a disclosure officer listed in Annexure A or to an integrity agency as listed at Annexure B of this policy.

4.4 GENERAL SUPPORT

Support will be made available for people who have made a report and this can be discussed with the Disclosure Coordinator. Support options include the Manager Human Resources, Drake Wellbeing Hub Services (Council's Employee Assistance Provider) or contact can be made with the NSW Ombudsman for questions about the PID Act and reporting generally.

4.5 ROLES AND RESPONSIBILITIES

Certain people within Council have responsibilities under the PID Act.

HEAD OF AGENCY – The General Manager

As Head of Agency the General Manager is responsible for:

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- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring Council complies with this policy and the PID Act
- ensuring that Council has appropriate systems for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
 - implementing corrective action if serious wrongdoing is found to have occurred
 - complying with reporting obligations regarding allegations or findings of detrimental action
 - complying with yearly reporting obligations to the NSW Ombudsman.

DISCLOSURE COORDINATOR

Council's Disclosure Coordinator has a central role in managing Council's Public Interest Disclosures. The Disclosures Coordinator can receive and assess reports, and is the senior point of contact in Council for reporting of PIDs.

The Coordinator is responsible for:

- assessing reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- dealing with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct Procedures;
- coordinating Council's response to a report;
- acknowledging reports and provide updates and feedback to the Reporter;
- assessing whether it is possible and appropriate to keep the Reporter's identity confidential;
- assessing the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;
- where required, providing or coordinating support to Council Officers involved in the reporting or investigation process, including protecting the interests of any officer who is the subject of a report;
- ensuring Council complies with the PID Act; and
- reporting to the NSW Ombudsman.

DISCLOSURE OFFICERS

Disclosure officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to Council's Disclosure Coordinator
- ensuring that any oral reports that have been received are recorded in writing.

MANAGERS

The responsibilities of managers include:

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- receiving reports from persons that report to them or that they supervise
- passing on reports they receive to a disclosure officer.

ALL EMPLOYEES

All employees must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

4.6 HOW WE WILL DEAL WITH VOLUNTARY PIDs**How Council will acknowledge that we have received a report and keep the person who made it informed**

When a disclosure officer in Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgment will:
 - state that the report will be assessed to identify whether it is a PID
 - state that the PID Act applies to how we deal with the report
 - provide clear information on how you can access this PID policy
 - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
 - that we are investigating the serious wrongdoing
 - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
 - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
 - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
 - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.

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- Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

How Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our grievance handling process or through an alternate process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. Council can, but does not have to, request the NSW Ombudsman to conciliate the matter.

This may include Council ceasing dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID) even though the maker of the PID has stated it is a voluntary PID. Council will provide reasons to you if this is the case.

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

How Council will protect the confidentiality of the maker of a voluntary PID

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We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- Where possible and appropriate we will take steps to keep your identity, and the fact you have reported serious wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential
- If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you
- If you report serious wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This may include your Manager and/or Disclosure officer, and will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal
- Any Council Officers involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

If confidentiality cannot be maintained or is unlikely to be maintained, we will

- advise the person whose identity may become known
- update the agency's risk assessment and risk management plan

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- implement strategies to minimise the risk of detrimental action
- provide additional supports to the person who has made the PID
- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

How Council will assess and minimise the risk of detrimental action

Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

How Council will deal with allegations of a detrimental action offence

If Council becomes aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced Council Officer;
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the maker;
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure;

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- refer any breach of Part 7.3 or 7.4 of Council's Code of Conduct (detrimental action) by a Councillor or the General Manager to the Office of Local Government;
- refer any evidence of a detrimental action offence to the ICAC or NSW Police Force;
- make sure that access to professional support that may be needed as a result of the reporting process – such as counselling services – is provided.

What Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

4.7 REVIEW AND DISPUTE RESOLUTIONInternal review

People who make voluntary PIDs can seek internal review of the following decisions made by Council:

- that Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Council decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing to Council's Disclosure Coordinator within 28 days of being informed of Council's decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application.

Your review will be referred to a Senior Officer in Council other than the Disclosure Coordinator to address.

Voluntary dispute resolution

If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

4.8 OTHER AGENCY OBLIGATIONSRecord-keeping requirements

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Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Council complies with its obligations under the *State Records Act 1998*. These records will be stored securely in Council's Records Management System with appropriate access arrangement ensuring records are only accessed by those in the organisation with responsibility for oversight or investigation.

Reporting of voluntary PIDs and Council's annual return to the Ombudsman

Each year Council's Disclosure Coordinator prepares and provides an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July)
- action taken by Council to deal with voluntary PIDs during the return period
- how Council promoted a culture in the workplace where PIDs are encouraged.

How Council will ensure compliance with the PID Act and this policy

Council's Disclosure Coordinator is the contact responsible for review and compliance of this policy.

Council's Audit, Risk and Improvement Committee and Internal Audit Function also have compliance and risk management oversight roles.

5. RELATED DOCUMENTS & LEGISLATION**LEGISLATION**

Local Government Act (NSW) 1993

Local Government (General) Regulation 2021

Independent Commission Against Corruption Act (NSW) 1998

Public Interest Disclosure Act (NSW) 2022

COUNCIL POLICIES

GOV001 – Gifts and Benefits Policy

GOV003 – Fraud Control Policy

GOV005 – Procurement Policy

GOV009 – Delegation Policy

GOV012 – Complaints Management Policy

GOV019 – Statement of Business Ethics Policy

GOV020 – Code of Conduct Policy

GOV022 – Legislative Compliance Policy

GOV023 – Conflict of Interest Policy

PR019 - Conflict of Interest Management Policy for Council Related Development

COUNCIL DOCUMENTS

Legislative Compliance Framework

Governance Framework

Fraud Control Plan

Records & Information Management Policy (operational)

Information Security Policy (operational)

Gifts and Benefits Register

Conflict of Interest Register

Wentworth Shire Council

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Complaints Management Framework

6. FURTHER INFORMATION

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- confidentially contact a nominated disclosure officer within Wentworth Shire Council
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

7. ATTACHMENTS

Annexure A – Names and contact details of disclosure officers for Wentworth Shire Council

Annexure B – List of integrity agencies

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

Whilst the Attachments – Annexures A and B – form part of this policy, they are subject to endorsement by the General Manager and not adoption by Council. This is because the positions listed within Annexure A are subject to change and prompt updating is required to align with the policy objectives.

Wentworth Shire Council

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Council Policy No:**PUBLIC INTEREST DISCLOSURE POLICY****Annexure A – Names and contact details of disclosure officers at Wentworth Shire Council**

POSITION	WORK SITE LOCATION	CONTACT DETAILS
General Manager	Main Office	council@wentworth.nsw.gov.au 03 5027 5027
Mayor (for reports about the General Manager only)	Main Office	council@wentworth.nsw.gov.au 03 5027 5027
Director Finance & Policy	Main Office	council@wentworth.nsw.gov.au 03 5027 5027
Manager Human Resources	Main Office	council@wentworth.nsw.gov.au 03 5027 5027
Work Health Safety Officer	Main Office	council@wentworth.nsw.gov.au 03 5027 5027
Regulatory Services Officer	Main Office	council@wentworth.nsw.gov.au 03 5027 5027
Team Leader, Roads	Wentworth Depot	council@wentworth.nsw.gov.au 03 5027 5027
Workshop/Fleet Supervisor	Wentworth Depot	council@wentworth.nsw.gov.au 03 5027 5027
Team Leader, Landfill Operations	Buronga Landfill	council@wentworth.nsw.gov.au 03 5027 5027
Team Leader, Visitor Information Centre	Visitor Information Centre	council@wentworth.nsw.gov.au 03 5027 5027
Team Leader, Library Services	Library Services	council@wentworth.nsw.gov.au 03 5027 5027

Wentworth Shire Council

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Annexure B – List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: olecc_executive@olecc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

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PUBLIC INTEREST DISCLOSURE POLICY

9. ENDORESMENT OF ANNEXURES

These annexures are the latest version of the official policy as approved by the General Manager.
These annexures may be amended or revoked by the General Manager at any time.

Signed: Click here to enter a date.

General Manager Wentworth Shire Council Date

Version	Date	Author	Changes
0.1	12/09/2023	D Zorzi	This Policy replaces Council <i>Internal Reporting Policy</i> in its entirety
1.0			

9.14 DA2023/064 STORAGE SHED 94 WILLIAMSVILLE ROAD LOT 2 DP 624732 CURLWAA

File Number: RPT/23/532

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Planning Officer

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

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

A development application (DA2023/064) was received by Council for a storage shed to be located at 94 Williamsville Road Lot 2 DP 624732 Curlwaa in close proximity to the river.

Under the *Wentworth Local Environmental Plan 2011 (WLEP 2011)*, this development is permitted with consent when located within the RU1 Primary Production zone, as ancillary development.

The proposed storage shed is located between 9.3m from the high bank of the river, while the required river setback under clause 7.6 the WLEP 2011 is 30m from the high bank. As part of the 7.6 assessment, a variation to the 30m river setback standard was required (usually referred to as a 4.6 variation).

Due to the variation being greater than 10%, the application cannot be determined under delegated authority, and must be determined by Council.

Recommendation

That Council:

1. Approve DA2023/064 being a storage shed located at 94 Williamsville Road Lot 2 DP 624732 Curlwaa.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Detailed Report

Purpose

The purpose of this report is to provide information to Council to determine Development Application DA2023/064, having consideration to the detail provided both within this report and the attachments provided.

Background

A Development Application was lodged with Council on 03 July 2023 seeking consent to construct a storage shed on the subject Lot.

