



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES (As amended)

20 APRIL 2022

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING OF MEETING	1
2	PRAYER OR ACKNOWLEDGEMENT OF COUNTRY.....	1
3	APOLOGIES AND LEAVE OF ABSENCE.....	1
4	DISCLOSURES OF INTERESTS	1
5	CONFIRMATION OF MINUTES	1
6	OUTSTANDING MATTERS FROM PREVIOUS MEETINGS	2
6.1	Outstanding Matters from Previous Meetings.....	2
7	MAYORAL AND COUNCILLOR REPORTS	3
7.1	Mayoral Report	3
8	REPORTS FROM COMMITTEES	4
	Nil	
9	REPORTS TO COUNCIL	5
9.1	General Manager's Report	5
9.2	Redevelopment of the Wentworth Shire Civic Centre Project Update	6
9.3	2022 National General Assembly of Local Government	7
9.4	2022 Western Division of Councils MID-TERM Conference	8
9.5	2022 Murray Darling Basin Authority River Reflections Conference	9
9.6	Representation on Willandra Lakes World Heritage Area Advisory Committee	10
9.7	Murray Darling Association Region 4 Nominations.....	11
9.8	Monthly Investment Report	12
9.9	Monthly Finance Report	13
9.10	March Quarterly Budget Review.....	14
9.11	Delivery Program progress update.....	15
9.12	Draft Community Strategic Plan	16
9.13	Policy Review - Department Finance and Policy	17
9.14	Appointment of Audit, Risk and Improvement Committee Members.....	18
9.15	Approval to affix the Council Seal.....	20
9.16	Policy Review - Health and Planning Department	21
9.17	Delegated Authority Approvals as at end of March 2022	22
9.18	Australian Inland Botanic Gardens Heritage Request.....	23
9.19	Flood Risk Management Project	25

9.20	Policy Review - Department Roads & Engineering.....	26
9.21	Project & Works Report Update - April 2022	27
10	NOTICES OF MOTIONS / QUESTIONS WITH NOTICE	28
11	CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION.....	29
12	OPEN COUNCIL - REPORT FROM CLOSED COUNCIL	32
12.1	Wentworth Bowling Club - Green surround	32
12.2	Peregrine Minerals Sands Pty Ltd - Bemax Resources Pty Ltd - Cristal Mining Australia Ltd - Imperial Mining (Aust) Pty Ltd - Court Costs.....	33
12.3	Project Management of the Wentworth Shire Civic Centre Redevelopment by GSD Architects	34
12.4	Plant Replacement - Approval for Tenders for replacement plant 519 & 902 - Diesel Powered Cab Chassis fitted with a 14,000 litre Water Tanker.....	35
12.5	Sprayed Bituminous Surfacing ContRact - PT2122/08	36
12.6	Pooncarie - Menindee Road Reconstruction - Plant Hire Tenders.....	37
12.7	Old Wentworth Road - Supply & Delivery of Road Base Material - PT2122/13	38
12.8	PT2122/14 - Punt Road Reconstruction.....	39
13	CONCLUSION OF THE MEETING	40
	NEXT MEETING	40

1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 6:32pm.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

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

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Bernard Rigby (Acting 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 receives and notes the apology from Cr Heywood.

Moved Cr. Evans, Seconded Cr Rodda

CARRIED UNANIMOUSLY

4 DISCLOSURES OF INTERESTS

Councillor Crisp advised that he had a less than pecuniary interest in Item 9.21 as he is employed by a Contractor mentioned in this report for works at the Wentworth Showground Community Pavilion.

Councillor Nichols advised that he had a less than significant interest in Item 12.1 as she is a member of the Bowling Club.

5 CONFIRMATION OF MINUTES

Recommendation

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

Council Resolution

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

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/216

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

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

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

Summary

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

Officer Recommendation

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

Council Resolution

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

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/22/217

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. Elstone, Seconded Cr Linklater

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/22/214

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

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

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

Summary

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

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

Recommendation

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

Council Resolution

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

Moved Cr Beaumont, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.2 REDEVELOPMENT OF THE WENTWORTH SHIRE CIVIC CENTRE PROJECT UPDATE

File Number: RPT/22/275

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

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

Summary

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

Council have been successful in securing the following funding:

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

Recommendation

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

Council Resolution

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

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.3 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

File Number: RPT/22/218

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

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

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

Summary

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

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

Recommendation

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

Council Resolution

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

Moved Cr. Nichols, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.4 2022 WESTERN DIVISION OF COUNCILS MID-TERM CONFERENCE

File Number: RPT/22/220

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

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

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

Summary

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

Recommendation

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

Council Resolution

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

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.5 2022 MURRAY DARLING BASIN AUTHORITY RIVER REFLECTIONS CONFERENCE

File Number: RPT/22/221

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

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

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

Summary

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

Recommendation

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

Council Resolution

That Council determines that Cr Crisp attend Day 1 and Cr Linklater attend Day 2 of the 2022 Murray Darling Basin Authority *River Reflections* Conference.

Moved Cr Linklater, Seconded Cr Crisp

CARRIED UNANIMOUSLY

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

File Number: RPT/22/288

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

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

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

Summary

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

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

Recommendation

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

Council Resolution

That Council nominate Cr Nichols and Cr Beaumont for local government membership on the Willandra Lakes Region World Heritage Advisory Committee.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.7 MURRAY DARLING ASSOCIATION REGION 4 NOMINATIONS

File Number: RPT/22/242

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

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

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

Summary

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

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

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

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

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

Recommendation

That Council

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

Council Resolution

That Council

1. Nominates Cr Elstone, Cr Heywood, Cr Evans and Cr Linklater for positions on the Executive Committee of MDA Region 4, and in doing so acknowledges its commitment to the nomination.
2. Determined it will not nominate a preferred delegate for the position of Chair of MDA Region 4, and in doing so acknowledges the obligations of the Region Chair and commits to providing the resources required to support the role of Chair.

Moved Cr Cooper, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.8 MONTHLY INVESTMENT REPORT

File Number: RPT/22/251

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

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

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

Summary

As at 31 March 2022 Council had \$33 million invested in term deposits and \$4,361,346.10 in other cash investments. Council received \$15,617.57 from its investments for the month of March 2022.

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

Recommendation

That Council:

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

Council Resolution

That Council:

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

Moved Cr Rodda, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.9 MONTHLY FINANCE REPORT

File Number: RPT/22/249

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

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

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

Summary

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

Recommendation

That Council receives and notes the Monthly Finance Report.

Council Resolution

That Council receives and notes the Monthly Finance Report.

Moved Cr. Evans, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

9.10 MARCH QUARTERLY BUDGET REVIEW

File Number: RPT/22/266

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

Summary

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

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

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

Recommendation

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

Council Resolution

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

Moved Cr. Nichols, Seconded Cr Linklater

CARRIED UNANIMOUSLY

9.11 DELIVERY PROGRAM PROGRESS UPDATE

File Number: RPT/22/271

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Bryce Watson - Accountant

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

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

Summary

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

Recommendation

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

Council Resolution

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

Moved Cr Rodda, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.12 DRAFT COMMUNITY STRATEGIC PLAN

File Number: RPT/22/232

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

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

Summary

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

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

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

Recommendation

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

Council Resolution

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

Moved Cr. Evans, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.13 POLICY REVIEW - DEPARTMENT FINANCE AND POLICY

File Number: RPT/22/231

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

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

Summary**Recommendation**

That Council adopt the following revised policies:

- a) AF008 – Rates – Sewerage Service Policy
- b) AF009 – Capital Contributions Towards Community Facilities Policy
- c) AF018 – Asset Accounting Policy
- d) CC006 – Street Stalls & Raffle Stands Policy

That Council, following the completion of the public exhibition period and there being no submissions, adopt GOV018 – Code of Meeting Practice for Wentworth Shire Council.

Council Resolution

That Council adopt the following revised policies:

- a) AF008 – Rates – Sewerage Service Policy
- b) AF009 – Capital Contributions Towards Community Facilities Policy as amended
- c) AF018 – Asset Accounting Policy
- d) CC006 – Street Stalls & Raffle Stands Policy as amended

That Council, following the completion of the public exhibition period and there being no submissions, adopt GOV018 – Code of Meeting Practice for Wentworth Shire Council.

Moved Cr Rodda, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.14 APPOINTMENT OF AUDIT, RISK AND IMPROVEMENT COMMITTEE MEMBERS.

File Number: RPT/22/233

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

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

Summary

At the February 2022 Ordinary Council meeting, Council resolved to appoint a standalone Audit, Risk and Improvement Committee consisting of the following:

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

Recommendation

That Council:

- a) Resolves to appoint the two nominations to the Audit, Risk and Improvement Committee;
- b) Resolves to appoint one committee member for an initial period of two years and one committee member for an initial period of three years;
- c) Resolves that both committee members positions have the option to be reappointed for a further four year period subject to the completion of a satisfactory performance review;
- d) Resolves to appoint an interim independent chair for a period of up to 12 months from the two candidates; and
- e) Resolves to nominate a Councillor as a non-voting committee member subject to that Councillor satisfying certain criteria.

Council Resolution

That Council:

- a) Resolves to appoint the two nominations to the Audit, Risk and Improvement Committee;
- b) Resolves to appoint one committee member for an initial period of two years and one committee member for an initial period of three years;
- c) Resolves that both committee members positions have the option to be reappointed for a further four year period subject to the completion of a satisfactory performance

review;

- d) Resolves to appoint Roseanne Kava as independent chair for a period of up to 12 months
- e) Resolves to nominate Councillor Beaumont as a non-voting committee member.

