



WENTWORTH SHIRE COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING** of Wentworth Shire Council will be held in the **MIDWAY CENTRE, BURONGA AND VIA VIDEO CONFERENCING**, commencing at **10:00AM**.

The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website and a person's image and/or voice may be broadcast.

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.

KEN ROSS
GENERAL MANAGER

ORDINARY MEETING AGENDA

16 DECEMBER 2020

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1 OPENING OF MEETING

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

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4 DISCLOSURES OF INTERESTS

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 18 November 2020 be confirmed as
circulated.



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

18 NOVEMBER 2020

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:00AM.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

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

STAFF: Ken Ross (General Manager)
Matthew Carlin (Director Health and Planning)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Gayle Marsden (Executive Assistant General Manager)
Chloe Horne (Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Councillor Heywood advised that he had a significant non-pecuniary interest in Items 12.7 and 12.8.

Councillor MacAllister advised that he had a less than significant non-pecuniary interest in Item 9.5.

Councillor McKinnon advised that he had a significant non-pecuniary/interest in Items 12.7 and 12.8.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 21 October 2020 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 21 October 2020 be confirmed as circulated.

Moved Cr. Nunan, Seconded Cr. Wheeldon

CARRIED

Recommendation

That the Minutes of the Extraordinary Meeting held 9 November 2020 be confirmed as circulated.

Council Resolution

That the Minutes of the Extraordinary Meeting held 9 November 2020 be confirmed as circulated.

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/20/772

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

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

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

Summary

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

Officer Recommendation

That Council notes the list of outstanding matters as at 6 November 2020.

Council Resolution

That Council notes the list of outstanding matters as at 6 November 2020.

Moved Cr. Evans, Seconded Cr. Heywood

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/20/699

Recommendation

That Council notes the information contained in the Mayoral report.

Council Resolution

That Council notes the information contained in the Mayoral report.

Moved Cr. MacAllister, Seconded Cr. Wheeldon

CARRIED

8 REPORTS FROM COMMITTEES

8.1 INTERNAL AUDIT & RISK MANAGEMENT COMMITTEE

File Number: RPT/20/723

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Hodi Beauliv - Manager Finance

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

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

Summary

A meeting of the Internal Audit & Risk Management Committee was held on 27 October 2020. The Minutes of the meeting are attached to this report for the information of Councillors.

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

- approval of the Quarterly Budget Review Statement; and
- adoption of the various policies (attached) endorsed by the Committee.

The Committee has also requested Council notes:

- the quarterly Operational Plan progress report.

Officer Recommendation

That Council:

1. Approves the variations to the 2020/21 Operational Plan adopted at the Council meeting on 24 June 2020.
2. Adopts the recommended changes to the following policies:
 - a. Code of Conduct Policy;
 - b. Code of Meeting Practice; and
 - c. Contaminated Land Management Policy (replaced with an Operational Policy).
3. Notes the quarterly progress report against the 2019/20 Operational Plan.
4. Notes the updates on risk management and the 2020 Audit and finalisation of the 2020 Audited Financial Statements from the minutes.

Council Resolution

That Council:

1. Approves the variations to the 2020/21 Operational Plan adopted at the Council meeting on 24 June 2020.
2. Adopts the recommended changes to the following policies:
 - a. Code of Conduct Policy;
 - b. Code of Meeting Practice; and
 - c. Contaminated Land Management Policy (replaced with an Operational Policy).

3. Notes the quarterly progress report against the 2019/20 Operational Plan.
4. Notes the updates on risk management and the 2020 Audit and finalisation of the 2020 Audited Financial Statements from the minutes.

Moved Cr. MacAllister, Seconded Cr. McKinnon

CARRIED

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/700

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

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

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

Summary

The 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

Nil

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

Cr Susan Nichols was elected Mayor at an Extraordinary Meeting of Council held 9 November 2020.

Recommendation

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

Council Resolution

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

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

9.2 ALL STAFF MEETING

File Number: RPT/20/715

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

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

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

Summary

The purpose of this report is to seek permission from Council to close the Adelaide Street Office, Midway Centre, Depots, Workshop, Landfill sites, Libraries and the Visitor Information Centre on Friday 11 December, 2020 at 1pm for the purpose of an all staff meeting.

Recommendation

That Council approve a 1pm closure of the Adelaide Street Office, Midway Centre, Depots, Workshop, Landfill sites, Libraries and the Visitor Information Centre on Friday 11 December 2020 for the purpose of an all staff meeting to be held at the Civic Centre.

Council Resolution

That Council approve a 1pm closure of the Adelaide Street Office, Midway Centre, Depots, Workshop, Landfill sites, Libraries and the Visitor Information Centre on Friday 11 December 2020 for the purpose of an all staff meeting to be held at the Civic Centre.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9.3 BENDIGO BANK AGENCY AGREEMENT

| | |
|-----------------------|---|
| File Number: | RPT/20/686 |
| Responsible Officer: | Simon Rule - Director Finance and Policy |
| Responsible Division: | Finance and Policy |
| Reporting Officer: | Annette Fraser - Team Leader Customer Service |
| 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

To encourage more people to use the Midway Service Centre, Council commenced discussions with the Wentworth & District Community Bank and offered our facilities and staff to run a Bendigo Bank Agency.

A detailed risk assessment of our facilities was conducted by Bendigo & Adelaide Bank Limited and approved in September 2019.

An Agency Application was lodged in December 2019 and we received notification in October 2020 that our application to become an agent for the Bendigo Bank was successful.

Bendigo Bank require a resolution from Council approving execution of the Community Bank Agency Agreement by the Mayor and the General Manager.

Recommendation

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

Council Resolution

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

Moved Cr. Nunan, Seconded Cr. Heywood

CARRIED

9.4 REQUEST FOR EXPANDED USE OF MIDWAY BASKETBALL STADIUM

File Number: RPT/20/716

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

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 Alcheringa Saints Basketball Club is the major user of the Midway Centre Stadium. The current Regular Use Agreement permits 21.5 hours of use per week over seven (7) days. The club is requesting that this be increased by 7.5 hours per week to a weekly total of 29 hours.

Recommendation

That Council amends the Regular Use Agreement for the Alcheringa Basketball Club to include an additional 7.5 hours per week at the discounted charge of an additional \$1,750.00 per annum.

Council Resolution

That Council amends the Regular Use Agreement for the Alcheringa Basketball Club to include an additional 7.5 hours per week at the discounted charge of an additional \$1,750.00 per annum.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

At 10:09 am Councillor Jane MacAllister left the meeting room.

At 10:09 am Councillor Tim Elstone left the meeting room.

9.5 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/20/719

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

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

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

Summary

Council has provided an allocation of \$187,000.00 (inclusive of GST) for the 2020/21 financial year for the consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$99,401.00 has been granted to a variety of organisations through the annual fees and charges "Exemptions from the Application" process. The total value of requests granted so far for this financial year totals \$8,480.72.

The total value of requests for this November 2020 funding application period totals \$1,692.58, which if granted in full, would leave a balance in the Donations, Contributions and Grants fund of \$77,425.70.

Recommendation

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

Council Resolution

That Council grants the requests for financial assistance to be funded from the Donations, Contributions and Grants program as listed.

Moved Cr. Nunan, Seconded Cr. Evans

CARRIED

At 10:11 am Councillor Jane MacAllister returned to the meeting room.

At 10:11 am Councillor Tim Elstone returned to the meeting room.

9.6 MONTHLY FINANCE REPORT

File Number: RPT/20/735

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 October 2020 were \$484,698.07. After allowing for pensioner subsidies, the total levies collected are now 43.6%. For comparison purposes 41.86% of the levy had been collected at the end of October 2019. Council currently has \$29,146,263.51 in cash and investments.

Recommendation

That Council notes the monthly finance report.

Council Resolution

That Council notes the monthly finance report.

Moved Cr. Nunan, Seconded Cr. MacAllister

CARRIED

9.7 MONTHLY INVESTMENT REPORT

File Number: RPT/20/726

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Hodi Beauliv - Manager Finance

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

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

Summary

As at 31 October 2020 Council had \$24 million invested in term deposits and \$4 million in other cash investments. Council received \$24,287.68 from its investments for the month of October 2020.

In October 2020 Council investments averaged a rate of return of 0.85% and it currently has \$8,466,832.09 of internal restrictions and \$14,470,914.53 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. McKinnon, Seconded Cr. MacAllister

CARRIED

9.8 A47 CROWN LAND ACQUISITION FOR PUBLIC ROAD - IGA SERVICE ROAD

File Number: RPT/20/701

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

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

Summary

A Council Resolution is required to commence the acquisition of Crown Land being part of Lot 7011 DP 1045202 & part of Lot 7001 DP 1118958 at Gol Gol, Buronga, NSW (part of Carramar Drive Sporting Reserve R91386) for public road and sewer infrastructure.

Recommendation

1. That Council proceed to acquire part of Lot 7011 DP 1045202 & part of Lot 7001 DP1118958 by the compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained in the Local Government Act 1993 (NSW).
2. That the land is to be acquired for the public purpose of public road and sewer infrastructure
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the Governor of NSW for approval to compulsorily acquire the Crown land for the public purpose
6. That compensation is paid to Crown Lands and any other party with an interest in the land as determined by the Valuer General of NSW.
7. That the land is classified as operational land upon acquisition.
8. That the General Manager be authorised to approve and sign the Acquisition Notice for publication in the NSW Government Gazette which will acquire the land.

Council Resolution

1. That Council proceed to acquire part of Lot 7011 DP 1045202 & part of Lot 7001 DP1118958 by the compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained in the Local Government Act 1993 (NSW).
2. That the land is to be acquired for the public purpose of public road and sewer infrastructure
3. That minerals are to be excluded from this acquisition

4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the Governor of NSW for approval to compulsorily acquire the Crown land for the public purpose
6. That compensation is paid to Crown Lands and any other party with an interest in the land as determined by the Valuer General of NSW.
7. That the land is classified as operational land upon acquisition.
8. That the General Manager be authorised to approve and sign the Acquisition Notice for publication in the NSW Government Gazette which will acquire the land.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9.9 LAND ACQUISITION A55 EXTENSION DRAINAGE BASIN 4

File Number: RPT/20/702

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

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

Summary

A Council Resolution is required to commence the acquisition of Crown Land being Lot 7313 DP 1177383 at Gol Gol, NSW for the purpose of stormwater drainage extension to Drainage Basin 4.

Recommendation

1. That Council proceed to acquire Lot 7313 DP 1177383 by the compulsory process under the terms of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained in the Local Government Act 1993 (NSW)
2. That the land is to be acquired for the public purpose of a drainage basin and associated stormwater infrastructure
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the NSW Governor for approval to compulsorily acquire the Crown land for the public purpose
6. That post acquisition, the land be classified as Operational Land
7. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated to sign any related documents.

Council Resolution

1. That Council proceed to acquire Lot 7313 DP 1177383 by the compulsory process under the terms of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained in the Local Government Act 1993 (NSW)
2. That the land is to be acquired for the public purpose of a drainage basin and associated stormwater infrastructure
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the NSW Governor for approval to compulsorily acquire the Crown land for the public purpose

6. That post acquisition, the land be classified as Operational Land
7. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated to sign any related documents.

Moved Cr. Elstone, Seconded Cr. Evans

CARRIED

9.10 LAND ACQUISITION - A45 DARETON DRAINAGE ACCESS

File Number: RPT/20/703

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

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

Summary

A Council Resolution is required to commence the acquisition of Crown Land, being Lot 395 DP 1216729 at Dareton, Wentworth NSW, for the purpose of access to essential stormwater infrastructure.

Recommendation

1. That Council proceed to acquire Lot 395 DP 1216729 by the compulsory process under the terms of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained in the Local Government Act 1993 (NSW)
2. That the land is to be acquired for the public purpose of access to essential stormwater infrastructure
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the Governor of NSW for approval to compulsorily acquire the Crown land for the public purpose
6. That compensation is paid to Crown Lands for the acquisition of the subject land as determined by the Valuer General of NSW
7. That post acquisition, the land be classified as Operational Land
8. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated to sign any related documents.

Council Resolution

1. That Council proceed to acquire Lot 395 DP 1216729 by the compulsory process under the terms of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and by authority contained in the Local Government Act 1993 (NSW)
2. That the land is to be acquired for the public purpose of access to essential stormwater infrastructure
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the Governor of NSW for approval to compulsorily acquire the

Crown land for the public purpose

6. That compensation is paid to Crown Lands for the acquisition of the subject land as determined by the Valuer General of NSW
7. That post acquisition, the land be classified as Operational Land
8. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated to sign any related documents.

Moved Cr. Elstone, Seconded Cr. Nunan

CARRIED

9.11 DISPOSAL OF RIVERFRONT PARCELS PROJECT

File Number: RPT/20/630

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: 2.5 Maintain/create desirable open spaces and recreation facilities

Summary

A recent amendment to the Wentworth LEP 2011 finalised the reclassification of 20 riverfront parcels from community to operational land. The finalisation of this amendment allows Council to proceed with the disposal of these parcels of land.

This report provides Council with details of how the disposal process will be undertaken and the costs applicable to purchasing the lots or portions thereof.

The report also seeks Council's endorsement as to decisions to be made when determining the parties to be involved in the disposal of the parcels and the alignment of the title boundaries.

Recommendation

That Council:

1. Rescind resolutions a) and d) of RPT/16/1317 from the Ordinary Meeting held 16 November 2016.
2. Determine that where multiple landholders are affected, that all applicable parties are to obtain the adjacent portion of the parcel or the disposal does not proceed.
3. Undertake the responsibility of determining boundary alignments of riverfront parcels where there are multiple landholders involved.

Council Resolution

That Council:

1. Rescind resolutions a) and d) of RPT/16/1317 from the Ordinary Meeting held 16 November 2016.
2. Determine that where multiple landholders are affected, that all applicable parties are to obtain the adjacent portion of the parcel or the disposal does not proceed.
3. Undertake the responsibility of determining boundary alignments of riverfront parcels where there are multiple landholders involved.

Moved Cr. Nunan, Seconded Cr. McKinnon

CARRIED

At 10:20 am Councillor Don McKinnon left the meeting room.

9.12 JEWEL MARKET PLANNING PROPOSAL, LOT 3 DP 1216096, STURT HIGHWAY, GOL GOL

File Number: RPT/20/694

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

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

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

Summary

Council has received advice from the Department of Planning, Industry and Environment (DPIE) that in July 2020 the NSW Premier announced the Planning System Acceleration Program to reform the NSW planning system. The reforms mandate all Planning Proposals that have been in the system for four (4) or more years to be completed by 31 December 2020.

The Jewel Market Planning Proposal received a Gateway Determination to proceed in September 2015. Due to a condition of the Gateway Determination remaining unsatisfied to date, the Planning Proposal has been unable to progress to community and state agency consultation.

This report seeks a resolution of Council to withdraw the Planning Proposal until such time as the condition of the Gateway Determination can be satisfied.

Recommendation

That Council resolves to advise the Minister for Planning and Public Spaces that the Jewel Market Planning Proposal is to be withdrawn in accordance with Section 3.35(4) of the *Environmental Planning and Assessment Act 1979*.

Council Resolution

That Council resolves to advise the Minister for Planning and Public Spaces that the Jewel Market Planning Proposal is to be withdrawn in accordance with Section 3.35(4) of the *Environmental Planning and Assessment Act 1979*.

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

**9.13 DEVELOPMENT APPLICATION 2020/128 SWIMMING POOL 185
BOEILL CREEK ROAD LOT 1 DP 1215859 BOEILL CREEK**

File Number: RPT/20/750

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

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

Strategy: 1.2 Encourage and support population growth and resident attraction

Summary

A Development Application (DA) (DA2020/128) has been received by Council for a swimming pool to be located at 185 Boeill Creek Road Lot 1 DP 1215859 Boeill Creek (the subject site).

The site falls under the RU1 Primary Production zone and in accordance with the *Wentworth Local Environmental Plan 2011* (WLEP 2011), swimming pools are permissible with consent in that zone as they can be classified as ancillary development to existing dwellings.

Recommendation

- 1) That Council, having considered the content of this report, resolves to issue development approval for DA2020/128 being a swimming pool located at 85 Boeill Creek Road Lot 1 DP 1215859 Boeill Creek.
- 2) That a division be called in accordance with s375A of the Local Government Act 1993 (NSW).

Council Resolution

- 1) That Council, having considered the content of this report, resolves to issue development approval for DA2020/128 being a swimming pool located at 85 Boeill Creek Road Lot 1 DP 1215859 Boeill Creek.
- 2) That a division be called in accordance with s375A of the Local Government Act 1993 (NSW).

Moved Cr. Wheeldon, Seconded Cr. Evans

CARRIED

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

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

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

9.14 DELEGATED AUTHORITY APPROVALS AS AT END OF OCTOBER 2020

File Number: RPT/20/737

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Nicky Meredith - Coordinator Health and Planning

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

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

Summary

For the month of October 2020, a total of 15 Development Applications and one S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$1,627,002.00. This brings the year to date total to 138 Development Applications and 31 S4.55 Applications approved, with an estimated development value of \$29,082,013.00.

Recommendation

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

Council Resolution

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

Moved Cr. Elstone, Seconded Cr. MacAllister

CARRIED

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

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

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

9.15 PROJECT AND WORKS REPORT UPGRADE - NOVEMBER 2020

File Number: RPT/20/713

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Administration Officer

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

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

Summary

This report provides a summary of the major works undertaken by the Roads and Engineering Department which have been completed during the month of October 2020.

Recommendation

That Council notes the major works undertaken for October and the proposed works for November 2020.

Council Resolution

That Council notes the major works undertaken for October and the proposed works for November 2020.

Moved Cr. Heywood, Seconded Cr. Nunan

CARRIED

At 10:24 am Councillor Don McKinnon returned to the meeting room.

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 UPDATE AERODROME FENCE

Cr Peter Nunan requested an update on the aerodrome fence issue.

The General Manager advised Council is awaiting expert advice.

10.2 WELCOME SIGNAGE AT WENTWORTH

Cr Bill Wheeldon asked if the sign on the Broken Hill entrance to Wentworth on the Silver City Highway could be updated.

The General Manger advised that Tourism signage will be part of a review through the Manager of Tourism and Promotion.

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 Mourquong Filtered Water. (RPT/20/690)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (a) personnel matters concerning particular individuals (other than councillors).

12.2 Plant Replacement - Approval of Tenders for Replacement of Plant 658 - Ranger. (RPT/20/706)

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

12.3 Plant Replacement - Approval of Tenders for Replacement of Plant 651 Mazda BT50 and Plant 652 Mazda BT50. (RPT/20/707)

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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council. 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 of Tenders for Replacement of Plant 904 Triton Utility and 905 Triton Utility. (RPT/20/708)

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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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.

12.5 Plant Replacement - Approval of Tenders for Replacement Plant 653, 654 & new pool vehicle. (RPT/20/709)

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 Panel Contract - Supply of Road Construction Materials PC2021/03. (RPT/20/712)

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 Panel Contract - Supply of Building Trades, Professional & Consultation Services PC2021/01. (RPT/20/710)

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 Panel Contract - Hire of Construction Plant & Equipment PC2021/02. (RPT/20/711)

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.

12.9 PT2021/04 - Buronga Riverfront Nature Play Area. (RPT/20/742)

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.

12.10 PT2021/02 & PT2021/03 - Construction of Concrete Shared Paths in Buronga / Gol Gol. (RPT/20/741)

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. MacAllister, Seconded Cr. Nunan

CARRIED

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 MOURQUONG FILTERED WATER

File Number: RPT/20/690

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Geoff Gunn - Director Roads and Engineering

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

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (a) personnel matters concerning particular individuals (other than councillors).

The General Manager advised that Council endorsed the proposal to proceed with the installation of a 150mm filtered water main in Mourquong, with the project to be funded as follows:

- 1) Council to approve an additional amount of \$103,000 from the water fund to be added to the current 2020/21 budgeted amount of \$50,000 to cover the total cost of the project
- 2) Increase the revenue budget by \$80,000 to reflect the contribution of:
 - a. nine property owners who have committed to pay \$7,273 per property
 - b. one property owner to be offered the opportunity of a payment plan to connect in, subject to contribution of \$7,273 plus CPI increase
 - c.. one other property owner to confirm acceptance of the proposal subject to the current sale of their property

12.2 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 658 - RANGER

File Number: RPT/20/706

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 accepted the tender from Davison Ford for the supply of one 2020 Ford Ranger XL 4x4 Dual Cab Utility for the sum of \$57,621.13 inc GST and accept the trade price of \$29,390 inc GST for the Council owned Ford Ranger, plant item 658 with a changeover price of \$28,231.13 inc GST.

12.3 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 651 MAZDA BT50 AND PLANT 652 MAZDA BT50

File Number: RPT/20/707

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 (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council. 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 accepted the tender from Davison Ford for the supply of two Ford Ranger XL 4x2 utilities for the total sum of \$93,118.62 inc GST, and accept the trade price of \$51,380.00 inc GST for the Council owned Mazda BT50s, plant item 651 and plant item 652 with a total changeover price of \$41,738.62.

12.4 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 904 TRITON UTILITY AND 905 TRITON UTILITY

File Number: RPT/20/708

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 (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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 accepted the tender from Davison Ford for the supply of one Ford Ranger XL Super CC 4x4 Utility and one Ford Ranger XL 4x4 Utility for the total sum of \$95,698.56 inc GST and accept the trade price of \$39,380.00 inc GST for the 2 Council owned 2014 Mitsubishi Triton Utilities – Plant 904 and 905 with a total changeover price of \$56,318.56.

12.5 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT PLANT 653, 654 & NEW POOL VEHICLE

File Number: RPT/20/709

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 accepted the tender from Davison Ford for the supply of 3 x 2020 Ford Ranger XL Dual Cab 4x4 Utilities for the sum of \$159,696.36 inc GST, and accept the trade price of \$60,380 inc GST for the two Council owned 2016 Mazda BT50, plant items 653 & 654 with a total changeover price of \$99,316.36 inc GST.

**12.6 PANEL CONTRACT - SUPPLY OF ROAD CONSTRUCTION MATERIALS
PC2021/03**

File Number: RPT/20/712

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Geoff Gunn - Director Roads and Engineering

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 Panel Contract for the supply of Road Construction Materials – PC2021/03 for a 12-month period.

12.7 PANEL CONTRACT - SUPPLY OF BUILDING TRADES, PROFESSIONAL & CONSULTATION SERVICES PC2021/01

File Number: RPT/20/710

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Geoff Gunn - Director Roads and Engineering

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 Panel Contract for the provision of Building Trades, Professional & Consultation Services for a 12-month period.

**12.8 PANEL CONTRACT - HIRE OF CONSTRUCTION PLANT & EQUIPMENT
PC2021/02**

File Number: RPT/20/711

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Geoff Gunn - Director Roads and Engineering

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 Panel Contract for the provision of Hire of Construction Plant & Equipment for a 12-month period.

12.9 PT2021/04 - BURONGA RIVERFRONT NATURE PLAY AREA

File Number: RPT/20/742

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Taygun Saritoprak - Project 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

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 Oasis Unmatched Pty Ltd and subsequently authorise the Mayor and General Manager to sign the contract documentation and affix the seal for the recommended contractor to carry out softscape works specified in PT2021/04 for \$226,121.50 GST inclusive, and renegotiate the hardscape components to an upper limit of \$110,000.00 GST inclusive.

12.10 PT2021/02 & PT2021/03 - CONSTRUCTION OF CONCRETE SHARED PATHS IN BURONGA / GOL GOL

File Number: RPT/20/741

Responsible Officer: Geoff Gunn - Director Roads and Engineering

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) accepts the tender from Roger Bath Concreting Pty Ltd and subsequently authorise 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 PT2021/02 in Gol Gol for \$176,108.75 GST inclusive, and PT2021/03 in Buronga for \$137,391.25 GST inclusive.

13 CONCLUSION OF THE MEETING

Mayor Nichols closed the meeting at 10:51AM.

NEXT MEETING

16 December 2020

.....
CHAIR

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/20/833

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

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

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

Summary

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

Officer Recommendation

That Council notes the list of outstanding matters as at 9 December 2020.

Additional Information

Nil

Attachments

1. Outstanding Action Report as at 9 December 2020 [↓](#)

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/20/785

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Nichols for the period of 9 November 2020 – 4 December 2020.

Recommendation

That Council notes the information contained in the Mayoral report.

Report

The following table lists the meetings attended by Mayor Nichols for the period of 9 November 2020 – 4 December 2020.

| Date | Meeting | Location |
|-------------|--|------------------|
| 9 Nov 2020 | Extraordinary Council Meeting | Buronga |
| 10 Nov 2020 | Mayoral Meeting | Wentworth |
| 11 Nov 2020 | Remembrance Day | Wentworth |
| 12 Nov 2020 | Floodplain Harvesting Project Presentation from Slattery & Johnson | Wentworth |
| 17 Nov 2020 | Willowbend Advisory Committee Meeting | Wentworth |
| 17 Nov 2020 | Mayoral Meeting | Wentworth |
| 18 Nov 2020 | Pre-Meeting Ordinary Council Meeting | Buronga |
| 18 Nov 2020 | Ordinary Council Meeting | Buronga |
| 18 Nov 2020 | Presentation from Police & Community Youth Club (PCYC) | Buronga |
| 20 Nov 2020 | Collaborative Care Announcement FWLHD | Wentworth |
| 23 Nov 2020 | Qantas Mildura to Sydney Flight Launch | Mildura |
| 24 Nov 2020 | Mayoral Meeting | Wentworth |
| 25 Nov 2020 | Southern Border Recovery Committee Meeting | Video Conference |
| 26 Nov 2020 | Community Safety Precinct Committee Meeting | Buronga |
| 26 Nov 2020 | Wentworth Sporting Club User Group Meeting | Wentworth |
| 30 Nov 2020 | Coomealla Sporting Club Annual Presidents Dinner | Coomealla |
| 1 Dec 2020 | Mayoral Meeting | Wentworth |
| 2 Dec 2020 | Petaurus Education School Project Launch | Wentworth |

Attachments

Nil

8 REPORTS FROM COMMITTEES

8.1 WENTWORTH SPORTING COMPLEX USER GROUP MEETING THURSDAY 26 NOVEMBER 2020

File Number: RPT/20/793

Responsible Officer: Geoff Gunn - Director Roads and Engineering
 Responsible Division: Roads and Engineering
 Reporting Officer: Barbara George - Administration Officer, Roads and Engineering

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

Strategy: 4.5 Encourage the self determination of individual townships and community groups

Summary

A meeting of the Wentworth Sporting Complex User Group was held on Thursday 26 November 2020 and the Minutes of the meeting are attached to this report for the information of Councillors.

Recommendation

That Council notes the Minutes of the Wentworth Sporting Complex User Group held on Thursday 26 November 2020.

Additional Information

A Meeting of the Wentworth Sporting Club User Group was held on Thursday 26 November 2020 at 5pm in the Tennis Club Rooms at the Complex.

A COVID sign in sheet was completed by all in attendance and social distancing requirements were adhered to.

The Tennis Club successfully applied for a grant of \$20,000 which was put toward the re-carpeting of the Complex.

The new bowling green has a defect which is being addressed by the Project Officer and the Contractor. Until it is rectified certification by Bowls NSW cannot occur.

Works have commenced on the new tennis courts.

The Golf Club has successfully applied for a grant of \$25,000 to revamp the Golf Club garden and install a redesigned shade sail.

The large cool room in the Complex store room is not used – too costly to run. The Users of the Complex have requested that it be removed to allow for more storage.

The old facility signage requires renewing – User Groups to advise on content.

A substantial maintenance list has been noted.

Attachments

1. Minutes of the Wentworth Sporting Complex User Group Meeting held 26 November 2020 [📎](#)

| | |
|---|--|
|  <p>Wentworth Shire Council 26- 28 Adelaide Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p> | <p>USER GROUP MEETING MINUTES</p> |
|---|--|

| | | |
|--|--|---------------------|
| Our Ref: | Date: Thursday 26 November 2020 | Time: 5:00pm |
| Subject: Wentworth Sporting Club User Group Meeting | | |
| Location: Wentworth Sporting Club – Tennis Rooms. | | |

1. OPENING OF MEETING

The meeting was opened at: 1710 by Cr Nichols.

2. PRESENT

Councillors: Cr. S. Nichols – Wentworth Shire Mayor
 Cr. S. Heywood - Councillor

User Group Members: Troy Witte – Tennis Club
 Cheryl Vines – Tennis Club
 Robert Verstappen – Tennis Club
 Geoff Pegler – Golf Club
 Howard Hankinson – Golf Club
 Paul Gebhart – Bowling Club

Council Staff: Geoff Gunn – Director Roads and Engineering
 Barb George – Administration Officer (Minute Taker)

3. APOLOGIES

Cr. Elstone
 Jim Jacobs
 Roger Smith

A COVID sign in sheet was completed by all in attendance and social distancing requirements were adhered to.

The Contact List was updated.

4. MATTERS ARISING FROM PREVIOUS MEETING:

4.1: The maintenance list with actions/outcomes from the previous meeting was tabled.

5. BUSINESS ARISING:**5.1: New maintenance requests:**

| Action | Responsibility | Outcome |
|--|--------------------------------------|---------|
| The Skylight in the kitchen is still allowing dust to get in | Council – CR/20/2036 | |
| All Fluro lights need to be checked and replaced as necessary. | Council – CR/20/2037 | |
| The ceiling in the Bowling Club Bar is leaking. | Council – CR/20/2039 | |
| The fan is not working and there appears to be no water in the evaporative air-conditioner in the bar. | Council – CR/20/2040 | |
| There are pot holes on/near the bend of the road near the toilet (beside the playground) | Council – CR/20/2041 | |
| Pile of excess aggregate in the car park – to be relocated to golf club crusher dust parking area -see CR/20/2043 | Council – CR/20/2042 | |
| The area of crusher dust near the parking area of the Golf Club – requires loose stones and compacting. (see CR/20/2042) | Council – CR/20/2043 | |
| The 100ml pipe isolating solenoid between the 2 bowling greens requires replacement | Council – CR/20/2044 | |
| The Large leak is evident near the hydrant between the bowls and tennis rooms | Council – CR/20/2045 | |
| Sprinklers to be checked – area around toilet and playground. Maintenance of grassed area to be done routinely. | Council – CR/20/2046 | |
| Continue the bollards around at the back of the toilets. | Council – CR/20/2047 | |
| Parks and Gardens Team to investigate how to stop dirt from the road getting onto Tennis Court number 1 following a rain event | Council – CR/20/2048 | |
| Assistance required by the Golf Club with paperwork necessary to redesign the shade sail in the garden area. | Council and Golf Club – CR/20/2049 | |
| Removal of the Cool room. | Council – CR/20/4050 | |
| New Signage for Facility. | Council and User Groups – CR/20/2051 | |

4.2: User Groups and Council will continue to look for available grants for the following:

- Facility sound system
- Solar panels

4.3: The Tennis Club were successful in accessing a grant which they used to contribute toward the purchase of new carpet throughout the Complex.

Question was asked – what happened to the “excess” of the money that Council had promised for the carpet and not used in light of the grant contribution?

Cr Heywood explained that the money was probably no longer available – however DRE consented to investigate if there were any funds still available.

4.4: New Bowling Green Update:

There are still areas of the new bowling green which are lifting due to heat. The Contractor has attempted to amend the situation but lifting continues and appears to be worsening.

Until this is rectified, no bowling may occur – Bowls NSW need to certify the new green which cannot be done until the defect is rectified.

Project Officer is liaising with the Contractor.

Bowling Club to be kept informed.

There is a line of roses along the entrance side of the new bowling green. Bowling Club have asked the Tennis Club if the roses may be relocated to the other side of the path. The Bowling Club will move the roses and maintain them. Tennis Club have no objection – except to say that the area has a large slope which will require some building up.

The Bowling Club requested permission to commence concreting around the outside of the bowling green – Director Engineering gave the go-ahead.

4.5: New Tennis Courts:

Works have commenced on the new Tennis Courts. User Group want assurance that the Contractor is on sight to supervise construction in an effort to ensure the job is done properly. They wish to avoid outcomes as experienced by the Bowling Club.

Some social tennis has commenced on the other courts.

4.6: Golf Club:

The Club has secured a \$25,000 grant for revamp of the front section of the Golf Club Garden. They plan to install a redesigned shade sail and have requested assistance with necessary paperwork.

Situated in the storeroom area of the Complex is a large cool room. This cool room is no longer used by any of the User Groups because of the cost to run it. The User Groups have requested to have it removed to allow for more storage – especially for golf buggies. Suggestion is to either sell it, or advertise is for removal. DRE and Building Maintenance Officer to investigate this.

4.7: Facility signage:

At the entrance to the facility, just past the new bowling green there is large white sign board. The board has been painted over – it had become very faded. The User Groups have requested to have a new sign made.

Each Group has been asked to forward details of requirements for the board to Administration Officer, following which, quotations will be sought for production of a new sign.

4.8: The User Groups were asked to forward any maintenance requirements to Council Administration Officer as they become necessary. It is not necessary to wait for a meeting for this to occur.

4.9: An inspection of the new bowling green was undertaken by Director Roads and Engineering, Cr. Heywood and Administration Officer.

6. MEETING CLOSURE: Meeting closed at 1820.

7. NEXT MEETING - TBA

8.2 WILLANDRA LAKES REGION WORLD HERITAGE ADVISORY GROUP

File Number: RPT/20/828

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: 4.7 Promote the celebration of the region's rich cultural and social heritage

Summary

Councillor MacAllister is the Local Government representative on the Willandra Lakes Region World Heritage Advisory Council and information from these meetings is attached to this report for the information of Councillors.

Officer Recommendation

That Council notes the report from the Willandra Lakes Region World Heritage Advisory Group.

Attachments

1. Willandra Lakes Region World Heritage Advisory Group Reports [↓](#)



Willandra Lakes Region World Heritage Aboriginal Advisory Group Report June 2020

The Aboriginal Advisory Group

The Willandra Lakes Region World Heritage Aboriginal Advisory Group (AAG) is the peak Aboriginal consultative and advisory body for the Willandra Lakes Region (WLR) World Heritage property. The AAG provides advice to NSW National Parks and Wildlife Service (NPWS) on Aboriginal Cultural Heritage matters within the World Heritage boundaries including Mungo National Park.

On the 26 June 2020, the AAG held its 15th meeting via videoconference.

In March 2017, the AAG developed a policy statement advising NPWS that it would not support any new research requests for research on ancestral remains. The AAG reviewed this statement at the meeting and all agreed that it still stands until the Willandra Ancestral Remains collection has been reburied. The AAG also advised NPWS and Heritage NSW that they would like Mungo Man and Mungo Woman to be the first Ancestors to be reburied.

Local Land Services (LLS) provided an update on the Willandra rabbit control program and NPWS announced new employment opportunities and an update on the Leaghur Community, Research and Teaching centre

The AAG thanked NPWS who announced that Stage 1 of the Leaghur Community, Research and Teaching centre was fully funded and could now commence. Funding is being provided by NPWS, the Australian National University (ANU) and the Australian Heritage Grants program. The centre will meet a commitment made by NPWS, Heritage NSW and the Australian National University in 2017 as part of the repatriation process for the Ancestral remains.

While celebrating the funding for the Leaghur Community, Research and Teaching centre, the AAG are still keen to explore avenues for a standalone Three Traditional Tribal Group Culture and Education centre. A concept that was championed by the former Elders Council between 1998 to 2013. The AAG advised NPWS that it would like to visit some nearby Culture and Education centres to assist the AAG in developing its vision.

For more information contact the Assistant Executive Officer to the Aboriginal Advisory Group at npws.willandralakes@environment.nsw.gov.au

For more information on the Willandra Lakes Region World Heritage property, go to:

www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/types-of-protected-areas/world-heritage-listed-areas/willandra-lakes-region or www.environment.gov.au/heritage/places/world/willandra

For more information about the NSW World Heritage advisory committees and the Aboriginal Advisory Group, including membership, visit the website [here](#)





Willandra Lakes Region World Heritage Aboriginal Advisory Group Report September 2020

The Aboriginal Advisory Group

The Willandra Lakes Region World Heritage Aboriginal Advisory Group (AAG) is the peak Aboriginal consultative and advisory body for the Willandra Lakes Region (WLR) World Heritage property. The AAG provides advice to NSW National Parks and Wildlife Service (NPWS) on Aboriginal Cultural Heritage matters within the World Heritage boundaries including Mungo National Park.

On the 14 September 2020, the AAG held its 16th meeting via videoconference. During the proceedings the AAG heard from several presenters providing updates on current projects within the Willandra Lakes Region.

An update on the Research Code of Practice is that NSW Crown Lands will add adherence to the Code as a requirement of any scientific permits for the Western Lands Leases within the World Heritage Area. The AAG thanked NSW Crown Lands for their support.

Harvey Johnston from Heritage NSW provided update on the Willandra Reburial Project. The AAG thanked Harvey for his presentation and his contributions so far.

It was reported to the AAG that the Local Lands Service Willandra Rabbit Control Program is still performing well, employing members of the Three Traditional Tribal Groups to assist with Aboriginal site identification and delivery of program. The Project will now move onto Pan Ban Station in the northern part of the World Heritage property.

The Principal of Gol Gol primary school, Glen Walker gave an update on the "Mini-Mungo Youth Project" he runs with the Country-City Alliance. This is an exchange program between metro schools and rural schools that brings about 100 students to Mungo, in the years that the Mungo Youth Project doesn't run. The AAG would like

to support Glen and Gol Gol primary school and assist through a sub-group, to design the cultural emersion for the visiting students.

The Mungo National Park update was presented by Jo Gorman, Area Manager NPWS who provided updates on new employment opportunities and encouraged the AAG to circulate to interested and qualified people. Jo Gorman also reported on current filming requests.

The AAG heard from Dr Kath Thomas and Dr Kelsie Long regarding their recently completed research projects and proposals to publish their research. The AAG appreciated the update and will host another videoconference to enable the researchers to present their results to the AAG prior to publication.

The meeting ended with a discussion on governance as requested by members of the AAG. The discussion was regarding the role of the AAG and the interaction between the AAG and the WLR World Heritage Advisory Committee. The Chair of the Advisory Committee, Michael Williams, assisted in the facilitation of the discussion.

For more information contact the Assistant Executive Officer to the Aboriginal Advisory Group at npws.willandalakes@environment.nsw.gov.au

For more information on the Willandra Lakes Region World Heritage Property, go to: www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/types-of-protected-areas/world-heritage-listed-areas/willandra-lakes-region or www.environment.gov.au/heritage/places/world/willandra

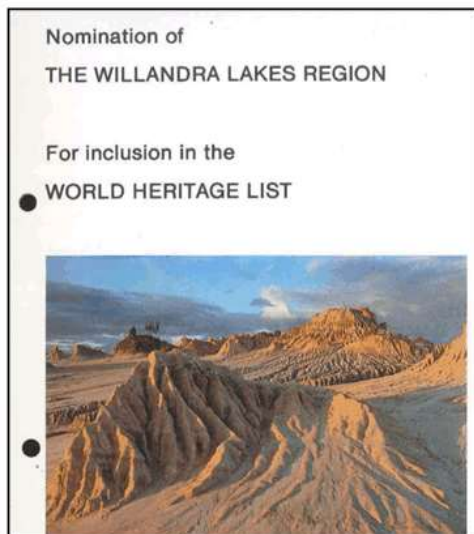
For more information about the NSW World Heritage advisory committees and the Aboriginal Advisory Group, including membership, visit the website [here](#)



Willandra Lakes Region World Heritage Advisory Committee Report July 2020

The Advisory Committee

The key purpose of the Willandra Lakes Region World Heritage Advisory Committee is to provide advice to the NSW Minister for Energy and Environment, the Commonwealth Minister for the Environment and the intergovernmental Management Committee about the protection, conservation, presentation and transmission to future generations of the World Heritage values of the Willandra Lakes Region. The purpose of this report is to inform the agencies responsible for the Willandra Lakes Region and the broader stakeholder groups of the deliberations of the Advisory Committee.



The fourth Advisory Committee meeting was held via videoconference on 29 and 30 July 2020. The Advisory Committee discussed the upcoming 40th anniversary of the Willandra Lakes Region 1981-2021. Ideas for reasonable and achievable anniversary events included sharable education resources, NAIDOC celebrations, media and

promotional campaigns and additional experiences for visitors.

The Advisory Committee further discussed their work plan, honing its priorities through to November 2021. Four themes have been identified:

- The reburial of the ancestral remains on Country
- A new Strategic Plan for Willandra
- Research vision and research prospectus
- Good governance

The Advisory Committee thanked and congratulated Local Lands Service - Western and the Willandra landholders Alliance Landcare Group on the Willandra Rabbit Control Project, and the Aboriginal Advisory Group on completing and publishing the AAG Magazine that summaries their meetings and workshops from 2015-2019. This publication will be distributed to interested parties and also made available on the [NSW Government website](https://www.environment.nsw.gov.au/heritage/places/world/willandra).

For more information contact the Willandra World Heritage Executive Officer at: npws.willandralakes@environment.nsw.gov.au

For more information on the Willandra Lakes Region World Heritage Property, go to: www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/types-of-protected-areas/world-heritage-listed-areas/willandra-lakes-region or www.environment.nsw.gov.au/heritage/places/world/willandra

For more information about the NPWS World Heritage Advisory Committees visit: www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/types-of-protected-areas/world-heritage-listed-areas/world-heritage-area-advisory-committees



Willandra Lakes Region World Heritage Advisory Committee Report September 2020

The key purpose of the Willandra Lakes Region World Heritage Advisory Committee is to provide advice to the NSW Minister for Energy and Environment, the Commonwealth Minister for the Environment and the intergovernmental Management Committee about the protection, conservation, presentation and transmission to future generations of the World Heritage values of the Willandra Lakes Region. This purpose of this report is to inform the agencies responsible for the Willandra Lakes Region and broader stakeholder groups of the deliberations of the Advisory Committee.

The fifth Advisory Committee meeting was held via videoconference on 10 and 11 September 2020. The Advisory Committee discussed the upcoming 40th anniversary of the Willandra Lakes Region 1981-2021. The opening of Leagur as an on-Country research and shared learning facility and potential new interpretations were discussed as worthy celebratory activities. The Advisory Committee is keen to collaborate with the Great Barrier Reef and Kakadu World Heritage properties who are also celebrating their 40th anniversary since inscription on the World Heritage Register.

The Advisory Committee thanked the Aboriginal Advisory Group, the Sharing Stories Foundation and Griffith University for all the progress on the virtual reality being developed for the Fossil Trackway site. Thanks were also given to Vera Hong Productions for the 'No Distance Between Us' film and the permission to host the film at the Mungo visitor centre.

Heritage NSW provided an update on the process for the Reburial of the Willandra Ancestral remains including Mungo Man and Mungo Woman. The Committee showed its ongoing support for the reburial and thanked Heritage NSW for their ongoing work and support.

The Committee discussed attendance at the upcoming World Heritage e-forum scheduled for 3-6 November 2020 which will focus on four themes: Climate change adaption, Bush fire preparedness, First Nations People in World Heritage Management, and World Heritage

resilience (in the face of events such as climate change, bush fires and Covid-19).

As part of the meeting, the Committee had two sessions focusing on priorities in the Committee's Work Plan being led by Committee Working Groups. Session 1 focused on developing the new Strategic Management Plan and the necessary management responses including management infrastructure to any upgrading of the Arumpo Rd. The Strategic Management Plan Working Group will commence reviewing other World Heritage plans to identify useful elements for inclusion in the Willandra Strategic Plan.

Session 2 focused on the research vision and prospectus and how the Advisory Committee can best support its development. The Research Working Group will commence work on the draft research prospectus which will be co-designed with the AAG members on the Working Group. The Committee is looking forward to reviewing the Working Groups' outputs.

The Committee proposes to provide an update on its activities and achievements to the NSW and Australian Government Ministers.

For more information contact the Willandra World Heritage Executive Officer at:
npws.willandalakes@environment.nsw.gov.au

For more information on the Willandra Lakes Region World Heritage Property, go to:
www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/types-of-protected-areas/world-heritage-listed-areas/willandra-lakes-region or
www.environment.gov.au/heritage/places/world/willandra

For more information about the NPWS World Heritage Advisory Committees visit:
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9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/20/786

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

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

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

Summary

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

1. OLG Circulars
Circulars 20-38 to 20-39
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note

Recommendation

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

Detailed Report

1. OLG Circulars

1.1 OLG Circular 20-38

Special Rate Variation and Minimum Rate Variation Guidelines and Process

- The Guidelines that apply for Special Rate Variation and Minimum Rate Variation applications have been published on the Office of Local Government (OLG) website.
- The Guidelines outline the process for councils seeking to apply for a special rate or minimum rate variation.
- Temporary Special Guidelines have been issued to new Councils required to harmonise rates on 1 July 2021 and seeking to set a harmonised minimum ordinary rate across their new council area. The temporary Special Guidelines apply to new Councils in specific circumstances only.

