



WENTWORTH SHIRE COUNCIL

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

20 OCTOBER 2021

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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

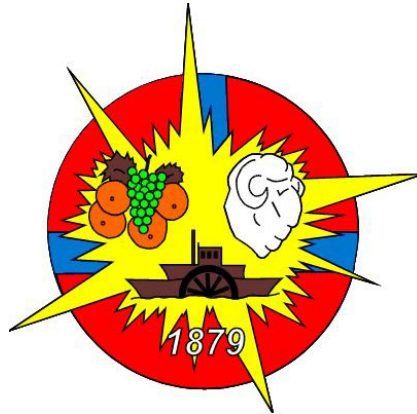
3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4 DISCLOSURES OF INTERESTS

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 15 September 2021 be confirmed as circulated.



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

15 SEPTEMBER 2021

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 10:01AM

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 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)
Jessica O'Neill (Business Support Officer)
Samantha Wall (Administration)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council notes the apologies and grants the Leave of Absence Request from Cr. McKinnon.

Moved Cr. Heywood, Seconded Cr. Wheeldon

CARRIED

4 DISCLOSURES OF INTERESTS

Cr MacAllister recorded her pecuniary interest in a development consent approved under delegated authority.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 18 August 2021 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 18 August 2021 be confirmed as circulated.

Moved Cr. Nunan, Seconded Cr. Heywood

CARRIED

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/21/552

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

Recommendation

That Council notes the list of outstanding matters as at 8 September 2021.

Council Resolution

That Council notes the list of outstanding matters as at 8 September 2021.

Moved Cr. Heywood, Seconded Cr. MacAllister

CARRIED

7 MAYORAL AND COUNCILLOR REPORTS

Nil

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 MAYORAL REPORT

File Number: RPT/21/561

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

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

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

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Nichols for the period of 9 August 2021 – 7 September 2021.

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. Nichols, Seconded Cr. MacAllister

CARRIED

9.2 GENERAL MANAGER'S REPORT

File Number: RPT/21/521

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 21-24 to 21-27
2. Meetings
As listed
3. Upcoming meetings or events
As listed
4. Other items of note

Recommendation

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

Council Resolution

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

Moved Cr. MacAllister, Seconded Cr. Heywood

CARRIED

9.3 WENTWORTH REGIONAL TOURISM INC. - REQUEST FOR FINANCIAL ASSISTANCE FOR PRODUCTION OF WENTWORTH SHIRE AND OUTBACK VISITOR INFORMATION GUIDE

File Number: RPT/21/523

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 support to Wentworth Regional Tourism Inc. for the production of the updated Wentworth Shire and Outback Visitor Information Guide. The Guide is produced on a biennial basis and is due for updating in early 2022.

Recommendation

That Council consider the request to financially support the production of the updated Wentworth Shire and Outback Visitor Information Guide, by choosing one of the following options:

- a) providing financial support of the requested value of \$27,750;
- b) providing financial support to a different monetary value; or
- c) not provide any financial support.

Council Resolution

That Council provide financial support to Wentworth Regional Tourism to the value of \$27,750 to support the production of the updated Wentworth Shire and Outback Visitor Information Guide.

Moved Cr. Heywood, Seconded Cr. Evans

CARRIED

9.4 UNION PICNIC DAY

File Number: RPT/21/525

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

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

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

Summary

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

Recommendation

That Council:

- a) Approves Tuesday 2 November 2021 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union;
- b) Requires Non-union members to apply for leave should they want the 2 November 2021 off.

Council Resolution

That Council:

- a) Approves Tuesday 2 November 2021 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union;
- b) Non-union members will receive the same day off as a good will day and shall be known as a Melbourne Cup Day holiday

Moved Cr. Nunan, Seconded Cr. Heywood

CARRIED

Cr MacAllister requested that her vote against the motion be recorded.

9.5 MONTHLY FINANCE REPORT

File Number: RPT/21/537

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

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

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

Summary

Rates and Charges collections for the month of August 2021 were \$2,807,512.29. After allowing for pensioner subsidies, the total levies collected are now 33.58%. For comparison purposes 34.73% of the levy had been collected at the end of August 2020. Council currently has \$38,455,152.93 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr. Evans, Seconded Cr. Heywood

CARRIED

9.6 MONTHLY INVESTMENT REPORT

File Number: RPT/21/543

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Bryce Watson - Accountant

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

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

Summary

As at 31 August 2021 Council had \$26 million invested in term deposits and \$12,455,152.93 in other cash investments. Council received \$7,035.62 from its investments for the month of August 2021.

In August 2021 Council investments averaged a rate of return of 0.38% and it currently has \$6,736,496.56 of internal restrictions and \$21,442,895.34 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr. Nunan, Seconded Cr. Elstone

CARRIED

9.7 ANNUAL DISCLOSURES OF DESIGNATED PERSONS

File Number: RPT/21/538

Responsible Officer: Simon Rule - Director Finance and Policy
Responsible Division: Finance and Policy
Reporting Officer: Ricki Martin - Administration Officer Finance & Policy

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

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

Summary

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

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

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

Recommendation

That Council notes the tabling of the Disclosure Returns for Councillors and Designated persons for the period 01/07/2020 to 30/06/2021.

Council Resolution

That Council notes the tabling of the Disclosure Returns for Councillors and Designated persons for the period 01/07/2020 to 30/06/2021.

Moved Cr. Nunan, Seconded Cr. Wheeldon

CARRIED

9.8 UPDATE ON STATUS OF THE RURAL LAND STRATEGY

File Number: RPT/21/529

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

This report provides Council and the community with a chronological history of the Rural Land Use and Rural Residential Strategy project and how it has evolved in to a Review of Rural Land Planning Controls paper.

The report also explains the process of how the new Review of Rural Land Planning Controls paper will, through a forth coming planning proposal, effect amendments to the Wentworth Local Environmental Plan 2011.

Recommendation

That Council notes the content of the report.

Council Resolution

That Council:

- a) Notes the content of the report and
- b) Resolves to write a letter to the Deputy Premier and Department of Planning regarding Council's disappointment and frustration of the bureaucratic process and requesting the Deputy Premier intervene to expedite an outcome. The chronology within the report is to be included in this letter.

Moved Cr. Wheeldon, Seconded Cr. MacAllister

CARRIED

At 11:05 am Councillor Jane MacAllister left the Council Chambers.

9.9 DELEGATED AUTHORITY APPROVALS AS AT END OF AUGUST 2021

File Number: RPT/21/544

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration Officer

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

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

Summary

For the month of August 2021, a total of 29 Development Applications and two S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$4,940,339.00. This brings the year to date total to 117 Development Applications and 23 S4.55 Applications approved, with an estimated development value of \$18,468,518.00.

Recommendation

- a) That Council receives and notes the report for the month of August 2021.
- 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 August 2021.
- 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. Heywood, Seconded Cr. Evans

CARRIED

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

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

For the Motion : Cllr.s Elstone, Evans, Heywood and Wheeldon.

Against the Motion: Nil.

At 11:06 am Councillor Jane MacAllister returned to Council Chambers.

9.10 PROJECTS AND WORKS REPORT UPDATE - AUGUST 2021

File Number: RPT/21/540

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & 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

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 August 2021.

Recommendation

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

Council Resolution

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

Moved Cr. MacAllister, Seconded Cr. Elstone

CARRIED

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 DOGS AT DARETON

Cr Peter Nunan advised that the dogs are still an issue so it would be beneficial to have another roundup.

10.2 TIP TOKENS

Cr Jane MacAllister queried the use of the tip tokens.

Director of Finance and Policy explained that as green waste is no longer free the tip tokens were beneficial to the users of the landfills.

Cr Elstone brought to the attention of Council the fact that the Menindee Lake system is currently 101% full. This is evidence of good water levels but it is essential council is conscious of the allocations and potential flood threats. Council cannot relax in its participation and advocacy for the future water needs of our communities.

11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

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

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

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

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

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

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

Recommendation

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

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

12.1 Wentworth Aerodrome Upgrade - Stage 3 Runway 17/35 - Supply VIC Roads Class 3 Road Base Material - PT2122/01. (RPT/21/542)

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.

. Wentworth Aerodrome Stage 3 - Runway 17/35 - Supply & Installation of Aerodrome Lighting - PT2122/02. (RPT/21/568)

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. Nunan, Seconded Cr. Wheeldon

CARRIED

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 WENTWORTH AERODROME UPGRADE - STAGE 3 RUNWAY 17/35 - SUPPLY VIC ROADS CLASS 3 ROAD BASE MATERIAL - PT2122/01

File Number: RPT/21/542

Responsible Officer: Geoff Gunn - Director Roads and Engineering
Responsible Division: Roads and Engineering
Reporting Officer: Tarryn Kampman - Coordinator Roads & 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 in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepts the tender from Waters Excavation Pty Ltd, Option 2, to carry the supply and delivery of 8,300 tonne VIC Roads Class 3 wetmix road base material together with the provisional quantity of 1,000 tonne for Contract PT2122/01 in the amount of \$278,153.70 inc GST, and authorise the Mayor and General Manager to sign the contract documentation and affix the Council Seal.

12.2 WENTWORTH AERODROME STAGE 3 - RUNWAY 17/35 - SUPPLY & INSTALLATION OF AERODROME LIGHTING - PT2122/02

File Number: RPT/21/568

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & 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 in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from Advanced Airport Lighting, Option 2, to carry out the supply and installation of Aerodrome Lighting for Contract PT2122/02, in the amount of \$456,095.00 including GST and authorised the Mayor and General Manager to sign the contract documentation and affix the council seal.

13 CONCLUSION OF THE MEETING

Meeting concluded at 11:31am

NEXT MEETING

20 October 2021

.....
CHAIR

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/21/598

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

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

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

Summary

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

Officer Recommendation

That Council notes the list of outstanding matters as at 13 October 2021.

Additional Information

Nil

Attachments

1. Outstanding Matters as at 13 October 2021

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/21/459

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Nichols for the period of 6 September 2021 – 8 October 2021.

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 6 September 2021 – 8 October 2021.

Date	Meeting	Location
6 Sept 2021	Mayoral Meeting	Wentworth
14 Sept 2021	Mayoral Meeting	Wentworth
21 Sept 2021	Mayoral Meeting	Wentworth
24 Sept 2021	FWJO Board Meeting	Video Conference
28 Sept 2021	Meeting with Helen Dalton	Buronga
28 Sept 2021	Press Conference with Helen Dalton	Gol Gol
28 Sept 2021	Mayoral Meeting	Buronga
4 Oct 2021	WRTI Meeting	Coomealla
5 Oct 2021	Mayoral Meeting	Wentworth

Attachments

Nil

**7.2 WILLANDRA LAKES REGION WORLD HERITAGE ADVISORY COMMITTEE
REPORT JULY 2021**

File Number: RPT/21/583

Summary

Report from Willandra Lakes Region World Heritage Advisory Committee of which Councillor MacAllister is the local government representative.

Recommendation

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

Cr MacAllister has provided the attached report for tabling from the advisory committee.

Attachments

1. Willandra Lakes Region World Heritage Advisory Committee Report July 2021



Willandra Lakes Region World Heritage Advisory Committee Report July 2021

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 Australian Government Minister for the Environment and the Intergovernmental Management Committee - which includes all the agencies responsible for the Willandra Lakes Region - on the protection, conservation, presentation and transmission to future generations of the World Heritage values of the Willandra Lakes Region.

The Advisory Committee report is a public document and provides an overview of each Advisory Committee meeting for both the Intergovernmental Management Committee and broader stakeholder groups.

As a result of COVID restrictions, the seventh Advisory Committee meeting, held on the 6 July 2021, was both online and face to face. A key focus of the Advisory Committee continues to be the development of a research prospectus and developing the role of the Aboriginal Advisory Group (AAG) and Advisory Committee in the consideration and development of research proposals; currently the AAG receives and considers proposals and the role of the Advisory Committee is to provide strategic direction and identify future priorities. The research draft prospectus has identified key research themes: Sustaining the health of Country and its cultural values; Language and lore, Traditional Knowledge and skills; The changing cultural landscape; Sharing and archiving information.

At the July 2021 meeting, the Advisory Committee unanimously recorded its continued support for the AAG in its decision to rebury the Willandra ancestral remains. The formal advice that the Advisory Committee has provided to the NSW and Australian Government ministers for the Environment, also support this position.

NSW Western Local Lands Service provided an overview of the Willandra Rabbit Control Program. The Advisory Committee noted that the control program has been successful with four properties in the northern and southern sections of the Willandra Lakes Region.

The draft Advisory Committee handbook has been circulated to Advisory Committee members. The Handbook has been developed by the NSW National Parks and Wildlife Service in accordance with the NSW Government Boards and Committees Guidelines and acts in part as induction for new committee members.

The Advisory Committee received a presentation of the Sharing Stories Foundation Digital Reality application (App). The App has potential to enhance the visitor experience to Mungo National Park and broaden the public awareness of the World Heritage site's values. The Community Research and learning facility at Leaghur Homestead and precinct was also discussed scheduled for completion in October 2021..

For more information contact the Willandra Lake Region 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:

www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/types-of-protected-areas/world-heritage-listed-areas/world-heritage-area-advisory-committees

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/21/457

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

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

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

Summary

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

1. OLG Circulars
Circulars 21-28 to 21-31
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 Circular 21-28

Updated Integrated Planning and Reporting Guidelines and Handbook

- Amendments to Sections 402, 403, 404, 405 and 406 streamline integrated planning and reporting requirements.
- Section 402A requires councils to establish and implement a strategy (called its community engagement strategy) for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters).
- The council must prepare and implement a community engagement strategy based on social justice principles for engagement with the local community in developing and reviewing the Community Strategic Plan following the ordinary local government election.
- A council is not required to establish and implement a community engagement strategy in accordance with section 402A, as inserted by the amending Act, until 12 months after the next ordinary election of councillors following that amendment.
- State of environment reporting is no longer required from the commencement of the new cycle of integrated planning and reporting following the ordinary local government election.

- The new Section 428A requires councils to appoint an Audit, Risk and Improvement Committee which is to keep under review aspects of the council's operations including implementation of the strategic plan, delivery program and strategies, service reviews and the collection of performance measurement data by the council.

1.2 Circular 21-29

Release of the Guideline on the Use of Management of Credit Cards

- Councils must take this Guideline into consideration when developing or reviewing their credit card policy. This will ensure greater consistency across the sector in terms of how credit cards are managed, and inherent risks are minimised.
- The Guideline is divided into two parts:
 - Part A provides a list of core responsibilities that councils should consider as foundational elements of their credit card policy and related procedures; and
 - Part B provides operational guidance that expands on these core responsibilities with practical advice on best practice credit card management and the responsibilities of individual cardholders, including risk management, preventative controls and detective controls.
- The Guideline is based on the NSW Treasury's credit card policy and guidelines for NSW state agencies ([TPP21-02 Use and management of NSW Government Purchasing Cards](#) (PDF)) to the extent its principles are relevant to local government.
- The Guideline was developed in response to a performance audit of credit card usage at six local councils by the NSW Audit Office, which released its [Final Report](#) on 3 September 2020.

1.3 Circular 21-30

Pre-Election Guide for Councils

- Councils' elections will be held on **4 December 2021**.
- The Guide provides guidance on the following:
 - the preparation and confirmation of non-residential rolls
 - the use of council resources for election purposes
 - staff political activities in the lead up to the elections
 - council publications during the "regulated period" in the 40 days prior to the election
 - publication of the end of term report
 - attendance by the mayor and councillors at council and community events prior to the election
 - media comment by the mayor and councillors prior to the election
 - caretaker restrictions in the 4 weeks preceding election day
 - planning for the first council meeting following the election
 - delegations to the general manager during the election period.

1.4 Circular 21-31

Post-Election Guide on key decisions and activities for councils, country councils and joint organisations following the local government elections

- Councils' elections held on **4 December 2021** are likely to be declared between **21 and 23 December 2021**. Councils, county councils and joint organisations should schedule their first meetings following the elections on this basis.

- Among other things, **at the first meeting after the election:**
 - all councillors and members of county councils must take an oath or make an affirmation of office - councillors are not permitted to participate in meetings until they have done so (section 233A of the *Local Government Act 1993* (the Act))
 - councils must, by resolution, declare that casual vacancies occurring in the office of a councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means – councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election (section 291A of the Act)
 - councils that elect their mayors must hold a mayoral election (section 290 of the Act) and an election for deputy mayor where they have one
 - joint organisations must elect a new chairperson (clause 1 of Schedule 7A of the *Local Government (General) Regulation 2005* (the Regulation))
 - county councils must elect a new chairperson (clause 1 of Schedule 8 of the Regulation).
- **Within 3 months of the election:**
 - all councillors, members of county councils and voting representatives of the boards of joint organisations must lodge a written return of interests with the general manager (or the executive officer in the case of joint organisations) unless they have submitted a return within the previous three months (clause 4.21(a) of the *Model Code of Conduct for Local Councils in NSW*).
- **In the first 6 months following the election:**
 - councils and county councils must provide induction training for newly elected mayors and councillors and refresher training for returning mayors and councillors (clauses 183 and 184 of the Regulation) – councils are required to report on the mayor's and councillors' participation in induction or refresher training in their annual reports (clause 186 of the Regulation).
- **Before 30 June 2022:**
 - councils must have reviewed the community strategic plan – the draft community strategic plan must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the plan is endorsed by it (section 402 of the Act).
 - councils must establish a new delivery program to cover the principal activities of the council for the 4-year period commencing on 1 July 2022 - the draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted (section 404 of the Act).
- **In the first 12 months following the election:**
 - councils' and county councils' local approvals and local orders policies are automatically revoked unless readopted after the ordinary election (section 165 of the Act)
 - councils, county councils and joint organisations must adopt an expenses and facilities policy following public exhibition and the consideration of submissions (section 252(1) of the Act)
 - councils, county councils and joint organisations must review and may re-determine their organisation structure (section 333 of the Act)
 - councils, county councils and joint organisations must adopt a code of meeting practice that incorporates the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW* following public exhibition and the consideration of submissions – councils' adopted codes

may also incorporate the non-mandatory provisions and other provisions (section.360(3) of the Act)

- o councils and county councils must review their delegations (section 380 of the Act)
- o councils, county councils and joint organisations must review their code of conduct (section 440(7) of the Act)
- o joint organisations must, in consultation with their member councils, adopt a statement of strategic regional priorities setting out the priorities for the joint organisation area and the strategies and plans for delivering them (clause 397H) of the Regulation).

1.5 Circular 21-32

Government endorses new rate peg methodology to support growing councils

- Councils with growing residential populations will be able to raise notional general income by an additional population factor as part of the rate peg from 2022-23.
- The population factor for each council will reflect estimated residential population growth less revenue received from supplementary valuations that year.
- This will increase revenue for many councils serving growing communities. No council will be worse off under the new methodology.
- IPART has estimated that, for example, over the past four years, the new rate peg methodology would have increased total general income for the local government sector by 1.5%, or \$287 million.

2. Meetings

Following is a list of meetings or events attended by the General Manager for the period of 6 September 2021 – 8 October 2021.

Date	Meeting	Location
6 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
6 Sept 2021	REOC Briefing	Video Conference
6 Sept 2021	Cross Border Commissioner Briefing for Border LGAs	Video Conference
8 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
9 Sept 2021	Cross Border Commissioner Briefing for Border LGAs	Video Conference
9 Sept 2021	Wentworth Collaborative Care Project	Video Conference
10 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
13 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
13 Sept 2021	Cross Border Commissioner Briefing for Border LGAs	Video Conference
14 Sept 2021	Mayoral Meeting	Wentworth
15 Sept 2021	Ordinary Council Meeting	Wentworth
15 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
17 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
20 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
20 Sept 2021	Cross Border Commissioner Briefing for Border LGAs	Video Conference

21 Sept 2021	Mayoral Meeting	Wentworth
22 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
24 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
24 Sept 2021	FWJO Board Meeting	Video Conference
27 Sept 2021	Cross Border Commissioner Briefing for Border LGAs	Video Conference
28 Sept 2021	Helen Dalton Meeting	Buronga
28 Sept 2021	Steve Heywood Meeting with Mayor, Deputy Mayor and General Manager	Buronga
28 Sept 2021	Mayoral Meeting	Buronga
29 Sept 2021	Joint Wentworth & Balranald LEMC	Video Conference
30 Sept 2021	Cross Border Commissioner Briefing for Border LGAs	Video Conference
5 Oct 2021	Mayoral Meeting	Wentworth
5 Oct 2021	FNWJO and FSWJO	Video Conference
6 Oct 2021	Joint Wentworth & Balranald LEMC	Video Conference
6 Oct 2021	Wentworth Civic Centre Body Corporate AGM	Video Conference
6 Oct 2021	LEMC Welfare Subgroup Balranald & Wentworth	Video Conference
6 Oct 2021	Owners Strata Plan 71990 – Wentworth Civic Centre Body Corporate AGM	Video Conference
7 Oct 2021	Cross Border Commissioner Briefing for Border LGAs	Video Conference
7 Oct 2021	Extraordinary Joint Wentworth & Balranald LEMC (daily until further notice)	Video Conference

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
22 Oct 2021	FWJO Board Meeting	Ken Ross	Video Conference
26 Oct 2021	Internal Audit & Risk Management Committee Meeting	Councillors, Ken Ross, Directors & Bryce Watson	Wentworth
27 Oct 2021	Joint Wentworth & Balranald LEMC	Ken Ross	Video Conference
27 Oct 2021	LEMC Welfare Subgroup Balranald & Wentworth	Ken Ross	Video Conference
28 October	Wentworth Hospital Redevelopment – Council Update	Ken Ross	Video Conference
2 Nov 2021	Joint Wentworth & Balranald LEMC	Ken Ross	Video Conference

3 Nov 2021	LEMC Welfare Subgroup Balranald & Wentworth	Ken Ross	Video Conference
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4. Other items of note

Nil

Attachments

1. OLG Circular 21-28
2. OLG Circular 21-29
3. OLG Circular 21-30
4. OLG Circular 21-31
5. OLG Circular 21-32



Office of
Local Government

Circular to Councils

Circular Details	21-28 / 7 September 2021 / A789262
Previous Circular	<i>Circular 16-30</i>
Who should read this	General Managers / staff responsible for Integrated Planning and Reporting activities in council
Contact	Council Engagement Team / 02 4428 4100 olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Updated Integrated Planning and Reporting Guidelines and Handbook

What's new or changing

- As notified in Circular 16-30, the NSW Parliament passed amendments to the *Local Government Act 1993* (the Act) in the *Local Government Amendment (Governance and Planning) Act 2016*.
- Sections 402, 402A, 403, 404, 405 and 406 of the Act have commenced.
- Section 428A (state of the environment report) has been repealed and replaced with 428A (Audit, Risk and Improvement Committee).
- The Office of Local Government (OLG) has revised the Integrated Planning and Reporting Guidelines.
- To support councils to implement these changes in their future integrated planning and reporting practice, the Integrated Planning and Reporting Manual has been updated and renamed as the Integrated Planning and Reporting Handbook (Handbook).

What this will mean for your council

- Amendments to Sections 402, 403, 404, 405 and 406 streamline integrated planning and reporting requirements.
- Section 402A requires councils to establish and implement a strategy (called its community engagement strategy) for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters).
- The council must prepare and implement a community engagement strategy based on social justice principles for engagement with the local community in developing and reviewing the Community Strategic Plan following the ordinary local government election.
- A council is not required to establish and implement a community engagement strategy in accordance with section 402A, as inserted by the amending Act, until 12 months after the next ordinary election of councillors following that amendment.
- State of environment reporting is no longer required from the commencement of the new cycle of integrated planning and reporting following the ordinary local government election.
- The new Section 428A requires councils to appoint an Audit, Risk and Improvement Committee which is to keep under review aspects of the council's operations including implementation of the strategic plan, delivery program and strategies, service reviews and the collection of performance measurement data by the council.

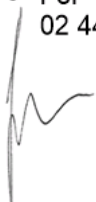
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Key points

- Streamlined integrated planning and reporting requirements are now in place.
- After the next ordinary election, councils are no longer required to prepare a standalone state of environment report.
- Councils are required to establish and implement a strategy (called its community engagement strategy) for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters) no later than 12 months after the next ordinary election.
- Council are required to appoint an Audit, Risk and Improvement Committee to keep under review the implementation of integrated planning and reporting.

Where to go for further information

- The Integrated Planning and Reporting Guidelines and Handbook are available on OLG's website here <https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/>.
- For further information please contact the Council Engagement Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

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Office of
Local Government

Circular to Councils

Circular Details	21-29 / 13 September 2021 / A778846
Previous Circular	N/A
Who should read this	Councillors / General Managers / Finance staff
Contact	Policy Team / (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Release of the *Guideline on the Use and Management of Credit Cards*

What's new or changing

- The Office of Local Government (OLG) has developed the *Guideline on the Use and Management of Credit Cards* (the Guideline) under section 23A of the *Local Government Act 1993*.

What this will mean for your council

- Councils must take this Guideline into consideration when developing or reviewing their credit card policy. This will ensure greater consistency across the sector in terms of how credit cards are managed, and inherent risks are minimised.
- The Guideline is divided into two parts:
 - Part A provides a list of core responsibilities that councils should consider as foundational elements of their credit card policy and related procedures; and
 - Part B provides operational guidance that expands on these core responsibilities with practical advice on best practice credit card management and the responsibilities of individual cardholders, including risk management, preventative controls and detective controls.
- The Guideline is based on the NSW Treasury's credit card policy and guidelines for NSW state agencies ([TPP21-02 Use and management of NSW Government Purchasing Cards](#) (PDF)) to the extent its principles are relevant to local government.
- The Guideline was developed in response to a performance audit of credit card usage at six local councils by the NSW Audit Office, which released its [Final Report](#) on 3 September 2020.

Key points

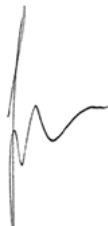
- The use and management of credit cards by councils is an important element of council operations and internal controls that must be included in each council's risk management framework.
- Councils that do not have a credit card policy should note that the [audit risk and improvement committees](#) (ARIC's) that are to be required from 4 June 2022 will review certain aspects of a council's operations, including risk management and fraud control.

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- The Guideline provides an overarching framework and suggested considerations and approaches to guide the development and/or review of credit card policies and related procedures.
- It also allows for sufficient flexibility to allow councils to shape a policy tailored to their size, complexity and risk profile.

Where to go for further information

- The Guideline is available on OLG's website at:
<https://www.olg.nsw.gov.au/councils/council-finances/credit-cards/>.
- For further information please contact the Policy Team on (02) 4428 4100 or by email at olg@olg.nsw.gov.au.



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Office of
Local Government

Circular to Councils

Circular Details	21-30 / 5 October 2021 / A784861
Previous Circular	21-20 Postponement of the local government elections to 4 December 2021
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Councils to Implement

Pre-Election Guide for Councils

What's new or changing

- The Office of Local Government (OLG) has prepared a *Pre-Election Guide for Councils*.
- The Guide provides updated and comprehensive guidance to councils on key tasks that need to be completed prior to the council election. The Guide also provides guidance to councils on the rules, restrictions and other considerations that apply to the decisions councils make and the way they exercise their functions in the lead up to the election.

What this will mean for your council

- Councils' elections will be held on **4 December 2021**.
- The Guide provides guidance on the following:
 - the preparation and confirmation of non-residential rolls
 - the use of council resources for election purposes
 - staff political activities in the lead up to the elections
 - council publications during the "regulated period" in the 40 days prior to the election
 - publication of the end of term report
 - attendance by the mayor and councillors at council and community events prior to the election
 - media comment by the mayor and councillors prior to the election
 - caretaker restrictions in the 4 weeks preceding election day
 - planning for the first council meeting following the election
 - delegations to the general manager during the election period.

Where to go for further information

- The *Pre-Election Guide for Councils* is available on the 2021 Local Government Elections webpage on OLG's website [here](#).
- For further information, contact the Council Governance Team on 4428 4100 or olg@olg.nsw.gov.au.

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Office of
Local Government

Circular to Councils

Circular Details	21-31 / 5 October 2021 / A775482
Previous Circular	21-20 Postponement of the local government elections to 4 December 2021
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Post-Election Guide on key decisions and activities for councils, county councils and joint organisations following the local government elections

What's new or changing

- There are several key decisions and activities that need to occur at the first meetings of councils, county councils and joint organisations following the elections and in the 12 months that follow.
- The Office of Local Government (OLG) has prepared a *Post-Election Guide for Councils, County Councils and Joint Organisations* to assist them to comply with these requirements.

What this will mean for your council

- Councils' elections held on **4 December 2021** are likely to be declared between **21 and 23 December 2021**. Councils, county councils and joint organisations should schedule their first meetings following the elections on this basis.
- Among other things, **at the first meeting after the election**:
 - all councillors and members of county councils must take an oath or make an affirmation of office - councillors are not permitted to participate in meetings until they have done so (section 233A of the *Local Government Act 1993* (the Act))
 - councils must, by resolution, declare that casual vacancies occurring in the office of a councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means – councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election (section 291A of the Act)
 - councils that elect their mayors must hold a mayoral election (section 290 of the Act) and an election for deputy mayor where they have one
 - joint organisations must elect a new chairperson (clause 1 of Schedule 7A of the *Local Government (General) Regulation 2005* (the Regulation))
 - county councils must elect a new chairperson (clause 1 of Schedule 8 of the Regulation).
- **Within 3 months of the election**:
 - all councillors, members of county councils and voting representatives of the boards of joint organisations must lodge a written return of interests with the general manager (or the executive officer in the case of joint organisations) unless they have submitted a return within the previous three months (clause 4.21(a) of the *Model Code of Conduct for Local Councils in NSW*).

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- **In the first 6 months following the election:**
 - councils and county councils must provide induction training for newly elected mayors and councillors and refresher training for returning mayors and councillors (clauses 183 and 184 of the Regulation) – councils are required to report on the mayor's and councillors' participation in induction or refresher training in their annual reports (clause 186 of the Regulation).
- **Before 30 June 2022:**
 - councils must have reviewed the community strategic plan – the draft community strategic plan must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the plan is endorsed by it (section 402 of the Act).
 - councils must establish a new delivery program to cover the principal activities of the council for the 4-year period commencing on 1 July 2022 - the draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted (section 404 of the Act).
- **In the first 12 months following the election:**
 - councils' and county councils' local approvals and local orders policies are automatically revoked unless readopted after the ordinary election (section 165 of the Act)
 - councils, county councils and joint organisations must adopt an expenses and facilities policy following public exhibition and the consideration of submissions (section 252(1) of the Act)
 - councils, county councils and joint organisations must review and may re-determine their organisation structure (section 333 of the Act)
 - councils, county councils and joint organisations must adopt a code of meeting practice that incorporates the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW* following public exhibition and the consideration of submissions – councils' adopted codes may also incorporate the non-mandatory provisions and other provisions (section 360(3) of the Act)
 - councils and county councils must review their delegations (section 380 of the Act)
 - councils, county councils and joint organisations must review their code of conduct (section 440(7) of the Act)
 - joint organisations must, in consultation with their member councils, adopt a statement of strategic regional priorities setting out the priorities for the joint organisation area and the strategies and plans for delivering them (clause 397H) of the Regulation).

Where to go for further information

- Further guidance on each of these requirements is provided in the *Post-Election Guide for Councils, County Councils and Joint Organisations*. The Guide is available on the 2021 Local Government Elections webpage on OLG's website [here](#).
- For further information, contact the Council Governance Team on 4428 4100 or olg@olg.nsw.gov.au.


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Office of
Local Government

Circular to Councils

Circular Details	21-32 / 5 October 2021 / A792407
Previous Circular	20-42 Release of Exposure Draft Bill on local government rating reform
Who should read this	Councillors / General Managers / Rating and Finance Staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Government endorses new rate peg methodology to support growing councils

What's new or changing

- The Independent Pricing and Regulatory Tribunal (IPART) has completed its review of the local government rate peg methodology to include population growth.
- On 10 September 2021 IPART provided the Final Report on this review to the Minister for Local Government, the Hon. Shelley Hancock MP.
- The Minister has endorsed the new rate peg methodology and has asked IPART to give effect to it in setting the rate peg from the 2022-23 financial year.

What this will mean for your council

- Councils with growing residential populations will be able to raise notional general income by an additional population factor as part of the rate peg from 2022-23.
- The population factor for each council will reflect estimated residential population growth less revenue received from supplementary valuations that year.
- This will increase revenue for many councils serving growing communities. No council will be worse off under the new methodology.
- IPART has estimated that, for example, over the past four years, the new rate peg methodology would have increased total general income for the local government sector by 1.5%, or \$287 million.

Key points

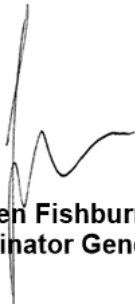
- IPART sets the rate peg each year under the terms of a delegation from the Minister for Local Government.
- The NSW Government has committed to allowing councils to align their income with population growth to better support growing communities across the State.
- In December 2020 IPART was asked to review the rate peg methodology to deliver this commitment and to report to the Minister by September 2021.
- As part of this review, IPART released an Issues Paper on 25 March 2021, a Draft Report on 29 June 2021 and held an online Public Hearing on 20 July 2021.
- On 10 September 2021 IPART provided the Final Report on its review to the Minister.
- IPART proposes that a different rate peg apply to each council to permit that council to increase its notional general income by a population factor.

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5 O'Keefe Avenue NOWRA NSW 2541
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- IPART has advised that this option will maintain total general income on a per capita basis over time, applies to all councils and recognises that councils have different service levels and costs.
- This new population factor will be different for each council, adding any increase to its residential population, as published by the Australian Bureau of Statistics, and then deducting revenue that council has received from supplementary valuations.
- The NSW Valuer General can issue supplementary valuations of properties outside the 3 to 4-year general cycle if changes are recorded on the Register of Land Values. If this results in increased land values, councils receive increases to their general income outside the rate peg.
- To prepare for this reform, an amendment to the *Local Government Act 1993* was made earlier this year to ensure that multiple rate pegs may be set.
- Since IPART issued its Draft Report in June 2021, minor changes have been made to the proposed rate peg methodology to include population growth. The time period for adjusting the value of supplementary valuations has been shifted to make it easier to implement.
- IPART will also correct the population factor for all councils to reflect the difference between estimated and actual population growth when data from the recent census is released, and, going forwards, correct the population factor after each census if the difference in estimated compared to actual population growth for a council is greater than 5%.

Where to go for further information

- IPART's Final Report may be viewed on its website [here](#).
- If you have any questions about the new rate peg methodology, please contact IPART in the first instance on 02 9290 8400 or by email to ipart@ipart.nsw.gov.au.



Kiersten Fishburn
Coordinator General, Planning Delivery and Local Government

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9.2 CHRISTMAS LEAVE ARRANGEMENTS

File Number: RPT/21/571

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

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

Summary

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

Recommendation

That Council approves the Christmas and New Year holiday arrangements.

Detailed Report

Christmas Day in 2021 falls on a Saturday, as does New Year's Day 2022.

The approved public holidays for 2021/22 Christmas/ New Year period are Monday 27 December 2021, Tuesday 28 December 2021 and Monday 3 January 2022.

Additionally, the Australia Day public holiday is on Wednesday 26 January 2022.

It is proposed that the Christmas close-down occurs at the close of business on Friday 24 December with Council Libraries, Main Office and Midway Centre to re-open on Tuesday 4 January 2022. The detailed list of arrangements is on the following table.

Council Area	
Main Administration Office, Midway Service Centre, Council Libraries and Workshop	<ul style="list-style-type: none"> • Closed from close of business Friday 24 December 2021. • Re-open Tuesday 4 January 2022.
Visitor Information Centre	<ul style="list-style-type: none"> • Closed Saturday 25 December 2021. • Closed Sunday 26 December 2021. • Monday 27 December and Tuesday 28 December 2021 – 9am to 1pm. • Wednesday 29 December and Thursday 30 December 2021 – 9am to 4pm. • Friday 31 December 2021 – 9am to 1pm. • Saturday 1 January 2022 - closed. • Sunday 2 January 2022 and Monday 3 January 2022 – 9am to 1pm • Normal operating hours from Tuesday 4 January 2022.
Council Landfill sites	<ul style="list-style-type: none"> • Closed Saturday 25 December 2021, Sunday 26 December 2021 and Saturday 1 January 2022.
Depot Store	<ul style="list-style-type: none"> • Closed Monday 27 December 2021, Tuesday 28 December 2021 and Monday 3 January 2022.

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

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

Attachments

Nil

9.3 DRAFT 2020/2021 ANNUAL FINANCIAL STATEMENTS - REFER TO AUDIT

File Number: RPT/21/577

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

Section 413 of the *Local Government Act 1993* (NSW) (the Act) requires Council to prepare its year end Annual Financial Statements as soon as practicable after year end and to refer those statements to audit.

The audit of the 2020/2021 Annual Financial Statements is being conducted by Nexia Australia on behalf of the NSW Audit Office.

The Act requires Council to comply with a number of obligations in relation to the preparation, audit and presentation of the annual financial report and the auditor's report. A number of delegated authorities are also required to expedite the year end process.

Recommendation

That Council certifies:

- That the Annual Financial Statements have been prepared in accordance with:
 - The *Local Government Act 1993* (NSW) (as amended) and the Regulations made there under.
 - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board.
 - The Local Government Code of Accounting Practice and Financial Reporting.
- To the best of our knowledge and belief, these statements
 - present fairly the Council's operating result and financial position for the 2020/2021 financial year
 - accord with Council's accounting and other records.
- That Council is not aware of any matter that would render these Statements false or misleading in any way.

That Council:

- Adopt the Councillors/Management Statement and resolves that it be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer and that it is attached to the financial statements.
- Delegates to the General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public.
- Delegates to the General Manager the authority to authorise the year end accounts for issue immediately upon receipt of the auditors' reports.

That Council:

Refers the Draft 2020/2021 Annual Financial Statements to audit.