Moved Cr Crisp, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.15 APPROVAL TO AFFIX THE COUNCIL SEAL

File Number: RPT/22/254

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

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

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

Summary

At the February 2022 Ordinary Council meeting, Council resolved that any budget shortfall for the Willowbend Caravan Park redevelopment be funded via an extension to the already approved loan with that being capped at \$4,500,000.

The National Australia Bank has approved the extension to the loan facility and the revised loan agreement requires the signature of the Mayor and the General Manager and the Council seal to be affixed.

Recommendation

That Council authorises the Mayor and the General Manager to sign the revised loan documentation and affix the Council Seal.

Council Resolution

That Council authorises the Mayor and the General Manager to sign the revised loan documentation and affix the Council Seal.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.16 POLICY REVIEW - HEALTH AND PLANNING DEPARTMENT

File Number: RPT/22/235

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

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

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

Summary

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

For this Council meeting Health and Planning has reviewed three (3) policies which are now presented for adoption.

Recommendation

That Council adopt the following policies:

- a) PR0022 – Radio Active Waste Policy
- b) PR004 – Swimming Pool Safety Policy
- c) PR013 – Contaminated Lands Policy

Council Resolution

That Council adopt the following policies:

- a) PR0022 – Radio Active Waste Policy
- b) PR004 – Swimming Pool Safety Policy
- c) PR013 – Contaminated Lands Policy

Moved Cr Beaumont, Seconded Cr Crisp

CARRIED UNANIMOUSLY

9.17 DELEGATED AUTHORITY APPROVALS AS AT END OF MARCH 2022

File Number: RPT/22/241

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

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

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

Summary

For the month of March 2022, a total of twelve (12) Development Applications and four (4) S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$881,230. This brings the year to date total to twenty-six (26) Development Applications and eight (8) S4.55 Applications approved, with an estimated development value of \$3,455,521.30

Recommendation

- a) That Council receives and notes the report for the month of March 2022.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

- a) That Council receives and notes the report for the month of March 2022.
- b) That Council publicly notifies, for the purposes of Schedule 1 Division 4 Section 20 (2) of the Environmental Planning and Assessment Act 1979, the applications as listed in the attachment on the Wentworth Shire Council website.
- c) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr Rodda, Seconded Cr Beaumont

CARRIED UNANIMOUSLY

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

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

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

9.18 AUSTRALIAN INLAND BOTANIC GARDENS HERITAGE REQUEST

File Number: RPT/22/250

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

Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest

Strategy: 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination

Summary

Council has received a request, from the Australian Inland Botanic Gardens, to add an item to the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage list.

The item is a 2,500 year old Eucalyptus Oleosa tree, also known as the WOW tree, located within the Botanic Gardens at 1183 River Road, Mourquong.

Recommendation

That Council:

1. Resolve to support the request for listing the 2,500 year old Eucalyptus Oleosa tree, known as the WOW tree, in the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage.
2. Resolve to prepare the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage on behalf of the Australian Inland Botanic Garden.
3. That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Council Resolution

That Council:

1. Resolve to support the request for listing the 2,500 year old Eucalyptus Oleosa tree, known as the WOW tree, in the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage.
2. Resolve to prepare the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage on behalf of the Australian Inland Botanic Garden.
3. That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

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

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

Against the Motion: *Nil.*

9.19 FLOOD RISK MANAGEMENT PROJECT

File Number: RPT/22/264

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

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

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

Summary

The Flood Risk Management project commenced with the signing of a Short Form Consultancy Agreement in July 2015 and an inception meeting of the committee held in August 2015.

A final draft Flood Study was received from the consultants, Advisian (formerly Worley Parsons) in July 2021.

This report seeks a resolution of Council to terminate the contract with Advisian to allow for the project to be progressed in a more efficient and beneficial manner for Council and the community.

Recommendation

That Council resolves to advise Advisian (formerly Worley Parsons) that the Short Form Consultancy Agreement is terminated in accordance with Clause 15 of that agreement.

Council Resolution

That Council resolves to advise Advisian (formerly Worley Parsons) that the Short Form Consultancy Agreement is terminated in accordance with Clause 15 of that agreement and that Council request the project data that has been collated and used to inform the preparation of the Draft Flood Study (Issue D Final Draft) July 2021.

Moved Cr. Nichols, Seconded Cr Rodda

CARRIED UNANIMOUSLY

9.20 POLICY REVIEW - DEPARTMENT ROADS & ENGINEERING

File Number: RPT/22/225

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

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

Summary

After each general election of Councillors, the Local Government Act 1993 (the Act) requires Council to review all official policies of Council. There are currently 74 policies in place of which 8 are the responsibility of the Roads & Engineering Department.

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

Recommendation

That Council adopt the following revised policies:

- a) AF005 – Plant Replacement Policy
- b) AF006 – Private Works Policy
- c) CC008 – Street Trees Policy

Council Resolution

That Council adopt the following revised policies:

- a) AF005 – Plant Replacement Policy
- b) AF006 – Private Works Policy
- c) CC008 – Street Trees Policy

Moved Cr Cooper, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.21 PROJECT & WORKS REPORT UPDATE - APRIL 2022

File Number: RPT/22/224

Responsible Officer: Bernard Rigby - Manager Engineering Services
Responsible Division: Roads and Engineering
Reporting Officer: Samantha Wall - Projects Administration

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

At 07:24 pm Councillor Peter Crisp left the Council Chambers.

Summary

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

Recommendation

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

Council Resolution

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

Moved Cr Cooper, Seconded Cr. Evans

CARRIED UNANIMOUSLY

At 07:25 pm Councillor Peter Crisp returned to Council Chambers.

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Councillor Crisp noted that the upcoming Anzac day service at Dareton will be the first since 1999.

11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

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

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

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

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

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

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

Recommendation

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

This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-:12.1

Wentworth Bowling Club - Green surround. (RPT/22/260)

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

12.2 Peregrine Minerals Sands Pty Ltd - Bemax Resources Pty Ltd - Cristal Mining Australia Ltd - Imperial Mining (Aust) Pty Ltd - Court Costs. (RPT/22/228)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

12.3 Project Management of the Wentworth Shire Civic Centre Redevelopment by GSD Architects. (RPT/22/270)

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

12.4 Plant Replacement - Approval for Tenders for replacement plant 519 & 902 - Diesel Powered Cab Chassis fitted with a 14,000 litre Water Tanker. (RPT/22/223)

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

12.5 Sprayed Bituminous Surfacing Contact - PT2122/08. (RPT/22/226)

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

12.6 Pooncarie - Menindee Road Reconstruction - Plant Hire Tenders. (RPT/22/269)

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

12.7 Old Wentworth Road - Supply & Delivery of Road Base Material - PT2122/13. (RPT/22/262)

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

reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

12.8 PT2122/14 - Punt Road Reconstruction. (RPT/22/263)

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

Council Resolution

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

Moved Cr. Evans, Seconded Cr Rodda

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 WENTWORTH BOWLING CLUB - GREEN SURROUND

File Number: RPT/22/260

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

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

Strategy: 4.2 Encourage locals to volunteer their time within their local community

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council:

- a) Approved a payment of \$5813.00 plus GST to the Wentworth Bowling Club to complete the project.
- b) Did not accept the committed \$25,637 from the Wentworth Bowling Club allowing those funds to be used by the club to achieve their desired accreditation.

**12.2 PEREGRINE MINERALS SANDS PTY LTD - BEMAX RESOURCES PTY LTD -
CRISTAL MINING AUSTRALIA LTD - IMPERIAL MINING (AUST) PTY LTD -
COURT COSTS**

File Number: RPT/22/228

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

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

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. On balance, the public interest in preserving the confidentiality of information about the item outweighs the public interest in maintaining openness and transparency in council decision-making.

The General Manager advised that Council

- a) Acknowledged in relation to Wentworth Shire Council v Bemax Resources Limited and others [2013] NSWSC 1364 Tronox Mining Australia Limited accepts the terms of the proposal and will pay costs of \$477,768.89.
- b) Advise through Marsdens Law Group, acceptance of the terms offered by Tronox Mining Australia Limited on behalf of itself and the subsidiary entities the payment in the sum of \$477,768.89

**12.3 PROJECT MANAGEMENT OF THE WENTWORTH SHIRE CIVIC CENTRE
REDEVELOPMENT BY GSD ARCHITECTS**

File Number: RPT/22/270

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

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

REASON FOR CONFIDENTIALITY

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 deferred the item until further information is provided at the point of tender.

**12.4 PLANT REPLACEMENT - APPROVAL FOR TENDERS FOR REPLACEMENT
PLANT 519 & 902 - DIESEL POWERED CAB CHASSIS FITTED WITH A 14,000
LITRE WATER TANKER**

File Number: RPT/22/223

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council accepted the tender from Johnson's Trucks for the supply of 2x UD CW 25 360 for the sum of \$696,958 inc GST, and accepted the trade price of \$70,000 inc GST for Council owned 2008 Flocon Water Tanker, plant item 519 & \$5,500 inc GST for Council owned 1993 Ford Water Cart, plant item 902, with a total changeover price of \$621,458 inc GST.

12.5 SPRAYED BITUMINOUS SURFACING CONTRACT - PT2122/08

File Number: RPT/22/226

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from Primal Surfacing to carry out the works specified in Contract PT2122/08 in accordance with the submitted schedule of rates for a period of 3 years with the option to extend for further 1+1 year period and authorised the Mayor and General Manager to sign the contract documentation.

12.6 POONCARIE - MENINDEE ROAD RECONSTRUCTION - PLANT HIRE TENDERS

File Number: RPT/22/269

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

Taygun Saritoprak - Project Officer

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

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) awarded the following tenders authorising the use of contractors in accordance with their hourly rates as nominated.