1.2 OLG Circular 20-39

Constitutional referendums and council polls

- Under section 16 of the *Local Government Act 1993*, a Council must obtain the approval of its electors at a constitutional referendum to do each of the following:
 - divide a council area into wards or abolish wards
 - change the number of councillors
 - change the method of electing the Mayor

- change the method of election for councillors where the Council's area is divided into wards.

2. Meetings

Following is a list of meetings or events attended by the General Manager for the period of 9 November 2020 – 4 December 2020.

| Date | Meeting | Location |
|-------------|--|-----------|
| 9 Nov 2020 | Extraordinary Council Meeting | Buronga |
| 10 Nov 2020 | Mayoral Meeting | Wentworth |
| 11 Nov 2020 | Remembrance Day | Wentworth |
| 11 Nov 2020 | Local Emergency Management Committee (LEMC) Meeting | Buronga |
| 12 Nov 2020 | Floodplain Harvesting Project Presentation from Slattery & Johnson | Wentworth |
| 17 Nov 2020 | Willowbend Advisory Committee Meeting | Wentworth |
| 17 Nov 2020 | Mayoral Meeting | Wentworth |
| 18 Nov 2020 | Pre-Meeting Ordinary Council Meeting | Buronga |
| 18 Nov 2020 | Ordinary Council Meeting | Buronga |
| 18 Nov 2020 | Presentation from Police & Community Youth Club (PCYC) | Buronga |
| 20 Nov 2020 | Collaborative Care Announcement FWLHD | Wentworth |
| 24 Nov 2020 | Mayoral Meeting | Wentworth |
| 25 Nov 2020 | Far West Joint Organisation Meeting | Balranald |
| 26 Nov 2020 | Community Safety Precinct Committee Meeting | Buronga |
| 1 Dec 2020 | Mayoral Meeting | Wentworth |

3. Events

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

| Date | Meeting | Proposed Attendees | Location |
|-------------|---|---------------------------------------|-----------|
| 18 Dec 2020 | Far West Joint Organisation Board Meeting | Mayor, Deputy Mayor & General Manager | TBA |
| 22 Dec 2020 | Mayoral Meeting | Mayor, Deputy Mayor & General Manager | Wentworth |

4. Other items of note

Nil

Attachments

1. Circular 20-38[🔗](#)
2. Circular 20-39[🔗](#)



Office of
Local Government

Circular to Councils

| | |
|-----------------------------|---|
| Circular Details | 20-38 / 25 November 2020 / A743632 |
| Who should read this | Councillors / General Managers / Council Finance and IP&R staff |
| Contact | Policy team - 02 4428 4100 / olg@olg.nsw.gov.au |
| Action required | Information |

Special Rate Variation and Minimum Rate Variation Guidelines and Process

What's new or changing

- The Guidelines that apply for Special Rate Variation and Minimum Rate Variation applications have been published on the Office of Local Government (OLG) website.

What this will mean for your council

- The Guidelines outline the process for councils seeking to apply for a special rate or minimum rate variation.
- Temporary Special Guidelines have been issued to new councils required to harmonise rates on 1 July 2021 and seeking to set a harmonised minimum ordinary rate across their new council area. The temporary Special Guidelines apply to new councils in specific circumstances only.

Key points

- The rate peg for 2021/22 is 2.0%.
- New councils seeking to harmonise rates in a way that increases their general income above the rate peg, must apply to the Independent Pricing and Regulatory Tribunal (IPART) for a Special Rate Variation.
- The process for all councils applies as normal during the COVID-19 pandemic period however, to the extent compliance has been or is anticipated to be affected by COVID-19, councils should explain the impact in their application. These explanations will be taken into consideration by IPART when assessing the application.
- The cap limit on local development contributions has been removed entirely.

Where to go for further information

- The Special Variation and Minimum Rate Variation Guidelines are available on OLG's website at Rating and Special Variations.
- Councils intending to apply for a Special Variation or Minimum Rate Variation in 2021/22 should contact IPART in advance of submitting an application on 02 9290 8400 or email localgovernment@ipart.nsw.gov.au.
- New councils intending to apply for a Minimum Rate Variation in 2021/22, in the specific circumstances outlined in the temporary Special Guidelines, should contact OLG's Performance Team on 02 4428 4100 or email olg@olg.nsw.gov.au.

Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

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



Office of
Local Government

Circular to Councils

| | |
|-----------------------------|---|
| Circular Details | 20-39 / 30 November 2020 / A716396 |
| Previous Circular | 19-23 Constitutional referendums and council polls |
| Who should read this | Councillors / General Managers / Council Governance Staff |
| Contact | Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au |
| Action required | Information |

Constitutional referendums and council polls

What's new or changing

- Councils are reminded to inform the NSW Electoral Commissioner (NSWEC) if they have resolved for the NSWEC to administer a constitutional referendum or poll in conjunction with the September 2021 local government elections.

What this will mean for your council

- Under section 16 of the *Local Government Act 1993*, a council must obtain the approval of its electors at a constitutional referendum to do each of the following:
 - divide a council area into wards or abolish wards
 - change the number of councillors
 - change the method of electing the mayor
 - change the method of election for councillors where the council's area is divided into wards.

Key points

- Councils should notify the NSWEC as soon as possible if they wish to enter into an arrangement for the administration of a referendum or poll.
- If a council resolves that a constitutional referendum or poll is to be conducted, it must comply with the notification requirements contained in Schedule 10 of the *Local Government (General) Regulation 2005*.
- Any changes approved at a referendum will come into effect at the September 2024 local government elections.

Where to go for further information

- For councils considering, or that have resolved to have the NSWEC conduct a constitutional referendum or poll, contact Steve Robb at the NSW Electoral Commission on telephone 9290 5431 or Steve.Robb@elections.nsw.gov.au.
- See the attachment to this Circular for further information.

Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
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Attachment

Conducting a constitutional referendum

If a council resolves to conduct a constitutional referendum it must comply with the notification requirements contained in Schedule 10 of the *Local Government (General) Regulation 2005*.

It is of critical importance that the referendum question or questions are carefully framed to ensure that workable decisions are achieved. All questions put at a referendum should be clear, concise, and capable of being responded to with a 'yes' or 'no' answer.

If more than one referendum question is being asked on a particular subject, then extra care needs to be taken to ensure that the possible combinations of 'yes' and 'no' answers do not produce a conflicting decision.

Councils are responsible for the preparation and publicity of the required explanatory material. Councils must ensure this material presents a balanced case both for and against any proposition to be put to a constitutional referendum.

Dividing an area into wards or abolishing wards

After receiving elector approval at a constitutional referendum, and before dividing its area into wards, a council must undertake the consultation required by section 210A of the *Local Government Act 1993* (the Act). This includes consulting with the Electoral Commissioner and the Australian Statistician and public exhibition of the proposal. (Compliance with section 210A is not required where approval has been given by electors at a referendum to abolish wards.)

Any changes to wards will come into effect for the electoral term commencing in September 2024.

Changing the number of councillors

Section 224(2) of the Act requires that not less than 12 months before an ordinary election the council must determine the number of its councillors for the following term. If, as a result of doing so, a council has determined to change the number of its councillors, it must also obtain approval for the change at a constitutional referendum. Approval would have the effect of changing the number of councillors for the electoral term commencing in September 2024.

If following the approval of a reduction in councillor numbers, a casual vacancy occurs in the office of a councillor (but not a mayor elected by the councillors), and the reduction has not yet taken effect, the vacancy must not be filled if the number of councillors will remain at or above the number approved at the referendum (section 294B of the Act).

Changing the method of electing the mayor

The Act provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its electors at a constitutional referendum.

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

Councils with areas that are divided into wards are reminded that section 280(2) of the Act requires the same number of councillors is to be elected for each ward. A popularly elected mayor is not to be included in this count. In such circumstances, councils should be mindful that changing the method of electing the mayor could result in an increase or decrease in the number of councillors to be elected.

If electors at a constitutional referendum conducted in conjunction with the 2021 ordinary elections approve a change to the way the mayor is elected, that change will come into effect for the electoral term commencing in September 2024.

Changing the method of electing councillors

The councillors for an area that is divided into wards are to be elected in accordance with either method of election prescribed under section 280 or 281 of the Act.

The method of election under section 280 (method 1) is to apply unless a decision made at a constitutional referendum is in force, which requires the method of election to be conducted under section 281 (method 2).

The decision made at a constitutional referendum to alter the method of election to method 2 must also specify the number of councillors to be elected by the ward electorate and the number of councillors to be elected by the area electorate.

If electors at a constitutional referendum conducted in conjunction with the 2021 ordinary elections approve a change to the method for electing councillors, this change will come into effect for the electoral term commencing in September 2024.

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9.2 MURRAY DARLING ASSOCIATION PROPOSED NAME CHANGE

File Number: RPT/20/830

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

The Murray Darling Association (MDA) is currently consulting with members and stakeholders regarding a proposed name change to include the words Local Government in their name. The proposed name is Murray-Darling Local Government Association. The Murray Darling Association has four membership categories: Council Organisations, Non-Council Organisations, Individuals, and Life Members. Currently there is one member in the Non-Council Organisation and approximately 10-12 members each in the Individual and Life Member categories.

Recommendation

That Council

- a) support the name change from Murray Darling Association to Murray-Darling Local Government Association; or
- b) not support the name change from Murray Darling Association to Murray-Darling Local Government Association.

Detailed Report

Purpose

The purpose of this report is to provide information to Council regarding the proposed name change for the Murray Darling Association.

Background

Murray Darling Association advises there has been feedback from members and stakeholders that the Murray Darling Association needs to:

- reduce confusion of identity between the Murray Darling Association (MDA) and the Murray Darling Basin Authority (MDBA);
- clarify our identity as an association that represents the interests of local government at state and federal level in the management of Basin resources (Purpose - Part 3 of the MDA Constitution);
- better reflect and describe the role, purpose, context and work of the association;
- accurately identify the MDA as an inter-jurisdictional association of Councils operating across the Murray-Darling Basin;
- build membership of Councils;
- support the association's ability to compete for grant and project funding; and
- support regional and state LGA's by further elevating regional and state priorities to the Basin and National scale.

Report Detail

The Murray Darling Association represents Council Organisations, Non-Council Organisations and Individuals. Its purpose is to represent the interests of local government

at a state and federal level in the management of Murray Darling Basin resources, this will not change.

There are no legal risks or barriers to the proposed name change. The consultation process closes 12 February 2021.

Attached is a Frequently Asked Question document which provides more information regarding the proposed name change.

Conclusion

The options available to Council are:

- c) support the name change from Murray Darling Association to Murray-Darling Local Government Association; or
- d) not support the name change from Murray Darling Association to Murray-Darling Local Government Association.

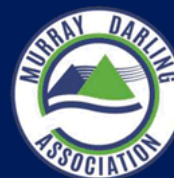
Attachments

1. MDA Proposed Name Change Frequently Asked Questions [↓](#)

Murray Darling Association

Change of Name Consultation

Frequently Asked Questions



The Murray Darling Association (MDA) is currently consulting with members and stakeholders regarding a proposal to include the words Local Government in the name of the MDA, that is to say: Murray-Darling Local Government Association.

To support the consultation process, please find below an FAQ and [an analysis of LGA entities, memberships and charter](#).

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Local Leadership: A National Priority

Murray Darling Association

Change of Name Consultation

Frequently Asked Questions



1. Why is the Murray Darling Association (MDA) considering a change of name to the Murray-Darling Local Government Association (Murray-Darling LGA)?

Consistent feedback from members and stakeholders in recent years has identified that the MDA needs to

- reduce confusion of identity between the Murray Darling Association (MDA) and the Murray Darling Basin Authority (MDBA);
- clarify our identity as an association *that represents the interests of local government at state and federal level in the management of Basin resources* (Purpose - Part 3 of our Constitution).
- better reflect and describe the role, purpose, context and work of the association;
- accurately identify the MDA as an inter-jurisdictional association of councils operating across the Murray-Darling Basin.
- Build membership of councils
- support the association's ability to compete for grant and project funding
- support regional and state LGA's by further elevating regional and state priorities to the Basin and National scale.

2. Aren't all LGAs required to be registered as local government entities, and to be defined in state acts of Parliament?

No.

An analysis of LGAs shows a variety of legislation under which they operate. For example, [ALGA](#) is an Australian Public Company; [ALGWA](#) is an Other Unincorporated Entity, and its Constitution refers to Consumer Affairs Victoria; [LGAQ](#) is an Australian Public Company registered under the Commonwealth Corporations Act, [LG NSW](#) is registered federally under the Fair Work (Registered Organisations) Act 2009 (Cth) and in NSW under the Industrial Relations Act 1996. [LGA SA](#) and the [MAV](#) are both Local Government Entities, [LGA SA](#) is constituted as a body corporate and a public authority pursuant to the Local Government Act 1999 while the [MAV](#) is an Association incorporated by an Act of the Parliament of Victoria, Australia, known as the Municipal MAV Act 1907..

Like the MRLGA, the MDA is an Other Incorporated Entity. The MDA is incorporated under the Association's Incorporation Act 1984 NSW and is required to operate in accordance with the rules of its [Constitution](#).

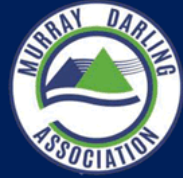
A full comparison & analysis of regional, state and national Local Government Associations (LGAs) can be found at the end of this document.

3. Will the name change lead to confusion and misunderstandings about the roles, functions and memberships of the MDA and other LGAs?

No.

Each LGA across all jurisdictions has its own unique role, functions, and membership arrangements. For each LGA, these are described in their charter or constitution. The one thing we all have in common is that we serve the interests of local government.

Murray Darling Association Change of Name Consultation *Frequently Asked Questions*



Adopting the name **Murray-Darling Local Government Association** will assist in clarifying the roles, functions and memberships of the MDA, and avoid confusion with other LGAs.

4. The MDA's constitution states its purpose as representing the interests of local government...at state and federal level in the management of Basin resources. Is this focus too narrow for an LGA?

No.

As noted in FAQ 3, each LGA has its own unique role, functions, and membership arrangements. The MDA's role is to represent the interests of local government...at state and federal level in the management of Basin resources. Those resources include water, land, energy and community.

The MDA provides a unique role representing the interests of local government in a highly specialized area, providing additional support for the position of regional and state LGAs in relation to Basin Plan implementation and policy relating to water, land, energy and community provides a vital service to councils and other LGAs across the Basin.

With our MOU with the MDBA, our Relationship Agreement with the CSIRO, and our partnering arrangements with the OneBasin CRC bid and other interjurisdictional initiatives the MDA is uniquely positioned to strengthen the regional and state priorities of partner LGAs building alignment and delivering value to member councils and LGAs.

Link to [Vision 2025](#)

5. Are there any legal risks or barriers to the name-change?

No.

There is no legal impediment to the name change, and it has in fact the name **Murray-Darling Local Government Association** was legally approved and registered some years ago.

Approval was granted in 2019 and the name is Murray-Darling Local Government Association was registered to the MDA by ASIC on advice from the Commonwealth Minister for Finance, and Minister for Local Government.

Consultation is required to assist our members to determine whether to **adopt** the name change.

6. Not all councils in the Murray-Darling basin are members. Does this mean the MDA is not truly representative of local government?

No.

Membership to most, if not all LGAs is at the discretion of individual councils. Most LGA's have a range of membership categories. Most also have both member and non-member councils within their jurisdiction. Our engagement and service is highly inclusive of member and non-member councils.

Murray Darling Association Change of Name Consultation *Frequently Asked Questions*



7. Will our membership categories need to change? Why / Why not?

No.

The MDA currently has 4 membership categories: Council Organizations, Non-council Organizations, Individuals, and Life Members. Currently there is one member in the non-council organization and approximately 10-12 members each in the Individual and Life Member categories.

Based on feedback gathered during our consultation our board has considered that it may be appropriate to amend the Constitution to ensure only local government members vote at the Annual General Meeting, ensuring integrity and probity of our governance arrangements while still valuing the contribution of individual and organization members.

8. The MDA has multiple membership categories. Is there a risk that interest groups can unduly influence the MDA?

No.

See FAQ 7.

9. Will individual members still be welcome at the MDA.

Yes.

See FAQ 7.

The MDA has a strong and proud tradition of listening to and benefiting from the experience, and expertise of individual members – including past councilors, technical and industry experts and even the current serving Deputy Prime Minister.

10. Do we need another LGA? What is the MDA's point of difference?

Yes.

See FAQ 4.

11. I am not a member of the MDA. Can I still participate in the consultation process?

Yes.

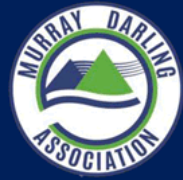
The decision on whether or not to adopt use of the name Murray-Darling Local Government Association is ultimately a decision for our members, and only members will be entitled to vote on the matter.

However, we value the views, opinions, and sentiment of all our stakeholder and have determined that it is important to consult as widely as possible.

12. How does the MDA ensure rigorous consultation with elected members, council staff and full council meetings before making decisions?

Through the region meeting system, member councils delegate representative rights on many matters to their delegates.

Murray Darling Association Change of Name Consultation *Frequently Asked Questions*



On matters of substance, including nomination of a chair/board member; voting rights and delegations; development adoption of position statements and motions to conference are all required to be put to council, and by resolution of the region.

Voting on some less substantial matters relies on delegation. The MDA undertakes substantial consultation with member councils and in fact broader stakeholders.

As with all LGA's, consultation is an area the MDA strives for continuous improvement. However, current practice of the MDA aligns with, and in many cases exceeds that of equivalent state and territory LGAs.

13. Some of the state LGAs have indicated that they don't support the change. Could the name change impact current relationships?

Yes.

We are working hard to ensure the impact is positive. Managing relationships is a key focus of all councils and LGAs, none more so than at the MDA.

Some concern has been expressed among non-member councils and state based LGAs. We are working hard to work through any concerns with the LGAs.

Fostering good relationships and working collaboratively with councils and LGAs is essential to achieve good outcomes for councils everywhere. We are particularly keen to build on the positive relationship we have with the state based LGA's to collaborate on supporting the challenges experienced by rural and regional councils impacted by changes to water availability in the Murray-Darling Basin.

We will continue to work collaboratively with all councils and LGAs.

14. The MDA started life as the Murray-Valley Development League, then changed to the Murray Darling Association in 1983. Will this be the last change?

The MDA was first incorporated in 1944 to assist local government to exercise a collective voice in the Federal Parliament on a range of issues relevant to councils across the Murray Valley (NSW, Vic, SA), including legislation on the Snowy River Diversion and the associated hydro-electricity scheme.

In August 1992 the organization resolved to broaden its reach to include all councils of the Murray Darling Basin, changing its name from the Murray Valley Development League to the Murray Darling Association.

It is important for the MDA's name and practice to future focused, relevant and reflect the role of the organisation.

15. Is the MDA considering other options for a name change?

No.

Murray Darling Association Change of Name Consultation *Frequently Asked Questions*



The Murray Darling Association is a good name, and that name enjoys a solid reputation in the sector. There is no proposal to change the name other than to better reflect its role in **local government** by incorporating those words into its existing name.

Over the last two years, the MDA has consulted with members and stakeholders on this matter, using informal consultation, board meetings, our strategic advisory group, and at our annual strategic planning workshops in 2019 and 2020.

At its 2020 Annual General Meeting, the Murray Darling Association membership resolved at [Motion 2020-5.18](#) to *commence consultation with its members on affirming the identity of the association as a representative of **local government** by incorporating the words local government words into its name.*

16. Okay, so you are consulting. Who are you consulting with, and what happens next?

Following the 2020 AGM, the board adopted a consultation and engagement strategy that includes the distribution of a survey to our members, and further consultation with those LGAs that responded to our initial correspondence in 2019. The strategy also welcomes feedback from interested stakeholders and the community.

Following consultation all feedback will be considered at the 2021 annual strategic planning workshop. The board will then determine whether to call an EGM to adopt the use of the name

Murray-Darling Local Government Association. Any change to the constitution will be required to be put to a general meeting of the membership.

A decision will be made on this matter at an Extraordinary General Meeting (EGM) next year. The EGM will not be called until conclusion of consultation in February 2021.

17. What's in it for my council?

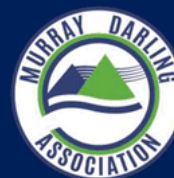
Local government and the communities of the Murray-Darling Basin must lead the way in water management, agriculture, energy efficiency and innovation if we are to have safe, secure and equitable distribution of water.

Severe drought and bushfires, evolving water markets, climate change, emerging developments in energy, agriculture, water infrastructure and now COVID-19 all form the backdrop to these extraordinary times.

Now, more than ever before, local government has a critical role to play in the management of Basin resources if we are to ensure our communities enjoy safe secure water supply, sustainability, vibrancy and prosperity of our local communities for future generations.

The achievements of the MDA have significantly enhanced the position of local government in the determining policy settings that impact every council and community in the Basin, making local leadership a national priority.

Murray Darling Association Change of Name Consultation *Frequently Asked Questions*



Our strategic plan, [Vision 2025](#) aligns the vision and priority of councils, regions and governments across the Murray-Darling Basin.

18. Did the Murray Darling Association (MDA) undertake any preparations prior to going to consultation?

Yes.

- In recent years the Murray Darling Association has received consistent feedback from members, and at all levels of government and community that the MDA needs to strengthen its identity as association that represents the interests of local government at state and federal level in the management of Basin resources, as described in Part 3 of our Constitution, by incorporating the words 'local government' into our name.
- In 2019, the board resolved to inquire into any implications that may arise if such a change was to occur. Our inquiries revealed that use of the words local government in a name requires Ministerial approval.
- In October 2019, approval was granted by Minister Frydenberg and ASIC on advice from Minister Coulton, Federal Minister for Local Government for the Murray Darling Association to register the name Murray-Darling Local Government Association. Strong support has also been expressed by the Deputy Prime Minister The Hon Michael McCormack, and many of our Mayors and regional chairs across the Basin. This left only for the membership to consider the matter.
- In December 2019, the MDA wrote to all state and national LGA's to alert them to the proposal and seek their feedback as a valued colleague in the sector and providing assurance our aim is to strengthen rather than diminish role of LGA's.
- State LGAs responded with an objection on the basis that it will create confusion and misunderstanding about the roles, functions, and memberships of the MDA and the other LGAs. The board noted those responses in January 2020 and resolved to consider the matter in detail at the MDAs annual strategic planning workshop.
- At its 2020 Annual General Meeting held in September this year, the Murray Darling Association membership resolved at Motion 2020-5.18 to consult with its members on affirming the identity of the association as a representative of local government by incorporating the words local government into its name.
- To give effect to that motion, the MDA launched a consultation and engagement strategy that included the distribution of a survey to our members and invited further consultation with those LGAs that responded to our initial correspondence in 2019. The strategy also welcomes feedback from interested stakeholders and the community.



Comparison & Analysis of Regional, State and National Local Government Associations (LGAs)

admin@mda.asn.au
www.mda.asn.au
T: (03) 5480 3805
ABN: 64 636 490 493
PO BOX 1268
Echuca, Vic 3564

| LGA | ABN | Entity Type | Members | Governance & Reporting |
|--|----------------|---|---|---|
| Local Government NSW (LG NSW) | 49 853 913 882 | Other Unincorporated Entity | <ul style="list-style-type: none"> NSW Local Councils associate members | LG NSW is registered federally under the Fair Work (Registered Organisations) Act 2009 (Cth) and in NSW under the Industrial Relations Act 1996. Each act requires compliance with a set of rules that govern how the Association operates. The rules cover object and powers, memberships, control and governance, the annual conference, the Board, finance and auditing. (Annual Report 2019/20) |
| Local Government Association of South Australia (LGA SA) | 83 058 386 353 | Local Government Entity | <ul style="list-style-type: none"> Councils Community Councils | Local Government Association of South Australia is constituted as a body corporate and a public authority pursuant to the Local Government Act 1999. (LGASA Constitution and Rules) |
| Local Government Association of Queensland (LGAQ) | 11 010 883 293 | Australian Public Company | <ul style="list-style-type: none"> Brisbane City Council local governments constituted under the Local Government Act 2009. | The LGAQ is a public company limited by guarantee registered under the Commonwealth Corporations Act 2001, and is required to operate in accordance with the provisions of the Constitution . It is a not-for-profit association set up solely to serve the state's 77 councils and their individual needs (Extract – Annual Report 2020, p3.) |
| Municipal Association of Victoria (MAV) | 24 326 561 315 | Local Government Entity | <ul style="list-style-type: none"> Participating member councils non-participating member Councils. | The MAV is an Association incorporated by an Act of the Parliament of Victoria, Australia, known as the Municipal MAV Act 1907. (Annual Financial Report 2020) The association is required to operate in accordance with the MAV Rules 2013 . |

"If we can achieve two things: a new standard for community consultation, and the practical inclusion of local government - as a sector in the decision-making framework of Basin Governments, then local communities really will be at the heart of the Basin Plan, and local leadership will deliver our national priorities."

Murray Darling Association: National Conference 2020



Comparison & Analysis of Regional, State and National Local Government Associations (LGAs)

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Echuca, Vic 3564

| | | | | |
|---|----------------|---|---|---|
| Australian Local Government Association (ALGA) | 31 008 613 876 | Australian Public Company | <ul style="list-style-type: none"> Local Government NSW Local Government Association of Northern Territory Local Government Association of Queensland Local Government Association of South Australia Local Government Association of Tasmania Municipal Association of Victoria Western Australian Local Government Association | ALGA is a federation of state and territory local government associations. (ALGA website) No Annual Report has been found on the website. No governance or reporting information has been found on the website. |
| Australian Local Government Women's Association (ALGWA) | 58 853 856 904 | Other Unincorporated Entity | Membership of ALGWA is open to anyone interested in supporting women's participation in Local Government. Membership includes elected Councillors, Local Government Employees, former Mayors and Councillors, individual Councils and Shires and intending candidates for Local Government elections. | The Association is incorporated under Consumer Affairs Victoria and is required to operate in accordance with it's Constitution . |
| Murray-Darling Local Government Association (MDA) | 64 636 490 493 | Other Incorporated Entity | <ul style="list-style-type: none"> Local government entity Organisation Individual Member Life Member | The Association is incorporated under the Association's <i>Incorporation Act 1984 NSW</i> and is required to operate in accordance with the rules of its Constitution . |

"If we can achieve two things: a new standard for community consultation, and the practical inclusion of local government - as a sector in the decision-making framework of Basin Governments, then local communities really will be at the heart of the Basin Plan, and local leadership will deliver our national priorities."

Murray Darling Association: National Conference 2020



Comparison & Analysis of Regional, State and National Local Government Associations (LGAs)

admin@mda.asn.au
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ABN: 64 636 490 493
PO BOX 1268
Echuca, Vic 3564

| Sample of Regional Organisations of Councils/Local Government Associations | | | |
|---|----------------|---|---|
| | 78 714 181 490 | Other Incorporated Entity | |
| Murray and Mallee Local Government Association (MRLGA) South Australia | | <ul style="list-style-type: none"> • The Berri Barmera Council, • The Coorong District Council, • The District Council of Karoonda East Murray, • District Council of Loxton Waikerie, • The Mid Murray Council, • The Rural City of Murray Bridge, • The Renmark Paringa Council, and • The Southern Mallee District Council | The Association has been formed as a subsidiary under the Local Government Act 1999 (SA) and as such, must comply with the provisions of the Act as described in it's Charter . |
| Riverina and Murray Joint Organisation (RAMJO) NSW | 70 595 075 058 | Local Government Statutory Authority | The Riverina and Murray Joint Organisation (RAMJO) has been proclaimed by the NSW State Government as a Body Corporate under the provisions of the Local Government Act 1993, and operates in accordance with its Charter . |

"If we can achieve two things: a new standard for community consultation, and the practical inclusion of local government - as a sector in the decision-making framework of Basin Governments, then local communities really will be at the heart of the Basin Plan, and local leadership will deliver our national priorities."

Murray Darling Association: National Conference 2020

9.3 SUNRAYSIA SAFARI RALLY 2021 REQUEST FOR SPONSORSHIP

File Number: RPT/20/770

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

CSP Goal: 2.0 Wentworth is a desirable Shire to visit, live, work and invest
 Delivery Program Objective: 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination
 Delivery Program Strategy: 2.1.1 Provide Visitor Information Services

Summary

Council is in receipt of a request to provide financial and in-kind sponsorship for the 2021 Sunraysia Safari Cross Country Rally. It is proposed to hold the Rally within the Wentworth Shire region from Wednesday 8 September 2021 to Saturday 11 September 2021 inclusive, subject to venue availability. Council approved financial support for the 2020 Rally however, due to COVID-19 the event did not occur and therefore the funds were not provided.

Recommendation

That Council consider the request to support the 2021 Sunraysia Safari Cross Country Rally by either:

- a) providing financial support only to the value of \$15,000.00 (ex GST);
- b) providing financial support of \$15,000.00 (ex GST) plus in-kind support;
- c) providing only in-kind support of use of the Wentworth Showgrounds for a period of nine (9) days; or
- d) not providing any financial or in-kind support to the 2021 Sunraysia Safari Cross Country Rally.

Detailed Report

Purpose

The purpose of this report is to inform Council of a request for financial and in-kind support for the 2021 Sunraysia Safari Cross Country Rally.

Background

Council is in receipt of a request from Rally Management Australia for Sponsorship for the 2021 Sunraysia Safari Cross Country Rally, a copy of which is attached for reference.

It is proposed to hold the rally from Wednesday 8 September 2021 to Saturday 11 September 2021 inclusive, subject to venue availability.

The aim is to stage the 2021 event entirely within the Wentworth Shire region.

Matters under consideration

The 2021 Sponsorship proposal includes a request for financial support of \$15,000.00 (ex GST) and in-kind support being exclusive use of the Wentworth Showgrounds, including cleaning, rubbish removal, use of toilets and related materials, for the period from Sunday 5 September 2021 to Monday 13 September 2021 inclusive, for the purposes of housing the Event Headquarters and Overnight Stop location.

The cost of additional staff time to prepare and service the Showgrounds for events such as these will be accounted for as part of the in-kind support and may have an impact on service delivery in other areas across the Shire.

Should Council resolve to provide Sponsorship for the 2021 Sunraysia Safari Cross Country Rally it is proposed to fund it from the 2020-2021 Wentworth Shire Tourism and Promotions Budget.

Based on 2020-2021 charges, the following costs for in-kind support would need to be considered:

- Access charges for the Showgrounds - \$154 per area/per day
- Rubbish bin hire (including one empty per day) - \$23 per bin
- Powered site camping fees (for two people) - \$32 per site
- Powered site camping fees (for children) - \$6 per child
- Powered site camping fees (additional adult) - \$9 per adult
- Additional site preparation, e.g. erection of bunting - cost to be determined.

Options

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

- a) provide financial support only to the value of \$15,000.00 (ex GST);
- b) provide financial support of \$15,000.00 (ex GST) plus in-kind support;
- c) provide only in-kind support of use of the Wentworth Showgrounds for a period of nine (9) days; or
- d) not provide any financial or in-kind support to the 2021 Sunraysia Safari Cross Country Rally.

Conclusion

The 2021 Sunraysia Safari Cross Country Rally is proposed to be held within the Wentworth Shire region from Wednesday 8 September 2021 to Saturday 11 September 2021 inclusive, subject to venue availability. A request has been made for financial and in-kind support of the 2021 event.

Attachments

1. Sunraysia Safari Rally 2021 Request for Sponsorship [📄](#)

From: [Ken Ross](#)
To: [Executive Assistant General Manager](#)
Subject: Fwd: 2021 Sunraysia Safari
Date: Monday, 9 November 2020 11:35:45 AM
Importance: High

Hi Ken,

Further to your email on August 11, I am writing to you to formally request the Wentworth Shire Council's continued support for the 2021 Sunraysia Safari Rally.

The Event is scheduled to run from Wednesday September 8-Saturday September 11 inclusive, with the usual format being used. We would like to have access to the Wentworth from Sunday September 5-Monday September 13.

Before being cancelled due to the COVID 19 Border Restrictions making it impossible to run, The 2020 event had already attracted a near capacity field, and indeed we expected we would exceed our maximum entries prior to the start of the event. With many of those entries already committed to the 2021 Sunraysia Safari, we anticipate a capacity field for the first time in the event's already successful history.

As in previous years, we gratefully request assistance from the council to the same level as previous years, being:

-Financial Support of \$15,000 (to assist with TV production costs),

-Use of the Wentworth Showgrounds and Facilities From Sunday September 5-Sunday September, including cleaning services and rubbish removal.

The Wentworth Shire has been an integral partner of the Sunraysia Safari from the outset, and we are extremely grateful for the ongoing support and assistance. We're very proud to be a part of the local community, and to have brought somewhere in the region of \$2 million to the Shire in the years that we have run the rally. As you know, we love it up here so much that we purchased our property in Dareton to have a permanent base, and given I've been here since May due to the COVID restrictions, that's proven already to be a very good decision!

If you have any queries, as always, please don't hesitate to contact me. I'm intending on being up here for quite some time yet, so if you'd like to arrange a meeting in person, please let me know.

Regards,
Troy

Troy Bennett

Event Director: Sunraysia Safari Cross Country Rally

Managing Director: Rally Management Australia Pty. Ltd.

Mob:0428 541 809

RMA: Competition, Business, Excitement!

9.4 AUSTRALIA DAY 2021 AWARDS

File Number: RPT/20/783

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: 4.7 Promote the celebration of the region's rich cultural and social heritage

Summary

This year Council requested nominations for the following categories:

- Citizen of the Year (must be 18 years or over on 26 January 2021)
- Young Citizen of the Year (must be under 18 years on 26 January 2021)
- Sportsperson of the Year (must be 18 years or over on 26 January 2021)
- Young Sportsperson of the Year (must be under 18 years on 26 January 2021)
- Environmental Award (individuals or groups)

Nominations were received for four categories. There were no nominations for the Sportsperson of the Year.

Recommendation

That Council determines the individual award recipients through a secret ballot and that the results remain confidential until announced at the official Australia Day event at the Buronga Wetlands.

Detailed Report

Purpose

The purpose of this report is to determine the individual award recipients for Australia Day awards 2020 by secret ballot with the results to remain confidential until announced at the official Australia Day event at the Buronga Wetlands.

Conclusion

A vote by secret ballot for the individual award recipients in each of the four categories for which nominations were received enables the result to remain confidential until being announced on Australia Day.

Attachments

1. Ballot Paper (Under Separate Cover) [⇒](#)

9.5 CODE OF CONDUCT COMPLAINT STATISTICS FOR THE PERIOD ENDED 30 SEPTEMBER 2020

File Number: RPT/20/774

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

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

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

Summary

The Procedures for the Administration of the Model Code of Conduct requires a report to be presented to Council within three months of the end of September each year on Code of Conduct complaints.

The information contained in the report pertains to the period ended 30 September 2020.

Recommendation

That Council notes the reporting of the Code of Conduct complaints statistics for the period ended 30 September 2020.

Detailed Report

Purpose

The purpose of this report is to report on Code of Conduct complaints received from 1 October 2019 to 30 September 2020 as required under section 11.1 of the Procedures for Administration of the Model Code of Conduct.

The Code of Conduct report has been attached to this report for the information of Councillors and the public.

Conclusion

Council has complied with its Code of Conduct reporting obligations.

Attachments

1. Annual Code of Conduct Report [↓](#)

| Model Code of Conduct Complaints Statistics Wentworth Shire Council | | |
|--|---|--|
| Number of Complaints | | |
| 1 | a | The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct |
| | | <input type="text" value="0"/> |
| | b | The total number of complaints finalised in the period about councillors and the GM under the code of conduct |
| | | <input type="text" value="0"/> |
| Overview of Complaints and Cost | | |
| 2 | a | The number of complaints finalised at the outset by alternative means by the GM or Mayor |
| | | <input type="text" value="0"/> |
| | b | The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement |
| | | <input type="text" value="0"/> |
| | c | The number of code of conduct complaints referred to a conduct reviewer |
| | | <input type="text" value="0"/> |
| | d | The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer |
| | | <input type="text" value="0"/> |
| | e | The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer |
| | | <input type="text" value="0"/> |
| | f | The number of finalised code of conduct complaints investigated by a conduct reviewer |
| | | <input type="text" value="0"/> |
| | g | The number of finalised complaints investigated where there was found to be no breach |
| | | <input type="text" value="0"/> |
| | h | The number of finalised complaints investigated where there was found to be a breach |
| | | <input type="text" value="0"/> |
| | i | The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police |
| | | <input type="text" value="0"/> |
| | j | The number of complaints being investigated that are not yet finalised |
| | | <input type="text" value="0"/> |
| | k | The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs |
| | | <input type="text" value="0"/> |

| Preliminary Assessment Statistics | |
|-----------------------------------|--|
| 3 | The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions: |
| a | To take no action (clause 6.13(a) of the 2018 and 2020 Procedures) <input type="text" value="0"/> |
| b | To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures) <input type="text" value="0"/> |
| c | To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures) <input type="text" value="0"/> |
| d | To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures) <input type="text" value="0"/> |
| e | To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures) <input type="text" value="0"/> |
| Investigation Statistics | |
| 4 | The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made: |
| a | That the council revise its policies or procedures <input type="text" value="0"/> |
| b | That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures) <input type="text" value="0"/> |
| 5 | The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made: |
| a | That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 Procedures or clause 7.39 of the 2020 Procedures) <input type="text" value="0"/> |
| b | In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures) <input type="text" value="0"/> |
| c | In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(i) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures) <input type="text" value="0"/> |
| d | In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures) <input type="text" value="0"/> |
| 6 | Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures) <input type="text" value="0"/> |

| Categories of misconduct | |
|---------------------------|---|
| 7 | The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct: |
| a | General conduct (Part 3) <input type="text" value="0"/> |
| b | Non-pecuniary conflict of interest (Part 5) <input type="text" value="0"/> |
| c | Personal benefit (Part 6) <input type="text" value="0"/> |
| d | Relationship between council officials (Part 7) <input type="text" value="0"/> |
| e | Access to information and resources (Part 8) <input type="text" value="0"/> |
| Outcome of determinations | |
| 8 | The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation <input type="text" value="0"/> |
| 9 | The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG <input type="text" value="0"/> |

9.6 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS TO COUNCIL AND THE PUBLIC

File Number: RPT/20/801

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

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

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

Summary

The annual audit of Council's Financial Statements was carried out by Nexia Australia on behalf of the Audit Office of New South Wales. Brett Hanger, Director, Audit and Assurance Services from Nexia Australia and Manuel Moncada from the Audit Office will join the meeting via video conference to assist in the presentation about the 2019/20 audit to Council and the public.

Public notice of the presentation was given by advertising in the Sunraysia Daily, with the audited Financial Statements and the Auditor's Report made available at the Wentworth Shire Office's and on Council's website as required under Section 418 of the *Local Government Act 1993 (NSW)* (the Act).

Recommendation

That Council notes the presentation of the Annual Financial Statements and the movements in Council's internal and external reserves.

Detailed Report

Purpose

The purpose of this report is to inform Council that, in accordance with Section 418(1)(b) of the Act, public notice has been given that the audited Financial Statements of the Wentworth Shire Council for the period ending 30 June 2020 will be presented at the Ordinary Council meeting on 16 December 2020.

Background

A draft set of Annual Financial Statements was reported to Council at the Ordinary Council meeting held on 21 October 2020. Nexia Australia on behalf of the Audit Office of New South Wales have completed the audit and the Annual Financial Statements for 2019/20 are now ready to be presented to Council and the public as required by Section 418(1)(a) of the Act.

In accordance with Section 420 of the Act, any persons may make a submission in writing to Council with respect to the Annual Financial Statements or Auditor's Report within seven days after the date on which the statements are presented to the public. All submissions received will be referred to the auditor for consideration.

Matters under consideration

Income Statement

The income statement details a comparison with the previous financial year. The statement excludes capital expenditure and includes non-cash items such as depreciation and does not differentiate between income received for restricted or non-restricted purposes e.g. specific purpose grants and contributions.

The 2019/2020 financial year resulted in Wentworth Shire Council posting a \$7,635,000 surplus, this was an increase of \$1,175,000 on the 2018/2019 result, and was \$568,000 less than what was originally budgeted.

Revenue for the year was \$2,927,000 up on the previous year. Notable revenue figures included user fees and charges exceeding budget expectations by \$2,888,000 as a result of increasing revenue from the Buronga Landfill operations and fee for service works for Transport for NSW on the State Highways.

Overall Grants and Contributions increased by \$2,350,000 on last financial year, this was driven largely by an increase in capital grants of \$1,756,000 which reflects the increase in grant projects that Council has been working on over the last couple of years. This is anticipated to continue for the next couple of years.

Council's investment revenue was heavily impacted by the significant reduction of interest rates that occurred during the financial year. Interest rates went from 1.25% at the start of July to 0.25% at the end of June 2020. While Council's investment portfolio has remained relatively stable during the financial year Council's investment revenue for 2019/2020 fell by \$150,000.

Expenditure for the year increased by \$1,752,000, the main contributor to this was the increase in materials and contracts which was largely attributable to the increase on work on the State Highways for Transport for NSW.

Other notable expenditure including Employee benefits and on-costs and Other expenditure reduced by \$490,000 and \$230,000 respectively on 2019/2020. Council's interest in the Far West Joint Organisation decreased by \$102,000.

COVID-19 Impact

COVID-19 and even more so the associated government measures to slow the spread of the virus have had a significant impact on global and local economies and across communities and individuals.

Council has not been isolated from the direct and indirect effects of COVID-19 and has therefore had to react to the impacts of COVID-19 during the 2019/20 financial year.

Council has been fortunate that the net impact of pandemic on operations for the 2019/2020 financial year was approximately \$60,000.

Balance Sheet

The balance sheet details a summary of Council's total assets, liabilities and total equity as at 30 June 2020. The net assets of Council (total assets less total liabilities) have increased by \$15,867,000 during the 2019/20 financial year.

Total current assets have increased by \$233,000. Infrastructure property plant and equipment increased by \$19,419,000, reflecting asset purchases, capital works and revaluations being greater than the increase in accumulated depreciation. Council's total infrastructure assets are written down to 65% of their current replacement value.

Current Liabilities include payables, borrowings and employee leave entitlements. The overall current liabilities increased by \$2,727,000 due mainly to increase payables as at 30 June which reflects that large number of projects that Council was working on at that time.

Non-current liabilities increased by \$958,000 due mainly to a \$1,112,000 increase in the landfill remediation provision.

Available Cash and Cash Equivalents

The available working capital of Council has increased from \$2,327,000 at 30 June 2019 to \$2,413,000 at 30 June 2020. Investments decreased by \$2,000,000 to \$26,000,000. It is considered that \$2,413,000 is more than adequate to manage day to day operating requirements and provides Council with capacity to respond to unforeseen events and opportunities.

The spread of investments throughout a large number of financial institutions allows Council to spread its risk while endeavouring to maximise its returns. It also allows for ready access to funds due to multiple maturity dates.

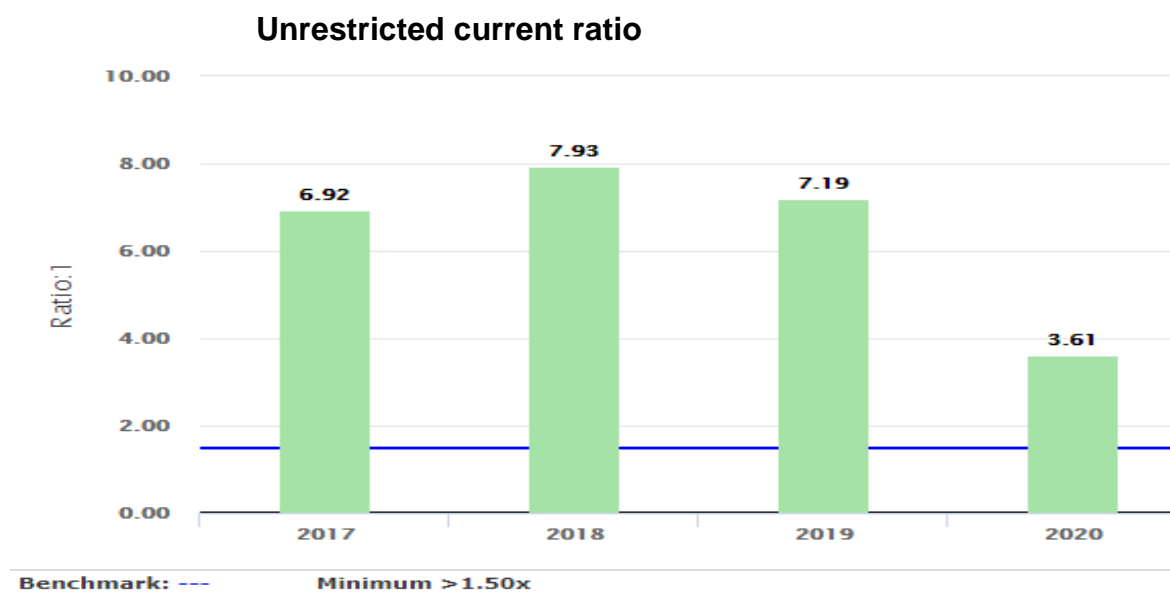
Financial Indicators

There are a number of key ratios included in the financial reports that provide an indication of liquidity and financial capacity of Council. These are presented below and graphically illustrate the movement over the last four years.