The subject lot is located in the RU1 Primary Production zone under the *Wentworth Local Environmental Plan (WLEP 2011)*. The proposal seeks to construct a storage shed 9.3m from the high bank of the river. Under Clause 7.6 of the WLEP 2011, storage sheds are not permitted within the river front area.

The definition of river front within the WLEP 2011 is as follows:

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

The definition of the Murray River in the WLEP2011 is as follows:

“Murray River includes the Darling River and the Great Darling Anabranch.”

Based on the definition of river front above, the proposed storage shed did not meet the river front setback standard.

Where an application cannot achieve the development standards required by a Local Environmental Plan, the applicant may apply to vary the development standards.

An application to vary a development standard is made under clause 4.6 of the WLEP 2011.

Such applications are also subject to Assumed Concurrence provisions set down by the NSW Planning Secretary.

There are specific development standards where Council cannot assume Secretary's concurrence, however the Standard pertaining to riverfront setbacks can be assessed under assumed concurrence.

The NSW Planning Circular PS 20-002 'Variations to Development Standards' states: “the Secretary's concurrence may not be assumed by a delegate of Council if the development contravenes a numerical standard by greater than 10%”

The WLEP2011 provides a 30m riverfront setback. The application proposes a setback of 9.3m thus creating a variation of 69%. As this is greater than 10% this application cannot be determined under delegated authority and is presented to Council for consideration.

Refer to attachment 1 – Development Application

Refer to attachment 2 – 4.6 Variation request

Refer to attachment 3 - Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the Environmental Planning and Assessment Act 1979 as relevant to the development.

The proposed development was assessed against and met the relevant principles of Chapter 5 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The proposed development for a storage shed is permitted with consent and meets the zone objectives of the RU1 Primary Production zone under the WLEP 2011.

The storage shed does not meet the setback standard under clauses 7.6, and the Clause 4.6 variation request provided by the applicant provided adequate justification for the contravening of development standards contained in Clause 7.6.

Due to the WLEP 2011 mapping impacting the land, the development application was assessed against clauses 4.6, 5.16, 5.21, 7.1, 7.4, 7.5, 7.6 and 7.7.

Due to the nature of the proposed development, it was assessed against Chapter 5 of the Wentworth Development Control Plan (DCP) 2011. Excluding the 30m river setback, the proposed development met all relevant provisions of the Wentworth Development Control Plan (DCP) 2011.

Based on the assessment of the application and no submissions received as part of the notification process, it is determined that the proposed development is consistent with the relevant objectives of the RU1 Primary Production Zone and with planning matters for consideration of the Wentworth Local Environmental Plan 2011. The proposal met relevant provisions of the Wentworth Development Control Plan (DCP) 2011.

Refer to attachment 4 – 4.15 Assessment report

Refer to attachment 5 – 4.6 Assessment report

Refer to attachment 6 – Conditions of consent

Options

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

Approve Development Application 2023/064 subject to conditions

Legal, strategic, financial or policy implications







Should Council issue a determination to the application, the applicant has the right to submit a request for review of determination to Council under Section 8.2 of the *Environmental Planning & Assessment Act 1987*.


The applicant also has the right to appeal the decision made by Council to the Land and Environment Court pursuant to Section 8.7 of the *Environmental Planning & Assessment Act 1987*.

Conclusion

Having consideration of the consent of this report it is concluded that the appropriate course of action is to approve DA2023/064 subject to conditions.

Attachments

1. Development Application (Under Separate Cover) 
2. 4.6 Variation request (Under Separate Cover) 
3. Plans (Under Separate Cover) 
4. 4.15 Assessment Report [↓](#) 
5. 4.6 Variation Assessment Report [↓](#) 
6. Conditions of consent [↓](#) 

 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 26-28 Adelaide Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>DA Assessment Report Section 4.15 Evaluation</p> <p>Environmental Planning & Assessment Act 1979 as amended</p>
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File Reference:	DA2023/064 & PAN-347251
Property Title & Address:	Lot 2 DP 624732 & 94 Williamsville Road Curlwaa
Property owner(s):	Mark David Dorman
Applicant(s):	Hatch Planning Pty Ltd
Proposal:	Storage shed
Previous DAs:	DA57/89 Rural dwelling (expired) DA87/92 Store and crushing plastics DA90/92 Rural dwelling
Cost of proposed development:	\$25,867.00

SITE AND SURROUNDING DEVELOPMENT

The subject site comprises of Lot 2 DP 624732 located in Curlwaa, NSW. The Lot has an area of 5715m² and connects to Williamsville Road to the North linking it to the surrounding area.

The subject site is zoned RU1 Primary Production under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The subject site is an irregular shaped lot that has been previously disturbed through residential use and agricultural purposes with associated structures. Adjoining lots are also zoned RU1 primary production with supporting residential dwellings & associated structures. The site does not contain a heritage item or is located within the heritage conservation area. The site is not located within the urban release or bushfire prone area. The site is within the floodway, flood planning, wetland, and terrestrial biodiversity areas.

DESCRIPTION OF PROPOSAL

The proposal seeks development consent to construct a storage shed on the site. The proposed storage shed will have a floor area of 75m², and will measure 7.5m x 10m with a height of 2.7m to the eaves and 3.582m overall. Three roller doors will be located along the North aspect of the storage shed and one personal access door will be on the West side.

This storage shed is a replacement of a previously existing shed on the site.

This Development application comprises a 4.6 variation to the standards as the storage shed will be located 9.3m from the high bank of the river (an encroachment of 20.7m) representing a variation of 69%. The DA will have to be presented at a council meeting due to the variation percentage.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

N/A

SECTION 4.15-MATTERS FOR CONSIDERATION

(1) The provisions of any environmental planning instrument and development control plan

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposed development is located on land below 1 ha in size with no vegetation removal proposed. As such no assessment against Chapter 3 & 4 of the SEPP is required.

An assessment against Chapter 5, Clause 5.9 principles of the SEPP are as follows:

1. Access

Land is freehold with no existing public access to the river. The development will not change this access to the river.

2. Bank Disturbance

The development will be sited 9.325m from the bank of the Murray River, replacing a previously existing shed. No bank disturbance is anticipated from the development and no vegetation is to be removed.

3. Flooding

The development is located on flood liable land. An assessment against related principles is as follows:

a). The site is used as a rural lifestyle property with agriculture supported by an existing dwelling. The proposed storage shed is a replacement, with the previous shed being removed prior to lodgement of this application. Due to the agricultural and residential activities taking place on the site the area has been previously disturbed, as such, the proposed poses no further threat to riverine ecosystems anticipated.

b). The land is flood liable with risk of flooding during flood events. With an increase in extreme weather events caused by climate change, this clause is especially relevant.

c). The proposed storage shed to be located on site will be conditioned as a non-habitable space, removal of wall panelling will also be conditioned to facilitate free flow of water during flood events.

d). Almost the entire Lot in question is flood liable land, with only a small portion not impacted to the Northern boundary close to Williamsville Road. This impact makes placement of the storage shed outside the flood planning area impractical.

e). Electricity is available to the site, sewer will be managed onsite using an approved waste management system with stormwater also managed onsite. Telecommunication connection not required as mobile network will facilitate coverage.

f). The land is expected to be used for residential purposes, minimal risk of pollution during riverine flood event, as residents have time to prepare and prevent possible issues as the access will not be compromised.

g). The storage shed will be conditioned to allow the free flow of water in a flood event.

h). Noted. Due to the generally slow nature of riverine flood, residents should be able to plan and prepare with adequate time for evacuation.

4. Land Degradation

The proposed development will be conditioned to minimise any detrimental effects on the land as required.

5. Landscape

As the proposed site has been used for agricultural purposes and contains an existing dwelling, clearing of native vegetation is not required. The site for the new replacement storage shed was cleared from the previously existing storage shed at this location. As

such, no vegetation removal is anticipated, landscaping will be conditioned to include native species for revegetation.

6. River Related Uses

The proposed development is not one of the developments listed as demonstrating an essential relationship to the river, as such development should be located a reasonable distance from the river. Due to the close proximity to the high bank of the river, a 4.6 variation and assessment is also provided.

7. Settlement

The proposed development is for a storage shed.

8. Water Quality

The proposed development and continued use will be conditioned to ensure measures are applied to reduce pollution of the waterway.

9. Wetlands

The proposed site is located in wetland area as per WSC mapping. The location where the storage shed is to be sited has been disturbed through previous development land uses including agricultural uses, a residential dwelling and the previously existing storage shed.

An assessment against **Clause 5.13** principle of the SEPP are as follows:

- **Building setback:** The proposed storage shed does not meet the WLEP 2011 setback requirement as recommended 30m setback from the high bank line of the river. Therefore a 4.6 variation has been provided requesting variation to this standard. From an assessment perspective the 4.6 variation provides adequate justification as to why the building setback should not comply with the WLEP 2011 river setback requirements.
- **Matters to be considered**
 - o Effluent disposal: As the application is for a storage shed this requirement is not applicable.
 - o Landscaping: To be conditioned recommending use of local native vegetation species.

The proposed development does not comply with the principles within the SEPP. Notable non-compliance being that the proposed development of a storage shed is not classified as having an essential relationship and is not listed as one of the items permitted as having a river related use. The proposed setback from the high bank of the river does not meet the recommended 30m setback.

The 4.6 variation provided, details justification as to why the dwelling should be located 9.3m from the high bank of the river. It is noted that the new storage shed footprint replaces the previously existing, recently demolished storage shed, and placement is constrained by an easement and existing structures on the site.

Wentworth Local Environmental Plan (LEP) 2011

The proposed storage shed is permitted as ancillary development with consent within land zoned RU1 Primary Production under the Wentworth LEP 2011, meeting the land use zone objectives to which the site is located.