Those being:

PT2122/09: Water Truck hire rate

- BOTT Civil/Earthmoving (13,000ltr) \$100.00 per hour
- Bulpunga Enterprises (14,000ltr) \$100.00 per hour

PT2122/10: Land Plane Earth Scoop hire rate

- BOTT Civil/Earthmoving (18m³) \$250.00 per hour
- BOTT Civil/Earthmoving (23m³) \$350.00 per hour

PT2122/11: Pad Foot Roller Hire rate

- Garraway Earthmoving item 1 \$39.60
- Garraway Earthmoving item 2 \$39.60

PT2122/12: Tip truck and Super Dog Combination hire rate

- GBM Consulting (32t) item 1 \$165.00
- GBM Consulting (32t) item 2 \$165.00
- GBM Consulting (32t) item 3 \$165.00
- BOTT Civil/Earthmoving (25t) \$120.00
- Martin Earthworx (28t) \$145.20
- Mallee Earthmoving & Excavation (34t) \$200.00

12.7 OLD WENTWORTH ROAD - SUPPLY & DELIVERY OF ROAD BASE MATERIAL - PT2122/13

File Number: RPT/22/262

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

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

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council in accordance with the provision of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from Mallee Quarries Pty Ltd to undertake the supply and delivery of 29,000 tonnes of pugged dirty metal road base for Contract PT2122/13 in the amount of \$579,942.00 inc GST, and authorised the Mayor and General Manager to sign the contract documentation and affix the council seal.

12.8 PT2122/14 - PUNT ROAD RECONSTRUCTION

File Number: RPT/22/263

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Taygun Saritoprak - Project Officer

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

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1) (a) accepted the tender from KW Earthmoving Pty Ltd, and subsequently authorised the Mayor and General Manager to sign the contract documentation and affix the seal for the recommended contractor to carry out all works specified for PT2122/14 for \$216,244.00 GST inclusive.

13 CONCLUSION OF THE MEETING

Meeting closed at 8:06pm

NEXT MEETING

18 May 2022

.....
CHAIR



WENTWORTH SHIRE COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING** of Wentworth Shire Council will be held in the **WENTWORTH SHIRE COUNCIL CHAMBERS, SHORT STREET, WENTWORTH**, commencing at **6:30 PM**.

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

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

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

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

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

KEN ROSS
GENERAL MANAGER

ORDINARY MEETING

AGENDA

20 APRIL 2022

9.18 AUSTRALIAN INLAND BOTANIC GARDENS HERITAGE REQUEST

File Number: RPT/22/250

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest

Strategy: 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination

Summary

Council has received a request, from the Australian Inland Botanic Gardens, to add an item to the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage list.

The item is a 2,500 year old Eucalyptus Oleosa tree, also known as the WOW tree, located within the Botanic Gardens at 1183 River Road, Mourquong.

Recommendation

That Council:

1. Resolve to support the request for listing the 2,500 year old Eucalyptus Oleosa tree, known as the WOW tree, in the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage.
2. Resolve to prepare the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage on behalf of the Australian Inland Botanic Garden.
3. That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Detailed Report

Purpose

The purpose of this report is to provide details of the request received from the Australian Inland Botanic Gardens (AIBG) to add an item to the Wentworth Local Environmental Plan 2011 (WLEP) Schedule 5 Environmental heritage list and the process required to add the listing, should Council support the request.

Background

Council was contacted in July 2021 by the AIBG Office Manager seeking advice as to the process of heritage listing a 2,500 year old Eucalyptus Oleosa tree, also known as the WOW tree.

A subsequent onsite inspection of the tree, including a meeting with relevant Board members, was conducted to discuss the matter and the process of requesting Council to add an item to the WLEP heritage list.

Council is now in receipt of the request from AIBG to consider including the WOW tree to the WLEP Schedule 5 Environmental heritage list.

To support the request, the AIBG engaged a local forestry expert to prepare a report on the subject tree which includes comprehensive details of the tree, the state and national significance of the species and a heritage assessment of the tree based on NSW Heritage assessment criteria. It is considered that this report provides sufficient justification to support the request.

Refer to Attachment 1 – AIBG Request for Local Heritage listing of the WOW Tree.

Matters under consideration

The process to amend the WLEP, including adding items to the list contained in Schedule 5 Environmental heritage, is through the planning proposal process.

The planning proposal process is briefly outlined as follows:

- Preparation of a Planning Proposal which includes details of what the planning proposal aims to do, how it amends the WLEP, its consistency with strategic plans and state policy
- Submitting the Planning Proposal to the Department of Planning and Environment (DPE) requesting a Gateway Determination to proceed
- Exhibition of the Planning Proposal
- Consideration of submissions
- Request for Parliamentary Counsel Opinion
- Final submission to DPE for approval and notification of the amendment to the WLEP on the legislative website.

The request submitted to Council is not a Planning Proposal.

Council could support the request both in principle and by preparing the Planning Proposal on behalf of AIBG. Alternatively, Council could respond in writing advising that while it supports the request, a planning consultant will need to be engaged to prepare the Planning Proposal for the AIBG.

Options

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

- Support the request for adding the WOW tree as an item to the WLEP Schedule 5 Environmental heritage list, and
- Prepare the Planning Proposal on behalf of the AIBG, or
- Advise AIBG that a Planning Proposal must be prepared by a planning consultant to progress the request to add the WOW tree as an item to the WLEP Schedule 5 Environmental heritage list.

Legal, strategic, financial or policy implications

Should Council resolve to prepare the Planning Proposal on behalf of AIBG, the financial implications for Council include forfeiting the planning proposal fee, as per the 2021-2022 Fees and Charges, as it would then be a Council initiated Planning Proposal.

Conclusion

It is concluded that the most appropriate course of action is to advise AIBG that Council supports the request to list the WOW tree in Schedule 5 Environmental heritage of the WLEP and prepare the Planning Proposal on behalf of AIBG.

Attachments

1. AIBG Request for Local Heritage listing of WOW Tree (*Eucalyptus oleosa*).[↓](#)

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
 2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
 AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

1. General Information	
Local Council:	Wentworth Shire Council, NSW
Local Area:	Mourquong, NSW
State Electorate:	Murray
Name of Organization:	Australian Inland Botanic Gardens Inc
Address:	1183, River Road, Mourquong, NSW 2739
Postal Address:	P. O. Box 2809, Mildura, VIC 3502
Legal Status:	Not-for-profit
Date of Incorporation/Reg. No:	15 th January 1986/ A0007905N
Organization Structure:	The Australian Inland Botanic Gardens Inc, is led by a Board of Management made up of volunteers. Volunteers work in every area of the Gardens, including the office. The only paid staff are currently the Coordinator and three employees all of whom engage in field work.
Status re NSW Reserve	NSW Crown Land Manager of Reserve nos. 230087 and 230088
Name of Primary Contact:	Christine Gunaratnam
Position:	Office Manager
Contact Details:	M. 0416-459-469; E: aibgfiles@gmail.com;
Name of Secondary Contact:	Brian Cuddy
Position:	Coordinator
Contact Details:	M. 0408-604-879; E: ausibgmw@gmail.com

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

2. Summary of Item Description:

The majestic *Eucalyptus oleosa* at the Australian Inland Botanic Gardens (AIBG) is estimated to be around 2,500-years-old. It has weathered drought and threat of bushfire over centuries and has overcome the challenges of climate change. The estimate of its age was undertaken by Victor Eddy, a Forestry Expert who first volunteered his expertise to the AIBG in 2002 and has since then continued his voluntary services at AIBG (refer **Annex A** for Eddy's CV). The *Eucalyptus oleosa* is situated at the top of the ridge at AIBG some distance away from other trees which has enabled to some extent, its protection from bushfires. AIBG has avoided interfering with nature, thus promoting the natural growth and development of the tree. The only protection is a wooden fence erected around the tree as a signal to visitors that they should not progress beyond the fence.

Currently (September 2021), The lignotuber (mallee root) at ground level has an average diameter of 3.075metres (refer **Figure 1** below).

Figure 1. Lignotuber of the WOW Tree



Source: Cuddy, Brian (2021). Coordinator, Australian Inland Botanic Gardens.

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
 2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
 AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

The lignotuber has five stems growing out of it. Some years ago (30+), prior to the creation of AIBG, for whatever reason the northern most stem was cut off at what foresters would refer to as "breast height" (the nominal point for measuring a tree's diameter is referred to as breast height which is 1.4m above ground-level on the high side of the tree if on sloping ground. Usually referred to as 'dbhob' or 'dbhub' depending on whether the measurement was over or under bark). At the time that stem was cut it measured 32.5cm dbhub. That stem now has 7 younger stems (referred to as epicormic shoots) growing out of the stump, these measured at breast height over bark (dbhob) are 21.6cm; 7.4cm; 6.0cm; 8.5cm; 8.4cm; 9.1cm; and 5.7cm. The tree is 13.125 meters tall.¹ (refer **Annex B - C** for photographs of the *E. oleosa*).

AIBG refers to this 'oil mallee' or 'giant mallee' as the '**WOW Tree**' in view of its longevity in comparison to its other neighbors at AIBG and in the local area.

3. Location of the WOW Tree:

Enter the AIBG from River Road and drive the 400 metres through the colonnade of lemon scented gums (*Corymbia citriodora*) and park in the Rose Garden Carparks. At the top of the carparks turn right and walk the hilltop ridge to the west for approximately 450 metres. You will approach a 5-way crossroads intersection near the Australian Summerhouse. Just to the south of the intersection is the WOW Tree. The Tree is enclosed with a wooden post fence, which has a sign "WOW Tree, Australian Flora, Bed 6" and another display board detailing "The Story of the Mallee Tree" and a box of informative brochures about Mallee Trees. (Map of the AIBG - refer **Annex D**).