Unrestricted Current Ratio

This ratio provides an assessment of the adequacy of working capital and the ability to satisfy obligations in the short term for the unrestricted activities of Council. The ratio measures current assets (less restricted assets) divided by current liabilities (less specific purpose liabilities).

The benchmark figure for this ratio is 1.50x. This ratio decreased during the 2019/20 financial year to 3.61x and continues to be well above the benchmark ratio.

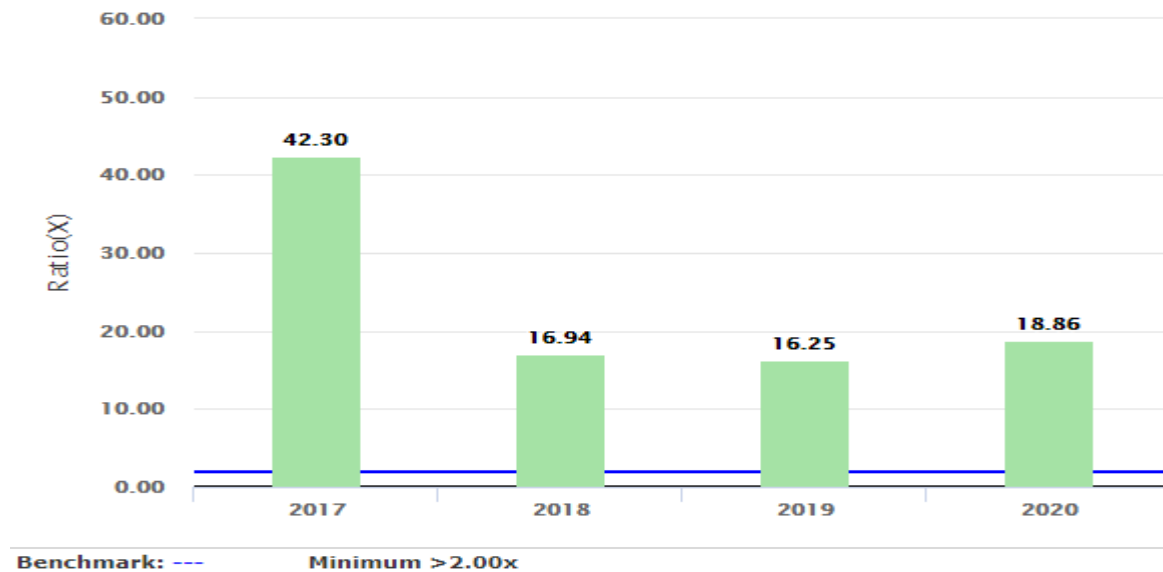


Debt Service Cover Ratio

The Debt Service Cover Ratio measures the availability of operating cash to service debt including interest, principal and lease payments. The ratio is calculated by dividing the operating result before capital excluding interest and depreciation by total loan payments for the year (principal and interest).

The benchmark figure for this ratio is 2x. Council continues to have sufficient operating cash to service current debt levels.

Debt service cover ratio

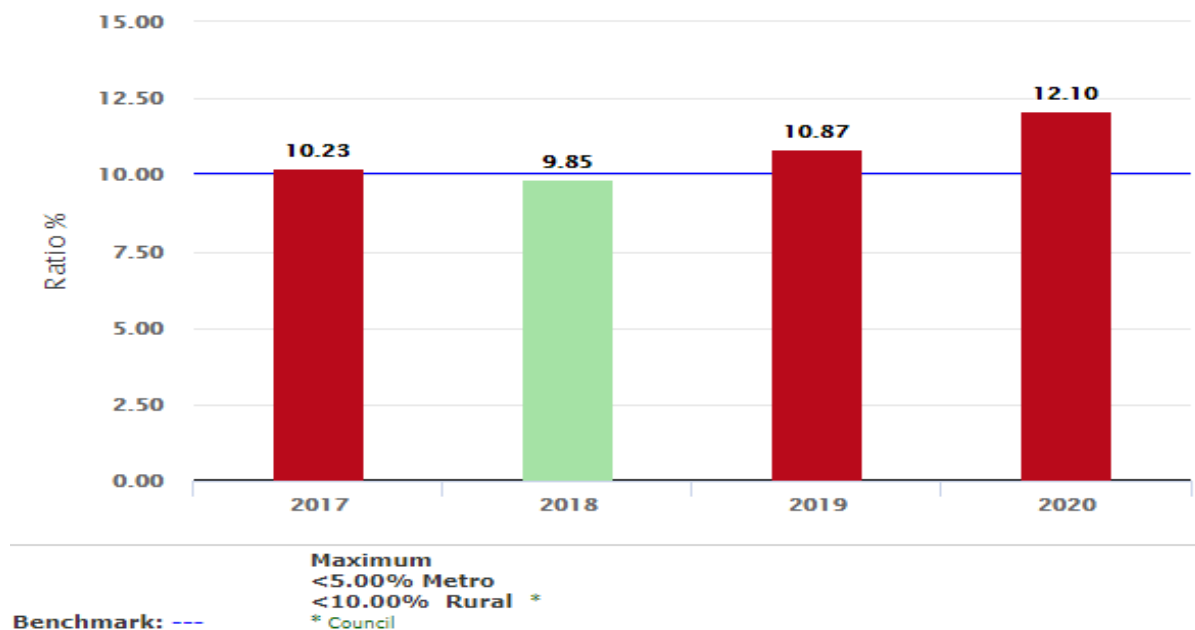


Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage Ratio

This ratio assesses the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts. The ratio is calculated by dividing rates, annual & extra charges outstanding by rates, annual & extra charges collectible.

The benchmark figure for this ratio is 10%. Increase from 10.87% to 12.10% in 2019/2020 is attributed to Council moving from 2 water accounts per year to 3 water accounts per year. This will smooth out over next financial year.

5. Rates, annual charges, interest and extra charges Outstanding Percentage

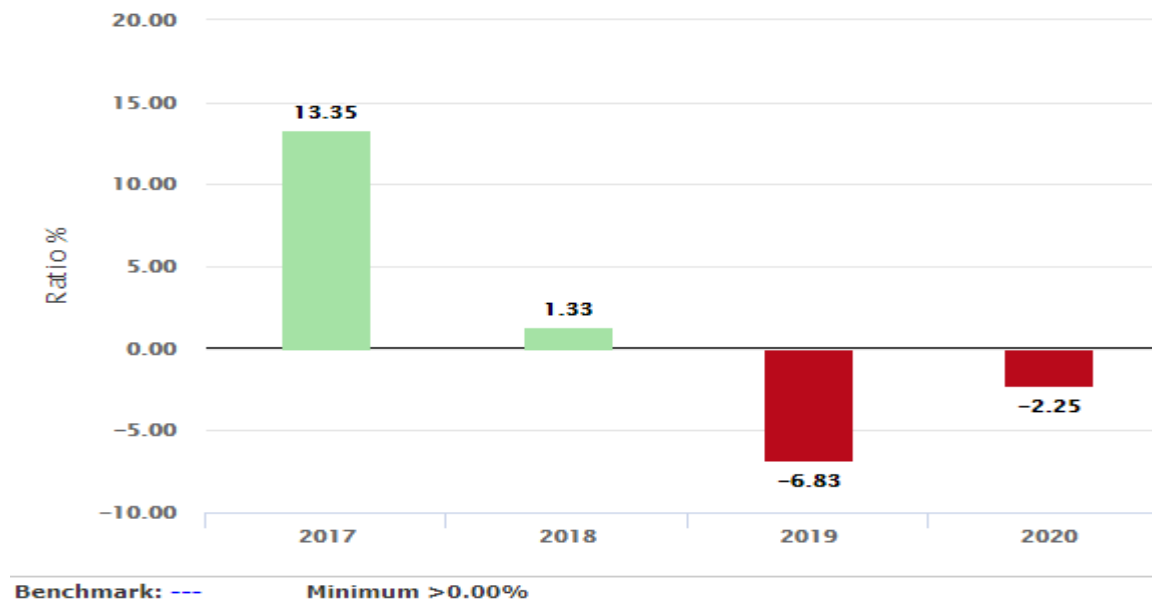


Operating Performance Ratio

This ratio measures Council's ability to contain operating expenditure within operating revenue. This ratio is calculated by dividing total continuing operating revenue excluding capital grants and contributions minus operating expenditure by totalling continuing operating

revenue excluding capital grants. The benchmark figure for this rate is 0%. Council's result for 2019/20 was -2.25%.

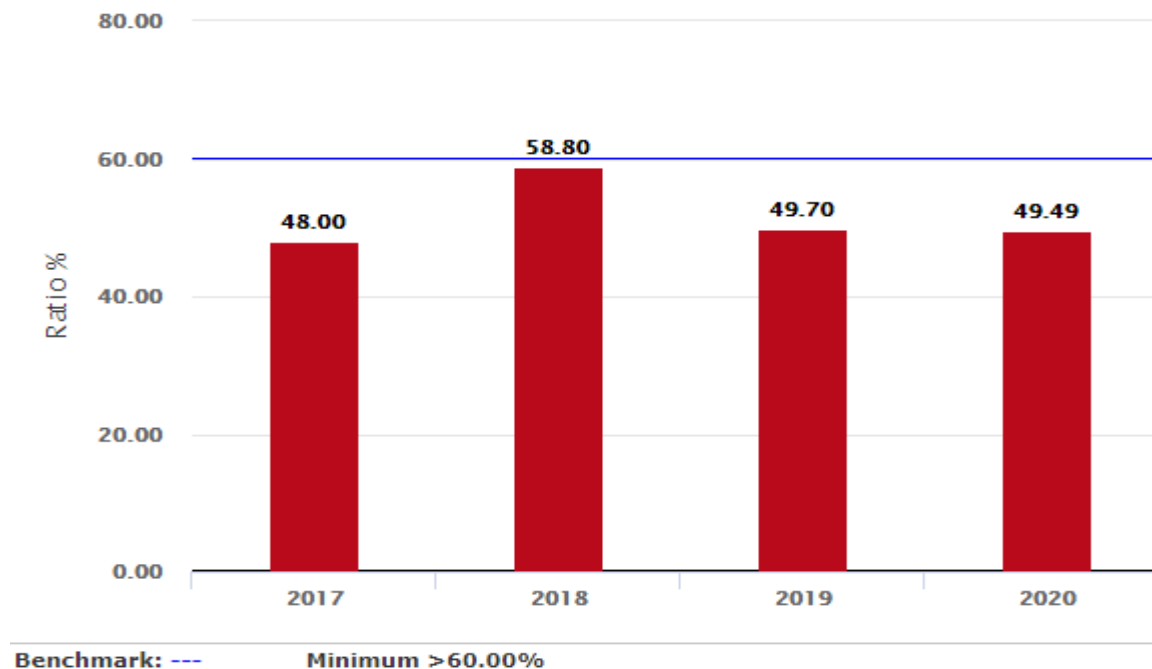
Operating performance ratio



Own Source Operating Ratio

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. This ratio is calculated by dividing total contributing operating revenue less all grants by total continuing operating revenue. The benchmark figure for this ratio is 60%. The ratio for 2019/20 remained steady at 49%.

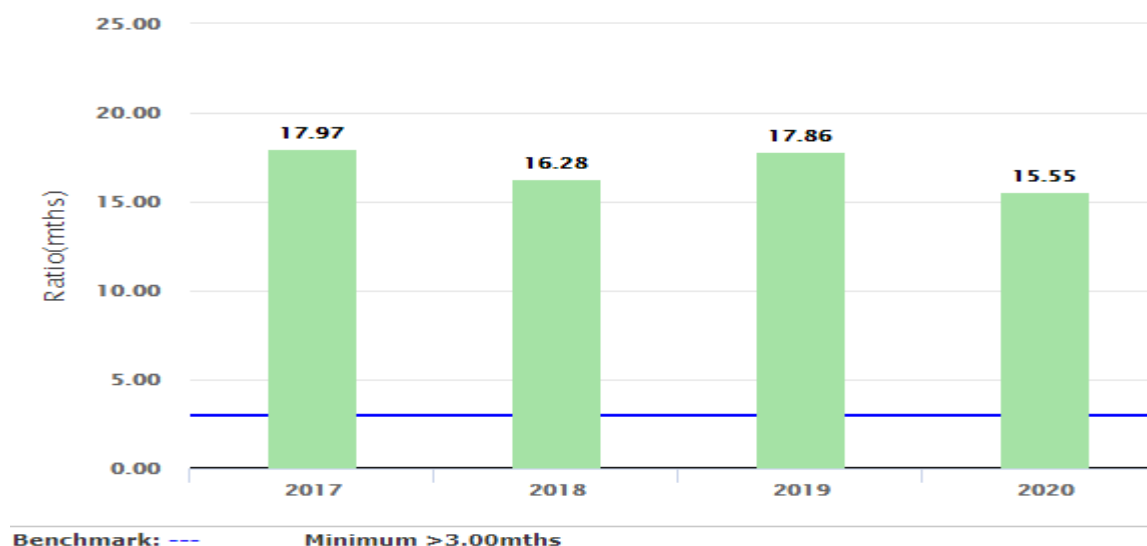
Own source operating revenue ratio



Cash Expense Cover Ratio

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow. The ratio is calculated by dividing the current year's cash and cash equivalents plus deposits by payments from cash flow of operating and financing activities. The benchmark figure for this ratio is 3.0.

Cash expense cover ratio



Reserves

The following table represents all transfers in and out of Council's reserves

| Reserves Transfer Schedule 2019/2020 | | | | |
|---|-----------------|---------------------|-----------------------|-----------------|
| Reserve | Opening Balance | Transfer to Reserve | Transfer from Reserve | Closing Balance |
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Employee Leave Entitlements Reserve | 2,241 | 225 | 18 | 2,448 |
| Developer Contribution Reserve | 619 | 21 | | 640 |
| Plant Replacement Reserve | 2,200 | | 700 | 1,500 |
| Future Development Reserve | 1,113 | | | 1,113 |
| Unexpended Grants Reserve | 1,243 | | 1,010 | 233 |
| Capital & Major Project Reserve | 1,000 | | | 1,000 |
| Domestic Waste Management Reserve (DWM) | 105 | | | 105 |
| Crown Land Reserve | 333 | 69 | 113 | 289 |
| Bank Guarantee Reserve | 11 | | 8 | 3 |
| | | | | |
| | | | | |
| | \$ 8,865 | \$ 315 | \$ 1,849 | \$ 7,331 |

Conclusion

Council has satisfied all of its statutory financial reporting obligations for the 2019/2020 Financial Year. The auditor will be available to answer questions on the day.

Attachments

1. 2019/2020 Annual Financial Statements [⇒](#)

9.7 MONTHLY FINANCE REPORT

File Number: RPT/20/812

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 November 2020 were \$1,429,772.52. After allowing for pensioner subsidies, the total levies collected are now 55.07%. For comparison purposes 55% of the levy had been collected at the end of November 2019. Council currently has \$31,745,805.92 in cash and investments.

Recommendation

That Council notes the monthly finance report.

Detailed Report

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

Reconciliation and Balance of Funds held as at 30 November 2020

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 30 November 2020.

| | Combined Bank Account |
|---|-------------------------|
| | |
| Cash Balance as at 1 November 2020 | \$ 1,146,263.51 |
| | |
| Add: Receipts for the Period Ending 30 November 2020 | \$ 10,139,029.27 |
| Rates, Debtors, Miscellaneous | |
| | |
| Less: Payments for the Period Ending 30 November 2020 | |
| Cash Book entries for this Month | \$ 6,541,151.47 |
| | |
| Cash Balance at at 30 November 2020 | \$ 4,744,141.31 |
| | |
| Investments | |
| Total Investments as at 30 November 2020 | \$ 27,001,664.61 |
| | |
| TOTAL | \$ 31,745,805.92 |

Collection of Rates and Charges

Rates and Charges collections for the month of November 2020 were \$1,429,772.52. After allowing for pensioner subsidies, the total levies collected are now 55.07%. A summary of the Rates and Charges situation as at 30 November 2020 is as follows:

| | Rates and Charges | |
|---|-------------------|------------------|
| Levies | | |
| Balance Outstanding at 30 June 2020 - Rates / Water | 1,206,927.30 | |
| Rates and Charges Levied 22 July 2020 | 9,193,808.18 | \$ 10,400,735.48 |
| + Additional Water Charges | 796,054.70 | |
| + Supplementary Rates and Charges | 62,378.67 | |
| + Additional Charges | 4,545.00 | |
| - Credit Adjustments | 17,581.81 | |
| - Abandonments | 3,341.42 | \$ 11,242,790.62 |
| Deductions | | |
| - Payments | 6,012,142.83 | |
| - Less Refunds of Payments | 3,479.80 | \$ 6,008,663.03 |
| | | \$ 5,234,127.59 |
| - Pensioner Subsidy | | |
| Government Subsidy | 99,892.42 | |
| Council Subsidy | 82,791.18 | \$ 182,683.60 |
| Total Rates/Water Charges Outstanding | | \$ 5,051,443.99 |

Note: For comparison purposes 55% of the levy had been collected at the end of November 2019.

Council Loans Report

| Name | Institution | Purpose | Interest Rate | Loan Amount | Amount Outstanding | Due Date |
|----------|-------------------------|------------------|---------------|-----------------|------------------------|------------|
| Loan 201 | National Australia Bank | Buronga Landfill | 4.550% Fixed | \$ 920,000.00 | \$ 454,841.43 | 30/01/2025 |
| Loan 202 | ANZ Bank | Civic Centre | 3.470% Fixed | \$ 850,000.00 | \$ 691,156.76 | 21/10/2026 |
| Loan 203 | National Australia Bank | Midway Centre | 3.586% Fixed | \$ 1,900,000.00 | \$ 1,727,845.75 | 28/04/2023 |
| Loan 204 | Bendigo Bank | Buronga Landfill | 5.290% Fixed | \$ 1,500,000.00 | \$ 1,338,267.07 | 12/05/2037 |
| | | | | TOTAL | \$ 4,212,111.01 | |

Rates/Water write offs and adjustments

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

| Account | Date | Amount | Comment |
|----------------------------------|------------|---------|---|
| Debtors | | | |
| Far South West Joint Org | 10.11.2020 | 1733.34 | FSWJO do not use Midway Complex anymore |
| Wentworth Racing Club | 6.11.2020 | 3048.14 | Cancelled event due to COVID |
| Alcheringa Basketball Club | 6.11.2020 | 714.29 | Reduced Midway usage due to COVID |
| Gol Gol Football Club | 6.11.2020 | 3999.05 | Reduced Lease Charge due to COVID |
| Wentworth District Football Club | 6.11.2020 | 5799.53 | Reduced Lease Charge due to COVID |
| Grandma Ivy | 22.10.2020 | 55 | Cancelled Premises inspection charge |
| City Bobacat Hire | 2.10.2020 | 750.88 | Charged for General Waste at landfill should have been greenwaste |
| Rates | | | |
| 72-2 | 19.11.2020 | 844.26 | Write off water account due to leaking meter |
| 713.0015 | 17.11.2020 | 130.85 | Reduction in Valuation |
| 441.031 | 11.11.2020 | 249 | Licence 308925 cancelled by Planning, Industry & Environment |
| 441.0321 | 11.11.2020 | 270 | Licence 308930 cancelled by Planning, Industry & Environment |
| 1128 | 29.10.2020 | 460.85 | Incorrect water meter reading |
| 1128 | 29.10.2020 | 97.98 | Interest on incorrect water meter reading |
| 2307-1 | 22.10.2020 | 885 | Overcharged Garbage Charges |

Overtime and Travelling

| | | | | |
|-------------------------|------------------------|---------------------|--------------------|---------------------|
| Month November | | Pay Periods | 11 & 12 | |
| | | | | |
| Overtime | | | | |
| | | | | |
| | Time and a Half | | Double Time | |
| | | | | |
| Department | Hours | Amount | Hours | Amount |
| Animal Services | 13.50 | \$ 620.52 | 20.00 | \$ 1,225.68 |
| Civil Works | 11.00 | \$ 572.93 | 2.00 | \$ 174.38 |
| Finance | 14.25 | \$ 1,106.86 | 4.50 | \$ 505.89 |
| Parks & Gardens | 12.00 | \$ 498.30 | 13.50 | \$ 759.42 |
| Roads - Council | 162.50 | \$ 7,149.90 | 267.50 | \$ 15,771.85 |
| Roads - RMS | 164.00 | \$ 7,256.50 | 214.25 | \$ 12,817.47 |
| Roads & Eng Indoor | 15.50 | \$ 1,026.03 | 7.50 | \$ 695.44 |
| Toursim | 7.00 | \$ 385.58 | | |
| Waste Management | 20.50 | \$ 881.58 | 4.50 | \$ 330.06 |
| Water & Waste Water | 63.00 | \$ 3,295.08 | 66.00 | \$ 4,488.93 |
| Total | 483.25 | \$ 22,793.28 | 599.75 | \$ 36,769.12 |
| | | | | |
| Travel Allowance | | | | |
| | | | | |
| Department | Kms | Amount | | |
| Health & Planning | 720 | \$ 561.60 | | |
| | | | | |
| Total | 720 | \$ 561.60 | | |
| | | | | |
| | | 60,124.00 | | |

Conclusion

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

Attachments

Nil

9.8 MONTHLY INVESTMENT REPORT

File Number: RPT/20/835

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Hodi Beauliv - Manager Finance

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

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

Summary

As at 30 November 2020 Council had \$22 million invested in term deposits and \$5,001,664.61 in other cash investments. Council received \$24,423.61 from its investments for the month of November 2020.

In November 2020 Council investments averaged a rate of return of 0.75% and it currently has \$9,165,513.01 of internal restrictions and \$14,708,305.24 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Detailed Report

Purpose

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

Matters under consideration

As at 30 November 2020 Council had \$31,745,805.92 invested with seven (7) financial institutions.

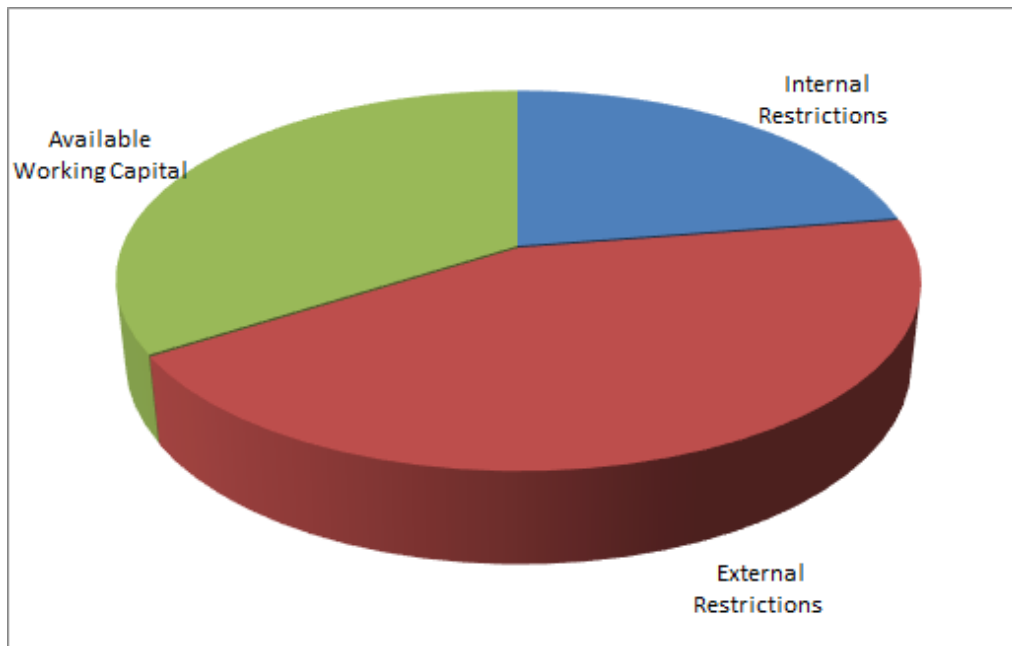
Breakdown of Total Funds Available

| Financial Institution | Amount | Percentage of Available Funds |
|-------------------------|-------------------------|-------------------------------|
| AMP | \$ 5,001,664.61 | 15.76% |
| Bank of Queensland | \$ 4,000,000.00 | 12.60% |
| Bendigo Bank | \$ 8,744,141.31 | 27.54% |
| IMB Bank | \$ 1,000,000.00 | 3.15% |
| Macquarie Bank | \$ 5,000,000.00 | 15.75% |
| Members Equity Bank | \$ 3,000,000.00 | 9.45% |
| National Australia Bank | \$ 5,000,000.00 | 15.75% |
| | <u>\$ 31,745,805.92</u> | <u>100.00%</u> |

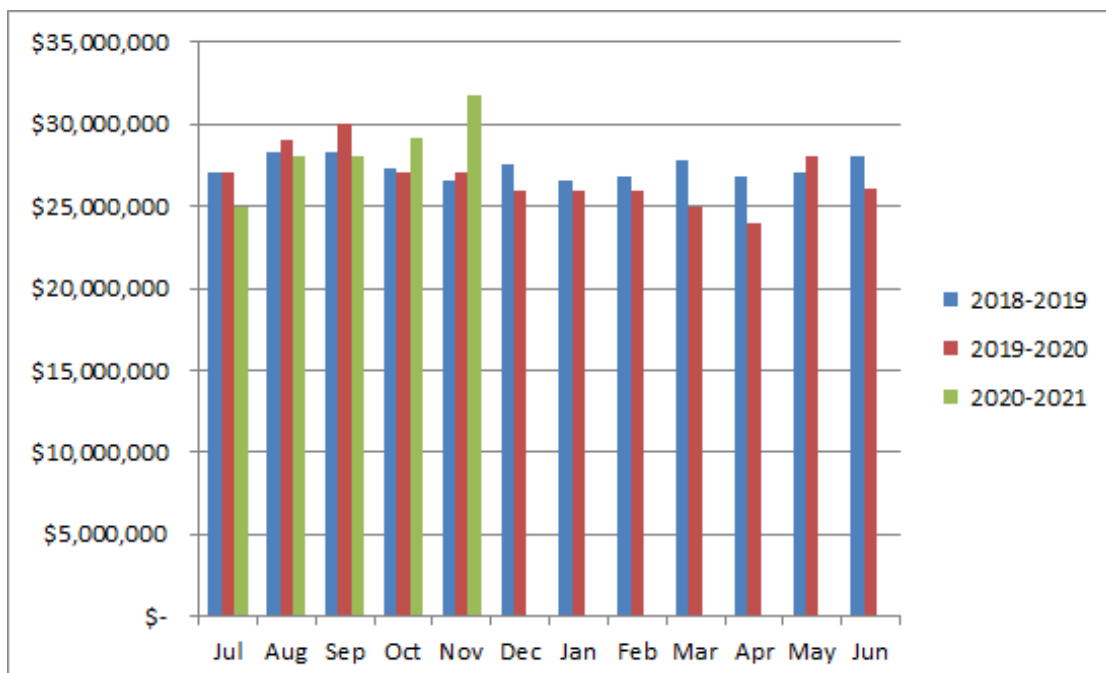
Investments on Hand as at 30 November

| Investee | Date Invested | Date of Maturity | Effective Interest Rate | Investment Type | Amount Invested | Rating |
|-------------------------------------|---------------|------------------|-------------------------|-----------------|-------------------------|---------|
| AMP (10) | 9/04/2020 | 7/01/2021 | 1.85% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| AMP (11) | 22/09/2020 | Ongoing | 0.95% | Notice Account | \$ 3,001,664.61 | A2/BBB+ |
| AMP (9) | 13/05/2020 | 9/12/2020 | 1.65% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| Bank of Queensland (6) | 22/10/2020 | 22/07/2021 | 0.60% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| Bank of Queensland (7) | 13/08/2020 | 11/02/2021 | 0.75% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| Bank of Queensland (8) | 2/09/2020 | 3/03/2021 | 0.70% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| Bank of Queensland (9) | 26/08/2020 | 24/02/2021 | 0.70% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| Bendigo Bank (1) | 24/08/2020 | 20/05/2021 | 0.65% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| Bendigo Bank (10) | 31/07/2020 | 29/01/2021 | 0.65% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| Bendigo Bank (7) | 29/09/2020 | 29/03/2021 | 0.50% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| Bendigo Bank (9) | 19/08/2020 | 18/01/2021 | 0.60% | Term Deposit | \$ 1,000,000.00 | A2/BBB+ |
| IMB Bank | 9/09/2020 | 9/12/2020 | 1.04% | Term Deposit | \$ 1,000,000.00 | A2/BBB |
| Macquarie Bank | 8/10/2020 | 8/04/2021 | 0.55% | Term Deposit | \$ 1,000,000.00 | A1/A+ |
| Macquarie Bank (2) | 2/07/2020 | 3/12/2020 | 0.85% | Term Deposit | \$ 1,000,000.00 | A1/A+ |
| Macquarie Bank (3) | 15/10/2020 | 12/02/2020 | 0.50% | Term Deposit | \$ 1,000,000.00 | A1/A+ |
| Macquarie Bank (4) - Ongoing | 27/11/2020 | Ongoing | 0.40% | Cash Account | \$ 2,000,000.00 | A1/A+ |
| Members Equity Bank | 24/08/2020 | 22/12/2020 | 0.65% | Term Deposit | \$ 1,000,000.00 | A2/BBB |
| Members Equity Bank (10) | 16/06/2020 | 15/12/2020 | 0.85% | Term Deposit | \$ 1,000,000.00 | A2/BBB |
| Members Equity Bank (2) | 16/09/2020 | 14/01/2021 | 0.60% | Term Deposit | \$ 1,000,000.00 | A2/BBB |
| National Australia Bank (2) | 13/08/2020 | 9/02/2021 | 0.73% | Term Deposit | \$ 1,000,000.00 | A1+/AA- |
| National Australia Bank (3) | 28/10/2020 | 26/04/2021 | 0.50% | Term Deposit | \$ 1,000,000.00 | A1+/AA- |
| National Australia Bank (4) | 31/08/2020 | 28/05/2021 | 0.75% | Term Deposit | \$ 1,000,000.00 | A1+/AA- |
| National Australia Bank (6) | 25/11/2020 | 23/02/2021 | 0.45% | Term Deposit | \$ 1,000,000.00 | A1+/AA- |
| National Australia Bank (7) | 28/09/2020 | 29/03/2021 | 0.60% | Term Deposit | \$ 1,000,000.00 | A1+/AA- |
| Total | | | | | \$ 27,001,664.61 | |
| Operating Account | | | | | \$ 4,744,141.31 | |
| Total Funds Available | | | | | \$ 31,745,805.92 | |
| Representing: | | | | | | |
| - Internal Restrictions | | | | | | |
| - Employee Entitlements | | | | \$ 2,447,665.61 | | |
| - Future Development Reserve | | | | \$ 1,113,213.94 | | |
| - Prepayments Cemeteries | | | | \$ 511,717.72 | | |
| - Trust Account | | | | \$ 576,111.07 | | |
| - Capital Projects | | | | \$ 1,000,000.00 | | |
| - Plant Replacement Reserve | | | | \$ 1,500,000.00 | \$ 7,148,708.34 | |
| - External Restrictions | | | | | | |
| - Water Fund | | | | \$ 9,678,275.71 | | |
| - Sewer Fund | | | | \$ 2,842,303.25 | | |
| - Developer Contributions Reserve | | | | \$ 639,646.61 | | |
| - Domestic Waste Management Reserve | | | | \$ 104,796.78 | | |
| - Unexpended Grants | | | | \$ 649,405.11 | | |
| - Crown Reserves Reserve | | | | \$ 289,128.84 | | |
| - Loan Guarantee Reserve | | | | \$ 3,162.86 | \$ 14,206,719.16 | |
| - Day to Day Liquidity | | | | | \$ 10,390,378.42 | |
| Total Funds Available | | | | | \$ 31,745,805.92 | |

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

BreakdownSummary – Unexpended Grants as at 30 November 2020

| Grant | Amount |
|------------------------------------|---------------------|
| Pooncarie Weir | \$77,746.00 |
| RFS R & M Grant 2011-2018 | \$36,658.54 |
| State Library Infrastructure Grant | \$500,000.00 |
| Wentworth Riverfront BBQ's - SCCF | \$35,000.57 |
| Total | \$649,405.11 |

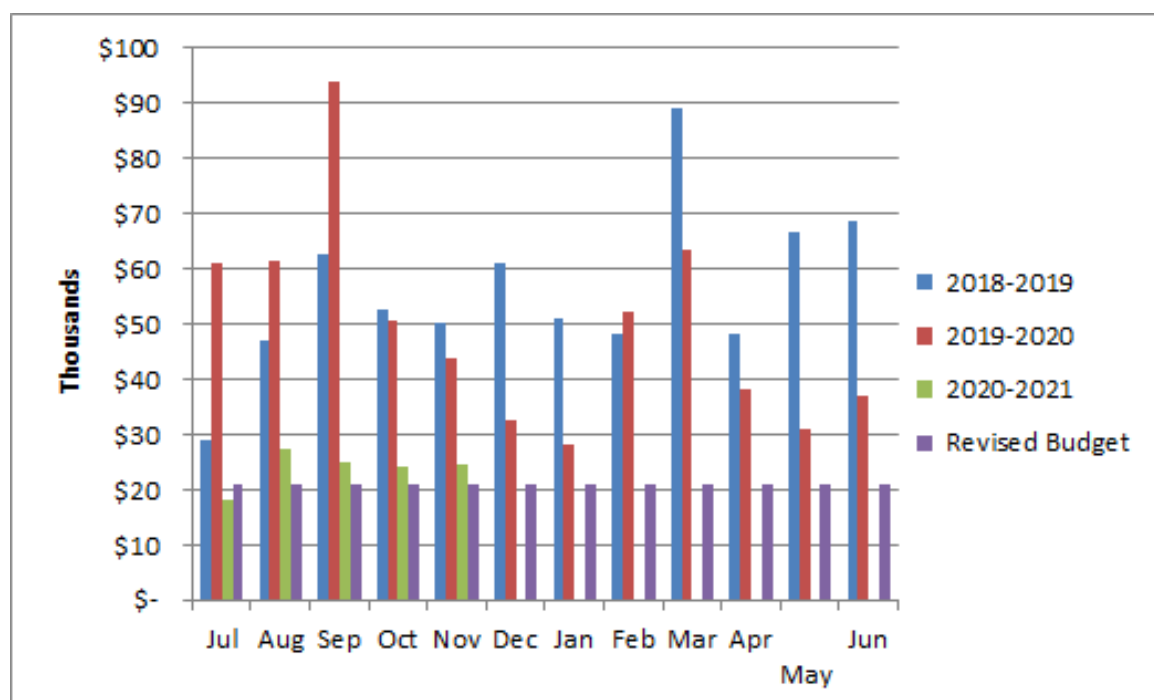
Total Funds Invested

Three (3) term deposits and two (2) other accounts matured or provided interest in November earning Council \$24,4232.61 in interest. The revised budget for November was \$20,916.67 following the reduction in interest revenue adopted in the September Quarterly Budget Review. Year to date Council has received \$119,400.58 in interest. The revised year to date budget is \$104,583.33.

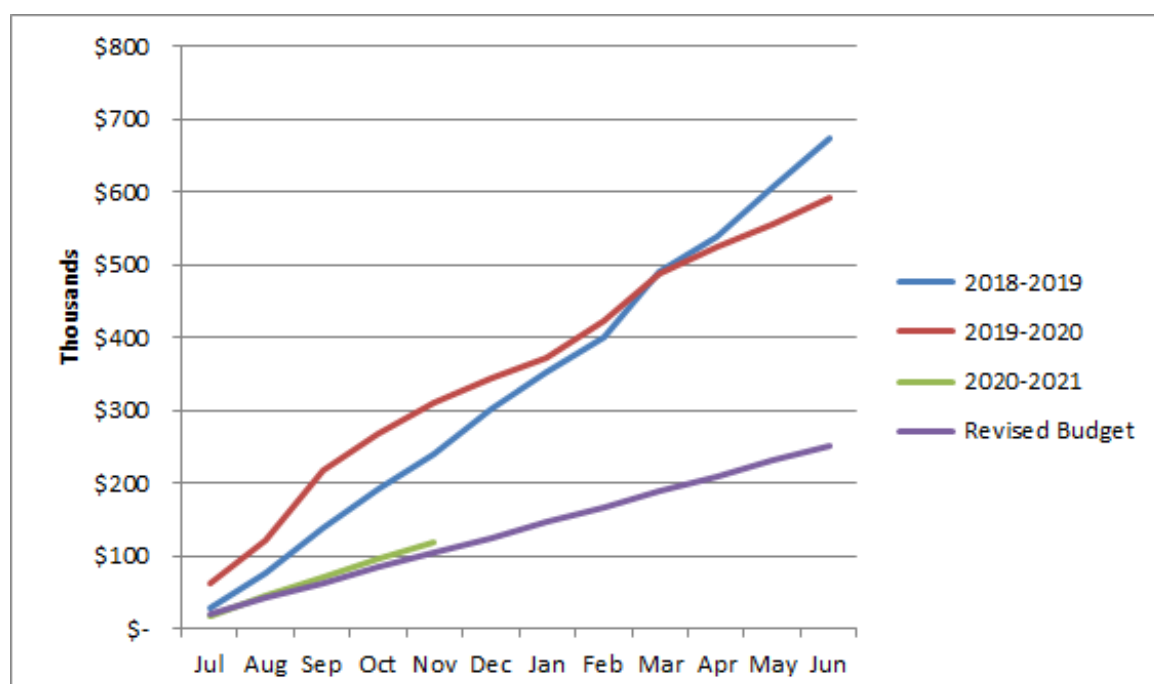
Investments Maturing in November 2020

| Investee | Date Invested | Date of Maturity | Effective Interest Rate | Investment Type | Amount Invested | Interest Earned |
|-----------------------------------|---------------|------------------|-------------------------|------------------|-----------------|-----------------|
| AMP (11) | 23/10/2020 | Ongoing | 0.95% | Notice Account | \$ 3,000,000.00 | \$ 1,664.61 |
| AMP (2) | 7/05/2020 | 5/11/2020 | 1.65% | Term Deposit | \$ 1,000,000.00 | \$ 8,227.40 |
| AMP (7) | 25/05/2020 | 23/11/2020 | 1.65% | Term Deposit | \$ 1,000,000.00 | \$ 8,227.40 |
| National Australia Bank (6) | 28/07/2020 | 25/11/2020 | 0.75% | Term Deposit | \$ 1,000,000.00 | \$ 2,465.76 |
| Members Equity Bank - Ongoing (4) | 31/07/2020 | 27/11/2020 | 0.65% | Cash at Call A/c | \$ 2,000,000.00 | \$ 3,838.44 |
| Total | | | | | | \$24,423.61 |

Interest received November 2020

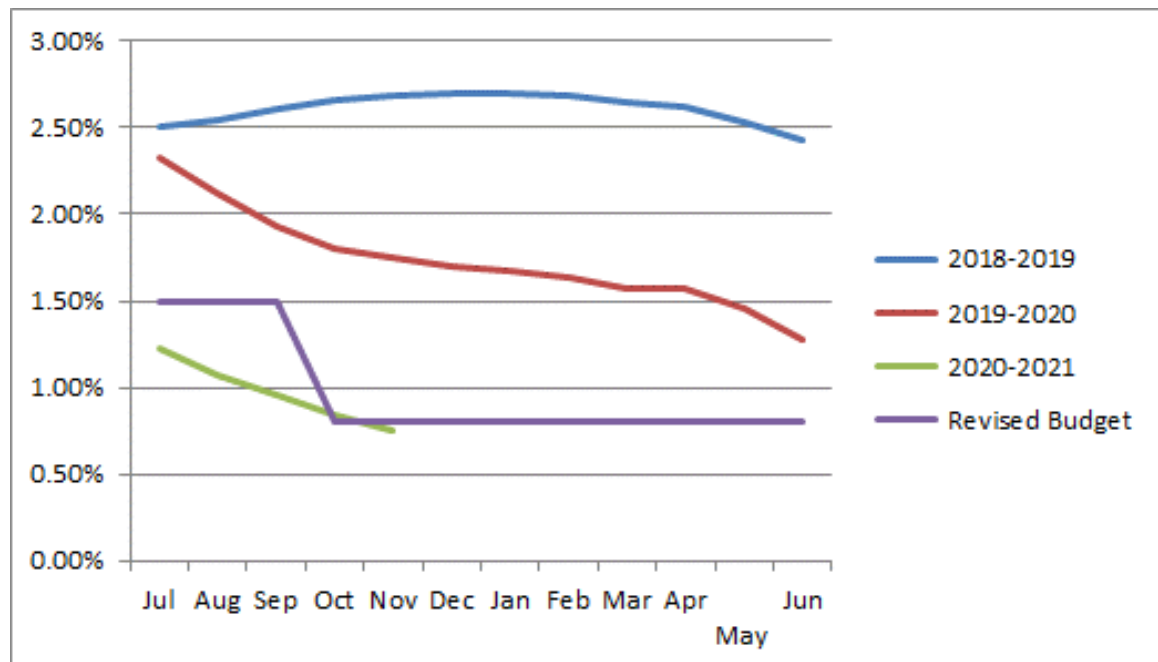


Total Interest received July 2020 – June 2021



For November 2020 Council's investments returned an effective average rate of 0.75%. Year to date the effective average rate has been 0.97%. The budget for 2020-2021 was 1.50%, but this was reduced to 0.8% following the first Quarterly Budget Review to reflect the reduction in interest rates.

Effective average Interest Rate



Conclusion

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

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

Attachments

Nil

9.9 SUSPENSION OF ALCOHOL FREE ZONE - WENTWORTH ROWING CLUB AND LAWNS

File Number: RPT/20/787

Responsible Officer: Matthew Carlin - Director Health and Planning
 Responsible Division: Health and Planning
 Reporting Officer: Deborah Zorzi - Administration Officer, Health and Planning

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

Summary

Council has received a request from the Wentworth District Rowing Club to lift the alcohol-free zone for the Rowing Club and immediate lawn area for one event.

The Wentworth District Rowing Club has sought approval for the suspension of the alcohol-free zone in past years for community events.

There have been no incidents or problems in past events that would warrant Council refusing the temporary lifting of the alcohol-free zone as requested.

Recommendation

- 1) That Council, in accordance with Section 645 of the Local Government Act 1993, suspends the operation of the alcohol-free zone in the area of the Wentworth Rowing Club and Lawns as shown on the map attached to this report, between the hours of 12:00 noon and 22:00 on 3 April 2021 and 12:00 noon and 20:00 on 4 April 2021.
- 2) That Council advertises the suspension of the alcohol-free zone in a locally circulated newspaper and,
- 3) That Council advises the NSW Police of the details of the suspensions of the alcohol-free zone.

Detailed Report

Purpose

The purpose of this report is for Council to consider the suspension of the operation of the alcohol-free zone at the Wentworth Rowing Club and Lawns for the following event:

- Wentworth District Rowing Club Annual Easter Regatta.

The Wentworth District Rowing Club Annual Easter Regatta event is expected to attract a number of visitors to Wentworth. The people attending are expected to be a responsible crowd representing the various rowing clubs that they come from.

Background

Council may, at the request of any person or body or of its own motion, suspend the operation of an alcohol-free zone by publishing notice of suspension in a newspaper circulating in the area that includes the zone concerned. During the periods indicated in the notice as the period of suspension, the zone does not operate as an alcohol-free zone.

The area identified in the attached map, being the area known as the Wentworth Rowing Club Lawns, is the area, for which the alcohol-free zone is requested to be lifted for the above-mentioned hours / days.

Council may suspend the operation of an alcohol-free zone for a specified period by resolution and advertising the fact in a locally circulating newspaper.

Matters under consideration

Consideration needs to be made as to whether the lifting of the alcohol-free zone for a specific event is warranted, or whether it poses an unacceptable risk of unruly or unsociable behaviour due to the over consumption of alcohol in the location.

Options

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

- a) Grant the requests for lifting of the alcohol-free zone
or
- b) Refuse the requests to lift the alcohol-free zone.