Detailed Report

Purpose

The purpose of this report is to present Council with a draft copy of the 2020/2021 Annual Financial Statements as required by the Act

Background

It is a requirement of the Act that Council prepare its Annual Financial Statements as soon as practicable after year end, in accordance with Australian Accounting Standards and including;

- a General Purpose Financial Report, and
- the prescribed Councillors Statement.

Council's Draft 2020/2021 Annual Financial Statements have been prepared as soon as practicable and are required to be referred to audit. The Statements are being audited by Nexia Australia on behalf of the NSW Audit Office.

The Annual Financial Statements include the Income Statement, Balance Sheet, Statement of Changes in Equity, the Statement of Cash Flows and accompanying notes.

Matters under consideration

Section 413 (1) of the Act states that:

(1) Council must prepare financial reports for each year, and must refer them for audit as soon as practicable (having regard to the requirements of section 416(1)) after the end of that year.

Section 413 (2) (c) of the Act and Clause 215 of the *Local Government (General) Regulation 2015* (The Regulations) require that:

(1) The statement required by Section 413 (2) (c) of the Act must:

(a) be made by resolution of the council; and

(b) be signed by:

(i) the mayor, and

(ii) at least one other member of the council, and

(iii) the responsible accounting officer, and

(iv) the general manager (if not the responsible accounting officer).

(2) The statement must indicate:

(a) whether or not the council's annual financial reports have been drawn up in accordance with:

(i) the Act and this Regulation, and

(ii) the code and the Manual, and

(iii) the Australian Accounting Standards issued by the Australian Standards Board, and

(b) whether or not those reports present fairly the council's financial position and operating result for the year, and

(c) whether or not those reports accord with Council's accounting and other records, and

(d) whether or not the signatories know of anything that would makes those reports false or misleading in any way and include such information and explanations as will prevent those reports from being misleading because of any qualification that is included in that statement.

(3) The Council must ensure that the statement is attached to the relevant annual financial reports.

Section 418 of the Act also requires Council to do the following:

(1) As soon as practicable after council receives a copy of the auditor's reports:

(a) it must fix a date for the meeting at which it proposes to presents its audited financial reports, together with the auditor's reports, to the public, and

(b) it must give public notice of the date so fixed.

(2) The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are given to council.

Given the tight time frames outlined in the Act it is recommended that Council delegate to the General Manager authority to "finalise the date" at which the auditor's report and financial statements are presented to the public.

As soon as practicable after receiving the auditor's reports, the council must send a copy of the auditor's report together with a copy of Council's audited Annual Financial Statements to the Chief Executive Officer of the Office of Local Government. The deadline for submitting the reports is 31 October 2021.

Legal, strategic, financial or policy implications

Nil

Conclusion

The Act requires Council to comply with a number of obligations in relation to the preparation, audit and presentation of the annual financial report and the auditor's report. A number of delegated authorities are also required to expedite the year end process. If the auditors find any material issues or request any material changes to the draft Annual Financial Statements these will be reported to Council at the November Council meeting.

Attachments

1. Draft Annual Financial Statements 2020-21

Wentworth Shire Council

ANNUAL FINANCIAL STATEMENTS
for the year ended 30 June 2021

Wentworth Shire Council

GENERAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2021

Wentworth Shire Council

General Purpose Financial Statements

for the year ended 30 June 2021

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Overview

Wentworth Shire Council is constituted under the Local Government Act 1993 (NSW) and has its principal place of business at:

26-28 Adelaide Street
Wentworth NSW 2648

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note B1-1

Through the use of the internet, we have ensured that our reporting is timely, complete and available at minimum cost. All press releases, financial statements and other information are publicly available on our website: www.wentworth.nsw.gov.au.

Wentworth Shire Council

General Purpose Financial Statements

for the year ended 30 June 2021

Understanding Council's Financial Statements

Introduction

Each year NSW local governments are required to present audited financial statements to their council and community.

What you will find in the Statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2021.

The format of the financial statements is standard across all NSW Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by the Office of Local Government.

About the Councillor/Management Statement

The financial statements must be certified by senior staff as 'presenting fairly' the Council's financial results for the year and are required to be adopted by Council – ensuring both responsibility for and ownership of the financial statements.

About the Primary Financial Statements

The financial statements incorporate five "primary" financial statements:

1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, property, plant and equipment.

3. The Statement of Financial Position

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

4. The Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

5. The Statement of Cash Flows

Indicates where Council's cash came from and where it was spent. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

About the Notes to the Financial Statements

The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

About the Auditor's Reports

Council's financial statements are required to be audited by the NSW Audit Office.

In NSW the auditor provides 2 audit reports:

1. an opinion on whether the financial statements present fairly the Council's financial performance and position, and
2. their observations on the conduct of the audit, including commentary on the Council's financial performance and financial position.

Who uses the Financial Statements?

The financial statements are publicly available documents and must be presented at a Council meeting between seven days and five weeks after the date of the audit report.

The public can make submissions to Council up to seven days subsequent to the public presentation of the financial statements.

Council is required to forward an audited set of financial statements to the Office of Local Government.

Wentworth Shire Council

General Purpose Financial Statements

for the year ended 30 June 2021

Statement by Councillors and Management made pursuant to Section 413(2)(c) of the *Local Government Act 1993* (NSW)

The attached general purpose financial statements have been prepared in accordance with:

- the *Local Government Act 1993* and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 20 October 2021.

Susan Nichols
Mayor
20 October 2021

Tim Elstone
Councillor
20 October 2021

Ken Ross
General Manager
20 October 2021

Simon Rule
Responsible Accounting Officer
20 October 2021

Wentworth Shire Council | Income Statement | For the year ended 30 June 2021

Wentworth Shire Council

Income Statement

for the year ended 30 June 2021

Original unaudited budget 2021 \$ '000		Notes	Actual 2021 \$ '000	Actual 2020 \$ '000
Income from continuing operations				
8,900	Rates and annual charges	B2-1	9,164	8,822
5,026	User charges and fees	B2-2	7,582	7,798
1,266	Other revenue	B2-3	1,020	977
10,557	Grants and contributions provided for operating purposes	B2-4	10,384	10,307
10,605	Grants and contributions provided for capital purposes	B2-4	11,724	8,300
601	Interest and investment income	B2-5	245	586
–	Other income	B2-6	52	51
100	Net gains from the disposal of assets	B4-1	135	80
37,055	Total income from continuing operations		40,306	36,921
Expenses from continuing operations				
9,997	Employee benefits and on-costs	B3-1	8,792	8,790
4,408	Materials and services	B3-2	9,528	10,623
266	Borrowing costs	B3-3	375	206
7,093	Depreciation, amortisation and impairment for non-financial assets	B3-4	8,077	8,941
3,362	Other expenses	B3-5	763	624
–	Net share of interests in joint ventures and associates using the equity method	D2a	219	102
25,126	Total expenses from continuing operations		27,754	29,286
11,929	Operating result from continuing operations		12,552	7,635
11,929	Net operating result for the year attributable to Council		12,552	7,635
–	Net operating result for the year before grants and contributions provided for capital purposes		828	(665)

The above Income Statement should be read in conjunction with the accompanying notes.

Wentworth Shire Council | Statement of Comprehensive Income | For the year ended 30 June 2021

Wentworth Shire Council

Statement of Comprehensive Income

for the year ended 30 June 2021

	Notes	2021 \$ '000	2020 \$ '000
Net operating result for the year – from Income Statement		12,552	7,635
Other comprehensive income:			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-6	580	8,793
Total items which will not be reclassified subsequently to the operating result		580	8,793
Total other comprehensive income for the year		580	8,793
Total comprehensive income for the year attributable to Council		13,132	16,428

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Wentworth Shire Council | Statement of Financial Position | For the year ended 30 June 2021

Wentworth Shire Council

Statement of Financial Position

as at 30 June 2021

	Notes	2021 \$ '000	2020 \$ '000
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	2,363	10,413
Investments	C1-2	36,030	18,005
Receivables	C1-4	3,652	5,546
Inventories	C1-5	166	202
Other		156	213
Total current assets		42,367	34,379
Non-current assets			
Infrastructure, property, plant and equipment	C1-6	453,683	442,194
Intangible Assets	C1-7	184	184
Investments accounted for using the equity method	D2-1	1,140	1,359
Total non-current assets		455,007	443,737
Total assets		497,374	478,116
LIABILITIES			
Current liabilities			
Payables	C3-1	2,547	3,578
Contract liabilities	C3-2	6,318	1,056
Borrowings	C3-3	499	262
Employee benefit provisions	C3-4	2,263	2,212
Total current liabilities		11,627	7,108
Non-current liabilities			
Borrowings	C3-3	5,522	4,032
Employee benefit provisions	C3-4	241	236
Provisions	C3-5	2,596	2,484
Total non-current liabilities		8,359	6,752
Total liabilities		19,986	13,860
Net assets		477,388	464,256
EQUITY			
Accumulated surplus	C4-1	82,624	70,072
IPPE revaluation reserve	C4-1	394,764	394,184
Council equity interest		477,388	464,256
Total equity		477,388	464,256

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Wentworth Shire Council | Statement of Changes in Equity | For the year ended 30 June 2021

Wentworth Shire Council
Statement of Changes in Equity
for the year ended 30 June 2021

	as at 30/06/21			as at 30/06/20		
	Accumulated surplus \$ '000	IPPE revaluation reserve \$ '000	Total equity \$ '000	Accumulated surplus \$ '000	IPPE revaluation reserve \$ '000	Total equity \$ '000
Notes						
Opening balance at 1 July	70,072	394,184	464,256	62,998	385,391	448,389
Changes due to AASB 1058 and AASB 15 adoption	-	-	-	(561)	-	(561)
Restated opening balance	70,072	394,184	464,256	62,437	385,391	447,828
Net operating result for the year	12,552	-	12,552	7,635	-	7,635
Other comprehensive income						
Gain (loss) on revaluation of infrastructure, property, plant and equipment	-	580	580	-	8,793	8,793
Other comprehensive income	-	580	580	-	8,793	8,793
Total comprehensive income	12,552	580	13,132	7,635	8,793	16,428
Closing balance at 30 June	82,624	394,764	477,388	70,072	394,184	464,256

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Wentworth Shire Council | Statement of Cash Flows | For the year ended 30 June 2021

Wentworth Shire Council

Statement of Cash Flows

for the year ended 30 June 2021

Original unaudited budget 2021 \$ '000		Notes	Actual 2021 \$ '000	Actual 2020 \$ '000
Cash flows from operating activities				
<i>Receipts:</i>				
8,878	Rates and annual charges		9,455	8,699
4,986	User charges and fees		9,627	7,421
588	Investment and interest revenue received		237	707
18,655	Grants and contributions		26,882	15,946
997	Other		3,228	2,684
<i>Payments:</i>				
(9,763)	Employee benefits and on-costs		(8,974)	(8,642)
(4,273)	Materials and services		(11,999)	(9,415)
(241)	Borrowing costs		(263)	(206)
(3,471)	Other		(349)	(3,426)
16,356	Net cash flows from operating activities	G1-1a	27,844	13,768
Cash flows from investing activities				
<i>Receipts:</i>				
—	Sale of investment securities		54,000	75,000
450	Sale of infrastructure, property, plant and equipment		314	279
<i>Payments:</i>				
—	Purchase of investment securities		(72,025)	(69,005)
(18,853)	Purchase of infrastructure, property, plant and equipment		(19,910)	(15,711)
(18,403)	Net cash flows from investing activities		(37,621)	(9,437)
Cash flows from financing activities				
<i>Receipts:</i>				
4,000	Proceeds from borrowings		2,000	—
<i>Payments:</i>				
(362)	Repayment of borrowings		(273)	(245)
3,638	Net cash flows from financing activities		1,727	(245)
1,591	Net change in cash and cash equivalents		(8,050)	4,086
—	Cash and cash equivalents at beginning of year		10,413	6,327
1,591	Cash and cash equivalents at end of year	C1-1	2,363	10,413
—	plus: Investments on hand at end of year	C1-2	36,030	18,005
1,591	Total cash, cash equivalents and investments		38,393	28,418

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

Wentworth Shire Council

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Wentworth Shire Council

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A About Council and these financial statements

A1-1 Basis of preparation

These financial statements were authorised for issue by Council on dd MMMM yyyy. Council has the power to amend and reissue these financial statements in cases where critical information is received from public submissions or where the OLG directs Council to amend the financial statements.

The principal accounting policies adopted in the preparation of these financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (Act)* and *Local Government (General) Regulation 2005 (Regulation)*, and the Local Government Code of Accounting Practice and Financial Reporting.

Council is a not for-profit entity.

The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain infrastructure, property, plant and equipment and investment property.

Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

Coronavirus (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 2020/21 financial year and consider the impacts of Covid-19 in preparing these financial statements.

Potential impact of the pandemic on financial reporting for the year ended 30 June 2021 was performed through an analysis of the following categories:

- Impairment of financial and non-financial assets
- Potential provisions of onerous contracts and future rehabilitation works
- Financial liabilities as a result of breach of existing contracts
- Fair value assessment of non-financial assets
- Income and revenue
- Covid-19 stimulus packages
- Employee Benefit Provisions
- Going concern
- Capital Commitments

Analysis of the above categories was also performed considering after balance date developments of the pandemic effects in Australia and overseas.

Based on the analysis performed, Council did not find any material adjustments required to be done as a result of the pandemic.

Even though the pandemic had a widespread effect on slowing down the economy around the world, as at 30 June 2021 it is hard to predict any significant future implications on Council's business. Council business operations remain on the same pattern. Overall the financial impact has not been significant and is not anticipated to increase in future years.

Council is not aware of any post balance events which would result in separate disclosures or adjustments to the 30 June 2021 financial results. Hence, 30 June 2021 financial statements were prepared on a going concern basis.

A1-1 Basis of preparation (continued)

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future.

The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- (i) estimated fair values of infrastructure, property, plant and equipment – refer Note C1-6
- (ii) estimated tip remediation provisions – refer Note C3-5
- (iii) employee benefit provisions – refer Note C3-4

Significant judgements in applying the Council's accounting policies

- (i) Impairment of receivables

Council has made a significant judgement about the impairment of a number of its receivables – refer Note C1-4

- (ii) Tip Remediation Provisions

Council has used significant judgement in determining future Tip Remediation Provisions - refer Note C3-5

Monies and other assets received by Council

The Consolidated Fund

In accordance with the provisions of Section 409(1) of the Local Government Act 1993 (NSW), all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations
- Water service
- Sewerage service

The Trust Fund

In accordance with the provisions of Section 411 of the *Local Government Act 1993 (NSW)* (as amended), a separate and distinct Trust Fund is maintained to account for all money and property received by the council in trust which must be applied only for the purposes of, or in accordance with, the trusts relating to those monies.

Trust monies and property subject to Council's control have been included in these reports.

A separate statement of monies held in the Trust Fund is available for inspection at the council office by any person free of charge

Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities that are recoverable from, or payable to, the taxation authority, are presented as operating cash flows.

Volunteer services

Council does not rely on volunteer services. Council has not recognised any volunteer services in the income statement as the value is immaterial, cannot be reliably measured and the services would not be purchased if not donated.

New accounting standards and interpretations issued not yet effective

Certain new accounting standards and interpretations (ie. pronouncements) have been published by the Australian Accounting Standards Board that are not mandatory for the 30 June 2021 reporting period.

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A1-1 Basis of preparation (continued)

Council has elected not to apply any of these pronouncements in these financial statements before their operative dates.

Council's assessment of these new standards and interpretations (where they have been deemed as having a material impact on Council's future financial performance, financial position and cash flows) are set out below:

AASB 2020-1 Amendments to Australian Accounting Standards - Classification of Liabilities as Current or Non-current AASB 2020-6 Amendments to Australian Accounting Standards - Classification of Liabilities as Current or Non-current - Deferral of Effective Date

This standard amends AASB 101 Presentation of Financial Statements to clarify requirements for the presentation of liabilities in the statement of financial position as current or non-current.

For example the amendments clarify that a liability is classified as non-current if an entity has the right at the end of the reporting period to defer settlement of a liability for at least 12 months after the reporting period. The meaning of settlement of a liability is also clarified.

Council does not expect any material impact from the above amendments and to its classification of liabilities as current or non-current.

This standard has an effective date for the 30 June 2024 reporting period.

AASB 2020-3 Amendments to Australian Accounting Standards - Annual Improvements 2018-2020 and Other Amendments

This Standard amends a number of standards as follows:

- AASB 1 to simplify the application of AASB 1 by a subsidiary that becomes a first-time adopter after its parent in relation to the measurement of cumulative translation differences;
- AASB 3 to update a reference to the Conceptual Framework for Financial Reporting without changing the accounting requirements for business combinations;
- AASB 9 to clarify the fees an entity includes when assessing whether the terms of a new or modified financial liability are substantially different from the terms of the original financial liability;
- AASB 116 to require an entity to recognise the sales proceeds from selling items produced while preparing property, plant and equipment for its intended use and the related cost in profit and loss, instead of deducting the amounts received from the cost of the asset;
- AASB 137 to specify the costs that entity includes when assessing whether a contract will be loss-making; and
- AASB 141 to remove the requirement to exclude cash flows from taxation when measuring fair value, thereby aligning the fair value measurement requirements in AASB 141 with those in other Australian Accounting Standards.

Council does not expect any material impact from the above amendments.

This standard has an effective date for the 30 June 2023 reporting period.

New accounting standards adopted during the year

During the year Council adopted all accounting standards and interpretations (as issued by the Australian Accounting Standards Board) which were mandatorily effective from 1 July 2020.

Those newly adopted standards which had a material impact on Council's reported financial position, financial performance and/or associated financial statement disclosures are further discussed at Note G4-1.

Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

B Financial Performance**B1 Functions or activities****B1-1 Functions or activities – income, expenses and assets**

Income, expenses and assets have been directly attributed to the following functions or activities. Details of those functions or activities are provided in Note B1-2.

	Income		Expenses		Operating result		Grants and contributions		Carrying amount of assets	
	2021 \$ '000	2020 \$ '000	2021 \$ '000	2020 \$ '000	2021 \$ '000	2020 \$ '000	2021 \$ '000	2020 \$ '000	2021 \$ '000	2020 \$ '000
Functions or activities										
1. Wentworth is a vibrant, growing and thriving shire	934	907	2,551	2,437	(1,617)	(1,530)	61	–	16,346	15,225
2. Wentworth is a desirable shire to visit, live, work and invest	1,766	1,984	3,098	3,131	(1,332)	(1,147)	1,617	1,800	27,059	25,730
3. Wentworth is a community that works to enhance and protect its physical and natural assets	23,736	21,089	15,497	16,997	8,239	4,092	12,794	9,965	403,507	393,483
4. Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future	13,870	12,941	6,608	6,721	7,262	6,220	7,636	6,842	50,462	43,678
Total functions and activities	40,306	36,921	27,754	29,286	12,552	7,635	22,108	18,607	497,374	478,116

B1-2 Components of functions or activities

Details relating to the Council's functions or activities as reported in B1-1 are as follows:

1. Wentworth is a vibrant, growing and thriving shire

- 1.1 Grow the potential of business and industry to develop and expand
- 1.2 Encourage and support population growth and resident attraction

2. Wentworth is a desirable shire to visit, live, work and invest

- 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination
- 2.2 Enhance access to local health and aged care services
- 2.3 Enhance access to maternal and child health services, child care centres and pre-school services
- 2.4 Enhance access to education, skills and training
- 2.5 Maintain/create desirable open spaces and recreation facilities

3. Wentworth is a community that works to enhance and protect its physical and natural assets

- 3.1 Promote the efficient delivery of water supply, sewer and drainage services for the long term interests of future generations
- 3.2 Plan for and develop the right assets and infrastructure
- 3.3 Prepare for natural disasters, biosecurity risks and climate change
- 3.4 Reduce, reuse and recover waste
- 3.5 Recognise the importance of a healthy Murray-Darling River System

4. Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

- 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery
- 4.2 Encourage locals to volunteer their time within their local community
- 4.3 Promote disability inclusion with the general community
- 4.4 Encourage the self determination of the Aboriginal community
- 4.5 Encourage the self determination of individual townships and community groups
- 4.6 Collaborate with others to achieve desired outcomes for the local community
- 4.7 Promote the celebration of the region's rich cultural and social heritage

B2 Sources of income**B2-1 Rates and annual charges**

	2021 \$ '000	2020 \$ '000
Ordinary rates		
Residential	2,082	1,985
Farmland	1,775	1,735
Business	1,559	1,521
Less: pensioner rebates (mandatory)	(44)	(45)
Less: pensioner rebates (Council policy)	(38)	(35)
Rates levied to ratepayers	5,334	5,161
Pensioner rate subsidies received	44	45
Total ordinary rates	5,378	5,206
Special rates		
Tourism	40	40
Rates levied to ratepayers	40	40
Total special rates	40	40
Annual charges		
(pursuant to s.496, s.496A, s.496B, s.501 & s.611)		
Domestic waste management services	807	764
Water supply services	1,274	1,218
Sewerage services	1,711	1,640
Less: pensioner rebates (mandatory)	(57)	(59)
Less: pensioner rebates (Council policy)	(46)	(46)
Annual charges levied	3,689	3,517
Pensioner subsidies received:		
– Water	19	19
– Sewerage	17	18
– Domestic waste management	21	22
Total annual charges	3,746	3,576
Total rates and annual charges	9,164	8,822

Council has used 2019 year valuations provided by the NSW Valuer General in calculating its rates.

Accounting policy

Rates and annual charges are recognised as revenue at the beginning of the rating period to which they relate. Prepaid rates are recognised as a financial liability until the beginning of the rating period.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates and are recognised within the underlying revenue item based on their substance.

B2-2 User charges and fees

	Timing	2021 \$ '000	2020 \$ '000
Specific user charges			
(per s.502 - specific 'actual use' charges)			
Water supply services	2	1,466	1,411
Total specific user charges		1,466	1,411
Other user charges and fees			
(i) Fees and charges – statutory and regulatory functions (per s.608)			
Inspection services	2	17	15
Planning and building regulation	2	313	252
Private works – section 67	2	15	65
Regulatory/ statutory fees	2	81	–
Section 10.7 certificates (EP&A Act)	2	58	57
Section 603 certificates	2	29	28
Tapping fees	2	80	47
Total fees and charges – statutory/regulatory		593	464
(ii) Fees and charges – other (incl. general user charges (per s.608))			
Aerodrome	2	33	53
Caravan park	2	3	3
Cemeteries	1	76	63
Library and art gallery	2	–	1
Refuse and effluent disposal	2	–	1
RMS charges (state roads not controlled by Council)	2	3,033	3,612
Waste disposal tipping fees	2	2,310	2,122
Animal control	2	22	27
Other – road opening permits	2	9	4
Other - Water Licence	2	37	37
Total fees and charges – other		5,523	5,923
Total user charges and fees		7,582	7,798
Timing of revenue recognition for user charges and fees			
User charges and fees recognised over time (1)		76	63
User charges and fees recognised at a point in time (2)		7,506	7,735
Total user charges and fees		7,582	7,798

Accounting policy

Revenue arising from user charges and fees is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

The performance obligation relates to the specific services which are provided to the customers and generally the payment terms are within 30 days of the provision of the service or in some cases such as caravan parks, the customer is required to pay on arrival or a deposit in advance. There is no material obligation for Council in relation to refunds or returns.

Where an upfront fee is charged such as joining fees for the leisure centre the fee is recognised on a straight-line basis over the expected life of the membership.

Licences granted by Council are all either short-term or low value and all revenue from licences is recognised at the time that the licence is granted rather than over the term of the licence.

B2-3 Other revenue

	Timing	2021 \$ '000	2020 \$ '000
Commissions and agency fees	2	4	–
Diesel rebate	2	129	129
Insurance claims recoveries	2	182	109

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B2-3 Other revenue (continued)

	Timing	2021 \$ '000	2020 \$ '000
Sales – general	2	1	4
Facilities revenue	2	402	418
Insurance rebates	2	54	50
Rural fire service reimbursements	2	15	15
Sales – miscellaneous	2	26	9
Other – other public works	2	3	3
Other – meter readings	2	7	8
Other	2	197	232
Total other revenue		1,020	977

Timing of revenue recognition for other revenue

Other revenue recognised over time (1)	–	–
Other revenue recognised at a point in time (2)	1,020	977
Total other revenue	1,020	977

Accounting policy for other revenue

Where the revenue is earned for the provision of specified goods / services under an enforceable contract, revenue is recognised when or as the obligations are satisfied.

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received or when the penalty has been applied, whichever occurs first.

Other revenue is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

B2-4 Grants and contributions

	Timing	Operating 2021 \$ '000	Operating 2020 \$ '000	Capital 2021 \$ '000	Capital 2020 \$ '000
General purpose grants and non-developer contributions (untied)					
General purpose (untied)					
Current year allocation					
Financial assistance – general component	2	2,111	2,112	–	–
Financial assistance – local roads component	2	1,017	1,023	–	–
Payment in advance - future year allocation					
Financial assistance – general component	2	2,259	2,237	–	–
Financial assistance – local roads component	2	1,092	1,087	–	–
Other					
Other grants		–	–	(1,393)	–
Amount recognised as income during current year		6,479	6,459	(1,393)	–
Special purpose grants and non-developer contributions (tied)					
Cash contributions					
Previously specific grants:					
Pensioners' rates subsidies:					
Water supplies	2	–	–	772	1,542
Sewerage services	2	82	–	132	987
Bushfire and emergency services	2	343	309	2	–
Animal Control	2	–	4	–	–
Child care	2	–	–	33	–
Economic development	2	–	6	757	–
Community Services	2	–	2	–	–
Environmental programs	2	–	–	1	222
Library – per capita	2	54	54	–	–
Library	2	6	–	–	–
Library – special projects	2	–	–	23	23
Noxious weeds	2	37	29	–	–
Recreation and culture	2	–	–	1,463	1,687
Street lighting	2	39	43	–	–
Transport (roads to recovery)	2	1,917	1,917	–	–
Transport (other roads and bridges funding)	2	55	47	2,664	303
Aerodrome	2	–	–	5,648	1,488
Water transport	2	–	–	–	1
Other	2	–	23	–	–
Other specific grants (E-Planning Grant)	2	36	–	–	–
Previously contributions:					
Roads and bridges	2	–	17	–	1
Transport for NSW contributions (regional roads, block grant)	2	1,336	1,397	199	199
Sewerage (excl. section 64 contributions)	2	–	–	20	–
Water supplies (excl. section 64 contributions)	2	–	–	20	–
Other contributions	2	–	–	–	12
Total special purpose grants and non-developer contributions – cash		3,905	3,848	11,734	6,465
Non-cash contributions					
Dedications – subdivisions (other than by s7.4 and s7.11 – EP&A Act, s64 of the LGA)	2	–	–	606	959
Tourism	2	–	–	507	–
Other	2	–	–	–	732
Total other contributions – non-cash		–	–	1,113	1,691

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Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

B2-4 Grants and contributions (continued)

	Operating 2021 \$ '000	Operating 2020 \$ '000	Capital 2021 \$ '000	Capital 2020 \$ '000
Timing				
Total special purpose grants and non-developer contributions (tied)	3,905	3,848	12,847	8,156
Total grants and non-developer contributions	10,384	10,307	11,454	8,156
Comprising:				
– Commonwealth funding	8,397	8,376	3,421	412
– State funding	1,987	1,931	6,881	6,795
– Other funding	–	–	1,152	949
	10,384	10,307	11,454	8,156

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B2-4 Grants and contributions (continued)**Developer contributions**

	Notes	Timing	Operating 2021 \$ '000	Operating 2020 \$ '000	Capital 2021 \$ '000	Capital 2020 \$ '000
Developer contributions:	G4					
(s7.4 & s7.11 - EP&A Act, s64 of the LGA):						
Cash contributions						
S 7.11 – Development Contributions Plan		2	–	–	22	5
S 64 – water supply contributions		2	–	–	56	51
S 64 – sewerage service contributions		2	–	–	190	87
Service Plan # 2		2	–	–	2	1
Total developer contributions – cash			–	–	270	144
Total developer contributions			–	–	270	144
Total contributions			–	–	270	144
Total grants and contributions			10,384	10,307	11,724	8,300
Timing of revenue recognition for grants and contributions						
Grants and contributions recognised over time (1)			–	–	–	–
Grants and contributions recognised at a point in time (2)			10,384	10,307	11,724	8,300
Total grants and contributions			10,384	10,307	11,724	8,300

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B2-4 Grants and contributions (continued)**Unspent grants and contributions**

Certain grants and contributions are obtained by Council on the condition they be spent in a specified manner or in a future period but which are not yet spent in accordance with those conditions are as follows:

	Operating 2021 \$ '000	Operating 2020 \$ '000	Capital 2021 \$ '000	Capital 2020 \$ '000
Unspent grants and contributions				
Unspent funds at 1 July	233	584	551	561
Add: Funds recognised as revenue in the reporting year but not yet spent in accordance with the conditions	875	–	–	–
Add: capital grants received and transferred to contract liabilities	–	–	5,279	551
Less: Funds received in prior year but revenue recognised and funds spent in current year	–	(351)	(51)	(561)
Unspent funds at 30 June	1,108	233	5,779	551

Unexpended Capital Grants Include:

- NSW State Library Infrastructure Grant
- Local Roads and Community Infrastructure Grant Projects
- Fixing Local Roads Grant Projects
- Stronger Country Communities Fund Round 4 projects
- Crown Land Improvement fund projects.

Contributions

Unspent funds at 1 July	640	620	–	–
Add: contributions recognised as revenue in the reporting year but not yet spent in accordance with the conditions	23	20	–	–
Less: contributions recognised as revenue in previous years that have been spent during the reporting year	–	–	–	–
Unspent contributions at 30 June	663	640	–	–

Unexpended Contributions include Contributions received from developers in relation to:

- Development Contribution Plan; and
- Servicing Plan # 2.

Accounting policy**Grants and contributions - enforceable agreement with sufficiently specific performance obligations**

Grant and contribution revenue from an agreement which is enforceable and contains sufficiently specific performance obligations is recognised as or when control of each performance obligations is satisfied.

The performance obligations vary according to the agreement but include:

- Refund in cash or kind is required when the agreed specific performance has not occurred;
- The customer, or another party acting on its behalf, has a right to enforce specific performance or claim damages;
- The customer has the right to take a financial interest in assets purchased or constructed by the entity with resources provided under the agreement;
- The parties to the agreement are required to agree on alternative uses of the resources provided under the agreement; and
- An administrative process exists to enforce agreements between sovereign States or between a State and another party.

Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others.

B2-4 Grants and contributions (continued)

Performance obligations may be satisfied either at a point in time or over time and this is reflected in the revenue recognition pattern. Point in time recognition occurs when the beneficiary obtains control of the goods/services at a single time (e.g. completion of the project when a report/outcome is provided), where as over time recognition is where the control of the services is ongoing throughout the project (e.g. provision of community health services through the year).

Where control is transferred over time, generally the input methods being either costs or time incurred are deemed to be the most appropriate methods to reflect the transfer of benefit.

Capital grants

Capital grants received by Council under an enforceable contract for the acquisition or construction of infrastructure, property, plant and equipment to identified specifications which will be under Council's control on completion are recognised as revenue as and when the obligation to construct or purchase is completed.

For construction projects, this is generally as the construction progresses in accordance with costs incurred since this is deemed to be the most appropriate measure of the completeness of the construction project.

For acquisitions of assets, the revenue is recognised when the asset is acquired and controlled by the Council.

Developer Contributions

Council has obligations to provide facilities from contribution revenues levied on developers under the provisions of sections 7.4, 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979*.

While Council generally incorporates these amounts as part of a Development Consents Order, such developer contributions are only recognised as income upon receipt by Council, due to the possibility that individual development consents may not be acted upon by the applicant and, accordingly, would not be payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required, but the Council may apply contributions according to the priorities established in work schedules for the contribution plan.

Other grants and contributions

Assets, including cash, received from other grants and contributions are recognised at fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received.

Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

B2-5 Interest and investment income

	2021 \$ '000	2020 \$ '000
Interest on financial assets measured at amortised cost		
– Overdue rates and annual charges (incl. special purpose rates)	42	105
– Cash and investments	203	481
Total interest and investment income (losses)	245	586
Interest and investment income is attributable to:		
Unrestricted investments/financial assets:		
Overdue rates and annual charges (general fund)	20	55
General Council cash and investments	131	320
Restricted investments/funds – external:		
Development contributions		
– Section 7.11	3	14
Water fund operations	64	154
Sewerage fund operations	27	43
Total interest and investment income	245	586

Accounting policy

Interest income is recognised using the effective interest rate at the date that interest is earned.

B2-6 Other income

	Notes	2021 \$ '000	2020 \$ '000
Rental income			
Investment properties			
Lease income (excluding variable lease payments not dependent on an index or rate)		52	51
Total Investment properties		52	51
Total rental income	C2-2	52	51
Total other income		52	51

B3 Costs of providing services**B3-1 Employee benefits and on-costs**

	2021 \$ '000	2020 \$ '000
Salaries and wages	7,383	7,139
Employee termination costs (where material – other than vested leave paid)	–	90
Travel expenses	–	1
Employee leave entitlements (ELE)	1,233	1,055
Superannuation – defined contribution plans	719	694
Superannuation – defined benefit plans	122	126
Workers' compensation insurance	311	247
Fringe benefit tax (FBT)	13	6
Training costs	24	83
Uniforms	43	23
Recruitment	16	40
Total employee costs	9,864	9,504
Less: capitalised costs	(1,072)	(714)
Total employee costs expensed	8,792	8,790

Accounting policy

Employee benefit expenses are recorded when the service has been provided by the employee.

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a defined benefit plan under the Local Government Superannuation Scheme, however, sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to Note E3-1 for more information.

B3-2 Materials and services

	Notes	2021 \$ '000	2020 \$ '000
Raw materials and consumables		2,362	2,753
Contractor and consultancy costs		4,266	4,955
Audit Fees ¹	F2-1	46	83
Previously other expenses:			
Councillor and Mayoral fees and associated expenses	F1-2	198	206
Advertising		24	70
Bank charges		40	39
Cleaning		143	154
Election expenses		1	–
Electricity and heating		616	595
Fire control expenses		43	47
Insurance		548	478
Office expenses (including computer expenses)		611	553
Postage		25	25
Printing and stationery		40	47
Street lighting		127	112
Subscriptions and publications		75	73
Telephone and communications		65	80
Tourism expenses (excluding employee costs)		163	128
Valuation fees		37	32
Travel expenses		3	27
Other Joint Organisation Costs		–	5
Training costs (other than salaries and wages)		38	90
Other expenses		3	3
Legal expenses:			
– Legal expenses: debt recovery		34	18
– Legal expenses: other		20	50
Total materials and services		9,528	10,623
Total materials and services		9,528	10,623

Accounting policy

Expenses are recorded on an accruals basis as the Council receives the goods or services.

B3-3 Borrowing costs

	Notes	2021 \$ '000	2020 \$ '000
(i) Interest bearing liability costs			
Interest on loans		263	206
Total interest bearing liability costs		263	206
Total interest bearing liability costs expensed		263	206
– Remediation liabilities	C3-5	112	–
Total borrowing costs expensed		375	206

Accounting policy

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed as incurred.

B3-4 Depreciation, amortisation and impairment of non-financial assets

	Notes	2021 \$ '000	2020 \$ '000
Depreciation and amortisation			
Plant and equipment		1,030	990
Office equipment		62	35
Furniture and fittings		5	8
Land improvements (depreciable)		253	222
Infrastructure:			
	C1-6		
– Buildings		907	1,332
– Roads		3,440	3,607
– Other structures		216	127
– Bridges		84	101
– Footpaths		57	87
– Stormwater drainage		216	622
– Water supply network		681	699
– Sewerage network		751	785
– Swimming pools		65	75
– Other open space/recreational assets		59	63
– Other infrastructure		154	113
Other assets:			
– Library books		30	30
Reinstatement, rehabilitation and restoration assets:			
– Tip assets	C3-5, C1-6	67	45
Total gross depreciation and amortisation costs		8,077	8,941
Total depreciation and amortisation costs		8,077	8,941
Total depreciation, amortisation and impairment for non-financial assets		8,077	8,941

Depreciation and amortisation

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives.

Impairment of non-financial assets

Council assets held at fair value that are not held primarily for their ability to generate net cash flow, and that are deemed to be specialised, are not tested for impairment since these assets are assessed on an annual basis to ensure that the carrying amount is not materially different from fair value and therefore an impairment loss would be captured during this assessment.

Intangible assets not yet available for use, are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired.

Other non-financial assets that do not meet the criteria above are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units).

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

B3-5 Other expenses

	Notes	2021 \$ '000	2020 \$ '000
Impairment of receivables			
Other		9	67
Total impairment of receivables	C1-4	9	67
Other			
Contributions/levies to other levels of government			
– Emergency services levy (includes FRNSW, SES, and RFS levies)		14	11
– NSW fire brigade levy		28	25
– NSW rural fire service levy		403	283
Donations, contributions and assistance to other organisations (Section 356)		309	238
Total other		754	557
Total other expenses		763	624

Accounting policy

Other expenses are recorded on an accruals basis when Council has an obligation for the expenses.

Impairment expenses are recognised when identified.

B4 Gains or losses**B4-1 Gain or loss from the disposal, replacement and de-recognition of assets**

	Notes	2021 \$ '000	2020 \$ '000
Gain (or loss) on disposal of plant and equipment	C1-6		
Proceeds from disposal – plant and equipment		314	279
Less: carrying amount of plant and equipment assets sold/written off		(179)	(199)
Gain (or loss) on disposal		135	80
Gain (or loss) on disposal of investments	C1-2		
Proceeds from disposal/redemptions/maturities – investments		54,000	75,000
Less: carrying amount of investments sold/redeemed/matured		(54,000)	(75,000)
Gain (or loss) on disposal		–	–
Net gain (or loss) on disposal of assets		135	80

Accounting policy

Gains and losses on disposals are determined by comparing proceeds with carrying amount. The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is de-recognised.