4. History of the species in Australia:

According to a report prepared by ABARES for the Department of Agriculture, 77% equivalent to 101 million hectares of total native forest area is covered by Eucalypt². The *Eucalyptus* is a genus of trees, shrubs and mallee that belong to the Myrtle family, Myrtaceae. The report further states that almost all types of *Eucalyptus* trees are native to Australia and can be found in all States. Eucalypt forests have remained throughout centuries, because of their unique ability to survive. There are between 700 and 900 species of *Eucalyptus* endemic to Australia. It is noted that over 50 per cent of them are known as Mallees.

Mallee is the Aboriginal name, now a part of common parlance, given to a large group of *Eucalyptus* species and comes from the Aboriginal word for a multi-stemmed or multi-trunked

¹ Eddy Vic, the WOW tree summary, email dated 13th September 2021.

² ABARES, (2019). [Australian forest profiles, Eucalypt](#).

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
 2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
 AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

tree. The Mallee trees also give their name to the Mallee region. Mallee woodlands and shrublands are considered one of Australia's major vegetation groups.

Large scale clearing of the Mallee for farming began in the late 1800s. The pioneers cleared the land and planted crops only to find the Mallee reshooting and requiring further cutting back before harvest could commence. Serious wind erosion occurred, reducing the fertility due to topsoil losses and increasing the dryland salinity of the soil. However, the Mallee has the capacity to survive even in the harshest conditions.

Today, at least 35% of Mallee in New South Wales, 65% in Victoria and 75% of Mallee vegetation in South Australia has been cleared for agriculture.³ Hence, it is important that remaining Mallee are protected as far as possible and the WOW Tree especially in view of its age from extinction.

5. Background to the species in the Murray region:

In 2016 of around 1.3 million hectares of native forests, 'Eucalypt Mallee Open' occupied 556,000 hectares in the Murray region⁴.

According to a UNESCO study (2017)⁵, the Barkindji Biosphere Reserve lies within the Murray-Darling River Basin. This Basin that encompasses New South Wales and Victoria consists of eleven land systems and the surface area is 191,823 hectares. Among the Administrative Authorities for the Reserve is the AIBG, as the land area falls within the Barkindji Biosphere.

The Barkindji were the original Aboriginal inhabitants of the biosphere area. Many of the Barkindji died in combat or moved away after the first Europeans moved into the area in 1830s. Today, the remnants of the Aboriginal community in the biosphere area are considered to be descendants of the Barkindji community.

It is a well-known fact that ancient Aboriginal communities had the capacity to live and adapt to the natural environment for over 60,000 years, in a way that was not mastered by more recent European settlers. Hence, the Mallee features significantly in Aboriginal history, and particularly in the biosphere.

To quote from the UNESCO report on the biosphere reserve:

"The Biosphere Reserve is of great ecological value, as it is home to 800-year-old river red gums and 3,500-year-old Mallee lignotubers." (UNESCO,2017).

³ Eddy Victor, (2019). AIBG, Mallee Brochure.

⁴ Department of Agriculture, (2021). "[About my region – Murray region New South Wales](#)".

⁵ UNESCO,(2017). Barkindji.

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

Hence, the above information gives some credibility to the existence of a 2,500-year-old Mallee tree.

The Aboriginal community's relationship to the Mallee and particularly the *Eucalyptus oleosa* is discussed in a subsequent section.

6. Background to the *Eucalyptus oleosa*:

The word '*oleosa*' is derived from the Latin word, '*olesosus*' that means bearing oil, as the *E. oleosa* has glossy-green oil-bearing leaves. The seedling can be distinguished by the 'dense, spiral linear seedling leaves.' The mature leaves are seen to have oil glands and in the past the leaves were used to manufacture cineole-based Eucalyptus oil.⁶ Hence, the *E. oleosa* is also called the Oil Mallee or Giant Mallee. Refer **Figure 2** below for a picture of the leaf from the *E. oleosa* at the AIBG. Note the oil glands on the larger section of the leaf below. The tree generally grows to a height of 8 to 10 metres and forms a lignotuber. The lignotuber contains resources, such as starch and buds that may promote re-growth if the tree branches are destroyed for example in a bushfire

Figure 2. The *Eucalyptus oleosa* (WOW Tree) Leaf



Source: Cuddy, Brian, (2021). Coordinator, Australian Inland Botanic Gardens.

⁶ Wikipedia, (2021). *Eucalyptus oleosa*.

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
 2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
 AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

The *E. oleosa* is commonly found in the Southern parts of Australia, including Western Australia, Southern Australia, Victoria and New South Wales. It is a drought-tolerant tree and has water-bearing roots similar to certain other types in the species.

7. Significance of the *Eucalyptus* in the State of NSW:

The National Parks Association of NSW undertook a preliminary assessment of the Eucalypt forests in the north-east of NSW located in the World Heritage-listed Greater Blue Mountains range.⁷ "Eucalypts are the defining feature of the Australian biota, with almost 900 species occurring continent wide". (p.8) states the report giving due importance to the Eucalyptus. The Eucalypts ability to adapt to diverse environments, taxonomy and ecology across the continent, has made it significant as a key part of a World Heritage site.

Whilst no other over 2000-year-old *Eucalyptus oleosa* could be identified in Australia, there were a few from other Eucalyptus species. One Eucalyptus is deemed to be around 13,000 years old and the article in the TIME magazine with photograph by renowned photographer Rachel Sussman reports that it is critically endangered and that there are less than five trees of the same kind remaining on the planet.⁸

Other Eucalyptus trees regarded as noteworthy both in and outside NSW are as follows⁹:

- A flooded gum, *Eucalyptus grandis* deemed to be around 400 years old in the Myall Lakes National Park, north of New Castle in NSW.
- Meelup Mallee, six *Eucalyptus phylacis*, that have sprouted from a clone deemed to be around 6,600 years old from a single ridgeline, south of Perth in Western Australia.
- Five Mongarlowe Mallee, *Eucalyptus recurva*, deemed to be in the range of 3,000 to 13,000 years old growing across four distinct sites in the Southern Tablelands of NSW. One of these ice age gums may be around 13,000 years old and corresponds to details of the Eucalyptus mentioned in the preceding paragraph. However, it is understood that it is not available for public viewing, given that it is critically endangered.

We note from the above information, that there appears to be no aged Eucalyptus tree other than those in South-West NSW mentioned above, and observe specifically that no such aged *Eucalyptus oleosa* similar to the WOW Tree exists in the State of NSW, or in Australia.

⁷ Ceres Boudicca, (2012), The Eucalypt Forests of Northeast New South Wales.

⁸ TIME, (2015). "These are 11 of the Oldest Things in the World."

⁹ Rykers Ellen, (2017). "Oldest continuously living things in Australia", Australian Geographic.

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
 2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
 AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

8. Significance for the Aboriginal people of Australia:

The Aboriginal people of Australia the earliest known inhabitants of Australia, deemed to have arrived here from around 40,000 to 60,000 years ago, lived close to nature. In their primitive state their lives revolved around satisfying their basic physiological needs utilizing their natural habitat. Water was a part of such basic needs, just as it is for most other organisms. Over centuries the Aborigines developed practices, some of which according to historical records could not be replicated by more recent settlers from the West. In this search for sustainable living plants and trees that had water-bearing roots became of paramount importance.

The first known reference to Aboriginals extracting root water from mallee trees was made by Edward Eyre on his acclaimed travels across southern Australia from 1840 to 1841.¹⁰

Ecologists, Noble and Kimber on the ethno-ecology of mallee root water mention that the *Eucalyptus oleosa* is one among the few mallee trees that retain water in their roots. Hence, in areas that are prone to drought and bushfires, the water bearing mallee trees were of great importance to the early Aboriginal communities, and a key part of their traditional and religious life. The said Ecologists mention that early Europeans were astonished at the abundance of clear, drinking water derived from the roots dug up by the Aborigines, and they (early Europeans) could not replicate this skill. Naturally, the water-bearing mallee became a life-giving resource for the Aborigines.

Quoting from Tindale's 1972 works:

'Men also wave *Eucalyptus oleosa*, water mallee branches, in the air to fetch cold, rainladen southerly winds.' (Tindale 1972, pp. 233, 236, 244)'

Hence, the *Eucalyptus oleosa* was regarded by the Aborigines as having spiritual properties in returning the rains to drought-ridden areas. In this context, it would not be wrong to observe that the *Eucalyptus oleosa* was revered by the Aboriginal community. It was hence, of cultural and spiritual value to the Aborigines who lived in the Murray region during and prior to European settlement in the area approximately 200 years earlier and their ancestors.

9. Significance in terms of NSW heritage assessment criteria:

Assessing the WOW Tree in terms of NSW heritage assessment criteria, it is observed as follows:

¹⁰ Aboriginal History, Volume 21 1997, Noble, James C and Kimber, Richard G, On the ethno-ecology of mallee root water, pp. 170-202.

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
 2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
 AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

- a. The WOW Tree species (*Eucalyptus oleosa*) occupies an important place in both the cultural and natural history of NSW, given its importance in the traditions and religious life of the Aborigines.
- b. This item has a special association with the life and works of 19th century ecologists/explorers who explored the Australian continent, including Edward Eyre, Ernest Giles, Richard Kimber and James Noble.
- c. It demonstrates aesthetic characteristics, in regard to its natural beauty in this semi-arid landscape as can be seen in Annexes B, C and D.
- d. It has special association with the Aboriginal community especially the Barkindji people who were the early inhabitants of the area and whose descendants still remain in and around the Murray region.
- e. The characteristics of the WOW Tree yield important information that enables an understanding of both NSW's natural as well as cultural history, as explained in the preceding sections.
- f. While the WOW Tree is not considered as uncommon or rare as regards its species, it is certainly rare in terms of age, estimated at 2,500 years.
- g. The WOW Tree being the only one of its kind and age according to existing records, is a stand-alone indicator of the ability to withstand natural disasters (bushfires, drought, climate change) over centuries in the natural environment.