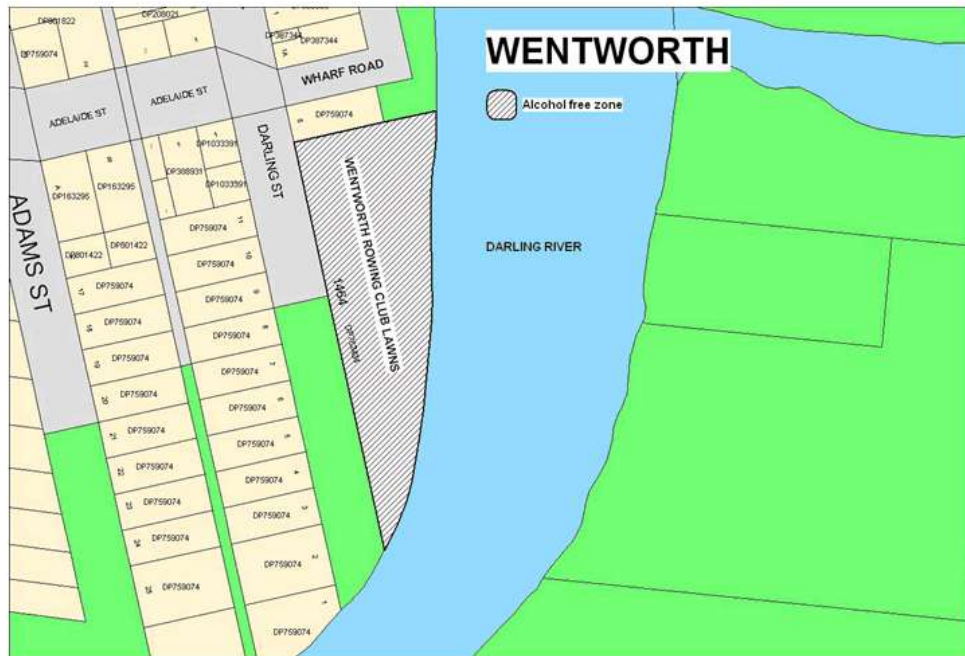
Conclusion

The proposed lifting of the alcohol-free zone will be a low risk matter for Council, with some positive community benefits within the Wentworth Shire.

Attachments

1. Alcohol Free Zone Wentworth District Rowing Club and Lawn Area [1](#)

Map of Alcohol Free Zone – Wentworth Rowing Club and Lawns



9.10 LAND ACQUISITION - A54 WILGA ROAD REALIGNMENT

File Number: RPT/20/789

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

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

Summary

A Council resolution is required to commence the compulsory acquisition of Lot 2584 DP 764612 at Gol Gol, NSW from Crown Lands for the purpose of a public road.

Recommendation

1. That Council proceed to acquire Lot 2584 Deposited Plan 764612 by the compulsory process under the terms of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* by authority contained in the *Roads Act 1993 (NSW)* for the purpose of public road
2. Dedicate the land as public road in accordance with the *Roads Act 1993 (NSW)*
3. That minerals are to be excluded from this acquisition
4. That the acquisition is not for the purpose of resale
5. That the necessary applications be made to the NSW Minister for Local Government and the NSW Governor for approval to compulsorily acquire the Crown land for the public purpose
6. That the Common Seal of Wentworth Shire Council be affixed to all documentation required to be sealed to give effect to this resolution and that Mayor and General Manager be delegated to sign any related documents.

Detailed Report

Purpose

The purpose of this report is to commence the land acquisition of the subject land, shown the attached plan, in accordance with the compulsory process prescribed by Land Acquisition (Just Terms Compensation) Act 1991 (NSW).

Background

Council being the road authority will need to undertake the procedure of the road closure and the road opening following the NSW legislative procedure set out in the *Roads Act 1993*.

The road is an existing sealed council road and will provide legal access into proposed developments in which the land is being rezoning for residential purposes. This additional section of road will be dedicated as part of Wilga Road.

Matters under consideration

Council needs to rectify the land tenure status by acquiring the land for the purpose of a public road, providing access to residential properties in which the land is being rezoned.

Legal, strategic, financial or policy implications

Council needs to rectify the land tenure status by acquiring the land that will be dedicated a public road and an extension of Wilga Road.

Conclusion

Having consideration to the content of this report, it is concluded that the most appropriate course of action is for the Wentworth Shire Council, being the road authority to proceed with the acquisition of land for the purpose of road-widening & access currently known as Wilga Road.

Attachments

1. Deposited Plan - Lot 2584 DP 764612 [↓](#)
2. Aerial view [↓](#)

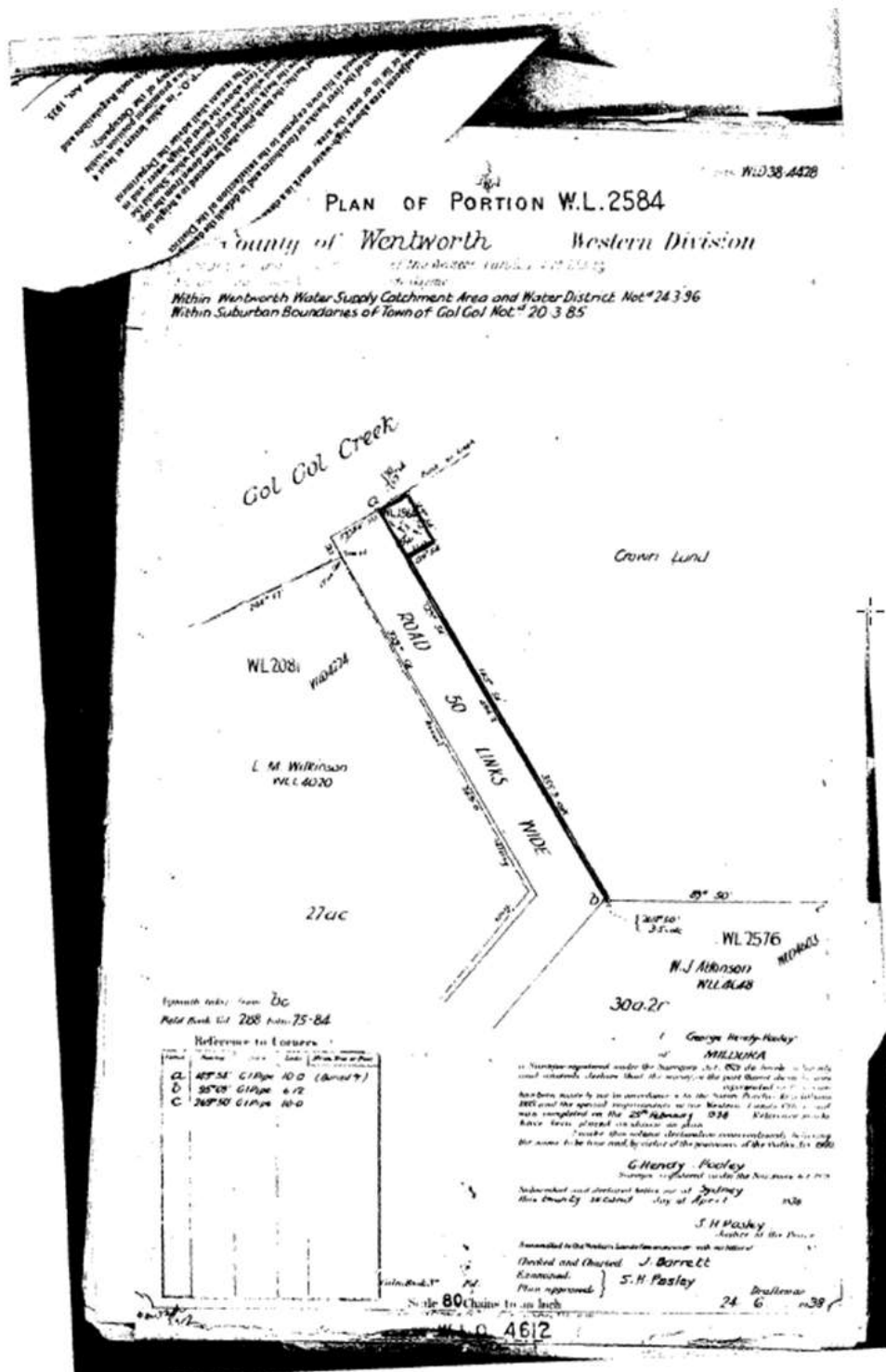




Image 1: Wilga Road Realignment Precinct

9.11 A54 WILGA ROAD - DEED OF AGREEMENT

File Number: RPT/20/803

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

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

Summary

Wentworth Shire Council is in discussions with property developer, Jarrod Roberts of CPM Builders, to establish legal access to his proposed subdivision being, Lot 56 Deposited Plan 756946.

The proposed subdivision is land locked due to a parcel of Crown owned land (Lot 2584 DP 764612) restricting access via Wilga Road.

Council has investigated two options to gain legal access to the proposed Roberts development.

1. Wilga Road opening & realignment
2. Bridge over the Gol Gol Creek, linking to Potters Drive.

Recommendation

1. That Council enters into a Deed of Agreement with the property developer whereby the property developer agrees to pay all costs associated with the project, including any compensation payable associated with the Crown land acquisition.
 - a. The extension of Wilga Road
 - b. Access via a bridge over the Gol Gol Creek linking to Potters Drive
2. That Council proceed with the application to transfer crown road being Potters Drive to Council's authority
3. That Council bring forward the future requirement as identified in the Buronga Gol Gol Structure Plan 2020, for the construction of a bridge crossing over the Gol Gol Creek connecting to Potter Drive.

Detailed Report

Purpose

The purpose of this report is to provide Council with the opportunity to review the proposal from property developer.

Background - Wilga Road

Wentworth Shire Council has been approached by the developer regarding a proposed subdivision at the end of Wilga Road, being Lot 56 DP 756946.

Land tenure investigations discovered that the property had no legal access due to a Crown owned parcel of land, Lot 2584 DP 764612.

Wilga Road is a dedicated public road pursuant to s.18, *Public Road Act 1902 (NSW)*, as notified by Government Gazette of the state of New South Wales (issue no. 122, 2 September 1983, p 4903). Accordingly, Wentworth Shire Council is the road authority for the subject road and is the responsible authority for undertaking the road realignment.

The purpose of Wilga Road opening and realignment is to achieve legal access to the development.

Potters Drive

Identified as a future requirement in Council's Buronga Gol Gol Structure Plan 2020, the construction of a bridge crossing the Gol Gol Creek, is another possible access point to the development.

Gol Gol Creek Bridge is an important river crossing that connects the main Gol Gol township to the large lot residential area east of the township. With increased traffic from the expanding residential development there it is imperative to identify a location upstream of the Gol Gol Creek for an alternative crossing to provide residents access.

The location of this crossing will also provide the residents of Wilga Road with an alternative exit point, levitating increased traffic and safety concerns with the proposal of new developments and land being rezoned to R5 Large Lot Residential.

Preliminary investigations have revealed the creek is an irrigation regulated stream managed by the Gol Gol Creek Irrigators and that Potters Drive is a Crown Road. Council would need to apply to the Crown to have the road transferred to Council's authority and then undertake the acquisition and construction process.

Outcome

To cover the costs of these projects, Councils proposes to enter into a Deed of Agreement with the property developer whereby the property developer must agree to pay all costs associated with the project/projects, including any compensation payable associated with the Crown land acquisitions.

Matters under consideration

The developer has proposed the following options in lieu of paying the associated project costs outlined in the table below:

1. Give up the road reserve (approx. 900m2 beside Wilga Road) in lieu of a portion of block of land within the development.
2. Pay associated costs for road infrastructure for the proposed future vehicular bridge (to Potters Drive) in lieu of the fees associated with acquiring the crown land.

Council needs to determine if it is willing to accept the associated costs of acquisition that benefits a private developer. The Crown has stated clearly, they will not permit acquisition of land to private parties who can gain benefit from the acquisition.

The land in question is landlocked therefore the implication to the developer is greater than that to Council. As such, they have no other option than to agree to one or both of these proposals

Options

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

1. Council accepts the Developers proposal, or
2. Council requests that the Developer pays for all costs associated with the project, including any compensation payable associated with the Crown land acquisition or

Legal, strategic, financial or policy implications

If Council accepts the offer by the Developer, Council should be aware this creates a precedent that ratepayers will bear the costs of acquisitions that benefit private enterprise. As such, ratepayers should not be subsidising private developers.

Projected costs associated with land acquisitions

| Known Costs | A54 Wilga Road | \$ |
|----------------------------|--|-------------|
| <u>Crown lands</u> | Application fees | \$672.00 |
| | Licence to undertake the works while acquiring | \$547.00 |
| NSW Public Works Advisory | Fee proposal to undertake acquisition | \$29,992.50 |
| | Survey – not require as acquiring whole parcel | \$0 |
| Unknown Costs | | |
| Compensation - Crown Lands | Determined on a % of the land value | \$? |
| Compensation | Native Title - Barkandji | \$? |
| Valuer General | Costs in determining compensation payable | \$? |
| WSC - Title searches | To accompany CL application | \$? |
| WSC - Advertising | Advertise acquisition | \$? |

*Acquisition Completed - **A16 Buronga Water Tower** (example of unknown costs)*

Crown Lands Sale of acquisition account \$45,147.00 for 322.48 m²

VG service fee \$17,450.00

Native Title had been extinguished – Listed in Consent Determination

Conclusion

It is concluded that the most appropriate course of action is that the Wentworth Shire Council, enters into a Deed of Agreement with the property developer whereby the property developer agrees to pay all costs associated with the projects, including any compensation payable associated with the Crown land acquisitions.

Attachments

1. Acquisition fee proposal - Wilga Road [📄](#)
2. Proposed subdivision concept plan [📄](#)
3. Legal access Wilga Road & Potters Drive [📄](#)



Public Works Advisory

Wollongong Office

Level 3, 84 Crown Street, Wollongong NSW 2500
Tel 4226 8500 | TTY 1300 301 181
ABN 19 948 325 463 | publicworksadvisory.nsw.gov.au

9 September 2020

Ms Hilary Dye
Property & Land Tenure Officer
Wentworth Shire Council
26 – 28 Adelaide Street
WENTWORTH NSW 2648

BY EMAIL: hilary.dye@wentworth.nsw.gov.au

Dear Ms Dye,

Proposal for Advisory Services: Crown Land Acquisition of Lot 2584 DP 764612 and Wilga Road Realignment

Public Works Advisory welcomes the opportunity to submit this proposal to Wentworth Shire Council for the provision of land acquisition and road closure services affecting Crown land at Lot 2584 DP 764612 and realignment of part road reserve identifiable as Wilga Road.

The proposal provides our interpretation of the services you requested via email on 15 July 2020 and arising from subsequent correspondence. If we have not accurately reflected your requirements, we are more than happy to further discuss the level of service you require and amend the proposal accordingly.

Background

Wentworth Shire Council ("Council") have been approached by property developer, Jarrod Roberts, to complete a road realignment of Wilga Road affecting Lot 2584 DP 764612, Lot 1 DP 803555, and Lot 2 DP 1128391 at Gol Gol within the Wentworth Shire LGA.

The purpose of the road realignment is to achieve direct access, via public road, to the developer's property, being Lot 56 DP 756946. Access from Wilga Road to the developer's property is currently separated by Crown land Lot 2584 DP 764612. To achieve public road direct access to the developer's property, acquisition of the Crown land parcel and realignment of the existing road reserve is required. Accordingly, this fee proposal combines the two processes to complete the project and achieve the required outcome.

Image 1 illustrates the particulars of this project.

Wilga Road is a dedicated public road pursuant to s. 18, *Public Roads Act 1902* (NSW), as notified by *Government Gazette of the State of New South Wales* (issue no. 122, 2 September 1983, p. 4093). Accordingly, Wentworth Shire Council is the road authority for the subject road and is the responsible authority for undertaking the road realignment.

To cover the costs of this project, Council intends to enter into a Deed with the property developer whereby the property developer must agree to pay all costs associated with the project, including any compensation payable associated with the Crown land acquisition.



Public Works
Advisory

Proposal

Wilga Road Realignment



Image 1: Wilga Road Realignment Precinct

Scope of Work

1. Receive client funding approval and enter deed for costs. Plan resources. Obtain required searches.
2. Receive Plan of Acquisition from registered surveyor. Confirm acquisition plan meets requirements. Receive Crown Lands approval to acquisition.
3. Advertise road closure. Notify interested parties. Review and respond to submissions/objections received from interested parties.
4. Obtain Council resolution to acquire land and close road.
5. Obtain Ministerial/Executive Council consent.
6. Issue Proposed Acquisition Notices. Engage Valuer-General, obtain valuations. Apply statutory waiting periods.
7. Publish gazettal notices (acquisition and road closure). Facilitate compensation. Notify LRS. Dedicate new road and formally close old road.

Hunter New England | South Coast | Riverina Western | North Coast | Sydney

Asset Advisory | Heritage | Project + Program Management | Assurance | Procurement | Engineering | Planning | Sustainability
Developments | Buildings | Water Infrastructure | Roads + Bridges | Coastal | Waste | Emergency Management | Surveying

2



Project Team

PWA proposes an experienced team for this project, reflecting the requirement that works are carried out to the highest professional standard. Key members of the project team and their respective roles are as follows:

| Name | Position | Project role | Hourly Rate* |
|----------------|--|------------------|--------------|
| Jason Tearle | Infrastructure Property Officer | Property Officer | \$186 |
| Trudi Robinson | Senior Infrastructure Property Officer – Team Leader | Project Manager | \$211 |

*Hourly rates during FYE2020/21 – rates exclude GST.

CV's for the above team members are available on request. We propose to use these resources based on current availability. If any of the proposed team members are unavailable at the agreed start, we will provide alternative staff with similar capabilities. Further details of the roles and recent experience of key team members are provided below.

Jason Tearle

Jason has nine years' experience in property, contracts and facilities management, having worked within public sector governance, government property and other roles dealing in specialised land transactions. Jason's experience includes: easements, acquisitions, disposals, contaminated land remediation, leases, licences, outdoor dining, filming and temporary access permits.

A lateral thinker, Jason applies creative solutions to address challenging matters. He is an effective negotiator who is well versed in relevant legislature and statutory interpretation. These skills enable him to successfully navigate and resolve difficult or sensitive transactions.

Jason holds tertiary qualifications in management, including a Master of Business Administration, and is currently completing a Bachelor of Laws. Jason also completed the Native Title Manager training whilst being employed within Local Government and is therefore a qualified Native Title Manager.

Trudi Robinson

Trudi has over 13 years' experience in Government property and land dealings including acquisition of land and easements, road closures, property disposal, leasing and licensing and statutory approvals pursuant to the Roads Act, Local Government Act, and Crown Lands Act. Her skills include:

- Land and interest acquisitions: coordinating land acquisition transactions for the delivery of Government projects, including managing stakeholders such as clients, consultants and internal management, determining and completing the appropriate acquisition method based on the client's needs and nature of landowners involved.
- Road closures: completing stakeholder engagement in road closure applications, including government authorities, community stakeholders and the Minister Administering the Roads Act, coordinating survey plans and completion and lodgement of subdivision applications, when required.



Public Works
Advisory

Proposal

Wilga Road Realignment

- Local Government leasing and licensing: coordinating leasing of Council and Crown Lands owned properties in accordance with relevant classification of land, including advertising and obtaining relevant stakeholder approval.
- Disposal of Local Government land: coordinating property disposals in accordance with relevant Council policy and legislation.
- Classification and reclassification of Local Government Land: pursuant to the requirements outlined within the relevant legislation.
- Property statutes: the knowledge and understanding of property-related legislation.
- Land subdivision: the instruction and management of surveys for plans of subdivision or easements and a thorough understanding of the requirements of Land Registry NSW (Formerly Land and Property Information NSW).

Demonstrated Experience

PWA has provided similar acquisition services for numerous State and Local Government clients, including projects for Coonamble Shire, Shoalhaven, and Clarence Valley Councils.

Examples of recent projects are provided below. Referees for these projects available on request.

| Project | Date | Description |
|--|------------------------|--|
| Coonamble Flood Levees | Current | Management of surveys and land acquisition processes for Coonamble Shire Council to facilitate acquisition of easement rights for flood levees from approximately 30 land owners including the Crown, Native Title and private owners. |
| Shoalhaven Water Rising Main Easements | 2018 – 2019 | Management of land acquisition process under the Land Acquisition (Just Terms Compensation) Act for the acquisition of easements over Crown Roads in Milton for an existing sewer rising main. |
| South Dubbo Weir | March to December 2016 | Management of land acquisition processes under the Land Acquisition (Just Terms Compensation) Act for Dubbo City Council to facilitate acquisition of crown land in the bed of the Macquarie River for an existing weir. |



Public Works
Advisory

Proposal

Wilga Road Realignment

Program / Schedule / Service Fee

PWA offers these services on a time and resources basis using our standard hourly rates for professional services. The estimated fee for the services outlined in this proposal is tabled below. GST is not included.

| Phase | Duration | Est. Hours | Est. Fee |
|--|--------------|---------------|--------------------|
| 1. Receive client funding approval and enter into deed for costs. Plan resources. Obtain required searches. | 1 – 4 weeks | 16.5 | \$3,069.00 |
| 2. Receive Plan of Acquisition from registered surveyor. Confirm acquisition plan meets requirements. Receive Crown Lands approval to acquisition. | 2 – 4 months | 12.25 | \$2,278.50 |
| 3. Advertise road closure. Notify interested parties. Review and respond to submissions/objections received from interested parties. | 2 – 3 months | 69 | \$12,834.00 |
| 4. Obtain Council resolution to acquire land and close road. | 1 – 2 months | 8.75 | \$1,627.50 |
| 5. Obtain Ministerial/Executive Council consent. | 3 – 6 months | 7.5 | \$1,395.00 |
| 6. Issue Proposed Acquisition Notices. Engage Valuer-General, obtain valuations. Apply statutory waiting periods. | 3 – 4 months | 27 | \$5,022.00 |
| 7. Publish gazettal notices (acquisition and road closure). Facilitate compensation. Notify LRS. Dedicate new road and formally close old road. | 2 – 4 weeks | 20.25 | \$3,766.50 |
| ESTIMATED TOTAL | | 161.25 | \$29,992.50 |

Please Note: Approval timeframes from government agencies and other stakeholders can vary depending upon internal factors which are beyond the control of PWA.

Assumptions

The scope of work outlined in this proposal is based on the following assumptions:

- TfNSW are agreeable to receive a PAN and there are no process changes throughout the acquisition process provided by TfNSW.
- There are no objections received from the notifiable authorities nor adjoining landowners/community members that cannot be resolved in a timely manner.
- Negotiations with interest holders progress without undue delay and do not become protracted.
- There are no significant issues arising with respect to Native Title.



Public Works
Advisory

Proposal

Wilga Road Realignment

Exclusions

The following items are excluded from the scope of work:

- All costs associated with title and dealing searching, such costs will be paid by PWA in the first instance and forwarded to Council for reimbursement.
- Costs associated with any additional legal and valuation advice that may be required. If legal and/or valuation advice is required, this would be raised with Council prior to seeking quotes for such work, with the final approval being provided by Council prior to engagement.
- Protracted discussions, negotiations, or dealings pertaining to Native Title.
- Resolving any objections from notifiable authorities.

Conditions of Engagement

This offer of services is subject to the terms and conditions set out in Public Works Advisory Conditions of Engagement, as attached.

All references to Public Works Advisory (or PWA) are taken to be references to the Department of Regional New South Wales for and on behalf of the State of New South Wales.

Council may directly engage PWA to provide the services outlined in this proposal in accordance with the provisions of section 55(3)(b) of the *Local Government Act 1993* (NSW).

If our proposal is acceptable, to commence work we would appreciate receiving your letter (or email) of acceptance.

We look forward to working with you on this project. Should you have any queries please contact the undersigned at your convenience on 0409 403 209 or 02 9372 7169.

Yours sincerely,

Jason Tearle

Infrastructure Property Officer, South Coast Region



Public Works
Advisory

publicworksadvisory.nsw.gov.au



Appendix A Public Works Advisory – Conditions of Engagement

CONDITIONS OF ENGAGEMENT

1. PREAMBLE

- 1.1 If any provision in these Conditions of Engagement conflicts with a provision in the Proposal to which they apply, the provision in the Proposal will apply to the extent of the conflict.

2. SERVICES WE WILL PROVIDE

- 2.1 We will provide the Services in accordance with the terms set out in the Agreement, none of which may be changed without the prior written consent of both parties.
- 2.2 We will, subject to matters beyond our reasonable control, provide the Services with the skill and care generally exercised by competent persons performing services of a similar nature at the time the Services are carried out.
- 2.3 We will provide the Services in accordance with the Timetable unless the provisions of Clause 10 apply.

3. FUNDING

It is a necessary precondition of the Agreement under these Conditions of Engagement that you are responsible for and have sufficient funds available for payment to us of the total cost of the Services and/or Project including but not limited to variations and dispute resolution processes.

4. YOUR OBLIGATIONS

- 4.1 You and your Associates will co-operate with us and not delay or vary the Services without adjusting the Timetable and the Fee as required under Clauses 10 and 11.
- 4.2 You will only communicate with us about the Services through the Public Works Advisory Representative nominated at item 3 in Schedule 1.
- 4.3 To help us understand your requirements for the Services, you will:
- inform us of your specific requirements;
 - answer any questions and provide any information we ask of you, including providing information specified in the Proposal by the specified time; and
 - provide written comments on any Contract Material, if we request you to do so.
- 4.4 We assume that any information you or your Associates provide to us for the purpose of carrying out the Services is complete and accurate and will not check it unless doing so is part of the Services. We do not accept any Liability in connection with any information you provide to us.
- 4.5 You agree to indemnify us in the event that our use of information you provide infringes the intellectual property rights of a Third Party.

5. CONFIDENTIALITY

- 5.1 All information that either of us provides to the other is confidential and must not be disclosed to any other person, unless the disclosure is authorised under this Agreement or required by law.
- 5.2 You authorise us to disclose to our Associates any information you provide for the purpose of carrying out the Services.
- 5.3 You agree that we can publish promotional and technical information relating to the Services and the Project unless you advise us otherwise in writing when we enter into the Agreement.

6. INTELLECTUAL PROPERTY RIGHTS

- 6.1 Intellectual Property Rights in all Contract Material shall be vested in us.
- 6.2 We grant you an irrevocable, non-exclusive, royalty-free and non-transferable licence to use the Contract Material for the Project. However, you must not use, adapt, publish or otherwise exploit any of the Contract Material for any other purpose or allow others to do so without our prior written consent.

7. CHANGES TO THE CONTRACT MATERIAL

- 7.1 We authorise you and your Associates to make minor changes to the Contract Material:
- to suit site conditions encountered in completing the Project, providing such changes do not affect the design intent; and
 - to produce work-as-executed drawings.



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- 7.2 If you or your Associates change the Contract Material whether pursuant to clause 7.1 or otherwise, you agree to release and indemnify us against any and all claims, proceedings, demands, losses, damages, costs or expenses, by you or any Third Party resulting from such changes; and
- 7.3 Any change made by you to the Contract Material will be annotated to indicate where and when changes were made and by whom.

8. LIABILITY AND INDEMNITY

- 8.1 You agree that, except where the law does not permit such limitation, our Liability to you is limited (in the aggregate) to the lesser of:
- a. \$5 million; or
 - b. ten times the Fee payable at the Date of Agreement (the "cap")
- and you release us from any further Liability.
- 8.2 You agree to indemnify us and our Associates against any claim made against us by any of your Associates for any loss or damages which are greater than the cap. Further, you agree that our Liability to you is reduced to the extent that an act or omission by you or any of your Associates contributed to the injury, damage or loss.
- 8.3 The Services and the Contract Material are provided for your exclusive benefit. We accept no Liability to any Third Party in respect of any claim made in connection with the Services, and you agree to indemnify us against any such claim.
- 8.4 We are not liable to you or any Third Party in respect of any Consequential Loss, however it arises.
- 8.5 On the date that is three years after the date we send you our final payment claim under the Agreement, you release us and our Associates from all Liability.

9. INSURANCE

- 9.1 We will maintain self-insurance arrangements with the NSW Treasury Managed Fund in relation to professional indemnity and public liability. We will give you confirmation of such self-insurance arrangements on request, at any time before we complete the Services.

10. DELAYS TO THE SERVICES

- 10.1 If we are, or will be, delayed in carrying out the Services:
- a. we will give you reasonable notice after becoming aware of the delay;
 - b. we will advise the effect on the Timetable;
 - c. you will extend the time(s) for carrying out the Services provided for in the Timetable by the extent of the delay; and
 - d. you will reimburse us, as a Variation, for any additional costs and expenses we incur as a result of any delay that is not a result of our breach of the Agreement.

11. VARIATIONS TO THE SERVICES

Variations proposed by you

- 11.1 If you propose a Variation, you will advise us in writing what is required and request a written quotation from us.
- 11.2 We will provide a written quotation setting out the effects of the proposed Variation on the Fee, the Timetable and any other relevant matters, for your consideration and acceptance.
- 11.3 We will not commence any Variation proposed by you until we receive your written instruction to do so (which may be before you receive or accept our written quotation).

Unavoidable Variations

- 11.4 If we become aware of any circumstances, including those listed at item 4 in Schedule 1, which have caused, or may cause, a Variation, we will notify you in writing as soon as practicable, setting out the circumstances and the likely effect on the provision of the Services, the Fee and the Timetable.
- 11.5 Unless we ask for confirmation under Clause 11.6, we will continue to carry out the Services, including any unavoidable Variation, until we receive instructions to the contrary from you in writing.
- 11.6 In some circumstances we may ask you to confirm in writing that you will pay for a notified unavoidable Variation. If we do so, you agree that we are not required to carry out that Variation work until we receive your written confirmation and that, if this delays the Services, the provisions of Clause 10 will apply.

**Adjustments for Variations**

- 11.1 You will pay us the additional costs and expenses we incur in connection with any Variation instructed by you under Clause 11.3 or notified by us under Clause 11.4. Payment will be made on the basis of:
- an agreed lump sum adjustment to the Fee; or
 - in accordance with Clause 12.4(e).
- 11.2 If a Variation delays the Services, you will extend the Timetable in accordance with Clause 10.

12. PAYMENT

- 12.1 You will pay the Fee, other amounts payable under the Agreement and applicable tax in accordance with this Clause.
- 12.2 Where the Fee was based on a nominated percentage of the estimated construction cost of the Project and the pre-tender estimate or accepted tendered price for the Project exceeds the estimate by more than 10%, the Fee payable will be the Fee set out in the Proposal plus an amount calculated by applying the nominated percentage to the difference between the estimated construction cost and the tendered price. If the pre-tender estimate or accepted tendered price for the Project is less than the estimated construction cost when the Services commenced, the Fee will not be adjusted.
- 12.3 Unless otherwise agreed, we will submit a monthly payment claim for amounts due under the Agreement up to the date of that payment claim, less amounts previously paid.
- 12.4 The amounts due under the Agreement will be calculated as follows:
- Where the Fee is a lump sum: based on the percentage of the Services carried out;
 - Where the Fee is to be paid on an Hourly Rates basis: based on the hours worked by our personnel multiplied by the Hourly Rates;
 - For Disbursements: as set out at item 1 in Schedule 1;
 - For Variations for which a lump sum Fee adjustment was agreed: based on the percentage of the Variation work carried out; and
 - For all other Variations:
 - an amount based on the hours worked by our personnel multiplied by the Hourly Rates, plus
 - any amounts due to our subcontractors or sub-consultants, plus a 12.5% margin, plus
 - the costs we incurred for Disbursements of the kinds listed in paragraphs (a), (b) and (c) in item 1 of Schedule 1; plus
 - costs and expenses we incurred due to delays.
- 12.5 Within 20 Business Days after you receive our payment claim you will pay the amounts due under the Agreement.
- 12.6 All amounts in the Agreement and other documents we give you in relation to amounts payable are exclusive of GST or other applicable tax unless expressly included.
- 12.7 If you fail to pay any amount due under the Agreement in full within 10 Business Days after the agreed time for payment:
- you will pay interest at the rate of 7% per annum on all overdue amounts, until the amount is paid in full; and
 - we may keep any Contract Material prepared in connection with the Agreement and:
 - suspend carrying out the Services until the amount is paid in full and the provisions of Clause 10 will apply; or
 - end the Agreement by giving you written notice under Clause 15.

13. CIRCUMSTANCES BEYOND OUR CONTROL

- 13.1 We are not liable for any loss or damage caused by any failure or delay in performance of the Agreement resulting from any cause beyond our reasonable control including, but not limited to: acts of God, acts or omissions by you or your Associates, adverse weather conditions and industrial disputes.

14. DISPUTE

- 14.1 If a difference or dispute arises between the parties in connection with any matter under this Agreement, either party may notify the other in writing, providing details of the dispute.
- 14.2 The parties will continue to perform the Agreement notwithstanding the existence of a dispute.
- 14.3 Within 14 days after receipt of a notice of dispute, senior representatives of the parties will confer at least once to try to resolve the dispute or agree on methods of doing so.
- 14.4 If the dispute has not been resolved, or a method of resolution agreed on, within 42 days after receipt of a notice of dispute, then before either party has recourse to litigation, the party must submit the dispute to an independent expert for determination.
- 14.5 The expert determination will be conducted in accordance with the procedure in Schedule 2.
- 14.6 Nothing in this Agreement is intended to stop either party from instituting proceedings to enforce payment due under the Agreement or to seek injunctive or declaratory relief.

**15. ENDING THE AGREEMENT**

- 15.1 Either party may end the Agreement at any time by giving the other party at least 10 Business Days notice.
- 15.2 If the Agreement is ended, we will send you a payment claim for Services carried out up to the date the Agreement is ended and you will pay us all amounts owing under the Agreement plus expenses incurred by us as a result of ending the Agreement.
- 15.3 The Clauses in these Conditions of Engagement headed "Confidentiality", "Intellectual Property", "Liability", "Variation", "Payment", "Dispute", "Ending the Agreement" and "General Matters" continue to operate after this Agreement is ended.

16. GENERAL MATTERS

- 16.1 The only duties, obligations and responsibilities we have in connection with the Agreement are those expressly set out in the Agreement.
- 16.2 The Agreement will be governed by and interpreted in accordance with the laws in force in the State of New South Wales, Australia.
- 16.3 The parties submit to the exclusive jurisdiction of the courts of the State of New South Wales, Australia.
- 16.4 Neither party may transfer the Agreement or any right or obligation under the Agreement without the other party's prior written consent.
- 16.5 You authorise us to destroy all Contract Material and other documents we hold in connection with the Agreement seven (7) years after the date we send you our final payment claim under the Agreement.

17. DEFINITIONS

Unless the context otherwise requires, in these Conditions of Engagement:

"**Agreement**" means either:

- (a) the Agreement executed by the parties in connection with the Services; or
- (b) if the Agreement is made by a Letter of Award, it means the contract formed by the Agreement Documents, which supersede all understandings, representations and communications made between the parties in connection with the Agreement before the Date of Agreement.

"**Agreement Documents**" include:

- (a) the Proposal;
- (b) these Conditions of Engagement; and
- (c) the Letter of Award and any other documents listed therein.

"**Associates**" means the relevant party's employees, personnel and agents. Our Associates include our subcontractors and sub-consultants who are involved in carrying out the Services. Your Associates include your contractors and consultants who are involved in carrying out the Project.

"**Business Day**" means any day other than a Saturday, Sunday, public holiday or 27, 28, 29, 30 or 31 December.

"**Consequential Loss**" includes loss of revenue, loss of profit, loss of custom, loss of goodwill, loss of overhead recovery, loss of business opportunity, loss of the use of property, loss of contract, loss of production, loss of financing charges or cost recovery, loss of the use of money and payment of liquidated sums or damages under any other Agreement.

"**Contract Material**" means all material that is produced by us or on our behalf in carrying out the Services, including but not limited to documents (including drawings, reports, specifications and bills of quantities), calculations, equipment, information and data stored in hard copy or electronic format.

"**Date of Agreement**" means the date of execution of the Agreement or the date of the Letter of Award, as applicable.

"**Disbursements**" means costs and expenses we incur in carrying out the Services that are not included in our Fee. These are set out at item 1 in Schedule 1.

"**Fee**" means either:

- (a) the lump sum amount set out in the Agreement; or
- (b) an amount calculated on the basis of hours worked multiplied by the Hourly Rates.

The Fee is adjusted in accordance with the Agreement.

"**Hourly Rates**" means:

- (a) the relevant Hourly Rate(s) set out in the Proposal; or
- (b) if relevant Hourly Rate(s) are not set out in the Proposal, the rate(s) that Public Works Advisory normally charges for the relevant personnel, at the time the Services are carried out.

"**Intellectual Property Right**" means any statutory and other proprietary right in respect of inventions, innovations, patents, utility models, designs, circuit layouts, mask rights, copyright (including future copyright), confidential information, trade secrets, know-how, trademarks and any other right in respect of intellectual property.



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"Latent Condition" means an aspect of the Services or the Project, including physical conditions on the Project site or its surroundings, which differs materially from what could reasonably have been anticipated by us at the time we prepared the Proposal, including conditions that were known by you and not disclosed to us.

"Letter of Award" means written notification that you accept the Proposal.

"Liability" means legal liability for injury, loss or damage arising in connection with or for breach of the Agreement, however such liability arises.

"Public Works Advisory Representative" means the person nominated in item 3 in Schedule 1.

"Project" means the project(s) that the Services relate to.

"Proposal" means the proposal (or if more than one, the final proposal) we gave you in relation to the Services.

"Services" means the services we carry out in connection with the Agreement, including any Variations. Refer to item 2 in Schedule 1.

"Third Party" means a person who is not a party to the Agreement, but does not include our Associates.

"Timetable" means any schedule included in the Agreement Documents that sets out when the Services are to be carried out.

"Variation" means any change to the scope or timing of the Services set out in the Agreement. A Variation may be caused by any of the circumstances listed at item 4 in Schedule 1.

"We", "us" and/or "our" means Public Works Advisory and all its branches and divisions, on behalf of the Department of Finance, Services and Innovation.

"You", "you" and/or "your" means the client(s) addressed in the Proposal

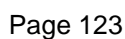


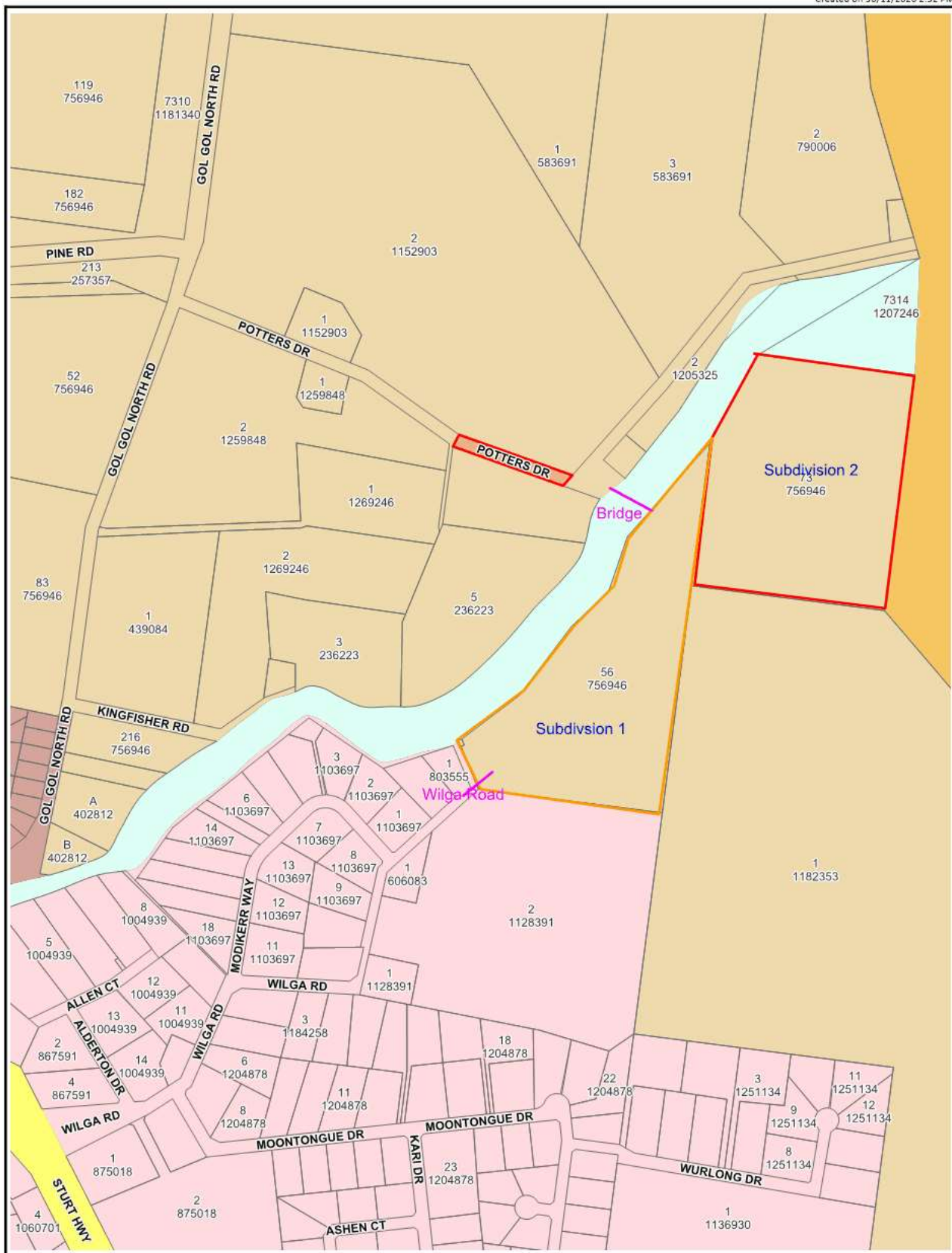
SCHEDULE 1

| Item No | |
|---------|--|
| 1 | <p style="text-align: right;"><i>Mentioned in Clauses 12.4 & 17</i></p> <p>Disbursements are costs and expenses identified as Disbursements in the Proposal and costs and expenses for any of the following, unless the Proposal specifically states that they are included in the Fee:</p> <ol style="list-style-type: none"> fees, charges, levies and taxes payable to authorities; travel and accommodation associated with attendance at meetings, site inspections, audits etc; preparation of archived material, or transfer or translation of computer files; and products and services provided by subcontractors or sub-consultants, such as: site investigations; Building Code of Australia ("BCA") inspections; hazardous materials or geotechnical studies; condition surveys; cadastral or infrastructure surveys; production of measured drawings of existing infrastructure; printing multiple copies of reports; and printing or production of artist's impressions/ perspectives / 3D CAD modelling, videos or other presentation material. <p>Notes:</p> <p>Unless the Proposal specifically states otherwise:</p> <ol style="list-style-type: none"> The costs of word processing, phone, fax and routine photocopying are not Disbursements. For Disbursements listed in (a), (b) and (c) above, you will pay us the actual costs we incur. For products and services provided by subcontractors and sub-consultants (as set out in item (d) above), you will pay us the costs we incur plus a 12.5% margin. |
| 2 | <p style="text-align: right;"><i>Mentioned in Clauses 2 & 17</i></p> <p>The Services are described in the Proposal, subject to the following:</p> <p>1. Unless specifically stated in the Proposal, the Services do NOT include advice during the tendering period or construction phase of the Project. If the Proposal included giving such advice and you receive a Request for Information (RFI):</p> <ol style="list-style-type: none"> you will assess the RFI and only pass it on to us if you are unable to provide the information; where the RFI relates to an error or ambiguity in the Contract Material, or requires details it would not be reasonable to expect an experienced and competent person to understand, we will respond at no additional cost; and where the RFI relates to a matter that it would be reasonable to expect an experienced and competent person to understand, our response will be treated as a Variation. <p>2. If the Services include managing construction contractors, their management systems will be relied upon for quality, safety and environmental management. We will carry out the level of audits, reviews and site visits generally required to manage a competent, experienced contractor.</p> |
| 3 | <p style="text-align: right;"><i>Mentioned in Clauses 4.2 & 17</i></p> <p>The Public Works Advisory Representative is : Jason Tearle – Infrastructure Property Officer</p> |
| 4 | <p style="text-align: right;"><i>Mentioned in Clauses 11, 12 & 17</i></p> <p>A Variation occurs when:</p> <ol style="list-style-type: none"> There is a change to the Services because: <ol style="list-style-type: none"> you request additional or reduced Services, for example due to changes in the budget; there are changes to the scope or timing of the Project; Latent Conditions are encountered; information provided by you or your Associates is incomplete, inaccurate or contains discrepancies; you request re-work, except if due to our failure to provide Services complying with the Agreement; there is a change to legislative requirements affecting the Services, Project or amounts payable; or we are required to provide unexpected additional resources to manage the construction work due to poor work quality or an under-performing contractor; Part or all of the Services are delayed by a cause (including suspension, acceleration or deceleration instructed by you or interference by you or your Associates) other than our breach of the Agreement; we are required to carry out work to enable safe access in order to carry out the Services; we incur costs in resolving a dispute with a contractor or consultant involved in the Project; or during or after completion of the Services, we or any of our employees are required to give evidence before, or provide any information to, a court or other competent authority. |

**SCHEDULE 2 – PROCEDURE FOR EXPERT DETERMINATION**

1. If a dispute is to be submitted to an expert for determination, as provided for in Clause 14.4 of the Conditions of Engagement, the parties are to attempt to agree on an expert.
2. If the parties fail to agree upon an expert within 28 days, either may request the Chief Executive Officer of the Australian Disputes Centre Sydney to nominate an expert, who is not to be:
 - (a) an employee of either of the parties;
 - (b) a person who has been connected with the Agreement; or
 - (c) a person upon whose appointment the parties have previously failed to agree.
3. Once the expert has been agreed or nominated, either party may appoint the expert in writing on behalf of both parties. The letter of appointment is to be provided to the other party and to set out:
 - (a) the dispute being referred to the expert for determination;
 - (b) the expert's fees;
 - (c) the procedures detailed in this Procedure for Expert Determination;
 - (d) the arrangements for each party to lodge \$10,000 as initial security for the expert's fees; and
 - (e) any other matters relevant to the appointment.
4. The parties are to share equally the cost of appointing the expert and the expert's fees and out-of-pocket expenses, including any security required for the expert's fees. Each party is to otherwise bear its own costs in relation to the determination process.
5. If a party defaults in providing the initial security within 28 days after the expert is appointed, the other party may provide the security in full and the defaulting party's share is a debt due and payable to the paying party.
6. Any dispute will be deemed to be abandoned if an expert has not been appointed or the initial security has not been lodged in full within 6 months after the dispute is notified under Clause 14.1 of the Conditions of Engagement.
7. The parties are to make written submissions to the expert, copied to the other party, as follows:
 - (a) Within 7 days after the appointment of the expert, the notifying party is to make its submission on the matter in dispute.
 - (b) Within 14 days after receiving a copy of that submission, the other party is to make its submission in response, if any, which may include cross-claims.
 - (c) If a cross-claim is made, the notifying party is to make its submission on the cross claim within 14 days after receiving a copy of the submission from the other party.
 - (d) The expert may request further information from either party and that party must respond within 14 days after receiving the request.
 - (e) The expert must ignore any submission not made within the times stated in this clause and make a determination on the submissions or information provided within time, unless the parties agree otherwise in writing.
8. The expert must determine whether the claimed event, act or omission did occur and, if so:
 - (a) when it occurred;
 - (b) what term of the Agreement or other obligation in law, if any, requires one party to pay the other money or otherwise act in respect of it; and
 - (c) the merits in law of any defence or cross-claim raised by the other party.
9. The expert is then to determine the amount, if any, which one party is legally bound to pay the other on account of the event, act or omission. The expert must also determine any other question(s) referred by the parties in the submissions.
10. In making the determination, the expert acts as an expert and not as an arbitrator and is:
 - (a) not liable for acts, omissions or negligence;
 - (b) to make the determination on the basis of the Agreement and written submissions from the parties without formalities such as a hearing; and
 - (c) required within 56 days after appointment to give the determination in writing, with brief reasons, to each party.
11. If the expert determines that one party is to pay the other an amount exceeding \$100,000 (excluding interest) and within 14 days after receiving the determination, either party gives written notice to the other that it is dissatisfied, the determination is of no effect and either party may commence litigation.
12. Unless a party decides to exercise a right to commence litigation, the parties are to treat each determination of the expert as final and binding and give effect to it. If the expert determines one party is to pay the other money, the payment is to be made within 20 Business Days after the expert determination is received.