Standard being varied

The storage shed will be located 9.3m from the high river bank. Under Clause 7.6 of the WLEP 2011 only a certain list of uses, documented below are permitted within the river front area (30m from the high bank). This represents a variation of 69%.

(2) Despite any other provision of this Plan, development consent may only be granted to development on land in a river front area for the following purposes—

- (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,
- (b) the extension or alteration of an existing building that is wholly or partly in the river front area, but only if the extension or alteration is to be located no closer to the river bank than the existing building,
- (c) environmental protection works,
- (d) extensive agriculture and intensive plant agriculture,
- (e) walking trails, cycleways, picnic facilities, recreation facilities and recreation facilities (outdoors),
- (f) water recreation structures.

Definition of “River Front” **river front area** means **the land between the river front building line and the highest bank of the Murray River** or, if there is no river front building line, the land within **30 metres of the highest bank** of the River.

Approving 4.6 variations

Under clause 55 of the *Environmental Planning and Assessment Regulation 2021*, a consent authority (Council) may assume concurrence if the concurrence authority has given notice to the consent authority. The notice identifies which concurrence has been given to council and can specify qualifications or conditions for the assumed concurrence.

Under the planning circular PS20-002 (notice), Councils were given assumed concurrence to approve 4.6 variation applications based on a number of conditions. These conditions can be summarised as following:

1. Council cannot assume concurrence for varying a standard regarding dwelling entitlement in regards to MLS less than 90% for lands zoned RU1 to RU4, RU6, R5, E2 (now C2) to E4 (now C4) and equivalent land uses.
2. Non-numerical standard and standard variations greater than 10% cannot be approved by a Council delegate i.e Director. These need to be approved by Council to ensure greater public scrutiny and transparency.

The proposed variation is not regarding MLS as such Council has assumed concurrence and do not need to refer the DA to the Department of Planning and Environment (DPE) for concurrence. However, the variation proposed is greater than 10%, as such, will need to be presented to Council for approval.

4.6 VARIATION ASSESSMENT

4.6 Exceptions to development standards

Written request for consideration has been presented by the applicant with reasons for justifying the contravention of this standard and allow a storage shed within the river front area.

a). That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Response: Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this particular case.

b). That there are sufficient environmental planning grounds to justify contravening the development standard.

Response: There are sufficient environmental planning grounds to justify the departure from the 30-metre-high bank setback as specified in the WLEP2011.

Consideration of the applicants written request – Clause 4.6(4) (a) (i) and (ii) (b)

Does the written request adequately address those issues at Clause 4.6(4)(a)(i)

The applicants written request has adequately demonstrated that compliance with the 30m river front area restriction is unreasonable and unnecessary in this case based on the following:

The shed is associated with an existing dwelling located within close proximity. Due to the location proposed, it is considered that the subject land is not viable for agricultural production.

The proposed development has been designed to allow flood water to pass over and through the development, resulting in minimal to no impacts on the behaviour of potential flood water.

Risk of life is not considered to be any higher as result of the proposed shed on the basis that the development will not be used for habitational purposes.

Due to the design of the proposed development, it is considered that the health of the Murray River will not be significantly impacted on. The shed will only be inundated in flood events that are 1:100 years (1956) and in this circumstance; the building can be prepared to allow flood water to flow through the structure (by removing panels).

As mentioned numerous times previously, the development will have minimal impacts on the health of the Murray River and not create any further risk to human life.

The requirement for consideration and justification of a Clause 4.6 variation necessitates an assessment of a number of criteria. It is recognised that it is not merely sufficient to demonstrate a minimisation of environmental harm to justify a Clause 4.6 variation, although in the circumstance of this case, the absence of any environmental impact is of considerable merit.

Accordingly, justification is set out in following assessment for the departure from the 30-metre setback control applicable under the WLEP2011. The purpose of the information provided is to demonstrate that strict compliance with this development standard is unreasonable or unnecessary in the circumstances of this particular case. It also demonstrates that there are sufficient environmental planning grounds for the departure from the 30-metre high bank setback as specific in the WLEP2011.

Due to the site having a previous storage shed (now demolished) and the new storage shed assuming the footprint of the previous storage shed, it is argued that variation to this 30-metre setback from the high bank of the river was not compliant with Councils standards when the original storage shed was constructed. The existing dwelling on the property is also within this 30-metre setback. The applicant is further restricted by an easement through the property.

Does the written request adequately address those issues at **Clause 4.6(4)(a)(ii)**

The following table considers whether the objectives of the development standard **Clause 7.6**, are achieved notwithstanding the proposed variation (Test 1).

Objective	Discussion / Comment
(a) to support natural riverine processes, including the migration of the Murray River's channels,	Due to the design of the shed, there will be no excessive damage Murray River as a result of this shed.
(b) to protect and improve the bed and bank stability of the Murray River,	There is no work proposed in this application that will affect the bed and bank stability of the river.
(c) to maintain and improve the water quality of the Murray River,	There is no work or land uses proposed in this application that will impact on the quality of the water in the river.
(d) to protect the amenity, scenic landscape values and cultural heritage of the Murray River and to protect public access to its riverine corridors	Not applicable for this application due the land being owned privately.
(e) to conserve and protect the riverine corridors of the Murray River, including wildlife habitat.	This section of the Murray River cannot be considered a riverine corridor due to the historical use of the land for agricultural purposes. As such, any development inside the 30-metre setback from the high bank will still maintain level of protection for any natural assets that exist.

Has the planning secretary's concurrence been sought as per **Clause 4.6(4)(b)**

Under the planning circular PS20-002, the concurrence of the Planning Secretary will not be required for this variation. However, due to the size of the variation, council staff do not have the delegated authority to determine the development. As such, the development will be determined by Council.

Justification for variation

The five part test

The Court has held that there are at least five different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary (see *Wehbe v Pittwater Council* [2007] NSWLEC 827).

The five ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. The objective would be defeated, thwarted or undermined (*Linfield Developments Pty Ltd v Cumberland Council* [2019] NSWLEC 131 at [24]) if compliance was required with the consequence that compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; and
5. The zoning of the land is unreasonable or inappropriate.

It is sufficient to demonstrate only one of these ways to satisfy clause 7.6 and the definition per *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [28]) and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31].

Table 1: Achievement of Objectives of Clause of WLEP2011

Objective	Discussion/Comment
(a) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The proposed development has no association with agriculture. This variation does not affect consistency with this objective.

(b) To encourage diversity in primary industry enterprises and systems appropriate for the area.	The land is considered a parcel of land that could be sustainably farmed. This variation does not affect consistency with this objective.
(c) To minimise the fragmentation and alienation of resource lands.	This application does not fragment farming land. This variation does not affect consistency with this objective.
(d) To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposed shed has no impact on any adjoining land uses. This variation does not affect consistency with this objective.
(e) To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.	Not applicable for this application
(f) To ensure land is available for intensive plant agricultural activities.	Not applicable for this application.

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard; **The table above indicates achievement of the development standard notwithstanding the proposed variation, in this case it is demonstrated that Test 1 has been satisfied.**
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary; **The underlying objective or purpose is relevant to the development and therefore this test is not relied upon.**
3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable; **It could be argued that compliance with this objective is pointless simple due to the site's locality to the Murray River. Locating the shed in another location will still be within a Flood Planning Area. It is also worth noting that the existing dwelling located on the site is located closer to the river bank.**
4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; **The standard has not been abandoned by Council actions in this case and so this reason is not relied upon.**
5. The zoning of the land is unreasonable or inappropriate; **The zoning of the land is reasonable and appropriate and therefore this test is not relied upon.**

Assessment under **Clause 5.16(4) Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

a). Surrounding land uses are also for Primary Production with residential dwellings and other ancillary structures such as storage sheds that support residential and agricultural land use. The proposed storage shed is acceptable development.

- b). The proposed development will be in keeping with surrounding land uses, with no fragmentation in land uses to the area, in line with Councils land zoning.
- c). The proposed use is compatible with uses referred to in paragraph a). and b) and supports current use.
- d). N/A

Clause 5.21 Flood Planning

The proposed development is located on a site within the flood mapped area, the proposed storage shed cannot be sited within this property outside the flood mapped area. As the storage shed will be conditioned to be a non-habitable building the storage shed will not be required to be built above the 1 in 100 flood level. Construction of a storage shed within this flood planning area is not anticipated to have detrimental effects on flood behaviour. Conditions of consent for the storage shed with removable panels will allow water flow through the storage shed. Access to roads in a flood event, are not impacted by flood as the road forms part of an existing levee bank protecting the area, and facilitating safe evacuation if people in the event of a flood. The design of the storage shed and placement on site has been considered for minimal environmental impact.

Clause 7.1 Earthworks

Any earthworks will form part of the conditions of consent, should the application be approved as ancillary development. Standards will apply for any associated earthworks.

Clause 7.4 Terrestrial Biodiversity

An assessment of the proposed dwelling against clause 7.4(3) is as follows:

- a). The proposed development is unlikely to have any detrimental effects on fauna and flora existing on the site, the storage shed is to be used to support existing residential and agricultural land uses on the site. No tree removal is expected, potential impacts will most likely be from the construction process. The development will be conditioned to minimise impact on existing biodiversity on the site and to encourage replanting of native species.
- b). The proposed development is unlikely to have any adverse impact on the importance of vegetation on the site, nor adverse impacts on the habitat and survival of native fauna. The site has native vegetation with larger native trees closest to the river bank. Approval would see conditions pertaining to vegetation removal and re-planting.
- c). The proposed development is unlikely to fragment, disturb, or diminish the biodiversity structure, function and composition of the land as it has already been disturbed as part of the previous residential use.
- d). The proposed development is unlikely to have any adverse impact on the habitat elements and connectivity to the land as limited vegetation currently exists facilitating this connectivity.