10. Analysis of heritage significance:

The analysis of heritage significance is outlined below:

- a. Level of significance: research has not brought to light any other trees of the same or similar age group in the local government area of Wentworth Shire. The WOW Tree is observed to be the only survivor in this area, as well as in the Sunraysia and Murray regions and hence should be noteworthy in this context. Furthermore, it is the only one of the species *Eucalyptus oleosa* of this age in the State of NSW and there is no indication of such an aged *Eucalyptus oleosa* elsewhere in Australia.

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

b. Statement of heritage significance:

The 2,500-year-old WOW Tree (*Eucalyptus oleosa*) in the Australian Inland Botanic Gardens is of significant importance in the local government area of Wentworth Shire, as well as in the greater Sunraysia area, as it is observed there are no records of other trees of the same age and same species in these areas. The WOW Tree is historically important to the Aboriginal community in NSW as it has water-bearing roots and hence, has cultural significance for ancient Aboriginal rain-making ceremonies, that has been mentioned in historical records, along with its spiritual significance to the Aborigines.

Hence, Australian Inland Botanic Gardens Inc, submits the heritage listing application for the 2,500-year-old WOW Tree (*Eucalyptus oleosa*), located at the Australian Inland Botanic Gardens in Mourquong, NSW for the further consideration of the Wentworth Shire Council.

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

CV OF VICTOR I P EDDY

ANNEX A

Curriculum Vitae
Victor Ian Pierce Eddy B.Sc. (For) ANU

5 Dr. Abramowski Court ~ Mildura 3500
 Mobile 0488 038 835 ~ Home 03 5023 4795
 E-mail victor.eddy@bigpond.com

5/5/1943 **BORN** in Epping Sydney

EDUCATION

1948-1954 Eastwood Infants and Primary School

1955-1960 Fort Street Boys' High School

1961-1965 Bachelor of Science (Forestry) ANU. [yrs 1 & 2 at Sydney University]

(1962-1965 Trainee, Forestry Commission of NSW. As a trainee 1963 was a compulsory field year which involved thinning natural regrowth *P. radiata* post 1939 wildfires; measuring both *P. radiata* and native hardwood inventory and research plots ranging from Tumut in the south to Coffs Harbour in the north)

EMPLOYMENT

It was the need of employment between school and tertiary education that led me to forestry as a career. I wanted paid work between completing the Leaving Certificate exams and receiving my results. The NSW Forestry Commission provided me with that employment and encouraged me to apply for one of their traineeships.

1966-1988 **Forestry Commission of New South Wales**

Forester Mullumbimby (1966-68)- Native hardwood management & assessment. I designed and established the continuous forest inventory for the native hardwood forests of the Mullumbimby Management Area

Forester Kyogle (1968-70) - Native hardwood, rainforest & hoop pine plantation management; road survey, design & construction; tree nursery supervision; forest fire control

District Forester Forbes (1970-73) - Cypress pine & river red gum management; Amenity nursery management & tree planting extension.

District Forester Glen Innes (1973-84)- Native hardwood management; Pine plantation establishment & management; road survey, design, & construction; forest fire control; management planning.

District Forester Mildura (1984-88) - River red gum forest and arid woodlands, management, protection, and marketing.

1989-2010 **Company Forester, A.B. Rowe & Son Pty Ltd.**

I provided management & initiated assessment of 17 000ha of private river red gum forest (1989 – 2006) on Yanga Station on the Murrumbidgee floodplain at Balranald. I liaised with NSW & Vic Govt. Forest Services. I was the company representative on various committees. Forestry consulting, specialising in all aspects of river red gum forests, standing forest value estimation, establishment, management, harvest and conservation. This position became redundant when NSW Government converted its River Red Gum State Forests to conservation reserves effectively terminating this company's involvement in the river red gum timber industry.

1 of 4

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

CV OF VICTOR I P EDDY

ANNEX A

EXPERIENCE

As the District Forester Forbes I managed one of the NSW Forestry Commission's five Amenity Nurseries. Forbes Nursery supplying tree seedlings and extension advice to serve the Central Western Slopes and Plains, and the Southern Tablelands of NSW.

For A.B. Rowe & Son I established some 10ha of woodlot/windbreak plantings involving irrigation including drip, flood, and furrow. I established 20x0.6ha inventory plots

For 19 years I supervised the salvage of 10,000+tonnes/annum of firewood from logging residue on Yanga and Glen Avon Stations

Since the early 2000s I have provided Culpra Station with advice on river red gum forestry. In 2008 and 2010 I supervised a harvesting operation in compliance with the NSW Code of Native Forest Practice for River Red Gum. Culpra Station of 15,884 ha has 230ha of river red gum river frontage. Purchased by the Indigenous Lands Council it has been divested to Culpra Milli Aboriginal Corporation.

Over the past 25 years I have been a keen observer of irrigated woodlot plantings both successful and less than successful. In particular they include effluent irrigation woodlots of Sunraysia, Loxton, and Wagga Wagga.

I have provided specific consultation on the effects of indiscriminate flooding, and irrigation drainage reuse for tree planting on lands to the west of the Murrumbidgee Irrigation Area (MIA).

In 1990 I attended the "Direct Seeding and Natural Regeneration" Conference of Greening Australia. Then in 1992 I presented a paper on "The Lowbidgee Experience" to the "Catchments of Green" Conference of Greening Australia.

In 1992 I attended an international biodiversity conference in Canberra.

In 1993 I presented a poster-paper on "Private Native Forests" to the Inaugural Maurice Wyndham Conference at the University of New England "Sustainable Forests in Australia".

Consultation has included advice on current condition and future management options of private forests, and value estimates of standing forests, both red gum and mountain ash.

In 2005 the NSW National Parks and Wildlife Service purchased Yanga Station owner of the 17,000ha river red gum forest referred to above, to become National Park, specifically for its red gum forest values. This forest was purchased because the NPWS considered it to be a forest in good condition.

MEMBERSHIPS

Pre 1961

I was a member of the Caloola Club that identified itself as an expeditionary society. It owned an ex-airways coach that could carry 27 members and all their necessary camping and hiking gear, Christmas 1959 we set out to survey the flora and fauna of Nadgee Fauna Reserve to the north of Cape Howe (NSW/Vic Border) but due to the weather we spent 2 weeks on Gabo Island instead. I remained a member until 1961.

2 of 4

Pg 11 of 17

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

CV OF VICTOR I P EDDY

ANNEX A

- 1966-2018** *Institute of Foresters of Australia.* I was Secretary/Treasurer of the North Coast NSW Branch 1969/70. From 1989 to 2009 I attended every annual conference. At an Annual Conference in Canberra, I moved a motion that the IFA affirm its support of native forest harvesting. Despite influential efforts to water that motion down it was passed.
- 1966-1980** *Association of Apex Clubs* Elected to Club Board in my first year. I was a member of Mullumbimby; Kyogle; Forbes; and Glen Innes Clubs. I was a Board Member for at least part of every year I was a member, and held the positions of Club President, District Governor, and Zone Secretary/Treasurer along the way.
- 1989-2010** On behalf of A.B.Rowe and Son I represented Glen Avon Station, Balranald on the following: Chairman and Project Manager **Redbank Riparian Landcare Group Inc.** which was a Land & Water Management Planning Committee, within the Lowbidgee Controlled Flooding and Irrigation District on the lower Murrumbidgee River.
Lowbidgee League
 Representative of the *League* to the **Murrumbidgee River Water Users Association** from 1997-2000
NSW Farmer's Association: District delegate to Annual Conference 2008 & 2009
- 1989-2000** *Murray Darling Association* Private member.
- 1989-2001** *Australian Conservation Foundation;* Foundation member of the Sunraysia-Mallee Branch
- 1990-1993** *Nyah to the S.A. Border Salinity Management Planning Committee.* I was a member through to the launch of the completed salinity management plan. This Plan is for the private diversion of irrigation water in Victoria from the Murray River downstream of Nyah (near Swan Hill).
- 1994-2016** **Yelta Landcare Group Inc.** Treasurer since its foundation. I was also the Public Officer until the Act determined that this was to be the secretary's responsibility.
- 1995-2018** **Australian Forest Growers**
- 1996-2000** **Lower Murray-Darling Catchment Management Committee.** As a land user member.
- 1996-2003** **Murray-Riverina Farm Forestry.** This was a NSW Dept. Regional Development Committee set up to promote forest establishment, including irrigated plantations, and management. I was the NSW Forest Products Association representative.
- 1996-1997** *Friends of Nyah-Vinifera Forest:* Foundation member but resigned when they amended their constitution to deny those with a commercial interest the right to vote.
- 1998-2000** **Mallee Agroforestry Initiative Steering Committee** Set up by greening Australia in Sunraysia and comprising a select group of some 6 experienced people both private & govt.
- 1999-2003** *Western Riverina Regional Vegetation Committee* As a representative of rural interests through to completion of the management plan.