B5 Performance against budget

B5-1 Material budget variations

Council's original budget was adopted by the Council on 24/06/2020 and is not required to be audited. The original projections on which the budget was based have been affected by a number of factors. These include state and federal government decisions, including new grant programs, changing economic activity, environmental factors, and by decisions made by Council.

While these General Purpose Financial Statements include the original budget adopted by Council, the Act requires Council to review its financial budget on a quarterly basis, so it is able to manage the variation between actuals and budget that invariably occur during the year.

Material variations of more than 10% between original budget and actual results or where the variance is considered material by nature are explained below.

Variation Key: **F** = Favourable budget variation, **U** = Unfavourable budget variation.

\$ '000	2021 Budget	2021 Actual	2021 ----- Variance -----	
REVENUES				
Rates and annual charges	8,900	9,164	264	3% F
User charges and fees	5,026	7,582	2,556	51% F
Variation is due to larger than expected revenue from the Buronga Landfill and fee for service work with Transport for NSW for the Sturt and Silver City Highways.				
Other revenues	1,266	1,020	(246)	(19)% U
Other revenue is under budget due to a number of ad-hoc reimbursements that did not-occur during the year.				
Operating grants and contributions	10,557	10,384	(173)	(2)% U
Capital grants and contributions	10,605	11,724	1,119	11% F
Council is received additional grant revenue due to the ongoing grant programs being run by the State and Federal Governments. There was also timing differences between when the revenue was budgeted to be received and when it actually was.				
Interest and investment revenue	601	245	(356)	(59)% U
Interest revenue was under budget due to the continued low interest rates received during 2020/21 despite an increase in cash flows. Also interest of overdue rates was lower than budgeted due to the decision of the NSW government to have legislate a zero interest rate for the period 1 July - 31 December 2020 as a response to the COVID pandemic.				
Net gains from disposal of assets	100	135	35	35% F
Budget Variation is due to better than expected trade-ins for disposed plant and motor vehicles.				
Other income	-	52	52	∞ F

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B5-1 Material budget variations (continued)

\$ '000	2021 Budget	2021 Actual	2021 ----- Variance -----	
EXPENSES				
Employee benefits and on-costs	9,997	8,792	1,205	12% F
Budget variation was due to a number of positions being vacant during the financial year with some positions not necessary being replaced straight away.				
Materials and services	4,408	9,528	(5,120)	(116)% U
The majority of budget variation was due to a number of expenditure that was previously categorised as other expenditure being reallocated to material contracts as per the update to the Code of Accounting Practice. There was also additional expenditure for the fee for service work for Transport for NSW.				
Borrowing costs	266	375	(109)	(41)% U
Borrowing costs was under budget due to a number of loans not being required when expected during the year.				
Depreciation, amortisation and impairment of non-financial assets	7,093	8,077	(984)	(14)% U
Depreciation was over budget due to ongoing revaluation increases.				
Other expenses	3,362	763	2,599	77% F
See previous comment in material and contracts in regards to reallocation of expenses.				
Joint ventures and associates – net losses	–	219	(219)	∞ U
This expense represents Council's share of the decrease in equity of the Joint Organisation for the year. This a requirement of Accounting Standard AASB 11 Joint Arrangements and will always be a post 30 June adjustment.				
STATEMENT OF CASH FLOWS				
Cash flows from operating activities	16,356	27,844	11,488	70% F
Larger than expected cash inflow was due to a large amount of grant payments that were received during the year. A fair portion of this was either grant prepayments or the receipt of a grant in the 2020/21 financial year when the majority of the cash outflow was in the previous financial year.				
Cash flows from investing activities	(18,403)	(37,621)	(19,218)	104% U
Due the large increase in cash has resulted to a large than expected purchase of investments.				
Cash flows from financing activities	3,638	1,727	(1,911)	(53)% U
Budget variaiton was due to a number of loans that were expcted to be drawn down during the year not being required.				

C Financial position**C1 Assets we manage****C1-1 Cash and cash equivalents**

	2021 \$ '000	2020 \$ '000
Cash and cash equivalents		
Cash on hand and at bank	2,363	2,413
Cash-equivalent assets		
– Short-term deposits	–	8,000
Total cash and cash equivalents	2,363	10,413

Reconciliation of cash and cash equivalents

Total cash and cash equivalents per Statement of Financial Position	2,363	10,413
Balance as per the Statement of Cash Flows	2,363	10,413

Accounting policy

For Statement of Cash Flow presentation purposes, cash and cash equivalents include: cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

C1-2 Financial investments

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Debt securities at amortised cost				
Long term deposits	36,030	–	18,005	–
Total	36,030	–	18,005	–
Total financial investments	36,030	–	18,005	–
Total cash assets, cash equivalents and investments	38,393	–	28,418	–

Financial instruments are recognised initially on the date that the Council becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

Financial assets

All recognised financial assets are subsequently measured in their entirety at either amortised cost or fair value, depending on the classification of the financial assets.

Classification

On initial recognition, Council classifies its financial assets into the following categories – those measured at:

- amortised cost
- fair value through profit or loss (FVTPL)
- fair value through other comprehensive income – equity instrument (FVOCI-equity)

Financial assets are not reclassified subsequent to their initial recognition.

Amortised cost

Assets measured at amortised cost are financial assets where:

- the business model is to hold assets to collect contractual cash flows, and

continued on next page ...

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C1-2 Financial investments (continued)

- the contractual terms give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

Council's financial assets measured at amortised cost comprise trade and other receivables, term deposits and cash and cash equivalents in the Statement of Financial Position. Term deposits with an initial term of more than 3 months are classified as investments rather than cash and cash equivalents.

Subsequent to initial recognition, these assets are carried at amortised cost using the effective interest rate method less provision for impairment.

Interest income, impairment and gains or loss on de-recognition are recognised in profit or loss.

C1-3 Restricted cash, cash equivalents and investments

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Total cash, cash equivalents and investments	38,393	–	28,418	–
attributable to:				
External restrictions	22,181	–	13,498	–
Internal restrictions	10,728	–	10,583	–
Unrestricted	5,484	–	4,337	–
	38,393	–	28,418	–

	2021 \$ '000	2020 \$ '000
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Details of restrictions**External restrictions – included in liabilities**

Specific purpose unexpended grants – Contract Liabilities

5,779 551

External restrictions – included in liabilities

5,779 551

External restrictions – other

External restrictions included in cash, cash equivalents and investments above comprise:

Developer contributions – general	663	640
Specific purpose unexpended grants (recognised as revenue) – general fund	1,108	233
Water fund	9,409	9,154
Sewer fund	3,607	2,631
Council reserves – caravan park	258	289
Other - T-Corp Loan Balance	1,357	–
External restrictions – other	16,402	12,947

Total external restrictions

22,181 13,498

Internal restrictions

Council has internally restricted cash, cash equivalents and investments as follows:

Plant and vehicle replacement	1,500	1,500
Employees leave entitlement	2,504	2,448
Deposits, retentions and bonds	631	576
Capital projects	1,000	1,000
FAG received in advance	3,350	3,323
Future development	1,076	1,113
Loan guarantee	3	3
Other doubtful debts provision	125	115
Cemeteries Deposits	539	505
Total internal restrictions	10,728	10,583

Total restrictions

32,909 24,081

Internal restrictions over cash, cash equivalents and investments are those assets restricted only by a resolution of the elected Council.

C1-4 Receivables

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Purpose				
Rates and annual charges	691	–	982	–
Interest and extra charges	267	–	225	–
User charges and fees	1,500	–	2,717	–
Accrued revenues				
– Interest on investments	28	–	62	–
Government grants and subsidies	1,191	–	1,244	–
Net GST receivable	100	–	431	–
Total	3,777	–	5,661	–
Less: provision of impairment				
User charges and fees	(125)	–	(115)	–
Total provision for impairment – receivables	(125)	–	(115)	–
Total net receivables	3,652	–	5,546	–
Externally restricted receivables				
Water supply				
– Rates and availability charges	455	–	533	–
– Other	793	–	549	–
Sewerage services				
– Rates and availability charges	253	–	287	–
– Other	41	–	99	–
Total external restrictions	1,542	–	1,468	–
Unrestricted receivables	2,110	–	4,078	–
Total net receivables	3,652	–	5,546	–

	2021 \$ '000	2020 \$ '000
Movement in provision for impairment of receivables		
Balance at the beginning of the year	115	49
+ new provisions recognised during the year	9	66
Balance at the end of the year	124	115

Accounting policy

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

Impairment

Impairment of financial assets measured at amortised cost is recognised on an expected credit loss (ECL) basis.

When estimating ECL, the Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience and informed credit assessment, and including forward-looking information.

Council uses the simplified approach to trade receivables when the expected lifetime credit losses are recognised on day 1.

When considering the ECL for rates and annula charges debtors, Council takes into account that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold.

C1-4 Receivables (continued)

For non-rates debtors, Council uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

Credit losses are measured as the present value of the difference between the cash flows due to the entity in accordance with the contract, and the cash flows expected to be received. This is applied using a probability weighted approach.

Council writes off a trade receivable when there is information indicating that the debtor is in severe financial difficulty and there is no realistic prospect of recovery, e.g. when the debtor has been placed under liquidation or has entered into bankruptcy proceedings, or when the receivables are over 2 years past due, whichever occurs first.

None of the receivables that have been written off are subject to enforcement activity.

Where the Council renegotiates the terms of receivables due from certain customers, the new expected cash flows are discounted at the original effective interest rate and any resulting difference to the carrying value is recognised in profit or loss.

Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

C1-5 Inventories

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
(i) Inventories at cost				
Stores and materials	166	–	202	–
Total inventories at cost	166	–	202	–
Total inventories	166	–	202	–

Accounting policy**Raw materials and stores, work in progress and finished goods**

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on the basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

C1-6 Infrastructure, property, plant and equipment

By aggregated asset class	At 1 July 2020					Asset movements during the reporting period					At 30 June 2021		
	Gross carrying amount \$ '000	Accumulated depreciation and impairment \$ '000	Net carrying amount \$ '000	Additions renewals \$ '000	Disposals \$ '000	Depreciation expense \$ '000	WIP transfers \$ '000	Revaluation increments to equity (ARR) \$ '000	Gross carrying amount \$ '000	Accumulated depreciation and impairment \$ '000	Net carrying amount \$ '000		
Capital work in progress	13,077	-	13,077	9,656	-	-	(3,035)	-	22,099	-	22,099		
Plant and equipment	16,159	(9,618)	6,541	1,576	(179)	(1,030)	-	-	16,779	(9,870)	6,909		
Office equipment	2,227	(1,763)	464	34	-	(62)	-	-	555	(109)	446		
Furniture and fittings	280	(264)	16	-	-	(5)	-	-	85	(74)	11		
Land:													
- Operational land	4,057	-	4,057	-	-	-	-	-	4,057	-	4,057		
- Community land	7,250	-	7,250	37	-	-	-	-	7,287	-	7,287		
- Land under roads (post 30/6/08)	361	-	361	61	-	-	-	-	422	-	422		
- Land improvements - depreciable	8,236	(4,252)	3,984	394	-	(253)	510	-	9,563	(4,504)	5,059		
Infrastructure:													
- Buildings	70,632	(37,278)	33,354	353	-	(907)	1,280	-	72,601	(38,185)	34,416		
- Other structures	5,316	(1,836)	3,480	181	-	(216)	36	-	5,533	(2,052)	3,481		
- Roads	190,555	(100,832)	89,723	2,482	-	(3,440)	-	-	193,125	(104,273)	88,852		
- Bridges	12,632	(5,684)	6,948	-	-	(84)	-	-	12,632	(5,768)	6,864		
- Footpaths	6,214	(3,242)	2,972	31	-	(57)	-	-	6,488	(3,300)	3,188		
- Bulk earthworks (non-depreciable)	190,611	-	190,611	15	-	-	-	-	190,626	-	190,626		
- Stormwater drainage	24,483	(9,667)	14,816	461	-	(216)	16	144	25,198	(9,977)	15,221		
- Water supply network	56,697	(26,793)	29,904	121	-	(681)	1,055	273	58,394	(27,722)	30,672		
- Sewerage network	46,645	(27,944)	18,701	116	-	(751)	124	163	47,306	(28,953)	18,353		
- Swimming pools	3,019	(1,348)	1,671	104	-	(65)	14	-	3,137	(1,413)	1,724		
- Other open space/recreational assets	662	(414)	248	-	-	(59)	-	-	662	(473)	189		
- Other infrastructure	13,386	(2,746)	10,640	-	-	(154)	-	-	13,386	(2,900)	10,486		
Other assets:													
- Library books	380	(248)	132	-	-	(30)	-	-	235	(91)	144		
Reinstatement, rehabilitation and restoration assets (refer Note 12):													
- Tip assets	3,338	(94)	3,244	-	-	(67)	-	-	3,339	(162)	3,177		
Total infrastructure, property, plant and equipment	676,217	(234,023)	442,194	15,622	(179)	(8,077)	-	580	693,509	(239,826)	453,683		

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

C1-6 Infrastructure, property, plant and equipment (continued)

By aggregated asset class	At 1 July 2019						Asset movements during the reporting period						At 30 June 2020	
	Gross carrying amount \$'000	Accumulated depreciation and impairment \$'000	Net carrying amount \$'000	Additions renewals ⁽¹⁾ \$'000	Additions new assets \$'000	Carrying value of disposals \$'000	Depreciation expense \$'000	WIP transfers \$'000	Adjustments and transfers \$'000	Revaluation decrements to equity (ARR) \$'000	Revaluation increments to equity (ARR) \$'000	Gross carrying amount \$'000	Accumulated depreciation and impairment \$'000	Net carrying amount \$'000
Capital work in progress	5,565	-	5,565	7,675	3,412	-	-	(3,575)	-	-	-	13,077	-	13,077
Plant and equipment	15,545	(9,135)	6,410	1,320	-	(199)	(990)	-	-	-	-	16,159	(9,618)	6,541
Office equipment	2,037	(1,728)	309	185	5	-	(35)	-	-	-	-	2,227	(1,763)	464
Furniture and fittings	278	(256)	22	-	2	-	(8)	-	-	-	-	280	(264)	16
Land:														
- Operational land	-	-	-	-	-	-	-	-	2,657	-	1,400	4,057	-	4,057
- Community land	7,836	-	7,836	-	-	-	-	-	(2,657)	-	2,071	7,250	-	7,250
- Land under roads (post 30/6/08)	254	-	254	-	107	-	-	-	-	-	-	361	-	361
- Land improvements - depreciable	7,717	(4,029)	3,688	202	245	-	(222)	71	-	-	-	8,236	(4,252)	3,984
Infrastructure:														
- Buildings	69,870	(36,853)	33,017	230	60	-	(1,332)	1,379	-	-	-	70,632	(37,278)	33,354
- Other structures	10,899	(4,661)	6,238	-	90	-	(127)	994	(3,715)	-	-	5,316	(1,836)	3,480
- Roads	186,210	(97,297)	88,913	4,054	244	-	(3,607)	-	-	-	119	190,555	(100,832)	89,723
- Bridges	11,726	(3,517)	8,209	-	-	-	(101)	-	-	(1,160)	-	12,632	(5,684)	6,948
- Footpaths	4,361	(1,736)	2,625	36	61	-	(87)	65	-	-	272	6,214	(3,242)	2,972
- Bulk earthworks (non-depreciable)	190,611	-	190,611	-	-	-	-	-	-	-	-	190,611	-	190,611
- Stormwater drainage	23,691	(8,960)	14,731	-	384	-	(622)	194	-	-	129	24,483	(9,667)	14,816
- Water supply network	56,098	(25,845)	30,253	-	14	-	(699)	53	-	-	283	56,697	(26,793)	29,904
- Sewerage network	45,178	(26,895)	18,283	-	219	-	(785)	819	-	-	165	46,645	(27,944)	18,701
- Swimming pools	3,000	(1,273)	1,727	19	-	-	(75)	-	-	-	-	3,019	(1,348)	1,671
- Other open space/recreational assets	662	(351)	311	-	-	-	(63)	-	-	-	-	662	(414)	248
- Other infrastructure	1,827	(344)	1,483	-	41	-	(113)	-	3,715	-	5,514	13,386	(2,746)	10,640
Other assets:														
- Library books	331	(218)	113	49	-	-	(30)	-	-	-	-	380	(248)	132
Reinstatement, rehabilitation and restoration assets (refer Note 12):														
- Tip assets	2,227	(50)	2,177	1,112	-	-	(45)	-	-	-	-	3,338	(94)	3,244
Total infrastructure, property, plant and equipment	645,923	(223,148)	422,775	14,882	4,884	(199)	(8,941)	-	-	(1,160)	9,953	676,217	(234,023)	442,194

(1) Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

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C1-6 Infrastructure, property, plant and equipment (continued)

Accounting policy

Initial recognition of infrastructure, property, plant and equipment (IPPE)

IPPE is measured initially at cost. Costs includes the fair value of the consideration given to acquire the asset (net of discounts and rebates) and any directly attributable cost of bringing the asset to working condition for its intended use (inclusive of import duties and taxes).

When infrastructure, property, plant and equipment are acquired by Council at significantly below fair value, the assets are initially recognised at their fair value at acquisition date.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the Income Statement during the financial period in which they are incurred.

Useful lives of IPPE

Land is not depreciated. Depreciation on other assets is calculated using the straight-line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

Plant and equipment	Years	Other equipment	Years
Office equipment	5 to 10	Playground equipment	5 to 15
Office furniture	10 to 20	Benches, seats etc.	10 to 20
Computer equipment	4		
Vehicles	5 to 8	Buildings	
Heavy plant/road making equipment	5 to 8	Buildings: masonry	50 to 100
Other plant and equipment	5 to 15	Buildings: other	20 to 40
Water and sewer assets		Stormwater assets	
Dams and reservoirs	80 to 100	Drains	80 to 100
Bores	20 to 40	Culverts	50 to 80
Reticulation pipes: PVC	70 to 80	Flood control structures	80 to 100
Reticulation pipes: other	25 to 75		
Pumps and telemetry	15 to 20		
Transportation assets		Other infrastructure assets	
Sealed roads: surface	20	Swimming pools	50
Sealed roads: structure	50	Unsealed roads	20
Unsealed roads	20	Other open space/recreational assets	20
Bridge: concrete	100	Other infrastructure	20
Bridge: other	50		
Road pavements	60		
Kerb, gutter and footpaths	40		

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

Revaluation model

Infrastructure, property, plant and equipment are held at fair value. Comprehensive valuations are performed at least every 5 years, however the carrying amount of assets is assessed by Council at each reporting date to confirm that it is not materially different from current fair value.

Water and sewerage network assets are indexed at each reporting period in accordance with the Rates Reference Manual issued by Department of Planning, Industry and Environment - Water.

Increases in the carrying amount arising on revaluation are credited to the IPPE revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against the IPPE revaluation reserve to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

C1-6 Infrastructure, property, plant and equipment (continued)

Council has elected not to recognise land under roads acquired before 1 July 2008. Land under roads acquired after 1 July 2008 is recognised in accordance with the IPPE accounting policy.

Crown reserves

Crown reserves under Council's care and control are recognised as assets of the Council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

Improvements on Crown reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

Rural Fire Service assets

Under Section 119 of the *Rural Fire Services Act 1997 (NSW)*, "all firefighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the firefighting equipment has been purchased or constructed".

These Rural Fire Service assets are recognised as assets of the Council in these financial statements.

Externally restricted infrastructure, property, plant and equipment

	as at 30/06/21			as at 30/06/20		
	Gross carrying amount \$ '000	Accumulated depn. and impairment \$ '000	Net carrying amount \$ '000	Gross carrying amount \$ '000	Accumulated depn. and impairment \$ '000	Net carrying amount \$ '000
Water supply						
WIP	3,872	–	3,872	3,271	–	3,271
Plant and equipment	43	16	27	43	14	29
Infrastructure	58,394	27,722	30,672	56,698	26,793	29,905
Total water supply	62,309	27,738	34,571	60,012	26,807	33,205
Sewerage services						
WIP	4,979	–	4,979	3,830	–	3,830
Land						
– Improvements – depreciable	13	8	5	13	7	6
Infrastructure	47,306	28,953	18,353	46,645	27,943	18,702
Total sewerage services	52,298	28,961	23,337	50,488	27,950	22,538
Total restricted infrastructure, property, plant and equipment	114,607	56,699	57,908	110,500	54,757	55,743

C1-7 Intangible assets

Intangible assets are as follows:

	2021 \$ '000	2020 \$ '000
Goodwill		
Opening values at 1 July		
Gross book value	184	184
Net book value – opening balance	184	184
Closing values at 30 June		
Gross book value	184	184
Total Goodwill – net book value	184	184
Total intangible assets – net book value	184	184

Accounting policy

Intangible Assets

An intangible asset is an identifiable, non-monetary asset without physical substance. The identifiable criterion is met when the intangible asset is separable (ie it can be sold, transferred or licenced), or where it arises from contractual or other legal rights.

Acquired intangible assets

Intangible assets are measured initially at cost. Cost includes (a) the fair value of the consideration given to acquiring the asset; and (b) any costs directly attributable to the transaction, such as relevant professional fees or taxes.

Subsequent measurement

Intangible assets with definite useful lives are considered for impairment where there is an indication that the asset has been impaired. Intangible assets with indefinite useful lives should be tested annually for impairment, as well as whenever there is an indication of impairment.

C2 Leasing activities

C2-1 Council as a lessee

Council currently has no leases in place.

Leases at significantly below market value – concessionary / peppercorn leases

Council has no leases that are significantly below market value.

C2-2 Council as a lessor

Operating leases

Council leases out a number of properties and /or plant and equipment to community groups; these leases have been classified as operating leases for financial reporting purposes and the assets are included as IPP&E in the Statement of Financial Position.

The amounts recognised in the Income Statement relating to operating leases where Council is a lessor are shown below:

	2021 \$ '000	2020 \$ '000
Lease income (excluding variable lease payments not dependent on an index or rate)	52	51
Total income relating to operating leases for investment property assets	52	51

(iii) Maturity analysis of undiscounted lease payments to be received after reporting date for all operating leases:

Maturity analysis of future lease income receivable showing the undiscounted lease payments to be received after reporting date for operating leases:

< 1 year	98	96
1–2 years	100	98
2–3 years	102	100
3–4 years	104	102
4–5 years	106	104
> 5 years	564	562
Total undiscounted lease payments to be received	1,074	1,062

Accounting policy

When Council is a lessor, the lease is classified as either an operating or finance lease at inception date, based on whether substantially all of the risks and rewards incidental to ownership of the asset have been transferred to the lessee. If the risks and rewards have been transferred then the lease is classified as a finance lease, otherwise it is an operating lease.

When Council has a sub-lease over an asset and is the intermediate lessor then the head lease and sub-lease are accounted for separately. The classification of the sub-lease is based on the right-of-use asset which arises from the head lease rather than the useful life of the underlying asset.

If the lease contains lease and non-lease components then the non-lease components are accounted for in accordance with AASB 15 *Revenue from Contracts with Customers*.

The lease income is recognised on a straight-line basis over the lease term.

C3 Liabilities of Council

C3-1 Payables

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Payables				
Accrued expenses:				
– Borrowings	10	–	10	–
– Salaries and wages	115	–	320	–
– Other expenditure accruals	1,791	–	2,672	–
Trust account – money held in trust	631	–	576	–
Total payables	2,547	–	3,578	–
Total payables	2,547	–	3,578	–

Payables relating to restricted assets

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Externally restricted assets				
Water	–	–	23	–
Sewer	–	–	43	–
Total payables relating to restricted assets	–	–	66	–
Total payables relating to unrestricted assets	2,547	–	3,512	–
Total payables	2,547	–	3,578	–

Accounting policy

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

Payables

Payables represent liabilities for goods and services provided to Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

C3-2 Contract Liabilities

	Notes	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Grants and contributions received in advance:					
Unexpended capital grants (to construct Council controlled assets)	(i)	5,779	–	551	–
Total grants received in advance		5,779	–	551	–
User fees and charges received in advance:					
Other - Cemeteries Deposits		539	–	505	–

continued on next page ...

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C3-2 Contract Liabilities (continued)

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Total user fees and charges received in advance	539	–	505	–
Total contract liabilities	6,318	–	1,056	–

Notes

(i) Council has received funding to construct assets including sporting facilities, bridges, library and other infrastructure. The funds received are under an enforceable contract which require Council to construct an identified asset which will be under Council's control on completion. The revenue is recognised as Council constructs the asset and the contract liability reflects the funding received which cannot yet be recognised as revenue. The revenue is expected to be recognised in the next 12 months.

(ii) The contract liability relates to grants received prior to the revenue recognition criteria in AASB 15 being satisfied since the performance obligations are ongoing.

(iii) Council has received funds for Cemeteries Reservations prior to the satisfaction of the performance obligations.

Contract liabilities relating to restricted assets

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Unspent grants held as contract liabilities (excl. Water & Sewer)	5,779	–	551	–
Contract liabilities relating to externally restricted assets	5,779	–	551	–
Cemeteries Deposits	539	–	505	–
Contract liabilities relating to internally restricted assets	539	–	505	–
Total contract liabilities relating to restricted assets	6,318	–	1,056	–
Total contract liabilities	6,318	–	1,056	–

Significant changes in contract liabilities

Council has received significant grant funding in advance during 2020/21 from the following funding programs:

- Crown Reserves Improvement Fund
- NSW Fixing Local Roads
- Local Roads and Community Infrastructure
- Stronger Country Communities Fund Round 4

Accounting policy

Contract liabilities are recorded when consideration is received from a customer / fund provider prior to Council transferring a good or service to the customer, Council presents the funds which exceed revenue recognised as a contract liability.

C3-3 Borrowings

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Loans – secured ¹	499	5,522	262	4,032
Total borrowings	499	5,522	262	4,032

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C3-3 Borrowings (continued)

⁽¹⁾ Loans are secured over the general rating income of Council.

Disclosures on liability interest rate risk exposures, fair value disclosures and security can be found in Note 18.

Borrowings relating to restricted assets

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Externally restricted assets				
Sewer	69	681	—	—
Borrowings relating to externally restricted assets	69	681	—	—
Total borrowings relating to restricted assets	69	681	—	—
Total borrowings relating to unrestricted assets	430	4,841	262	4,032
Total borrowings	499	5,522	262	4,032

continued on next page ...

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C3-3 Borrowings (continued)**(a) Changes in liabilities arising from financing activities**

	2020		Non-cash movements				2021
	Opening Balance \$ '000	Cash flows \$ '000	Acquisition \$ '000	Fair value changes \$ '000	Acquisition due to change in accounting policy \$ '000	Other non-cash movement \$ '000	Closing balance \$ '000
Loans – secured	4,294	(273)	2,000	–	–	–	6,021
Total liabilities from financing activities	4,294	(273)	2,000	–	–	–	6,021

	2019		Non-cash movements				2020
	Opening Balance \$ '000	Cash flows \$ '000	Acquisition \$ '000	Fair value changes \$ '000	Acquisition due to change in accounting policy \$ '000	Other non-cash movement \$ '000	Closing balance \$ '000
Loans – secured	4,539	(245)	–	–	–	–	4,294
Total liabilities from financing activities	4,539	(245)	–	–	–	–	4,294

(b) Financing arrangements

	2021 \$ '000	2020 \$ '000
Total facilities		
Credit cards/purchase cards	40	40
Total financing arrangements	40	40
Undrawn facilities		
– Credit cards/purchase cards	40	40
Total undrawn financing arrangements	40	40

Additional financing arrangements information**Breaches and defaults**

During the current and prior year, there were no defaults or breaches on any of the loans.

Security over loans

Loans are secured over future cash flows.

Bank overdrafts

The bank overdraft facility may be drawn at any time and may be terminated by the bank without notice.

Accounting policy

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

Fees paid on the establishment of loan facilities are recognised as transaction costs of the loan to the extent that it is probable that some or all of the facility will be drawn down.

Borrowings are removed from the Statement of Financial Position when the obligation specified in the contract is discharged, cancelled or expired. The difference between the carrying amount of a financial liability that has been extinguished or transferred to another party and the consideration paid, including any non-cash assets transferred or liabilities assumed, is recognised in other income or borrowing costs.

C3-4 Employee benefit provisions

	2021 Current \$ '000	2021 Non-current \$ '000	2020 Current \$ '000	2020 Non-current \$ '000
Annual leave	915	–	922	–
Long service leave	1,179	241	1,125	230
Gratuities	169	–	165	6
Total employee benefit provisions	2,263	241	2,212	236

Current employee benefit provisions not anticipated to be settled within the next twelve months

	2021 \$ '000	2020 \$ '000
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	1,132	1,106
	1,132	1,106

Description of and movements in provisions

	ELE provisions			
	Annual leave \$ '000	Long service leave \$ '000	Gratuities \$ '000	Total \$ '000
2021				
At beginning of year	922	1,355	171	2,448
Additional provisions	615	179	–	794
Amounts used (payments)	(622)	(114)	(2)	(738)
Total ELE provisions at end of year	915	1,420	169	2,504
2020				
At beginning of year	841	1,215	186	2,242
Additional provisions	552	223	(3)	772
Amounts used (payments)	(471)	(83)	(12)	(566)
Total ELE provisions at end of year	922	1,355	171	2,448

Accounting policy

Employee benefit provisions are presented as current liabilities in the statement of Financial Position if Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur and therefore all annual leave and vested long service leave (or that which vests within 12 months) is presented as current.

Short-term obligations

Liabilities for wages and salaries (including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service) are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

Other long-term employee benefit obligations

The liability for long-service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

On-costs

continued on next page ...

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C3-4 Employee benefit provisions (continued)

The employee benefit provisions include the aggregate on-costs liabilities that will arise when payment of current employee benefits is made in future periods.

These amounts include superannuation, payroll tax and workers compensation expenses which will be payable upon the future payment of certain leave liabilities which employees are entitled to at the reporting period.

C3-5 Provisions

	2021 Current \$ '000	2021 Non-Current \$ '000	2020 Current \$ '000	2020 Non-Current \$ '000
Asset remediation/restoration:				
Asset remediation/restoration (future works)	–	2,596	–	2,484
Sub-total – asset remediation/restoration	–	2,596	–	2,484
Total provisions	–	2,596	–	2,484
Total provisions relating to unrestricted assets	–	2,596	–	2,484
Total provisions	–	2,596	–	2,484

Description of and movements in provisions

continued on next page ...

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C3-5 Provisions (continued)

	Other provisions	
	Asset remediation \$ '000	Net carrying amount \$ '000
2021		
At beginning of year	2,484	2,484
Unwinding of discount	112	112
Total other provisions at end of year	2,596	2,596
2020		
At beginning of year	1,372	1,372
Remeasurement effects	1,112	1,112
Total other provisions at end of year	2,484	2,484

Nature and purpose of provisions**Asset remediation**

Council has a legal/public obligation to make, restore, rehabilitate and reinstate the Buronga Landfill.

Accounting policy

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as a borrowing cost.

Asset remediation – tips and quarries

Close-down and restoration costs include the dismantling and demolition of infrastructure, and the removal of residual materials and remediation of disturbed areas. Estimated close-down and restoration costs are provided for in the accounting period when the obligation arising from the related disturbance occurs, whether this occurs during the development or during the operation phase, based on the net present value of estimated future costs. Provisions for close-down and restoration costs do not include any additional obligations which are expected to arise from future disturbance. The cost estimates are calculated annually during the life of the operation to reflect known developments, e.g. updated cost estimates and revisions to the estimated lives of operations, and are subject to formal review at regular intervals.

The ultimate cost of environmental remediation is uncertain and cost estimates can vary in response to many factors, including changes to the relevant legal requirements, the emergence of new restoration techniques, or experience at other locations. The expected timing of expenditure can also change, for example in response to changes in quarry reserves or production rates. As a result, there could be significant adjustments to the provision for close down and restoration and environmental clean-up, which would affect future financial results.

Other movements in the provisions for close-down and restoration costs, including those resulting from new disturbance, updated cost estimates, changes to the estimated lives of operations, and revisions to discount rates, are capitalised within infrastructure, property, plant and equipment. These costs are then depreciated over the lives of the assets to which they relate.

C4 Reserves

C4-1 Nature and purpose of reserves

Infrastructure, property, plant and equipment revaluation reserve

The infrastructure, property, plant and equipment (IPPE) revaluation reserve is used to record increments and decrements in the revaluation of infrastructure, property, plant and equipment.

D Council structure

D1 Results by fund

General fund refers to all Council activities other than water and sewer. All amounts disclosed in this note are gross i.e. inclusive of internal charges and recoveries made between the funds. Assets and liabilities shown in the water and sewer columns are restricted for use for these activities.

D1-1 Income Statement by fund

	General 2021 \$ '000	Water 2021 \$ '000	Sewer 2021 \$ '000
Income from continuing operations			
Rates and annual charges	6,245	1,239	1,680
User charges and fees	5,992	1,590	–
Interest and investment revenue	154	64	27
Other revenues	1,014	6	–
Grants and contributions provided for operating purposes	10,266	19	99
Grants and contributions provided for capital purposes	10,362	931	431
Net gains from disposal of assets	135	–	–
Other income	52	–	–
Total income from continuing operations	34,220	3,849	2,237
Expenses from continuing operations			
Employee benefits and on-costs	7,287	586	183
Materials and services	8,155	976	397
Borrowing costs	374	–	1
Depreciation, amortisation and impairment of non-financial assets	6,642	684	751
Other expenses	605	64	94
Share of interests in joint ventures and associates using the equity method	219	–	–
Total expenses from continuing operations	23,282	2,310	1,426
Operating result from continuing operations	10,938	1,539	811
Net operating result for the year	10,938	1,539	811
Net operating result attributable to each council fund	10,938	1,539	811
Net operating result for the year before grants and contributions provided for capital purposes	576	608	380

D1-2 Statement of Financial Position by fund

	General 2021 \$ '000	Water 2021 \$ '000	Sewer 2021 \$ '000
ASSETS			
Current assets			
Cash and cash equivalents	(10,653)	9,409	3,607
Investments	36,030	—	—
Receivables	2,110	1,248	294
Inventories	166	—	—
Other	156	—	—
Total current assets	27,809	10,657	3,901
Non-current assets			
Infrastructure, property, plant and equipment	395,775	34,571	23,337
Investments accounted for using the equity method	1,140	—	—
Intangible assets	184	—	—
Total non-current assets	397,099	34,571	23,337
TOTAL ASSETS	424,908	45,228	27,238
LIABILITIES			
Current liabilities			
Payables	2,547	—	—
Contract liabilities	6,318	—	—
Borrowings	430	—	69
Employee benefit provision	2,263	—	—
Total current liabilities	11,558	—	69
Non-current liabilities			
Borrowings	4,841	—	681
Employee benefit provision	241	—	—
Provisions	2,596	—	—
Total non-current liabilities	7,678	—	681
TOTAL LIABILITIES	19,236	—	750
Net assets	405,672	45,228	26,488
EQUITY			
Accumulated surplus	54,395	20,640	7,589
Revaluation reserves	351,278	24,588	18,898
Council equity interest	405,673	45,228	26,487
Total equity	405,673	45,228	26,487

D2 Interests in other entities

	Council's share of net assets	
	2021	2020
	\$ '000	\$ '000
Council's share of net income		
Net share of interests in joint ventures and associates using the equity method – expenses		
Joint ventures	219	102
Total net share of interests in joint ventures and associates using the equity method – expenses	219	102
Total Council's share of net income	(219)	(102)
Council's share of net assets		
Net share of interests in joint ventures and associates using the equity method – assets		
Joint ventures	1,140	1,359
Total net share of interests in joint ventures and associates using the equity method – assets	1,140	1,359
Total Council's share of net assets	1,140	1,359

D2-1 Interests in joint arrangements

Material joint ventures

The following information is provided for joint arrangements that are individually material to the Council. Included are the total amounts as per the joint arrangements financial statements, adjusted for fair-value adjustments at acquisition date and differences in accounting policies, rather than the Council's share.

Council is a member of the Far West Joint Organisation of Councils (FWJO). Details of Council's membership and participation is as follows:

The FWJO is a separately constituted entity pursuant to Part 7 (Sections 400O to 400ZH) of the Local Government Act (NSW) 1993, as amended and the Local Government (General) Regulation 2008.

The FWJO has the same year end date as the Council.

The principal functions of the Far West Joint Organisation will be to:

1. Establish strategic regional priorities for the joint organisation area and develop strategies and plans for delivering these priorities;
2. Provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities;
3. Identify and take up opportunities for intergovernmental cooperation on matters relating to the joint organisation area;
4. Enhancing strategic capacity to support member councils to deliver services to their communities; and
5. Service delivery to provide services directly to communities in the region.

The percentage ownership interest is equivalent to the percentage voting rights for all associates as follows:

FWJO comprises the Councils of the Shires of Balranald, Broken Hill, Central Darling and Wentworth. The Board of the FWJO comprises 4 voting members being the Mayors of the four member Councils, and non-voting members being the General Managers of the four member Councils, as well as three appointed members from the State Government and Cabinet (non-voting).

Wentworth Shire Council as a member of the FWJO, has a one quarter voting right (25%) in respect to the decisions of the Board.

For the 2020/2021 year, no member Councils were required to make contributions to the FWJO.

Members of the FWJO are indemnified from liability for functions and duties carried out or omitted honestly, in good faith and with due care and diligence.

The FWJO has contracted the Executive Officer role to the Riverina & Murray Joint Organisation of Councils.

There are no liability issues identified for Council in the short to medium term.