An assessment of the proposed storage shed against **clause 7.4(4)** is as follows:

- a. The storage shed has been designed, sited and managed to minimise any environmental damage.

- b. Noted
- c. Noted

Clause 7.5 Wetlands

An assessment of the proposed storage shed against clause 7.5(3) is as follows:

- a. The proposed storage shed will not affect growth and survival of flora and fauna. Measures to be put in place to protect flora and fauna on the site during construction and use of the site.
- b. No vegetation to be removed as part of the construction. Tree protection measures to form part of the conditions of consent.
- c. No vegetation to be removed, as such no impacts on provision and quality of habitats for indigenous and migratory species
- d. Conditions of consent will put measures in place to ensure that surface and groundwater characteristics of the site, including water quality, natural water flows and salinity are protected
- e. Measures must be put in place to protect any wetland in the vicinity of the development area.

An assessment of the proposed storage shed against clause 7.5(4) is as follows:

- The site plans for the proposed storage shed adequately show that the development is sited, designed and managed to avoid potential adverse environmental impacts, with siting of the new storage shed over the previous storage shed location. Conditions of consent will provide further protection measures.

Clause 7.6 Development on the river front areas

As the proposed development is not listed as one of the acceptable river front developments, detailed below, this standard negates the 4.6 variation allowing the proposed storage shed within the river front area.

2) Despite any other provision of this Plan, development consent may only be granted to development on land in a river front area for the following purposes—

- (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,
- (b) the extension or alteration of an existing building that is wholly or partly in the river front area, but only if the extension or alteration is to be located no closer to the river bank than the existing building,
- (c) environmental protection works,
- (d) extensive agriculture and intensive plant agriculture,
- (e) walking trails, cycleways, picnic facilities, recreation facilities and recreation facilities (outdoors),
- (f) water recreation structures

Due to the development not being any of the above-mentioned acceptable development within river front areas, assessment against **Clause 4.6** (assessed earlier in this document) was necessary.

Clause 7.7 Riparian land and Murray River and other watercourses – general principles

The proposed development is sited inside the designated distance of 40m from the top bank of a watercourse (Murray River), however, as it is a replacement storage shed in association with a residential dwelling on the site, development impact upon the following criteria is anticipated to be minimal. Any anticipated environmental impacts will be managed through implementation of conditions.

Clause 7.7(3) assessment is as follows:

- a. Adverse impact of the proposed:
 - I. The structure will be required to have removable panels to allow the free movement of water during flood events and is not anticipated to impact the flow.
 - II. No impacts on aquatic and riparian species, habitats and ecosystem. The use of the land will remain unchanged (primary production) with a residential dwelling and associated storage shed to support the current agricultural land use.
 - III. No disturbance of the bed, shore and banks of the watercourse are anticipated from this development. The determination will be conditioned to ensure the bed and bank is protected from any impact.
 - IV. No impacts to the watercourse movement of aquatic fauna anticipated.
 - V. Trees and any vegetation in along the bank must be protected and rehabilitated if so required to protect it from the development.
- b. No further increase to water extraction from the watercourse is anticipated.

An assessment of the proposed dwelling against **Clause 7.7(4)** is as follows:

- a. The storage shed will be sited and managed to avoid any environmental damage with removable panels to allow the free flow of water during flood events.
- b. Feasible alternatives, allowing the free flow of water to minimise any adverse environmental impacts.
- c. Conditions of consent will be implemented to manage and mitigate any environmental impacts the development may have.

Wentworth Development Control Plan (DCP) 2011

Assessment against Chapter 5 of the Wentworth Development Control Plan (DCP) 2011 was carried out, and is acceptable, as shown below.

Wentworth DCP	Chapter	Acceptable	Not Acceptable	N/A	Reason
	Chapter 5 5.1 Intensive Agriculture	X			The storage shed is permitted with consent within the RU1 zone as ancillary development, the proposed new storage shed will be ancillary to the residential and primary production use of the site, and as such, further support current agricultural land use. The new storage shed will be sited in a location that minimises disturbance to agriculturally productive

					land by using the site for the previous storage shed.
	5.2 Subdivision			X	No subdivision proposed
	5.3 Rural Dwellings a). General Controls b). Access			X	N/A as application for a storage shed and not a dwelling
	5.3.1 Water			X	N/A as not a dwelling
	5.3.2 Effluent Disposal			X	N/A as not a dwelling
	5.3.3 Fencing			X	N/A as fencing not part of this application
	5.3.4 Dwelling setback from river		X		The proposed site is located less than 30m from the Murray River.
	5.3.5 Land Capability			X	N/A as application is for a storage shed and not a dwelling.
	5.4 Rural Sheds	X			The storage shed will be condition as a non-habitable structure.
	5.5 Rural industries	X			Noted – conditions to be included that mitigate and manage noise, access, landscaping, and land capability.
	5.6 – 5.6.10 Boarding and/or breeding kennels for dogs and cats in rural areas			X	If boarding or breeding check further conditions as listed
	5.7 – 5.7.3 Hazardous chemical	X			Noted - proposal is for a storage shed in association with an existing dwelling. The land is zoned RU1 as such, primary production (agricultural use) within this site is currently carried out. Chemical use, transportation and use

					pose a minimal threat with correct procedures and use anticipated.
	5.8 Rural land use conflict	X			Surrounding sites are also zoned RU1 with dwellings, associated structures and agricultural practices – no perceived conflict of land use.
	5.8.1 Buffer distances	X			Noted – as the proposed storage shed will replace a storage shed that previously existed on the property, due to the distance to surrounding neighbours, buffers are already in existence appropriate for the land use and associated residential / agricultural development
	5.8.2 Variations to buffers	X			Noted – existing vegetation and current distances between proposed site and nearest residential area should mitigate the need to impose a buffer
	5.8.3 Vegetation buffers	X			Noted – existing vegetation and current distances between proposed site and nearest residential area should mitigate the need to impose a vegetation buffer

(2) The provisions of any draft environmental planning instrument

There is no Division 3.4 draft environmental planning instrument that affect the proposed development. (Post 1 July 2009 LEP amendments).

(3) Any matters prescribed by regulations

There are no further matters prescribed by regulations.

(4) The likely impacts of the development

There are no likely impacts from the proposal as discussed in the table below.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	X			The site is surrounded by similar land uses (rural residential/agriculture). No land will be taken away from agricultural land, and no effect on adjoining lands.
Public domain & Streetscape	X			The siting of this development will facilitate adequate distance between the proposed storage shed and the nearest road.
Landscaping	X			Future landscaping to be conditioned as part of development consent with use of native species encouraged.
Stormwater	X			Stormwater to be managed onsite.
Heritage	X			No heritage items or listing for this site.
Soils & Soils Erosion	X			None expected from the proposed development, minimal site preparation anticipated, however, conditions of consent will be applied for construction.
Air and microclimate	X			None anticipate from this development as there is adequate open space between the proposed storage shed and other related structures onsite. Neighbours are some distance away.
Water Resources	X			None located on land, and none expected to be impacted by proposed development. Conditions of consent if granted will mitigate and manage impact of proposed dwelling within river front development distance of 30m.
Biodiversity (Flora & Fauna)	X			No native vegetation to be cleared for development.
Land Resources	X			None located on the site expected to impact the proposed development.
Utilities			X	N/A as the development is for a storage shed.
Access & Parking	X			Direct access to site available, space for parking available on site.
Roads & Traffic	X			No new road proposed, traffic will not be impacted by proposal.
Solar Access and Energy Efficiency			X	N/A as development is a storage shed
Overshadowing			X	N/A as development is a storage shed
Privacy & Overlooking			X	N/A as development is a storage shed
Flooding	X			Conditions of consent, if the proposed development is approved, will include flood mitigation and management.
Bushfire Prone Area			X	Not in bushfire prone area.

Noise	X		Noise increase expected during construction, residential and agricultural noise anticipated following construction.
Technological hazards	X		None anticipated from the development.
Safety, Security & Crime Prevention	X		Development will not adversely affect the safety of the area.
Social and Economic Impacts	X		No negative social and economic impacts anticipated from the proposed development.

(5) The suitability of the site for development

The site is suitable for the proposed storage shed as it will not have any adverse impact on the locality. The proposed development is permitted by the RU1 Primary Production zoning of the area under the Wentworth LEP 2011. The character and use of the proposed storage shed is consistent with existing developments in the surrounding area.

(6) Any submissions made in accordance with this Act or Regulation

The application was notified for 14 days as per the Wentworth Community Participation Plan. No submissions were received.

(7) The public interest

The proposed development is consistent with public interest as it will have no detrimental effect on the surrounding area. Moreover, no objections were made by the surrounding neighbours.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	N	
Subdivision Engineer	N	
Roads & Engineering	N	
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

EXTERNAL REFERRALS**ESSENTIAL ENERGY**

The application was referred to Essential energy under the TISEPP as CNR-58390


A response was received on 21/08/2023 – No objection, comments provided


CONCLUSIONS

1. General comments:
2. The proposal satisfies the points for consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act*.
3. The proposal occurs on land zoned RU1 Primary Production. The proposal is not considered to have detrimental impact on the site and surrounds.
4. The proposal is consistent with the Wentworth Shire Development Control Plan (Dec 2011). The proposal is consistent with the development controls in Chapter 4 of the Wentworth Shire Development Control Plan 2011.
5. The proposed storage shed accords with the relevant objectives and provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and the State Environmental Planning Policy (Transport and Infrastructure) 2021.
6. There is no draft local environmental plan affecting the proposed development.