3 of 4

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

CV OF VICTOR I P EDDY

ANNEX A

- 2001- *Palm Terrace Owners Corporation*: A townhouse strata development. President 2008-9 Secretary from 2009.
- 2002-2006 *River Red Gum Forest Industry Strategy*: Chairman of the *Forest and Log Residue Working Group* 2003 to 2006.
- 2002-.... *Australian Inland Botanic Gardens*: Committee member. I was elected Vice-president 2010. From June 2012 to May 2016, I was the Honorary Director. Since June 2016 I have been President of The Friends of the Australian Inland Botanic Gardens. For the last three years I have been working as a volunteer to help overcome a labour shortage. These Gardens are owned and run by a not-for-profit committee and believed it could not afford to replace three staff members that left. I was awarded "Life Membership" on 7th March 2019.
- 2003-2004 *River Red Gum Grading Review & Log Grading Training Committee*: Represented the River Red Gum industry on the committee of State Forests, TEMS (training provider), and industry. Reviewed the Red Gum log grading manual and developed a training programme for the accreditation of red gum log graders. As a result, I received a certificate to certify me as competent to "Grade Logs and Mark for Segregation (Red Gum)" dated 5/07/2004
- 2004 *Private Native Forestry Working Group*: By Ministerial appointment I represented private forest owners and the red gum timber industry. This group's purpose was to write a Code of Forest Practice to serve as the Private Native Forest Regulation under the Native Vegetation Act 2003 (NSW). The Minister disbanded this group for not completing the code within six months and the task was handed to the newly formed Natural Resource Advisory Council (NRAC) Sub-committee. In October 2006, by invitation, I gave a presentation on river red gum silviculture to the NRAC PNF Sub-committee. After some 2.5 years that committee had not completed the regulatory code and the task was given to a Departmental Forester. I claim responsibility for a spatial condition being written into the code for river red gum forests which allows small dense clumps to be thinned.
- 2009-2010 *Private Native Forestry Training Steering Committee*: In March 2009 I was invited to represent the NSW Farmers' Association on this Committee.

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

THE WOW TREE (POST-DROUGHT) 2020

ANNEX B



Pg 14 of 17

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

THE WOW TREE – 30TH SEPTEMBER 2021

ANNEX C



Pg 15 of 17

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

MAP OF THE AUSTRALIAN INLAND BOTANIC GARDENS **ANNEX D**

Map : Australian Inland Botanic Gardens



AUSTRALIAN INLAND BOTANIC GARDENS INC REG NO. A0007905N

MAP OF THE AUSTRALIAN INLAND BOTANIC GARDENS

ANNEX D

<p>Features of the Australian Inland Botanic Gardens</p> <p>Mallee Bed 16 (M 16) Combined with M 18 this bed is made up of plants donated by The Royal Melbourne Botanic Gardens to celebrate their 150th anniversary.</p> <p>Australia Bed 1 (Aus 1) This bed features a display of some Rare & Threatened Species within a 200km radius of Mildura</p> <p>Australia Bed 6 (Aus 6) This bed is one of the gardens main features and contains only 1 plant, a 2500+ year old Mallee Tree. We call this our WOW tree.</p> <p>Australian Beds 17, 18, 19 (Aus 17, Aus 18, Aus 19) These beds contain a variety of Sub Tropical plants from throughout Australia</p> <p>The Australian Summer House This typical Australian Treated Pine Summer House contains a beautiful Seed Pod Ceiling using an assortment of seed pods and dried flowers to create a spectacular ceiling display.</p> <p>The Rose Garden The Rose garden consists of over 1500 roses set to range in height and colour. Beautiful scents and amazing colours.</p> <p>The Bush Chapel The Bush Chapel was created to bring much needed cash injections to the gardens. It is a popular location for weddings, funerals, church services and christenings</p> <p>The Nature Trail The Nature Trail is an 800m walk through a mixture of Australian Native plants. Interpretative signs, a Childrens class room and a mock Mallee Fowl Nest also add to the experience.</p> <p>The Salt Tolerant Walk Take the time to walk through one of the first areas planted in the Gardens. This area was affected by salt due to a high water table. Salt Tolerant Australian Native Plants were placed in several beds and were very successful in removing the water table and salt problem. Left mostly untouched it is definitely worth a look.</p> <p>Desert Pea Display The Desert Pea Display area is certainly worth a visit. Plants have been growing and regenerating for the last few years and when in flower create a beautiful carpet of red. Worth taking the time to find the plant with a different coloured boss (eye).</p> <p>Garrung Coffee Shop Garrung Coffee Shop is located at the end of the bitumen drive. It is an amazing 150+ year old drop log homestead that was transported and re-erected at its current site in 1992. Have a look at the way the building was created whilst you enjoy a drink and something to eat.</p>	<p>Features of the Australian Inland Botanic Gardens</p> <p>Magenta In the Gardens The Magenta Shearing Shed was erected in 2004 to serve as a function area for a lot of the weddings held at these gardens. It holds around 150 guests and although not re-built to look like a shearing shed inside, the structure, created using Chinese Migrant skills is well worth the look.</p> <p>Peaka Homestead Peaka Homestead is another 150+ year old drop log homestead that has been added to Magenta. It has been built onto a modern frame and lined outside with all of the original materials. Inside is a modern catering kitchen allowing for the whole Wedding Function to be done in one place.</p> <p>Self Guided Tour Road The Self Guide Tour road is designed to allow visitor to see as much of the 124 acres as possible. Starting at the Garrung Coffee Shop car park it is the only driveable track within the gardens. Car parks are located along its length to allow visitors to stop and wander to the various different sites around the gardens.</p> <p>Children's Garden European Bed 3 has been adapted into an amazing Children's Garden full of fabulous things for the kids to play with, on or in. Relax on a park bench as the kids run amok.</p> <p>The gardens are a No Smoking area and we would appreciate those who smoke to please refrain unless you are in the designated area at the rear of Garrung Coffee Shop</p> <p>Dogs are permitted within the gardens but must be on a lead and you must clean up any accidents</p> <p>All tracks apart from the main driveway and the Self Guided Tour Road are walking tracks only. There are plenty of car parks to leave your car and have a wander. Please be aware of pedestrians and other moving vehicles.</p>	<p>Events at the Australian Inland Botanic Gardens</p> <p>Big Brekkie The Big Brekkie is held on the 4th Saturday of every month. Starting at 8:30 am and running to 12:00pm you can relax and enjoy a gourmet brekkie before doing a Tractor Train Tour of the gardens. These run at 10:00am and 11:00am</p> <p>Magenta Art Show Held every Easter weekend, the Art Show is a major attraction. Artworks from all around Australia are on display and prizes are determined by reputable judges. A gold coin donation is welcome as you enter.</p> <p>Magenta Artists The Magenta Artists is a group of people who create beautiful artwork using many different types of media. They operate out of Peaka Homestead every Wednesday from 10:00am until 4:00pm and you are more than welcome to visit them and see what they are creating.</p> <p>Weddings and Functions These can be booked by going to venuehire.aibg@gmail.com or phoning Gwen Wilkinson on 0418 969 475</p> <p>Tractor Train Tours Tractor Train Tours are available throughout the year. The train will seat 48 passengers and takes approximately 1 hour. The driver will give a running commentary over the PA system as you go along. The cost is \$10 per adult, children 12 and under ride free. To book the train you can ring 03 50233612 or speak to Brian On 0408 604879</p> <p>Please note that the drivers are volunteers and as such may not be available at certain times</p> <p>This Speed Limit applies throughout the gardens</p> <p>These Gardens are run by Donation Money. Please assist us by putting a donation in any of the donation boxes throughout the gardens</p>
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9.19 FLOOD RISK MANAGEMENT PROJECT

File Number: RPT/22/264

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

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

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

Summary

The Flood Risk Management project commenced with the signing of a Short Form Consultancy Agreement in July 2015 and an inception meeting of the committee held in August 2015.

A final draft Flood Study was received from the consultants, Advisian (formerly Worley Parsons) in July 2021.

This report seeks a resolution of Council to terminate the contract with Advisian to allow for the project to be progressed in a more efficient and beneficial manner for Council and the community.

Recommendation

That Council resolves to advise Advisian (formerly Worley Parsons) that the Short Form Consultancy Agreement is terminated in accordance with Clause 15 of that agreement.

Detailed Report

Purpose

The purpose of this report is to provide Council with the information required to make an informed decision with respect to the progression of the Flood Risk Management project (the project).

Background

Following the commencement of this project in 2015, Council received a draft Flood Study in August 2017 which was referred to the Department of Planning (DPE) for review by the relevant officers who deal with flood risk management projects in the Western Region, currently the Biodiversity and Conservation division (BCD).

Further work on the document was required to be conducted by Advisian with a new draft Flood Study being submitted for review in August 2020.

Following a second review of the document by BCD, Council was advised that an updated Flood Frequency Analysis was required and as the document was 'aged' an update of references to state legislation and policy was also required.

A final draft was submitted to Council in July 2021.

Matters under consideration

Council has been liaising with BCD and there are concerns around the accuracy of the data and flood modelling software used to prepare draft study.

More specifically the issues relate to the RMA-2 model used by Advisian. TUFLOW is now considered to be the most accurate modelling software for flood assessment and is used extensively by consultants when preparing flood studies.

Additionally, there have been lengthy timeframes in which work is being conducted and documents submitted to Council, which has required a review of the project scope, timeframe schedule and budget adjustments.

Council has been invited to apply for grant funding from DPE to continue the project. Most importantly, the funding will assist with the preparation of all of the documents required by the Floodplain Development Manual by consultants who have recently completed similar flood projects for rural councils to the satisfaction of BCD.

Options

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

- Terminate the Short Form Consultancy Agreement with Advisian (formerly Worley Parsons) and
- Request all data related to the project be provided to Council, or
- Continue to work with Advisian (Worley Parsons) to complete the project.

Legal, strategic, financial or policy implications

Land use planning and management under the Environmental Planning & Assessment Act 1979 is the responsibility of Council. This requires Council to identify risks and manage development on flood prone land.

The Flood Risk Management project will guide, inform and facilitate appropriate amendments to the Wentworth Local Environmental Plan 2011 and local strategic planning decision making. It will also inform and guide Council and agencies when responding to and acting in an emergency capacity during a flood event.