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 * This map is not to be sold or remade as part of a commercial product.

Roberts Subdivisions - legal access points for consideration

Created by: hilaryd
Date: 30/11/2020
Scale: 1:7680
Projection:



9.12 NATURAL DISASTERS LOCAL ENVIRONMENTAL PLAN CLAUSE

File Number: RPT/20/790

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

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

Strategy: 1.2 Encourage and support population growth and resident attraction

Summary

The Department of Planning, Industry & Environment has prepared a Standard Instrument Natural Disasters Clause in response to natural disasters that occurred during the 2019/2020 summer.

This clause will clarify that consent can be granted for the purposes of repairing or replacing a dwelling that has been destroyed or damaged by a natural disaster.

The clause is optional for inclusion in Local Environmental Plans (LEP), including the selection of zones where the clause will apply. This report recommends that Council resolve to 'opt in' so the clause can be inserted in to the Wentworth Local Environmental Plan 2011.

Recommendation

- a) That Council resolves to advise the Minister for Planning and Public Spaces that it endorses and supports an amendment to the Wentworth Local Environmental Plan 2011 by the insertion of Clause 5.9 of the Standard Instrument (Local Environmental Plans) Amendment (Natural Disasters) Order 2020, with the clause applying to RU1 Primary Production, RU5 Village, R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living, B6 Enterprise Corridor, IN2 Light Industrial, SP1 Special Activities and SP3 Tourist zones.
- b) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Detailed Report**Purpose**

The purpose of this report is to provide sufficient information for Council to determine how to respond to the Department of Planning, Industry & Environment (DPIE) regarding the proposal to include the Natural Disaster clause in the Wentworth LEP 2011.

Background

Natural disasters can have a significant impact on dwellings in New South Wales from weather events that cause bushfires, floods, erosion and wind.

To assist with the recovery from these disasters, DPIE is proposing an optional clause in the Standard Instrument Order that will clarify that consent can be granted for the purposes of repairing or replacing a dwelling that has been damaged or destroyed in a natural disaster event.

Councils will still be required to complete assessments of these applications, however the rebuild or repair cannot be refused based on any current development standards in the LEP. This includes where the existing LEP provisions would have prevented Council from granting development approval or where the current provisions prohibit the development of a dwelling.

Councils across New South Wales have been requested to submit their interest to incorporate the optional provision in their LEP. The submission also allows Councils to nominate the relevant zones in their areas where the clause will apply.

To assist all Councils who resolve to 'opt in', DPIE will prepare an amending State Environmental Planning Policy (SEPP), which will include the proposed clause in all participating LEPs.

Refer to Attachment 1 Natural Disaster Clause Guidance Material.

Matters under consideration

The zones in the Wentworth LEP 2011 that permit the development of a dwelling include:

- RU1 Primary Production
- RU5 Village
- R5 Large Lot Residential
- E3 Environmental Management
- E4 Environmental Living

It is proposed that all five zones be included in the clause.

Additionally, other zones that prohibit the development of new dwellings, such as B6 Enterprise Corridor, IN2 Light Industrial, SP1 Special Activities and SP3 Tourist contain existing dwellings and should be included in the provision as well, for this reason.

Refer to Attachment 2 Final Draft Opt In Clause.

Options

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

- advise the Minister for Planning and Public Spaces that Wentworth Shire Council 'opt in' and endorse an amendment to the Wentworth LEP 2011 by way of inserting Clause 5.9 in the LEP; or
- advise the Minister for Planning and Public Spaces that Wentworth Shire Council will not 'opt in' and do not support the insertion of Clause 5.9 in to the Wentworth LEP 2011.

Legal, strategic, financial or policy implications

There are no legal, strategic, financial or policy implications on Council by acting on the proposed resolution of this report.

The benefit to the community by resolving to 'opt in' is that development applications and the approval pathway will be streamlined and more efficient, providing reassurance to those landholders who have experienced loss in a natural disaster.

Conclusion

The recommendation of this report will approve DPIE to undertake an amendment to the Wentworth LEP 2011 and provides assurance to the Wentworth Shire community that Council support those members of the community in times of asset loss and where there is necessity for approvals to be granted for repairing or rebuilding of dwellings in the event of a natural disaster.

Attachments

1. Natural Disaster Clause Guidance Material[📄](#)
2. Final Draft Opt In Clause[📄](#)

Natural Disasters Clause

Guidance for Implementation



November 2020

Natural Disasters Local Environmental Plan Clause

Introduction

Clause 5.9 of the Standard Instrument Order (the clause) was introduced to support homeowners whose homes have been damaged or destroyed by natural disasters. The clause applies to development applications (DAs) where development consent is sought to repair or replace a dwelling house or secondary dwelling that was damaged or destroyed by a natural disaster.

The clause was prepared in response to regulatory challenges faced by homeowners seeking to rebuild homes following natural disasters where planning controls in Local Environmental Plans (LEP) have changed over time.

The clause will ensure that development consent can be granted for the repair or replacement of a dwelling that was damaged or destroyed by a natural disaster despite any provisions in the relevant LEP which would otherwise prevent the consent authority from doing so.

The clause intends to eliminate the need for applicants to:

- Prepare formal requests to vary a development standard; or
- Demonstrate the continuance of an existing use in circumstances where dwelling houses or secondary dwellings are no longer permitted with consent in the relevant zone (applicants will need to demonstrate that the existing dwelling was lawfully erected).

Natural Disasters

Natural disasters are naturally occurring, rapid onset events that cause serious disruption to life or property in a community or region, such as floods, bushfires, earthquakes, storms, cyclones, storm surges, landslides and tsunamis. A natural disaster can include a state of emergency declared under section 33 of the *State Emergency and Rescue Management Act 1989*.

The rebuilding or repair of damage or destruction caused by or because of any of these events is development to which the clause applies.

Varying Development Standards

The clause states that consent can be granted to the specified development in a zone where the clause applies despite any other provision of the relevant LEP. For this reason, it is not necessary for applicants to submit a request to vary a development standard where a development standard is contravened. DAs will still undergo a merit assessment to ensure that dwelling houses and secondary dwellings are of an appropriate size, location and design in the context of the site.

In situations where key planning controls or development standards have changed over time, removing the need to formally request a variation under clause 4.6 of the relevant LEP will save time and resources for applicants and consent authorities.

Merit Assessment

For DAs where the clause applies, the consent authority cannot refuse a DA on the basis it does not comply with a development standard or other provision in the applicable LEP.

The proposed development will be assessed on its merits against the relevant considerations under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and any other applicable legislation.

Natural Disasters Clause

Guidance for Implementation



Any standards or provisions outlined in a State Environmental Planning Policy (SEPP) that are relevant to the DA continue to apply (including any concurrence or referral requirements). Development Control Plan (DCP) provisions also continue to apply.

Evaluation under section 4.15 of the *Environmental Planning and Assessment Act 1979* where the clause applies

For DAs where the clause applies, LEP provisions themselves must not be used as a reason for refusal. However, if the consent authority considers that the risk, or other environmental impact associated with the proposed development is inconsistent with the relevant considerations of section 4.15, the consent authority can refuse the application on that basis.

Example

Due to a period of local severe rains, a river floods and destroys two homes. Although this natural event is not subject to an emergency declaration under section 33 of the *State Emergency and Rescue Management Act 1989*, it is still considered to be a natural disaster and accordingly, the natural disasters clause could potentially be applied to rebuild the destroyed dwelling houses.

Council is unable to refuse the DA to rebuild the destroyed dwelling on the basis that it does not comply with a development standard in the applicable LEP – however, council will be able to undertake a merit assessment under section 4.15 of the EP&A Act. If council considers the site is unsuitable for redevelopment under section 4.15(1)(c) due to flooding concerns, then the DA may be rejected on this basis.

Other Applicable Legislation

The requirements of other applicable legislation referred to in a SEPP, or in the EP&A Act continue to apply to DAs where the clause applies. For example, section 4.14 of the EP&A Act continues to apply for development of bushfire prone land and all relevant requirements of *Planning for Bushfire Protection 2019* must be satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the *Biodiversity Conservation Act 2016* will also continue to apply to development involving clearing of vegetation and development of land with high biodiversity values. Any relevant assessment and offsetting requirements under that Act must also be met.

Replace and Repair

The clause refers to the *repair* or *replacement* of a lawfully erected dwelling house or secondary dwelling that was damaged in a natural disaster. There is no requirement for the *replacement* or *repair* subject of a DA to be identical to the original dwelling which was destroyed or damaged.

Development consent can be granted for dwelling houses and secondary dwellings that are of a different size, location or design to the original dwelling under the clause. Changes to the design and location of a proposed dwelling may be required to meet the relevant provisions of a DCP, other environmental planning instruments, associated legislation or the requirements of the National Construction Code.

Lawfully Erected

To be a lawfully erected dwelling house or secondary dwelling, it must have been constructed under a valid development consent, building approval or another lawful planning pathway under the EP&A Act or equivalent historical planning legislation.

Natural Disasters Clause

Guidance for Implementation



Further Information

For more information:

Web: www.planningportal.nsw.gov.au/natural-disasters-clause

Phone: 1300 73 44 66

Email: disaster.recovery@planning.nsw.gov.au

Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwelling that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
 - (a) *[set out the zones to which the clause is to apply]*,
- (3) Despite any other provision of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
 - (a) the dwelling house or secondary dwelling was lawfully erected, and
 - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

9.13 PLANNING PROPOSAL - REZONE LOTS 56 & 73 DP 756946 WILGA ROAD GOL GOL FROM RU1 PRIMARY PRODUCTION ZONE TO R5 LARGE LOT RESIDENTIAL ZONE & AMEND MINIMUM LOT SIZE FROM 10,000 HA TO 3,000 SQM

File Number: RPT/20/779

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

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

Summary

Council received a Gateway Determination to proceed with a planning proposal to rezone Lots 56 and 73 DP 756946 Wilga Road, Gol Gol from RU1 Primary Production zone with a minimum lot size of 10,000 hectares to R5 Large Lot Residential zone with a minimum lot size of 3,000 square metres, from the Department of Planning, Industry and Environment on 31 July 2020.

Public exhibition has been conducted in accordance with Condition 2 of the Gateway Determination. Three submissions were received, including two objections. A response was sent to both objectors addressing the issues raised in their submission, one objection has been maintained and one withdrawn. All other conditions of the Gateway Determination have been satisfied.

This report details the grounds for objecting, provides details of the response to those grounds and seeks Council approval to request an Opinion from Parliamentary Counsel and submit the Planning Proposal to the Minister for the Department of Planning and Public Spaces to finalise and notify the amendment on the legislative website.

Recommendation

- a) That Council submits the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 by rezoning the subject land from RU1 Primary Production to R5 Large Lot Residential and amending the minimum lot size from 10,000 hectares to 3,000 square metres to Parliamentary Counsel for opinion; and
- b) That Council submits the Planning Proposal to the Minister for Planning and Public Spaces for finalisation and notification of the amendment to the Wentworth Local Environmental Plan 2011, in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*; and
- c) That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Detailed Report

Purpose

The purpose of this report is to provide Council with details of the submissions received during exhibition and present an explanation of how the issues and concerns submitted have or will be resolved, thereby obtaining Council's endorsement to progress to the final stage of the amendment process. The finalisation process includes submitting the Planning Proposal to Parliamentary Counsel to obtain an Opinion and then to the Minister for Planning and

Public Spaces for finalisation of the amendment to the Wentworth LEP 2011 and notification on the legislative website.

Background

The subject site of the planning proposal is located at the top end of Wilga Road in Gol Gol. The two lots contain a combined area of 19.6 hectares and are currently zoned RU1 Primary Production with a minimum lot size of 10,000 hectares.

Refer to Attachment 1 Planning Proposal.

Council resolved to support the planning proposal and to submit a Gateway Determination request to the Department of Planning at its Ordinary Meeting 7 June 2017. The response received from the Department was that the planning proposal did not provide sufficient justification to rezone the land. The response also advised that strategic justification for rural residential expansion should be included in a local rural or urban strategy.

Council exhibited the Buronga Gol Gol Structure Plan from 9 May 2020 to 9 June 2020. The subject site and planning proposal were included in the Plan to ensure the ongoing supply of R5 Large Lot Residential land for future development. The Plan was adopted by Council at its Ordinary Meeting held 16 September 2020.

The Department of Planning were advised of Council's exhibition of the Buronga Gol Gol Structure Plan together with a request for a Gateway Determination to proceed with the planning proposal. The request was granted and a Gateway Determination to proceed was issued dated 31 July 2020.

The Gateway Determination included six conditions, all of which have been satisfied.

Refer to Attachment 2 Gateway Determination.

Matters under consideration

Council exhibited the Planning Proposal in accordance with the requirements of the Gateway Determination from 14 August 2020 to 14 September 2020. Three submissions were received, including two objections to the proposal, with one of the objections being a petition style submission.

Council has consulted with the objectors by way of phone calls, onsite inspections and through written correspondence. The consultation conducted was to determine the extent of concern pertaining to the issues raised and to discuss mitigation methods to satisfy the grounds for objecting. At the time of writing this report, the petition style objection had been withdrawn and one objection remains in place.

Council's planning staff are confident that the issues that have been raised in the submissions can be satisfactorily resolved through subdivision and servicing design, access treatments, water management, buffer options and easements.

Details of the grounds for objecting to the planning proposal are outlined in detail in the attached summary table. The table includes a response to each of the issues and proposes mitigation methods to address and satisfy those issues.

Refer to Attachment 3 Response to Wilga Road Submissions.

Council will also need to acquire a portion of Lot 2584 DP764612 from DPIE - Crown Lands to provide legal access to the subject site by way of an extension of Wilga Road. This matter is to be considered by Council in a separate report.

Options

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

- submit the planning proposal to Parliamentary Counsel for opinion; and
- submit the planning proposal to the Minister for Planning and Public Spaces for finalisation and notification of the amendment.

Legal, strategic, financial or policy implications

The resolution of Council as recommended by this report will facilitate development of the subject land for residential purposes consistent with the Buronga Gol Gol Structure Plan 2020.

There are no financial implications for Council.

Conclusion

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

Attachments

1. Planning Proposal [↓](#)
2. Gateway Determination [↓](#)
3. Response to Wilga Road Submissions [↓](#)

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ALL CORRESPONDENCE TO:

P.O. BOX 766

MILDURA VIC 3502

Gateway Determination Proposal

Submission to Wentworth Shire Council

To rezone land to permit
future rural residential subdivision

Lots 56 and 73 in DP 756946,
Wilga Road
Gol Gol

For:

I.L. & L.G. Roberts,
Robert Superannuation Fund and
Roberts Family Superannuation Fund

April 2017

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Part 1 - Introduction

1.0 Overview

The land to which this planning proposal relates has been prepared on behalf of I.K. & L.G. Roberts, the Roberts Superannuation Fund and the Roberts Family Superannuation Fund by Danson and Blaby Pty. Ltd. Consulting Land Surveyors and Development Planners of Mildura.

The land is located approximately 2 kms north-east of Gol Gol and is situated beside Gol Gol (Moon Tongue) Creek and other parts of land that form part of the Wilga Road development area.

The subject land is located adjacent to existing large lot residential estates in Modikerr Way in DP 1103697 and DP 1201838 - 18 lots greater than 5,000 m² and on northern side of Moontongue Drive in DP 1184258 and DP 1204878 - 22 lots greater than 5000 m².

On the southern side of Moontongue Drive, DP 1222312 has been registered for 8 lots greater than 3,000 m², and the two additional stages planned are Stage 2 – 34 lots greater than 3,000 m², and Stage 3 – 40 lots greater than 3,000 m².

This amended planning proposal is then, consistent with the relevant State Environmental Planning Policies and is consistent or justifiably inconsistent with the relevant Section 117 Ministerial Directions.

The Gol Gol Creek Estate that is the subject of this Planning Proposal is located to the north and north-east of the existing Estate and it is proposed to subdivide this land to provide 53 low density residential allotments.

The subject land is zoned RU1 Primary Production under the provisions of the Wentworth Local Environmental Plan 2011. (**See Figure 1**).

In consideration of this additional report, research has been undertaken into the detail of the Planning Team Report dated 10th February 2014, the detail of the Panel Recommendation dated 18th June 2014 and the letter issued by the Department on 15th July 2014 that described the shortcomings of the original planning proposal.

The reports are attached to the planning proposal report as **Attachments D, E and F**.

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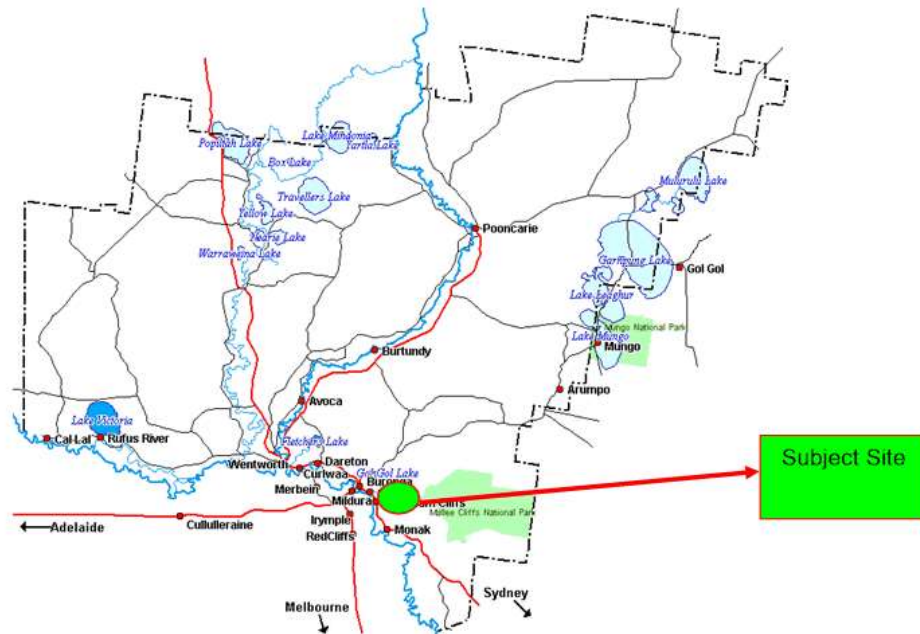


Figure 1

The proposal describes the site, its key features and surrounding land uses. It also considers the key strategic environmental planning instruments, strategies and initiatives applying to the site, and provides an assessment of the impacts of the proposal and suitability of the site for the proposed rezoning.

1.1 Key Benefit of the Proposal

The rezoning proposal will have a major benefit in that it will:

- contribute 53 new dwellings to the Shire meeting in part Council's Community Strategic Plan Vision 2012 – 2022 to “.....improve population growth and residential expansion.....” and “... Improve (the) built urban environment by encouraging residential housing options that meet the needs of all community sectors.....”.
- land along the Gol Gol Creek frontage will be retained for public access and use for the benefit of local residents and visitors.

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1.3 Site Location and Context

The site is located about 2 kms north-east of the Gol Gol Township and is on the eastern side of the Gol Gol Creek. The land is irregular in shape with an area of 20.03 ha. in two different titles.

The land is developed for horticultural purposes with a dwelling on each of the titles and out-buildings for the storage of farm equipment and farm products are on each of the titles. The dwelling on Lot 56 is not a habitable dwelling whilst the dwelling on Lot 73 is habitable.

An aerial view of the sites is shown in **Figure 2**.



Figure 2

The folio descriptions are as to Lot 56 in DP 756946 and Lot 73 in DP 756946 as shown in **Figure 3** below.

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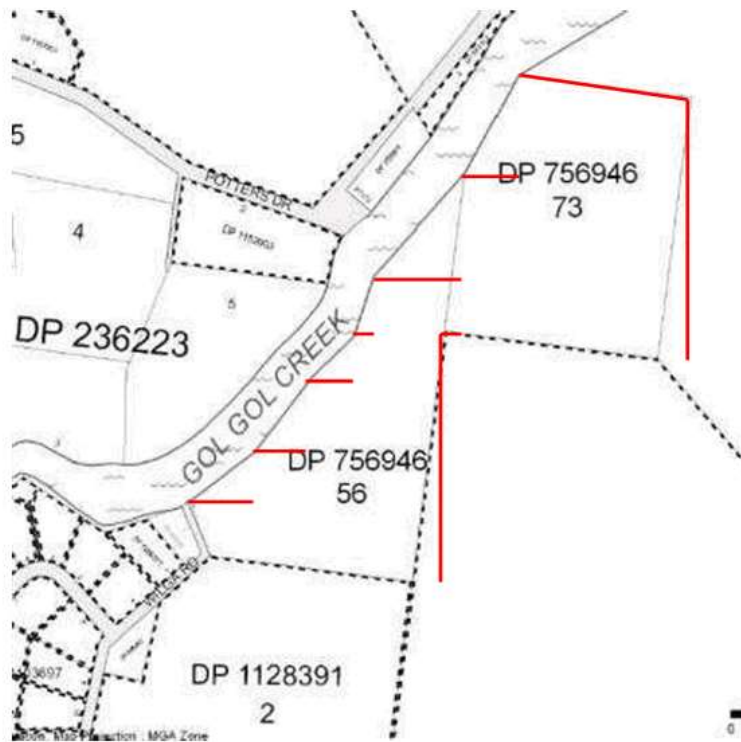


Figure 3

1.4 Land Use and Zoning

As shown in **Figure 4a**, the site is shown as a brown colour and this means that it is shown as A1 and is zoned RU1 under the provisions of Wentworth Local Environment Plan (LEP), and this is the zone supporting rural and agricultural practices.

Figure 4b shows the area to be rezoned to R5 Large Lot Residential zone with a minimum of 3,000 square metres.

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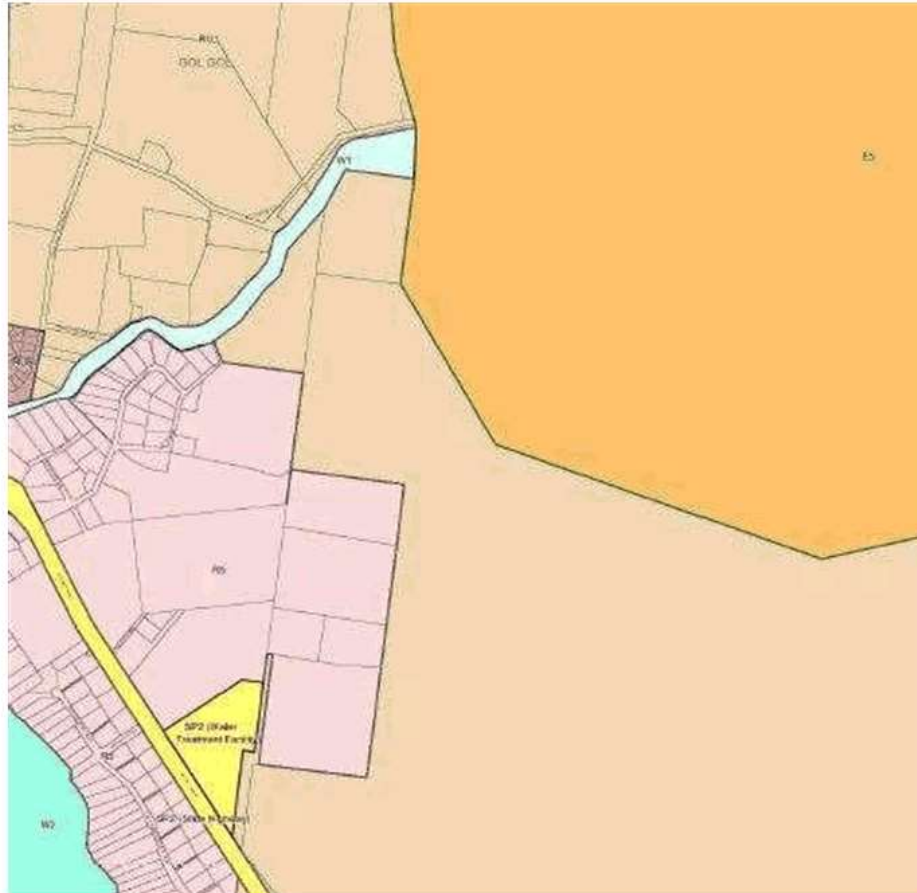


Figure 4a

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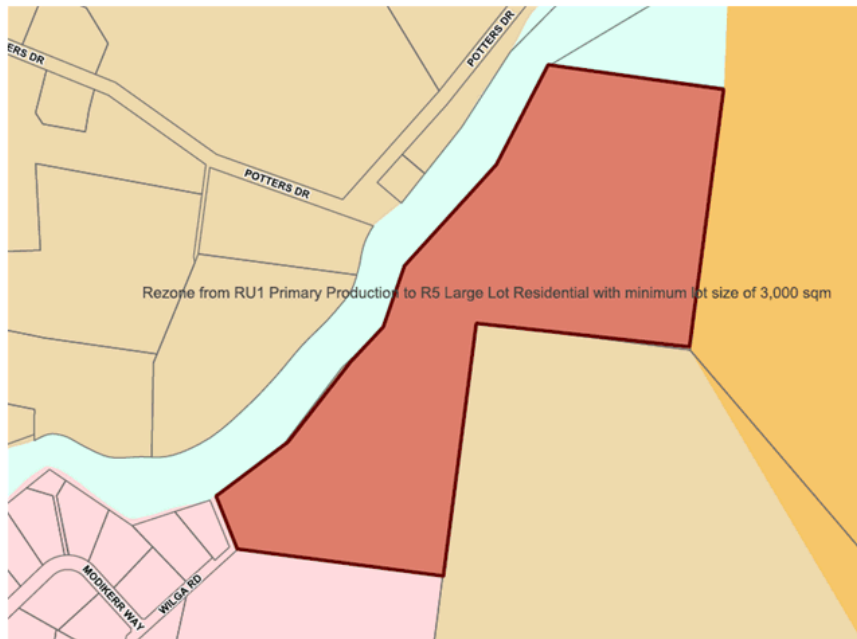


Figure 4b

1.5 Site Characteristics

The properties are within an irrigation district growing horticultural and viticultural products and are 9.51 ha. (Lot 56) and 10.52 ha. (Lot 73) respectively. Property sizes within the irrigation districts are too small for dry land operations, and agricultural land of this size are predominantly used for irrigation purposes.

The source of irrigation water that is provided to each of the properties is from the Murray River into the Gol Gol Creek where it is managed by the Gol Gol Creek Grower's Association Inc. who ensure that the water quality and quantity is managed to meet the irrigation and domestic use requirements of its members.

Lot 73 has been in the hands of the Roberts family since 1957 and is planted to wine grapes. The plantings are a mixture of Gourdo and Shiraz grapes that are

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approximately 46 years old. The property is watered by under vine drip irrigation – a state of the art watering method that provides the most control over water management where a precise amount of water can be provided to each vine.

Lot 56, in contrast, is a considerably older holding with plantings being predominantly sultanas (dried fruit) that are more than 70 years old, near the end of their productive life and have effectively been abandoned with some citrus on the land that is only a few years old.

This property is watered by furrow irrigation – an irrigation system where small channels run through the vineyard providing irrigation and that can only be controlled slightly by the operator as the amount of water that each vine received was sporadic.

The property requires significant capital investment to provide under vine irrigation infrastructure and additional pumping facilities before any investment is even made into other fruit varieties that could be planted on the land.

The two titles have water entitlements that comprise NSW Murray High Security access allocations and these allocations are 110 ML (Lot 56) and 156 ML (Lot 73) respectively and the expectation is that they will be delivered at 97% for the 2017 – 18 irrigation seasons.

1.6 Topography and Geology

Gol Gol is situated on flat land without hills or mountains on the northern bank of the Murray River and to the north and east of the town are a lake - Lake Gol Gol and a major swamp area - Gol Gol Swamp.

While the land along the river and irrigation channels is fertile, much of the land to the north of Gol Gol is also dry, saline and semi-arid. The land is within the Murray Darling Depression Bioregion which lies in the southwest corner of NSW and extends into Victoria and South Australia.

The NSW portion of the bioregion is bounded in the north by the Broken Hill Complex Bioregion, with the Cobar Peneplain to the northeast and the Riverina Bioregion to the east.

The Murray Darling Depression Bioregion also borders the Darling Riverine Plains to the northwest and contains outlying remnants of the Darling River and tributaries as they meet the Murray River at the Victorian border.

The bioregion lies entirely in the Western Division of NSW and contains few town centres, with Ivanhoe, just near the tip of the Riverina Bioregion, being the major settlement aside from Manilla, Emmdale and other pastoral stations in the bioregion.

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The landscape is characterised by dune fields, sand plains and undulating plains of brown calcareous soils. There is very little structured drainage but numerous lakes, swamps and depressions are present, some of which are driven by saline groundwater.

The Darling River and streams in the Riverina have cut through the sands and constructed numerous overflow lakes and the abandoned channels and basins of the Willandra Lakes complex. Saline ground waters have formed salt basins in many places where the sand plain or dune topography intersects the water table.

All lakes and swamps have well-formed lunettes on their eastern margins that record evidence of climate change and human occupation. A few bedrock ridges rise above the sand plains as isolated ranges.

The soils on the subject land are typical of the general profiles of the region and include red, brown and yellow sands that occur with more clayey materials in the swales. On sand plains the soil tends to be heavier with brown loamy profiles.

1.7 Flood Prone Land

The field survey undertaken to support this application shows the proposed sites under the 100 year ARI flood event RL 39.85 metres (AHD) with depths varying from approximately 0.80 metres to 0.20 metres. **(See Attachment A).**

In consideration of the Flood Planning Area within the scheme, the subject land is able to be identified on Council's LEP Flood Mapping and it does have frontage to Gol Gol Creek.

In considering the image of the Wentworth LEP Flood Planning Area Map River Front Building Line Map – Sheet CL1_004G, the flood planning area is clearly shown.

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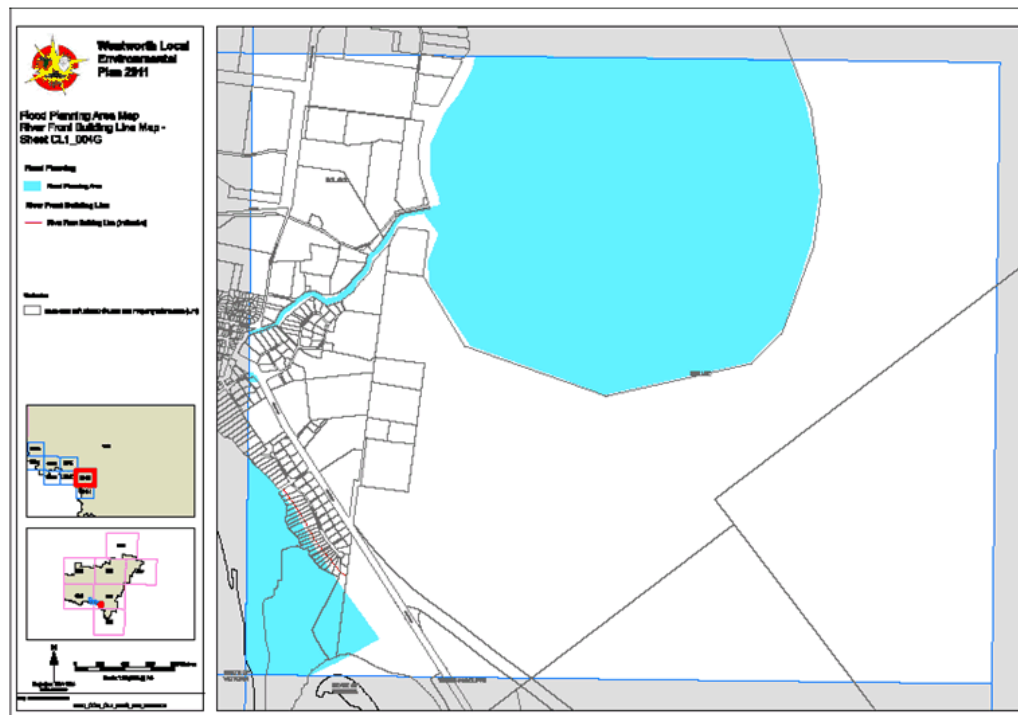


Figure 5

The land was identified as being below the 1:100 year flood level because of a radial arm gate regulator that had been installed under the Sturt Highway that can be closed when required at the time of high water flood times, just as it can be opened for water to access Lake Gol Gol for environment purposes.

The photos below show the regulator and structure from both the Mildura River side and the Gol Gol Creek side. The photographs are part of a series of photos from the Victorian State Rivers and Water Supply Commission and were accessed through the State Library of Victoria Archive. The photographs were created between April 1952 and May 1954.

(Accession No. rwp/a48.1058 Image Nos: rw013565 and 13566).

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Murray River Side



North of Sturt Highway

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The Gol Gol Creek is classified as a “regulated stream” by the Department of Primary Industries (DPI) - Office of Water. (All streams below dams are classified as such). The Gol Gol Creek is fitted with a Radial Arm Gate to control water flows to irrigators and for supply to Gol Gol Wetlands and the structure is fitted as a part of the Sturt Highway.

The regulation of “stream” occurs through the following regulation:

“Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016

1.8 Vegetation

There is no natural vegetation on the subject land as both of the subject lots have been planted to viticulture and horticultural fruits.

1.9 Surrounding Development

To the south of the subject land there is an existing horticultural holding and other horticultural holdings that have been converted into residential estate areas.

A more detailed assessment of the Gol Gol developments is provided in Section However, the Modikerr Estate development (DP 1103697) was registered on 21st October 2006, whilst the first stage of other holdings of the Roberts Family (DP 1184258) was registered on 3rd May 2013.

To the north and north–west of the site on the opposite side of Gol Gol Creek are other horticultural holdings and further north are predominantly Western Lands grazing leases. Whilst immediately to the east of the subject land are Western Lands grazing leases.

To the north-east of the subject site is the Gol Gol Swamp that forms part of the Gol Gol wetlands a large fresh water system in conjunction with Lake Gol Gol. The lake is about 3.6 kms north of the subject land and is 494 ha in extent. Prior to development, the Gol Gol wetlands would have received floodwaters from the Murray River via Gol Gol Creek.

Since the 1950s, a number of flow control structures have been installed along Gol Gol Creek. These structures have been provided because of significant Government funding allowing the connection of the wetlands to the Murray River in times of high water.

At Gol Gol Swamp, a local community group representing state and local stake holders has been working for five years to rehabilitate the wetlands. Their work has shown that the nearby Mildura Weir pool is causing the gradual salinisation of the wetlands and the decline of black box and lignum trees on the fringe of the swamp.

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The groundwater – almost as salty as sea water – is within two metres of the bed of the swamp. That is - close enough to be drawn closer to the surface each time the wetland is flooded. The current strategy is to keep floods out of the wetlands to avoid exacerbating the salt problem.

The long-term health of the wetlands is still marginal. The Gol Gol Swamp has a clay floors, and in recent years, evidence of more salinity has been by grey cracking clays and the appearance of blue bush and salt bush on the lake floor.

In 1990, the southern lobe of the wetland was flooded for experimental purposes, however, the last significant flooding of Lake Gol Gol occurred during the 2011 – 2012 high water events where the Lake was filled to 35% capacity.

Gol Gol Swamp is zoned E3 Environmental Management and its objectives include protecting, managing and restoring areas with special ecological values and providing a limited range of development that does not affect these values.

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Part 2 - Objectives or Intended Outcomes

2.1 Objectives

The application seeks to rezone the subject land identified in **Figure 3** as being suitable for Rural Residential land, from an RU1 – Primary Production Zone where the current minimum lot size shown as AI is 10,000 hectares to an R5 Large Lot Residential Zone under the Wentworth LEP 2011.

The purpose of the rezoning is to enable the subdivision of the land pursuant to Clause 4.1 of the Wentworth LEP 2011 by amending the land to R5 zone and on the Lot Size Map to be shown as W which allows a minimum lot size of 3,000 m².

The objectives of the planning proposal are to:

- Rezone Lots 56 and 73 in DP 756946 to R5 - Large Lot Residential Zone.
- Map the land proposed to be rezoned R5 on the minimum lot size map under the Wentworth LEP 2011 as W – 3,000 m².
- Provide land stocks to meet the demand for dwelling houses in rural localities.
- Ensure that future development of the land for low density residential purposes does not adversely affect the rural environment of the area.
- Develop the land in a manner that recognises the constraints and opportunities of the site.
- Ensure that all requisite and essential infrastructure servicing is available to the land.
- Take advantage of the site's locational attributes and opportunities of the site. (i.e. in close proximity to a reasonably sized rural town).

In **Attachment B** is a plan showing the conceptual lot and road layout for the proposed rezoning area and identifies a total of 53 lots in sizes from 3,000 m².

2.2 Outcomes

The outcomes for this planning proposal will be to enable the land to be subdivided and developed for Low Density Residential purposes into minimum 3,000 m² sized lots, the construction of roads to service the new lots and the construction of future dwelling houses.

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Part 3 - Explanation of Provisions

The land that is the subject of the planning proposal is currently zoned RU 1 - Primary Production Zone under the provisions of the *Wentworth LEP 2011*. The land is mapped as Y – 3,000 m² although it is not the minimum lot size mapping of the LEP.

The planning proposal seeks to rezone Lots 56 and 73 in DP 756946 to R5 - Large Lot Residential Zone in the manner shown on the plan in **Attachment B** as detailed below:

- rezone 20.03 ha. to R5 – Large Lot Residential (Land Zoning Map - Sheet LZN_004G).
- the land proposed to be rezoned R5 to be mapped as W – 3,000 m² on the minimum lot sizes map (Lot Size Map – Sheet LSZ_004G).

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Part 4 – Justification

4.1 Need for the planning proposal.

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

The planning proposal is not the subject of any strategic plan or report although Council resolved to prepare an amendment to the Wentworth LEP 1993 to allow for an urban land release at Buronga - Gol Gol on 26th January 2006 (Amendment 26).

In the process of the new Department requirements, Council also resolved to prepare a new Local Environment Plan in the Standard format on 16th May 2007.

On 16th July 2008, the Department agreed for Wentworth Shire Council to merge the Local Environment Plan Amendment 26 (Buronga - Gol Gol) and the new principal Local Environment Plan.

The support for the re-zoning of the Buronga - Gol Gol area finalised the outcomes of 10 years of land use planning that had been undertaken in the area.

The need for the planning proposal has arisen as a result of the processes associated with the implementation of the Wentworth Shire Council Local Environment Plan (LEP) (2011).

The moderate low density residential lifestyle outcome sought by this Planning Proposal and the densities that are proposed reflect the proposed development pattern on the adjacent land.

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

The proposed rezoning of the subject land from RU1 Primary Production Zone to R5 Large Lot Residential and proposed change in minimum lot size to 3000 m² is considered to be the best means of achieving the relevant objectives and intended outcomes outlined in Part 1.

4.1.3 Is there a net community benefit?

It is considered there will be a definite net benefit to the community as the Planning Proposal is consistent with the aims and actions of the Draft Far West Regional Plan that became available for submission in December 2016.

The Draft Far West Regional Plan has three goals for the region:

- A diverse economy with efficient transport and infrastructure networks.

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- An exceptional and distinctive natural environment.
- Strong and connected communities.

The benefits will result from the Wentworth local government area having increased ties with other communities along the Murray River, including Mildura in Victoria.

Well-designed housing is meeting the needs of communities, including the Aboriginal community, the ageing population, singles, families, low-income households, and seasonal and itinerant workers.

Directions 21 to 24 describe the net community benefit that will occur from the development proposal

Direction 21 – Increase housing choice

- Over time, demand will increase for both new and more varied housing and all residents require housing to suit their specific needs. New housing will be designed on all sites to cope with temperature extremes, heavy rainfall, drought, bushfires and flooding.
- In addition building design that incorporates passive solar access, water-efficient features and thermal qualities will contribute to lower energy costs and a more comfortable lifestyle.
- This planning application will provide the direction for the guidelines to be developed for regional areas to ensure that housing is conveniently located, economical and sensitive to a changing climate.
- It is recognised that many towns and villages can support extra housing in already serviced areas such as the Gol Gol village area that is near the planning proposal area and will allow for the best use of existing infrastructure.
- The two Department of Planning and Environment initiatives to simplify and streamline the approval pathways for residential and other types of development in regional areas include the investigation of the potential to develop low-rise medium density housing as complying developments in areas where this type of housing is already permissible under council's local plan - development that has included extensively in the Gol Gol region.
- The second initiative for the investigation of simplifying complying and exempt development controls via a new Inland Code for local government areas west of the Great Dividing Range.

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Direction 22 - Improve the availability of affordable housing and worker accommodation options

- The cost of housing needs to be affordable to enable low-income households to enter the housing market and the Government can help councils to improve the availability of affordable housing by expanding the range of model provisions that promote or require the inclusion of affordable housing in developments.
- Providing additional development incentives and reduced contributions, or using other mechanisms that may boost construction of secondary dwellings as alternative affordable housing.

Direction 23 - Manage rural residential development

- The demand for rural residential development is driven by a desire for a semi-rural lifestyle, and a larger block of land than is generally available in urban areas. Demand for low density residential living is higher in areas close to waterways, such as the Murray and Darling rivers.
- The cumulative impact of inappropriate low density residential development can impact on the viability of current and future agricultural activities. Managing this type of development will become increasingly important as the regional economy diversifies and as development pressure for this type of housing increases.
- When not located appropriately, low density residential development can create conflicts with other land uses such as agriculture or mining. It can result in the loss or alienation of agricultural lands, contribute to social isolation, increase the demand and cost for services, facilities and infrastructure, and harm the environment.
- Clause 23.3 examined the location of new rural residential areas and they were to ensure that they were in close proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure.
- The new low density residential areas were to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources and to avoid areas of high environmental, cultural and heritage significance, important agricultural land or areas affected by natural hazards.
- This planning proposal has ensured that all matters have been adequately considered and addressed the issues that have been raised.

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Direction 24 - Create healthy built environments

- Good urban design can add to the community's cultural, economic and physical wellbeing by creating safe, healthy and socially inclusive places that meet the different needs of children, young people, families, singles, people with a disability and seniors.
- This planning application has ensured that in redeveloping town centres, design and environmental considerations have been incorporated into the decision-making process and have included considerations such as pedestrian movement, vegetation and infrastructure for public spaces.
- In the redevelopment process, Council needs to promote water sensitive urban design techniques to improve water use planning and supply, and water security and that wastewater can be re-used on parks, gardens and reserves.