Recommendation:

Approve the application subject to conditions

Delegate report author	Delegated approval and endorsement
Signature: 	Signature:
Kerrie Copley Planning Officer	Matthew Carlin Director Health & Planning
Date: 30/08/2023	Date:

 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 26-28 Adelaide Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>Clause 4.6 Assessment</p> <p>Environmental Planning & Assessment Act 1979 as amended</p>
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4.6 VARIATION ASSESSMENT

4.6 Exceptions to development standards

Written request for consideration has been presented by the applicant with reasons for justifying the contravention of this standard and allow a storage shed within the river front area.

a). That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

Response: Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this particular case.

b). That there are sufficient environmental planning grounds to justify contravening the development standard.

Response: There are sufficient environmental planning grounds to justify the departure from the 30-metre-high bank setback as specified in the WLEP2011.

Consideration of the applicants written request – Clause 4.6(4) (a) (i) and (ii) (b)

Does the written request adequately address those issues at Clause 4.6(4)(a)(i)

The applicants written request has adequately demonstrated that compliance with the 30m river front area restriction is unreasonable and unnecessary in this case based on the following:

The shed is associated with an existing dwelling located within close proximity. Due to the location proposed, it is considered that the subject land is not viable for agricultural production.

The proposed development has been designed to allow flood water to pass over and through the development, resulting in minimal to no impacts on the behaviour of potential flood water.

Risk of life is not considered to be any higher as result of the proposed shed on the basis that the development will not be used for habitational purposes.

Due to the design of the proposed development, it is considered that the health of the Murray River will not be significantly impacted on. The shed will only be inundated in flood events that are 1:100 years (1956) and in this circumstance; the building can be prepared to allow flood water to flow through the structure (by removing panels).

As mentioned numerous times previously, the development will have minimal impacts on the health of the Murray River and not create any further risk to human life.

The requirement for consideration and justification of a Clause 4.6 variation necessitates an assessment of a number of criteria. It is recognised that it is not merely sufficient to demonstrate a minimisation of environmental harm to justify a Clause 4.6 variation, although in the circumstance of this case, the absence of any environmental impact is of considerable merit.

Accordingly, justification is set out in following assessment for the departure from the 30-metre setback control applicable under the WLEP2011. The purpose of the information provided is to demonstrate that strict compliance with this development standard is unreasonable or unnecessary in the circumstances of this particular case. It also demonstrates that there are sufficient environmental planning grounds for the departure from the 30-metre high bank setback as specific in the WLEP2011.

Due to the site having a previous storage shed (now demolished) and the new storage shed assuming the footprint of the previous storage shed, it is argued that variation to this 30-metre setback from the high bank of the river was not compliant with Councils standards when the original storage shed was constructed. The existing dwelling on the property is also within this 30-metre setback. The applicant is further restricted by an easement through the property.

Does the written request adequately address those issues at **Clause 4.6(4)(a)(ii)**

The following table considers whether the objectives of the development standard **Clause 7.6**, are achieved notwithstanding the proposed variation (Test 1).

Objective	Discussion / Comment
(a) to support natural riverine processes, including the migration of the Murray River's channels,	Due to the design of the shed, there will be no excessive damage Murray River as a result of this shed.
(b) to protect and improve the bed and bank stability of the Murray River,	There is no work proposed in this application that will affect the bed and bank stability of the river.
(c) to maintain and improve the water quality of the Murray River,	There is no work or land uses proposed in this application that will impact on the quality of the water in the river.
(d) to protect the amenity, scenic landscape values and cultural heritage of the Murray River and to protect public access to its riverine corridors	Not applicable for this application due the land being owned privately.
(e) to conserve and protect the riverine corridors of the Murray River, including wildlife habitat.	This section of the Murray River cannot be considered a riverine corridor due to the historical use of the land for agricultural purposes. As such, any development inside the 30-metre setback from the high bank will still maintain level of protection for any natural assets that exist.

Has the planning secretary's concurrence been sought as per **Clause 4.6(4)(b)**

Under the planning circular PS20-002, the concurrence of the Planning Secretary will not be required for this variation. However, due to the size of the variation, council staff do not have the delegated authority to determine the development. As such, the development will be determined by Council.

Justification for variation

The five part test

The Court has held that there are at least five different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary (see *Wehbe v Pittwater Council* [2007] NSWLEC 827).

The five ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. The objective would be defeated, thwarted or undermined (*Linfield Developments Pty Ltd v Cumberland Council* [2019] NSWLEC 131 at [24]) if compliance was required with the consequence that compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; and
5. The zoning of the land is unreasonable or inappropriate.


It is sufficient to demonstrate only one of these ways to satisfy clause 7.6 and the definition per *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [28]) and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31].

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(a) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The proposed development has no association with agriculture. This variation does not affect consistency with this objective.

(b) To encourage diversity in primary industry enterprises and systems appropriate for the area.	The land is considered a parcel of land that could be sustainably farmed. This variation does not affect consistency with this objective.
(c) To minimise the fragmentation and alienation of resource lands.	This application does not fragment farming land. This variation does not affect consistency with this objective.
(d) To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposed shed has no impact on any adjoining land uses. This variation does not affect consistency with this objective.
(e) To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.	Not applicable for this application
(f) To ensure land is available for intensive plant agricultural activities.	Not applicable for this application.

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard; **The table above indicates achievement of the development standard notwithstanding the proposed variation, in this case it is demonstrated that Test 1 has been satisfied.**
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary; **The underlying objective or purpose is relevant to the development and therefore this test is not relied upon.**
3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable; **It could be argued that compliance with this objective is pointless simple due to the site's locality to the Murray River. Locating the shed in another location will still be within a Flood Planning Area. It is also worth noting that the existing dwelling located on the site is located closer to the river bank.**
4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; **The standard has not been abandoned by Council actions in this case and so this reason is not relied upon.**
5. The zoning of the land is unreasonable or inappropriate; **The zoning of the land is reasonable and appropriate and therefore this test is not relied upon.**

 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 26-28 Adelaide Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>TEMPLATE CONDITIONS</p>
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DA2023/064 STORAGE SHED 94 WILLIAMSVILLE ROAD LOT 2 DP 624732 CURLWAA

SCHEDULE 1

PRESCRIBED CONDITIONS

1.	The development must adhere to the prescribed conditions in Part 4, Division 2 of the <i>Environmental Planning and Assessment Regulation 2021</i> .
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GENERAL CONDITIONS

2.	<p>Approved plans and supporting documentation</p> <p>The development hereby authorised shall be carried out strictly in accordance with the conditions of this approval and stamped approved plans listed below:</p> <ul style="list-style-type: none"> • Site Plan by Anthony Fox Architectural Designs; Sheet No: 1 of 1; Date: June 2023. • Floor Plan by Shed Engineering; Job No: EALB92786841; Revision No: A; Sheet No: 4 of 9; Date: 11-04-2023. • Elevation Plan by Shed Engineering; Job No: EALB92786841; Revision No: A; Sheet No: 2 of 9; Date: 11-04-2023. <p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.</p> <p>Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</p> <p>Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</p>
3.	<p>Approved development</p> <p>Approval is for a storage shed.</p>
4.	<p>Lapsing of Consent</p> <p>This consent shall lapse and have no force or effect unless the use or development hereby permitted is physically commenced within 5 years of the date of this consent.</p>

5.	Works Outside the Property Boundary This development consent does not authorise works outside the property boundaries on adjoining lands.
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BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

6.	Payment of bonds / securities <i>This condition applies to all construction works \$25,001 and above.</i> Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier: <table border="1"> <tr> <td>Infrastructure Bond (Security Deposit)</td><td>\$3,000.00</td></tr> <tr> <td>Infrastructure Protection Permit Fee (includes inspections)</td><td>\$221.00</td></tr> </table> <p>The payments will be used for the cost of:</p> <ul style="list-style-type: none"> making good any damage caused to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates, completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property. <p>The Infrastructure Bond will be returned on completion of the construction of the proposed development, subject to no damage being done to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates. The owner / developer is to arrange an inspection with an Officer of Wentworth Shire Council before any work commences on site. Any damage incurred to Council infrastructure will be repaired at the owner's / developer's expense and the balance of the Infrastructure Bond will be returned to the owner / developer on completion of the construction.</p> <p>Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.</p> <p>Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>	Infrastructure Bond (Security Deposit)	\$3,000.00	Infrastructure Protection Permit Fee (includes inspections)	\$221.00
Infrastructure Bond (Security Deposit)	\$3,000.00				
Infrastructure Protection Permit Fee (includes inspections)	\$221.00				
7.	Payment of building and construction industry long service levy				

	<p>Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the operational date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.</p> <p>Reason: To ensure the long service levy is paid.</p>
8.	<p>Construction site management plan</p> <p>Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> • location and materials for protective fencing and hoardings to the perimeter on the site • provisions for public safety • pedestrian and vehicular site access points and construction activity zones • details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site • protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites) and trees in adjoining public domain • details of any bulk earthworks to be carried out • location of site storage areas and sheds • equipment used to carry out all works • a garbage container with a tight-fitting lid • dust, noise and vibration control measures • location of temporary toilets. <p>The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.</p> <p>Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction</p>
9.	<p>Erosion and sediment control plan</p> <p>Before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:</p> <ul style="list-style-type: none"> • the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and • the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). <p>The applicant must ensure the erosion and sediment control plan is kept onsite at all times during</p>