Termination Clause of Contract

(15) Client may terminate this agreement if:

- (i) WorleyParsons breaches an essential item of this Agreement and does not remedy that breach within 14 days of being notified of the breach in writing; or
- (ii) Client gives WorleyParsons 30 day's written notice of its intention.

Conclusion

The recommendation in this report facilitates the progression of the Flood Risk Management project.

Attachments

Nil

9.20 POLICY REVIEW - DEPARTMENT ROADS & ENGINEERING

File Number: RPT/22/225

Responsible Officer: Bernard Rigby - Manager Engineering Services

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

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

Summary

After each general election of Councillors, the Local Government Act 1993 (the Act) requires Council to review all official policies of Council. There are currently 74 policies in place of which 8 are the responsibility of the Roads & Engineering Department.

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

Recommendation

That Council adopt the following revised policies:

- a) AF005 – Plant Replacement Policy
- b) AF006 – Private Works Policy
- c) CC008 – Street Trees Policy

Detailed Report

Purpose

The purpose of this report is to update Council on the process of reviewing Council policies that has begun following the general election of all Councillors.

Background

After each general election of Councillors, the Act requires Council to review all official policies of Council. There are currently 74 policies in place of which 8 are the responsibility of the Roads & Engineering Department.

Report Detail

For this report staff within the Roads & Engineering Department have reviewed the following policies:

- a) AF005 - Plant Replacement Policy
- b) AF006 - Private Works Policy
- c) CC008 - Street Trees Policy

As part of ongoing continuous improvement, a new template for both Council and Operational policies has been developed to ensure consistency and ease of use. As part of the review process all existing policies will be updated using the new policy template.

While reviewing the policies it has been determined that these policies are still a required policy of Council and that the current scope and intent of the policies are still relevant, therefore only minor formatting and administrative updates in order to reflect best practice have been made to these policies. It is therefore recommended that these policies be adopted.

Conclusion

The Roads & Engineering Department is currently responsible for 8 Council policies. For this Council meeting the department has reviewed three policies

And are presenting them to Council for adoption. It is the recommendation of the responsible officer that these policies be adopted.

Attachments

1. AF005 Plant Replacement Policy [↓](#)
2. AF006 Private Works Policy [↓](#)
3. CC008 Street Trees Policy [↓](#)
4. Street Trees Policy - Attachment 1 Preferred Species List [↓](#)

Wentworth Shire Council

Word Document Reference: DOC/22/5084

Council Policy No: AF005**PLANT REPLACEMENT POLICY**

POLICY OBJECTIVE

This official Council policy documents Council's system for the timely and appropriate replacement of plant items

1. POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which review the expected useful life and replacement schedule of Council's Plant items is conducted in a manner which represents best value for Council's procurement activities and is undertaken in accordance with Council's Procurement Policy.

2. POLICY COVERAGE

This policy applies to all Councils major plant & equipment items.

3. STRATEGIC PLAN LINK

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

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

4. DEFINITIONS AND ABBREVIATIONS

Value for Money	The most advantageous financial outcome for Wentworth Shire Council.
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5. POLICY CONTENT

This policy establishes the expected useful life and replacement scheduling for major plant and equipment items and should be read in conjunction with Council's Asset Management Strategy & policy and Long-Term Financial Plan.

It is the policy of this Council that: -

- Where appropriate, items of plant are to be standardised, but at all times must demonstrate value for money for Council.
- Plant specifications are to be prepared by the relevant department and approved by the General Manager.
- Where an identified risk, hazard or default with an individual item of plant is identified, the need for risk mitigation will override the plant replacement schedule.
- Procurement of all major items of plant and equipment shall be undertaken in accordance with Council's Procurement Policy (GOV003) and be undertaken only by those members of staff with the appropriate levels of delegated authority (GOV009).
- Items of plant shall be replaced in line with the following schedule: -

Wentworth Shire Council

Word Document Reference: DOC/22/5084

Council Policy No: AF005**PLANT REPLACEMENT POLICY**

General Manager & Mayor	2 years or 40,000 km
Sedans and 4 wheel-drives	4 years or 100,000 km
Utilities	4 years or 100,000 km
Medium and large trucks, Jet Patcher	8 years or 160,000 km
Rollers, tractors, backhoes	8 years or 6000 hrs
Graders, loaders	10 years or 10,000 hrs.
Mowers	3 years or 3,000 hrs.
Small plant and equipment	As need basis.

6. RELATED DOCUMENTS & LEGISLATION

- GOV009 - Wentworth Shire Council Procurement Policy
- GOV003 - Delegated Authority Policy
- Long Term Financial Plan
- Wentworth Shire Council Operational Policy

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

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

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed:

[Click here to enter a date.](#)

General Manager Wentworth Shire Council**Date**

Wentworth Shire Council

Word Document Reference: DOC/22/5378

Council Policy No: AF006**PRIVATE WORKS POLICY**

POLICY OBJECTIVE

This official Council policy documents how to promote full utilisation of Council's plant items.

1. POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establishes systems that provides members of the public the opportunity to hire Council's plant for unique situations that require specialised plant without entering into competition with local suppliers.

2. POLICY COVERAGE

This policy applies to all areas of Council's operations and is to be applied in exceptional circumstances only, at the discretion of Council senior management.

3. STRATEGIC PLAN LINK

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

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

4. DEFINITIONS AND ABBREVIATIONS

Private Works	The undertaking of agreed works for private purposes
Fees & Charges	Fees & Charges listed in Council's Operations Plan – Annual Fees & Charges.

5. POLICY CONTENT

- 5.1 Council shall nominate items of plant to be hired out to members of the public. The items are listed in Council's Annual Fees and Charges.
- 5.2 It is not the intention of Council to enter into competition with local suppliers in undertaking Private Works.
- 5.3 Private Works are to be carried out on a full cost recovery basis, including appropriate overheads for staff time and administrative costs.
- 5.4 These costs are reflected in Council's Operational Plan - Annual Fees and Charges.
- 5.5 Private Works will only commence after the signing of an agreement between Council and the person responsible for payment of the applicable fees.
- 5.6 No Private Works agreement will be entered into if the person responsible for payment has outstanding monies owed to Wentworth Shire Council.
- 5.7 All Workplace Health and Safety standards must be adhered to at all times.

6. RELATED DOCUMENTS & LEGISLATION

- Wentworth Shire Council Operational Plan – Annual Fees & Charges

7. ATTACHMENTS

Nil.

Wentworth Shire Council

Word Document Reference: DOC/22/5378

Council Policy No: AF006**PRIVATE WORKS POLICY**

8. DOCUMENT APPROVAL

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A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed:

[Click here to enter a date.](#)**General Manager Wentworth Shire Council****Date**

Wentworth Shire Council

Word Document Reference: DOC/22/5398

Council Policy No: CC008**STREET TREES POLICY****POLICY OBJECTIVE**

This Official Council Policy is to ensure a coordinated, collaborative and consistent approach to type, planting, maintenance and replacement of street trees in the Wentworth Shire Council Local Government area.

1. POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establish a system which provides consistency in relation to street trees., at the same time, considering the local climate, degree of maintenance required – including watering.

It also establishes protocols regarding responsibility where street trees are concerned.

2. POLICY COVERAGE

This policy is applicable to all street trees operations within the Wentworth Shire Council local government area.

3. STRATEGIC PLAN LINK

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

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

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Street Trees	Trees planted on nature strips and/or areas of Crown Land in the Wentworth Shire Council area.
Preferred Species	Wentworth Shire Council Preferred Species list Wentworth Shire of street trees. (Full list with description and photographs attached).
Heritage Significant Trees	A tree that has been Heritage listed, or deemed significant

5. POLICY CONTENT

It is the policy of this Council that:

- New street tree plantings are to be selected from the preferred species list – as per list attached to this policy.
- Where an owner or occupier requests the removal of live street trees, the work is to be carried out at their own expense, and that where replacements are required, suitable varieties and spacing be arranged through Council staff.
- New Street trees shall be provided by Council.
- Preferred species shall be selected considering: - the local climate, maintenance requirements and watering requirements.
- Spacing and number of street trees shall be determined by Council Parks and Garden staff and/or Council's Subdivision Officer.

Wentworth Shire Council

Word Document Reference: DOC/22/5398

Council Policy No: CC008**STREET TREES POLICY**

- Developers shall be provided with a copy of the preferred species list.
- Street trees shall not impede power lines or other overhead obstacles.
- Street trees shall not impact underground services – i.e. water, sewer, power or telephone.
- Where an owner requests the removal of a dead street tree, or Council Parks and Garden staff deem a street tree to be dead, it shall be removed by Council and be replaced by Council; unless such street tree was relocated and replanted by the said owner to accommodate a vehicular crossing, it is then the responsibility of the owner to remove and replace the street tree at their own expense.
- Heritage listed, or “significant” trees shall be assessed by Council’s Parks and Gardens Staff with regard to condition and safety. Relevant authorities shall be included in decisions regarding such trees.

6. RELATED DOCUMENTS & LEGISLATION

- NSW Civil Liberties Act 2022 (No.22)
- Local Government Act 1993

7. RELATED DOCUMENTS & LEGISLATION

CC008 Attachment 1 – WSC Preferred Street Trees species list (DOC/19/755)

8. ATTACHMENTS

Nil.

9. DOCUMENT APPROVAL**For Council Policies please use the following, otherwise delete**

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

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

A PDF copy of the signed document can be accessed from Council’s record management system and Reliansys.