Far West Joint Organisation 2021	
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D2-1 Interests in joint arrangements (continued)

Equity Method	\$'000
Summarised Statement of Financial Position	
Current assets	4,621
Non-current assets	-
Current liabilities	(60)
Non-current liabilities	-
Net assets	4,561
Summarised Statement of Income and other Comprehensive Income	
Grant funding	150
Interest income	5
Gain on Disposal	4
Total Income from Continuing Operations	159
Employee benefits	(98)
Borrowing costs	-
Depreciation and amortisation	(3)
Administration expense	(917)
Total Expense from Continuing Operations	(1,018)
Profit/(loss) from continuing operations	(859)
Other Comprehensive Income	-
Total Comprehensive Income	(859)
Summarised Statement of Cash Flows	
Cash flows from operating activities	856
Cash flows from investing activities	(5)
Cash flows from financing activities	-
Net Increase/(Decrease) in cash and cash equivalents	(851)
Reconciliation of carrying amount of interest in the joint arrangement to summarised financial information for FWJO accounted for using the Equity method:	
Wentworth Shire Council's share of 25% of Net Assets	1,140
Carrying amount	1,140

Joint arrangement

Principal activity	Place of business	Interest in ownership		Interest in voting	
		2021	2020	2021	2020

Council is involved in the following joint arrangement

Name of joint arrangement:

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D2-1 Interests in joint arrangements (continued)

Principal activity		Place of business	Interest in ownership		Interest in voting	
			2021	2020	2021	2020
Far West Joint Organisation	Local Government Joint Arrangement	240 Blende St Broken Hill NSW 2880	0%	25%	0%	25%

Accounting policy

The council has determined that it has a joint arrangement with Balranald Council, Broken Hill Council and Central Darling Council in the Far West Joint Organisation.

Interest in joint arrangements are accounted for using the equity method in accordance with AASB 128 Investments in Associates and Joint Ventures.

Under this method, the investment is initially recognised as at cost and the carrying amount is increased or decreased to recognise the Council's share of the profit or loss and other comprehensive income of the investee after the date of acquisition. If the Council's share of losses of a joint arrangement equals or exceeds its interest in the joint arrangement, the Council discontinues recognising its share of further losses.

The Council's share in the joint arrangements gains or losses arising from transactions between itself and its joint arrangement are eliminated.

Adjustments are made to the joint arrangements accounting policies where they are different from those of the Council for the purpose of the consolidated financial statements.

E Risks and accounting uncertainties

E1-1 Risks relating to financial instruments held

Council's activities expose it to a variety of financial risks including (1) price risk, (2) credit risk, (3) liquidity risk and (4) interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by Council's finance section under policies approved by the Council.

The fair value of Council's financial assets and financial liabilities approximates their carrying amount.

	Carrying value 2021 \$ '000	Carrying value 2020 \$ '000	Fair value 2021 \$ '000	Fair value 2020 \$ '000
Financial assets				
Measured at amortised cost				
Cash and cash equivalents	2,363	10,413	2,363	10,413
Receivables	3,652	5,546	3,652	5,546
Investments				
– Debt securities at amortised cost	36,030	18,005	36,030	18,005
Total financial assets	42,045	33,964	42,045	33,964
Financial liabilities				
Payables	2,547	3,578	2,547	3,578
Loans/advances	6,021	4,294	6,021	4,294
Total financial liabilities	8,568	7,872	8,568	7,872

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's finance area manages the cash and Investments portfolio.

Council has an investment policy which complies with the Local Government Act 1993 and Minister's investment order 625. This policy is regularly reviewed by Council and its staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance as required by Local Government regulations.

The risks associated with the instruments held are:

- **Price risk** – the risk that the capital value of Investments may fluctuate due to changes in market prices, whether there changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.
- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.
- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

E1-1 Risks relating to financial instruments held (continued)**(a) Market risk – interest rate and price risk**

	2021 \$ '000	2020 \$ '000
The impact on result for the year and equity of a reasonably possible movement in the price of investments held and interest rates is shown below. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.		
Impact of a 1% movement in interest rates		
– Equity / Income Statement	134	284
Impact of a 10% movement in price of investments		
– Equity / Income Statement	1,346	–

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E1-1 Risks relating to financial instruments held (continued)**(b) Credit risk**

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees.

Council manages the credit risk associated with these receivables by monitoring outstanding debt and employing stringent debt recovery procedures. Council also encourages ratepayers to pay their rates by the due date through incentives.

The credit risk for liquid funds and other short-term financial assets is considered negligible, since the counterparties are reputable banks with high quality external credit ratings.

There are no significant concentrations of credit risk, other than Council has significant credit risk exposures in its local area given the nature of the business.

The level of outstanding receivables is reported to Council monthly and benchmarks are set and monitored for acceptable collection performance.

The maximum exposure to credit risk at the reporting date is the carrying amount of each class of receivable in the financial statements.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors. There are no material receivables that have been subjected to a re-negotiation of repayment terms.

Credit risk profile**Receivables – rates and annual charges**

Credit risk on rates and annual charges is minimised by the ability of Council to recover these debts as a secured charge over the land; that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages payment.

	Not yet overdue \$ '000	< 1 year overdue \$ '000	1 - 2 years overdue \$ '000	2 - 5 years overdue \$ '000	> 5 years overdue \$ '000	Total \$ '000
2021						
Gross carrying amount	–	370	127	131	63	691
2020						
Gross carrying amount	–	436	253	245	48	982

Receivables - non-rates and annual charges and contract assets

Council applies the simplified approach for non-rates and annual charges debtors and contract assets to provide for expected credit losses, which permits the use of the lifetime expected loss provision at inception. To measure the expected credit losses, non-rates and annual charges debtors and contract assets have been grouped based on shared credit risk characteristics and the days past due.

The loss allowance provision is determined as follows. The expected credit losses incorporate forward-looking information.

	Not yet overdue \$ '000	0 - 30 days overdue \$ '000	31 - 60 days overdue \$ '000	61 - 90 days overdue \$ '000	> 91 days overdue \$ '000	Total \$ '000
2021						
Gross carrying amount	2,442	158	–	–	486	3,086
Expected loss rate (%)	0.06%	1.92%	6.51%	76.14%	24.87%	4.06%
ECL provision	1	3	–	–	121	125
2020						
Gross carrying amount	3,557	400	187	–	535	4,679
Expected loss rate (%)	0.75%	1.00%	0.50%	0.00%	15.50%	2.45%
ECL provision	27	4	1	–	83	115

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E1-1 Risks relating to financial instruments held (continued)**(c) Liquidity risk**

Payables, lease liabilities and borrowings are both subject to liquidity risk; that is, the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels, and by maintaining an adequate cash buffer. Payment terms can be extended, and overdraft facilities drawn upon in extenuating circumstances.

Borrowings are also subject to interest rate risk: the risk that movements in interest rates could adversely affect funding costs. Council manages this risk through diversification of borrowing types, maturities and interest rate structures.

The finance team regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

The timing of cash flows presented in the table below to settle financial liabilities reflects the earliest contractual settlement dates. The timing of expected outflows is not expected to be materially different from contracted cashflows.

The amounts disclosed in the table are the undiscounted contracted cash flows for non-lease liabilities (refer to Note C2-1(b) for lease liabilities) and therefore the balances in the table may not equal the balances in the Statement of Financial Position due to the effect of discounting.

	Weighted average interest rate %	Subject to no maturity \$ '000	payable in: ≤ 1 Year \$ '000	1 - 5 Years \$ '000	> 5 Years \$ '000	Total cash outflows \$ '000	Actual carrying values \$ '000
2021							
Trade/other payables	0.00%	631	1,916	–	–	2,547	2,547
Loans and advances	2.80%	–	927	5,631	6,108	12,666	6,021
Total financial liabilities		631	2,843	5,631	6,108	15,213	8,568
2020							
Trade/other payables	0.00%	576	3,002	–	–	3,578	3,578
Loans and advances	4.21%	–	392	1,568	4,117	6,077	4,294
Total financial liabilities		576	3,394	1,568	4,117	9,655	7,872

E2-1 Fair value measurement

The Council measures the following asset and liability classes at fair value on a recurring basis:

- Infrastructure, property, plant and equipment
- Financial assets and liabilities

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

Fair value measurement hierarchy									
\$ '000	Notes	Date of latest valuation		Level 2 Significant observable inputs		Level 3 Significant unobservable inputs		Total	
		2021	2020	2021	2020	2021	2020	2021	2020
Recurring fair value measurements									
Infrastructure, property, plant and equipment	C1-6								
Plant and equipment		30/06/19	30/06/19	-	-	6,909	6,541	6,909	6,541
Office equipment		30/06/19	30/06/19	-	-	446	464	446	464
Furniture and fittings		30/06/19	30/06/19	-	-	11	16	11	16
Swimming Pools		30/06/18	30/06/18	-	-	1,724	1,671	1,724	1,671
Operational land		30/06/20	30/06/20	-	-	4,057	4,057	4,057	4,057
Community Land		30/06/20	30/06/20	-	-	7,287	7,250	7,287	7,250
Land improvements – depreciable		30/06/18	30/06/18	-	-	5,059	3,984	5,059	3,984
Buildings		30/06/18	30/06/18	-	-	34,416	33,354	34,416	33,354
Other structures		30/06/18	30/06/18	-	-	3,481	3,480	3,481	3,480
Roads, Bridges, Bulk Earthworks & Land Under Roads		30/06/20	30/06/20	-	-	286,764	287,643	286,764	287,643
Footpaths		30/06/20	30/06/20	-	-	3,188	2,972	3,188	2,972
Stormwater drainage		30/06/17	30/06/17	-	-	15,211	14,816	15,211	14,816
Water supply network		30/06/17	30/06/17	-	-	30,672	29,904	30,672	29,904
Sewerage network		30/06/17	30/06/17	-	-	18,353	18,701	18,353	18,701
Other recreational assets		30/06/18	30/06/18	-	-	189	248	189	248
Library books		30/06/20	30/06/20	-	-	144	132	144	132
Other Infrastructure		30/06/20	30/06/20	-	-	10,486	10,640	10,486	10,640
Tip Assets				-	-	3,177	3,244	3,177	3,244
Total infrastructure, property, plant and equipment				-	-	431,574	429,117	431,574	429,117
Non-recurring fair value measurements									

Valuation techniques

Where Council is unable to derive fair valuations using quoted market prices of identical assets (ie. level 1 inputs) Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

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E2-1 Fair value measurement (continued)

Infrastructure, property, plant and equipment (IPPE)

Plant & Equipment, Office Equipment and Furniture & Fittings are valued at cost but are disclosed at fair value in the notes. The carrying amount of these assets is assumed to approximate fair value due to the nature of the items. The key unobservable inputs to the valuation are the remaining useful life and residual value. Council reviews the values of these assets against quoted prices for the gross current replacement cost of similar assets and by taking account of the pattern of consumption, estimated remaining useful life and the residual value. There has been no change to the valuation process during the reporting period.

Operational Land comprises all of Council land classified as Operational Land under the NSW Local Government Act 1993. The key unobservable input to the valuation is the price per square metre. The last valuation was undertaken at 30 June 2020 using the values provided by the NSW Valuer General's Office. Generally, fair value is the most advantageous price reasonably obtained by the seller and the most advantageous price reasonably obtained by the buyer. This is not necessarily the market selling price of the asset, rather, it is regarded as the maximum value that Council would rationally pay to acquire the asset if it did not hold it, taking into account quoted market price in an active and liquid market, the current market price of the same or similar asset, the cost of replacing the asset, if management intended to replace the asset, the remaining useful life and condition of the asset; and cash flows from future use and disposal.

Valuations of all Council's Community Land are based on the land values provided by the NSW Valuer General's Office. As these values are not considered to be observable market evidence they have been classified as Level 3. Community Land was revalued as at 30 June 2020.

Depreciable Land Improvements comprises land improvements such as spectator mounds, gardens, mulched areas streetscaping and landscaping. These assets may be located on parks, reserves and within road reserves. They were last revalued at 30 June 2018 by Asset Val Pty Ltd. The cost approach has been utilised whereby the replacement cost was estimated for each asset by taking into account a range of factors. Inputs such as estimates of pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. As such these assets were all classified as having been valued using Level 3 valuation inputs. There has been no change to the valuation process during the reporting period.

Buildings were valued by Asset Val Pty Ltd at 30 June 2018 using the cost approach. The approach estimated the replacement cost of each building by componentising the buildings into significant parts with different useful lives and taking into account a range of factors. While all buildings were physically inspected inputs such as estimates of residual value and pattern of consumption required extensive professional judgement and impacted significantly on the final determination of fair value. As such these assets were classified as having been valued using Level 3 valuation inputs. There has been no change to the valuation process during the reporting period.

Other Structures comprises lighting systems, shade sails, shelters, tennis and netball courts, bbqs, etc. The cost approach has been utilised whereby the replacement cost was estimated for each asset by taking into account a range of factors. Inputs such as estimates of pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. As such, these assets were classified as having been valued using Level 3 valuation inputs. There has been no change to the valuation process during the reporting period. These assets were valued by Asset Val Pty Ltd at 30 June 2018.

Roads comprises the road carriageway, bus shelters, carparks, guardrails, kerb & guttering, boat ramps, wharfs and traffic facilities. The road carriage way is defined as the trafficable portion of a road, between but not including the kerb & gutter. The cost approach using Level 3 inputs was used to value the road carriage way and other road infrastructure. Valuations for the road carriageway, comprising surface, pavement and formation were internally valued by Council Officers at 30 June 2020. The cost approach was utilised with inputs such as estimates of patterns of consumption, residual value, asset condition and useful life requiring extensive professional judgement which impacted significantly on the final determination of fair value. Additionally due to limitations in the historical records of very long lived assets there is some uncertainty regarding the actual design, specifications and dimensions of some assets.

Footpaths were internally valued by Council Officers at 30 June 2020 using a cost approach. Footpaths were segmented to match the adjacent road segment and no further componentisation was undertaken. Footpaths were originally assessed using physical inspections. Condition information is updated as changes in the network are observed through regular inspections. There has been no change to the valuation process during the reporting period.

Stormwater Drainage assets comprises pits, pipes, headwalls, gross pollutant traps and various types of water quality devices. The cost approach estimated the replacement cost of each asset by componentising the assets into significant parts with different useful lives and taking into account a range of factors. The level of componentisation adopted by Council is in accordance with OLG Circular 09-09 and the Institute of Public Works Engineers Australia's International Infrastructure Management Manual (IIMM). Inputs such as estimates of the pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. Accordingly due to limitations in the historical records of very long lived assets there is uncertainty regarding the actual design, specifications and dimensions of

E2-1 Fair value measurement (continued)

some assets. There has been no changes to the valuation process during the reporting period. These assets were valued by Rapid Map Services Pty Ltd at 30 June 2017.

Sewerage Network and Water Supply Network assets comprises pump stations, reservoirs, treatment plants, reticulation mains, trunk mains, manholes, rising mains, pipes, valves, hydrants, standpipes. The cost approach estimated the replacement cost of each asset by componentising the assets into significant parts with different useful lives and taking into account a range of factors. The level of componentisation adopted by Council is in accordance with OLG Circular 09-09 and the Institute of Public Works Engineers Australia's International Infrastructure Management Manual (IIMM). Inputs such as estimates of the pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. Accordingly due to limitations in the historical records of very long lived assets there is uncertainty regarding the actual design, specifications and dimensions of some assets. There has been no changes to the valuation process during the reporting period. These assets were valued by AGIS Pty Ltd at 30 June 2017.

Swimming pools were valued by Asset Val Pty Ltd at 30 June 2018 using the cost approach. Inputs such as estimates of the pattern of consumption, residual value, asset condition and useful life required extensive professional judgement which impacted significantly on the final determination of fair value. There has been no change to the valuation process during the reporting period.

Other Open Space/Recreational Assets include all of Councils playground equipment. They were valued by Asset Val Pty Ltd at 30 June 2018 using the cost approach. Inputs such as estimates of the pattern of consumption, residual value, asset condition and useful life required extensive professional judgement which impacted significantly on the final determination of fair value. There has been no change to the valuation process during the reporting period.

Bridges were valued by Marsh Valuation (formally Asset Val Pty Ltd) at 30 June 2020 using a cost approach. Bridges were originally assessed using physical inspections. Condition information is updated as changes in the condition are observed through regular inspections. There has been no change to the valuation process during the reporting period.

E2-1 Fair value measurement (continued)**Fair value measurements using significant unobservable inputs (level 3)**

A reconciliation of the movements in recurring fair value measurements allocated to Level 3 of the hierarchy is provided below:

	Plant and equipment		Office equipment		Furniture and fittings		Operational land	
	2021	2020	2021	2020	2021	2020	2021	2020
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Opening balance	6,541	6,410	464	309	16	22	4,057	–
Total gains or losses for the period								
Other movements								
Purchases (GBV)	1,576	1,320	44	190	–	2	–	–
Other movement (revaluation)	–	–	–	–	–	–	–	1,400
Disposals (WDV)	(179)	(199)	–	–	–	–	–	–
Transfers from/(to) another asset class	–	–	–	–	–	–	–	2,657
Depreciation and impairment	(1,029)	(990)	(62)	(35)	(5)	(8)	–	–
Closing balance	6,909	6,541	446	464	11	16	4,057	4,057

	Library books		Community land		Land imp'mts depreciable		Buildings	
	2021	2020	2021	2020	2021	2020	2021	2020
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Opening balance	132	113	7,250	7,836	3,984	3,688	33,354	33,017
Total gains or losses for the period								
Other movements								
Purchases (GBV)	42	49	37	–	1,328	518	1,969	1,669
Other movement (revaluation)	–	–	–	2,071	–	–	–	–
Transfers from/(to) another asset class	–	–	–	(2,657)	–	–	–	–
Depreciation and impairment	(30)	(30)	–	–	(253)	(222)	(907)	(1,332)
Closing balance	144	132	7,287	7,250	5,059	3,984	34,416	33,354

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E2-1 Fair value measurement (continued)

	Other structures		Roads		Footpaths		Stormwater drainage	
	2021	2020	2021	2020	2021	2020	2021	2020
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Opening balance	3,480	6,238	287,643	287,987	2,972	2,625	14,816	14,731
Total gains or losses for the period								
Other movements								
Purchases (GBV)	217	1,084	2,644	4,405	273	162	467	578
Other movement (revaluation)	–	–	–	(1,041)	–	272	144	129
Transfers from/(to) another asset class	–	(3,715)	–	–	–	–	–	–
Depreciation and impairment	(216)	(127)	(3,524)	(3,708)	(57)	(87)	(216)	(622)
Closing balance	3,481	3,480	286,763	287,643	3,188	2,972	15,211	14,816

	Water supply network		Sewerage network		Swimming pools		Open space	
	2021	2020	2021	2020	2021	2020	2021	2020
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Opening balance	29,904	30,253	18,701	18,283	1,671	1,727	248	311
Total gains or losses for the period								
Other movements								
Purchases (GBV)	1,176	67	240	1,038	118	19	–	–
Other movement (revaluation)	273	283	163	165	–	–	–	–
Depreciation and impairment	(681)	(699)	(751)	(785)	(65)	(75)	(59)	(63)
Closing balance	30,672	29,904	18,353	18,701	1,724	1,671	189	248

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E2-1 Fair value measurement (continued)

	Other Infrastructure		Tip Assets		Total	
	2021	2020	2021	2020	2021	2020
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Opening balance	10,640	1,483	3,244	2,177	429,117	417,210
Purchases (GBV)	–	41	–	1,112	10,131	12,254
Other movement (revaluation)	–	5,514	–	–	580	8,793
Disposals (WDV)	–	–	–	–	(179)	(199)
Transfers from/(to) another asset class	–	3,715	–	–	–	–
Depreciation and impairment	(154)	(113)	(67)	(45)	(8,076)	(8,941)
Closing balance	10,486	10,640	3,177	3,244	431,573	429,117

Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

E3-1 Contingencies

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council's financial report.

LIABILITIES NOT RECOGNISED

1. Guarantees

(i) Defined benefit superannuation contribution plans

Council is party to an Industry Defined Benefit Plan under the Local Government Superannuation Scheme, named The Local Government Superannuation Scheme – Pool B (the Scheme) which is a defined benefit plan that has been deemed to be a 'multi-employer fund' for purposes of AASB119 Employee Benefits for the following reasons:

- Assets are not segregated within the sub-group according to the employees of each sponsoring employer;
- The contribution rates have been the same for all sponsoring employers. That is, contribution rates have not varied for each sponsoring employer according to the experience relating to the employees of that sponsoring employer;
- Benefits for employees of all sponsoring employers are determined according to the same formulae and without regard to the sponsoring employer; and
- The same actuarial assumptions are currently used in respect of the employees of each sponsoring employer.

Given the factors above, each sponsoring employer is exposed to the actuarial risks associated with current and former employees of other sponsoring employers, and hence shares in the associated gains and losses (to the extent that they are not borne by members). As such we do not believe that there is sufficient reliable information to allow each sponsoring employer to account for its proportionate share of the defined benefit obligation, sub-group assets and costs associated with the sub-group in the same way as it would for a single employer sponsored defined benefit plan.

Description of the funding arrangements.

Pooled employers are required to pay standard employer contributions and additional lump sum contributions to the fund.

The future service employer contributions were determined using the new entrant rate method under which a contribution rate sufficient to fund the total benefits over the working life-time of a typical new entrant is calculated. The current standard employer contribution rates are:

Division B	1.90 times employee contributions for non - 180 Point Members; Nil for 180 Point Members*
Division C	2.50% salaries
Division D	1.64 times employee contributions

*For 180 Point Members, Employees are required to contribute 7% of salaries for the year ending 30 June 2021 (increasing to 7.5% in line with the increase in the Superannuation Guarantee) to these members' accumulation accounts, which are paid in addition to members' defined benefits.

The past service contribution for each Pooled Employer is a share of the total additional contributions of \$40 million per annum from 1 July 2019 to 30 June 2021, apportioned according to each employer's share of the accrued liabilities as at 30 June 2019. These past service contributions are used to maintain the adequacy of the funding position for the accrued liabilities.

The adequacy of contributions is assessed at each triennial actuarial investigation and monitored annually between triennials.

Description of the extent to which Council can be liable to the plan for other Council's obligations under the terms and conditions of the multi-employer plan

As stated above, each sponsoring employer (Council) is exposed to the actuarial risks associated with current and former employees of other sponsoring employers and hence shares in the associated gains and losses.

However, there is no relief under the Fund's trust deed for employers to walk away from their defined benefit obligations. Under limited circumstances, an employer may withdraw from the plan when there are no active members, on full payment of outstanding past service contributions. There is no provision for allocation of any surplus which may be present at the date of withdrawal of the Council.

There are no specific provisions under the Fund's trust deed dealing with deficits or surplus on wind-up.

E3-1 Contingencies (continued)

The amount of Council employer contributions to the defined benefit section of the Local Government Superannuation Scheme and recognised as an expense for the year ending 30 June 2021 was \$98,383.90. The last valuation of the Scheme was performed by Mr Richard Boyfield, FIAA as at 30 June 2020.

The amount of additional contributions included in the total employer contribution advised above is \$40 million. Council's expected contribution to the plan for the next annual reporting period is \$102,319.

The estimated employer reserves financial position for the Pooled Employers at 30 June 2021 is:

Employer reserves only *	\$millions	Asset Coverage
Assets	2,620.5	
Past Service Liabilities	2,445.6	107.2%
Vested Benefits	2,468.7	106.2%

* excluding member accounts and reserves in both assets and liabilities.

The share of this deficit that is broadly attributed to Council is estimated to be in the order of 0.17%

Council's share of that deficiency cannot be accurately calculated as the Scheme is a mutual arrangement where assets and liabilities are pooled together for all member councils. For this reason, no liability for the deficiency has been recognised in Council's accounts. Council has a possible obligation that may arise should the Scheme require immediate payment to correct the deficiency.

The key economic long term assumptions used to calculate the present value of accrued benefits are:

Investment return	5.75% per annum
Salary inflation *	3.50% per annum
Increase in CPI	2.50% per annum

* Plus promotional increases

The contribution requirements may vary from the current rates if the overall sub-group experience is not in line with the actuarial assumptions in determining the funding program; however, any adjustment to the funding program would be the same for all sponsoring employers in the Pooled Employers group. Please note that the estimated employer reserves financial position above is a preliminary calculation, and once all the relevant information has been received by the Funds Actuary, the final end of year review, which will be a triennial actuarial investigation will be completed by December 2021.

(ii) Statewide Limited

Council is a member of Statewide Mutual, a mutual pool scheme providing liability insurance to local government.

Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the net assets or liabilities reflects Council's contributions to the pool and the result of insurance claims within each of the fund years.

The future realisation and finalisation of claims incurred but not reported to 30/6 this year may result in future liabilities or benefits as a result of past events that Council will be required to fund or share in respectively.

(iii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

E3-1 Contingencies (continued)

(iv) Other guarantees

Council has provided no other guarantees other than those listed above.

2. Other liabilities

(i) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

(ii) Potential land acquisitions due to planning restrictions imposed by Council

Council has classified a number of privately owned land parcels as local open space or bushland.

As a result, where notified in writing by the various owners, Council will be required to purchase these land parcels.

At reporting date, reliable estimates as to the value of any potential liability (and subsequent land asset) from such potential acquisitions has not been possible.

ASSETS NOT RECOGNISED

(i) Land under roads

As permitted under AASB 1051, Council has elected not to bring to account land under roads that it owned or controlled up to and including 30/6/08.

(ii) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by the Infringement Processing Bureau.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

F People and relationships

F1 Related party disclosures

F1-1 Key management personnel (KMP)

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

	2021 \$ '000	2020 \$ '000
Compensation:		
Short-term benefits	1,464	1,277
Post Employment Benefits	139	103
Termination benefits	3	30
Total	1,606	1,410

F1-1 Key management personnel (KMP) (continued)**Other transactions with KMP and their related parties**

Council has determined that transactions at arm's length between a KMP and Council as part of Council delivering a public service objective (e.g. access to library or Council swimming pool by KMP) will not be disclosed.

Nature of the transaction	Ref	Transactions during the year \$ '000	Outstanding balances including commitments \$ '000	Terms and conditions	Impairment provision on outstanding balances \$ '000	Impairment expense \$ '000
2021						
Purchase of Heavy Plant, Parts and Service of Heavy Plant	1	571	480		-	-
Property Management Fees	2	1	-		-	-
Fees and Charges	3	16	-		-	-
Contribution to Operating Costs	4	-	4		-	-
Employee Remuneration relating to a close family member of a KMP	5	95	-		-	-
Supply of Hardware Materials	6	1	-		-	-
Donations, Grants and Contributions	7	10	-		-	-
Tree/Weed Removal, Construction and Demolition work	8	18	-		-	-
Cleaning Services	9	79	-		-	-
Document Destruction Services, Native Nursery & Employment	10	5	-		-	-

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F1-1 Key management personnel (KMP) (continued)

Nature of the transaction	Ref	Transactions during the year \$ '000	Outstanding balances including commitments \$ '000	Terms and conditions	Impairment provision on outstanding balances \$ '000	Impairment expense \$ '000
2020						
Purchase of Heavy Plant, Parts and Service of Heavy Plant	1	618	2		-	-
Property Management Fees	2	1	-		-	-
Fees and Charges	3	9	-		-	-
Contribution to Operating Costs	4	-	4		-	-
Employee Remuneration relating to a close family member of a KMP	5	99	-		-	-
Supply of Hardware Materials	6	3	-		-	-
Donations, Grants and Contributions	7	30	-		-	-
Tree/Weed Removal, Construction and Demolition work	8	118	-		-	-
Cleaning Services	9	97	-		-	-
Document Destruction Services, Native Nursery & Employment	10	4	-		-	-

1 Council purchases heavy plant, parts and has heavy plant serviced by William Adams Pty Ltd and Mildura Truck Centre Pty Ltd, companies that employee close family members of Council KMP's. Purchase of plant, services and spare parts are billed based on normal rates for such supplies and are due and payable under normal payment terms following Council's procurement process.

2 Council has an investment property that is managed by Elstone Agencies Pty Ltd, a company directly controlled by a Council KMP. Commission was paid under standard industry terms following Council's procurement process

3 Fees were received in relation to the purchase of supplies from Council's store by the Wentworth Golf Club, an organisation that is jointly controlled by a Council KMP. Licence Fees for the use of a Crown Reserve for which Council is the Crown Land Manager was received from Wentworth Golf Club, an organisation that is jointly controlled by a Council KMP. Fees and Charges for Food Premises Inspections, Waste Disposal and the hire of Council parks was received by the Coomealla Memorial Sporting Club, an organisation that is jointly controlled by a Council KMP. Licence fees for the use of a Crown Reserve which Council is the Crown Land Manager from the Coomealla Memorial Sporting Club, an organisation that is jointly controlled by a Council KMP. Fees and Charges for Food Premises Inspections was received by the Gol Gol Hotel, a business that the spouse of a Council KMP is a member.

4 An outstanding amount is owed to Council by Wentworth Cruises, a business that employees a Council KMP and is jointly controlled by a Council KMP. The amount is a contribution to the operating costs of a Crown Reserve which Council is the Crown Land Manager.

5 A close family member of a Council KMP's are employed by Council under the Local Government State Award on an arm's length basis.

6 Council purchases hardware supplies from Wheeldon's Hardware, a business directly controlled by a Council KMP. Amounts were billed based on normal rates for such supplies and were due and payable under normal payment terms following Council's procurement process.

7 Council approved Donations and Contributions to Wentworth Rotary Club, Murray House Aged Care and Wentworth Pioneer Homes as part of Council's annual Donations, Grants and Contributions program. All three organisations are jointly controlled by a Council KMP.

8 Council incurred transactions during the year with XCAV8IT, a business that is directly controlled by a close family member of a Council KMP. Amounts were billed based on normal rates for such supplies and were due and payable under normal payment terms following Council's procurement process.

continued on next page ...

F1-1 Key management personnel (KMP) (continued)

- 9

Council incurred transactions with Wally Green's Hygiene & Cleaning Services, a business that employs a close family member of a Council KMP. Amounts were billed based on normal rates for such supplies and were due and payable under normal payment terms following Council's procurement process.
- 10

Council incurred transactions with the Christie Centre Inc, an organisation that is jointly controlled by a Council KMP. Amounts were billed based on normal rates for such supplies and were due and payable under normal payment terms following Council's procurement process. The Christie Centre also employs a close family member of a Council KMP.

Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

F1-2 Councillor and Mayoral fees and associated expenses

	2021	2020
	\$ '000	\$ '000

The aggregate amount of Councillor and Mayoral fees and associated expenses included in materials and services expenses in the Income Statement are:

Mayoral fee	27	26
Councillors' fees	101	104
Other Councillors' expenses (including Mayor)	70	76
Total	198	206

F1-3 Other related parties

- 1 Council is a member of the Far West Joint Organisation of Councils (FWJO). Council was not required to make any contributions to the FWJO during 2019/20

F2 Other relationships

F2-1 Audit fees

	2021 \$ '000	2020 \$ '000
--	-----------------	-----------------

During the year, the following fees were incurred for services provided by the auditor of Council, related practices and non-related audit firms

Auditors of the Council - NSW Auditor-General:

(i) Audit and other assurance services

Audit and review of financial statements

	46	83
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Remuneration for audit and other assurance services

	46	83
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Total Auditor-General remuneration

	46	83
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Total audit fees

G Other matters

G1-1 Statement of Cash Flows information

(a) Reconciliation of net operating result to cash provided from operating activities

	2021 \$ '000	2020 \$ '000
Net operating result from Income Statement	12,552	7,635
Adjust for non-cash items:		
Depreciation and amortisation	8,077	8,941
Net losses/(gains) on disposal of assets	(135)	(80)
Non-cash capital grants and contributions	(507)	(1,691)
Adoption of AASB 15/1058	–	(561)
Unwinding of discount rates on reinstatement provisions	112	–
Share of net (profits)/losses of associates/joint ventures using the equity method	219	102
+/- Movement in operating assets and liabilities and other cash items:		
Decrease/(increase) in receivables	1,884	(2,156)
Increase/(decrease) in provision for impairment of receivables	10	66
Decrease/(increase) in inventories	36	5
Decrease/(increase) in other current assets	57	(57)
Increase/(decrease) in other accrued expenses payable	166	569
Increase/(decrease) in other liabilities	55	(267)
Increase/(decrease) in contract liabilities	5,262	1,056
Increase/(decrease) in provision for employee benefits	56	206
Net cash provided from/(used in) operating activities from the Statement of Cash Flows	27,844	13,768

(b) Non-cash investing and financing activities

Developer contributions 'in kind'	507	1,691
Total non-cash investing and financing activities	507	1,691

G2-1 Commitments

Capital commitments (exclusive of GST)

	2021 \$ '000	2020 \$ '000
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:		
Property, plant and equipment		
Sewerage and water infrastructure	1,516	–
Buildings	123	678
Plant and equipment	1,343	648
Other	1,648	4,893
Road infrastructure	187	–
Total commitments	4,817	6,219
These expenditures are payable as follows:		
Within the next year	4,817	6,219
Total payable	4,817	6,219
Sources for funding of capital commitments:		
Unrestricted general funds	1,771	6,219
Future grants and contributions	871	–
Unexpended grants	83	–
Externally restricted reserves	751	–
Unexpended loans	441	–
New loans (to be raised)	900	–
Total sources of funding	4,817	6,219

G3-1 Events occurring after the reporting date

Council is unaware of any material or significant 'non-adjusting events' that should be disclosed.

Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

G4 Statement of developer contributions as at 30 June 2021**G4-1 Summary of developer contributions**

	Opening balance at 1 July 2020 \$ '000	Contributions received during the year		Interest and investment income earned \$ '000	Amounts expended \$ '000	Internal borrowings \$ '000	Held as restricted asset at 30 June 2021 \$ '000	Cumulative balance of internal borrowings (to)/from \$ '000
		Cash \$ '000	Non-cash \$ '000					
Development Contribution Plan Service Plan # 2	162	17	-	1	-	-	180	-
	478	2	-	3	-	-	483	-
\$7.11 contributions – under a plan	640	19	-	4	-	-	663	-
Total \$7.11 and \$7.12 revenue under plans	640	19	-	4	-	-	663	-
Total contributions	640	19	-	4	-	-	663	-

Under the Environmental Planning and Assessment Act 1979, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas. It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

G4-2 Developer contributions by plan

	Opening balance at 1 July 2020 \$ '000	Contributions received during the year		Interest and investment income earned \$ '000	Amounts expended \$ '000	Internal borrowings \$ '000	Held as restricted asset at 30 June 2021 \$ '000	Cumulative balance of internal borrowings (to)/from \$ '000
		Cash \$ '000	Non-cash \$ '000					
CONTRIBUTION PLAN 1								
Development Contribution Plan	162	17	-	1	-	-	180	-
Service Plan # 2	478	2	-	3	-	-	483	-
Total	640	19	-	4	-	-	663	-

G5 Statement of performance measures

G5-1 Statement of performance measures – consolidated results

\$ '000	Amounts 2021	Indicator 2021	Indicators 2020 2019		Benchmark
1. Operating performance ratio					
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	912	3.21%	(2.25)%	(6.83)%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	28,447				
2. Own source operating revenue ratio					
Total continuing operating revenue excluding all grants and contributions ¹	18,063	44.97%	49.49%	49.70%	> 60.00%
Total continuing operating revenue ¹	40,171				
3. Unrestricted current ratio					
Current assets less all external restrictions	18,644	4.01x	3.61x	7.19x	> 1.50x
Current liabilities less specific purpose liabilities	4,647				
4. Debt service cover ratio					
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	9,364	14.45x	18.86x	16.25x	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	648				
5. Rates and annual charges outstanding percentage					
Rates and annual charges outstanding	958	9.20%	12.10%	10.87%	< 10.00%
Rates and annual charges collectable	10,413				
6. Cash expense cover ratio					
Current year's cash and cash equivalents plus all term deposits	38,393	21.08	15.55	17.86	> 3.00
Monthly payments from cash flow of operating and financing activities	1,821	mths	mths	mths	mths

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

Wentworth Shire Council | Notes to the Financial Statements 30 June 2021

G5-2 Statement of performance measures by fund

	General Indicators ³		Water Indicators		Sewer Indicators		Benchmark
\$ '000	2021	2020	2021	2020	2021	2020	
1. Operating performance ratio							
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	(0.32)%	(5.78)%	20.84%	14.07%	21.04%	19.85%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹							
2. Own source operating revenue ratio							
Total continuing operating revenue excluding capital grants and contributions ¹	39.48%	46.63%	75.32%	63.84%	76.31%	56.02%	> 60.00%
Total continuing operating revenue ¹							
3. Unrestricted current ratio							
Current assets less all external restrictions	4.01x	3.61x	∞	445.04x	56.54x	70.16x	> 1.50x
Current liabilities less specific purpose liabilities							
4. Debt service cover ratio							
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	10.73x	13.91x	∞	∞	1,132.00x	∞	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)							
5. Rates and annual charges outstanding percentage							
Rates and annual charges outstanding	12.78%	4.89%	0.00%	35.56%	0.00%	16.35%	< 10.00%
Rates and annual charges collectable							
6. Cash expense cover ratio							
Current year's cash and cash equivalents plus all term deposits	13.93 mths	11.03 mths	∞	44.20 mths	∞	23.33 mths	> 3.00 mths
Monthly payments from cash flow of operating and financing activities							

(1) - (2) Refer to Notes at Note 28 above.

(3) General fund refers to all of Council's activities except for its water and sewer activities which are listed separately.