	<p>site works and construction.</p> <p>Reason: To ensure no substance other than rainwater enters the stormwater system and waterways</p>
10.	<p>Waste management plan</p> <p>Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:</p> <p>Details the following:</p> <ul style="list-style-type: none"> • the contact details of the person(s) removing the waste • an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill • the address of the disposal location(s) where the waste is to be taken <p>The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
11.	<p>Stormwater Management Plan</p> <p>Before the issue of a construction certificate the beneficiary of this consent is to design and submit to Council for approval a stormwater Management Plan for the dwelling. The design is to be approved by Council before any work takes place on this site. All work detailed by the approved design is to be constructed by the beneficiary of this consent under supervision of the Principal Certifying Authority. All work is to be carried out at the beneficiary of this consent's expense.</p> <p>The plan is to include treatment measures for the water if it is to be discharged into the waterway.</p>
12.	<p>Access points</p> <p>Before issuance of the Construction Certificate, the beneficiary of this consent must build a driveway crossing for the subject land (if one doesn't exist) to Council standards.</p> <p>Access during construction shall only be through the driveway crossing of the subject land.</p>
13.	<p>Foundation and flooding</p> <p>Before issuance of the Construction Certificate, a certificate from a qualified structural engineer shall be supplied to Council / Principal Certifying Authority certifying:</p> <ul style="list-style-type: none"> - The design and structural adequacy of the slab/footing system to withstand the effects of inundation in the event of a flood.
14.	<p>Building Material</p> <p>The proposed buildings shall be clad in an approved non-reflective material e.g. colorbond.</p>
15.	<p>Building material and flooding</p> <p>Any building elements below the 1% AEP flood level must be of a durable nature suitable for</p>

	<p>prolonged periods of inundation.</p> <p>Note: The 1% AEP for the land is approximately 36.8m.</p>
16.	<p>Storage shed building material</p> <ul style="list-style-type: none"> The storage shed is to be constructed with removable panels on the East and west elevation to be opened to allow a free flow of water in a flood event. The storage shed is to be constructed using materials that will withstand inundation for extended periods of time.
17.	<p>Works in Road Reserve</p> <p>A Road Opening Permit is required from the Wentworth Shire Council prior to any works / excavation within the road reserve ie water tapping, sewer, driveway crossings, tree planting or removal etc. Please contact Councils Roads & Engineering Department on Tel: (03) 5027 5027 to arrange a permit.</p>
18.	<p>Plumbing and Drainage</p> <p>Before issuance of the Construction Certificate, a Plumbing and Drainage Application under Section 68 of the <i>Local Government Act NSW 1993</i> is to be submitted to and approved by Council for any plumbing and drainage works (stormwater, water and sewerage).</p> <p>Note: All plumbing and drainage work is to be carried out by a plumber and drainer, or other authorised person, licensed with the New South Wales Department of Fair Trading.</p>

BEFORE THE COMMENCEMENT OF BUILDING WORK

19.	<p>Construction Certificate</p> <p>An application for a construction certificate is to be made under Section 4.12 of the Environmental Planning and Assessment Act 1979 and construction certificate(s) issued under Sections 6.3, 6.4(a) and 6.7 of the Environmental Planning and Assessment Act 1979 prior to any work commencing on the building. All work in relation to plans for the construction certificate(s) shall comply with the requirements of the Building Code of Australia, the Environmental Planning & Assessment Act, and regulations, SEPP (Building Sustainability Index) BASIX 2004 and the Local Government Act and Regulations thereunder.</p>
20.	<p>Erosion and sediment controls in place</p> <p>Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).</p> <p>Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways</p>
21.	<p>Toilet facilities</p>

	<p>Toilet facilities are to be provided on or in the vicinity of the building site. The toilet must be connected to a public sewer, or if connection to a public sewer is not practicable, an approved chemical closet. The toilet facility must be installed on-site prior to the commencement of any other work.</p>
22.	<p>Rubbish Management</p> <p>Throughout the construction period, from commencement of work, a suitable rubbish containment structure is to be located on site and utilized to ensure the construction site is kept clean and safe at all times.</p>
23.	<p>Tree protection measures</p> <p>Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.</p> <p>Reason: To protect and retain trees</p>
24.	<p>Notice of Commencement of Works</p> <p>Subject to approval to commence works two days before any site works, building or demolition begins, the beneficiary of this consent must:</p> <ul style="list-style-type: none"> (a) Forward to Council notice of commencement of work and appointment of Principal Certifying Authority. (b) Notify the adjoining owners that work will commence.
25.	<p>Contractor</p> <ul style="list-style-type: none"> (a) Before the work is commenced, the Council must be informed in writing of: <ul style="list-style-type: none"> • The name and contractor licence number of the licensee who has been contracted to do the work; or • The name and permit number of the owner/builder who intends to do the work. (b) The Council is to be immediately informed in writing of similar details required in the above if: <ul style="list-style-type: none"> • A contract is entered into for the work to be undertaken by a different licensee; or • Arrangements for the completion of the work are otherwise changed.

WHILE BUILDING WORK IS BEING CARRIED OUT

26.	<p>Hours of work</p> <p>The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:</p> <ul style="list-style-type: none"> • 7.00am to 6.00pm on Monday to Friday
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	<ul style="list-style-type: none"> • 8.00am to 1.00pm on Saturdays <p>The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.</p> <p>Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.</p> <p>Note: Any variation to the hours of work requires Council's approval.</p> <p>Reason: To protect the amenity of the surrounding area</p>
27.	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Reason: To require approval to proceed with building work following each critical stage inspection</p>
28.	<p>Implementation of the site management plans</p> <p>While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.</p> <p>Reason: To ensure the required site management measures are implemented during construction</p>
29.	<p>Construction noise</p> <p>While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>Reason: To protect the amenity of the neighbourhood</p>
30.	<p>Tree protection</p> <p>While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970-2009 Protection of trees on development sites and any arborist's report approved under this consent. This includes</p>

	<p>maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p>Reason: To protect trees during construction</p>
31.	<p>Responsibility for changes to public infrastructure</p> <p>While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).</p> <p>Reason: To ensure payment of approved changes to public infrastructure</p>
32.	<p>Uncovering relics or Aboriginal objects</p> <p>While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.</p> <p>In this condition:</p> <ul style="list-style-type: none"> • “relic” means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance; and • “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. <p>Reason: To ensure the protection of objects of potential significance during works</p>
33.	<p>Security Fencing</p> <p>An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.</p>
34.	<p>Cut and fill (if applicable)</p> <p>While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.</p>

	<p>b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.</p>
35.	<p>Waste management</p> <p>While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.</p> <p>Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:</p> <ul style="list-style-type: none"> • The contact details of the person(s) who removed the waste • The waste carrier vehicle registration • The date and time of waste collection • A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill • The address of the disposal location(s) where the waste was taken • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.</p> <p>Reason: To require records to be provided, during construction, documenting that waste is appropriately handled</p>
36.	<p>Contamination discovered during works</p> <p>1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the <i>Contaminated Land Management Act 1997</i>:</p> <ol style="list-style-type: none"> a) all works must stop immediately, and b) the Environment Protection Authority and the council must be notified of the contamination. <p>2) Land is found to be contaminated for the purposes of this condition if the principal certifying authority knows or reasonably suspects the land is contaminated.</p> <p>Note: Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.</p>
37.	<p>Encroachment of easements</p> <p>No building works are to encroach over any easements.</p>

BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

38.	<p>Occupation Certificate</p> <p>The building shall not be occupied or used until an Occupation Certificate is issued either by council or by an accredited certifier.</p>
39.	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority. Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.</p> <p>Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation</p>
40.	<p>Repair of infrastructure</p> <p>Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.</p> <p>Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.</p> <p>Reason: To ensure any damage to public infrastructure is rectified</p>
41.	<p>Removal of waste upon completion</p> <p>Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.</p> <p>Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.</p> <p>Reason: To ensure waste material is appropriately disposed or satisfactorily stored</p>

OCCUPATION AND ONGOING USE

42.	<p>Release of securities / bonds</p> <p>When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held. Council may use part, or all of the</p>
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	<p>securities held to complete the works to its satisfaction if the works do not meet Council's requirements.</p> <p>Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction</p>
43.	<p>Maintenance of wastewater and stormwater treatment device</p> <p>During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective.</p> <p>Reason: To protect sewerage and stormwater systems</p>
44.	<p>Amenity of the neighbourhood</p> <p>The operation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.</p>
45.	<p>Ongoing Use</p> <p>The proposed storage shed cannot be used for habitation.</p> <p>The storage shed is to be used for domestic purposes only, and any other activities proposed to be undertaken inside the shed shall be subject to a further development application.</p>

REASONS FOR CONDITIONS

- a) To ensure compliance with the terms of the Environmental Planning and Assessment Act.
- b) To ensure work is sustainable and that an appropriate level of provision of amenities and services occurs within the Shire and to occupants of lots.
- c) To minimise environmental impact and impact on public assets, degradation of natural resources and to enhance amenity.
- d) To provide for a quality environment, safe and efficient movement of people and to ensure public safety and interest.

CONDITIONS FROM AGENCIES

Essential energy

Potential safety risks strictly based on the documents submitted:

- As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 5 metres from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.
- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.

General comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

SCHEDULE 2

ADVISORY NOTE

- ***Dial before you dig***

The beneficiary of this consent shall contact "Dial Before You Dig" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority (PCA).

9.15 DOG WASTE STATIONS

File Number: RPT/23/540

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

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

Strategy: 3.4 Use and manage our resources wisely

Summary

An investigation into the provision of dog waste stations in the Shire was carried out by the Director Health and Planning. Quotes were sought from relevant vendors and suppliers for unit sizes and costings. A review of current legislation, local strategic documents and information from NSW EPA and Office of Local Government was carried out to provide Council with all relevant information contained in this report.

Recommendation

That Council notes the report.