As such, it is considered that this proposal is consistent, or where relevant, justifiably inconsistent with agreed State directions including State Environmental Planning Policies and Section 117 Ministerial Directions.

This assessment confirms that the Planning Proposal has an overall net community benefit.

4.2 Relationship to Strategic Planning Framework

4.2.1 Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Draft Far West Regional Plan (December 2016), recognised settlements like Buronga Gol Gol as the likely focus of future dwelling growth of dwelling growth in the Lower Murray sub-region.

Whilst the strategy does not state the specific areas for infrastructure within the area, it ensures that the area has sufficient capacity to deal with growth. And new areas in the area needed to be planned carefully to avoid flood liable areas and sensitive locations close to the River.

Accordingly, the Planning Proposal is consistent with the aims and actions of the *Draft Far West Regional Plan (December 2016)*.

4.2.2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Wentworth Region Community Strategic Plan (2012 – 2022) (Wentworth Plan) is Council's local Community Strategic Plan.

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The Wentworth Plan contains a number of outcomes sought under three principal visions.

Strategic actions listed under each vision of this Plan are designed to contribute towards bringing that vision to life.

The Wentworth Plan includes as a strategic action under the vision “We want to be a vibrant, growing and thriving community” and the theme “Improved population growth and residential expansion”, the following:

“Support population growth, resident attraction and retention.”

Under the vision “We want to strengthen the natural and built environment”, and the theme “Improve our built urban environment”, the following:

“Encourage residential housing options that meet the needs of all community sectors

The Planning Proposal is primarily aimed at facilitating a change in land use zoning and a reduction in the minimum lot size that reflects existing land development patterns, climatic conditions and economic pressures that have resulted in a declining agricultural land base.

The Planning Proposal does however contribute towards achieving the abovementioned strategic action by providing more appropriate housing densities in a rural context in the form of low density residential lifestyle lots.

4.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

Relevant State Environmental Planning Policies and their relationship with the planning proposal are outlined in the table below:

| State Environmental Planning Policies | Comment |
|--|----------------|
| SEPP No. 1 - Development Standards | Consistent. |
| SEPP No. 14 – Coastal Wetlands | Not Applicable |
| SEPP No. 19 - Bush land in Urban Areas | Not applicable |

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| State Environmental Planning Policies (cont.) | Comment |
|---|---|
| SEPP No. 21 – Caravan Parks | Not Applicable |
| SEPP No. 30 - Intensive Agriculture | Not applicable |
| SEPP No. 33 - Hazardous and Offensive Development | Not applicable |
| SEPP No. 36 - Manufactured Home Estates | Not applicable |
| SEPP No. 44 - Koala Habitat Protection | Consistent. The area does not currently support koalas. |
| SEPP No. 47 – Moore Park Showground | Not applicable |
| SEPP No. 50 - Canal Estate Development | Not applicable |
| SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas | Not applicable |
| SEPP No. 55 - Remediation of Land | Consistent. No known contamination exists on site. |
| SEPP No. 60 – Exempt and Complying Developments Code 2008 | Not applicable |
| SEPP No. 62 - Sustainable Aquaculture | Not applicable |
| SEPP No. 64 - Advertising and Signage | Not applicable |

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| State Environmental Planning Policies (cont.) | Comment |
|--|---|
| SEPP No. 65 - Design Quality of Residential Flat Development | Not applicable |
| SEPP No. 70 – Affordable Housing (Revised Schemes) | Not applicable |
| SEPP No. 71 – Coastal Protection | Not applicable |
| SEPP (Kurnell Peninsula) 1989 | Not applicable. |
| SEPP (Building Sustainability Index: BASIX) 2004 | Consistent. BASIX is able to be complied with at the D.A. Stage |
| SEPP (Housing for Seniors or People with a Disability) 2004 | Not applicable. |
| SEPP (State Significant Precincts) 2005 | Not applicable |
| SEPP (Sydney Region Growth Centres) 2006 | Not applicable |
| SEPP (Miscellaneous Consent Provisions) 2007 | Not applicable |
| SEPP (Kosciuszko National Park – Alpine Resorts) 2007 | Not applicable |
| SEPP (Infrastructure) 2007 | Not applicable |
| SEPP (Rural Lands) 2008 | Consistent. Refer |

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comments below

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| State Environmental Planning Policies (cont.) | Comment |
|--|----------------|
| SEPP (Exempt and Complying Development Codes) 2008 | Not applicable |
| SEPP (Affordable Rental Housing) 2009 | Not applicable |
| SEPP (Western Sydney Employment Area) 2009 | Not applicable |
| SEPP (Western Sydney Parklands) 2009 | Not applicable |
| SEPP (Urban Renewal) 2010 | Not applicable |
| SEPP (Sydney Drinking Water Catchment) 2011 | Not applicable |
| SEPP (State and Regional Development) 2011 | Not applicable |
| SEPP (Three Ports) 2013 | Not applicable |
| SEPP (Integration and Appeals) 2016 | Not applicable |

State Environmental Planning Policy (Rural Lands) 2008

The land is subject to SEPP (Rural Lands) 2008 and the aim of the policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. In particular Clauses 7 and 8 contain a number of rural subdivision principles and matters to be considered in determining applications for rural subdivision and rural dwellings.

Part 2 Rural Planning Principles

Clause 7 Rural Planning Principles

The Rural Planning Principles are as follows:

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- a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.
- b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.
- c) Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.
- d) In planning for rural lands, to balance the social, economic and environmental interests of the community.
- e) The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.
- f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.
- g) The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing. E
- h) Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Part 3 Rural subdivisions and dwellings

8 Rural Subdivision Principles

The Rural Subdivision Principles are as follows:

- a) The minimisation of rural land fragmentation.
- b) The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.
- c) The consideration of the nature of existing agricultural holdings and the existing and planned future supply of low density residential land when considering lot sizes for rural lands.
- d) The consideration of the natural and physical constraints and opportunities of land.

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- e) Ensuring that planning for dwelling opportunities takes account of those constraints.

And it is considered that other Clauses – 9 (Rural subdivision for agricultural purposes), 10 (Matters to be considered in determining development applications for rural subdivisions or rural dwellings), 11 (Amendment of concessional lot provisions), 12 (Objects of Part) and 13 (State significant agricultural land) have no relevance to the planning proposal.

The planning proposal addresses the rural planning principles as follows:

- The planning proposal is consistent with the Rural Planning Principles and rural subdivision principles and identifies land that is adjacent to the existing large lot residential land that would minimise the fragmentation of agricultural land and also serve to minimise potential land use conflicts. The area does not contain State Significant agricultural land and is not located within an area of regional farming significance.
- The whole of the proposal area was suitable for on-site effluent disposal and is free of woody vegetation and this then achieves an appropriate balance between social, environment and economic interest of the community by providing opportunities for additional housing choices within an area that is not adversely affected by any significant restraints.
- The subject site is near existing community infrastructure and services at Gol Gol and the large centres in the Mildura (Victoria) area are readily accessible by road and public transport twice daily from a daily bus service to Mildura. School bus services also operate to Coomealla High School, Gol Gol Primary School, Mildura Secondary College, Mildura Senior College and St. Josephs College daily to and from Gol Gol region.
- The proposal provides for large lot residential rural lifestyle opportunity which in the short to long term that will benefit the township of Gol Gol.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Section 117 of the Act enables the Minister to issue directions regarding the content of Local Environment Plans (LEP) and planning proposals that amend the LEP and the content of the proposal must achieve or give effect to particular principles, aims, objectives or policies set out in those directions and it must be technically competent and include an assessment of the likely impacts of the proposal.

The following identifies each of the key local planning directions which are relevant of the land and planning proposal and makes brief comments in regards to each of the directions.

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Direction 1.2 Rural Zones

The land that is the subject of the planning proposal was not specifically identified in any planning studies or Council's Strategies as being suitable for rural-residential living purposes, however, the Planning Proposal does not detract from the aims or objectives of this direction and as described, Council resolved to prepare an amendment to the Wentworth LEP 1993 to allow for an urban land release at Buronga - Gol Gol.

In 2008 the Department agreed for Wentworth Shire Council to merge the amendment with the Local Environment Plan (LEP), and the support for the re- zoning of the Buronga - Gol Gol area finalised the outcomes of 10 years of land use planning that had been undertaken in the area.

This then is considered to be generally consistent with the Rural Planning Principles of SEPP (Rural Lands).

It is noted that Clause 4(b) does not apply, however, an increase in densities is sought to be created on the subject land. The Proposal will better reflect surrounding landholdings (existing development patterns), response to climate change, declining Terms of Trade, and anecdotal evidence that suggests that the lands that are the subject of this application will require significant capital contributions for irrigation infrastructure and for new plantings on the lands.

Direction 1.5 Rural Lands

The land that is the subject of the planning proposal was not specifically identified in any of the Council's studies as being a candidate for low density residential living purposes, however, the rezoning of the 20.03 ha. parcels of RU1 land to R5 is considered to be consistent with the Rural Planning Principles of SEPP (Rural Lands) 2008 because:

- (a) The current use of the land for grazing is neither productive nor economically sustainable.
- (b) The proposal will have minimal impact on agriculture in the area.
- (c) The existing rural use of the land is of minor significance.
- (d) The proposal will provide a good balance between the social, economic and environmental interests of the community as the social and environmental benefits associated with rezoning of rural land to residential land, such as rural lifestyle and additional housing choice and opportunities are recognised
- (e) The proposal avoids constrained areas and provides for the protection and

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ongoing management of land with important ecological values.

- (f) The proposal provides additional rural lifestyle opportunities in a locality where this is already the predominant land use area and where active low density residential communities are present.
- (g) The proposal makes use of existing infrastructure and will have minimal demands for services because of its location, and

As such, the planning proposal is consistent with a low density residential strategic planning document and with the provisions of Direction 1.5, although the Planning Proposal could be considered to be inconsistent with the aims of the protection of the agricultural production value of rural land, however it is consistent in that it will facilitate orderly and economic development of rural lands.

Direction 2.1 Environment Protection Zones

The proposed zoning of the land will not compromise the continued protection of any high conservation vegetation in the locality.

The proposed re-zoning does not seek to modify or reduce any environmental protection standards applying to the land.

Direction 2.3 Heritage Conservation

The subject land is not identified in any studies as containing or comprising items, areas or objects of environmental heritage significance

Direction 3.1 Residential Zones

The planning proposal will broaden the choice of building types and locations available within the Gol Gol Township and will assist with the efficient use of infrastructure and services.

Accordingly, the planning proposal will enable the development of land consistent with the objectives contained within Section 5 of the Environmental and Planning and Assessment Act, 1979 and therefore reflects evolving lifestyle and demographic trends.

The addition of the 53 allotments in the planning proposal will broaden the available housing choice within the Shire.

An analytical review of the R5 land within the Gol Gol area is shown below and the creation of additional land for residential purposes is considered to be a quite responsible strategic provision of the subject land for R5 purposes.

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In the Gol Gol area there have been six Rural Residential estates utilising the provisions of the minimum lot sizes (MLS) and the provisions of the R5 zone. As such, the table below is produced for analysis of the development of land within the area.

| Locality | Plan Details | Plan Registration Date | MLI Lot Sizes | Total Lots | Unsold Lots |
|---|--------------|------------------------|----------------------|------------|-------------|
| River Bend Estate | | | | | |
| Roads - Riverview Rise, Knights Way and The Cobb and Co. Way | DP 865438 | 29/1/1997 | >5000 m ² | 15 | 0 |
| | DP 883066 | 5/2/1999 | >5000 m ² | 11 | 0 |
| | DP 1004261 | 17/8/1999 | >5000 m ² | 1 | 0 |
| | DP 1014355 | 13/6/2000 | >5000 m ² | 1 | 0 |
| | DP 1014746 | 13/6/2000 | >5000 m ² | 2 | 0 |
| | DP 1022967 | 8/2/2001 | >5000 m ² | 1 | 0 |
| | DP 1025499 | 10/5/2001 | >5000 m ² | 25 | 0 |
| | DP 1071309 | 6/8/2004 | >5000 m ² | 1 | 0 |
| | DP 1071972 | 14/9/2004 | >5000 m ² | 10 | 0 |
| Panuccio Rise Estate | | | | | |
| Roads – Panuccio Rise, Murray Street and Wilga Road South | DP 1060701 | 20/1/2003 | >5000 m ² | 10 | 0 |
| | DP 1167396 | 5/9/2011 | >5000 m ² | 23 | 0 |
| | | | | | |
| Allens Estate | | | | | |
| Roads – Allen Court and Alderton Close | DP 867591 | 28/5/1997 | >5000 m ² | 4 | 0 |
| | DP 1004939 | 23/9/1999 | >5000 m ² | 9 | 0 |
| Modikerr Way Estate | | | | | |
| Roads – Modikerr Way | DP 1103697 | 31/10/2006 | >5000 m ² | 18 | 0 |

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| Locality | Plan Details | Plan Registration Date | MLI Lot Sizes | Total Lots | Unsold Lots |
|---|--------------|------------------------|----------------------|------------|-------------|
| Moontongue Drive Estate | | | | | |
| Roads – Moontongue Drive and Wilga Road | DP 1184258 | 3/5/2013 | >5000 m ² | 5 | 0 |
| | DP 1204878 | 6/2/2015 | >5000 m ² | 17 | 0 |
| Gol Gol Heights Estate | | | | | |
| Moontongue Drive | DP 1222312 | 21/7/2016 | >3000 m ² | 8 | 0 |
| | Stage 2 | | >3000 m ² | 36 | 36 |
| | Stage 3 | | >3000 m ² | 40 | 40 |
| TOTALS | | | | 237 | 76 |

The first of the subdivisions that was registered was in 1997 – 20 years ago and since that date, 161 lots have been sold, and the only ones that are not sold are the Stage 2 and 3 lands in the Gol Gol Heights estate. The development determination has been issued for the Stage 2 development and works are currently underway with the plan registration potentially to occur during 2017.

That is, 161 lots have been created and sold that have the full servicing requirements of a low density residential estate and are within 3 kms of the centre of the Gol Gol town. The subject land is less than 2.5 kms from the centre of the Gol Gol town and within the servicing areas of the Gol Gol district.

As such, the analytical information that is provided indicates the supply of land is a necessity in the Gol Gol East area.

Direction 3.3 Home Occupations

As the objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses, the proposal will be consistent with this direction as it will permit home occupations to be carried out in dwelling houses without the need for development consent.

Direction 3.4 Integrating Land Use and Transport

The planning proposal is consistent with this Direction as, under the Local Planning provisions provided by the Department and the stated objectives of Direction 3.4 Item (3), the direction applies when a relevant planning authority prepares a planning

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proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

In this planning proposal, even though the intention of the application is to seek a rezoning to Rural Residential and compliance with the specific provisions of the Direction are not required, as there is a bus service that operates twice daily between Gol Gol and Mildura and school bus services operate daily to Coomealla High School, Gol Gol Primary School, Mildura Secondary College, Mildura Senior College and St. Joseph's College from the Gol Gol region.

It is considered that the site has sufficient capacity to provide access to transport for residents within the existing road network. The site is adjacent to existing large lot rural-residential development and associated infrastructure and the land is in close proximity to existing community facilities and services in Gol Gol including the public transport.

Direction 4.3 Flood Prone Land

This direction seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

It seeks to ensure that the provision of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The subject land is able to be identified on Council's LEP Flood Mapping and it does have frontage to Gol Gol Creek.

In considering the image of the Wentworth LEP Flood Planning Area Map River Front Building Line Map – Sheet CL1_004G, the flood planning area is clearly shown (see below).

The land is identified as being below the 1:100 year flood level and the flood stream is monitored and a radial arm gate regulator had been installed under the Sturt Highway could be opened or closed when required and that there were issues of liability and the operation of the gate during periods of flooding emergency.

The Gol Gol Creek is classified as a "regulated stream" by the Department of Primary Industries (DPI) - Office of Water. (All streams below dams are classified as such). The Gol Gol Creek is fitted with a Radial Arm Gate to control water flows to irrigators and for supply to Gol Gol Wetlands and the structure is fitted as a part of the Sturt Highway.

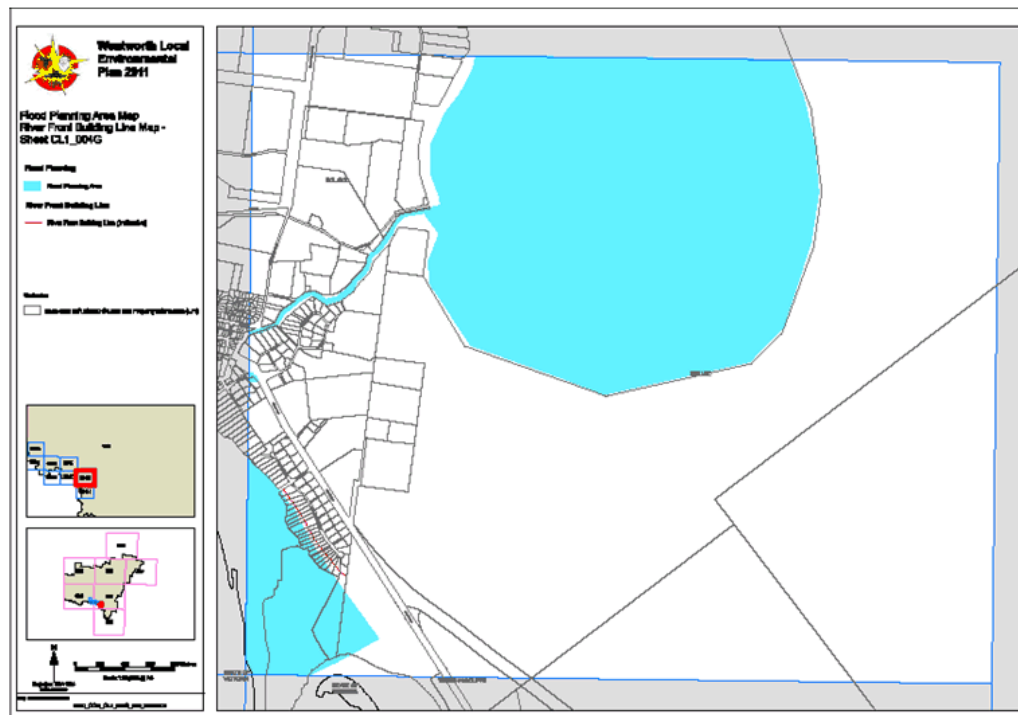
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Wentworth LEP Flood Planning Area Gol Gol

The regulation of “stream” occurs through the following regulation:

“Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016

The current version is dated 6th January 2017 to date and Appendix 1 states as follows:

Appendix 1 Rivers and lakes in the regulated river orders

Note. Under the Act regulated rivers are defined by an order made by the Minister.

This appendix lists the rivers and the lakes that were in the orders at the commencement of this Plan and the appendix is provided for informational purposes only.

The legally binding version of the regulated river orders is published in the NSW Government Gazette. As at the commencement of this Plan the Regulated River

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Order for the NSW Murray Regulated Rivers Water Source was found in NSW Government Gazette No. 19 on 15 February 2012 at page 417.

As at the commencement of this Plan the Regulated River Order for the Lower Darling Water Source was found in the NSW Government Gazette No. 110 on 1 July 2004 at page 5500.

- (1) As at the commencement of this Plan, the New South Wales Murray Regulated Rivers Water Source includes but is not limited to:

- (r) Gol Gol Channel, the unnamed watercourse known locally as Gol Gol Channel, commencing at a point where Gol Gol Creek enters Gol Gol Swamp downstream to its point of termination with the southern section of Lot 16, Parish Gol Gol, County of Wentworth.

- (s) Gol Gol Creek, Parish of Gol Gol, County of Wentworth.

- (t) Gol Gol North Creek, Parish of Gol Gol, County of Wentworth.”

This information was supplied by the local officers of the NSW Office of Water. At the Gol Gol Creek it is an asset of DPI - Office of Water and is controlled and maintained by them in conjunction with Water NSW. In the event of a Murray River flood or other flooding emergency, there does NOT have to be a release of water and factually, the Wentworth Shire Council do not have any control over this structure.

Whilst the planning proposal could be considered to be inconsistent with the direction, which states that a planning proposal must not rezone land within a flood planning area from a rural zone to a residential zone, the references to the Local Planning provisions provided by the Department and the stated objectives of Direction 4.3 Item (5), this planning proposal is seeking to rezone land to a Low Density Residential Zone and this is not described as being prohibited in this section.

Certainly, parts of the lots that are being created are under the 1:100 year flood area, however, Council have always permitted development of the lots provided that housing development is at certain heights above that level. Exactly the same considerations can be made with the lots that are being developed.

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Direction 6.1 Approval and Referral Requirements

The Proposal is consistent as the proposed rezoning of the land does not seek any additional agreement, consultation or referral of development applications to the Minister or other public authority or any designated development provisions.

Direction 6.2 Reserving Land for Public Purposes

The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes and is consistent with the provisions of the Ministerial Direction.

Direction 6.3 Site Specific Provisions

The planning proposal does not impose unnecessarily restrictive site specific planning controls and is consistent with the provisions of the Ministerial Direction.

4.3 Environmental, social and economic impact.

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

The subject land is cleared land that has been utilised for horticultural purposes for many years and there are no critical habitats, threatened species or vegetation on the land.

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

Environmental Issues

The subject land is not known to be significantly affected by any other environmental issues including natural hazards such as flooding, land slip, bushfire and the like, as well as not being located within the vicinity of a heritage item.

Furthermore, the outcomes sought by the Planning Proposal are not likely to exacerbate any other existing environmental issues.

Site Suitability

Having regard to the characteristics of the site and its location, the proposed rezoning is considered appropriate in that:

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- The size, dimensions and location of the site (adjacent to an existing proposed low density residential development and in proximity to the Gol Gol Town Centre) are appropriate for the accommodation of the proposal;
- The surrounding road network will accommodate the traffic generated by the proposal;
- The proposed access arrangements are satisfactory; and
- The proposed uses and density is compatible with the pattern of surrounding development;
- There are no environmental or social issues that would constrain the proposed rezoning or development from occurring.

Land Capability Assessment State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land

The State Policy introduced state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

The subject land has been tested against the minimum requirements for accreditation by the N.S.W. Department of Health for septic tanks and collection wells used in the treatment and/or collection of domestic sewage primarily from single dwellings.

The planning proposal includes the Land Capability Assessment prepared by Gallasch and Associates who are qualified Civil and Building Engineers in the Mildura region.

In the work undertaken by Gallasch and Associates, work was undertaken to investigate the minimum accreditation guidelines for domestic Effluent Disposal in NSW and was based on NSW Health Department Septic Tanks and Collection Well.

In consideration of the work that was undertaken for the determination, no reference is made to agricultural/horticultural land as requiring additional investigation.

Mr. Gallasch undertook investigation of excavated soils and indicated in his report that they were a weakly structured loam soil, and as such he adopted the Soil

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Category 3 details that recommended indicative permeability of 0.5 – 1.5 m/day and a conservative Design Loading Rate of 10 mm/day – quite acceptable designs in the horticultural districts with extensive experience here that it was an acceptable guide for evapotranspiration absorption trench designs.

The soil classification determined was Sandy Loam and the long term absorption rate varied from 11.3 litres /m2/day to 18.4 litres/m2/day.

The trench lengths varied from 36 to 59 metres and the recommendation was that lot owners should:

“Adopt three trenches of 25 m length each x 1.00 m width for Base Area of 75 m² as required and Disposal area of 29 m x 11m = 319 m² for 2 m clear between and all around”.

(See Gallasch and Associates Report dated 8th October 2013 - **Attachment C**)

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

Whilst the planning proposal is relatively minor in nature, there will be a positive social and economic effect on the township of Gol Gol.

The provision of large Low Density Residential Lots adjoining the town will offer an “in demand” rural lifestyle opportunity through wider housing choice and create opportunity to the building industry and enhance local businesses.

The outcomes sought by the Planning Proposal are not likely to exacerbate any social and economic effects currently affecting the subject land.

4.4 State and Commonwealth interests.

4.4.1 Is there adequate public infrastructure for the planning proposal?

The planning proposal involves a rural-residential subdivision of 53 lots and access will be to the existing Pooncarie Road. It provides adequate bitumen road access to the site, and mains electrical power and telecommunications servicing about the site, and are more than adequate to service and meet the needs of the proposal.

Essential services such as emergency services (police, ambulance, SES etc.), and education and health services are all available in the Wentworth township.

The development is in close proximity to the East Wentworth (Wentworth Township) sewerage works and the service will be available to the development.

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

The views of the State and Commonwealth Public authorities will be known once consultation has occurred as part of the gateway determination of the planning proposal.

4.5 Community Consultation

Community Consultation that will be undertaken on the proposal will be in accordance with “A Guide to Preparing Local Environmental Plans prepared by the Department of Planning” (2009).

The planning proposal is considered to be a low impact planning proposal and the planning proposal exhibition period is intended to be 28 days.

Community consultation will be commenced by giving notice of the public exhibition of the planning proposal:

- in a newspaper that circulates in the area affected by the planning proposal;
- on the web-site of the Wentworth Shire Council, and
- in writing to adjoining landowners.

During the exhibition period, the following material will be made available for inspection:

- The planning proposal, in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies relied upon by the planning proposal.

The community consultation will be complete only when the Wentworth Shire Council as considered any submissions made concerning the planning proposal.

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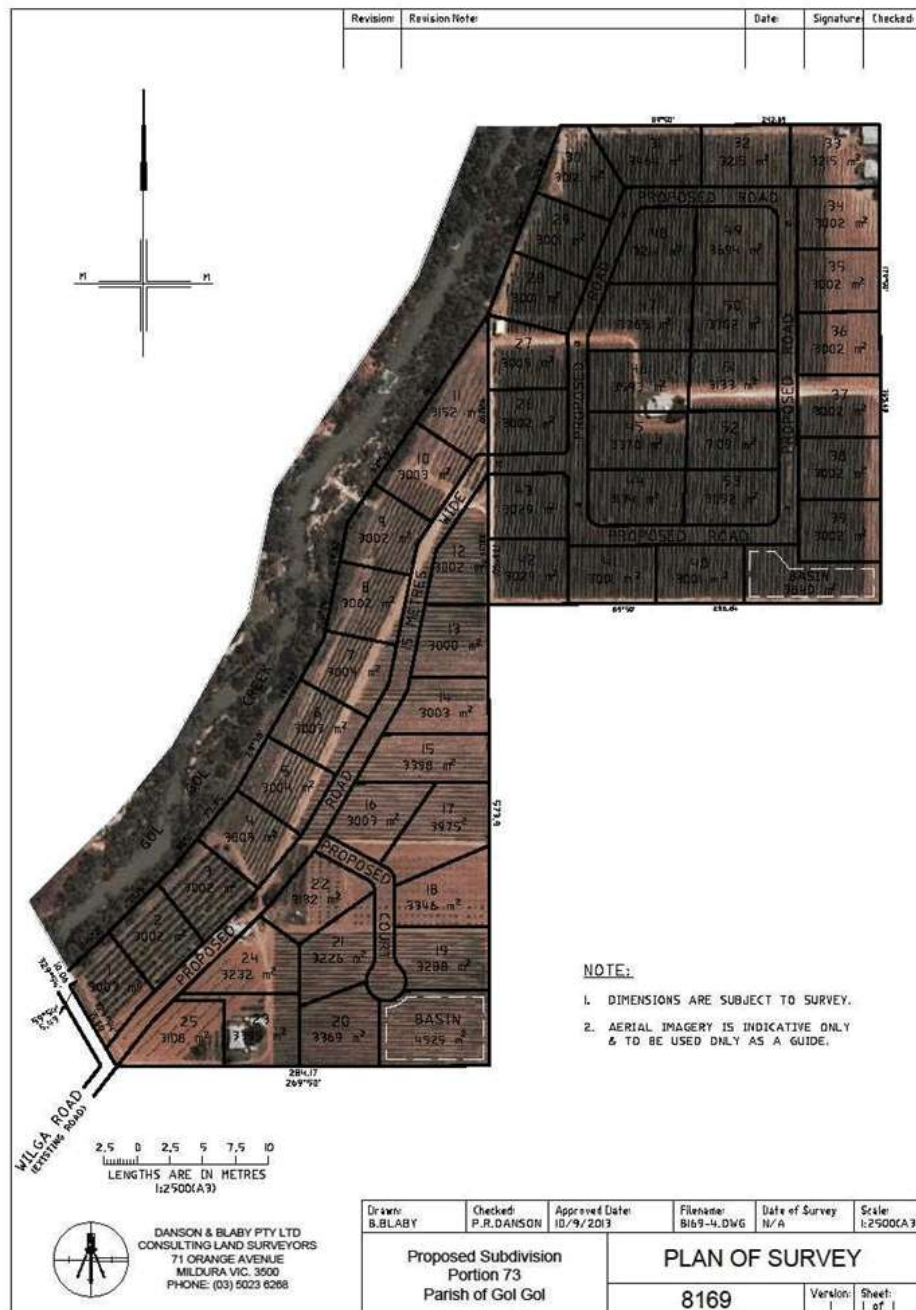
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ATTACHMENT B

Proposed Subdivision of the Subject Land



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ATTACHMENT C

See Report by Gallasch and Associates

GALLASCH & ASSOCIATES PTY LTD

ACN 367 088 128 (INC. IN VICTORIA) ABN 13 007 088 128

CONSULTING CIVIL AND BUILDING ENGINEERSOffice: First Floor, 79 Deakin Avenue, Mildura Victoria 3500
PO Box 3135, Mildura Victoria 3502

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LAND CAPABILITY ASSESSMENT
Danson & Blaby Pty Ltd—Ian Roberts
Rezoning of Portions 73 and 56, Gol Gol East, New South Wales



Ref No: 13/533

Date: 08 October 2013

Client: Danson & Blaby Pty Ltd
7 Orange Avenue
Mildura Vic 3500

Project: Land Capability Assessment
Ian Roberts
— Rezoning of Portions 73 and 56
Gol Gol East, New South Wales

MALCOLM G GALLASCH BSc HIEAust CPERG MARSQ GAICD Managing Director and Principal Engineer
 Registered Building Practitioner No. EG 1015 Graduate Member Australian Institute of Company Directors
 Foundation Engineering • Building and Structural Engineering • Civil Engineering • Geotechnical Engineering
 Project Engineering • Forensic Engineering • Water Resources Engineering and Management

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ATTACHMENT D

Planning Team Report dated 13th February 2014

**Planning****Planning Team Report**

Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1

| | | | |
|--------------------|---|---------------|----------|
| Proposal Title : | Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1 | | |
| Proposal Summary : | To rezone Lots 56 and 73 DP 756946 from RU1 to R5 for the purposes of a large lot residential subdivision, and also the rezoning Lot 188 DP 756946 from R5 to SP1. | | |
| PP Number : | PP_2014_WENTW_001_00 | Dop File No : | 14/02810 |

Proposal Details

| | | | |
|-----------------------------------|----------------|----------------------|-------------------------|
| Date Planning Proposal Received : | 10-Feb-2014 | LGA covered : | Wentworth |
| Region : | Western | RPA : | Wentworth Shire Council |
| State Electorate : | MURRAY DARLING | Section of the Act : | 55 - Planning Proposal |
| LEP Type : | Spot Rezoning | | |

Location Details

| | | | |
|---------------|--------------------------|------------|---------|
| Street : | Wiga Road | | |
| Suburb : | | City : | Gol Gol |
| Land Parcel : | Lots 56 and 73 DP 756946 | Postcode : | 2738 |
| Street : | | | |
| Suburb : | | City : | Gol Gol |
| Land Parcel : | Lot 188 DP 756946 | Postcode : | 27 |

DoP Planning Officer Contact Details

| | |
|------------------|-----------------------------------|
| Contact Name : | Jenna McNabb |
| Contact Number : | 0268412180 |
| Contact Email : | jenna.mcnaabb@planning.nsw.gov.au |

RPA Contact Details

| | |
|------------------|-------------------------------|
| Contact Name : | Ken Ross |
| Contact Number : | 0350275027 |
| Contact Email : | ken.ross@wentworth.nsw.gov.au |

DoP Project Manager Contact Details

| | |
|------------------|-----------------------------------|
| Contact Name : | Azaria Dobson |
| Contact Number : | 0268412180 |
| Contact Email : | azaria.dobson@planning.nsw.gov.au |

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Land Release Data

| | | | |
|------------------------------------|-------|--|-------------|
| Growth Centre : | N/A | Release Area Name : | N/A |
| Regional / Sub Regional Strategy : | N/A | Consistent with Strategy : | No |
| MDP Number : | | Date of Release : | |
| Area of Release (Ha) : | 20.03 | Type of Release (eg Residential / Employment land) : | Residential |
| No. of Lots : | 54 | No. of Dwellings (where relevant) : | 54 |
| Gross Floor Area : | 0 | No of Jobs Created : | 0 |

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : The Planning Proposal involves 2 aspects:

1) To rezone Lot 188 DP 756946 from RU5 to either SP1, E3 or RU1:

The site is known as the Old Gol Gol Tip, and is currently zoned R5 - Large Lot Residential. The subject land was previously included as part of 2 planning proposals to reduce the minimum lot size (MLS) of the site from 10,000 hectares (ha) to 5000m2 (PP_WENTW_2012_001_00). Under the original Wentworth LEP 2011 the land was inadvertently zoned R5 with a MLS of 10,000ha. The inclusion of this additional land for rural residential purposes was not supported by any study or nominated/identified by Council in its s68 submission. The R5 land was an obvious error as the original Lot Size Map showed the land as zoned R5 with a MLS of 10,000ha.

PP_2013_WENTW_001_00 (approved by Panel 9/1/2014) reduced the minimum lot size (MLS) from 5000m2 to 3000m2 of 138ha, including the subject allotment, and provided for an additional 41 residential allotments with a MLS of 3000m2. The reduction in the MLS at the site was considered to be of minor significance, and the reduction of the MLS would provide a more appropriate lot density at the subdivision stage. At this time, Council had endorsed the draft Wentworth Rural Residential Land Strategy (dated June 2008), which identified the subject land as suitable for large lot residential development (subject to further investigations), however, this Strategy has not been endorsed or supported by the Department at this stage.

The current planning proposal seeks to rezone 14.5ha of R5 land to either SP1 - Special Activities, E3 - Environmental Management, or RU1 - Primary Production. The subject site is owned by the Crown, and currently utilised by the Sunraysia Wildlife Carers Group Inc, a volunteer organisation which cares and rehabilitates native wildlife that has been rescued.

It is Council's opinion that the rezoning of the old Gol Gol Tip site should occur and an appropriate zone should be implemented to acknowledge the previous and existing use of

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the site as it is unlikely any residential use will ever eventuate on the site due to existing site constraints, including contamination, which would require significant and costly remediation prior to being suitable for residential uses.

There is not a suitable definition within the Dictionary of the LEP which appropriately defines the existing use of the site. It is considered that the SP1 zone may be the most appropriate zone as the zone is generally intended for land uses or sites with special characteristics which cannot be accommodated in other zones.

The Objectives of the SP 1 zone are:

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

Alternatively, the land could be zoned RU1 - Primary Production to enable future agricultural uses on the land should the animal welfare group vacate the site. Significant remediation of the site may be required for agricultural purposes, given the sites history as the Old Gol Gol Tip. As the site is owned by the Crown, it is unlikely that the Crown would utilise the site for agricultural purposes.

The subject land is not contained within the Flood Mapping the Wentworth LEP 2011, however, the existing R5 zoning is not considered appropriate for residential use, due to significant native vegetation on the site, and contamination issues.

The rezoning of Lot 188 DP 756946 should be supported in principle, and the LZN_004G map be updated to show the subject allotment zoned as SP1 for the purposes of the existing use, however, no documentation has been provided to sufficiently address the requirements of a planning proposal, including a Council resolution, statement of objectives, explanation of provisions and assessment of s117 directions. The Department has previously experienced lengthy delays from Wentworth Shire Council when requesting additional information regarding incomplete planning proposals (up to 6 months). It is considered that the additional documentation could be provided as a condition of the Gateway.

2) To undertake the rezoning of Lots 56 and 73 DP 756904 from RU1 - Primary Production to R5 - Large Lot Residential.

The subject allotments have a combined area of approximately 20.03ha and are currently zoned RU1 - Primary Production. It is proposed to rezone the allotments to R5 - Large Lot Residential, for the purposes of development into a 54 allotment residential subdivision, including 11 allotments with frontage to Gol Gol Creek.

An "exchange" of R5 land is proposed - whereby the Council is proposing to swap the R5 land at the Old Gol Gol Tip (14.5ha) for the RU1 land (20.03ha) at Lots 56 and 73, which would result in only an additional 5.28ha of R5 land.

Council resolved to prepare an amendment to the Wentworth LEP 1993 to allow for an urban land release at Buronga-Gol Gol on 26/1/2006 (Amendment 26). Council resolved to prepare a new LEP in the Standard Instrument format for the LGA on 16/5/2007. On 16/7/2008, The Department agreed to Wentworth Shire Council to merge LEP Amendment 26 (Buronga-Gol Gol) and the principal LEP (in the Standard Instrument format). The Planning Proposal provided for the rezoning of 257ha of land at Buronga and Gol Gol for both residential (165ha) and industrial (61ha) uses. The release provided for 2156

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residential allotments - with the average dwelling demand of 33 lots per year, the release of an additional 2156 lots (at a density of 11 lots per ha) equated to 65 years supply.

The reduction of the MLS of R5 zoned land adjacent to Lots 56 and 73 provided for an additional 41 allotments at Gol Gol.

Again, both of these planning proposals were approved without the strategic planning backing of an endorsed Strategy - as discussed earlier, the draft Wentworth Rural Residential Strategy has not been adopted or endorsed by the Department. Wentworth is currently undertaking a strategy that will assess the supply and demand of land in Wentworth Shire, and the appropriateness of additional land releases.

The proposed rezoning of additional R5 land at Lots 56 and 73 would provide a supply of approximately 70 years of residential land in Gol Gol and Buronga. Whilst the proposed rezoning is considered to be consistent with the zoning of adjacent R5 land, the oversupply of land in Gol Gol is considered to be suitable justification to not proceed with this rezoning.

Lots 56 and 73 are currently utilised for horticultural purposes, and a dwelling and ancillary outbuildings are located on each allotment. It is noted that the dwelling on Lot 56 is inhabitable due to poor condition.

NSW Office of Water (NOW) has not been consulted regarding the MLS and the allotments capabilities to adequately contain an OSSM system, if required, and it is considered that 3000m² may not be sufficient land area for the 11 allotments which are proposed to front Gol Gol Creek.

In addition, whilst the subject land has frontage to Gol Gol Creek, it is not identified as contained within the flood mapping in the LEP. Council has advised the landowner has provided the land is between 0.2m and 0.8m below the 1:100 year flood event (via filed survey), and that there is a regulator under the Sturt Highway to prevent water flows along Gol Gol Creek from the Murray River in a flood event. The regulator is not under the control of Council. This raises significant liability issues, especially as the land is below the 1:100 year flood level, and has frontage to Gol Gol Creek.

The proposed rezoning of Lots 56 and 73 from RU1 to R5 is not supported at this stage, due to an already large supply of land in Buronga-Gol Gol and the lack of land use strategy and evidence to support the rezoning. As the Strategy is currently being development, it is submitted that the proposed rezoning should be included in the document, and that the proposed rezoning be included within the broader strategic planning framework of Wentworth LGA and Gol Gol.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The Danson and Blaby Pty Ltd Report clearly states that the objective of the proposal is to rezone Lots 56 and 73 DP 756946 from RU1 to R5 and apply a MLS of 3000m², to facilitate the residential subdivision of the land.

Wentworth Council has included a letter which requests the rezoning of the land known as the Old Gol Gol Tip, from R5 to a more suitable zone, which the Department has assessed as being SP1. There is no statement of objectives, explanation of provisions or Council resolution relating to this part of the proposal.

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Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The Planning Proposal correctly indicates that it is intended to amend the zoning map LZN_004G and the lot size map LSZ_004G to show Lots 56 and 73 DP 756946 as zoned R5 with a MLS of 3000m2.

There is no statement of objectives, explanation of provisions or Council resolution relating to the rezoning of Lot 188 DP 756946 from R5 to SP1.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

* May need the Director General's agreement

Is the Director General's agreement required? Unknown

c) Consistent with Standard Instrument (LEPs) Order 2008 : Yes

d) Which SEPPs have the RPA identified?

- SEPP No 1—Development Standards
- SEPP No 44—Koala Habitat Protection
- SEPP No 55—Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

No assessment of applicable SEPPs has been provided by Council in relation to the proposed rezoning of the Old Gol Gol Tip from R5 to SP1.

The following inconsistencies with SEPPs are not justified in relation to the proposed rezoning of Lots 56 and 73 DP 756946 from RU1 to R5 and the application of a 3000m2 MLS:

SEPP (Rural Lands) 2008:

The proposed rezoning of Lots 56 and 73 is considered to be inconsistent with Rural Planning Principles (Clause 7) of the SEPP (Rural Lands). The provision for rural lifestyle opportunities is considered to be well-catered for already within Wentworth, given the 2000+ allotments which were rezoned in Buronga-Gol Gol in 2011. There is also no regional or local strategy which applies to the site, recommending its use for rural residential purposes, and no studies have been supplied in the documentation which further justify and support the residential use of the land.

The rezoning of lots 56 and 73 is also inconsistent with Rural Subdivision Principles (Clause 8) of the SEPP (Rural Lands). Whilst the subject site is not identified as flood prone land in Council's mapping, it is below the 1:100 year flood level. A flood gate is located at the entrance to Gol Gol Creek, however, this gate is operated privately and is

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not Council owned. Not details have been provided on flood mitigation measures, besides the flood gate. It is also proposed to impose a 3000m² MLS on the land. A land capability assessment has been undertaken, which states that the allotments will be large enough to adequately contain an OSSM system, however NOW have not been consulted on the issue, and 11 allotments are proposed to be waterfront to Gol Gol Creek, which may require a larger lot size to contain an OSSM.

SEPP 55 - Remediation of Land:

The planning proposal states that there is no known contamination on the subject site. No evidence of testing has been provided.

No assessment of s117 Directions has been provided by Council in relation to the proposed rezoning of the Old Gol Gol Tip from R5 to SP1.

The following inconsistencies with s.117 Directions are not justified in relation to the rezoning of Lots 56 and 73 DP 756946 from RU1 to R5 and the application of a 3000m² MLS:

Direction 1.2 - Rural Zones

The planning proposal states that the proposal does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The proposal is considered inconsistent, as it involves the rezoning Lots 56 and 73 DP 756946 (20.03ha) from RU1 - Primary Production land to R5 - Large Lot Residential. The proposal is inconsistent with the direction as:

- the rezoning is not justified by a strategy; and
 - the rezoning is not justified by a study prepared in support of the planning proposal; and
 - is not in accordance with the relevant Regional Strategy of Sub-Regional Strategy (do not exist); and
- the rezoning is not considered to be of minor significance.

The rezoning of 20.03ha of RU1 land to R5 is not considered to be appropriate, given the already large supply of land available in Buronga-Gol Gol, with provision for an additional 2000+ allotments made as part of the standard instrument process.

Direction 1.5 - Rural Lands

The subject land is not identified in any of Council's Strategies as being suitable for rural-residential living purposes. The rezoning of the subject allotments is inconsistent with the Rural Planning Principles and Rural Subdivision Principles within SEPP (Rural Lands 2008). The proposed R5 zoning and 3000m² MLS does not provide the landowners with suitable land area for agricultural uses, and does not facilitate the orderly and economic development of rural lands. The planning proposal is not considered to be consistent with this direction.

Direction 3.1 - Residential Zones

The planning proposal states the the proposed rezoning and additional 54 allotments will broaden the available housing choice within the Shire. It is considered that the proposal is inconsistent with this direction, as there already is a significant amount of R5 land zoned in the Shire (approximately 70 years supply) and the creation of additional land for residential purposes is not considered to be responsible. In addition, there is no Strategy which identifies the land as suitable for rural-residential living, and no supporting documentation has been provided with the proposal. In addition, no indication has been provided as to whether the proposed allotments will be serviced. The planning proposal is not considered to be consistent with this direction.