H Additional Council disclosures (unaudited)**H1-1 Financial review****Key financial figures of Council over the past 5 years**

	2021 \$ '000	2020 \$ '000	2019 \$ '000	2018 \$ '000	2017 \$ '000
Inflows:					
Rates and annual charges revenue	9,164	8,822	8,635	8,265	7,762
User charges revenue	7,582	7,798	5,422	6,759	4,155
Interest and investment revenue (losses)	245	586	886	765	839
Grants income – operating and capital	21,838	18,463	10,992	9,328	9,439
Total income from continuing operations	40,306	36,921	33,994	28,400	25,123
Sale proceeds from IPPE	314	279	440	710	39
New loan borrowings and advances	2,000	–	–	–	2,936
Outflows:					
Employee benefits and on-cost expenses	8,792	8,790	9,280	8,791	7,945
Borrowing costs	375	206	216	191	57
Materials and contracts expenses	9,528	10,623	5,464	6,573	4,617
Total expenses from continuing operations	27,754	29,286	27,534	26,419	22,994
Total cash purchases of IPPE	19,910	15,711	11,288	10,465	6,625
Total loan repayments (incl. finance leases)	273	245	240	286	169
Operating surplus/(deficit) (excl. capital income)	828	(665)	(84)	476	601
Financial position figures					
Current assets	42,367	34,379	34,146	33,272	30,320
Current liabilities	11,627	7,108	4,381	4,391	4,423
Net current assets	30,740	27,271	29,765	28,881	25,897
Available working capital (Unrestricted net current assets)	4,899	4,813	5,474	8,216	9,646
Cash and investments – unrestricted	5,484	4,337	4,633	5,297	9,405
Cash and investments – internal restrictions	10,728	10,583	11,199	10,767	6,660
Cash and investments – total	38,393	28,418	30,327	28,281	26,134
Total borrowings outstanding (loans, advances and finance leases)	6,021	4,294	4,539	4,779	1,016
Total value of IPPE (excl. land and earthworks)	491,117	473,938	447,222	432,236	351,938
Total accumulated depreciation	239,826	234,023	223,148	214,659	177,381
Indicative remaining useful life (as a % of GBV)	51%	51%	50%	50%	50%

Source: published audited financial statements of Council (current year and prior year)

H1-2 Council information and contact details

Principal place of business:

26-28 Adelaide Street
Wentworth NSW 2648

Contact details**Mailing Address:**

PO Box 81
Wentworth NSW 2648

Telephone: 03 5027 5027

Facsimile: 03 5027 5000

Opening hours:

8:30am - 5:00pm
Monday to Friday

Internet: www.wentworth.nsw.gov.au

Email: council@wentworth.nsw.gov.au

Officers**General Manager**

Ken Ross

Responsible Accounting Officer

Simon Rule

Public Officer

Simon Rule

Auditors

Audit Office of NSW
Darling Park Tower 2, Level 19
201 Sussex Street
Sydney NSW 2000

Elected members**MAYOR**

Melisa Hederics (1/7/2020 - 26/10/2020)
Susan Nichols (9/11/2020 - 30/06/2021)

COUNCILLORS

Tim Elstone
Greg Evans
Steve Heywood
Jane MacAllister
Don McKinnon
Susan Nichols (1/7/2020 - 9/11/2020)
Peter Nunan
Bill Wheeldon

Other information

ABN: 96 283 886 815

Wentworth Shire Council

General Purpose Financial Statements

for the year ended 30 June 2021

Wentworth Shire Council

General Purpose Financial Statements

for the year ended 30 June 2021

Wentworth Shire Council

SPECIAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2021

Wentworth Shire Council

Special Purpose Financial Statements

for the year ended 30 June 2021

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Background

- i. These Special Purpose Financial Statements have been prepared for the use by both Council and the Office of Local Government in fulfilling their requirements under National Competition Policy.
- ii. The principle of competitive neutrality is based on the concept of a 'level playing field' between persons/entities competing in a market place, particularly between private and public sector competitors.

Essentially, the principle is that government businesses, whether Commonwealth, state or local, should operate without net competitive advantages over other businesses as a result of their public ownership.

- iii. For Council, the principle of competitive neutrality and public reporting applies only to declared business activities.

These include **(a)** those activities classified by the Australian Bureau of Statistics as business activities being water supply, sewerage services, abattoirs, gas production and reticulation, and **(b)** those activities with a turnover of more than \$2 million that Council has formally declared as a business activity (defined as Category 1 activities).

- iv. In preparing these financial statements for Council's self-classified Category 1 businesses and ABS-defined activities, councils must **(a)** adopt a corporatisation model and **(b)** apply full cost attribution including tax-equivalent regime payments and debt guarantee fees (where the business benefits from Council's borrowing position by comparison with commercial rates).

Wentworth Shire Council

Special Purpose Financial Statements

for the year ended 30 June 2021

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 20 October 2021.

Susan Nichols

Mayor

20 October 2021

Tim Elstone

Councillor

20 October 2021

Ken Ross

General Manager

20 October 2021

Simon Rule

Responsible Accounting Officer

20 October 2021

Wentworth Shire Council | Income Statement of water supply business activity | For the year ended 30 June 2021

Wentworth Shire Council

Income Statement of water supply business activity

for the year ended 30 June 2021

	2021 \$ '000	2020 \$ '000
Income from continuing operations		
Access charges	1,239	1,184
User charges	1,466	1,411
Fees	124	91
Interest	64	186
Grants and contributions provided for non-capital purposes	19	19
Other income	6	1
Total income from continuing operations	2,918	2,892
Expenses from continuing operations		
Employee benefits and on-costs	19	584
Materials and services	1,543	879
Depreciation, amortisation and impairment	684	701
Water purchase charges	5	6
Other expenses	59	315
Total expenses from continuing operations	2,310	2,485
Surplus (deficit) from continuing operations before capital amounts	608	407
Grants and contributions provided for capital purposes	931	1,608
Surplus (deficit) from continuing operations after capital amounts	1,539	2,015
Surplus (deficit) from all operations before tax	1,539	2,015
Less: corporate taxation equivalent [based on result before capital]	(158)	(112)
Surplus (deficit) after tax	1,381	1,903
Plus accumulated surplus	19,101	17,086
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	158	112
Closing accumulated surplus	20,640	19,101
Return on capital %	1.8%	1.2%
Subsidy from Council	–	–
Calculation of dividend payable:		
Surplus (deficit) after tax	1,381	1,903
Less: capital grants and contributions (excluding developer contributions)	(931)	(1,542)
Surplus for dividend calculation purposes	450	361
Potential dividend calculated from surplus	225	181

Wentworth Shire Council | Income Statement of sewerage business activity | For the year ended 30 June 2021

Wentworth Shire Council

Income Statement of sewerage business activity

for the year ended 30 June 2021

	2021 \$ '000	2020 \$ '000
Income from continuing operations		
Access charges	1,680	1,609
Interest	27	60
Grants and contributions provided for non-capital purposes	99	18
Other income	–	1
Total income from continuing operations	1,806	1,688
Expenses from continuing operations		
Employee benefits and on-costs	14	217
Borrowing costs	1	–
Materials and services	566	225
Depreciation, amortisation and impairment	751	786
Other expenses	94	125
Total expenses from continuing operations	1,426	1,353
Surplus (deficit) from continuing operations before capital amounts	380	335
Grants and contributions provided for capital purposes	431	1,293
Surplus (deficit) from continuing operations after capital amounts	811	1,628
Surplus (deficit) from all operations before tax	811	1,628
Less: corporate taxation equivalent [based on result before capital]	(99)	(92)
Surplus (deficit) after tax	712	1,536
Plus accumulated surplus	6,778	5,150
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	99	92
Closing accumulated surplus	7,589	6,778
Return on capital %	1.6%	1.5%
Subsidy from Council	–	–
Calculation of dividend payable:		
Surplus (deficit) after tax	712	1,536
Less: capital grants and contributions (excluding developer contributions)	(431)	(987)
Surplus for dividend calculation purposes	281	549
Potential dividend calculated from surplus	141	274

Wentworth Shire Council | Statement of Financial Position of water supply business activity | For the year ended 30 June 2021

Wentworth Shire Council**Statement of Financial Position of water supply business activity**

as at 30 June 2021

	2021 \$ '000	2020 \$ '000
ASSETS		
Current assets		
Cash and cash equivalents	9,409	9,154
Receivables	1,248	1,082
Total current assets	10,657	10,236
Non-current assets		
Infrastructure, property, plant and equipment	34,571	33,205
Total non-current assets	34,571	33,205
Total assets	45,228	43,441
LIABILITIES		
Current liabilities		
Payables	—	23
Total current liabilities	—	23
Total liabilities	—	23
Net assets	45,228	43,418
EQUITY		
Accumulated surplus	20,640	19,101
Revaluation reserves	24,588	24,317
Total equity	45,228	43,418

Wentworth Shire Council | Statement of Financial Position of sewerage business activity | For the year ended 30 June 2021

Wentworth Shire Council

Statement of Financial Position of sewerage business activity

as at 30 June 2021

	2021 \$ '000	2020 \$ '000
ASSETS		
Current assets		
Cash and cash equivalents	3,607	2,631
Receivables	294	386
Total current assets	3,901	3,017
Non-current assets		
Infrastructure, property, plant and equipment	23,337	22,538
Total non-current assets	23,337	22,538
Total assets	27,238	25,555
LIABILITIES		
Current liabilities		
Payables	–	43
Borrowings	69	–
Total current liabilities	69	43
Non-current liabilities		
Borrowings	681	–
Total non-current liabilities	681	–
Total liabilities	750	43
Net assets	26,488	25,512
EQUITY		
Accumulated surplus	7,589	6,778
Revaluation reserves	18,898	18,734
Total equity	26,487	25,512

Note – Significant Accounting Policies

A statement summarising the supplemental accounting policies adopted in the preparation of the special purpose financial statements (SPFS) for National Competition Policy (NCP) reporting purposes follows.

These financial statements are SPFS prepared for use by Council and the Office of Local Government. For the purposes of these statements, the Council is a non-reporting not-for-profit entity.

The figures presented in these special purpose financial statements have been prepared in accordance with the recognition and measurement criteria of relevant Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board (AASB) and Australian Accounting Interpretations.

The disclosures in these special purpose financial statements have been prepared in accordance with the *Local Government Act 1993* (Act), the *Local Government (General) Regulation 2005* (Regulation) and the Local Government Code of Accounting Practice and Financial Reporting.

The statements are prepared on an accruals basis. They are based on historic costs and do not take into account changing money values or, except where specifically stated, fair value of non-current assets. Certain taxes and other costs, appropriately described, have been imputed for the purposes of the National Competition Policy.

The Statement of Financial Position includes notional assets/liabilities receivable from/payable to Council's general fund. These balances reflect a notional intra-entity funding arrangement with the declared business activities.

National Competition Policy

Council has adopted the principle of 'competitive neutrality' in its business activities as part of the National Competition Policy which is being applied throughout Australia at all levels of government. The framework for its application is set out in the June 1996 NSW Government Policy statement titled 'Application of National Competition Policy to Local Government'. *The Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality* issued by the Office of Local Government in July 1997 has also been adopted.

The pricing and costing guidelines outline the process for identifying and allocating costs to activities and provide a standard for disclosure requirements. These disclosures are reflected in Council's pricing and/or financial reporting systems and include taxation equivalents, Council subsidies, and returns on investments (rate of return and dividends paid).

Declared business activities

In accordance with *Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality*, Council has declared that the following are to be considered as business activities:

Category 1

(where gross operating turnover is over \$2 million)

a. Wentworth Shire Council Combined Water Supplies

Comprising the whole of the operations and net assets of Council's water supply activities servicing the towns of Wentworth, Dareton, Gol Gol, Pooncarie and Buronga, which is established as a separate Special Rate Fund.

b. Wentworth Shire Council Combined Sewerage Service

Comprising the whole of the operations and net assets of Council's sewerage reticulation and treatment activities servicing the towns of Wentworth, Dareton, Gol Gol, Pooncarie and Buronga, which is established as a Special Rate Fund.

Category 2

(where gross operating turnover is less than \$2 million)

Nil

Taxation equivalent charges

Council is liable to pay various taxes and financial duties. Where this is the case, they are disclosed as a cost of operations just like all other costs.

However, where Council does not pay some taxes which are generally paid by private sector businesses, such as income tax, these equivalent tax payments have been applied to all Council-nominated business activities and are reflected in Special Purpose Financial Statements.

Note – Significant Accounting Policies (continued)

For the purposes of disclosing comparative information relevant to the private sector equivalent, the following taxation equivalents have been applied to all Council-nominated business activities (this does not include Council's non-business activities):

Notional rate applied (%)

Corporate income tax rate – **27.5%**

Land tax – the first \$755,000 of combined land values attracts **0%**. For the combined land values in excess of \$755,000 up to \$4,616,000 the rate is **1.6% + \$100**. For the remaining combined land value that exceeds \$4,616,000 a premium marginal rate of **2.0%** applies.

Payroll tax – **5.45%** on the value of taxable salaries and wages in excess of \$1,200,000.

In accordance with the Department of Industry (DoI) – Water guidelines, a payment for the amount calculated as the annual tax equivalent charges (excluding income tax) must be paid from water supply and sewerage business activities.

The payment of taxation equivalent charges, referred to in the DoI – Water guidelines as a 'dividend for taxation equivalent', may be applied for any purpose allowed under the *Local Government Act, 1993*.

Achievement of substantial compliance to the DoI – Water guidelines is not a prerequisite for the payment of the tax equivalent charges, however the payment must not exceed \$3 per assessment.

Income tax

An income tax equivalent has been applied on the profits of the business activities.

Whilst income tax is not a specific cost for the purpose of pricing a good or service, it needs to be taken into account in terms of assessing the rate of return required on capital invested.

Accordingly, the return on capital invested is set at a pre-tax level - gain/(loss) from ordinary activities before capital amounts, as would be applied by a private sector competitor. That is, it should include a provision equivalent to the corporate income tax rate, currently 27.5%.

Income tax is only applied where a gain/ (loss) from ordinary activities before capital amounts has been achieved.

Since the taxation equivalent is notional – that is, it is payable to Council as the 'owner' of business operations - it represents an internal payment and has no effect on the operations of the Council. Accordingly, there is no need for disclosure of internal charges in the SPFS.

The rate applied of 27.5% is the equivalent company tax rate prevalent at reporting date. No adjustments have been made for variations that have occurred during the year.

Local government rates and charges

A calculation of the equivalent rates and charges for all Category 1 businesses has been applied to all assets owned, or exclusively used by the business activity.

Loan and debt guarantee fees

The debt guarantee fee is designed to ensure that Council business activities face 'true' commercial borrowing costs in line with private sector competitors. In order to calculate a debt guarantee fee, Council has determined what the differential borrowing rate would have been between the commercial rate and Council's borrowing rate for its business activities.

(i) Subsidies

Government policy requires that subsidies provided to customers, and the funding of those subsidies, must be explicitly disclosed. Subsidies occur where Council provides services on a less than cost recovery basis. This option is exercised on a range of services in order for Council to meet its community service obligations. The overall effect of subsidies is contained within the Income Statements of business activities.

(ii) Return on investments (rate of return)

The NCP policy statement requires that councils with Category 1 businesses 'would be expected to generate a return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field'.

Note – Significant Accounting Policies (continued)

Such funds are subsequently available for meeting commitments or financing future investment strategies.

The actual rate of return achieved by each business activity is disclosed at the foot of each respective Income Statement.

The rate of return is calculated as follows:

Operating result before capital income + interest expense

Written down value of I,PP&E as at 30 June

As a minimum, business activities should generate a return equal to the Commonwealth 10 year bond rate which is 0.88% at 30/6/21.

(iii) Dividends

Council is not required to pay dividends to either itself (as owner of a range of businesses) or to any external entities.

Local government water supply and sewerage businesses are permitted to pay an annual dividend from its water supply or sewerage business surplus.

Each dividend must be calculated and approved in accordance with the Department of Industry – Water guidelines and must not exceed:

- 50% of this surplus in any one year, or
- the number of water supply or sewerage assessments at 30 June 2021 multiplied by \$30 (less the payment for tax equivalent charges, not exceeding \$3 per assessment).

In accordance with the Department of Industry – Water guidelines a Dividend Payment form, Statement of Compliance, Unqualified Independent Financial Audit Report and Compliance Audit Report are required to be submitted to the Department of Industry – Water.

Wentworth Shire Council

Special Purpose Financial Statements

for the year ended 30 June 2021

Wentworth Shire Council

SPECIAL SCHEDULES
for the year ended 30 June 2021

Wentworth Shire Council

Special Schedules

for the year ended 30 June 2021

Contents	Page
Special Schedules:	
Permissible income for general rates	3
Report on infrastructure assets as at 30 June 2021	5

Background

These Special Schedules have been designed to meet the requirements of special purpose users such as:

- the NSW Grants Commission
- the Australian Bureau of Statistics (ABS)
- the NSW Office of Water (NOW), and
- the Office of Local Government (OLG)

The financial data is collected for various uses including:

- the allocation of Financial Assistance Grants,
- the incorporation of Local Government financial figures in national statistics,
- the monitoring of loan approvals
- the allocation of borrowing rights, and
- the monitoring of the financial activities of specific services

Wentworth Shire Council | Permissible income for general rates | For the year ended 30 June 2021

Wentworth Shire Council

Permissible income for general rates

	Notes	Calculation 2020/21 \$ '000	Calculation 2021/22 \$ '000
Notional general income calculation ¹			
Last year notional general income yield	a	5,271	5,462
Plus or minus adjustments ²	b	54	68
Notional general income	c = a + b	5,325	5,530
Permissible income calculation			
Or rate peg percentage	e	2.60%	2.00%
Or plus rate peg amount	i = e x (c + g)	138	111
Sub-total	k = (c + g + h + i + j)	5,463	5,641
Plus (or minus) last year's carry forward total	l	122	123
Sub-total	n = (l + m)	122	123
Total permissible income	o = k + n	5,585	5,764
Less notional general income yield	p	5,462	5,673
Catch-up or (excess) result	q = o - p	123	91
Carry forward to next year ³	t = q + r + s	123	91

Notes

- (1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.
- (2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the Valuation of Land Act 1916.
- (3) Carry forward amounts which are in excess (an amount that exceeds the permissible income) require Ministerial approval by order published in the *NSW Government Gazette* in accordance with section 512 of the *Local Government Act 1993*. The OLG will extract these amounts from Council's Permissible income for general rates Statement in the financial data return (FDR) to administer this process.

Permissible income for general rates

Permissible income for general rates: PLUS PDF inserted here

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Wentworth Shire Council | Report on infrastructure assets as at 30 June 2021 | For the year ended 30 June 2021

Wentworth Shire Council

Report on infrastructure assets as at 30 June 2021

Asset Class	Asset Category	Estimated cost to bring to the standard			2020/21 Required maintenance ^a	2020/21 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
		\$ '000	\$ '000	\$ '000					1	2	3	4	5
Buildings	Buildings	1,717	1,717	400	300	300	—	72,601	40.0%	35.0%	20.0%	5.0%	0.0%
	Sub-total	1,717	1,717	400	300	300	34,416	72,601	40.0%	35.0%	20.0%	5.0%	0.0%
Other structures	Other structures	154	154	5	16	16	3,481	5,533	30.0%	50.0%	15.0%	5.0%	0.0%
	Sub-total	154	154	5	16	16	3,481	5,533	30.0%	50.0%	15.0%	5.0%	0.0%
Roads	Sealed roads	4,439	4,439	800	635	635	86,056	186,913	35.0%	50.0%	10.0%	5.0%	0.0%
	Unsealed roads	202	202	1,335	901	901	2,661	6,077	20.0%	20.0%	20.0%	20.0%	20.0%
	Bridges	442	442	5	—	—	6,864	12,632	40.0%	50.0%	5.0%	5.0%	0.0%
	Footpaths	75	75	193	126	126	3,157	6,457	45.0%	45.0%	8.0%	2.0%	0.0%
	Bulk earthworks	—	—	—	—	—	190,611	190,611	100.0%	0.0%	0.0%	0.0%	0.0%
	Kerb	—	—	—	—	—	—	—	0.0%	0.0%	0.0%	0.0%	0.0%
	Other road assets (incl. bulk earth works)	—	—	—	—	—	—	—	0.0%	0.0%	0.0%	0.0%	0.0%
Water supply network	Sub-total	5,158	5,158	2,333	1,662	1,662	289,530	402,690	65.9%	25.8%	5.2%	2.8%	0.3%
	Water supply network	9,355	9,355	407	573	573	—	58,311	15.0%	40.0%	15.0%	20.0%	10.0%
Sewerage network	Sub-total	9,355	9,355	407	573	573	30,672	58,311	15.0%	40.0%	15.0%	20.0%	10.0%
	Sewerage network	3,662	3,662	250	247	247	—	47,214	15.0%	20.0%	45.0%	5.0%	15.0%
Stormwater drainage	Sub-total	3,662	3,662	250	247	247	18,353	47,214	15.0%	20.0%	45.0%	5.0%	15.0%
	Stormwater drainage	318	318	111	77	77	—	25,008	25.0%	55.0%	18.0%	2.0%	0.0%
Open space / recreational assets	Sub-total	318	318	111	77	77	15,221	25,008	25.0%	55.0%	18.0%	2.0%	0.0%
	Swimming pools	513	513	58	35	35	1,724	3,137	0.0%	0.0%	70.0%	30.0%	0.0%
Playgrounds	Sub-total	544	544	67	47	47	1,913	3,799	30.0%	35.0%	25.0%	7.0%	3.0%
	Playgrounds	544	544	67	47	47	1,913	3,799	5.2%	6.1%	62.2%	26.0%	0.5%

Wentworth Shire Council | Report on infrastructure assets as at 30 June 2021 | For the year ended 30 June 2021

Wentworth Shire Council**Report on infrastructure assets as at 30 June 2021 (continued)**

Asset Class	Asset Category	Estimated cost to bring assets agreed level of to satisfactory standard		2020/21 Council maintenance ^a	2020/21 Required maintenance ^a	2020/21 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
		\$ '000	\$ '000						1	2	3	4	5
Other infrastructure assets	Weir, Wharf Banks	542	542	542	112	33	–	13,386	35.0%	55.0%	5.0%	5.0%	0.0%
	Sub-total	542	542	542	112	33	10,486	13,386	35.0%	55.0%	5.0%	5.0%	0.0%
	Total – all assets	21,450	21,450	3,685	2,955	2,955	404,072	628,542	51.4%	29.6%	11.8%	5.0%	2.3%

^(a) Required maintenance is the amount identified in Council's asset management plans.**Infrastructure asset condition assessment 'key'**

#	Condition	Integrated planning and reporting (IP&R) description
1	Excellent/very good	No work required (normal maintenance)
2	Good	Only minor maintenance work required
3	Satisfactory	Maintenance work required
4	Poor	Renewal required
5	Very poor	Urgent renewal/upgrading required

Wentworth Shire Council | Report on infrastructure assets as at 30 June 2021 | For the year ended 30 June 2021

Wentworth Shire Council

Report on infrastructure assets as at 30 June 2021

Infrastructure asset performance indicators (consolidated) *

\$ '000	Amounts 2021	Indicator 2021	Indicators 2020 2019		Benchmark
Buildings and infrastructure renewals ratio					
Asset renewals ¹	5,843	88.13%	103.05%	73.58%	>= 100.00%
Depreciation, amortisation and impairment	6,630				
Infrastructure backlog ratio					
Estimated cost to bring assets to a satisfactory standard	21,450	5.31%	5.32%	5.59%	< 2.00%
Net carrying amount of infrastructure assets	404,071				
Asset maintenance ratio					
Actual asset maintenance	2,955	80.19%	81.76%	98.32%	> 100.00%
Required asset maintenance	3,685				
Cost to bring assets to agreed service level					
Estimated cost to bring assets to an agreed service level set by Council	21,450	3.41%	2.86%	3.71%	
Gross replacement cost	628,542				

(*) All asset performance indicators are calculated using classes identified in the previous table.

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

Wentworth Shire Council | Report on infrastructure assets as at 30 June 2021 | For the year ended 30 June 2021

Wentworth Shire Council

Report on infrastructure assets as at 30 June 2021

Infrastructure asset performance indicators (by fund)

	General fund		Water fund		Sewer fund		Benchmark
\$ '000	2021	2020	2021	2020	2021	2020	
Buildings and infrastructure renewals ratio							
Asset renewals ¹							
Depreciation, amortisation and impairment	112.41%	113.78%	0.00%	7.58%	0.00%	104.33%	>= 100.00%
Infrastructure backlog ratio							
Estimated cost to bring assets to a satisfactory standard	2.38%	2.38%	30.50%	31.28%	19.95%	19.58%	< 2.00%
Net carrying amount of infrastructure assets							
Asset maintenance ratio							
Actual asset maintenance	70.51%	78.80%	140.79%	119.90%	98.80%	55.60%	> 100.00%
Required asset maintenance							
Cost to bring assets to agreed service level							
Estimated cost to bring assets to an agreed service level set by Council	1.61%	1.63%	16.04%	16.50%	7.76%	0.00%	
Gross replacement cost							

⁽¹⁾ Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

9.4 MONTHLY FINANCE REPORT

File Number: RPT/21/579

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 September 2021 were \$751,513.96. After allowing for pensioner subsidies, the total levies collected are now 40.34%. For comparison purposes 39.18% of the levy had been collected at the end of September 2020. Council currently has \$37,499,430.03 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 September 2021

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 30 September 2021.

	Combined Bank Account
Cash Balance as at 1 September 2021	\$ 3,418,347.33
Add: Receipts for the Period Ending 30 September 2021	\$ 5,435,532.85
Rates, Debtors, Miscellaneous	
Less: Payments for the Period Ending 30 September 2021	
Cash Book entries for this Month	\$ 6,395,196.71
Cash Balance at at 30 September 2021	\$ 2,458,683.47
Investments	
Total Investments as at 30 September 2021	\$ 35,040,746.56
TOTAL	\$ 37,499,430.03

Collection of Rates and Charges

Rates and Charges collections for the month of September 2021 were \$ 751,513.96. After allowing for pensioner subsidies, the total levies collected are now 40.34%. A summary of the Rates and Charges situation as at 30 September 2021 is as follows.

	Rates and Charges	
Levies		
Balance Outstanding at 30 June 2021 - Rates / Water	957,794.11	
Rates and Charges Levied 20 July 2021	9,545,527.09	\$ 10,503,321.20
+ Additional Water Charges	572,424.80	
+ Supplementary Rates and Charges	9,228.41	
+ Additional Charges	10,404.30	
- Credit Adjustments	3,715.97	
- Abandonments	616.32	\$ 11,091,046.42
Deductions		
- Payments	4,298,291.30	
- Less Refunds of Payments	0.00	\$ 4,298,291.30
		\$ 6,792,755.12
- Pensioner Subsidy		
Government Subsidy	96,728.68	
Council Subsidy	79,141.65	\$ 175,870.33
Total Rates/Water Charges Outstanding		\$ 6,616,884.79

Note: For comparison purposes 39.18% of the levy had been collected at the end of September 2020.

Rates/Water write offs and adjustments

Rates and charges that have been written off or adjustments made under the delegated authority of the General Manager for the month of July 2021.

Account	Date	Amount	Comment
Debtors			
Sunraysia Aero modellers Club	24.9.2021	456.00	Cancelled event
Skip to the tip	9.9.2021	192.50	Wrong debtor account used by Landfill staff
NSW Electoral Commission	6.9.2021	1418.00	Cancelled booking - Midway Complex
NSW Electoral Commission	6.9.2021	1272.00	Cancelled booking - Wentworth Town Hall
NSW Rural Fire Service	6.9.2021	245.00	Cancelled Licence for Gol Gol fire Brigade
Stacey Perry	31.8.2021	233.00	Cacnelled Curlwaa Hall booking
Rates			
1996-1	24.9.2021	229.31	Cancelled 2nd Garbage service - no longer required

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	\$ 361,740.02	30/01/2025
Loan 202	ANZ Bank	Civic Centre	3.470% Fixed	\$ 850,000.00	\$ 658,869.98	21/10/2026
Loan 203	National Australia Bank	Midway Centre	3.586% Fixed	\$ 1,900,000.00	\$ 1,627,611.11	28/04/2023
Loan 204	Bendigo Bank	Buronga Landfill	5.290% Fixed	\$ 1,500,000.00	\$ 1,294,996.20	12/05/2037
CFWC31 0604	T-Corp	Trentham Cliffs Sewer	1.82% Fixed	\$ 750,000.00	\$ 750,000.00	4/06/2031
CFWC31 0624	T-Corp	Burong/Gol Gol Stormwater	1.79% Fixed	\$ 1,250,000.00	\$1,250,000.00	24/06/2031
Loan 205	National Australia Bank	Willowbend Caravan Park	Fixed 2.2%	\$ 1,500,000.00	\$1,500,000.00	25/01/2027
Loan 206	Bendigo Bank	Buronga Landfill #3	Fixed 1.85%	\$ 900,000.00	\$900,000.00	25/09/2028
				TOTAL	\$ 8,343,217.31	

Overtime and Travelling

Month: September		Pay Periods	5 & 6	
Overtime				
	Time and a Half		Double Time	
Department	Hours	Amount	Hours	Amount
Animal Services	13.75	\$ 639.06	29.00	\$ 1,805.36
Civil Works	8.50	\$ 400.48	5.00	\$ 312.40
Office of General Manager	5.50	\$ 398.31	3.00	\$ 289.66
Parks & Gardens	15.50	\$ 684.43	14.00	\$ 779.98
Roads - Council	127.50	\$ 5,732.52	31.00	\$ 1,996.30
Roads - RMS	50.50	\$ 2,539.14	35.50	\$ 2,090.76
Roads & Engineering - Indoor	29.50	\$ 1,896.37	13.50	\$ 1,184.05
Store	5.50	\$ 265.30		
Waste Management	3.50	\$ 196.39	0.50	\$ 37.41
Water & Waste Water	79.00	\$ 3,795.81	68.50	\$ 4,706.38
Total	338.75	\$ 16,547.81	200.00	\$ 13,202.30
Travel Allowance				
Department	Kms	Amount		
Health & Planning	720.00	\$ 561.60		
Roads & Engineering - Indoor	605.00	\$ 471.90		
Total	1,325.00	\$ 1,033.50		
		30,783.61		

Conclusion

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

Attachments

Nil

9.5 MONTHLY INVESTMENT REPORT

File Number: RPT/21/581

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

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

Summary

As at 30 September 2021 Council had \$28 million invested in term deposits and \$9,499,430.03 in other cash investments. Council received \$6,994.27 from its investments for the month of September 2021.

In September 2021 Council investments averaged a rate of return of 0.43% and it currently has \$6,736,496.56 of internal restrictions and \$22,890,547.06 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 September 2021 Council had \$37,499,430.03 invested with ten (10) financial institutions and one (1) Treasury Corporation.

Breakdown of Total Funds Available

Financial Institution	Amount	Percentage of Available Funds
AMP	\$ 3,019,970.85	8.05%
Bank of Queensland	\$ 1,000,000.00	2.67%
Bendigo Bank	\$ 4,458,683.47	11.89%
Commonwealth Bank	\$ 6,000,000.00	16.00%
IMB Bank	\$ 1,000,000.00	2.67%
Macquarie Bank	\$ 6,014,958.46	16.04%
Members Equity Bank	\$ 2,005,817.25	5.35%
National Australia Bank	\$ 5,000,000.00	13.33%
Westpac	\$ 5,000,000.00	13.33%
Suncorp	\$ 3,000,000.00	8.00%
Northern Territory T-corp	\$ 1,000,000.00	2.67%
TOTAL	\$ 37,499,430.03	100.00%

Investments on Hand as at 30 September 2021

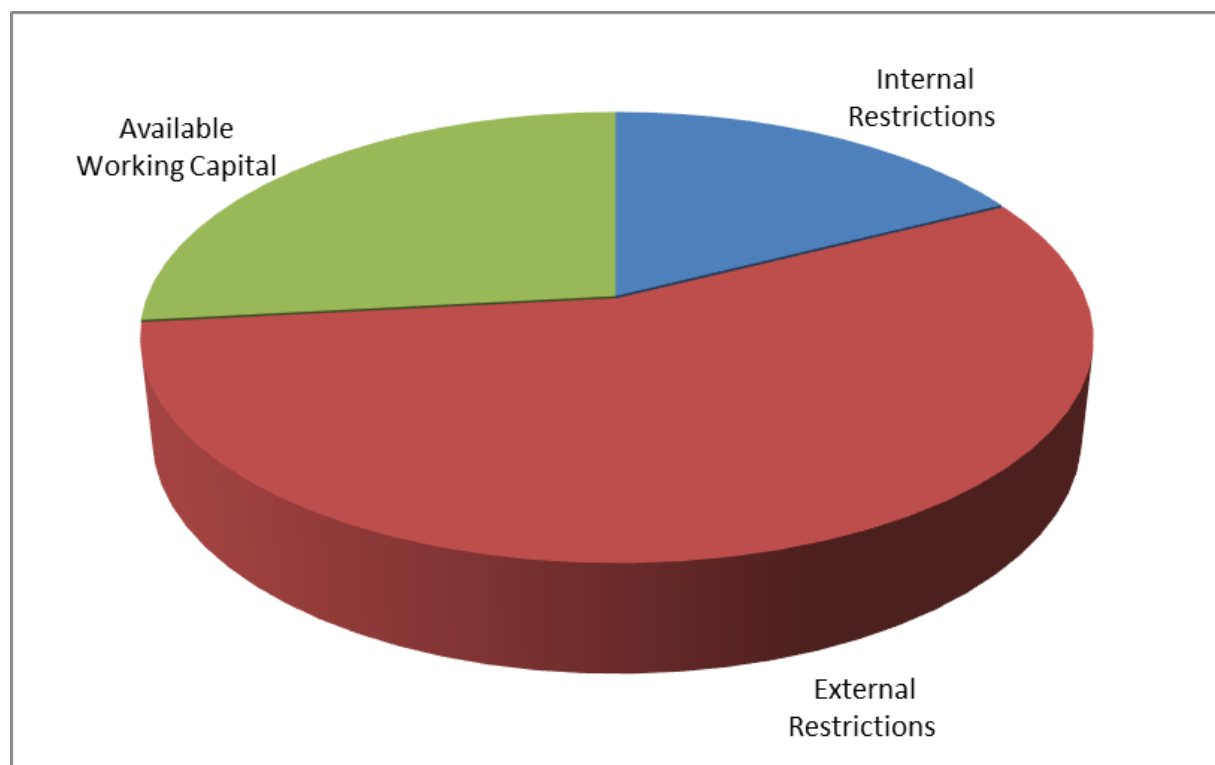
Wentworth Shire Council						
Investments on Hand as at 30th September 2021						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Investment Type	Amount Invested	Rating
AMP Bank	22/09/2021	22/09/2022	0.80%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bank of Queensland	9/06/2021	7/12/2021	0.40%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	29/03/2021	27/09/2021	0.30%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	27/09/2021	27/06/2022	0.30%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Commonwealth Bank	11/08/2021	8/04/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	29/01/2021	26/10/2021	0.40%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	20/05/2021	20/05/2022	0.39%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	15/06/2021	15/06/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	14/07/2021	14/07/2022	0.46%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	27/08/2021	27/05/2022	0.37%	Term Deposit	\$ 1,000,000.00	A1+/AA-
IMB Bank	9/09/2021	9/12/2021	0.97%	Term Deposit	\$ 1,000,000.00	A2/BBB
Macquarie Bank	8/04/2021	7/10/2021	0.35%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	10/06/2021	10/03/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1/A+
Members Equity Bank	9/06/2021	9/03/2022	0.45%	Term Deposit	\$ 1,000,000.00	A2/BBB
National Australia Bank	18/08/2021	19/04/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	26/04/2021	22/11/2021	0.30%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	23/02/2021	19/01/2022	0.35%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	25/02/2021	21/01/2022	0.35%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	28/06/2021	25/03/2022	0.30%	Term Deposit	\$ 1,000,000.00	A1+/AA-
NT T-Corp	16/09/2021	15/12/2021	1.35%	Fixed Bond	\$ 1,000,000.00	A1+/AA-
Suncorp Bank	13/05/2021	9/12/2021	0.32%	Term Deposit	\$ 1,000,000.00	A1/A+
Suncorp Bank	10/06/2021	10/06/2022	0.33%	Term Deposit	\$ 2,000,000.00	A1/A+
Westpac Banking Corporation	8/03/2021	8/11/2021	0.30%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	24/02/2021	24/11/2021	0.30%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	3/03/2021	3/12/2021	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	25/03/2021	25/02/2022	0.33%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	28/05/2021	28/02/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Total					\$ 28,000,000.00	
Other Cash Investments						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Rating	
Bendigo Bank - Operating A/c	N/A	Ongoing		\$ 2,458,683.47	A2/BBB+	
AMP (11)	23/10/2020	Ongoing	0.55%	\$ 2,019,970.85	A2/BBB+	
Macquarie Bank (4) - Ongoing	3/12/2020	Ongoing	0.35%	\$ 4,014,958.46	A1/A+	
Members Equity Bank - Ongoing (5)	1/12/2020	Ongoing	0.40%	\$ 1,005,817.25	A2/BBB	
Total Funds Available					\$ 37,499,430.03	

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

Restrictions

Internal Restrictions		
- Employee Entitlements	\$ 2,376,437.00	
- Doubtful Debts	\$ 115,367.00	
- Future Development Reserve	\$ 1,113,213.94	
- Trust Account	\$ 631,478.62	
- Capital Projects	\$ 1,000,000.00	
- Plant Replacement Reserve	\$ 1,500,000.00	\$ 6,736,496.56
External Restrictions		
- Water Fund	\$ 10,222,459.85	
- Sewer Fund	\$ 4,262,913.92	
- T-Corp Stormwater	\$ 1,413,892.49	
- Developer Contributions Reserve	\$ 639,646.61	
- Unexpended Grants	\$ 5,507,562.26	
- Crown Reserves Reserve	\$ 289,128.84	
- Loan Guarantee Reserve	\$ 3,162.86	
- Prepayments Cemeteries	\$ 551,807.23	\$ 22,890,574.06
Day to Day Liquidity		\$ 7,872,359.41
Total Funds Available		\$ 37,499,430.03