Detailed Report

Purpose

The purpose of this report is to inform Council of the outcome of the investigation into the installation of dog waste stations.

Report Detail

The legislation:

Under the Companion Animals Act 1998, the owner or person in charge of a dog that defecates in a public place must immediately remove the dog's waste and properly dispose of it. Failure to do so can result in fines being issued to the owner of the dog.

Many responsible dog owners carry their own dog waste cleaning supplies with them when out walking. The most common items dog owners carry is a scooper and small plastic bags suitable for dog waste – most often the bags are biodegradable.

Why Councils provide dog waste stations:

Pet waste stations encourage residents to pick up after their pets by making it easy and convenient to do so. Scooping the waste is not only important for a clean neighborhood, it's important for our local waterways. When pet waste is not picked up, it becomes a major source of pollution in our water.

Overall, the issues with dog waste that is not picked up by the owner are:

- Dog waste is malodorous, unsightly and unpleasant to step in
- Dog waste may also carry intestinal parasites that can be transferred to other animals and humans
- Dog waste may contain harmful bacteria which can wash into our storm water systems and natural waterways

For the reasons listed, the NSW EPA provides advice on their website that pathogen sources such as pet waste can only be placed in the red bin to be sent to landfill.

Quotes and costings

Quotes were sought from four (4) reputable suppliers of pet waste stations and only one quotation was received from AMS Products based in South Australia which offers a range of sizes of dog waste stations:

1. **LAB001**

55Litre Doggie Dunnie bin unit

Included galvanised internal liner with handles & bolt down unit stand.

All stainless-steel locks/hinges

100% Australian made

Mild steel with choice of Dulux Powder Coat colour options. (Conditions apply)

\$1898.00 + GST (1-4 units)

\$1748.00 + GST (5+ units)

Freight Cost \$533 + GST per unit

2. **LAB002**

120Litre Doggie Dunnie bin unit

Bin enclosure design compatible to suit internal housing of a 120L standard sulo bin

All stainless-steel locks/hinges

100% Australian made

Mild steel with choice of Dulux Powder Coat colour options. (Conditions apply)

\$4398.00 + GST (1-4 units)

\$4298.00 + GST (5+ units)

Freight Cost \$893 + GST per unit

3. **LAB003**

240Litre Doggie Dunnie bin unit

Bin enclosure design compatible to suit internal housing of a 240L standard sulo bin

All stainless-steel locks/hinges

100% Australian made

Mild steel with choice of Dulux Powder Coat colour options. (Conditions apply)

\$4698.00 + GST (1-4 units)

\$4198.00 + GST (5+ units)

Freight Cost \$1062 + GST per unit

AMS Products also offers a range of OXO-Degradable dog waste bags in various bag styles & roll quantities as well as dispenser units at additional costs. These products were not included in the quotation provided. However, their website advertises two types of bags that differ in size and price – see Attachment 1.

Ongoing operational costs to Council

If Council was to purchase and install these units there will be an ongoing maintenance cost where staff will be involved in the waste collection, cleaning and sanitising of each unit as well as the ongoing cost of consumables such as the bin liners, sanitiser and the provision of bags for the residents to use.

To move forward with dog waste stations, more work is required to engage with and consult the community if this is a service they want Council to provide. Council would also need to identify appropriate locations for the bins as well as the number of bins per location with community consultation across the shire.

At this time, Council does not have a budget for dog waste stations and may require planning in for the next financial year.

Conclusion

While dog waste stations are a value-added service that Council may provide to the community, there is more work required in the areas of budget allocation and strategic consultation with the community for the placement of bins across the shire.

Attachments

1. Dog Waste Bags  

Premium Certified Compostable Dog Waste
Bags
BC350L



Packaging: 350 bags/roll x 8 rolls/carton.

Specifications - Bag dimensions:

L x 365mm W x 205mm. Side gusset x 125 mm.

Material: Torise high grade compostable resin.

Product Code: BC350L

Degradation: Designed to degrade in 6 months when disposed of in an organics bin for diversion to an industrial facility for composting.

Certified compostable as per Australian Standards AS4736-2006 & AS5810



PRODUCT SPECS

RRP \$26.75 + GST
per roll x 350 bags

Premium Certified Compostable Dog Waste
Bags
BC400L



Packaging: 400 bags/roll x 8 rolls/carton.

Specifications - Bag dimensions:

L x 320 mm W x 210 mm.

Material: Torise high grade compostable resin.

Product Code: BC400L

Degradation: Designed to degrade in 6 months when disposed of in an organics bin for diversion to an industrial facility for composting.

Certified compostable as per Australian Standards AS4736-2006 & AS5810



PRODUCT SPECS

RRP \$30.00 + GST
per roll x 400 bags

9.16 LIFTING OF ALCHOL FREE ZONE - MILDURA SKI RACE

File Number: RPT/23/577

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 Shire is a vibrant, growing and thriving Region

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

Summary

Council has received a request from the Mildura & District Ski Club to lift the alcohol free zone for the Rowing Club and immediate lawn area for one event.

The Mildura & District Ski Club has sought approval for the suspension of the alcohol free zone in past years for community events.

There have been no incidents or problems in past events that would warrant Council refusing the temporary lifting of the alcohol free zone as requested.

Recommendation

That Council:

- a) In accordance with Section 645 of the Local Government Act 1993, suspends the operation of the alcohol free zone in the area of the Wentworth Rowing Club and Lawns as shown on the map attached to this report, on the 4 and 5 November 2023 from 10am to 8pm.
- b) Advertises the suspension of the alcohol free zone in a locally circulated newspaper and, Councils website and other social media
- c) Advises the NSW Police of the details of the suspensions of the alcohol free zone.

Detailed Report

Purpose

The purpose of this report is for Council to consider the suspension of the operation of the alcohol free zone at the Wentworth Rowing Club, Boat Ramp & Foreshore area for the following event:

- Ted Hurley Water Ski Race from 10am to 8pm on 4 and 5 November 2019.

The Annual Ted Hurley Water Ski Race event is expected to attract a number of visitors to Wentworth. The people attending are expected to be a responsible crowd, given the nature of the event.

Background

Council may, at the request of any person or body or of its own motion, suspend the operation of an alcohol free zone by publishing notice of suspension in a newspaper circulating in the area that includes the zone concerned. During the periods indicated in the notice as the period of suspension, the zone does not operate as an alcohol free zone.

The area identified in the attached map, being the area known as the Wentworth Rowing Club Lawns, is the area, for which the alcohol free zone is requested to be lifted from 10am to 8pm on the 4 and 5 November 2023.

Council may suspend the operation of an alcohol free zone for a specified period by resolution and advertising the fact in a locally circulating newspaper.

Matters under consideration

Consideration needs to be made as to whether the lifting of the alcohol free zone for a specific event is warranted, or whether it poses an unacceptable risk of unruly or unsociable behaviour due to the over consumption of alcohol in the location.

Options

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

- a) Grant the requests for lifting of the alcohol free zone
or
- b) Refuse the requests to lift the alcohol free zone.

Conclusion

The proposed lifting of the alcohol free zone will be a low risk matter for Council, with some positive community benefits within the Wentworth Shire.

Attachments

1. Map of AFZ Wentworth Rowing Club and Lawn Area [↓](#) 

Map of Alcohol Free Zone – Wentworth Rowing Club and Lawns



9.17 PROJECT & WORKS UPDATE - SEPTEMBER 2023

File Number: RPT/23/524

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Jamie-Lee Kelly - Administration Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the months of August 2023 and the planned activities for September 2023.

Recommendation

That Council receives and notes the major works undertaken in August 2023 and the scheduled works for the following month.

Detailed Report

Refer below for updates of the works completed in August 2023, and the planned activities for September 2023.

Project and Works Update for August 2023	
Roads	<p><u>Pooncarie Menindee Road</u></p> <ul style="list-style-type: none"> Bulk Earthworks of the roads are 100% complete, the contractor will continue to assist with shaping of the batters each side of the road reserve. Approximately 16km of gravel has been placed and spread on the road with a total of 12 x Truck and Dog combinations currently onsite carting gravel from the main pits located south of the Pooncarie township. <p><u>Heavy Grading</u></p> <ul style="list-style-type: none"> Funded by the Regional and Local Roads Repair Program, heavy grading works were undertaken on approx. 70km of the High Darling Road, and Low Darling Road
Projects	<p><u>Gol Gol East Raw Water System Upgrade</u></p> <ul style="list-style-type: none"> Clean and coating of the slab and RF is completed All 4 Bored Piers or Structural Columns have been erected <p><u>Junction Island Bridge</u></p> <ul style="list-style-type: none"> Demolition and Installation works awarded to contractor Footing design update commenced <p><u>Jockey Changerooms</u></p> <ul style="list-style-type: none"> Minor works continuing on upgrading the existing Secretary's office. No quotations were received by the close of quotations on the 18 August 2023 after 3-weeks. A one-week extension has been offered

to the respective companies quoting.

Pink Lake

- Public Works provided a detailed quote to undertake a complete design of the works.

Wentworth Effluent Disposal System (EDS)

- Tender contracts finalised early August.

Willow Bend Caravan Park

- Stormwater works along the western boundary completed, bar the outlet headwall.
- Stormwater mains through the main road have been installed.
- Levee bank mains 50% complete.

Amenities Blocks

- Buildings floored, framed, trussed, and insulated.

Rose Street Stormwater – Stage 1

- Fee proposal to undertake a technical specification and contract documentation received.

Buronga Toilet Block

- Tender documents being compiled.

Pine Road Shared Path

- Works complete

Wood Street Shared Path

- Works have commenced. ~ one half of path complete with continuous dig out boxing setup and pours occurring weekly.