Direction 3.4 - Integrating Land Use and Transport

The planning proposal is inconsistent with this direction, as the location of the proposed subdivision is away from the village area of Gol Gol, with no proposed public transport provision. The creation of an addition 54 allotments is a significant increase in

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Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1

Assessment Criteria

| | |
|---|---|
| Need for planning proposal : | <p>It is considered appropriate to rezone Lot 188 DP 756946, being the Old Gol Gol Tip site, from R5 to SP1. This is considered to be a more appropriate zoning for the site, given the significant contamination issues, and the fact that it is owned by the Crown, and would be unlikely developed into residential housing.</p> <p>It is considered that there is no need for the rezoning of Lots 56 and 73 DP756496 from RU1 to R5, which would result in the subdivision of the site to create an additional 54 rural residential allotments. There is already considered to be an oversupply of rural residential land in the Wentworth LGA, and, as previously discussed, during the Standard Instrument process, 2000+ rural residential allotments (approximately 65 years supply) were provided for around the Buronga-Gol Gol villages. No supply and demand analysis has been provided to justify the release of additional land. Should the proposed rezoning proceed, there would be approximately 70 years supply of land in the Buronga-Gol Gol area, which is considered to be sufficient.</p> |
| Consistency with strategic planning framework : | <p>There is no endorsed Strategy relating the the subject lands. Council is currently undertaking the preparation of a Strategy which will assess the supply and demand of land available in Wentworth, and the appropriateness of additional rural-residential land should be assessed in the broader strategic framework of Wentworth LGA, and the subject lands should be included in the Strategy.</p> |
| Environmental social economic impacts : | <p>Lots 56 and 73 DP 756946 are not identified as flood prone land, however, are noted as being below the 1:100 flood level. The site has frontage to Gol Gol Creek, and it is noted that a flood gate has been installed, however, this is operated privately. No investigations have been conducted to determine the potential impacts of flooding on the site. Similarly, no contamination investigations have been undertaken on the site, which are prudent, given the sites current agricultural use.</p> <p>The rezoning and potential subdivision of the site into 54 rural residential allotments will increase the oversupply of land available in Buronga-Gol Gol.</p> <p>Lot 188 DP 756946, being the Old Gol Gol Tip Site poses significant contamination issues with its current R5 zoning. Significant remediation works would be required to develop the land into allotments suitable for residential use.</p> |

Assessment Process

| | | | |
|---|--|---------------------------------|---------|
| Proposal type : | Inconsistent | Community Consultation Period : | 28 Days |
| Timeframe to make LEP : | 9 months | Delegation : | RPA |
| Public Authority Consultation - 56(2) (d) : | <p>Murray Catchment Management Authority Essential Energy Office of Environment and Heritage NSW Department of Primary Industries - Agriculture</p> | | |
| Is Public Hearing by the PAC required? | No | | |
| (2)(a) Should the matter proceed ? | Yes | | |
| If no, provide reasons : | <p>The proposed rezoning of the Old Gol Gol Tip, whilst no documentation has been provided, is supported in principle, given the site is not considered suitable for residential development due to contamination and land use conflicts.</p> <p>The proposed rezoning of Lots 56 and 73 DP 756496 is not recommended to proceed, as</p> | | |

Page 8 of 10

13 Feb 2014 03:27 pm

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traffic (average 8 vehicle trips per day x 54 allotments = 432 additional vehicle trips per day to residential area and onto Sturt Highway to access Gol Gol village), and the proposed subdivision design of a single loop road is not considered to be "good" design. Residents would be reliant on private vehicles to travel to Gol Gol Village and surrounding areas. It is considered that the proposal, with no supporting Strategy, is not consistent with this direction.

Direction 4.3 - Flood Prone Land

The subject land is not identified on Council's LEP Flood Mapping, despite having frontage to Gol Gol Creek. The land is also identified as being below the 1:100 year flood level. A radial arm gate regulator has been installed under the Sturt Highway, which can be opened or closed when required. The regulator is not controlled by Council, which raises some issues with liability and the operation of the gate during periods of flooding emergency. Also, the planning proposal is directly inconsistent with the direction, which states that a planning proposal must not rezone land within a flood planning area from a rural zone to a residential zone. No additional study or reporting has been provided with the proposal, and no land use strategy is in place to support the proposed rezoning. It is considered that the rezoning of the site for residential purposes may create significant flood impacts to other properties, and the proposal is therefore considered to be inconsistent with the direction.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

28 days community consultation has been proposed for the rezoning of lots 56 and 73.

No consultation has been proposed for the rezoning of the Old Gol Gol Tip.

Additional Director General's requirements

Are there any additional Director General's requirements? N/A

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

The proposal for the rezoning of Lots 56 and 73 meets the adequacy criteria.

The proposal for the rezoning of the Old Gol Gol Tip does not meet the adequacy criteria. As discussed earlier in this report, the Department has historically experienced significant delays (up to 6 months) for the submission of additional information regarding planning proposals which are considered to be incomplete. It is considered in this instance, as the rezoning is supported in principle, that the submission of the documentation for the planning proposal be conditioned to be completed as part of the Gateway determination.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The principle Wentworth LEP 2011 in the Standard Instrument Format was notified on 16 December 2011.

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the proposal is inconsistent with the s117 directions, not justified by a strategy, is not consistent with the Rural Lands Principles and the approval of the rezoning would result in additional residential land in an area where there is already a significant oversupply.

Resubmission - s56(2)(b) : Yes

If Yes, reasons : Documentation in accordance with Section 56(2) of the EP&A Act is required to be submitted to the Department, to justify the proposed rezoning of the Old Gol Gol Tip Site.

Identify any additional studies, if required :

Flooding

Other - provide details below

If Other, provide reasons :

Supply and Demand analysis required, should the rezoning of Lots 56 and 73 DP 756946 be supported by the Panel.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

Documents

| Document File Name | Document Type Name | Is Public |
|--|--------------------------|-----------|
| Cover Letter Planning Proposal -Wentworth LEP 2011 - Amendment.pdf | Proposal Covering Letter | No |
| Danson and Blaby Documentation for Rezoning of Lots 56 and 73.pdf | Proposal | No |
| Minutes - Ordinary Council 22 January 2014.pdf | Proposal | No |
| Minutes - Planning Liaison Committee 18 September 2013.pdf | Proposal | No |
| Planning Liaison Committee - 22 Jan 2014 - Ordinary Council.pdf | Proposal | No |
| Planning Liaison Committee Meeting Agenda 18 December 2013.pdf | Proposal | No |
| Planning Liaison Committee Meeting Agenda 18 Sept 2013.pdf | Proposal | No |
| Preliminary Assessment by Warrick Fisher 18 September 2013.pdf | Proposal | No |
| Available Land Wentworth.pdf | Map | No |

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : Recommended with Conditions

- S.117 directions:
- 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions

Additional Information : 1) The submission of documents in accordance with Clause 55(2) of the EP & A Act is required to adequately assess proposed rezoning of the Old Gol Gol Tip Site, being Lot

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Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1

188 DP 756946, from R5 to SP1.

2) Following the submission of documentation to the satisfaction of the Department, the planning proposal should proceed and be finalised within 9 months of the Gateway Determination Date.

3) Community consultation is to be undertaken for a period of 28 days.

4) Council is to prepare amended maps which are at an appropriate scale and clearly identify the subject land for the Section 59 Submission that are compliant with the Departments Standard technical requirements for LEP Maps. The following maps are to be amended:
- Land Zone Map (LZN_004G).

5) Council is to request the drafting and finalisation of the amendment no later than 6 weeks prior to the projected making of the amendment date.

6) Consult with the following agencies:

Murray Catchment Management Authority
Essential Energy
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture

7) It is recommended that the proposed rezoning of Lots 56 and 73 DP 756946, Wilga Road, not proceed, for the reasons outlined in this report.

Supporting Reasons :

The proposed rezoning of Lots 56 and 73 DP 756946 is not recommended to proceed, as the proposal is inconsistent with the s117 directions, not justified by a strategy, is not consistent with the Rural Lands Principles and the approval of the rezoning would result in additional residential land in an area where there is already a significant oversupply.

The proposed rezoning of Lot 188 DP 756946 from R5 to SP1 is supported in principle, as the SP1 zone is considered more appropriate due to the significant contamination issues prevalent on the site, making it unsuitable for residential purposes. No documentation was submitted by the Council which complies with clause 55(2) of the EP & A Act for this part of the planning proposal, and it is considered that given previous lengthy delays by Council in providing this information prior to the assessment of a Planning Proposal, that the submission of the documentation be provided as a condition of the Gateway Determination.

Signature: _____

Printed Name: _____

Date: _____

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ATTACHMENT E

Panel Recommendation dated 18th June 2014

**Planning****Panel Recommendation**

Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1

| | | | |
|--------------------|---|---------------|----------|
| Proposal Title : | Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1 | | |
| Proposal Summary : | To rezone Lots 56 and 73 DP 756946 from RU1 to R5 for the purposes of a large lot residential subdivision, and also the rezoning of Lot 188 DP 756946 from R5 to SP1. | | |
| PP Number : | PP_2014_WENTW_002_00 | Doc File No : | 14/02810 |

Planning Team RecommendationPreparation of the planning proposal supported at this stage: **Recommended with Conditions**

S.117 directions :

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

- 1) The proposed rezoning of Lots 56 and 73 DP 756946 is not recommended to proceed, for the following reasons:
 - No Strategic Justification;
 - Inconsistent with Section 117 Directions;
 - Inconsistent with SEPPs;
 - Inconsistent with Rural Lands Principles;
 - Significant oversupply of land already in Wentworth.

Council is currently undertaking a Rural Land Use Strategy, which will set a vision and policy framework for rural areas within the Wentworth local government area. The use of the subject land for rural lifestyle purposes is to be considered as part of the broader strategic process. Matters regarding appropriate minimum lot sizes of land used for agricultural purposes should also be considered as part of this process.

- 2) The proposed rezoning of Lot 188 DP 756946 to SP1 (Wildlife Sanctuary) is recommended to proceed.

- 3) The submission of documents in accordance with Clause 55(2) of the EP & A Act is required to adequately assess the proposed rezoning of the Old Gol Gol Tip Site, being Lot 188 DP 756946 from zone R5 to zone SP1 (Wildlife Sanctuary).

- 4) Following the submission of documentation to the satisfaction of the Department, the planning proposal should proceed and be finalised within 9 months of the Gateway Determination Date.

- 5) Community Consultation is to be undertaken for a period of 28 days.

- 6) Council is to prepare amended maps which are at an appropriate scale and clearly identify the subject land for the Section 59 Submission that are compliant with the Departments Standard Technical Requirements for LEP Maps. The following maps are to be amended:

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18 Jun 2014 01:03 pm

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Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1

- Land Zone Map LZN_004G

7) Council is to request the drafting and finalisation of the amendment no later than 6 weeks prior to the projected making of the amendment date.

8) Consult with the following Agencies:

- Murray Catchment Management Authority
- NSW Office of Water
- Essential Energy
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture.

Supporting Reasons :

The proposed rezoning of Lots 56 and 73 DP 756946 is not recommended to proceed, as the proposal is inconsistent with the s117 Directions, not justified by a strategy, is not consistent with the Rural Lands Principles and the approval of the rezoning would result in additional rural residential land where there is already a significant oversupply.

The proposed rezoning of Lot 188 DP 756946 is supported in principle, as the SP1 zone is considered more appropriate due to the significant contamination issues prevalent on the site, making it unsuitable for residential purposes. No documentation was submitted by the Council which complies with Clause 55(2) of the EP & A Act for this part of the planning proposal, and it is considered that given the previous lengthy delays by Council in providing this information prior to the assessment of a Planning Proposal, that the submission of the documentation be provided as a condition of the Gateway Determination.

Panel Recommendation

Recommendation Date : 12-Jun-2014

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The Planning Proposal should proceed subject to the variations as outlined in the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be amended to remove the proposal to rezone Lots 56 and 73 DP756946 at Wilga Road, Gol Gol from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size to 3,000sqm.
2. Prior to undertaking public exhibition, the planning proposal is to be updated to include all relevant information, including a project timeline, in accordance with the Department's A Guide to Preparing Planning Proposals.
3. The planning proposal is to be updated to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and legislation:
 - 1.2 Rural Zones
 - 1.5 Rural Lands
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - State Environmental Planning Policy (SEPP) Rural Lands 2008
 - SEPP No 55 – Remediation of Land
 - any other applicable policies
4. Prior to undertaking public exhibition, the planning proposal is to be updated to include existing and proposed land zoning maps, which are at an appropriate scale and clearly identify the subject land.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public


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| | |
|---|---|
| Wentworth Local Environmental Plan 2011 - Amendment No. 4 - Rezoning of Lots 56 and 73 DP 756946 from RU1 to R5, and the Rezoning of Lot 188 DP 756946 from R5 to SP1 | |
| <p>exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).</p> <p>6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:</p> <ul style="list-style-type: none"> • Murray Catchment Management Authority • NSW Office of Water • Essential Energy • Office of Environment and Heritage • Department of Primary Industries – Agriculture <p>Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.</p> <p>7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).</p> <p>8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.</p> | |
| Signature: |  |
| Printed Name: | <u>TROY LOVEDAY</u> Date: <u>18-06-2014</u> |

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ATTACHMENT F

Department letter issued on 15th July 2014 that described the shortcomings of the original planning proposal.



**Planning &
Environment**

Mr Peter Kozlowski
General Manager
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Contact: Jenna McHabb
Phone: (02) 6841 2180
Fax: (02) 6884 8463
Email: Jenna.McHabb@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2014_WENTW_002_00 (14/02/10)

Dear Mr Kozlowski,

Planning proposal to amend Wentworth Local Environmental Plan 2011

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No. 4) to rezone Lots 56 and 73 DP756946 at Wilga Road, Gol Gol from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size to 3,000sqm and rezone the former Gol Gol landfill site at Lot 188 DP756946 from R5 Large Lot Residential to SP1 Special Activities (Wildlife Sanctuary).

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the variations outlined in the conditions in the attached Gateway determination.

While I support the planning proposal to rezone the former Gol Gol landfill site, the proposal to rezone rural land at Wilga Road, Gol Gol for large lot residential purposes is not supported at this time because the planning proposal, as submitted by Council, does not adequately justify the rezoning. Consequently, the planning proposal is to be amended to remove the rezoning of Lots 56 and 73 DP756946 at Gol Gol, prior to Council undertaking public exhibition.

I understand that Council is currently preparing a new rural residential strategy, which will assess the availability and suitability of land for agricultural and rural residential purposes, including the subject land. Therefore, the outcomes of the strategy should inform the rezoning of the subject site for rural residential purposes and Council should consider the broader strategic framework when determining the appropriateness of large lot residential development on the site.

The proposed rezoning of Lots 56 and 73 DP756946 at Gol Gol is also inconsistent with State Environmental Planning Policy (SEPP) Rural Lands 2008 and S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land, given the proposal seeks to rezone rural land for residential purposes, which is not identified for residential development in a strategy and the proposal does not adequately address infrastructure provision (including public transport), accessibility to the village of Gol Gol and environmental impacts. Furthermore, the land is identified as being below the 1:100 year flood level, however the planning proposal does not address flooding impacts on the site or identify appropriate flood mitigation measures.

Should Council wish to pursue the rezoning of Lots 56 and 73 DP756946, it should await the outcomes of the strategy and undertake the above mentioned strategic and flooding work.

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6455 Website: www.planning.nsw.gov.au

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The planning proposal is to be updated to include all relevant information regarding the rezoning of the former Gol Gol landfill site, including a project timeline and assessment of S117 Directions and SEPPs, in accordance with the Department of Planning and Environment's *A Guide to Preparing Planning Proposals*. Council is to work closely with the Department's regional office to amend the planning proposal, prior to placing it on public exhibition.

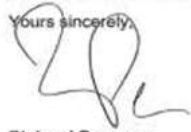
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Jenna McNabb of the Department's regional office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely,



Richard Pearson
Deputy Secretary
Growth Planning

15/7/14

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2017_WENTW_001_00): to rezone land at Wilga Road, Gol Gol from RU1 Primary Production Zone to R5 Large Lot Residential Zone.

I, the Director, Regions Western at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wentworth Local Environmental Plan (LEP) 2011 to rezone land at Wilga Road, Gol Gol from RU1 Primary Production Zone to R5 Large Lot Residential Zone should proceed subject to the following conditions:

1. The planning proposal should be updated prior to community consultation to include the following information:
 - a. Remove the reference on page 4 and reflect Council's advice in it's letter to the Department dated 16 July 2020 that states "*land along Gol Gol Creek frontage is shown as not being included in any of the lots applicable to the planning proposal... therefore the creek frontage can be retained for public use for the benefit of local residents and visitors.*"
 - b. Extracts of the existing and proposed land zoning and lot size maps, including outlining the subject land.
 - c. The project timeline, as required by the *Planning Proposals – A Guide to preparing planning proposals* (2018) - <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/guide-to-preparing-planning-proposals-2019-02-05.pdf?la=en>
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 31st day of July 2020.



Damien Pfeiffer
Director, Regions Western
Planning & Assessment Division
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP_2017_WENTW_001_00 (17/12616-1)

WILGA ROAD PLANNING PROPOSAL SUBMISSION TABLE

| Submission | Details | Response |
|---------------------|--|---|
| Submission 1 | | |
| Submission 1.1 | Wilga Road is already inadequate for existing traffic. This proposal will add an additional 50 to 60 properties. The road needs a major overhaul, including widening, re-surfacing, curb and drainage. | <p>The northern end of Wilga Road reserve is 15 metres wide, in comparison to the southern portion of the road, Modikerr Way and Mootongue Drive, these being 20 metres.</p> <p>The widening of the northern end of Wilga Road is being investigated to provide for safe access for vehicles and the use of the road reserve for pedestrians and cyclists.</p> <p>Council and the proponent are also investigating the provision of a second access to the subject site. If this can be achieved it would alleviate forcing all vehicle movements through Wilga Road and Modikerr Crescent.</p> |
| Submission 1.2 | Pedestrian traffic has not been adequately catered for in the Wilga Road and Modikerr Way development. | The widening of the northern end of Wilga Road is being investigated to provide for safe access and use for vehicles, pedestrians and cyclists. |
| Submission 1.3 | Water pressure in the surrounding area needs to be addressed. The filtered water pressure is very poor, particularly at night. A major upgrade is essential before local residents support the addition of new properties. | <p>The Buronga Gol Gol Structure Plan has included the requirement for a Strategic Water Supply Master Plan in the short to medium term (0 to 5 years). The preparation of this plan will coincide with the development of the subject site.</p> <p>Upgrades to the water supply infrastructure will be required and will be addressed under conditions of the development consent for the subdivision of the site.</p> |
| Submission 2 | | |
| Submission 2.1 | To allow the change in land use is contradictory to the NSW State policy on fragmentation of agricultural land and will create conflicting land usage. | <p>One of the aims of the SEPP (Primary Production and Rural Development) 2019 is to <i>reduce conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.</i></p> <p>Buronga Gol Gol is presently experiencing rapid growth by the provision of developed residential land. The R5 Large Lot Residential land is a</p> |

WILGA ROAD PLANNING PROPOSAL SUBMISSION TABLE

| | | |
|----------------|---|---|
| | | popular lifestyle choice in the area. Therefore, the Buronga Gol Structure Plan has identified that growth in this zone is to be extended by rezoning the subject site. The strategic justification provided by the BGGSP does not contradict NSW state policy for the protection of agricultural land and satisfies the requirement to provide for both residential and subsequent population growth. |
| Submission 2.2 | Concern about the right to farm in the future if a close residential development was to occur on the adjoining property. | Where agricultural activity has historically occurred and continues to be conducted on previously rural zoned land, that activity has existing use rights to continue. |
| Submission 2.3 | As part of our agricultural activities we are required to spray chemicals regularly, spread manure and use farm machinery and vehicles which could result in spray drift, dust, noise and unpleasant odours. In order for the conflict in land usage to be minimised and reduce the impact of our operations on the proposed residential development, we would like to see the planning proposal be amended to include appropriate vegetation buffers to clearly separate the agricultural land from residential land. A buffer zone of 250m is suggested in Table 1 of the 'Buffer Zones to Reduce Land Use Conflict with Agriculture' document found on the NSW DPI website which I have attached for your reference. | It is noted that there are horticultural activities occurring on the adjacent property on the southern boundary of the subject site. It is also noted that the southern boundary of the horticultural property directly abuts large lot residential development on its southern boundary. There is no buffer zone in place. It would be excessive to require a 250 metre buffer zone as a condition of development consent at the subdivision stage for just this proposal. However, to prevent any land use issues a condition on the development approval for the subdivision could require that a strip on the southern boundary of the subject site is to be planted with appropriate vegetation to protect both uses on either side of the boundary or a suitable constructed buffer. These measures and any alternative solutions can be considered, assessed and conditioned as part of a development approval. |
| Submission 2.4 | There is concern of possible interference of our current irrigation pipe & pump easement from our property to the Gol Creek, which may be directly affected in these proposed changes, as it runs alongside this allotment. We are also concerned of the damage that could occur to this pipeline due to heavy vehicles entering and exiting from the proposed development. | The matter of the pipeline alignment and easement on private property will need to be resolved between the submitter and the proponent, as this is a civil matter of which Council has no jurisdiction. Council has met with the submitter on site and discussed the pipeline easement and infrastructure issue within the Wilga Road road reserve and the Crown owned lot that provides access to the Gol Creek. Council will ensure that the easement to the Creek will be retained and any infrastructure that is currently in place or required in the future, will be protected by way retaining easements already in place. Council will also ensure Wilga Road is constructed to Council's standard drawings to |

WILGA ROAD PLANNING PROPOSAL SUBMISSION TABLE

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|---------------------|---|--|
| Submission 2.5 | A drainage pipeline used to drain irrigation water from some of the rural properties on the Gol Gol township side of the creek is also present along the south west boundary of the proposed development. The pipeline is imperative to the horticultural holdings to remove salt water, and as such, an easement would be required to be established which is not present on the current proposed plan. | protect infrastructure under the road reserve. The current proposed plan is an indicative plan only at this stage. Any infrastructure that requires protection will be the subject of a condition on the development approval for the subdivision. An easement will be created to protect this infrastructure. |
| Submission 2.6 | There is a concern we would like to raise, which is the risk of pollution to the creek due to the small size of the proposed blocks and the use of septic tanks, fertilizer and manure run-off, seepage and storm water run-off. If the quality of the creek water is compromised it will potentially result in not only us, but the rest of the horticultural properties using the creek downstream, being unable to use it for the irrigation of our crops. | All lots, when developed, will be required to be equipped with NSW compliant waste treatment systems and connected to the stormwater drainage infrastructure that will service the development. |
| Submission 2.7 | There is concern about the retention basin against the south eastern side of the proposed development. This will result in seepage from the basin and possible overflow and pollutants from the residential area to enter the adjoining property causing the area to become waterlogged and entering the adjoining property drainage system, which will then have to be pumped at the owner's expense. | The proponent, following discussion with Council, has provided an amended draft subdivision plan. This plan shows the southern drainage basin being relocated so it is not located on the northern boundary of the adjoining the property. When the proponent lodges a development application for the subdivision, Council's Engineers will determine if two drainage basins are sufficient to capture and store stormwater in a normal rainfall event and if the proposed locations are satisfactory. |
| Submission 2.8 | The increased traffic to the quiet rural setting is a concern. | Council and the proponent are working on a secondary access to the subject site, with the aim to reduce the vehicle movements on Wilga Road. A 50 km per hour speed limit will apply to reduce noise and speed of vehicles using the local roads to access property. |
| Submission 3 | | |
| Submission 3.1 | We do not object to the planning proposal. | Noted. |
| Submission 3.2 | Adjoining land is located nearer to Gol Gol and is not being used and has | Noted. |

WILGA ROAD PLANNING PROPOSAL SUBMISSION TABLE

| | | |
|----------------|---|--|
| Submission 3.3 | <p>not been used for intensive agriculture.</p> <p>Adjoining land has a minimum lot size of 10,000 hectares which is 33,000 times greater than the proposed minimum lot size for the planning proposal.</p> | <p>Noted.</p> <p>The Rural Land Use Strategy being prepared by Wentworth Shire Council will analyse current minimum lot sizes applied to our rural land and provide recommendations for amending the minimum lot size mapping to more accurately reflect the lot size pattern in the shire.</p> <p>It is surmised this request is referring to any future planning proposals submitted for Council's assessment and consideration.</p> <p>Council is actively supportive of new development and endeavours to assess planning proposals consistently and in accordance with NSW planning legislation and policy.</p> |
| Submission 3.4 | <p>We request that our land is assessed consistently with the planning proposal land.</p> | |

9.14 DELEGATED AUTHORITY APPROVALS AS AT END OF NOVEMBER 2020

File Number: RPT/20/813

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Nicky Meredith - Coordinator Health and Planning

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

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

Summary

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

The estimated value of the determined developments was \$1,858,373.00. This brings the year to date total to 156 Development Applications and 35 S4.55 Applications approved, with an estimated development value of \$30,940,386.00.

Recommendation

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

Detailed Report

Purpose

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

Conclusion

The total value of determinations was \$1,858,373.00 for the month of November 2020, which was more than the previous month of \$1,627,002.00. The average determination time was 26 days.

Attachments

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

WENTWORTH
SHIRE COUNCIL
WORTH DRIVE

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF NOVEMBER 2020

| FILE NUMBER | OWNER | LOCATION | DESCRIPTION | VALUE (EX GST) | DETERMINATION DATE | ACTIVE DAYS TO 30/11/2020 |
|----------------|------------------------------|--|--|----------------|--------------------|---------------------------|
| S4-55/2020/016 | Steven & Marion Keil | 5690 Sturt Highway Lot 62 DP 822044 Monak | Modify DA2018/039 Boundary re-alignment | \$0.00 | 23/11/2020 | 33 |
| S4-55/2020/030 | Dialena Nominees P/L | 11-13 Wood Street Lot 3 Section 6 DP 758456 Gol Gol | Modify DA2019/118 Reduce subdivision Lots from 5 to 4 | \$0.00 | 4/11/2020 | 47 |
| DA2020/124 | Dann Golitschenko | 69 William Street Lot 3 DP 1242024 Gol Gol | Dwelling with garage | \$390,000.00 | 9/11/2020 | 35 |
| DA2020/127 | Natalie Dixon & Jake Cumming | 33 Thomas Street Lot 30 DP 1259103 Gol Gol | Dwelling with garage & storage shed | \$360,000.00 | 9/11/2020 | 31 |
| DA2020/128 | Chelsea Grahame | 185 Boeill Creek Road Lot 1 DP 1215859 Boeill Creek | Swimming pool | \$150,000.00 | 20/11/2020 | 40 |
| S4-55/2020/032 | Keltren Pty Ltd | Sturt Highway Lot 1 DP 1128099 Trentham Cliffs | Modify DA2018/075 front fence height, entry gates & canopy | \$0.00 | 10/11/2020 | 25 |
| DA2020/129 | Norman & Montanna Simonetta | 173 Trawalla Road Lot 2 DP 1058197 & Lot 315 DP 756961 Coomealla | 2 x Lot Subdivision - Boundary re-alignment | \$0.00 | 16/11/2020 | 27 |
| DA2020/130 | Mark & Sylvia Nixon | 15-17 Hawdon Street Lot 6 Section 7 DP 758338 Dareton | Re-erection of dwelling | \$156,000.00 | 13/11/2020 | 26 |
| DA2020/131 | Jennifer Evans | 62 Darling Street Lot 1 SP 86362 Wentworth | Replace existing fence | \$25,000.00 | 13/11/2020 | 24 |
| DA2020/132 | Soeli & Kerry Fangloka | Ashen Court Lot 18 DP 1242927 Gol Gol | Storage shed | \$41,760.00 | 10/11/2020 | 21 |

WENTWORTH
SHIRE COUNCIL
WORTH DRIVE

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF NOVEMBER 2020

| | | | | | | |
|----------------|---|--|--|--------------|------------|----|
| DA2020/133 | Sandra Lepoidevin | 177 Adams Street Lot 16 DP 600341 Wentworth | Storage shed | \$11,524.00 | 10/11/2020 | 19 |
| S4-55/2020/033 | Rebecca Crozier, Dean Houlihan, Lance Webster & Pauline Webster | 546A Low Darling Road Lot 1 DP 740361 Wentworth | Modify DA2017/053 to a transportable dwelling of reduced size | \$0.00 | 18/11/2020 | 25 |
| DA2020/135 | Domenico Carrazza | Sturt Highway Lot 2 DP 1226451 Gol Gol | Mobile Billboard with regional branding sited on vacant land | \$10,384.00 | 23/11/2020 | 27 |
| DA2020/136 | Mervyn & Valarie Robinson | 125-127 Adelaide Street Lot 34 DP 756946 Gol Gol | Storage shed | \$50,000.00 | 23/11/2020 | 23 |
| DA2020/137 | Deanne, Mathew & Kyle Taggart | 24 Murray Street Lot 20 DP 1167396 Gol Gol | Storage shed | \$74,931.00 | 17/11/2020 | 21 |
| DA2020/138 | Collette & Ian Hazeldene | 140B Renmark Road Lot 4 DP 870517 Wentworth | 2 New storage sheds, 1 extension to shed, 1 dome structure & a swimming pool | \$120,000.00 | 25/11/2020 | 27 |
| DA2020/139 | Ivanhoe Hingano & Shakira Best | 17 Kari Drive Lot 22 DP 1242927 Gol Gol | Storage shed | \$24,284.00 | 17/11/2020 | 20 |
| DA2020/140 | Richard & Sonya Baker | 12 Murray Street Lot 4 Section 27 DP 758456 Gol Gol | Fence & gate to front boundary | \$19,000.00 | 26/11/2020 | 26 |
| DA2020/141 | Jamie Knudsen | 25 Modikerr Way Lot 6 DP 1103697 Gol Gol | Chicken coop & lean to against existing shed | \$3,750.00 | 19/11/2020 | 22 |
| DA2020/142 | Josh Morgan | 11 Lee Court Lot 59 DP 1259103 Gol Gol | Storage Shed | \$14,740.00 | 18/11/2020 | 20 |
| DA2020/146 | Paul & Dorothy Amoaeng | 15 Thomas Street Lot 34 DP 1259103 Gol Gol | Colorbond boundary fence | \$7,000.00 | 19/11/2020 | 19 |
| DA2020/153 | Violi & Sons Pty Ltd | 160 Channel Road Lot 614 DP 756961 Coomealla | Storage shed | \$400,000.00 | 11/11/2020 | 20 |

9.15 WENTWORTH SHIRE COUNCIL AERODROMES - ADOPTION OF FEES AND CHARGES

File Number: RPT/20/804

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Administration Officer

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

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

Summary

Wentworth Shire Council endorsed the draft Fees and Charges for the Wentworth Shire Council Aerodromes for public exhibition at its Ordinary Meeting held 21 October 2020.

Two submissions were received at the end of the public exhibition period and these have been considered in the final plan.

This report seeks Council's adoption of the final Fees and Charges for the Wentworth Shire Council Aerodromes.

Recommendation

That Council resolves to adopt the amended Fees and Charges for the Wentworth Shire Council Aerodromes and include in Councils Fees and Charges for 2020/21.

Detailed Report

Purpose

The purpose of this report is to provide Councillor's the opportunity to review the final document and to formally adopt the Fees and Charges for the Wentworth Shire Council Aerodromes. A copy is included with this report.

Background

As part of the Australian regulations for aerodrome operations there is now increased compliance requirements for aerodrome operators under the new Manual of Standards for Aerodromes (MOS139) and Civil Aviation Safety Authority (CASA) regulations. These requirements impact on areas including; scheduled inspection and reporting activities, contribution to periodic maintenance requirements including refreshing linemarking, replacement of indicators and surface resealing. The proposed Fees and Charges will help to contribute towards the ongoing maintenance and operational costs at Wentworth Shire Council Aerodromes.

The Fees and Charges reflect the best overall standard comparison, consistent with the current up to date charges used across similar airports and aerodromes across NSW, SA VIC and QLD.

Report Detail

Council conducted a public exhibition of the draft Fees and Charges for the Wentworth Shire Council Aerodromes.

Consultation included the following:

- Wentworth Shire Council website; and
- Regular advertising in the Sunraysia Daily; and
- Notification to Sunraysia Sports Aircraft Club and relevant industry authorities.

A total of two submissions were received at the close of the exhibition period.

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

Refer to Attachment 1 – Summary of Submissions and Outcomes.

As indicated in the submission table, minor amendments have been made to the draft Fees and Charges in response to comments raised in the submission.

Options

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

1. Adopt the amended Fees and Charges for the Wentworth Shire Council Aerodromes and include in Councils Fees and Charges for 2020/21.
2. Refuse the adopted amended Fees and Charges for the Wentworth Shire Council Aerodromes, subject to specific reasons.

Conclusion

Following consideration to the submissions received, it is recommended that Council adopt the amended Fees and Charges for the Wentworth Shire Council Aerodromes. Adoption of the Fees and Charges will ensure Council's Aerodromes remain compliant with the Australian Regulations.

Attachments

1. Attachment 1 - Summary of Submissions and Outcomes[↓](#)
2. Attachment 2 - The Amended Fees and Charges Document[↓](#)

Wentworth Shire Council Aerodromes Fees and Charges

| Submission number | Submissions | Wentworth Shire Council Comment / Response |
|---------------------|---|---|
| Submission 1 | Who will determine if an aircraft is to be charged a parking fee? | Council's Aerodrome staff. |
| | What is Wentworth Shire Councils definition of 'unattended'? | An aircraft parked and left unoccupied. |
| | If I park my craft & use the toilet facilities, have I left my craft unattended? | Yes if you are the only occupant. Should you have a passenger remaining with the craft then No. |
| | Do parking fees apply if I park on Sunraysia Sportsclub Aircraft Club land? | NO |
| Submission 2 | It is commonplace for aerodromes and airports to enter into user agreements, or contractual agreements for the use of facilities by flight schools rather than charge a per aircraft fee. | |
| | Consideration be given to negotiating a user agreement or other instrument relative to the use of the aerodrome on an annual basis at a rate that is more commensurate to normal commercial flight training agreements. Neither of these documents provide for the opportunity for a flight training provider or other commercial user, to enter into a contractual arrangement with WSC relative to use, fees or charges. It is respectfully suggested that a contractual negotiation provision be included. | During the process of assessing the fees and charges, advice provided from Asset Aviation Industry consultants and other regional aerodrome operators recommended fees and charges for commercial flight training organisations as listed in the fees and charges draft document. |

WENTWORTH SHIRE COUNCIL

WORTH THE DRIVE

Wentworth Shire Council Aerodromes Fees and Charges

WENTWORTH SHIRE COUNCIL AERODROME CHARGES

These charges apply at Wentworth Shire Council Aerodromes as from 1 January 2021.
These charges, as varied from time to time, apply for the use of our facilities and services and are exclusive of GST.

1. AERODROME LANDING CHARGES (ALC)

This charge applies to all aircraft regardless of category or weight.

See notes 1 and 2.

2. AIRCRAFT PARKING CHARGES (APC)

This charge applies to all aircraft regardless of category or weight.

Aircraft left unattended are deemed as parked, APC will apply. See notes 1 and 2.

3. TRAINING & AERODROME CIRCUITS (TAC)

All aircraft involved in flight training or aerodrome circuits will be charged the TAC calculated in hourly increments and part thereof in full hours to the next hour, ALC will also apply on full stop. Day and night usage charges apply. TAC day rate applies 7am to 7pm, night rate applies 7pm to 7am. All year round. See notes 1 and 2.

Note 1 - This charge does not apply to aircraft less than 1700kg MTOW and privately registered, RFDS, Aero Medical or RFS bush firefighting operations.

Note 2 - No exemptions apply for Privately Registered aircraft operating for Hire or Reward.

4. AIRSIDE SUPERVISION CHARGE (ASC)

This charge applies to:

- all vehicles, persons or private contractors operating on the airport requiring supervision and / or escort services including all visitors to airport requiring airside access; and
- airside safety inductions and training.

5. AIRSIDE ENVIRONMENTAL CHARGES (AEC)

Where aircraft operators are responsible and do not complete their own clean up to WSC satisfaction, WSC will clean up any fuel and oil spills or FOD and charge the operator for the time and materials used.

Fuel drains shall not be dropped on tarmac but disposed of in an approved manner / procedure for the product.

Charge rate for clean-up will be at actual cost including plant and materials used and disposal of waste charges. Minimum charge applies.

6. AIRCRAFT HANGER CHARGE (AHC)

This charge applies to all WSC owned or operated hangers and payable by the lessee in advance. Fee to be determined (TBD) by WSC based on industry acceptable rates and Council's cost recovery. Hangar parking shall be by arrangement with WSC. Unauthorised use of hangars owned by WSC is prohibited.

7. ANNUAL LOCALIZED USE FEE (ALF)

Applicable to Local Aircraft under 1700kg MTOW only.

Annual fee agreement for local aircraft owners only, who must provide statutory declaration that the aircraft is, locally registered, hangared and / or resident at Wentworth or Pooncarie Aerodromes and / or supplying flight training service directly to local area residents and/or the Wentworth based Aero Club. Declaration to include aircraft registration number and certified maximum takeoff weight of aircraft.

Confidential agreement between Council and the user renewable annually.

On payment of ALF, landing, circuit and parking charge exemption applies for 12 months from date of agreement.

$ALC \times MTOW \times \text{agreed days of operation} \times \text{agreed daily use} = \text{amount payable plus GST.}$

e.g. $15.00 \times 8 = \$12.00 \times 104$ (2 days week) $\times 2$ (landings per day) = \$2496.0010% GST = \$2745.60

8. VEHICLE PARKING CHARGE (VPC)

This charge applies to all vehicles left parked / stored at the Wentworth or Pooncarie Aerodrome. Parking by users of the aerodrome who wish to park / store a vehicle for their convince / use when at Wentworth or Pooncarie Aerodrome. Vehicle parking by prior arrangement only. No vehicle parking available airside.

9. SPECIAL EVENT AIRSIDE (SEA)

This charge applies to special events requiring access airside. Establishment of and set out of event zones, airside, landside, site establishment, demobilisation inspections and supervision. Daily airside safety inspections and safety inductions to event staff and organisers charged at actual cost.

10. CALL OUT FEE (COF)

Applies when call out is direct responsibility of an individual / operator and not WSC employee.

Call out fee will not be charged for emergency. This fee will apply at the discussion of WSC. (e.g. gate being left open, aircraft parked incorrectly, etc.)

11. AMENDMENT OF FEES AND CHARGES

At the discretion of the Aerodrome Manager, user fees and charges may be amended or waived. Circumstances where such discretion may apply include special events such as fly-ins, open days, charity events, aero medical, military, change of lessee, eviction by Council or other activities the Aerodrome Manager considers reasonable.

| FEE DESCRIPTION | FEE (EX GST) | BASIS AND DURATION |
|------------------------------------|----------------------------|--|
| Airport Landing Charge (ALC) | \$15.00 | Per tonne per landing. Based on the certified maximum take-off weight of the relevant aircraft. Maybe rounded up to the nearest 100kg. |
| Aircraft Parking Charge (APC) | \$10.00 | Per day or part day. All sealed parking areas. |
| Aircraft Parking Charge (APC) | \$220.00 | Long term parking (per month) no pro rata. Subject to parking availability. Approval by prior arrangement. |
| Aircraft Parking Charge (APC) | \$6.00 | Non-Lease / Non-Apron / Non-Tie down areas (i.e. on Council property, but not necessarily recognised as a regular aircraft parking area) – per day or part day. |
| Training Aerodrome Circuits (TAC) | \$36.00 | Day rate – per hour – calculated in hourly increments and part thereof in full hours to the next hour. ALC will be charged on full stop. 7am-7pm Local Time |
| Training Aerodrome Circuits (TAC) | \$54.00 | Night rate – per hour – calculated in hourly increments and part thereof in full hours to the next hour. ALC will be charged on full stop. 7pm-7am Local Time |
| Airside Supervision (ASC) | \$110.00 per ARO | Supervision / Escort duties – calculated in hourly increments and part thereof in full hours to the next hour (business hours). |
| Airside Supervision (ASC) | \$160.00 per ARO | Supervision / Escort duties – calculated in hourly increments and part thereof in full hours to the next hour (after hours). |
| Vehicle Parking Charge (VPC) | \$3.00 | Per day or part day – vehicle parking by prior arrangement only. Subject to availability. |
| Airside Environmental Charge (AEC) | \$220.00 Minimum charge | Charge rate for clean-up will be at actual cost including plant and materials used and disposal of waste charges. Minimum charge applies. |
| Aircraft Hanger Charge (AHC) | TBD | By prior arrangement. New hangers-per year (no pro-rata). |
| Aircraft Hanger Charge (AHC) | \$1460.00 | By prior arrangement. Kevin J Thomas hanger-per year (no pro-rata). |
| Call Out Fee (COF) | \$110.00 per Hour | Call out fee (minimum of 2 hours) , plus additional hourly cost thereafter. Applies when call out is direct responsibility of an individual / operator and not WSC or employee. Call Out Fee will not be charged for emergency. This fee will apply at the discretion of WSC. |

9.16 WENTWORTH SHIRE COUNCIL AERODROMES - ADOPTION OF CONDITIONS OF USE AND ACCESS

File Number: RPT/20/806

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Administration Officer

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

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

Summary

Wentworth Shire Council endorsed the draft Conditions of Use and Access for the Wentworth Shire Council Aerodromes for public exhibition at its Ordinary Meeting held 21 October 2020.

Three submissions were received at the end of the public exhibition period and these have been considered in the final plan.

This report seeks Council's adoption of the final Conditions of Use and Access for the Wentworth Shire Council Aerodromes.

Recommendation

That Council resolves to adopt the amended Conditions of Use and Access for the Wentworth Shire Council Aerodromes and include in Councils operations of the Aerodromes.

Detailed Report

Purpose

The purpose of this report is to provide Councillor's the opportunity to review the final document and to formally adopt the Conditions of Use and Access for the Wentworth Shire Council Aerodromes. A copy of is included with this report.

Background

The Conditions of Use and Access document has been developed in accordance with the required Australian compliance regulations and Acts relating to aviation and aerodrome operations. The document provides a summary of the terms and conditions under which users access and use the infrastructure, facilities and services provided by Council.

The preparation of this document has been undertaken following extensive consultation with numerous rural and regional airport operators across NSW, SA and QLD, together with Civil Aviation Safety Authority (CASA), Mildura Airport, Asset Aviation Consultations and Regional Airport Consulting. This document covers all use and access requirements for both Council Aerodromes. The Conditions of Use and Access document will also form part of the mandatory Aerodrome Manual requirements required by CASA under the new Manual of Standards (MOS139).

Report Detail

Council conducted a public exhibition of the draft Conditions of Use and Access for the Wentworth Shire Council Aerodromes.

Consultation included the following:

- Wentworth Shire Council website; and
- Regular advertising in the Sunraysia Daily; and
- Notification to Sunraysia Sports Aircraft Club and relevant industry authorities.

A total of three submissions were received at the close of the exhibition period.

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

Refer to Attachment 1 – Summary of Submissions and Outcomes.

As indicated in the submission table, minor amendments have been made to the draft Conditions of Use and Access in response to comments raised in the submission.

Conclusion

Following consideration to the submissions received, it is recommended that Council adopt the amended Conditions of Use and Access for both Wentworth Shire Council Aerodromes. Adoption of the Conditions of Use and Access will ensure Council's Aerodromes remain compliant with the Australian Regulations.