Signed:

General Manager Wentworth Shire Council**Date**

CC008 Attachment 1 - Preferred Street Trees Species List (DOC/19/755)

Street Trees – no power lines or overhead obstacles

1. *Pyrus Calleryana* 'Capital' - *Ornamental Pear Varieties*
This tree has a narrow growth habit with luscious shiny green leaves that hang vertically from branches. An attractive curl in the foliage adds further interest and the slender, columnar shape lends itself well to tight spaces. In autumn, leaves turn a purple-red colour and spring brings a beautiful display of lovely white flowers followed by small, russet coloured fruits. Excellent for street planting.
2. *Fraxinus oxycarpa* 'Raywoodii' - *Claret Ash*
An attractive, some say fast growing deciduous tree with an upright growth habit and open canopy. The foliage is deep green and narrow in summer and as autumn approaches, turns a rich claret colour, hence the name. This is a beautiful tree with stunning autumn colours, tolerant of frost and drought.
3. *Brachychiton Acerifolius* - *Illawarra Flame Tree*
A drought tolerant, slow growing tree native to the warmer parts of the east coast of Australia, this tree is known for its masses of crimson flowers in spring-summer when the tree is totally devoid of foliage. Ideal for parks and streetscapes as a feature tree.
4. *Eucalyptus Leucoxylon* 'Rosea' – *Red Flowering Yellow Gum*
This tree has a smooth trunk with cream to grey coloured bark which sheds in flakes. It has narrow shaped green leaves and as it matures, forms a large open canopy. From autumn to spring, an abundance of red flowers appear in clusters of three attracting a variety of birdlife. Can be used in parks, gardens and street plantings
5. *Lophostemon Confertus* - *QLD Box Tree*
Is a fast growing tree which is rarely affected by pests and diseases? Dome-like in shape, it develops a very dense foliage cover of dark green, leathery leaves providing good shade. This variety rarely sheds limbs and has salmon coloured bark which flakes off over summer revealing orange-brown tones on the trunk. Summer also brings clusters of small white flowers. Great for parks and gardens and as a feature tree.

Street Trees – under powerlines**1. *Fraxinus Griffithii* - Evergreen Ash**

This fast growing, drought tolerant, attractive tree has leaves that are green and shiny on the top and hairy silver coloured underneath. They are oval shaped with pointy tips. The flowers appear in panicles, are white and born in spring. Great for avenue planting.

2. *Hakea Laurina* - Pincushion Hakea

Small evergreen which can be grown as a tree or shrub. Long leathery leaves are thick and smooth with prominent veining and have a tendency to wave and curl. Fascinating, cherry red, ball like flowers appear from autumn to late winter, adorned with long, white pin-like stamens. It is a hardy, drought tolerant plant which attracts birds.

3. *Eucalyptus Platypus* - Platypus Gum

The multi stemmed nature of this variety together with its dense canopy of rounded leaves gives this tree a large shrubby look. Growing between 5 - 7 metres in height, it has a rounded form to ground level, making it a good choice for screening and windbreaks. Bark is smooth and light brown in colour. Creamy yellow to greenish yellow coloured flowers appear from spring through to autumn. Relatively fast growing, this variety will tolerate heavy soils and responds well to pruning.

4. *Wilga Tree- Gerijera Parvifolia*

Slow growing native tree with attractive dark green foliage. Flowers are small and white and strongly-scented. With a rounded form to 9m. This tree is extremely hardy once established. It is tolerant to a wide range of soil and climate types.

5. *Lagerstroemia Indica x Fauriei*- Crepe Myrtle

Attractive flowering tree. They are deciduous, growing between 3-6m tall. Trusses of white, pink, mauve or purple blooms appear in late summer. Great as a feature tree.

1

¹ Information sourced from Speciality Trees www.specialitytrees.com.au

Street Trees – no power lines or overhead obstacles

Eucalyptus Torquata - Coral Gum

- Removed

Pyrus Calleryana 'Capital' - Ornamental Pear Varieties



Eucalyptus Leucoxylon 'Rosea' – Red Flowering Yellow Gum



Fraxinus oxycarpa 'Raywoodii' - Claret Ash



Lophostemon Confertus - QLD Brush Box



Brachychiton Acerifolius - Illawarra Flame Tree

Street Trees - under powerlines

Fraxinus Griffithii - Evergreen Ash



Lagerstroemia Indica x Fauriei - Crepe Myrtle

Hakea Laurina - Pincushion Hakea



Callistemon Viminalis - Bottle Brush Varieties

- Removed

Eucalyptus Platypus - Platypus Gum



Wilga Tree - Gerijera Parvifolia

9.16 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 – PLANNING PROPOSAL TO HERITAGE LIST THE WOW TREE AND AMEND HERITAGE MAPPING LOT 1170 DP 820161

File Number: RPT/24/406

Responsible Officer: George Kenende - Acting Director Health & Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Acting Director Health & Planning

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

Strategy: 4.1 Consistently engage and consult the whole community to ensure that feedback is captured and considered as part of decision-making and advocating processes

Summary

Wentworth Shire Council has received a Planning Proposal from Cadell Consulting Services on behalf of Australian Inland Botanic Gardens Inc.

The Planning Proposal seeks to:

1. Amend Schedule 5 of the Wentworth Local Environmental Plan 2011 by adding a 2,500 year old Eucalyptus Oleosa tree, also known as or commonly referred to as the 'Wow Tree'.
2. Amending the Wentworth Local Environmental Plan 2011 mapping *Heritage Map – Sheet HER_004 Item - General*

Recommendation

That Council:

- a) Submit the Planning Proposal to the Department of Planning Housing and Infrastructure 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 Action 1979*.
- b) 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 Council with the information required to make an informed decision with regard to the Planning Proposal, based on the content of the planning proposal submitted by Cadell Consulting Services (the proponent) and the Planning Proposal Assessment (the assessment) undertaken by the Health and Planning Division.

Background

The Local Strategic Planning Statement was undertaken by Council's Health and Planning Department and formerly endorsed by the Department of Planning. One of the priority areas identified by the LSPS was the preservation and promotion of heritage within the Council area.

The subject land is located at 1183 River Road, Mourquong in southwestern New South Wales between Buronga and Dareton. The closest town, Buronga, is situated approximately

4.5 kilometres to the southeast of the subject site. The regional city of Mildura is located approximately 7 kilometres to the south via Buronga.

The subject site has direct access from River Road on the southern boundary and Buronga Hill Road on the north eastern boundary. The subject site is Crown Land with Australian Inland Botanic Gardens Inc designated as the Crown Land Manager of NSW Reserve R230087 and R230088.

The planted garden area of the subject site where the WOW tree is located encompasses an area of approximately 50 hectares and includes multiple buildings used for souvenir sales, weddings, events, conferences and activities include train tours, nature walks and community events.

Based on an overall view of the surrounding area and existing uses of the subject land, the heritage listing will not impact any of the existing uses.

Refer to Attachment 1 Planning Proposal with attachments.

Matters under consideration

This Planning Proposal has been prepared to list a significant heritage item within the Wentworth Local Environmental Plan 2011 and to promote and provide addition protection to it against any future land uses on the land.

Early consultation with the Department of Planning Housing and Infrastructure was undertaken to gauge the agencies support or concerns for the proposed amendments to the Wentworth Local Environmental Plan 2011. The response received from the agency regarding the proposed amendments to the Wentworth Local Environmental Plan 2011 identified some further work to the planning proposal which have been addressed by the applicant.

A detailed assessment of the planning proposal has been undertaken to determine if the proposed heritage listing and map amendment is justified in seeking the support from Council to submit to the Department of Planning Housing and Infrastructure for consideration of a Gateway Determination.

Refer to Attachment 2 Planning Proposal Assessment Report

The Assessment Report concludes that the planning proposal as submitted, with minor amendments to the timeframe, satisfactorily addresses the requirements of the Guide to Preparing Planning Proposals, Ministerial Directions, applicable State Environmental Planning Policies and other relevant local and state strategies and plans.

Options

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

1. Submit the Planning Proposal to the Department of Planning Housing and Infrastructure for consideration of a Gateway Determination,
Or
2. Refuse to support the Planning Proposal.

Legal, strategic, financial or policy implications

The endorsement of the attached Planning Proposal will allow it to be submitted to the Department of Planning Housing and Infrastructure for consideration of a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979.

Conclusion

The Planning Proposal prepared by Cadell Consulting Services requests Council's support for the heritage listing the WOW tree and amending the heritage mapping.

The assessment of the Planning Proposal determines that the proposal is justifiably supportable and adequately responds to the requirements of the Guide to Preparing

Planning Proposals, Ministerial Directions and applicable State Environmental Planning Policies.

Attachments

1. Planning Proposal with attachments [↓](#)
2. Planning Proposal Assessment Report [↓](#)

9.16 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 – PLANNING PROPOSAL TO HERITAGE LIST THE WOW TREE AND AMEND HERITAGE MAPPING LOT 1170 DP 820161

File Number: RPT/24/406

Responsible Officer: George Kenende - Acting Director Health & Planning
Responsible Division: Health and Planning
Reporting Officer: George Kenende - Acting Director Health & Planning

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

Strategy: 4.1 Consistently engage and consult the whole community to ensure that feedback is captured and considered as part of decision-making and advocating processes

Summary

Wentworth Shire Council has received a Planning Proposal from Cadell Consulting Services on behalf of Australian Inland Botanic Gardens Inc.

The Planning Proposal seeks to:

1. Amend Schedule 5 of the Wentworth Local Environmental Plan 2011 by adding a 2,500 year old Eucalyptus Oleosa tree, also known as or commonly referred to as the 'Wow Tree'.
2. Amending the Wentworth Local Environmental Plan 2011 mapping *Heritage Map – Sheet HER_004 Item - General*

Recommendation

That Council:

- a) Submit the Planning Proposal to the Department of Planning Housing and Infrastructure 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:

- a) Submit the Planning Proposal to the Department of Planning Housing and Infrastructure 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 Rodda

CARRIED UNANIMOUSLY

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

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

Against the Motion: *Nil.*