Pooncarie Sporting Reserve

- Old long drop amenities blocks have been demolished & removed

Dareton Toilet Block

- Tender documentation nearing completion, which can then be sent to building surveyors for fee proposal.

Wood Street Road Widening & Kerb

- Road works complete, kerbing works complete

Wentworth Rowing Club Building

- Rowing Club Executives have corresponded further with Council and advised that the proposed make-over option following the flood is their preferred option.
- An amended Development Application is being prepared along with plans and documentation for tendering.

O'Donnell Park Toilet Block – vehicle strike

- Construction works completed, toilet open to public again.

Gol Gol Water Treatment Plant

- Pond perimeter plinth kerbing complete
- Pits and pipes installed

	<ul style="list-style-type: none"> Approximately 30% perimeter footpath installed Road base along northeast side of north east pond completed. <p><u>Dareton to Namatjira Sharedway</u></p> <ul style="list-style-type: none"> Transport for NSW design review commenced; Consultation with Dareton LALC representative and Coomealla High School representative commenced. <p><u>George Gordon Sporting Complex Netball Court upgrade</u></p> <ul style="list-style-type: none"> Survey Works complete, with the design works nearing completion <p><u>Wentworth Sewer Repairs</u></p> <ul style="list-style-type: none"> 42 m of sewer pipe and manhole replaced (6 m deep). Dewatering system removed and excavation backfilled. Awaiting camera inspection to confirm repairs. <p><u>Pooncarie Racecourse Tower Repairs</u></p> <ul style="list-style-type: none"> Structural assessment complete and confirmed that tower does not meet OHS standards Metal fabrication contractor engaged to complete repairs prior to race meet. <p><u>Gol Gol Water Treatment Plant New Fencing & Auto Gates</u></p> <ul style="list-style-type: none"> Contractor has commenced works.
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Projects and Works scheduled for September 2023

Roads	<p><u>Heavy Grading</u></p> <ul style="list-style-type: none"> Funded by the Regional and Local Roads Repair Program, heavy grading works will continue on the Rufus River Road west of Lake Victoria, and commence on Old Broken Hill Road and possibly the Roo Roo Road <p><u>Pooncarie Menindee Road</u></p> <ul style="list-style-type: none"> Completion of carting of gravel and commencement of compaction and shaping works in preparation for the bitumen seal date of mid-October. Request for quotes for the line marking component will be undertaken and assessed <p><u>Arumpo Road</u></p> <ul style="list-style-type: none"> Desktop investigation prior to commencement of survey and design works
Projects	<p><u>Gol Gol East Raw Water System Upgrade</u></p> <ul style="list-style-type: none"> Erosion Control and Slope Stability works to begin <p><u>Junction Island Bridge</u></p> <ul style="list-style-type: none"> Updated footing design completed

- On-site works scheduled to commence.

Pink Lake

- Council staff to determine volume of work to be undertaken by Public Works. Order to be raised post assessment.

Wentworth EDS

- Manufacture of the pontoon, gangway, fenders, and switchboard to commence.

Willow Bend Caravan Park

- Minor stormwater works to be completed.
- Sewer and electrical works to commence early August.

Amenities Blocks

- Rough-in works to commence early September.
- Internal cladding to commence early September.

Rose Street Stormwater – Stage 1

- Public Works quote to be assessed.
Works to be tendered late September pending previous point.

Buronga Toilet Block

- Complete tender documents and seek quotations for works.

Wood Street Shared Path

- Excavation and set out with continuous concrete pours to be undertaken.

Wood Street Road Widening

- Minor tidy up of nature strip

Gol Gol Water Treatment Plant – Drainage Works

- Concreting works to be completed;
- Pavement works to be at or near completion.

Dareton to Namatjira Sharedway

- Transport for NSW design review to be completed
- Tender documentation to be completed
- Tender period to commence.

George Gordon Sporting Complex Netball Court upgrade

- Tender documentation to be compiled and seek quotations for works.

Wentworth Sewer Repairs







- Camera inspection to confirm repairs
- Restoration works of the oval, including irrigation, to commence following reinstatement of excavation.

Pooncarie Racecourse Tower Repairs

- Repair works to be completed prior to race meet.

	<p><u>Wentworth Showgrounds</u></p> <ul style="list-style-type: none"> Stewards building renovations & upgrades to commence in coming weeks.
Flood Recovery Works	
Flood Recovery	<p><u>Junction Park</u></p> <ul style="list-style-type: none"> River bank erosion beside the tower has been repaired. 2 x switchboards - Flood recovery funding expired, quotes will be required to replace and funding sought. Both switchboards are operational.
	<p><u>Wentworth Ski Reserve</u></p> <ul style="list-style-type: none"> Replacement toilet block kit arrived – Contractor has started rebuild, Electrical work to be undertaken after the rebuild is complete. Toilet block completion approximately 28th September. Boat ramp solar light – old pole assembly removed. New solar light footing complete. New solar light pole and assembly installation to be completed by 8th September.
	<p><u>Wentworth Wharf & Riverfront</u></p> <ul style="list-style-type: none"> Underground power supply lost to the park lamp posts, lights under the wharf and some ground lights. Contractor to undertake repairs once higher priority Council works are complete - flood funding will not cover repairs – alternative funding to be sought to undertake works. Park lights come under Essential Energy who are rectifying the issue – Essential Energy relinquished ownership, now a Council asset. Repairs will be undertaken with above electrical repairs - flood funding will not cover repairs – alternative funding to be sought to undertake works.

Attachments

1. Amenities Blocks [↓](#) 
2. O'Donnell Park Toilet Repairs [↓](#) 
3. Gol Gol Water Treatment Plant Fencing & Wentworth Primary School Oval Repairs [↓](#) 
4. Gol Gol Water Treatment Plant Drainage Works [↓](#) 
5. Gol Gol East Raw Water Upgrade [↓](#) 
6. Pooncarie-Menindee Road [↓](#) 













10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 FACILITATION OF BUSINESS HOUSE MEETING

File Number: RPT/23/585

Councillor Beaumont has indicated his intention to move the following motion:

Motion

That Council facilitate a business sector meeting to advise progress on existing projects which impact visitor and tourism potential and to discuss business opportunities and strategies for the 2023 Christmas / New Year period.

Background

In 2020 Wentworth Regional Tourism Inc facilitated a meeting of members and local Wentworth business owners around improving visitor experience and catering for visitor requirements in terms of sustenance and refreshment. The initiative came about following some uncomplimentary feedback from travelers and visitors. The meeting was well attended and positive outcomes were achieved.

In 2021 the Wentworth Shire in response to community concern hosted a Wentworth business sector meeting. The purpose was to give business owners and operators experiencing difficulty an opportunity to speak directly to Wentworth Shire Management and Councilors. I believe it is once again time to engage with business operators to advise progress and discuss projects currently underway.

- Progress on the Willow Bend Caravan Park
- Progress on the Wentworth Shire Civic Centre
- How can Wentworth Shire and business as a collective maximise economic opportunity through the 2023 Christmas New Year period.
- Coordination of 'What's On' and business trading hours over Christmas / New Year

Attachments

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 Write off of Rates and Charges after Sale of Land for Unpaid Rates - 12 Hawdon Street, Dareton. (RPT/23/528)

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 (a) personnel matters concerning particular individuals (other than councillors).

12.2 Plant Replacement - Approval for Tenders for Replacement Plant 56 - Self-Propelled Multi Tyred Roller VR2324/56. (RPT/23/526)

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 Plant Replacement - Approval for Tenders for Replacement Plant 2 - Grader VR2324/2. (RPT/23/525)

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.

12.4 Plant Replacement - Approval for Tenders for Replacement Plant 433 - Semi Water Tanker VR2324/433. (RPT/23/527)

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 Management and Operation of Dareton and Wentworth Swimming Pools - PT2324/01. (RPT/23/530)

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 Willow Bend - Retaining Wall & Erosion Protection - PT2324/02. (RPT/23/555)

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 WRITE OFF OF RATES AND CHARGES AFTER SALE OF LAND FOR UNPAID RATES - 12 HAWDON STREET, DARETON

File Number: RPT/23/528

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

Objective: 4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner

Strategy: 4.3 An effective and efficient organisation

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 (a) personnel matters concerning particular individuals (other than councillors).

12.2 PLANT REPLACEMENT - APPROVAL FOR TENDERS FOR REPLACEMENT PLANT 56 - SELF-PROPELLED MULTI TYRED ROLLER VR2324/56

File Number: RPT/23/526

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Strategy: 3.4 Use and manage our resources wisely

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (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 PLANT REPLACEMENT - APPROVAL FOR TENDERS FOR REPLACEMENT PLANT 2 - GRADER VR2324/2

File Number: RPT/23/525

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Strategy: 3.4 Use and manage our resources wisely

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (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.

12.4 PLANT REPLACEMENT - APPROVAL FOR TENDERS FOR REPLACEMENT PLANT 433 - SEMI WATER TANKER VR2324/433

File Number: RPT/23/527

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Strategy: 3.4 Use and manage our resources wisely

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (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 MANAGEMENT AND OPERATION OF DARETON AND WENTWORTH SWIMMING POOLS - PT2324/01

File Number: RPT/23/530

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Ivan McKenzie - Infrastructure Projects Officer

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

Strategy: 3.4 Use and manage our resources wisely

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 WILLOW BEND - RETAINING WALL & EROSION PROTECTION - PT2324/02

File Number: RPT/23/555

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Taygun Saritoprak - Project Officer

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

Strategy: 3.2 Ensure that community assets and public infrastructure are well maintained

REASON FOR CONFIDENTIALITY

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

13 CONCLUSION OF THE MEETING
NEXT MEETING