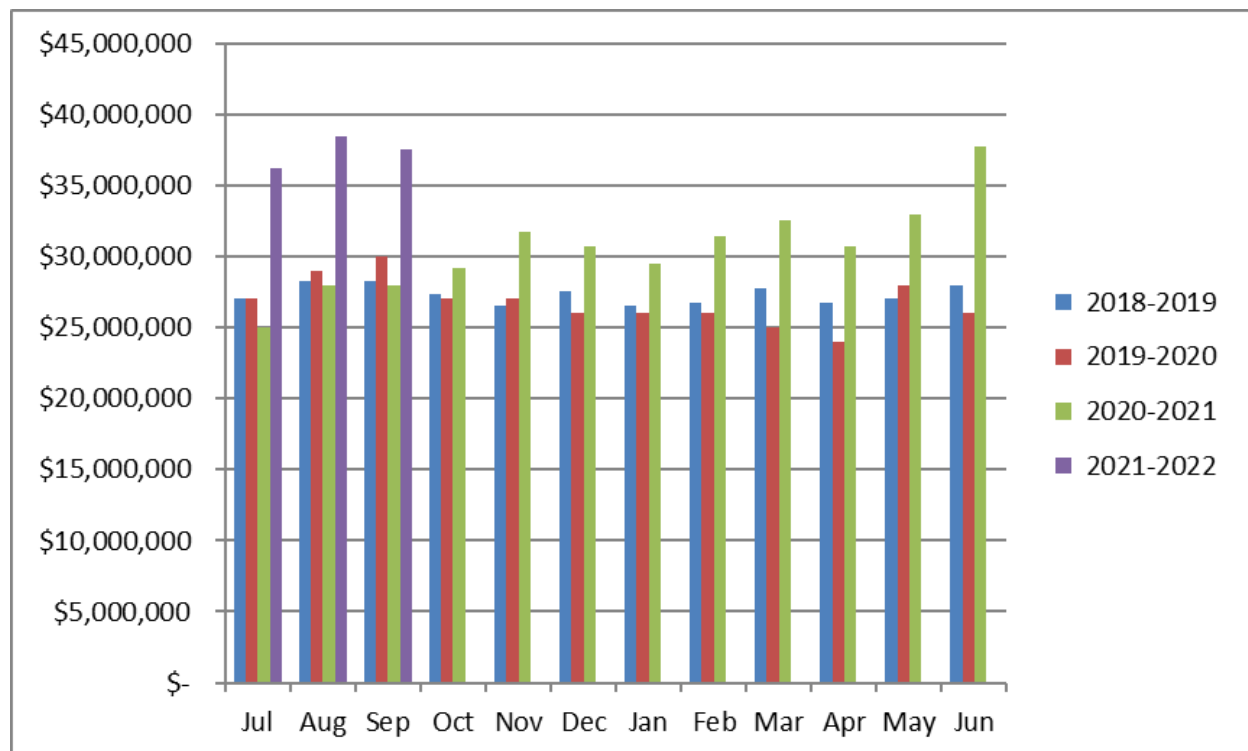
Breakdown



Summary – Unexpended Grants as at 30 September 2021

Grant	Amount
Library Infrastructure Grant	\$ 500,000.00
Resources For Regions VIC Relocation	\$ 470,512.00
Wentworth Extended Day Care	\$ 119,841.34
Local Roads and Community Infrastructure Phase 1	\$ 308,449.42
Local Roads and Community Infrastructure Phase 2	\$ 160,217.02
SCCF Wentworth Rowing Club	\$ 68,701.45
Crown Reserve Improvement Fund Astronomy Park	\$ 679,316.00
Crown Reserve Improvement Fund Pooncarie Racecourse	\$ 29,700.00
Resources For Regions Junction Island Bridge	\$ 167,204.89
Wentworth Showgrounds Sewer Upgrade	\$ 338,767.16
Main Road Block Grant	\$ 697,590.65
Crown Reserve Improvement Fund Wentworth Caravan Park Grant	\$ 1,000,000.00
EDS Grant	\$ 123,876.62
Fixing Local Roads Grants	\$ 843,385.71
Total	\$ 5,507,562.26

Total Funds Invested



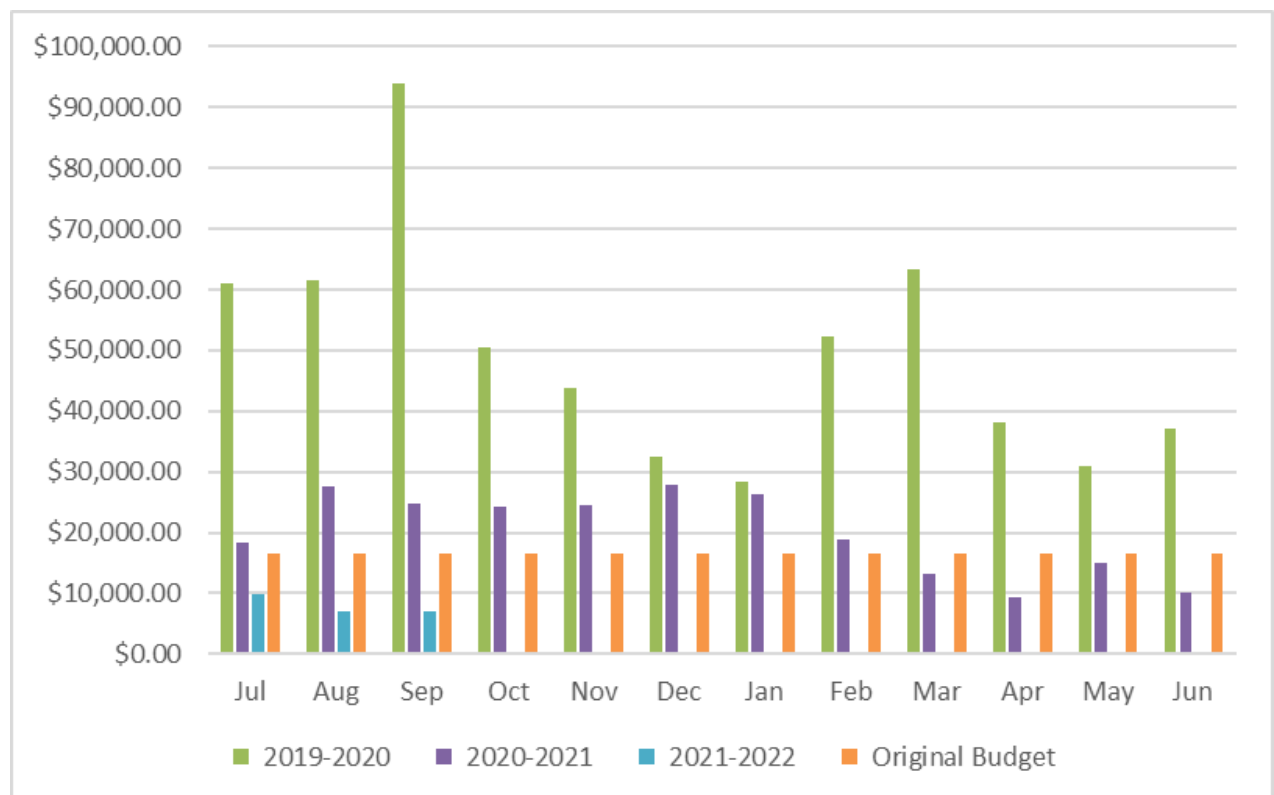
Two (2) term deposits and three (3) other accounts matured or provided interest in September earning Council \$6,994.27 in interest. The budget for September was \$16,666.67. Year to date Council has received \$24,000.60 in interest. The budget for the current financial year is currently set at \$200,000.00.

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

Investment Revenue in September 2021

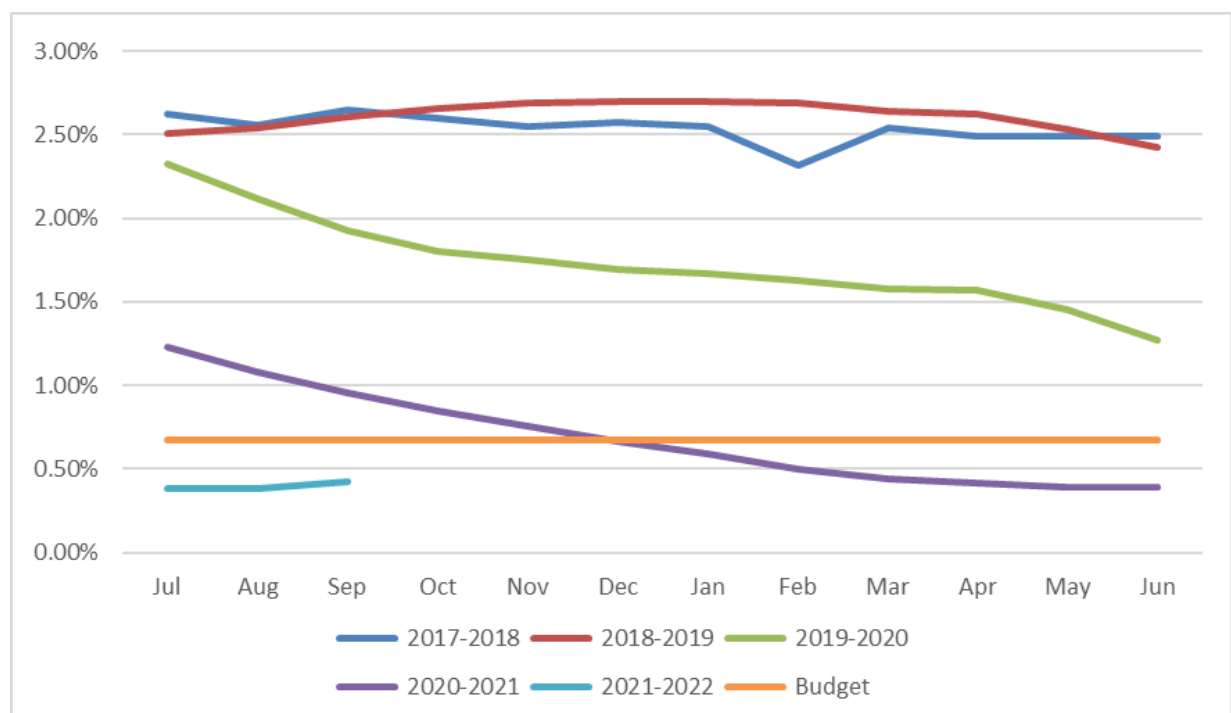
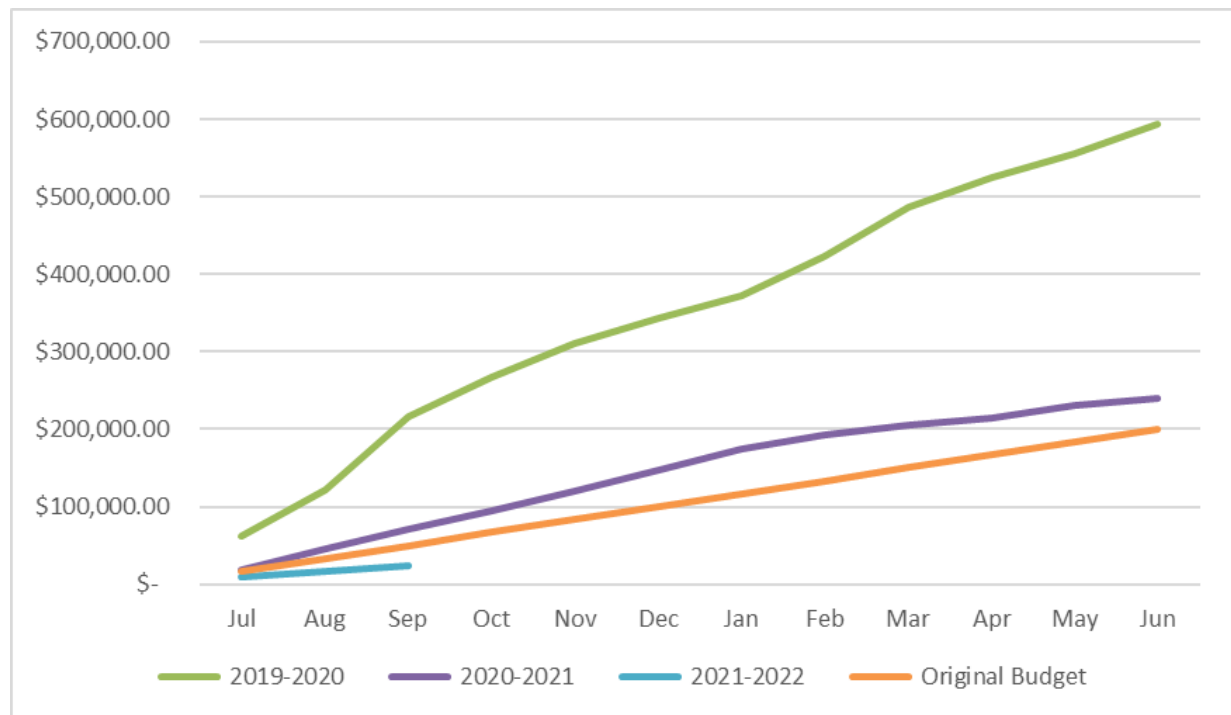
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Interest Earned
Term Deposits					
IMB Bank	9/06/2021	9/09/2021	0.97%	\$1,000,000.00	\$2,470.14
Bendigo Bank (7)	29/03/2021	27/09/2021	0.30%	\$1,000,000.00	\$1,495.89
Other Cash Investments					
AMP (11)	23/10/2020	Ongoing	0.55%	\$2,019,058.13	\$1,334.31
Macquarie Bank (4) - Ongoing	3/12/2020	Ongoing	0.35%	\$4,014,958.46	\$1,330.40
Members Equity Bank - Ongoing (5)	1/12/2020	Ongoing	0.40%	\$1,005,817.25	\$ 363.53
Total					\$6,994.27

Investment Revenue received September 2021



Total Interest received July 2021 – June 2022

For September 2021 Council's investments returned an effective average rate of 0.43%. Year to date the effective average rate has been 0.40%. The budget for 2021-2022 was set at 0.67%.



Conclusion

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

9.6 LICENCE RENEWAL - RAMON DEED VETERANS RETREAT - CROWN RESERVE 78438

File Number: RPT/21/386

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

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

Wentworth & Coomealla Districts Sub Branch have held a licence to occupy part Lot 3 DP853243, Dareton Horse Complex Reserve 78438 since 2008. The current licence expired on 30 July 2021.

The Department of Planning, Industry and Environment - Crown Lands has provided Ministers consent for Council, in its capacity as Crown Land Manager, to exercise the holding over provisions of this Licence from 1 July 2021 up to and including 30 June 2022 until the new Licence has been executed.

This report seeks a resolution of Council to renew the licence to the provisions of the *Crown Land Management Regulation 2018*, securing lawful tenure for the current occupiers.

Recommendation

That Council:

1. Approves the renewal of a Licence to the Wentworth & Coomealla Districts Sub Branch; including the Ramon Deed Veterans Retreat of the Vietnam Veterans, Peacekeepers and Peacemakers Association of Australia NSW Branch Inc. for the occupation of Crown Reserve 78438 Dareton Horse Complex, part Lot 3 DP853243
2. In its capacity as Crown Land Manager authorises the granting of a licence renewal, Pre Plan of Management, for the term of 10years (5+5) under Section 70 Clause (2)(b)(i) of the *Crown Land Management Regulation 2018.*, subject to Minister's Consent
3. Continue the annual rent payable as previously set in the expired licence, starting at \$974.76 with an annual Consumer Price Index (CPI) increase the when licence takes effect, being the date the licence is executed.
4. Affix the Common Seal of Wentworth Shire Council to all documentation that requires to be sealed, to give effect to this resolution
5. The Mayor and General Manager be delegated to sign any related documents.

Detailed Report

Purpose

The purpose of this report is to provide the Wentworth & Coomealla Districts Sub Branch with security of tenure of the occupation of Crown Reserve 78438, Dareton Horse Complex, by renewing their expired licence on part Lot 3 DP853243, Coomealla.

Crown land managers must have lease or licence agreements in place with all users of Crown reserves held under management.

Historical information

The retreat is named after 3788300 Sapper **Ramon John Deed** Royal Australian Engineers born 25th July 1945, who served with 1st Field Squadron in Vietnam from 13th March 1967 to 10th May 1967. Ramon was from Mildura attending primary and secondary schools with other local veterans. He died at the US Evacuation Hospital on 10th May 1967.

Background

The Wentworth & Coomealla Districts Sub Branch; including the Ramon Deed Veterans Retreat of the Vietnam Veterans, Peacekeepers and Peacemakers Association of Australia NSW Branch Inc. has held a licence on Reserve 78438, Dareton Horse Complex from 1 August 2008. Since that time Council has entered into three licence agreements for periods of 3-5 years.

The Ramon Deed Veteran's Retreat is a very popular retreat for past and present members of the Armed Forces. The retreat was the first noted on the Vietnam Veterans Association of Australia's website list of retreats. The reserve houses a war memorial and facilities that have been constructed by volunteers and are being continuously improved by the Committee. There are on site caretakers and entry is restricted to service men and women. There have been no issues with the licensees of this reserve since the formation of the body to auspice the occupation.

Upon notification that the existing licence expired 30 July 2021, The Department of Planning, Industry and Environment - Crown Lands provided Ministers consent for Council, in its capacity as Crown Land Manager, to exercise the holding over provisions of the Licence from 1 July 2021 up to and including 30 June 2022 until the new Licence has been executed.

The reserve is managed by Wentworth Shire Council. Pre Plan of Management (POM), Council as the Crown Land Manager (CLM) can authorise the occupation of a 21year tenure through a Crown Land Manager Licence, authorised under Clause 70(2)(b)(i) of the *Crown Land Management Regulation 2018*.

Matters under consideration

Lease or licence

Leases / licences for Crown Land managed by Council are to be prepared in accordance with the *Crown Land Management Act 2016* (CLM Act) and *Local Government Act 1993* (LG Act) and ensures there is legal and suitable occupation of Crown land.

A licence is a contractual agreement that grants the licensee a personal right to occupy and use land for a particular purpose. Currently the Wentworth & Coomealla Districts Sub Branch occupy part of Lot 3 DP853243 and have no need to have exclusive tenure over the rest of the reserve, therefore a licence extension will be offered.

The purpose of the licence must also be compatible with the reservation/dedication, land classification, plan of management and permitted use under the Local Environmental Plan.

Pre Plan of Management (PoM)

Council in its capacity as Crown Land Manager, can grant tenure to a maximum of 21years, under Clause 70(2)(b)(i) of the *Crown Land Management Regulation 2018*, subject to Ministers Consent allows the renewal of an existing licence.

Applying conditions for renewal, a licence must have been in force immediately to 1 July 2018, and there are no additional permitted uses of the land

The existing permitted use of the land is that of a temporary retreat for the sole use of War Veterans and Peacekeepers and Peacemakers, with an onsite caretaker for security.

Term

Under the above regulation, Council can approve a maximum term up to 21years, including any option for the grant of a further term (i.e.20+1).

Term of the expired licence was 5 years, with the inclusion of a holding over clause which entitles the lessees, consent of the Licensor and the Minister to remain in possession of the premises limited to a maximum term of twelve months to renew their occupation.

The maximum term may be justified in cases where major capital investment is involved and the licensor (Council Crown Land Manager) is directly associated with the existence of the reserve (e.g. racing clubs and racecourses, show societies and showgrounds).

A shorter licence term will allow Council to initiate best practice measures to enable a review current conditions, future management options for the facility, consider existing rates and the potential for the facility to be used on a multi-user basis, in line with changing community needs.

Tenures under 5years do not require the licence to be registered on the certificate of title, therefore saving parties the expense of registration.

Rent

Holders of leases, licences and permits to occupy Crown Land are required to pay rent, this is a standard condition in any leasing agreements.

In 2008 the initial rent payable was \$750.00, increased annually by the Consumer Price Index (CPI) value. The rent payable in 2021 is \$974.76 and due on anniversary date of the licence.

The Ramon Deed Retreat Vietnam Veterans have a strong historical affiliation with this reserve, and have contributed to the continuous improvement of the facility over a number of years. With an on-site caretaker who is responsible for day to day running's of the retreat and security of the reserve.

Subject to a resolution of the Council and the consideration of factors such as identified, the applicable licence rental may have a rebated rental amount imposed because the lessee/licensee is a charitable or non-profit organisation, such rental should still be realistic and should not be less than the statutory minimum rental as advertised in Council's annual Fees & Charges Schedule at that time.

Council seeks to ensure that costs associated with rental charges and subsidies are transparent for community facilities. It provides subsidies to community organisations based on their ability to generate income from their activities, including fees for services, private sector sponsorship and other government grants and subsidies, and the subsequent level of support required from Council.

Licence agreements should provide for regular periodic redetermination of the rent at intervals of not more than five years.

Options – Term

Taking into consideration the nature of the tenant (War Veterans), a non-profit organisation managed and maintained by members and volunteers, who offer social welfare assistance to individuals and families in need.

Term of Licence - based on the information contained in this report, the options available are:

- a) 5year term
- b) 10year term (5+5)
- c) Maximum of 21 years (20 + 1) including an option for the grant of a further term
- d) Anything in between

The inclusion of a holding over clause, limited to a maximum term of 12 months, to be attached with either option.

Options – Rent

If the licensee was provided at a reduced rent for an agreed period, would this have significant social, community and economic benefit.

- a) Continue with the existing rate set as if the licence had not expired, which includes an annual Consumer Price Index (CPI), increase
- b) Rate set in accordance with Council's fees and charges, with an annual increase of 5%
- c) Set a new rate
Market Rent Value - the amount of annual rent if the accommodation had been let in a competitive market with an annual increase of Consumer Price Index (CPI).

Conclusion

Having consideration to the content of this report, the most appropriate course of action is for Council to grant a licence renewal that would provide the Wentworth & Coomealla Districts Sub Branch (Ramon Deed Retreat) security of tenure for the occupation of Crown Reserve 85324 for a further period of 10years (5+5).

Rent to continue as previously set in the expired licence, starting at \$974.76 with an annual Consumer Price Index (CPI) increase the licence takes effect, being the date the licence is executed.

Attachments

- 1. Licence to Occupy Reserve 78438 Ramon Deed Retreat Vietnam Veterans / Peacekeepers Association Australia - Silver City Highway Coomealla
- 2. Site view - Reserve 78438 Dareton Horse Complex
- 3. Minister consent, granting of holding over provision of Trust
- 4. Crown Land Fact Sheet - Granting leases & licences over pre PoM Crown land



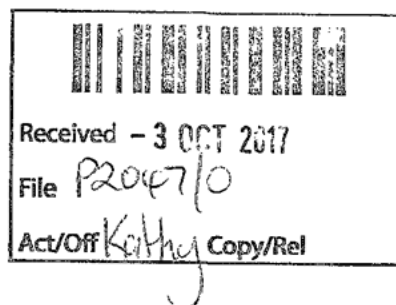
Department
of Industry

Lands & Forestry

Our Ref: 08/5963
DOC17/196961

26 September 2017

Kathy Collinson
Reserves & Acquisitions
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648



Dear Kathy,

RE: Licence: to occupy R 78438 - Ramon Deed Retreat – Ministers' Consent

Please find enclosed two copies of the above mentioned licence with Minister's Consent.

Should you have any questions regarding this matter, please do not hesitate to contact myself on (02) 6883 5444 or via Email: Natalie.Ryan@crownland.nsw.gov.au.

Regards,

Natalie Ryan
Senior Property Management Officer

DARETON HORSE COMPLEX (R78438) RESERVE TRUST

and

**Wentworth & Coomealla Districts Sub Branch;
Including the
Ramon Deed Veterans' Retreat
Of the
Vietnam Veterans', Peacekeepers' and Peacemakers'
Association of Australia
NSW Branch Inc.**

**LICENCE AGREEMENT FOR
OCCUPATION OF LAND FOR
PUBLIC RECREATION BEING A
TEMPORARY RETREAT SOLELY
FOR THE USE OF WAR
VETERANS AND PEACEKEEPERS
AND PEACEMAKERS**

AGREEMENT dated 1 July 2016

BETWEEN Dareton Horse Complex (R78438) Reserve Trust, a corporation established, constituted and appointed, in terms of Section 92, Crown Lands Act 1989, as Trustee of Reserve Dareton Horse Complex (Reserve 78438) for the purpose of Public Recreation notified 29 March 1956 (hereinafter called the "Licensor").

AND Wentworth & Coomealla Districts Sub Branch; Including the Ramon Deed Veterans' Retreat of the Vietnam Veterans', Peacekeepers' & Peacemakers' Association of Australia NSW Branch Inc. ABN 56 870 692 086. PO Box 397 Dareton NSW 2717.

THE PARTIES AGREE AS FOLLOWS.

1 INTERPRETATIONS, DEFINITIONS AND ADMINISTRATION

Authority for grant of Licence

- 1.1 The Licensor warrants that the Premises are Part Crown Reserve Dareton Horse Complex (R78438) Reserve Trust for the purpose of Public Recreation notified on 29 March 1956 within the meaning of the CL Act and that the Reserve Trust is empowered pursuant to sections 102 and 103 of the CL Act to Licence the Premises.

Effect of Instrument

- 1.2 The Licensor and the Licensee expressly acknowledge that no rights or interests are conferred on either Party by the provisions of this instrument unless;
- (a) the Minister has granted consent under Section 102 of the CL Act to the grant of this Licence; or
 - (b) the Minister has authorised the grant of this Licence without consent under Section 102A of the CL Act.

2 DEFINITIONS

In this Licence unless the contrary intention appears:

Access Plan means the drawing annexed to each Premises Appendix depicting the Premises and a description of the route of access to the Enclosed Area.

Base Annual Rent means:

- (a) the Initial Rent where the rent has not been redetermined or adjusted in accordance with sub-clauses 14.4 or 14.5 ; or
- (b) in any other case - the Rent as last redetermined or adjusted in accordance with those provisions;

Business Day means any day which is not a Saturday, Sunday or Public Holiday in New South Wales;

CL Act means the Crown Lands Act 1989;

Commencement Date means the date referred to in Column 2 of Item 16 of Schedule 1;

Consumer Price Index Number means in relation to a quarter the number for that quarter appearing in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician;

Due Date means the date for payment of Rent under this Licence as is specified in Column 2 of Item 6, of Schedule 1;

Enclosed Area means the fenced area (which comprises the Premises and Third Party Exclusive Areas) described in each Premises Appendix as the Enclosed Area and shown on the Plan annexed to each Premises Appendix where land is, or is intended to be fenced;

Environmental Law means any law or state protection policy incorporated by reference to or being part of any Law relating to protection of the environment;

Expiry Date means the date referred to in Column 2 of Item 17 of Schedule 1;

"GST", "taxable supply", "consideration", "tax invoice" and "GST amount" have the meanings given to those terms in A New Tax System (Goods and Services Tax) Act 1999;

Hazardous Substance means a substance that because of its quality, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, flammability, physical, chemical or infectious characteristics, may pose a hazard to property, human health or the environment when improperly treated, stored, disposed of or otherwise managed;

Improvements means any structure of a permanent nature attached to the land;

Initial Rent means the Rent payable under this Licence in respect of each Premises as is specified in Column 2 of Item 5 of Schedule 1;

Law includes the provisions of any statute, rule, regulation, proclamation, ordinance or by-law, present or future, whether state, federal or otherwise;

Licence means this licence including all Schedules and Annexures hereto;

Licensee means the licensee referred to in Column 2 of Item 2, of Schedule 1;

Licensor means the licensor referred to in Column 2 of Item 1 of Schedule 1 and includes its assigns and for the purpose of clauses 35, 36, 37, 38, 39, 40, 41, and 42 includes Her Majesty the Queen, the State of New South Wales and the Minister and their heirs, successors, agents, servants, employees and contractors;

Market Rent means the Rent as specified in Column 2 of Item 3, of Schedule 1 that would reasonably be expected to be paid for the site if it were offered for the same or a substantially similar use to which the site may be put under the Licence;

Market Rent Review Date means the date described as such in Column 2 of Item 8, of Schedule 1 and expressed as an absolute dollar or as a percent of the Market Rent;

Minister means the Minister administering the CL Act;

Party/Parties means the parties to this Licence;

Premises means the land and/or the buildings described in the Premises Appendix and on the plan annexed thereto;

Permitted Use means the use shown in Column 2 of Item 15, of Schedule 1;

Regulations means the Crown Lands Regulation 2006;

Rent means the Base Annual Rent calculated and payable upon each Due Date less any Rent Rebate granted to the Licensee together with all other payments due to be paid by the Licensee as Rent under this Licence;

Rent Rebate means such amount as specified in Column 2 of Item 4 of Schedule 1 given to the Licensee from the Licensor as per clause 14.6 as expressed either as an absolute dollar value or a percentage of the market value;

Sub-Licensee means a person who holds a sub-licence of any part of the Premises from the Licensee in accordance with the provisions of this Licence;

Tenant Fixtures means any plant or equipment, fittings or improvements in the nature of fixtures brought onto the Premises by, or on behalf of, or at the request of, the Licensee;

Term means the term of operation of this Licence in relation to the Premises;

Term of Agreement means the figure set out in Column 2 of Item 18, of Schedule 1;

Third Party Exclusive Areas means those areas that are exclusively for the use of third parties as shown on the Plan annexed to each Premises Appendix.

3 CONSTRUCTION

This Licence shall be constructed in accordance with this clause unless the context requires otherwise;

3.1.1 Plurals

Words importing the singular include the plural and vice versa;

3.1.2 Gender

Words importing any gender include the other gender;

3.1.3 Persons

A reference to a person includes:

(a) an individual, a firm, unincorporated association, corporation and a government;

and

(b) the legal personal representatives, successors and assigns of that person;

3.1.4 Headings

Headings (including any headings described as parts and sub-headings within clauses) wherever appearing shall be ignored in constructing this Licence;

3.1.5 Clauses and sub-clauses

- (a) A reference to a clause includes all sub-clauses, paragraphs, sub-paragraphs and other components which form part of the clause referred to;
- (b) A reference to a sub-clause includes any sub-paragraphs and other components of the sub-clause referred to;

3.1.6 Time

A reference to time is a reference to local Sydney time;

3.1.7 Money

A reference to \$ or dollars is a reference to the lawful currency of Australia;

3.1.8 Defined Terms

If a word or phrase is defined cognate words and phrases have corresponding definitions. A defined term, unless inconsistent with the context of its use, is denoted by the appearance of that word using a capital letter at the beginning of that word;

3.1.9 Writing

A reference to writing includes any mode of representing or reproducing words in tangible and permanently visible form;

3.1.10 Contra Preferentum

No rules of construction shall apply to the disadvantage of any Party responsible for preparation of this Licence or any part of it;

3.1.11 Statutes

A reference to a Statute, Act, legislation, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them made by any legislative authority;

3.1.12 Licence

A reference to this Licence shall include any extension or variation of this Licence;

3.1.13 Priorities

If an inconsistency occurs between the provisions of this Licence and the provisions of a licence granted in accordance with this Licence, the provisions of this Licence shall prevail.

3.2 Warranties and Undertakings

- (a) The Licensee warrants that it:
 - (i) has relied only on its own inquiries about this Licence; and
 - (ii) has not relied on any representation or warranty by the Licensor or any person acting or seeming to act on the Licensor's behalf.

- (b) The Licensee shall comply on time with undertakings given by or on behalf of the Licensee.

3.3 Further Assurances

Each Party must do everything necessary to give full effect to this Licence.

- (a) Pursuant to clause 7, this Licence and any other agreement subsidiary to this Licence continue in full force and effect.

3.4 Relationship of Lessor and Licensee

Nothing contained or implied in this Licence shall be deemed or construed to create the relationship of partnership or of principal and agent or of joint venture between the Lessor and the Licensee. Specifically, the Parties understand and agree that neither the method of computation of Rent, nor any other provision, nor any acts of the Licensee and the Lessor or either of them will be deemed to create any relationship between them other than the relationship of Lessor and Licensee upon the terms and conditions only as provided in this Licence.

3.5 Time to be of the Essence

Where in any provision of this Licence a Party is given or allowed a specified time within which to undertake or do any act or thing or any power is conferred or any event occurs after the lapsing of a specified time, time shall be the essence of the contract in that regard.

4 SEVERABILITY

Any provision of this Licence which is prohibited or unenforceable in any jurisdiction shall as to such jurisdiction be ineffective to the extent of such prohibition or inability to enforce without invalidating the remaining provisions of such provisions in any other jurisdiction.

5 ESSENTIAL CONDITIONS OF LICENCE

The Lessor and the Licensee agree that the clauses specified in Column 2 of Item 19 of Schedule 1 are essential conditions of this Licence.

6 PERMITTED USE

6.1 Grant of Licence

The Lessor grants to the Licensee a right to occupy the area delineated on the plan annexed to the Premises Appendix **[ATTACHED PLAN marked "A"]** for the Permitted Use.

6.2 Permitted Use only

The Licensee shall not:

- (a) use the Premises;
- (b) or allow them to be used (except pursuant to a Licence lawfully granted by the Lessor),

for any purpose other than the Permitted Use specified or referred to in Column 2 of Item 15 of Schedule 1.

6.3 No exclusive possession

The Licensee acknowledges that this Licence does not confer exclusive possession of the Premises upon the Licensee.

7 COMMENCEMENT OF LICENCE AND TERM

This Licence shall commence on the date (and where a time is specified or referred to at that time) specified or referred to in Column 2 of Item 16, of Schedule 1 and subject to clauses 10 and 11 shall continue in force until the Expiry Date (and where a time is specified or referred to at that time) specified or referred to in Column 2 of Item 17, of Schedule 1.

8 NO RIGHT TO PURCHASE OR TRANSFER OF LICENCE RIGHTS

8.1 In respect of this Licence, and without limitation, the grant of this Licence does not confer upon the Licensee:

- (a) a right to purchase or lease any part of the Premises; or
- (b) any tenancy or other estate or interest in any part of the Premises other than contractual rights as Licensee under this Licence.

8.2 Subject to any other provisions of this Licence the Licensee shall not during the Term of this Licence, sub-licence, part with possession of the Premises, transfer or create any interest in the Licence or authorise or permit any person to occupy the Premises without the prior written consent of the Licensor and the Minister.

9 LICENSEE TO YIELD UP

9.1 The Licensee shall forthwith upon the termination of this Licence or any extension of it peaceably vacate the Premises at the Licensee's expense.

9.2 The Licensee shall:

- (a) remove all Licensee Fixture/s, signs, names, advertisements, notices or hoardings erected, painted, displayed, affixed or exhibited upon, to or within the Premises by or on behalf of the Licensee (other than a notice displayed by the Licensor); and
- (b) rehabilitate the Premises, (to the extent to which it has been altered or affected by the Licensee's occupation and use of the Premises) as nearly as practicable to the original condition before the installation of the Licensee's Fixtures to the reasonable satisfaction of the Licensor; and
- (c) ensure that when it vacates the Premises in relation to its occupation of the Premises under this Licence, the Premises comply with any Environmental Law to the extent applicable at the time of granting of this Licence; and
- (d) leave the Premises in a clean and tidy condition.

9.3 Sub-clause 9.2 does not apply unless the Licensor permits the Licensee to carry out any works on the Premises reasonably required in order to comply with that clause.

10 TERMINATION OF LICENCE - S109 TO APPLY

- 10.1 Without limiting the Licensee's statutory or other rights apart from this Licence, the Parties acknowledge that subject to subclause 10.2 this Licence shall terminate under section 109 of the CL Act if the Reserve is revoked or that part of the Reserve is revoked that comprises the whole or part of the Premises unless the revocation notification otherwise provides.
- 10.2 Where only part of the Premises is affected by the revocation or proposed revocation the Parties undertake to consult to determine if an agreement under Section 109(3) can be reached for the continuation of this Licence in respect to that part of the Premises not affected by the revocation.
- 10.3 The Licensee expressly acknowledges that as provided by Section 109(5) of the CL Act no compensation is payable in respect of the termination of this Licence by the operation of Section 109 or in accordance with the special conditions to this Licence and no compensation shall be payable.

11 TERMINATION OF LICENCE ON DEFAULT

The Licensors may terminate this Licence in the manner set out below in the following circumstances:

- (a) if the Rent or any part of it or any moneys owing to the Licensors under the Licence is or are in arrears for one month, whether formally demanded or not;
- (b) if the Licensee breaches an essential condition of this Licence or any rule or regulation made under this Licence;
- (c) if defects notified under a provision of this Licence are not remedied within the time specified in the notice;
- (d) if the Licensee is a corporation and an order is made or a resolution is passed for its winding up except for reconstruction or amalgamation;
- (e) if the Licensee is a company and ceases or threatens to cease to carry on business or goes into liquidation, whether voluntarily or otherwise, or is wound up or if a liquidator or receiver (in both cases whether provisional or otherwise) is appointed;
- (f) if the Licensee is a company and is placed under official management under corporations law or enters a composition or scheme of arrangement;
- (g) if the interest the Licensee has under this Licence is taken in execution;
- (h) if the Licensee or any person claiming through the Licensee conducts any business from the licensed Premises after the Licensee has committed an act of bankruptcy.

In the circumstances set out in sub-clause 11.1 the Licensors may end this Licence by:

- (a) notifying the Licensee that it is ending the Licence; or
- (b) re-entering the Premises, with force if necessary, and ejecting the Licensee and all other persons from the Premises and repossessing them; or
- (c) doing both.

If the Licensors end this Licence under this clause, the Licensee shall not be released

from liability for any prior breach of this Licence and other remedies available to the Licensor to recover arrears of Rent shall not be prejudiced.

If the Licensor ends this Licence under this clause or the Licence terminates under clause 10, the Licensor may remove the Licensee's property and store it at the Licensee's expense without being liable to the Licensee for trespass, detainee, conversion or negligence. After storing it for at least one month, the Licensor may sell or dispose of the property by auction or private sale. It may apply any proceeds of the auction or sale towards any arrears of Rent or other moneys or towards any loss or damage or towards the payment of storage and other expenses.

12 ACCEPTANCE OF RENT NOT WAIVER

Demand or acceptance of Rent or any other moneys due under this Licence by the Licensor after termination does not operate as a waiver of the termination.