Attachments

1. Attachment 1 - Summary of Submissions and Outcomes[↓](#)
2. Attachment 2 - The amended Conditions of Use and Access Document[↓](#)

Conditions of Access and Use

| Submission number | | Submissions | Wentworth Shire Council Comment / Response |
|---------------------|--|---|---|
| Submission 1 | | Technical Information about what a pilot can and cannot do has been made clear. | Noted |
| | | Noise abatement and simulated engine failure training procedures are fair and reasonable. | Noted |
| | | Curfews are realistic. | Noted |
| | | Council has taken all reasonable steps to protect local residents from noise and disruption, while making the facility a commercial endeavor. | Noted |
| Submission 2 | | 4.7 Aerobatic operations of any kind are prohibited within five nautical miles of the aerodrome reference point unless conducted as part of an aerial display previously and specifically approved by the AD Manager and if necessary approved by CASA. Councils have no control of airspace and therefore the AD Manager can't enforce this? | 4.7 of the Conditions of access & use has been amended after consultation with CASA to; Aerobatic operations not supported from WSC Aerodromes without prior written approval of the ADM or in their absence GM and ADO. See Appendix A. |
| | | 4.8 Gliding operations are prohibited unless the glider is self-powered and be VH or RA AUS registered. Light aircraft may be RA Aus registered and would require a numbered registration. | 4.8 of the Conditions of access & use has been amended after consultation with CASA to; 4.8 Balloon operations from WSC aerodromes require prior written approval from ADM or in their absence GM and ADO. See Appendix A 4.9 Glider, rope - aero tow operations not permitted from WSC aerodromes without Prior written approval of ADM or in their absence GM and ADO. See Appendix A. |
| Submission 3 | | Night curfew- It is therefore asked that you consider the imposition of a 10pm night flying curfew during daylight savings times for circuit training only, rather than a 9pm. | During the development of the conditions of access, WSC consulted with a number of industry leaders, CASA, Avdata, Asset Aviation and other regional aerodromes. Advice was to have one set of available training times to reduce confusion and limit false noise complaints from the public being confused by changing time zones. Night Curfew will affect training circuits only and will be published as such, it will have no effect on other aviation operations. |

| | | |
|--|---|---|
| | | <p>WSC as the aerodrome operator must balance fair and reasonable use to not one singular operation but to all users and the impact on the local residents.</p> <p>WSC as the aerodrome operator hold the risk and liability of its operation but it also has to be accountable to ratepayers to conduct a safe operation, with noise and the limited ability of trainees being a major concern of the locals.</p> <p>The implementation of a Right-hand circuit require approval from CASA. A Request for Change (RFC) as submitted to CASA on the 15/10/20. The RFC is to implement a Right hand circuit to runways 17 and 26 as well as restriction on Midfield circuit entry. Once approval has been received from CASA this direction will be published by Air Services in the ERSA.</p> |
| | <p>Circuit training- To reduce or avoid noise complaints we recommend you give consideration to giving direction in aviation advisory document En-Route Supplement Australia (ERSA) that the circuit pattern on runway 26 should be a righthand circuit away from the township.</p> | |

WENTWORTH SHIRE COUNCIL

WORTH THE DRIVE

Wentworth Shire Council Aerodromes Conditions of Use and Access

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1. INTRODUCTION

- 1.1 Wentworth Shire Council (WSC) owns and operates the Wentworth and Pooncarie Aerodromes.
- 1.2 The user is granted limited access and use of WSC's Aerodromes on the terms and conditions contained herein.
- 1.3 These agreed terms of use shall have operation and effect from 1 January 2021. As from that date, WSC's supply of aeronautical services to Aircraft Operators will be on these agreed terms of use in return for which Aircraft Operators will pay to WSC the charges and comply with all other obligations imposed upon the Aircraft Operator by these agreed terms of use.
- 1.4 This document provides a summary of the terms and conditions under which users use the infrastructure, facilities and services provided by WSC.
- 1.5 By using the infrastructure, facilities or services at WSC's Aerodromes, users are deemed to have accepted these terms and conditions.
- 1.6 If you continue to use our Aerodromes, or our facilities and services after being notified of the existence of this document, then such continued use shall constitute acceptance of these terms of use of our Aerodromes as amended from time to time.
- 1.7 The users accept that notification of the existence of this document shall be by means of, newspaper advertisement, Electronic means, posting of document on Council's Website and any form of Aeronautical Information Publication (AIP) available to the user that suggests its existence or any other reasonable means.
- 1.8 The user acknowledges that the charges are exclusive of air traffic service charges, rescue and firefighting charges, meteorological charges and all or any other charges that may be levied by other parties for services not provided by WSC.

2. DEFINITIONS

In this document, unless the contrary intention appears:

"Access" means entering or coming on to WSC Aerodromes in any manner and by any means whatsoever.

"AD" means Aerodrome

"ADA" means Authority to Drive Airside

"ADM" means Aerodromes Accountable Manager.(see AD manual for position description)

'ADO' means Aerodromes Operations, Maintenance and Safety Manager.(see AD manual)

"Aerodrome/s" means Wentworth and / or Pooncarie

"AMSL" means above mean sea level

"Airside" means the area of the Aerodrome enclosed by a security barrier, to which aircraft have access, and to which the general public does not have access.

"ARO" means Aerodrome Reporting Officer

'AVBL' means Available

"BCST" means Broadcast via radio on aerodrome CTAF.

"BLW" means Below

"Charges" are the charges set out in the schedule of charges as published on the WSC website

"CASA" means Civil Aviation Safety Authority

"CCTS" means Circuits

"CTAF" means Common Traffic Advisory Frequency

"DAMP" means Drug and Alcohol Management Plan

"DEP" means departing

"ERSA" means En-Route Supplementary Australia

"AEST" means Australian Eastern Standard Time

"AEDT" means Australian Eastern Daylight Time

"FOD" means Foreign Object Debris.

"Fixed Base Operator (FBO)" is an organisation granted the right by an aerodrome to operate at the aerodrome and provide aeronautical services such as fuelling, hanking, aircraft rental, aircraft maintenance, aircraft charters, flight instruction and similar services.

"GM" means General Manager of Wentworth Shire Council.

"Landside" means the area accessible to the general public, including those not traveling. Although there may be security measures in place in some landside areas (e.g. car parks, hangars, terminals and office buildings), it is not considered a "secure" area in the same sense as the airside area (i.e. access strictly controlled).

"Legislation" means all Commonwealth and State Acts of parliament, regulations, rules, orders, local laws, ordinances, by-laws and other orders or directions from any government (Commonwealth, State or Local) or statutory bodies relevant to Wentworth and Pooncarie Aerodromes and/or any access or use of the Wentworth and Pooncarie Aerodromes.

"Local Time" means Actual Local time

"MOS139" means CASA Part 139 (Aerodromes) Manual of Standards - 2019.

"MTOW" is the maximum take-off weight certified for the aircraft concerned.

"Movement Area" is the part of the aerodrome provided for the surface movement of aircraft, including the apron area, the manoeuvring area and any part of the aerodrome set aside for the maintenance of aircraft.

"Manoeuvring Area" is the part of the aerodrome designed for the take-off and landing of aircraft as well as the surface movement of aircraft but excludes the apron area and any part of the aerodrome designed for maintenance of aircraft. Typically, the manoeuvring area consists of the runways and taxiways.

"NOTAM" means Notice to Airmen.

"OPS" mean operations.

"RPT" Means Regular Public Transport

"Schedule of Charges" is the schedule of charges, as described in this document and determined by WSC from time to time, that is published on the WSC website.

"Tenant" is a person or company that occupies land or property owned and/or controlled by, and rented from WSC (landlord).

"UTC" means Co-ordinated Universal Time.

"WSC" means Wentworth Shire Council.

“YWTO” means Wentworth Aerodrome.

“YPCE” means Pooncarie Aerodrome.

“Use” includes, but is not limited to, by any aircraft, landing, taking-off, training, taxiing or parking and discharging or taking on passengers or cargo.

“User” includes the owner, operator, pilot and any other party with any control over, or ownership of, any aircraft accessing Wentworth or Pooncarie Aerodromes. This includes persons who have access airside (whether or not they own aircraft), their visitors/guests and airside drivers. Also included are tenants who carry out activities on landside areas and within lease areas and persons who have direct access to the aerodrome from private property.

3. INTERPRETATION

3.1 The following rules of interpretation apply in this agreement unless otherwise stated:

- a) a reference to this document or another instrument includes any variation or replacement of any item of them; and
- b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them at any time before or after the date of this document; and
- c) the singular includes the plural and vice versa; and
- d) the word “person” includes a firm, a body corporate, an unincorporated association or an authority; and
- e) a reference to a person includes a reference to the person’s executors, administrators, successors, substitutes (including without limitation, persons taking by novation) and assigns; and
- f) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally; and
- g) a reference to a term, word or phrase that is defined in any of the applicable Acts or the regulations made thereunder have the same meaning as is defined in those Acts or any regulations made thereunder; and
- h) a reference to anything (including without limitation, any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually; and
- i) a reference to a clause is a reference to a clause in this document.

3.2 If this document prohibits a user from doing an activity:

- a) the user must do everything necessary to ensure that the user’s employees, servants, agents and contractors do not do that activity; and
- b) the user may not allow or cause any person to do that activity.

3.3 Headings are inserted for convenience and do not affect the interpretation of this document.

4. ACCESS AND USE -TERMS AND CONDITIONS

- 4.1 Access to and use of the Wentworth and Pooncarie Aerodromes (airside and landside areas) is subject to compliance by the user with:
- a) local flying restrictions including the requirements of the *Civil Aviation Act 1988*, the Civil Aviation Regulations, the *Air Navigation Act 1920*, the Air Navigation Regulations, and Air Services Australia publications including the En-Route Supplement Australia (ERSA); and
 - b) use of call signs in accordance with Aeronautical Information Package (AIP); and
 - c) directives made by the Department of Home Affairs and/or the Aviation and Maritime Security (AMS) Division, including but not limited to security of aerodromes and aircraft; and
 - d) the requirements of:
 - i. The *Civil Aviation Act 1988*.
 - ii. The Civil Aviation Safety Regulations 1998.
 - iii. The Civil Aviation Regulations 1988.
 - iv. Civil Aviation Orders.
 - v. CASA Part 139 – (Aerodromes) Manual of Standards-2019.
 - vi. The *Aviation Transport Security Act 2004*.
 - vii. The Aviation Transport Security Regulations 2005.
 - viii. the Wentworth Shire Council Local Law (Aerodromes); and
 - ix. Any other applicable Commonwealth, State or Local Government regulations.
 - e) any current or future written agreements between WSC and the user; and
 - f) the “Fly Neighbourly” principles, as amended from time to time (detailed in Section 11); and
 - g) Directives made by the ADM or ADO and/or duty ARO, both verbal and/or written.
- 4.2 The user or its servants must not do anything when using either Wentworth or Pooncarie Aerodromes that is in breach of any legislation, regulations, rules or procedures.
- 4.3 Any dispute, inconsistency or ambiguity regarding these terms of use, the schedules to these terms of use and any of the requirements referred to in condition shall be resolved by WSC in its reasonable discretion. These terms of use apply equally to Domestic Operations (including RPT Operations), Regional Operations, Charter Operations, Military Operations, General Aviation Operations, and any other operations to which WSC reasonably determines these terms of use will apply.
- 4.4 You acknowledge that we are responsible for all Aviation Infrastructure and Facilities Investment decisions at the Aerodromes. If we decide to make a major Aviation Infrastructure and Facilities Investment, we may increase the Aviation Charges accordingly.
- 4.5 We reserve the right to change these terms of use. The current document can be accessed on Council’s website.
- 4.6 No air show, fly -in, aviation related display or other event shall be held without the written approval of the ADM and where necessary approved by CASA.

- 4.7 Aerobatic operations not supported from WSC Aerodromes without prior written approval of the ADM or in their absence GM and ADO. See Appendix A
- 4.8 Balloon operations from WSC aerodromes require prior written approval from ADM or in their absence GM and ADO. See Appendix A
- 4.9 Glider, rope - aero tow operations not permitted from WSC aerodromes without Prior written approval of ADM or in their absence GM and ADO. See Appendix A
- 4.10 No sign of any nature shall be erected or displayed on aerodrome property without prior written consent of the ADM or in their absence GM and ADO and comply with AD OLS requirements.
- 4.11 Aircraft Training Operation permitted only with written approval of ADM or in their absence GM and ADO.
- 4.12 Avgas re-fuelling facilities (user operated) available at YWTO only, the user assumes full responsibility for re-fuelling operations. Visa or MasterCard only.
- 4.13 The user agrees that the Aerodrome Manager may suspend or revoke any agreement entered into relating to conditions of access and use and/or fees and charges at any time.
- 4.14 We do not provide:
 - a) aircraft, building, motor vehicle or other security services; or
 - b) air traffic control services; or
 - c) rescue and firefighting services; or
 - d) en-route services; or
 - e) meteorological services; or
 - f) hangar facilities except where special arrangements are in place; or
 - g) quarantine waste disposal, customs or immigration services; or
 - h) mechanical repair/maintenance services; or
 - i) ground handling services, re-fuelling services and apron services other than allocating aircraft parking bays; or
 - j) environmental clean-up services; or
 - k) non-visual navigation aids services; or
 - l) any other service we elect not to supply or to discontinue supplying from time to time.

5. NOTIFICATION

- 5.1 The users outlined below must ensure that WSC are provided with a current 24-hour name and contact mobile number. These include:
 - a) tenants; and
 - b) Fixed Base Operators; and
 - c) regular visitors to the aerodrome such as:
 - i. Royal Flying Doctor Service (RFDS); and
 - ii. Angel Flight; and
 - iii. Australian Defence Force (ADF); and

- iv. companies providing air work such as surveying, aerial photography or banner towing; and
- v. training organisations based at other aerodromes; and
- vi. Freight operators.

6. CHARGES

- 6.1 Charges consist of rental, leasing, training, landing and aircraft parking fees and are determined in accordance with the Schedule of Charges as published on the Wentworth Shire Council website.
- 6.2 It is a condition of access to and use of WSC's Aerodromes that the user pays the charges.
- 6.3 Charges are payable by the certificate of registration holder for the aircraft as recorded by the CASA Aircraft Register, unless otherwise formally assigned in writing to a third party.
- 6.4 For the purposes of establishing liability for charges, a flight by an aircraft may be identified by and not limited to documentation, which includes information supplied by Air Services Australia, ADS-B transponder data, recordings of messages broadcast to or from the aircraft and visual observations of aircraft activity.
- 6.5 At the discretion of the Aerodrome Manager, user fees and charges may be amended or waived. Circumstances where such discretion may apply include special events such as fly-ins, open days, charity events, aeromedical, military or other activities the Aerodrome Manager considers reasonable.
- 6.6 Exemption for Landing and Parking fees may apply. See Council website – Schedule of Charges.
- 6.7 No exemptions apply to privately registered aircraft operating for hire or reward, as deemed by WSC.
- 6.8 All charges unless otherwise agreed in writing by WSC, are payable to Avdata (managing aerodrome charges on behalf of WSC). Payable within 21 days after which they become overdue for payment.
- 6.9 Rental and leasing charges are payable direct to WSC or Avdata as agreed in rental/leasing agreements.
- 6.10 Pilots using WSC aerodromes must conform to the regulations and rules of the air. Pilots who fail to identify their aircraft call sign may be reported to Civil Aviation Safety Authority (CASA).
- 6.11 All charges are payable in Australian dollars only.

7. INVOICING AND PAYMENT

- 7.1 The user must pay all invoices on or before the due date as stated on the invoice unless otherwise agreed to in writing by WSC.

8. VARIATION OF CHARGES

- 8.1 WSC reserves the right to vary any of the charges at any time; and
- 8.2 WSC will publish notification 30 days in advance of any variations of charges on the WSC website.

9. NO OFF-SET

- 9.1 The user is not permitted to make any off-set against or deduction from the charges. Should there be a dispute concerning the charges payable to WSC (through Avdata Australia Pty Ltd), the user shall pay all charges in full pending resolution of any such dispute.

10. REFUSAL OF ACCESS

- 10.1 WSC may refuse access to and use of WSC Aerodromes to the user and all/any aircraft of the user where the user has failed to pay to WSC any amount due within 30 days after the due date.
- 10.2 WSC may also refuse access to and use of WSC Aerodromes (except in a declared emergency) to the user and/or any aircraft owner or operator. Where the user and/or the aircraft owner or operator respectively fails to comply on time with all requirements of WSC AD conditions of use and access, orders of authorities and all laws including, without limitation, all relevant environmental protection laws and authorities, and relevant legislations.

11. FLY NEIGHBOURLY / NOISE ABATEMENT

Operators at Wentworth Shire Council Aerodromes will:

- 11.1 comply with noise abatement procedures included within this document, air navigation regulations, departure and approach procedures, ERSA and
- 11.2 ensure that environmental awareness and noise management is included in pilot familiarisation and training.
- 11.3 Compliance with following noise abatement procedures does not affect a pilot's responsibility to operate in accordance with Civil Aviation Regulations and Procedures.

Pilots will:

Ground Operations

- 11.4 Conduct pre-flight engine run-ups in designated areas only. Avoid lengthy engine run-ups. Conduct non-pre-flight and maintenance-related engine runs in locations where the wind or distance helps minimise the carriage of noise off-aerodrome. Note – maintenance engine runs are not permitted in lease areas.

Departure

- 11.5 Use sufficient runway length and best rates of climb to maximise height over populated areas. High performance and twin-engine aircraft are to conduct full-length take-offs where possible.

- 11.6 Minimise noise after take-off by reducing engine revs as much as possible.
- 11.7 Consider the impact of early-morning departures of unusually loud aircraft (e.g. some warbirds, older single-engine aircraft) on nearby residents and businesses (e.g. motels). It is requested that, where practicable, such aircraft delay departure until at least 0700 Local time.

In Flight

- 11.8 Where applicable, maintain the published tracks after take-off.
- 11.9 Maintain required altitudes, particularly over residential housing. As much as possible, avoid flying over residential areas, hospitals, schools, nursing homes and maximise the use of flight paths over less densely populated areas such as bushland, farmland and highways.

Training

- 11.10 Only conduct Training Operations including "Touch & Go" circuit training as per aerodrome published information, ERSA. Users are advised that any published NOTAM will take precedents.
- 11.11 No training OPS permitted at YWTO or YPCE without prior approval from ADM or in their absence GM and ADO.
- 11.12 Avoid flying circuits and conducting turns that impact on residential areas.
- 11.13 ACFT in Training Shall suspended OPS to allow RWY safety inspections to be carried out by duty ARO when intent to do so is BCST.
- 11.14 AD circuit training curfew applies. AD AVBL for training OPS 0700-2100 Monday to Saturday. 0900-1700 Sunday and public holidays, (Local Time)
- 11.15 Noise sensitive area S of AD (Wentworth/Pooncarie township). Pilots are requested to avoid the area if possible, no CCTS please and transit not BLW 1500FT AMSL.
- 11.16 ACFT DEP YWTO and YPCE are requested to climb to 1500FT AMSL at best rate of climb.
- 11.17 No simulated engine failure training over Wentworth or Pooncarie Township.
- 11.18 No run-ups permitted on apron/tie down areas.

Simulated Engine Failure

- 11.19 No simulated engine failure training permitted over populated areas. Where practicable, aircraft will conduct simulated engine failures over the runway with recovery initiated within the aerodrome perimeter or within locally designated training area.

Training Area

- 11.20 When operating to/from and within the training areas, avoid populated areas where possible.

Helicopters

- 11.21 Use the correct take-off and landing areas to minimise effects of rotor wash.
- 11.22 When hover/air-taxiing, departing or arriving, consider foreign object debris (FOD) such as

dust, dirt and/or debris impacts on hangars (particularly when hangar doors are open).

- 11.23 Where possible, minimise tight manoeuvres and turns, avoid hovering and operating over populated areas.
- 11.24 Minimise rotor blade slap noise and utilise descent profiles with low-power and low-noise operations.

12. USE OF AIRSIDE

- 12.1 Any user of WSC Aerodromes requiring vehicle access to airside-controlled areas, are required to complete the WSC Aerodromes Airside Vehicle Control Induction. The training booklet is available from the AD OPS Manager during business hours, by phone 03 5027 5027 or by email council@wentworth.nsw.gov.au. The induction is self-administered and generally takes about 20 minutes. A signed declaration at the end of the booklet completes the induction. There is no charge for this service.
- 12.2 The driving of vehicles within the airside of the aerodrome must comply with WSC "Airside Vehicle Control" and any directions from AD OPS manager or duty ARO as required.
- 12.3 Authorised vehicles must display an amber flashing or rotating beacon while airside, emergency vehicle warning devices accepted.
- 12.4 Drivers must carry/display an "Authority to Drive Airside" (ADA) licence renewable annually and available from the AD OPS Manager on completion of Airside Vehicle Control Induction. There is no charge for this service.
- 12.5 High visibility (hi viz) vests or clothing must be worn when walking within aircraft movement areas (leased apron areas excluded). Passengers requiring access to an aircraft must be escorted by user crew that are wearing hi viz.
- 12.6 YWTO and YPCE are regulated aerodromes under CASA MOS 139, as such a secure airside/landside boundary must be maintained at all times. Users are to ensure compliance to this order.
- 12.7 Animals are only permitted airside when they are enclosed in an approved animal cage/carrier (assistance animals excluded).
- 12.8 No private refuelling or refuelling equipment permitted on WSC Aerodromes without prior approval of ADM or ADO. User to ensure compliance with Clause 19 of WSC conditions of access and use, CASA Act and Regulation, NSW EPA and Worksafe NSW and all relevant legislation, relating to transport, storage and handling of hazardous materials. User to supply proof of compliance to ADM or ADO prior to any approval.

13. PARKING OF AIRCRAFT

- 13.1 A user is not permitted and shall not leave or park an aircraft at any location at YWTO or YPCE that is not dedicated by WSC for that purpose. Unless WSC AD OPS Manager has consented to the user leaving or parking such aircraft at such location and the user paying such fees as are applicable to the leaving or parking of aircraft.
- 13.2 An aircraft is considered to be parked if it has been left unattended.
- 13.3 The daily parking fees apply per calendar day, no pro-rata (i.e. an aircraft parked for any portion of a calendar day will incur the full daily parking fee) and is charged for any aircraft sighted in an area which is not a leased apron.

- 13.4 At all times, aircraft parked at WSC Aerodromes shall be parked behind parking clearance lines, within leased apron areas, within coned or gabled designated tie-down areas, and clear of taxiways. Taxiway minimum clearances are:
- a) Code A: 15.5m from taxiway centreline; and
 - b) Code B: 20m from taxiway centreline.
- 13.5 Leased areas are marked with a green line where sealed areas exist, or there are green corner disc markers where the lease is located on a grassed area.
- 13.6 Parking surveys are conducted by the AD OPS manager and/or duty ARO at random times.
- 13.7 An aircraft parked in any designated or non-designated parking area (excluding leased areas described in 13.5 above) may be recorded and charged the appropriate parking fee.
- 13.8 Parking fees may be waived for aerodrome tenants wishing to park an aircraft outside a leased area for short period to conduct activities such as hangar cleaning, aircraft washing, minor maintenance or the like. Please contact AD OPS manager during business hours on 03 5027 5027 to make arrangements.
- 13.9 In the event that a user wishes to leave an aircraft parked in an area leased to another party then the user can only leave the aircraft parked at such a location provided the lessee consents to that parking of the aircraft by the user and that the lessee is in compliance of his/her lease conditions.
- 13.10 All aircraft parking areas, including leased areas, must be kept in good order, free from obstructions to the movement of persons, vehicles and aircraft, and in a clean, tidy, serviceable condition to the satisfaction of WSC. Users must comply with any request by WSC staff to remove items considered by WSC to be an obstruction, or potential obstruction, to persons, vehicles or aircraft.
- 13.11 Parking fees may be waived where tenant businesses such as aircraft maintenance organisations wish to park client aircraft outside leased areas. Contact AD manager during business hours on 03 5027 5027 to make arrangements.

14. MOVEMENT OF PARKED AIRCRAFT

- 14.1 WSC may at any time order the user or the aircraft owner or operator respectively to either move a parked aircraft to another position, or remove it from a WSC Aerodrome. Failure to remove the aircraft as instructed may prompt additional fees and charges.
- 14.2 In addition to the rights set out above, WSC may remove or have removed any aircraft parked at WSC Aerodromes either:
- a) to another location within Aerodrome; or
 - b) From the aerodrome to any location, WSC deems appropriate.
- 14.3 Should an aircraft be moved the user shall indemnify and keep indemnified WSC and its servants, agents and contractors from any damage caused to or by the aircraft in any manner whatsoever.
- 14.4 In the event that the user fails to comply with any order to move an aircraft within the specified period, the user will be liable for all costs, damages and expenses as a result of the failure to comply with the order to move the aircraft of whatsoever nature.

15. DISABLED AIRCRAFT REMOVAL

- 15.1 The user is responsible for the removal of an aircraft that becomes disabled within the aerodrome.
- 15.2 Where possible, aircraft operators should have engineers and aircraft removal equipment available. If the user does not have the resources to remove the disabled aircraft, cannot proceed with the removal in a timely manner, or refuses to remove the aircraft in a timely manner as directed by WSC Staff, WSC will arrange for the removal of the aircraft at the user's expense.

16. PRE-FLIGHT AND ENGINE GROUND RUNS

- 16.1 Pre-flight engine runs must be conducted in designated areas only.
- 16.2 Avoid lengthy engine run-ups.
- 16.3 Conduct non-pre-flight and maintenance-related engine runs in locations where the wind or distance helps minimise the carriage of noise off-aerodrome.
- 16.4 Maintenance engine runs are not permitted in lease areas.

17. AIRCRAFT DETENTION

- 17.1 Should any aircraft, its parts and/or accessories of the user be at any WSC Aerodrome, WSC shall have the right to detain the aircraft while any charges due to WSC remain unpaid. The right of detention applies to either:
 - a) the aircraft, its parts or accessories in respect of which the charges were incurred (whether or not they were incurred by the person who is the owner or operator at the time when the right of detention is exercised); or
 - b) Any other aircraft, its parts and accessories of which the person in default is the owner or operator at the time when the detention begins.
- 17.2 If the charges are not paid within 30 days of the date when the detention begins, WSC may, in any way it thinks fit, sell, remove or otherwise dispose of the aircraft and any of its parts and accessories in order to satisfy the charges.
- 17.3 The right of detention is not lost because the aircraft has departed from any WSC Aerodrome. The right of detention conferred by this document continues and is exercisable by WSC at any time when the aircraft is at WSC Aerodromes. The exercise by WSC of this right of detention is not to be taken to be, and shall not be deemed, to be a refusal to give access to WSC Aerodromes.

18. COMPLY WITH LEGISLATION

- 18.1 The user must comply with all applicable WSC policies, requirements and orders of authorities and all laws including, without limitation, all relevant environmental protection laws and authorities, and the legislation.

19. EXCLUSION OF LIABILITY AND INDEMNITY – INSURANCE

- 19.1 Neither WSC nor its servants, agents or contractors shall be in any way liable for loss of or damage to any aircraft, its parts or accessories or any property contained in the aircraft:
- a) occurring while the aircraft is at WSC Aerodromes or is in the course of training, landing at or taking off from WSC Aerodromes, being refuelled or being removed or dealt with elsewhere; and/or
 - b) arising or resulting directly or indirectly from any act, omission, neglect or default on the part of WSC and/or its servants, agents or contractors; unless done with the intent to cause damage or recklessly and with knowledge that damage would probably result.
- 19.2 In addition to the above, the user agrees to indemnify and keep indemnified WSC, its servants, agents and contractors, from and against all claims, actions, liabilities and losses arising from, and any costs, charges and expenses incurred in connection with:
- a) loss of or damage to any property; or
 - b) injury or death to any person, caused by:
 - i. an act, negligence or default of the user or of their customers, servants, agents or contractors; or
 - ii. some danger created by the user or its customers, servants, agents or contractors (whether or not the existence of that danger was or ought to have been known to the user or its customers, servants, agents or contractors); or
 - iii. the operation of any equipment, machinery or thing by any person (other than the negligent operation of any equipment, machinery or thing by an employee or agent of WSC); or
 - iv. any other act or thing other than the negligence or default of WSC which may arise from or in relation to the access and or use of WSC Aerodromes by the user or of its customers, servants, agents or contractors.
- 19.3 The user must effect and maintain with an insurance company in respect of the user's aircraft, its business and its access to and use of WSC Aerodromes, adequate public liability insurance in the names of Wentworth Shire Council and the user for their respective rights and interests for the time being and from time to time in an amount not less than \$20 million in respect of any one claim.

20. RELEASE

- 20.1 The user or its customers, servants, agents or contractors hereby releases and forever discharges WSC, its servants, agents and contractors from and against all claims, actions, liabilities and losses arising from, and any costs, charges and expenses incurred in connection with:
- a) loss or damage or property; or
 - b) injury or death to any person, which the user or its customers, servants, agents, contractors or any person claiming through the user or its customers, servants, agents, contractors or under statute or otherwise now has or at any time hereafter and at all times but for the application and/or execution of this document might have had against WSC, its servants, agents and contractors, caused by:

- i. an act, negligence or default of the user or its customers, servants, agents or contractors; or
- ii. some danger created by the user or its customers, servants, agents or contractors (whether or not the existence of that danger was or ought to have been known to the user or its customers, servants, agents or contractors); or
- iii. the operation of any equipment, machinery or thing by any person (other than the negligent operation of any equipment, machinery or thing by an employee or agent of WSC); or
- iv. any other act or thing other than the negligence or default of WSC which may arise from or in relation to the access and/or use of WSC Aerodromes by the user or its customers, servants, agents or contractors.

21. RELEASE OF WARRANTY

- 21.1 To the fullest extent allowed by law, WSC excludes all warranties or representations in connection with the access and use of Wentworth and/or Pooncarie Aerodrome. If WSC has any liability for breach of any non-excludable condition or warranty implied under any legislation in connection with any goods or services provided by it then, to the fullest extent allowed by law, WSC liability is limited to:
- a) in the case of goods, any one or more of the following:
 - i. the replacement of the goods or the supply of equivalent goods; or
 - ii. the repairs of the goods; or
 - iii. the payment of the cost of replacing the goods, or of acquiring equivalent goods; or
 - iv. the payment of the cost of having the goods repaired.
 - b) in the case of services:
 - i. the supplying of the services again; or
 - ii. the payment of the cost of having the services supplied again.

22. AERODROME UNAVAILABILITY

- 22.1 WSC shall not be liable for any loss suffered by the user as a result of the closure of YWTO or YPCE for whatever reason and for whatever period or any part thereof.
- 22.2 WSC shall not be liable to the user or any other party claiming under, through or for the user for any delays in the movement or scheduling of aircraft for any reason whatsoever.
- 22.3 WSC will use its best endeavours to minimise any closures of YWTO or YPCE or the unavailability of any service or facility at YWTO or YPCE and, where possible, will notify the user of any closure by NOTAM.

23. PRIVACY AND DATA PROTECTION

- 23.1 WSC will comply with the *Right to Information Act 2009* in respect of all personal data collected under these conditions of access and use.
- 23.2 The collection of personal data includes the recording of aircraft radio transmissions.

24. DISPUTE RESOLUTION**24.1 PROCEDURE**

- a) If a party considers that a dispute has arisen in connection with these terms of use, or use effecting WCS aerodromes, then the parties must follow the procedure set out in these terms of use to resolve the issue.

24.2 NOTICE OF AN ISSUE

- a) If a party considers there is an issue, that party must give the other party notice of that issue. The parties must then attempt to resolve the issue in an open and respectful manner.
- b) WSC authorized officers in their reasonable discretion shall resolve all Issues relating to aerodrome regulatory compliance, operational, maintenance, safety and aerodrome access.

24.3 AUTHORISED OFFICERS

- a) WSC Authorised officers shall be, Aerodrome Accountable Manager and Manager for Operations, Maintenance and Safety as described in WSC aerodromes manual as approved by CASA.

24.4 FAILURE TO AGREE

- a) If the issue remains unresolved, WSC Authorised officers have the power to enforce its rights as the aerodrome operator/certificate holder on any decision in its favour to ensure continued operational compliance and safety of the aerodrome/s.

24.5 LEGAL PROCEEDINGS

- a) Nothing in these terms of use prevents either party from commencing legal proceedings for urgent interlocutory or temporary relief.

25. VARIATIONS

- 25.1 WSC reserves the right, at any time to amend, vary or waive any of the terms and conditions of this document without notification or consultation.

Appendix A

Guide to Approve Operations from WSC Aerodromes for and not limited to

Acrobatics, Ballooning, Gliding.

1. Effect on local residents relating to noise and privacy
2. Damage to property both on and off aerodrome (e.g. caused by towropes) and cost recovery for property damage.
3. Increased driver distraction on nearby roads due to operations not usually expected from aerodromes.
4. Approvals required by CASA for the operation
5. Cost recovery for site setup, maintenance during, clean up and decommission following operations.
6. Supervision during operation, both airside and landside.
7. Need for issue of NOTAM
8. Notification to residents
9. Consideration of less experienced aerodrome users while operations are being conducted.
10. Carriage and use of radio during operations
11. Compliance with WSC conditions of use and access.
12. Compliance with Aeronautical Information Publications for the aerodrome
13. Should the aerodrome be closed during operations?
14. Cost recovery due to reduced availability of aerodrome to other users caused by operations. WSC loss if revenue.
15. Charge for use of aerodrome facility, as per our register of fees and charges.
16. Notification to Avdata regarding fees and charges, Billing Details.
17. Aerodrome Safety requirements
18. Operation compliant with CASA MOS139
19. Operations impact on aerodrome OLS should the aerodrome remain open to all users during operation (e.g. balloon height infringing OLS)
20. Ability of emergency services to deal with incident should it arise.
21. Who should advise local emergency services
22. Insurance and WorkCover compliance of operator
23. Other

9.17 PROJECT AND WORKS REPORT UPDATE - DECEMBER 2020

File Number: RPT/20/810

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Administration Officer

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

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

Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the month of November 2020.

Recommendation

That Council notes the major works undertaken for November and the scheduled works for December 2020.

Detailed Report

Refer to Attachments 1 & 2 for updates of the works completed in November and planned activities scheduled for December 2020.

Attachments

1. Attachment 1 - Project and Works Update[↓](#)
2. Attachment 2 - Project and Works Photos[↓](#)

Projects and Works update for November 2020

Roads

- Heavy Patching works commenced 23 November, with 9 areas identified along the Sturt Highway and 3 areas along the Silver City Highway. Line marking for these areas is to be completed mid-December.
- Pedestrian fence installation along Hendy Road has been rescheduled to mid-December due to delays incurred in completing the asphalt and line marking at Midway IGA.
- Roads to Recovery reseal works commenced Monday 23 November and will continue through to mid-December.
- Gol Gol school crossing - linemarking completed 27 November with the Pedestrian Fence installed 30 November.
- Golf Course Road, Dareton sealing works completed 27 November, line marking scheduled to commence mid-December.
- As part of the Repair Program construction on the next 4km section of Arumpo Road will commence with initial set out works commenced mid-November with works crews moving on site 4 December.

Maintenance Grading

- Maintenance grading was completed to remove known hazards and improve the conditions on the following roads; Ivanhoe, Pooncarie-Menindee, Arumpo and Top Hut roads.

Road Safety Works Update

- National Road Safety Week was acknowledged across the community in November. Schools, Community, Barrier Police District and Council staff remembered those lost to road trauma and pledged to "Drive So Others Survive".

Projects

Wentworth Aerodrome Upgrade

- Construction works on the new toilet block completed.
- Aerodrome Office building completed and operational.
- The final draft documents for the Aerodrome user's manual and fees & charges is being presented to the December Council meeting for endorsement.
- Sealing contractor has commenced bitumen prime works.
- Concrete pad installed for the generator to be installed on.
- Establishment of wind directional indicators, ground signal area, installation of required markers and line marking works have commenced.
- Installation of runway lighting works continuing

Barrett Pavilion

- Final inspection completed by Regional Building Consultants.
- Final plumbing inspection completed by Council's Plumbing inspector.
- Defects inspection completed prior to entering into 12-months defects liability period.

Buronga EDS

- Express Engineering are currently constructing the slab fence offsite.
- Switchboard platform constructed.
- Gangway delivered to site.

- All items awaiting slab preparation prior to installation.

Buronga Riverfront

- The tender for the Buronga Riverfront Nature Play & Landscaping has been awarded.
- Works to commence early January 2021.

Carramar Drive oval fencing

- Request for quote has been issued, closing date for quotes due 4 December 2020.
- Area where new fence is required has been determined.

Dareton Sewer Upgrade

- New inlet works epoxy lining of concrete completed, new slide gates installed.
- Dareton sewer treatment plant, turned off and desludging cleaning process finished.
- All flows from Dareton have now been diverted to new pump station and new SRM.
- Testing and monitoring of new pump station continues.
- Power and water isolated to site at Dareton sewer treatment plant for demolition.
- Contractor has commenced demolition works at sewer plant.

George Gordon Oval Perimeter Fencing

- Request for quote has been issued, closing date for quotes is 16 December 2020.
- The scope of works includes modification to 530m of fence, installation of 920m of new fencing together with new entrance and PA gates.

Gorge Gordon Netball Courts

- The shade structures have been erected by the Wentworth Football Netball Club.
- The final additional fencing segment has been completed.

Gol Gol Water Treatment Plant Electrical and Process upgrade

- Chlorine dosing system changed over.
- Lime dosing changeover.
- Powder Activated Carbon (PAC) dosing system changed over.
- Working with wildlife refuge to secure water to reserve, water trough donated in readiness for installation.
- Concrete paths around lunch room installed.
- Handrailing installed around filter area for WH&S safety.
- System functioning testing continuing for each dosing system as it's changed over.
- Security fencing installed at Balance tank site.
- Laboratory cabinetry installed.
- Laboratory painted.
- Dosing system readers being installed in laboratory.
- Lunch room fit out, supply and installation of fridge, microwave, kettle, kitchen table, cutlery etc.
- Reinstatement of lawn areas with irrigation sprinklers, monitoring and watering continues.

Midway Centre - Bendigo Bank Agency

- Council's IT contractors have installed computers, printers and established line connections ready for opening.
- Fit out works have been completed.
- Awaiting Bendigo Bank to supply internal signage.

Anabranch Hall Painting

- The hall has undergone internal and external repairs prior to painting, these works include;
 - Lower section of roof replaced,
 - Installed two new internal doors,
 - Repairing holes in internal walls,
 - Installing new internal door trims,
 - Installed new external ceiling eaves in areas where required.
- Hall has been painted internally along with the external painting of doors and window frames.

Pooncarie Hall Painting

- Hall has undergone internal and external repairs prior to painting, these works include;
 - Broken window replaced,
 - Replaced water damaged ceiling sheets,
 - Internal holes in walls patched,
 - New external hand rail installed on south stairs,
- Painting of Hall to commence week beginning 30 November, with works scheduled for completion 11 December.

Pitman Avenue & Wood Street Shared Paths

- Contracts for Pitman Ave and Wood St have been awarded for the completion of the shared path works.
- Works are scheduled to commence February 2021.

Perri Sandhills

- Perri Sandhills toilet walls have been re-sheeted with new tin and the frame re-painted.

Wentworth Sewer Upgrade

- The Contractors electrical contractor continues to undertake SCADA works to Sewerage Pumping Stations #1 and #2.
- Control philosophy continues to be developed.
- Neville Street Stormwater redesign underway, with works to recommence on completion of redesign.
- Lagoon perimeter vermin proof fencing construction commenced.

Wentworth Riverfront

- Tenders received and initial evaluation completed.
- Department of Primary Industries (Fisheries) have raised further concerns relating to the use of steel sheet piling.
- Amendments to the Review of Environmental Factors being undertaken to address Fisheries concerns including seeking suitable sites to provide an Environmental offset.

Wentworth Riverfront BBQ & Nature Play Area

- The tender for the nature play area landscaping has been awarded. Works to include; earthworks, crusher dust path installation, shade structure installation, BBQ installation, supply of playground soft fall, and vegetation / landscaping.
- The playground is currently being manufactured with installation scheduled for January 2021.
- The electrical works have commenced and are expected to be completed January 2021.

Willow Bend Caravan Park Upgrade

- Stage 1, 2, and 3 electrical works have been completed.

Projects and Works scheduled for December 2020**Roads**

- Arumpo Road reconstruction continuing through December and scheduled to be completed early 2021.
- Adelaide Lane Gol Gol, request for quotations of the installation of stormwater drain and pits to be issued mid-December, closing date for quotes 1 February 2021.

Maintenance Grading

- Planned maintenance grading to remove known hazards and improve the conditions on; Garnpang, Gol Gol and Polia Roads.

Road Safety Update

- Students, Teachers, Barrier Police and our Road Safety Officer enjoyed a Bike Week Safety Day at Dareton Public School Friday 4 December. NSW Road Safety provided indigenous artwork helmets and each child was fitted with their own helmet. A bike maintenance workshop, scooter and bike washing station and a speed radar competition had everyone laughing and learning new skills. Special thanks to the families who donated bikes and scooters to the school.

Projects**Wentworth Aerodrome Upgrade**

- Asphalt and sealing to continue into second week December.
- Linemarking scheduled for completion prior to Christmas.
- Landscaping of the entrance way to the Aerodrome programmed to commence early January.
- Landscaping around internal buildings to commence early January.
- Further works to extend tie down parking and larger areas is being undertaken as part of provisional contract item works, preliminary designs and drawings expected from the consultants mid-December.

Midway Centre - Bendigo Bank Agency

- The last of the security features to be installed 3 December.

Barrett Pavilion

- External door seals to be placed and stormwater outlets to be completed.

Buronga EDS

- Pit excavation and installation works to commence early December.
- Slab installation to commence on the completion of the pit works.

Buronga Riverfront

- Contract documentation to be finalised start of December.
- Site set-out to commence mid-December.
- Hardscape items to be finalised with the contractor.

Dareton Sewer Upgrade

- Commence installation of Lagoon 1 GCL Liner.
- Continue demolition of Dareton Sewer Treatment Plant.

George Gordon Netball Courts

- Contractor to confirm the dates for the LUX testing of the flood lights.
- Court repairs scheduled to commence early 2021 following delays with access to NSW by Melbourne based contractors.

Gol Gol Water Treatment Plant Electrical and Process upgrade

- Contractor to continue testing dosing systems for commissioning.
- Laboratory refurbishment works continuing.
- Relocation of turbidity meters to laboratory.
- Deployment of PLC and SCADA architecture and testing system as changeover of individual areas occur.
- Chemical dosing flushing systems to be installed.
- Painting of Filter, Clear water tank and Balance tanks to be completed.
- Repairs to lagoon 1 outlet valve.
- Cleaning of Lagoon 1, desludging of waste material to waste bunded area of plant reserve area.
- Upgrading of mains power cabling and new CT meter to be installed.

Pitman Avenue and Wood Street Shared Paths

- Council to advise impacted residents of footpath works in Wood Street.
- Pitman Avenue residents to be advised of planned works in 2021, with other residents notified as shared path locations are finalised.

Pooncarie Hall Painting

- Painting of Hall scheduled to be completed 11 December.

Wentworth Sewer Upgrade

- Neville Street Stormwater works will continue in areas where possible, culverts will be placed, infrastructure assets will require lowering for works to continue. Filtered and Raw water mains need lowering, Telstra will be required to be relocated.
- Cleaning out of lagoon 2 to commence and stock pile sludge onsite to dry out.
- Finish hanging gates around perimeter fencing.

Wentworth Riverfront BBQ & Nature Play Area

- The playground is currently being manufactured with installation scheduled for January 2021.
- Wall Constructions to commence site set-out and fencing mid-December.
- Earthworks to commence mid-December through to early January.

Willow Bend Caravan Park Upgrade

- Council have engaged an engineering consultant to design the remaining service assets including: sewer, filtered water, raw water, irrigation, internal electrical supply (lighting and powered sites), and fire services.



Image 1 – Willow Bend Caravan Park switch board



Image 2 – George Gordon netball court shade structure



Image 3 - IGA roadworks



Image 4 – Sealing of Golf Course Road



Images 5 – 11 – Gol Gol WTP upgrade progress



Images 12 - 15 - Dareton Sewer Rationalisation, demolition works on the old sewerage treatment plant





Images 16- 20 - Wentworth Sewer Rationalisation



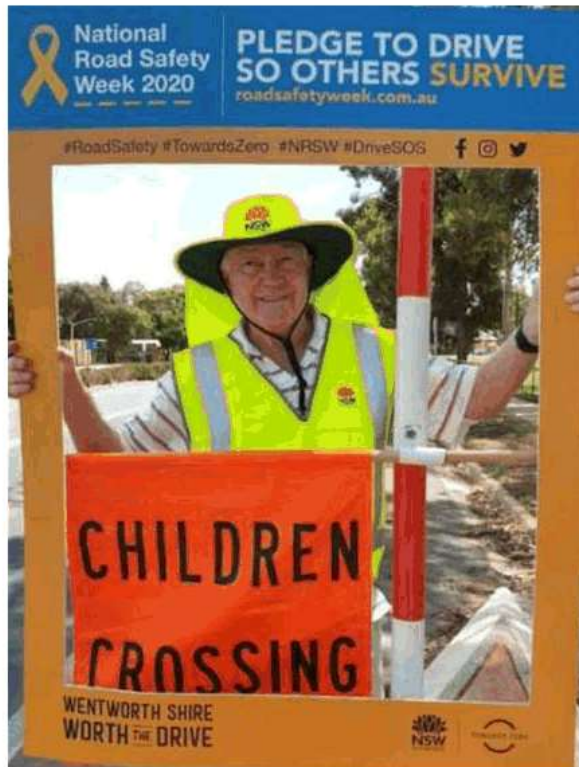
Images 21 & 22 – Perri Sandhills toilet refurb



Images 23 & 24 – Bendigo Bank agency at Midway Service Centre



Images 25 & 26 – Anabranch Hall improvements



Images 27 & 28 – National Road Safety Week throughout the Shire





Image 29 & 31 Bike Safety week at Dareton Primary School





image 32 & 35 - Sealing and asphalt works underway at the Wentworth Aerodrome

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

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

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

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

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

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

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

Recommendation

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

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

12.1 Water Account Reduction Request. (RPT/20/763)

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 (b) discussion in relation to the personal hardship of a resident or ratepayer.

12.2 Plant Replacement - Approval of Tenders for replacement of Plant 648 Mazda BT50 & Plant 649 Mazda BT50. (RPT/20/794)

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

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 WATER ACCOUNT REDUCTION REQUEST

File Number: RPT/20/763

Responsible Officer: Geoff Gunn - Director Roads and Engineering
Responsible Division: Roads and Engineering
Reporting Officer: Barbara George - Administration Officer, Roads and Engineering

Objective: 3.0 Wentworth is a community that works to enhance and protect its physical and natural assets
Strategy: 3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long term interests of future generations

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) discussion in relation to the personal hardship of a resident or ratepayer.

12.2 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 648 MAZDA BT50 & PLANT 649 MAZDA BT50

File Number: RPT/20/794

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.

13 CONCLUSION OF THE MEETING

NEXT MEETING

20 January 2021