13 HOLDING OVER BY LICENSEE

- (a) At the end of the Term of Agreement as specified in Column 2 of Item 18 of Schedule 1, the Licensee shall be entitled with the consent of the Licensor and the Minister to remain in possession of the Premises on the following terms and conditions:
 - (i) the Licensee shall become a monthly tenant of the Licensor at a monthly rental equivalent to one twelfth proportion of the annual Rent payable at the time of expiration or sooner determination of this Licence;
 - (ii) the Licensee shall comply with and be bound by the terms and conditions of this Licence insofar as the terms and conditions are applicable, provided that the Licensor may from time to time by notice in writing served on the Licensee direct that any particular condition not apply or be amended in the manner set out in the notice.
- (b) The Licensor and the Licensee expressly agree that where any provision of this Licence confers any right, duty, power or obligation on a Party upon the expiration or determination of this Licence or on the Expiry Date and the Licensee is authorised to remain in possession of the Premises pursuant to a consent granted under this clause the emergence of the right, duty, power or obligation shall be postponed until such time as the Licensee ceases to be entitled to possession pursuant to this clause.
- (c) The tenancy created by operation of this clause may be determined by the Licensor serving on the Licensee a notice to quit. The notice shall take effect at the expiration of the period of one month from the date of service of the notice or such further period as may be specified in the notice.
- (d) The tenancy created by operation of this clause may be determined by the Licensee serving on the Licensor a notice stating that as from a date specified in the notice the tenancy is surrendered.

14 LICENSEE'S RENT AND OUTGOINGS

14.1 Licensee to Pay Rent

The Licensee covenants with the Licensor that the Licensee shall during the whole of the Term of Agreement and any extension of it pay the Rent to the Licensor in accordance with the provisions of this clause without demand free of exchange and without deduction whatsoever.

14.2 Goods and Services Tax

- (a) The Parties agree that all payments to be made and other consideration to be provided by the Licensee under the Licence are GST exclusive unless explicitly expressed otherwise. If any payment or consideration to be made or provided by the Licensee to the Licensors is for a taxable supply under the Licence on which the Licensors must pay GST and the Licensors give the Licensee a tax invoice, the Licensee shall pay to the Licensors an amount equal to the GST payable ("the GST Amount") by the Licensors for that taxable supply upon receipt of that tax invoice.
- (b) The Parties agree that they are respectively liable to meet their own obligations under the GST Law. The GST Amount shall not include any amount incurred in respect of penalty or interest or any other amounts payable by the Licensors as a result of default by the Licensors in complying with the GST Law.

14.3 Rent and Adjusted Rent

The Licensee shall pay to the Licensors on the Commencement Date the Initial Rent and thereafter must pay on each Due Date, Rent in advance adjusted as provided in sub-clauses 14.4 and 14.5.

14.4 Calculation of Annual Rental Adjustment

- (a) On each anniversary of the Due Date the Rent will be adjusted in accordance with the following formula:

$$R = B \times \frac{C}{D}$$
 where:
 R represents the Base Annual Rent following adjustment under this clause;
 B represents the Base Annual Rent before adjustment under this clause;
 C represents the Consumer Price Index Number for the last quarter for which such a number was published before the Due Date; and
 D represents the Consumer Price Index Number for the last quarter of the last adjustment of Rent for which such a number was published.
- (b) In the event that such index be discontinued or abolished the Minister may at his absolute discretion nominate another Index.
- (c) If the reference base for the Consumer Price Index is changed regard shall be had only to Index numbers published in terms of the new reference base or to Index numbers converted to the new reference base in accordance with an arithmetical conversion factor specified by the Australian Statistician.
- (d) Any Rent adjusted under this sub-clause shall be adjusted to the nearest whole dollar.
- (e) An adjustment of Rent made under this clause shall take effect on its Due Date, notwithstanding that any Rent notice to the Licensee is not issued until after that date specified or referred to in Column 2 of Item 6 of Schedule 1.

14.5 Market Rent Review

- (a) In addition to the Rent adjustment provided for in clause 14.4 the Rent may, subject to the following provisions of this clause, be redetermined to an amount that is the Market Rent on that date with effect on and from each Market Rent Review Date by the Licensors;

- (b) A redetermination of Rent for the purposes of sub-clause 14.5(a) shall be taken to have been made on the Market Rent Review Date if it is made at any time within the period of six months before and up to six months after that Market Rent Review Date specified or referred to in Column 2 of Item 8 of Schedule 1.
- (c) Where the Licensor does not redetermine the Rent as provided for in sub-clause 14.5(a) it may subsequently redetermine the Rent at any time before the next Market Rent Review Date. No succeeding Market Rent Review Date shall be postponed by reason of the operation of this clause.
- (d) A redetermination of Rent made under sub-clause 14.5(a) or 14.5(c) shall take effect and be due and payable on the next Due Date following the date of issue of the notice of redetermination (or where the said Due Date and the date of issue of the notice of redetermination are the same, then that date) even if the Licensee wishes to dispute the redetermination.

14.6 Rent Rebate for Charitable or Non Profit Organisations

- (a) At the absolute discretion of the Licensor, the Licensor may determine that the Licensee is entitled to a Rent Rebate on the basis that the Licensee is a recognised charitable or non profit organisation;
- (b) Subject to sub-clause 14.6(a), the Rent is calculated by subtracting the Rent Rebate from the Base Annual Rent but must exceed the statutory minimum rental applicable to tenures under the CL Act;
- (c) Where the Licensee is not entitled to a Rent Rebate, the Base Annual Rent applies.

15 CONTINUING OBLIGATION

The obligation of the Licensee to pay Rent is a continuing obligation during the Term of Agreement and any extension of it and shall not abate in whole or in part or be affected by any cause whatsoever.

16 NO REDUCTION IN RENT

Subject to this Licence the Licensee shall not without the written consent of the Licensor by any act, matter or deed or by failure or omission impair, reduce or diminish directly or indirectly the Rent reserved or imposed by this Licence. However, if at any time during the Licence:

- (a) some natural disaster or other serious event occurs which is beyond the reasonable control of the Licensee; and
- (b) as a result of the damage caused by the natural disaster or other serious event, the Licensee is not able to use the Premises in a reasonable manner,

the Licensee's obligations to pay Rent shall abate to the extent proportional to the effect on the Licensee's ability to occupy and use the Premises until the Premises are restored to a condition in which the Licensee is able to conduct the Licensee's activities and/or occupy the Premises in a reasonable manner.

17 LICENSEE TO PAY RATES

- 17.1 The Licensee shall when the same become due for payment pay all (or in the first and last year of the Term of Agreement the appropriate proportionate part) rates, taxes, assessments, duties, charges and fees whether municipal, local government, parliamentary or otherwise which are at any time during the currency of this Licence separately assessed and lawfully charged upon, imposed or levied in respect of the Licensee's use or occupation of the Premises to the extent referable to the Licensee's use or occupation of the Premises.
- 17.2 Where the Licensor requires evidence for such payments the Licensee shall produce such evidence *within ten Business Days after the respective due dates for payment.*
- 17.3 In the case where such rates, taxes, duties and fees so covenanted to be paid by the Licensee are not paid when they become due the Licensor may if it thinks fit pay the same and any such sum or sums so paid may be recovered by the Licensor as if such sums were Rent.

18 LICENSEE TO PAY OTHER CHARGES

The Licensee shall pay all other fees, charges and impositions for which it may properly be liable which are imposed by an authorised third party and which are at any time during the Term of Agreement payable in respect of the Premises or on account of the use and occupation of the Premises by the Licensee.

19 LICENSEE TO PAY FOR SERVICES

The Licensee shall as and when the same become due for payment pay to the Licensor or to any other person or body authorised to supply the same all proper charges for gas, electricity, water or other services supplied to the Licensee or consumed in or on the Premises, by the Licensee. Any fees or penalties relating to water usage above allocation are to be borne by the Lessee.

20 LICENSEE TO PAY COST OF WORK

Whenever the Licensee is required under this Licence to do or effect any act, matter or thing then the doing of such act matter or thing shall unless this Licence otherwise provides be at the sole risk, cost and expense of the Licensee.

21 COSTS PAYABLE BY LICENSEE TO LICENSOR

Except when law limits costs being recovered from a Licensor by a Licensee, the Licensee shall pay in full the Licensor's reasonable legal costs, the fees of all consultants and all duties fees, charges and expenses incurred reasonably, properly and in good faith by the Licensor in consequence of or in connection with or incidental to:

- (a) the preparation and completion of this Licence;
- (b) any variation of this Licence made otherwise than at the request of the Licensor;
- (c) any application for the consent of the Licensor and the Minister if applicable under this Licence;
- (d) any and every failure to comply breach or default by the Licensee under this Licence;

- (e) the exercise or attempted exercise of any right power privilege authority or remedy of the Licensor under or by virtue of this Licence;
- (f) the examination of plans, drawings and specifications of any improvement erected or constructed or to be erected or constructed on the Premises by the Licensee *and the inspection of it, in this case the costs to be mutually agreed;*
- (g) any entry, inspection, examination, consultation or the like which discloses a breach by the Licensee of any covenant of this Licence;
- (h) the Licensee requiring the Licensor to do any act, matter or thing under this Licence, unless otherwise provided for in this Licence.

22 COSTS PAYABLE BY LICENSOR

The Licensor shall pay its own direct and external consultants costs in relation to any rental redetermination matter without reimbursement from the Licensee.

23 INTEREST ON OVERDUE MONEYS

The Licensee shall pay interest to the Licensor on any moneys due and payable under this Licence or on any judgment in favour of the Licensor in an action arising from this Licence until all outstanding moneys including interest are paid in full. The rate of interest applicable is the rate set by the Licensor's Bank for the time being as its benchmark rates for overdrafts of one hundred thousand dollars (\$100,000.00) or more. Interest shall accrue and be calculated daily.

24 MANNER OF PAYMENT OF RENT AND OTHER MONEYS

The Rent and other moneys payable in accordance with this Licence shall be paid to the address or bank account specified in Column 2 of Item 9, of Schedule 1 or to such other person or at such other address as the Licensor may from time to time direct by notice in writing served on the Licensee.

25 OBLIGATIONS AND RESTRICTIONS RELATING TO PREMISES**25.1 Access**

Subject to the sub-clauses hereunder the Licensor confirms that the Licensee shall have unfettered and free access to and from, the Premises at all times, provided however that:

- (a) The Licensee shall strictly observe the reasonable directions and requirements of the Licensor at all times regarding the methods and routes of access to the Premises taken by the Licensee;
- (b) *The Licensee as far as is practicable, shall be required to use existing access tracks to, from, within and surrounding the Premises;*

25.2 Entry by the Public

The Licensee shall allow the public to have right of access over that part of the Premises as specified in Column 2 of Item 20, of Schedule 1 and any such part of the Premises shall be suitably signposted. Otherwise the Licensee may prohibit *unauthorised entry to the remainder of the Premises. If required by the Licensor plans*

showing the areas where public access is authorised and unauthorised shall be displayed in a prominent location at the entrance to the Premises.

25.3 Additions and Alterations

The Licensee shall not make any additions or alterations to the Premises without first obtaining the written consent of the Licensors, the Minister and **Wentworth Shire Council** in its role as the statutory planning authority. Any additions or alterations consented to by the Licensors and the Minister shall be carried out at the Licensee's expense.

25.4 Maintenance of Premises and Enclosed Areas

The Licensee shall keep the Premises, and shall ensure that the Premises are kept clean and tidy and in good order and condition, having regard to the extent of the Licensee's occupation of the Premises under this Licence.

25.5 Licensee to erect barricades etc

Where the Premises or any part of the Premises become to the knowledge of the Licensee (or which ought reasonably to be in the knowledge of the Licensee) unsafe, hazardous or dangerous the Licensee shall forthwith erect such warning signs, fences and barricades as may be necessary until the Premises are rendered safe.

25.6 Residence on Premises

Volunteer caretaker (couple) resides on the premises for security purposes.

25.7 Licensee not to remove material

- (a) The Licensee shall not mine, remove, extract, dig up or excavate any sand, stone, gravel, clay, loam, shell or similar substance from, on or in the Premises or permit any other person to undertake such action without the prior consent in writing of the Licensors and the Minister and subject to such conditions as the Licensors or the Minister may determine.
- (b) Sub-clause 25.7(a) does not apply to any removal, digging up or excavation as may be necessary to construct or undertake any Improvement authorised by or under this Licence provided that any such removal, digging up or excavation is undertaken in accordance with the requirements of that authorisation.
- (c) A failure by the Licensee to comply with any condition imposed pursuant to sub-clause 25.7(a) constitutes a failure by the Licensee to comply with a provision or covenant of this Licence.

25.8 Licensee not to burn off

The Licensee shall not carry out any burning off on the Premises except with the prior consent of the Licensors in writing, which consent shall not be unreasonably withheld, and after compliance with the requirements of the Rural Fires Act 1997. Any consent granted in accordance with this clause shall be subject to such reasonable conditions as the Licensors may impose.

25.9 Rodents and Vermin

The Licensee shall take all reasonable precautions to keep the Premises free of rodents, vermin, insects and pests and shall in the event of failing to do so if required by the

Licensor employ from time to time a duly certified pest exterminator at cost of the Licensee and as approved by the Licensor whose approval will not be unreasonably withheld. In performing its obligations pursuant to this clause the Licensee and any one acting on the Licensee's behalf shall not use any substance or undertake any activity prohibited by any legislation.

26 ADVERTISING

- (a) The Licensee shall not permit to be displayed or placed on the Premises or any part of them any sign, advertisement or other notice without first obtaining the Licensor's written consent other than safety signs, in respect of which the Licensor's consent shall not be required; and
- (b) The Licensor may at any time by notice in writing require the Licensee to discontinue to use any piece or mode of advertising to which the Licensor has granted consent under sub-clause 26(a) which in the opinion of the Licensor has ceased to be suitable or has become unsightly or objectionable and the Licensee on receipt of the notice shall comply accordingly.

27 NOTIFICATION OF ACCIDENT

The Licensee shall give to the Licensor prompt notice in writing of any serious accident or serious defect at or in the Premises or any part of them unless the defect or accident is capable of being and is promptly remedied by the Licensee.

28 LICENSEE NOT TO COMMIT NUISANCE ETC

The Licensee shall not:

- (a) carry on or permit to be carried on at the Premises any noxious, nuisance or offensive trade or business; or
- (b) carry on or permit to be carried on at the Premises any act, matter or thing which results in nuisance damage or disturbance to the Licensor or owners or occupiers of adjoining or neighbouring lands or buildings; or
- (c) use the Premises for any illegal activity.

29 HAZARDOUS SUBSTANCES

The Licensee shall not keep any Hazardous Substance on the Premises without prior consent of the Licensor, which consent shall not be unreasonably withheld.

30 RELICS

- (a) Unless authorised to do so by a permit under section 87 or a consent under section 90 of the National Parks and Wildlife Act 1974 and subject to observance and compliance with any conditions imposed on the grant of such permit or consent the Licensee shall not knowingly disturb, destroy, deface or damage any aboriginal relic or place or other item of archaeological significance within the Premises and shall take every reasonable precaution in drilling excavating or carrying out other operations or works in the Premises against any such disturbance, destruction, defacement or damage.
- (b) If the Licensee becomes aware of any aboriginal relic or place or other item of archaeological significance within the Premises the Licensee shall within 24

hours notify the Licensor and the Director-General of the Department of Environment and Conservation of the existence of such relic place or item.

- (c) The Licensee shall not continue any operations or works on the Premises likely to interfere with or disturb any relic, place or item referred to in sub-clause 30(b) without the approval of the Director-General of the Department of Environment and Conservation and the Licensee shall observe and comply with all reasonable requirements of the said Director-General in relation to carrying out the operations or works.

31 ARTEFACTS

All fossils, artefacts, coins, articles of value, articles of antiquity, structure and other remains or things of geological historical or archaeological interest discovered on or under the surface of the Premises shall be deemed to be the absolute property of the Licensor and the Licensee shall as authorised by the Licensor watch or examine any excavations and the Licensee shall take all reasonable precautions to prevent such articles or things being removed or damaged and shall as soon as practicable after discovery thereof notify the Licensor of such discovery and carry out the Licensor's orders as to the delivery up to or disposal of such articles or things at the Licensor's expense.

32 OWNERSHIP AND REMOVAL OF TENANT FIXTURES AND IMPROVEMENTS

- (a) During the Term of Agreement and any extension of it, ownership of Tenant Fixtures vests in the Licensee. Notwithstanding anything contained in this Licence, so long as any Rent or other moneys are due by the Licensee to the Licensor or if the Licensee has committed any breach of this Licence which has not been made good or remedied and whether the Licensee is still in possession or not, the Licensee shall not be entitled to remove any of the Tenant Fixtures, fittings or equipment from the Licensed property.
- (b) Upon expiry of the Licence all Improvements undertaken by the Licensee become the property of the Licensor.

33 GENERAL REQUIREMENT TO REPAIR

Without prejudice to the specific obligations contained in this Licence the Licensee shall to the satisfaction of the Licensor at all times keep the Premises in good repair and properly maintained in all respects.

34 BREAKAGES

The Licensee shall immediately at the Licensee's expense make good any breakage defect or damage to the Premises (including but not limited to broken glass) or to any adjoining premises or to any facility or appurtenance of the Licensor occasioned by want of care, misuse or abuse on the part of the Licensee or the Licensor's other Licensees occupants occupiers or other persons claiming through or under the Licensee or otherwise occasioned by any breach or default of the Licensee hereunder.

35 INDEMNITIES AND INSURANCE

35.1 Indemnity for use of Premises

- (a) The Licensee shall indemnify and keep indemnified the Licensor from and against all actions, suits, claims, demands, proceedings, losses, damages, compensation, sums of money, costs, legal costs, charges and expenses whatsoever to which the Licensor shall or may be or become liable for or in

respect of the Licensee's occupation operation and use of the Premises or for or in respect of all losses, damages, accidents or injuries of whatsoever nature or kind and howsoever sustained or occasioned (and whether to any property or to any person or resulting in the destruction of any property or the death of any person or not) at or upon the Premises or originating on the Premises although occurring or sustained outside the same except to the extent that any such claims and demands:

- (i) arise from or are contributed to by the negligence or wilful act or omission on the part of the Licensor; or
- (ii) arise from the occupation, operation or use of the Premises by any other occupier, or the acts of any person who has access to the Premises with the consent of another occupier, and the Licensor is adequately indemnified by that other occupier in respect of the relevant claim or demand, and the Licensor shall use its reasonable endeavours to ensure that an indemnity in this form is contained in any agreement with any other occupier of the Premises.

35.2 Indemnity Continues After Expiration of Licence

The obligations of the Licensee under this clause continue after the expiration or other determination of this Licence in respect of any act, deed, matter or thing happening before such expiration or determination for the period limited by the Statute of Limitations.

35.3 Exclusion of Consequential Loss

Despite any other provision of this Licence, both Parties exclude, and agree that they shall have no rights against the other for liability for consequential or indirect loss arising out of this Licence including (without limitation) in respect of loss of profits or loss of business. This clause does not apply in respect of wilful acts by either Party.

36 INSURANCE - PUBLIC RISK

The Licensee shall effect and maintain with a reputable and solvent insurer with respect to the Premises and the activities carried on in the Premises public risk insurance for an amount not less than the amount set out in Column 2 of Item 12, of Schedule 1 or such other amount as the Licensor may from time to time reasonably require as the amount payable in respect of liability arising out of any one single accident or event. The Licensor acknowledges that the Licensee may effect the public risk insurance pursuant to an insurance policy which is not specific as to the location of risk.

37 PROVISIONS RE POLICIES

- (a) All insurance policies required to be effected by the Licensee pursuant to this Licence are specified in Schedule 2, Special Conditions and shall be in place prior to the Licensee occupying the Premises.
- (b) The Licensee shall produce to the Licensor, once per calendar year or once per period of insurance (whichever first occurs), a certificate of insurance and/or a certificate of currency in respect of the insurance policies required to be effected by the Licensee pursuant to this Licence.
- (c) The Licensee shall not at any time during the Term of Agreement do or bring upon the Premises anything which it ought reasonably believe may render void or voidable any policy of insurance. If the Licensee brings anything onto the Premises whereby the rate of premium on such insurance is liable to be increased, the Licensee shall obtain insurance cover for such increased risk

and pay all additional premiums on the Premises required on account of the additional risk caused by the use to which the Premises are put by the Licensee.

- (d) The Licensee shall use all reasonable endeavours to ensure that full, true and particular information is given to the office or company with which the said insurances are effected of all matters and things the non-disclosure of which might in any way prejudice or affect any such policy or policies of insurance or the payment of all or any moneys there under.

38 INDEMNITY FOR NON-COMPLIANCE WITH LEGISLATION

The Licensee shall indemnify and keep indemnified the Licensor from and against any and all actions, suits, claims, demands, proceedings, losses, damages, compensation, sums of money, costs, legal costs, charges and expenses whatsoever arising from the non-compliance by the Licensee with any New South Wales or Commonwealth legislation that may apply to the Licensee's use and occupation of the site and access thereto and the Licensee's operation of their business from the site and access thereto.

This clause shall not merge on the expiration or other determination of this Licence in respect of any act, deed, matter or thing happening before such expiration or determination.

39 INDEMNITY FOR BREACH OF ENVIRONMENTAL LAW

Without prejudice to any other indemnity granted by this Licence, the Licensee shall indemnify and keep the Licensor indemnified against all claims whatsoever arising from a breach by the Licensee of any Environmental Law which breach is in relation to the Premises. This clause shall not merge on expiration or other determination of this Licence in respect of any act, deed, matter or thing happening before such expiration or determination.

40 NO LIABILITY FOR FAILURE OF SERVICES

The Licensor shall not be under any liability for any loss, injury or damage sustained by the Licensee or any other person at any time as a result of or arising in any way out of the failure of the electricity, telephones, gas, water supply, sewerage, drainage or any other services or facilities provided by the Licensor or enjoyed by the Licensee in conjunction with the Premises or this Licence provided that such failure is not due to the negligent or wilful act or omission of the Licensor its servants or agents.

41 LICENSEE NOT TO IMPOSE LIABILITY ON LICENSOR

Subject to any other provision of this Licence, the Licensee shall not without the written consent of the Licensor by any act, matter or deed or by failure or omission cause or permit to be imposed on the Licensor any liability of the Licensee under or by virtue of this Licence even though the Licensee is entitled to do so under any law present or future or otherwise.

42 RELEASE OF LICENSOR FROM LIABILITY

- (a) The Licensee shall occupy, use and keep the Premises at the risk of the Licensee and hereby releases to the full extent permitted by law the Licensor from all claims and demands of every kind resulting from any accident, damage or injury occurring therein but excluding such claims and demands to the extent that such claims and demands arise out of the negligent or wilful

acts omissions or default of the Licensor and the Licensor shall have no responsibility or liability for any loss of or damage to fixtures and/or personal property of the Licensee or any agent or servant of the Licensee or of any member of the public whilst in or upon the Premises but excluding such loss or damage claims and demands to the extent that such loss or damage, claims and demands arise out of the negligent acts or wilful omissions or default of the Licensor.

- (b) The obligations of the Licensee under this clause shall continue after the expiration or other determination of this Licence in respect of any act, deed, matter or thing happening before such expiration or determination for which the Licensee is responsible. Such obligation is to be governed by the Statute of Limitations.

43 LICENSOR'S WARRANTIES AND COVENANTS

43.1 Hazardous Chemicals

The Licensor warrants that it has not received any notice pursuant to the Environmentally Hazardous Chemical Act, 1985 (NSW).

44 LICENSOR'S POWERS AND FUNCTIONS

44.1 Approval by Licensor

- (a) In any case where pursuant to this Licence the doing or executing of any act, matter or thing by the Licensee is dependent upon the approval or consent of the Licensor such approval or consent shall not be effective unless given in writing and may be given or withheld (unless the context otherwise requires) by the Licensor and may be given subject to such conditions as the Licensor may determine unless otherwise provided in this Licence provided such consent or approval is not unreasonably withheld or such terms and conditions are not unreasonable.
- (b) Any failure by the Licensee to comply with a condition imposed by the Licensor pursuant to sub-clause 44.1(a) constitutes a failure by the Licensee to comply with a condition of this Licence.

45 APPLICATION OF CERTAIN STATE AND COMMONWEALTH LAWS

45.1 Proportionate Liability

Part 4 of the Civil Liability Act 2002 (NSW) does not apply to this Licence.

45.2 Licensee to Comply with all Commonwealth and NSW State Laws

- (a) The Licensee shall comply with the requirements of all Statutes, regulations or by-laws and requirements of all relevant public and local authorities in so far as they apply in relation to the use and occupation of the Premises to the extent to which the Licensee is bound at law to comply with the same and nothing in this Licence affects this obligation.
- (b) The Licensee shall forthwith on being served with a notice by the Licensor comply with any notice or direction served on the Licensor by a competent authority relating to the destruction of noxious animals or plants or pests or the carrying out of repairs alterations or works on or to the Premises.

45.3 Licensee to Comply with Environmental Laws

In relation to its use of the Premises, the Licensee shall, during the Term of Agreement, and in relation to the Premises:

- (a) comply with relevant Environmental Law;
- (b) use its best endeavours to prevent a breach of any Environmental Law;
- (c) report any breach even if accidental; and
- (d) provide to the Licenser as soon as reasonably practicable details of notices received by or proceedings commenced against the Licensee pursuant to an Environmental Law:
 - (i) relating to a breach or alleged breach by the Licensee of an Environmental Law; or
 - (ii) requiring the Licensee to carry out works to decrease the affectation of the Premises by any Hazardous Substance.

45.4 Licensee's Failure to Comply with Statutory Requirements

Where the Licensee breaches any law in relation to its use of the Premises it is taken to breach a condition of the Licence, provided that:

- (a) the Licensee has been found guilty of the breach, and
- (b) the Licenser determines that the breach warrants the termination of the Licence.

46 NOTICES**46.1 Service of Notice on Licensee**

Any notice served by the Licenser on the Licensee must be in writing and shall be sufficiently served if:

- (a) served personally or left addressed to the Licensee at the address stated in Column 2 of Item 10, of Schedule 1 or such other address as the Licensee notifies in writing to the Licenser; or
- (b) sent by email to the Licensee's email address stated in Column 2 of Item 10, of Schedule 1 or such other address as the Licensee notifies in writing to the Licenser;
- (c) sent by facsimile to the Licensee's facsimile number stated in Column 2 of Item 10, of Schedule 1 or such other number as the Licensee notifies in writing to the Licenser; or
- (d) forwarded by prepaid security mail addressed to the Licensee at the address stated in Column 2 of Item 10, of Schedule 1;

and every such notice must also be served on the Licensee's solicitors as they may be nominated from time to time, or such other address or facsimile number as the Licensee's solicitors notify in writing to the Licenser, by any methods identified in subclauses 46.1 (a), (b) and (c).

46.2 Service of Notice on Licensor

Any notice served by the Licensee on the Licensor must be in writing and shall be sufficiently served if:

- (a) served personally or left addressed to the Licensor at the address stated in Column 2 of Item 11, of Schedule 1 or such other address as the Licensor notifies in writing to the Licensee; or
- (b) sent by email to the Licensor's email address stated in Column 2 of Item 11, of Schedule 1 or such other address as the Licensor notifies in writing to the Licensee;
- (c) sent by facsimile to the Licensor's facsimile number stated in Column 2 of Item 11, of Schedule 1 or such other number as the Licensor notifies in writing to the Licensee; or
- (d) forwarded by prepaid security mail addressed to the Licensor at the address stated in Column 2 of Item 11, of Schedule 1

and every such notice must also be served on the Licensor's solicitors, as they may be nominated from time to time, or such other address or facsimile number as the Licensor's solicitors notify in writing to the Licensee, by any methods identified in subclauses 46.2 (a), (b) and (c).

46.3 Notices

- (a) Any notice served by the Licensor or the Licensee under this Licence shall be effective if signed by a director or secretary or the solicitors for the Party giving the notice or any other person or persons nominated in writing from time to time respectively by the Licensor or by the Licensee to the other.
- (b) Any notice sent by prepaid security mail shall be deemed to be served at the expiration of 2 Business Days after the date of posting.
- (c) Any notice sent by facsimile machine shall be deemed to be served on the first Business Day after the date of transmission (provided that the sending Party receives a facsimile machine verification report indicating that the notice has been transmitted).

47 PROCEDURE - DISPUTE RESOLUTION

- (a) In the event that the Licensor and the Licensee are in dispute regarding any matter relating to or arising under this Licence or in respect of any approvals or consents to be granted by the Licensor (except those approvals or consents where the Licensor has an obligation to act reasonably) to the Licensee hereunder or where it is acting in its statutory capacity, then either the Licensor or the Licensee may give notice and particulars of such dispute to the other Party.
- (b) Where a notice of dispute is served pursuant to this clause the Parties agree to enter into informal negotiations to try and resolve the dispute in good faith and in an amicable manner.
- (c) If the dispute is not resolved informally within 21 days of service of written notification, the Parties may confer with a mutually agreed third party whose role will be to assist in the resolution of the dispute by mediation or expert appraisal of the dispute. The Parties agree to provide all information and

assistance reasonably requested by such third party, including access to any accounting or other business records relating to or arising out of the Licence.

- (d) A third party appointed in accordance with this clause may decide in which proportions any fees will be borne by the respective Parties. In the absence of any such decision by the third party fees shall be borne equally by the Parties.
- (e) Neither Party shall be entitled to commence or maintain any proceedings in any court or tribunal until negotiations or mediations have taken place pursuant to this clause except where either Party seeks urgent interlocutory relief.
- (f) Either Party may at any time bring negotiations or mediation to an end by serving upon the other Party written notice stating that the dispute has failed to be resolved. Upon service of such notice both Parties shall be entitled to pursue any legal remedies available to them in relation to the dispute. This sub-clause does not in any way limit a mediator's power to apportion fees under sub-clause 47(d).
- (g) Notwithstanding the existence of a dispute under this or any other clause of this Licence the Parties must, unless acting in accordance with an express provision of this Licence, continue to perform their obligations under this Licence.

MISCELLANEOUS

48 NO MORATORIUM

Any present or future legislation which operates to vary obligations between the Licensee and the Licensor, except to the extent that such legislation is expressly accepted to apply to this Licence or that its exclusion is prohibited, is excluded from this Licence.

49 NO WAIVER

No waiver by a Party of any breach of any covenant obligation or provision in this Licence either express or implied shall operate as a waiver of another breach of the same or of any other covenant obligation or provision in this Licence contained or implied. None of the provisions of this Licence shall be taken either at law or in equity to have been varied waived discharged or released by a Party unless by express consent in writing.

50 NO MERGER

Nothing in this Licence merges, postpones, extinguishes lessens or otherwise prejudicially affects the rights and remedies of the Parties under this Licence or under any other agreement.

51 COUNTERPARTS

- (a) A Party may execute this Licence by signing any counterpart.
- (b) All counterparts constitute one document when taken together.

52 CONTACT PERSON

The Licensor and the Licensee each must nominate a person to contact about matters arising under this Licence. The person so nominated is the person referred to in Column 2 of Items 13 and 14, of Schedule 1 or such other person as the Licensor nominates in writing to the Licensee and the Licensee nominates in writing to the Licensor from time to time.

53 APPLICABLE LAW

This Licence shall be construed and interpreted in accordance with the law of New South Wales.

54 NO HOLDING OUT

The Licensee shall not in connection with the Premises or otherwise directly or indirectly hold out or not permit to be held out to any member of the public any statement, act, deed, matter or thing indicating that the Premises or the business conducted or operated thereon or any parts or parts thereof are or is being carried on or managed or supervised by the Licensor nor shall the Licensee act as or represent itself to be the servant or agent of the Licensor.

55 WHOLE AGREEMENT

- (a) The provisions contained in this Licence expressly or by statutory implication cover and comprise the whole of the agreement between the Parties.
- (b) No further or other provisions whether in respect of the Premises or otherwise shall be deemed to be implied in this Licence or to arise between the Parties hereto by way of collateral or other agreement by reason or any promise representation warranty or undertaking given or made by any Party hereto to another on or prior to the execution of this Licence.
- (c) The existence of any such implication or collateral or other agreement is hereby negated.

56 SPECIAL CONDITIONS

The Special Conditions set out in Schedule 2 apply and form part of this Licence.

SCHEDULE 1

Item	Clause	Column 1	Column 2
1	2	Licensor	Dareton Horse Complex (R78438) Reserve Trust
2	2	Licensee	Wentworth & Coomealla Districts Sub Branch; Including the Ramon Deed Veterans' Retreat. Of the Vietnam Veterans' Peacekeepers' and Peacemakers' Association of Australia NSW Branch Inc.
3	2	Market Rent	\$813.11pa plus CPI increases
4	2	Rent Rebate	zero
5	2	Initial Rent	\$750 pa (2008)
6	2	Due Date	1 July 2011 and each anniversary of this date in each year of the Term of Agreement and any holding over period. Day usage fees are to be paid quarterly.
7	14.4	Annual Rental Adjustment	12 months from commencement and annually there after.
8	14.5	Market Rent Review Date	5 years from Commencement Date of Licence.
9	24	Address for Payment of Rent [OPTIONAL] Electronic Funds Transfer details for payment of rent	26-28 Adelaide Street Wentworth NSW 2648 Name of financial institution: Bendigo Bank BSB: 633 000 Acc no 108 992 090 Account in name of: Council of the Shire of Wentworth
10	46.1	Licensee's address for Service of Notices	PO Box 397, Dareton NSW 2717 Attention: The Secretary
11	46.2	Licensor's address for Service of Notices	Dareton Horse Complex (R78438) Reserve Trust C/- Wentworth Shire Council PO Box 81 WENTWORTH NSW 2648 Attention: General Manager Phone: 03) 5027 5027 Facsimile: 03) 5027 5000

			Email: council@wentworth.nsw.gov.au
12	36	Public Risk Insurance amount	\$10 Million
13	52	Licensor's Person Contact	Attention: Reserves and Acquisitions Officer Wentworth Shire Council PO Box 81 WENTWORTH NSW 2648 Phone: 03) 5027 5039 Facsimile: 03) 5027 2132 Email: council@wentworth.nsw.gov.au
14	52	Licensee's Person Contact	The President of Wentworth & Coomealla Districts Sub Branch; Including the Ramon Deed Veterans' Retreat. Of the Vietnam Veterans', Peacekeepers' & Peacemakers' Association of Australia NSW Branch Inc.
15	6	Permitted Use	Temporary Retreat for the sole use of War Veterans and Peacekeepers and Peacemakers. This location requires an on site caretaker for security.
16	7	Commencement Date	1 July 2016
17	7	Expiry Date	30 June 2021
18	2	Term of Agreement	5 years
19	5	Essential Conditions of Licence	Clauses 6.2, 6.3, 8, 14, 33, 36, 37, 38, 45.2, 45.3, 45.4
20	25.2	Entry by the public	Public access to reserve excepting Areas noted on PREMISES APPENDIX "Third Party Exclusive Area."

End of Schedule 1

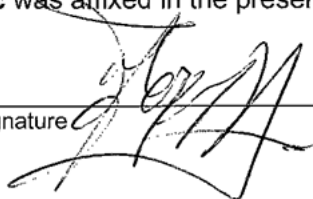
Schedule 2**Special Conditions**

1. ACCESS FOR PUBLIC AND THE CROWN: Where so required at law, the Licensee will at all times allow the public to have access to all parts of the land to permit them to exercise any rights conferred upon them in respect of the land and in particular, if applicable, the Licensee will provide access by reasonable route to allow stock travel and/or manual fossicking activities to be carried out by authorised persons in accordance with the requirements of any Departments of the Crown or other Government or semi-Government instrumentality.
2. The Licensor shall be entitled to from time to time to create and enforce Reserve Rules. A breach of the Reserve Rules shall constitute a breach of this License. The Licensor shall be entitled to vary, add to or modify the Reserve Rules by notice in writing to the Licensee provided that such Reserve Rules shall not contradict the terms and conditions of this Licence. Where the Reserve Rules shall contradict the Licence terms and conditions – the Licence terms and conditions shall prevail.
3. At each renewal of this License or upon the expiration of this License or any holding over period or upon sooner determination, the Licensee shall provide to the Licensor a copy of the last 3 financial years trading figures, profit and loss statement and balance sheet [unless the Licensee has been trading for less than 3 years in which case all trading figures shall be required] for the business the subject of this License and any other business operating upon the Premises and such trading figures, profit and loss statement and balance sheet shall have been certified as true and accurate by the Licensee's qualified accountant.

Dated this 1st Day of July 2016

THE COMMON SEAL of Wentworth & Coomealla Districts Sub Branch;
Including the Ramon Deed Veterans'
Retreat. Of the Vietnam Veterans',
Peacekeepers' & Peacemakers'
Association of Australia NSW Branch
Inc was affixed in the presence of:

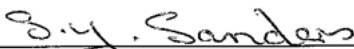
Signature



PRESIDENT

SIGNED BY THE LICENSEE in the
presence of

Signature of Witness



Print Name

SHEILA SANDERS

THE COMMON SEAL of Dareton Horse
Complex (R78438) Reserve Trust



Peter Kozlowski

General Manager

Melisa Hederics

Mayor

Wentworth & Coomealla Districts Sub Branch
Including the Ramon Deed Veterans' Retreat
V. V. A. A. NSW Branch Inc.
P.O. Box 367, Silver City Highway 277
Coomealla NSW 2847

Ministerial Consent*

Under authority of Section 102 of the Crown Lands Act 1989.

Dated this 18 day of September 2017

SIGNED by under delegation

Joshua Higgs

Print Name

Group Leader – Property Management

Print Position of Delegate

If Ministerial consent is not required under Section 102 of the Crown Lands Act, please attach evidence of authorisation.

***Note on Minister's Consent to a licence (other than a temporary licence)**

Before consenting to a licence by a reserve trust, the delegated departmental officer should consider whether the proposed licence:

- ☐ conforms with the Lands template as appropriate in the circumstances
- ☐ purpose is compatible with the reserve purpose
- ☐ is in the public interest
- ☐ is compatible with the plan of management (if applicable)
- ☐ is for an appropriate term
- ☐ was or is proposed to be selected by public competition or, if not, the circumstances relating to the selection of the proposed licensee
- ☐ proposed rent represents a proper return to the public for the use of the public land
- ☐ contains provisions for the periodic updating or review of the rent
- ☐ has no native title impacts
- ☐ contains clauses relating to:
 - o the termination of the licence in the event of a revocation of the reserve
 - o the indemnification of the Reserve Trust, the Crown and the NSW Government against claims for compensation
 - o appropriate insurance provisions.

PREMISES APPENDIX

THIS IS A PREMISES APPENDIX REFERRED TO AND DEFINED IN THE LICENCE AGREEMENT BETWEEN THE DARETON HORSE COMPLEX (R78438) RESERVE TRUST AND WENTWORTH & COOMEALLA DISTRICTS SUB BRANCH; INCLUDING THE RAMON DEED VETERANS' RETREAT, OF THE VIETNAM VETERANS', PEACEKEEPERS' & PEACEMAKERS' ASSOCIATION OF AUSTRALIA NSW BRANCH INC. IN ACCORDANCE WITH THE PROVISIONS OF CL ACT FOR THE PERMITTED USE PUBLIC RECREATION THIS PREMISES APPENDIX VARIES AND FORMS PART OF THE LICENCE AND ITS TERMS ARE INCORPORATED IN THEIR ENTIRETY INTO THE LICENCE

DESCRIPTIONS OF LAND

Parish	<i>Mourquong</i>
County	<i>Wentworth</i>
Locality	<i>Dareton</i>
Deposited Plan	<i>Part Lot 3, DP853243</i>
Commencement Date	<i>1 July 2016</i>
Expiry Date	<i>30 June 2021</i>
Initial Rent	<i>\$ 813.11</i>
Plan	<i>Plan attached and marked as "A"</i>
Third Party Exclusive Area	<i>Access to fixed buildings is restricted to War Veterans and Peacekeepers and Peacemakers</i>
Enclosed Area	<i>Approx 5.8 hectares</i>



Ramon Deed Retreat

Map Scale: 1:1711 at A4

Projection: GDA94 / MGA zone 58

Scale: 1:1711

Created By: Kerry Callinan

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Wentworth Shire Council
 100-110 Main Street
 Wentworth NSW 2865
 Tel: 08 9521 1000
 Fax: 08 9521 1001
 Email: info@wentworth.nsw.gov.au

R78438 Dareton Horse Complex

Scout Road Dareton



CM9 Ref: DOC21/134818

Planning,
Industry &
Environment

6 July 2021

The General Manager
Wentworth Shire Council
Attention: Hilary Dye
26-28 Adelaide Street
WENTWORTH NSW 2648

Dear General Manager

RE: Request for consent to exercise the holding over provisions of Trust Licence held by Wentworth & Coomealla Districts Sub Branch; Including the Ramon Deed Veterans' Retreat Of the Vietnam Veterans', Peacekeepers' and Peacemakers' Association of Australia NSW Branch Inc.

I refer to the correspondence and discussions between Wentworth Shire Council and Department of Planning, Industry and Environment - Crown Lands relating to the exercising of the holding over provisions of Trust Licence held by Wentworth & Coomealla Districts Sub Branch; Including the Ramon Deed Veterans' Retreat Of the Vietnam Veterans', Peacekeepers' and Peacemakers' Association of Australia NSW Branch Inc. upon expiry of the Licence on 30 June 2021.

The department has reviewed the request and supporting information. Based on this information, the department provides Ministers consent for Council, in its capacity as Crown Land Manager, to exercise the holding over provisions of the Licence from 1 July 2021 up to and including 30 June 2022.

As you are aware, this consent will ensure that the subject land is lawfully used and occupied whilst the Council and the Wentworth & Coomealla Districts Sub Branch; Including the Ramon Deed Veterans' Retreat Of the Vietnam Veterans', Peacekeepers' and Peacemakers' Association of Australia NSW Branch Inc. negotiate and progress an appropriate new Crown Land Manager tenure.

Please make arrangements for Council to advise the Wentworth & Coomealla Districts Sub Branch; Including the Ramon Deed Veterans' Retreat Of the Vietnam Veterans', Peacekeepers' and Peacemakers' Association of Australia NSW Branch Inc. of the consent and any conditions of consent from Council.

I have made arrangements for Deena Robinson, Senior Property Management Officer to be available should you require any further information or clarification in relation to this matter. Deena can be contacted by phone on (02) 6883 5459 or by email at deena.robinson@crownland.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Natalie'.

Natalie Ryan
A/Group Leader – Property Management
DPIE -Crown Lands – Far West Area



Council Crown Land Manager Fact Sheet

Granting leases and licences over pre-PoM Crown land

Introduction

Under the *Crown Land Management Act 2016* (CLM Act), Council Crown land managers (CLMs) are able to generally administer Crown land under the public land provisions of the *Local Government Act 1993* (LG Act). This includes issuing leases and licences.

For all Crown land that is classified as community land under s.3.23 (7) of the CLM Act, Council is required to have an adopted plan of management (PoM) by 30 June 2021. Under the LG Act, leases, licences and other estates can only be issued on land that is classified as community land where an expressed authorisation is provided in an adopted PoM withstanding filming activities, the provision of public utilities and associated works, and connections of adjoining premises to council or other public utility facilities,

To facilitate continued access to and use of the land while a PoM is being developed, the CLM Regulation 2018 provides interim arrangements for the granting of certain leases and licences¹.

Lease and licence templates

Leases generally enable exclusive use of land for a specified term and purpose (for example, a bowling green for 15 years). Licences generally enable non-exclusive use for a specified term and purpose (for example, the use of a hall at a showground on the first weekend of every month for six months).

To assist councils in the management of its Crown land, the department has developed standard lease and licence templates. The templates should be used as a base and adapted to meet the specifics of the lease or licence being granted. Lease and licence templates for Council CLMs are available at:

<https://www.olg.nsw.gov.au/content/council-crown-land-managers-resources>

What must a council consider when granting a lease or licence on Crown land?

Before granting a lease or licence on Crown land, council CLMs should consider the following:

- Compliance with relevant legislation, Crown land management rules, policies, regulations, guidelines and fact sheets.
- Regard and compliance with tenure provisions under the Local Government Act, 1993
- Compatibility of the lease or licence with the reserve purpose (other than short term licences for prescribed purposes). If you are not sure that a proposed lease or licence is consistent with the reserve purpose, contact the department for advice.
- Consistency of the lease or licence with any existing plan of management adopted by Crown lands².

*pre-PoM Crown land comprises Crown land managed by a Council Crown Land Manager that has not been classified as operational land with Minister's consent or is subject to an adopted a plan of management for the land for the purposes of Division 3.4 of the Crown Land Management Act 2016.

¹ See Clause 70 (2) Crown Land Management Regulation 2018

*pre-PoM Crown land comprises Crown land managed by a Council Crown Land Manager that has not been classified as operational land with Minister's consent or is subject to an adopted a plan of management for the land for the purposes of Division 3.4 of the Crown Land Management Act 2016.

² See Clause 70 (2) Crown Land Management Regulation 2018



Council Crown Land Manager Fact Sheet

- Environmental impacts of the proposed activity and the ability of the land to support the activity.
- Whether the term of the tenure is appropriate.
- Impacts from proposed tenure to the current and future use of the land.
- Development consents or any other consents required under the Environmental Planning and Assessment Act 1979.
- Allow provisions for conducting rent reviews (at least every three years) and provisions for consumer price index rent increases annually.
- Following community engagement requirements set out in the Local Government Act 1993.
- Aboriginal interests (more on this below).

What tenure can Council grant pre-PoM?

Table 1 below summarises Council CLM authorisations and requirements Clause 70 of the *Crown Land Management Regulation 2018*.

Table 1: Summary of lease and licence options for Council CLMs pre-PoM

Type	Term	Minister's consent	Applying condition	Applicable CLM Regulation 2018
Short-term licence	Up to 12 months	Not required	A licence must be consistent with any of the prescribed purposes set out in clause 31 (1) of CLM Regulation	Clause 70(2)(a), and 31 (1) (a-w)
Lease or licence renewal	Up to 21 years	Not required	A lease or licence must have been in effect prior to 1 July 2018, and the proposed tenure cannot add additional purposes that were not in the existing lease.	Clause 70(2)(b)
New lease or licence for an existing purpose	Up to 21 years	Not required	A lease or licence must have been in effect prior to 1 July 2018, and the proposed tenure cannot add additional purposes that were not in the previous lease.	Clause 70(2)(c)
New lease or licence for emergency services, not-for-profit or community group	Up to 21 years	Required	The lessee or licensee must be an emergency services organisation*, a not-for-profit organisation or community group.	Clause 70(2)(d)
New lease (for other types of organisations)	Up to 5 years	Required	Negotiations between council and lessee were, in the opinion of the minister, substantially completed prior to 1 July 2018.	Clause 70(2)(e)



Council Crown Land Manager Fact Sheet

Type	Term	Minister's consent	Applying condition	Applicable CLM Regulation 2018
New lease or licence authorised under a plan of management adopted by Crown lands prior to 1 July 2018	Up to 21 years	Not required	The lease or licence could, in the opinion of the minister, have been granted before 1 July 2018.	Clause 70(2)(f)

* meeting the definition of an emergency services organisation within the *State Emergency Services and Rescue Management Act 1989*

What if the proposed tenure scenario is not covered in Table 1?

If the proposed lease or licence scenario is not covered by Table 1 above, contact the department to discuss options for your reserved Crown land as early as possible.

What if my reserve isn't classified as community land?

If a council has obtained the written consent of the Minister to manage the land as if it were operational land under s.3.22 (3) of the CLM Act, the council can issue leases and licences over the reserve in accordance with the provisions of the LG Act for operational land.

If the reserve is under devolved management, s.48 of LG Act applies. This land is not required to be classified or categorised under the LG Act nor a PoM developed, and the council is not able to issue any tenure of the land as a Crown land manager.

Aboriginal interests and Crown land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal people of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

When considering a lease or licence, Council must comply with any applicable requirements of the Commonwealth *Native Title Act 1993* and have regard for any existing claims over the land under the NSW *Aboriginal Land Rights Act 1983*. At a minimum Council CLMs must consider the below.

Native Title

Councils are required to employ or engage a native title manager under the CLM Act.

Council Crown land managers must obtain written advice from a qualified native title manager that any proposed lease or licence arrangements comply with any applicable provisions of the Commonwealth *Native Title Act 1993*. This includes any lease or licence issued in accordance with the CLM Regulation.

Further information on native title rights and interests and the role of native title managers is available on the department's website (<https://www.industry.nsw.gov.au/lands/what-we-do/our-work/native-title>).

Specific information on the interaction of tenure, land rights and what Council CLMs need to consider when issuing tenure can be found here;

https://www.industry.nsw.gov.au/data/assets/pdf_file/0015/143061/Native-title-applications-and-options-for-interest-holders-fact-sheet.pdf



Council Crown Land Manager Fact Sheet

Aboriginal Land Rights

If land is subject to an undetermined Aboriginal land claim under the NSW *Aboriginal Land Rights Act 1983*, tenure should not be granted if:

- the proposed tenure activity could prevent the land being transferred to an Aboriginal Land Council (ALC) in the event that an undetermined claim is granted
- the proposed tenure could impact or change the physical/environmental condition of the land, unless the council Crown land manager or tenure applicant has written consent from the claimant ALC to carry out the proposed work or activity or a written statement confirming that the ALC has withdrawn the land claim, or has amended the land claim to exclude the proposed tenure area.

While the above request to the ALC can be made, the claimant ALC is under no obligation to grant consent.

If in doubt, contact the department to seek advice about any potential land claims affecting Crown land.

Example scenarios

The following tenure scenarios provide some common examples relevant to this fact sheet.

Scenario 1: New lease, following an expired lease

A lease for the purpose of a kiosk was in effect over reserved Crown land prior to the commencement of the CLM Act on 1 July 2018. The lease expires in February 2020 with no option of renewal. Council wishes to enter into a new lease commencing February 2020 with no additional permitted uses than those authorised under the previous lease.

Tenure outcome

Under Regulation 70 (2)(c), the Council is authorised to grant a new lease from February 2020 for up to 21 years, as an existing lease was in place prior to the commencement of the CLM Act and there are no additional permitted uses of the land.

Scenario 2: Lease extension/renewal

In 2016, Council issued a Request for Offer for a lease over reserved Crown land. The successful applicant entered into a 5-year lease commencing 1 January 2018 which expires on 31 December 2022. Council has been contacted by the current tenant wishing to extend the current lease.

Tenure outcome

Council cannot extend an existing lease under the transitional arrangements. However, the lessee has the option to surrender the existing lease after which Council may issue a new lease under Regulation 70 (2)(c) for a maximum of 21 years, provided that there are no additional permitted uses of the land.

Scenario 3: Short term licence

Council wishes to grant a licence for a short-term market to occur on reserved Crown land under its management.

Tenure outcome

Under Regulation 70 (2)(a), Council may grant a short-term licence over pre-PoM Crown land, providing the licence meets the prescribed purpose under clause 31 of the Regulation (of which market is a prescribed purpose).



Council Crown Land Manager Fact Sheet

Scenario 4: Negotiations for lease occurred prior to 1 July 2018

Negotiations for a lease over reserved Crown land took place, and were substantially completed, prior to commencement of the CLM Act on 1 July 2018. Council would now like to issue the lease.

Tenure outcome

Under Regulation 70 (2)(e), Council can grant a new lease (with Minister's consent) over pre-PoM Crown land for a term not exceeding the maximum term (5 years in this case), as there is evidence that negotiations for the lease were substantially completed before 1 July 2018. Council would have to provide sufficient evidence to the Minister demonstrating that the negotiations were substantially completed for consideration when determining whether to give consent to the lease. This may include a council resolution, documentation of agreement, a lease executed by both parties prior to obtaining Ministers consent etc.

Scenario 5: New lease or licence under an existing PoM

A Council CLM managed coastal caravan and camping park has an approved PoM, that was adopted by Crown lands in January of 2018. The adopted PoM authorised leasing of a tennis facility, this lease has yet to be executed.

Tenure outcome

As the lease for the tennis facility was under a PoM adopted prior to July 2018, the lease can be granted by council for up to 21 years under 70(2)(f) of the CLM regulation, without Ministers consent.

Scenario 6: New lease for an emergency service facility

A Council CLM is approached by a local Rural Fire Service (RFS) Brigade requesting to lease a small reserve for emergency vehicle storage for 4 years.

Tenure outcome

As the proposed tenure holder is an emergency services provider, under 70(2)(d) the Council CLM is authorised to grant the lease with Ministers consent.

Scenario 7: New lease for Surf Life Saving Club

A Council CLM is approached by Surf Life Saving NSW requesting a new lease for 20 years.

Tenure outcome

As the proposed tenure holder is an emergency services organisation, under 70(2)(d) the Council CLM is authorised to grant the lease with Ministers consent.

Contact us

For more information please contact your local Crown lands office, or alternatively contact us at:

PO Box 2155
DANGAR NSW 2309

Tel: 1300 886 235

Fax: 02 4925 3517

Email: council.clm@crownland.nsw.gov.au

Web: www.crownland.nsw.gov.au

9.7 INFRASTRUCTURE CONTRIBUTION REFORMS

File Number: RPT/21/574

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

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

Summary

The NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 into Parliament on 22 June. This Bill has the potential to adversely impact on Council's ability to deliver critical infrastructure services by diverting developer contributions away from Local Government to the NSW Government. If the Bill is passed, the NSW Government will have the authority use these funds however and wherever they see fit, thus potentially leaving Wentworth Shire Council and all other Local Government Organisations in NSW in a position where our infrastructure delivery capability will be destroyed.

Recommendation

That Council

- 1) Calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
- 2) Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
- 3) Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
- 4) That Council writes to the local State Member Helen Dalton, the Premier the Hon Dominic Perrottet MP, Treasurer the Hon Matt Kean MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.
- 5) That Council writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the

Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining council's concerns with the Bill.

- 6) That Council alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.
- 7) That Council affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

Detailed Report

Purpose

The purpose of this report is to inform Council of the status of the Infrastructure Contributions Bill and to seek a resolution to call on the NSW Government to have this Bill withdrawn based on the reasons outlined in this report.

Background

The NSW Government introduced the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 into Parliament on 22 June.

The Bill was subsequently referred on 24 June 2021 to the Upper House Portfolio Committee No. 7 – Planning and Environment for inquiry and report by 10 August 2021.

The Committee called for submissions and held a hearing on 16 July 2021 where local government representatives, including LGNSW, appeared as witnesses.

LGNSW made a submission to the inquiry, opposing the passage of the Bill in this form and calling for it to be withdrawn.

The Committee tabled its report on 10 August 2021 and recommended that the Bill not proceed until the draft regulations have been developed and released for consultation and the reviews into the rate pegging system, benchmarking and the essential works list have been published by the Independent Pricing and Regulatory Tribunal.

This Bill has the potential to:

- Reduce the type of community infrastructure that could be funded by developer contributions;
- Siphon off developer contributions into four regional funds, with no guarantees that the money would be funnelled back into projects in the local areas where the funds have been collected;
- Dictate to councils on what and how they can spend their contributions (through Ministerial directions); and
- Enable future governments to make further potentially-damaging changes to the system without parliamentary scrutiny.

The impact this can have on Wentworth Shire Council and all other NSW Local Government Organisations is:

- Council contributions will be significantly reduced while State Government revenue (via regional contributions) will increase.
- Councils will be forced to either forgo the infrastructure or raise rates, cost-shifting the delivery of infrastructure from developers to ratepayers.

- Significant financial impact on councils' ability to deliver community infrastructure ranging in the millions to tens of millions of dollars.
- IPART "essential" infrastructure works list review - may further restrict the type of community infrastructure that could be funded via contributions.
- Will not reduce housing prices - Parliamentary Committee concluded it would 'just move costs between developers and land holders.

Matters under consideration

Councils need to be in a position to deliver quality infrastructure and open spaces if they are to attract homebuyers, housing and commercial development and business investment and these reforms put this at risk.

Options

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

- a) Do nothing
- b) Resolve to adopt the recommendations as stated.

Legal, strategic, financial or policy implications

Implementation of the reforms will have far reaching financial implications for our council and community that are unknown at this stage and there is concern that we may be worse off under the reforms.

These reforms may force our council to delay or completely remove projects from our expenditure plan with a detrimental impact not only on community wellbeing and participation in civic life, but also crucially on job creation.

This Bill also signals a significant cost shift from developers to rate payers. It will require Council to seek out alternative funding options to provide the level of infrastructure delivery that is required to keep our townships safe, healthy and growing.

Conclusion

LGNSW will continue its advocacy efforts on our behalf and is asking councils in NSW to add their voice in calling on the NSW Government to withdraw the Bill from the NSW Parliament.

Note: Pauline Hanson's One Nation the Hon Mark Latham MLC has not been included in item 5 in the recommendation. Council has received correspondence confirming that One Nation will not be supporting this Bill - see Attachment 1.

Attachments

1. Correspondance from Mark Latham One Nation Party



LEGISLATIVE COUNCIL

21 September 2021

Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Received 28 SEP 2021	
File	
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Dear General Manager,

I am writing to let your Council know that in the NSW upper house, One Nation (myself and Rod Roberts MLC) will not be supporting the NSW Government's Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021.

We regard this Bill as poorly conceived, given the way in which it acts against the best interests of local government and community service provision in our State.

The Bill is flawed in the following critical ways:

1. The proposed Regional Infrastructure Contributions (RICs) are an invitation for government pork barreling and political favouritism, in a government notorious for pork barreling and the misallocation of resources. RICs will also likely lead to a reduction in general State Government effort on infrastructure spending - a cost shifting exercise.
2. The reforms shift the cost of infrastructure and service provision in growth areas from developers to ratepayers.
3. The question of local government rate reform should be considered separately from infrastructure contribution reform.
4. Developer contributions should be paid to Councils as quickly as possible, certainly at Construction Certificate stage rather than Occupation Certificate as proposed (and adopted during the current Covid period).
5. The RICs lack the benefits of hypothecation so that developers and residents paying them know there will be a direct community return.
6. There is no evidence that RICs developed for the inclusion of affordable housing and biodiversity funding will achieve their stated goals.
7. The Planning Minister should be required to make RIC plans, similar to the Section 7.11 plans required of Councils.

8. The new benchmarking of 'best practice infrastructure provision' does not take into account regional cost variations around NSW and will lead to a lowest-common-denominator approach imposed upon Councils.
9. Many Councils will be worse off financially under the Bill, given the fiscal overhang caused by the immediate loss of some developer contribution money but a slow 20-year build up in rating capacity in growth LGAs.
10. Local government servicing capacity should be strengthened by guaranteeing Section 7.12 contributions for State Significant Developments - a key oversight in the Bill.

As you can see, the Bill has little to commend it. The Government's consultation with upper house MPs has been poor, almost non-existent. Councils have also felt ignored in the process.

One Nation sees many reasons for opposing the Bill and we will vote against it when our Parliament resumes.

Can you please inform your Council of this information.

If there are other matters with which we can assist in your local government area, please let us know.

Yours sincerely,



The Hon. Mark Latham MLC
Member of the Legislative Council
Phone: 02 9230 3682
Email: mark.latham@parliament.nsw.gov.au

9.8 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - REVIEW OF RURAL LAND PLANNING CONTROLS PLANNING PROPOSAL

File Number: RPT/21/575

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's Health and Planning Department has prepared a Planning Proposal as an outcome of a Review of Rural Land Planning Controls paper.

The Planning Proposal seeks to amend the following planning provisions in the Wentworth Local Environmental Plan 2011:

- RU1 Primary Production land use table
- Part 4 Principal development standards relating to rural land
- Part 5 Miscellaneous provisions Clause 5.5
- Schedule 1 Additional permitted uses.

This report seeks Council endorsement to submit the Planning Proposal to the Department of Planning, Industry & Environment requesting a Gateway Determination to proceed.

Recommendation

That Council resolves to:

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

Detailed Report

Purpose

The purpose of this report is to provide Council with the information required to make an informed decision with regard to the Planning Proposal.

Background

A review of the rural land planning controls in the Wentworth Local Environmental Plan 2011 (WLEP) has been undertaken by Council's Health and Planning Department.

The purpose of preparing the Review of Rural Land Planning Controls (RLPC) paper was to identify historic planning issues relevant to rural land, discuss those issues to determine those that could be resolved through the RLPC and provide justification and recommendations for amendments to the WLEP. Additionally, the RLPC aims to support and facilitate improved management and sustainable financial outcomes for rural enterprises and landholders.

The RLPC also identifies the strategic mechanisms that are required to address and resolve the remaining issues, relevant to rural land use planning, that are unable to be addressed and resolved through the RLPC.

Refer to Attachment 1 Review of Rural Land Planning Controls.

Matters under consideration

This Planning Proposal has been prepared to enact upon the recommendations made in the RLPC.

The Planning Proposal proposes to:

- Amend the RU1 Primary Production zone land use table by including reference to tourism in the objectives of the zone, adding uses as permissible with consent that are related to tourism development and uses that would benefit from and be more suitable if located outside townships on rural land where allotments are of a larger scale
- Remove Clause 4.2D as the interpretation of this clause is subjective and has caused confusion in the past for dwelling permissibility in the RU1 Primary Production zone
- Introduce a standard boundary adjustments clause to enable boundary re-alignments where the existing allotments do not meet the standard minimum lot size requirements
- Minor amendments and update of objectives to Part 4 Principal development standards
- Inclusion of secondary dwellings in Clause 4.2C and related floor area size restrictions in Clause 5.5
- Removal of expired provisions.

Refer to Attachment 2 – Planning Proposal: Review of Rural Land Planning Controls.

Full details of the proposed amendments to the WLEP are outlined in Appendix 2 to the RLPC document.

Early consultation with the Department of Industries – Agriculture has been undertaken to gauge the agency's support or concerns for the proposed amendments to the WLEP 2011.

The response received included concerns regarding the lack of strategic justification for amendments to the minimum lot sizes applied to rural land and non-support for some of the proposed land uses to be made permissible in the zone.

Refer to Attachment 3 – Department of Industries – Agriculture response.

Table 2 of the RLPC paper provides a list of the uses that have not been supported by DPI Agriculture and justification for their inclusion in the RU1 zone land use table.

A subsequent meeting held with the agency determined that the proposed minimum lot size amendments would not be supported without a strategy providing robust justification for the reduction to the current minimum lot sizes.

In response to the comments provided by DPI Agriculture, the section relating to minimum lot sizes and associated recommendations have been removed from the RLPC paper. The minimum lot sizes will now be evaluated in the rural residential strategy to be undertaken during 2022.

Refer to Attachment 4 - Response to DPI Agriculture.

Options

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

- Submit the Planning Proposal to the Minister for Planning and Public Spaces for consideration of a Gateway Determination, or
- Refuse to support the Planning Proposal.

Legal, strategic, financial or policy implications

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

The endorsement will provide Council with the opportunity to progress the implementation of the recommendations made in the RLPC which support and facilitate improved management and sustainable financial outcomes for rural enterprises and landholders.

Conclusion

Having consideration for the content of this report, it is concluded that the most appropriate course of action is to resolve to submit the Planning Proposal to the Minister for Planning and Public Spaces for consideration of a Gateway Determination.

Attachments

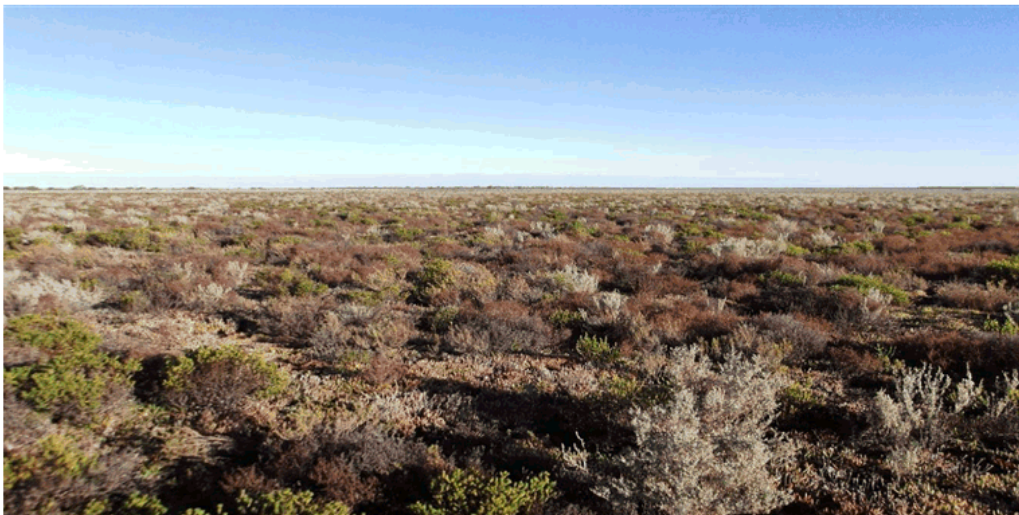
1. Rural Land Planning Controls
2. Planning Proposal - Review of Rural Land Planning Controls.
3. Department of Primary Industries - Agriculture comments and feedback.
4. Response to Department of Primary Industries - Agriculture.

WENTWORTH
SHIRE COUNCIL
WORTH THE DRIVE

October 2021



REVIEW OF RURAL LAND PLANNING CONTROLS



Statement of Acknowledgement of the Traditional Custodians of the Land

We wish to recognise the generations of the local Aboriginal people who have lived in and derived their physical and spiritual needs from the land, rivers, lakes and streams of this beautiful Shire over many thousands of years as the traditional owners and custodians of these lands.

Disclaimer

- Every care has been taken in preparing this publication, and to the best of our knowledge the content was correct at the time of publishing.
- This document should not be used as a basis for investment or other private decision-making purposes in relation to land purchases or land-uses.
- Wentworth Shire Council accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within this strategy.
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Document details

Version	Purpose	Author	Review
October 2021	Council Meeting 20/10/21	Michele Bos	Matthew Carlin

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Appendices

Appendix 1 Strategic context

Appendix 2 Recommended WLEP amendments

Section 1 Introduction

1.1 Purpose of the Review

This document provides an overall summary of the rural land planning controls in the Wentworth LEP 2011 and a list of identified rural land use planning issues.

The primary purpose of the Review of Rural Land Use Planning Controls is to:

- Identify issues relating to the RU1 Primary Production land use table
- Review issues relating to Part 4 Principal development standards
- Establish a policy direction to resolve the identified issues
- Detail the desired outcome to be achieved through the implementation of the policy direction
- Include housekeeping amendments

The final outcomes of this review will be implemented by amending the Wentworth Local Environmental Plan 2011.

1.2 Structure of the document

Section 2 – outlines the context of the local government area, our community, background planning issues and existing development controls for rural lands.

Section 3 – identifies proposed policy change and why this is needed.

Section 4 – provides actions and an implementation plan to achieve the desired policy changes.

1.3 Strategic Context

State and local strategies and plans provide the strategic context within which land use planning needs to be considered. A list of the key strategic reports relevant to rural land is provided below. A detailed summary is provided in Appendix 1.



Figure 1 Strategic context

Section 2 Local Context

2.1 Statistics

2.1.1 Demographic statistics

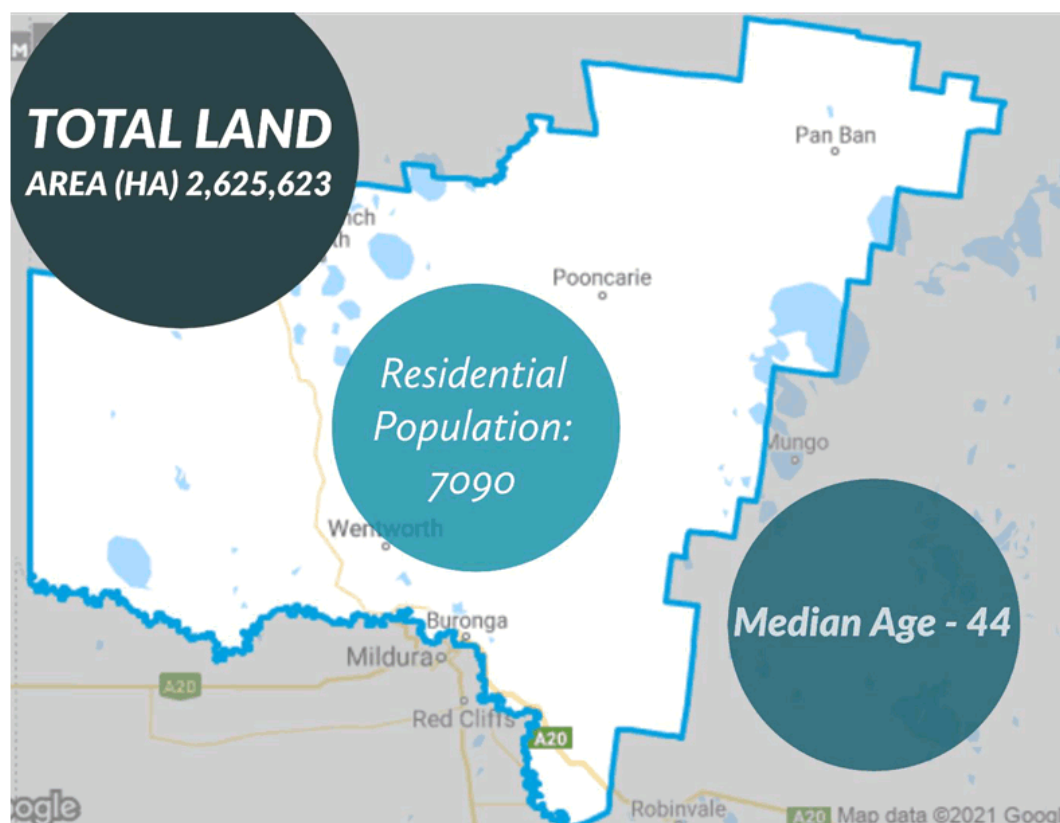


Figure 2 Boundary of Wentworth LGA (REMPAN Economy)

The ABS 2016 Census Place of Usual Residence Population statistics for Wentworth local government area was 6,798. The ABS 2020 Estimate Residential Population shows an increase of 292 persons or 4.3% during the period from 2016 to 2020. This equates to annual growth rate of 1.1%. Almost double the growth rate of 0.6% from 2011 to 2016.

2.1.1.1 Population by Age - 2016 Census

The single largest age cohort in Wentworth LGA is "55-59 years" with 538 people representing 7.9% of the population. The median age is 44 years and the overall ratio of males to females is 1 to 0.936.

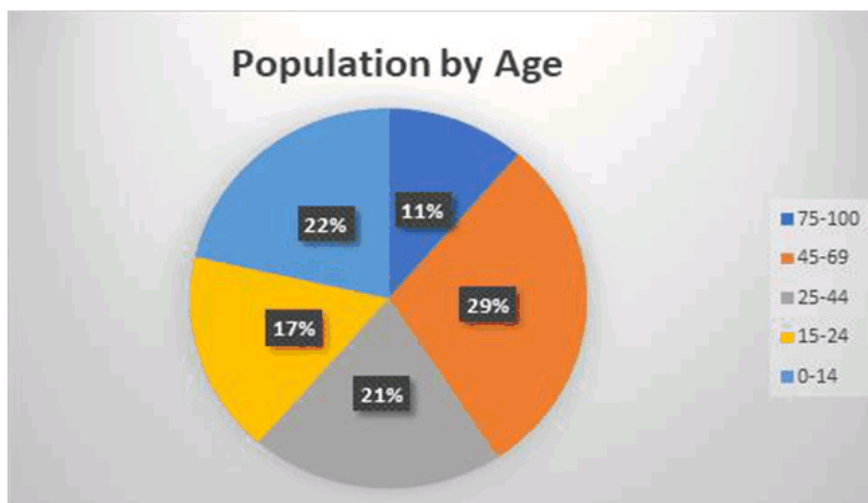


Figure 3 Population by Age Cohort (REMPLAN Community)

2.1.1.2 Population by Life Stage – 2016 Census

The largest life stage group in Wentworth (A) is “Working Age (30 to 64 years)” representing 45.9% percent of the overall population.

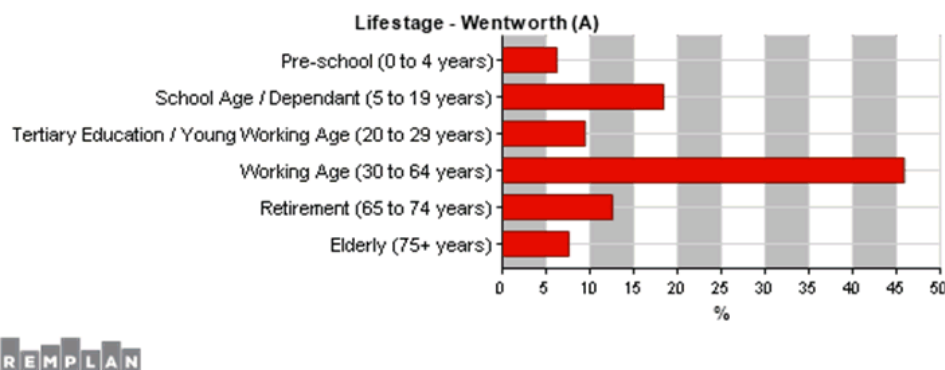


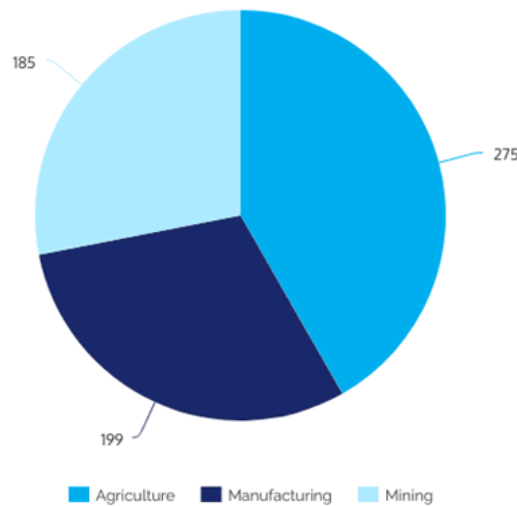
Figure 4 Population by Life Stage (REMPLAN Community)

2.1.2 LGA economy and employment statistics

2.1.2.1 Wentworth economy

The total output estimate for Wentworth (A) is \$1,131.943 million. The agriculture, forestry and fishing industry had the highest economic output followed by manufacturing and mining.

WSC Economic Output Statistics



\$ Total Output estimate
\$1,131.943 million

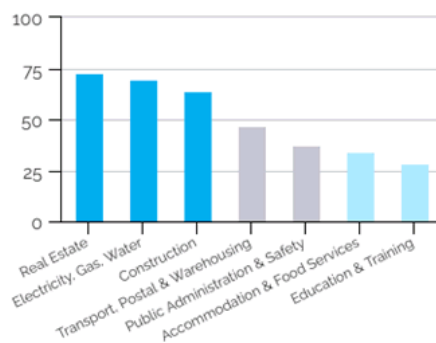
Top 3 sectors for economic output:

Agriculture, forestry & fishing

Manufacturing

Mining

Economic Output - other sectors \$ in millions



Other sectors continued

Health Care & Social Assistance		\$28.055
Wholesale Trade	80	\$17.303
Administrative & Support Services	250	\$16.881
Retail Trade	300	\$16.021
Professional, Scientific & Technical Services	85	\$12.674
Financial & Insurance Services	300	\$10.594
Other Services	650	\$9.690
Arts & Recreation Services	250	\$5.838
Information Media & Telecommunications		\$3.146

Figure 5 Total output estimate 2019 (REMPAN Economy)

2.1.2.2 Wentworth employment

The total employment estimate for Wentworth LGA is 2,837 jobs, with Agriculture, forestry and fishing being the largest industry of employment.



Figure 6 Employment per industry sector (REMPAN Economy)

Of the 2,837 employed people who reside in Wentworth LGA, 1,459 of those residents work in Wentworth LGA, while the remaining 1,378 people work outside the LGA. Therefore close to 49% of people who reside in Wentworth work outside the Wentworth LGA.

2.1.2.3 Tourism economy and employment

The total value of tourism related output for Wentworth (A) is estimated at \$51.919 million, with agriculture rating the third highest after accommodation and food and manufacturing.

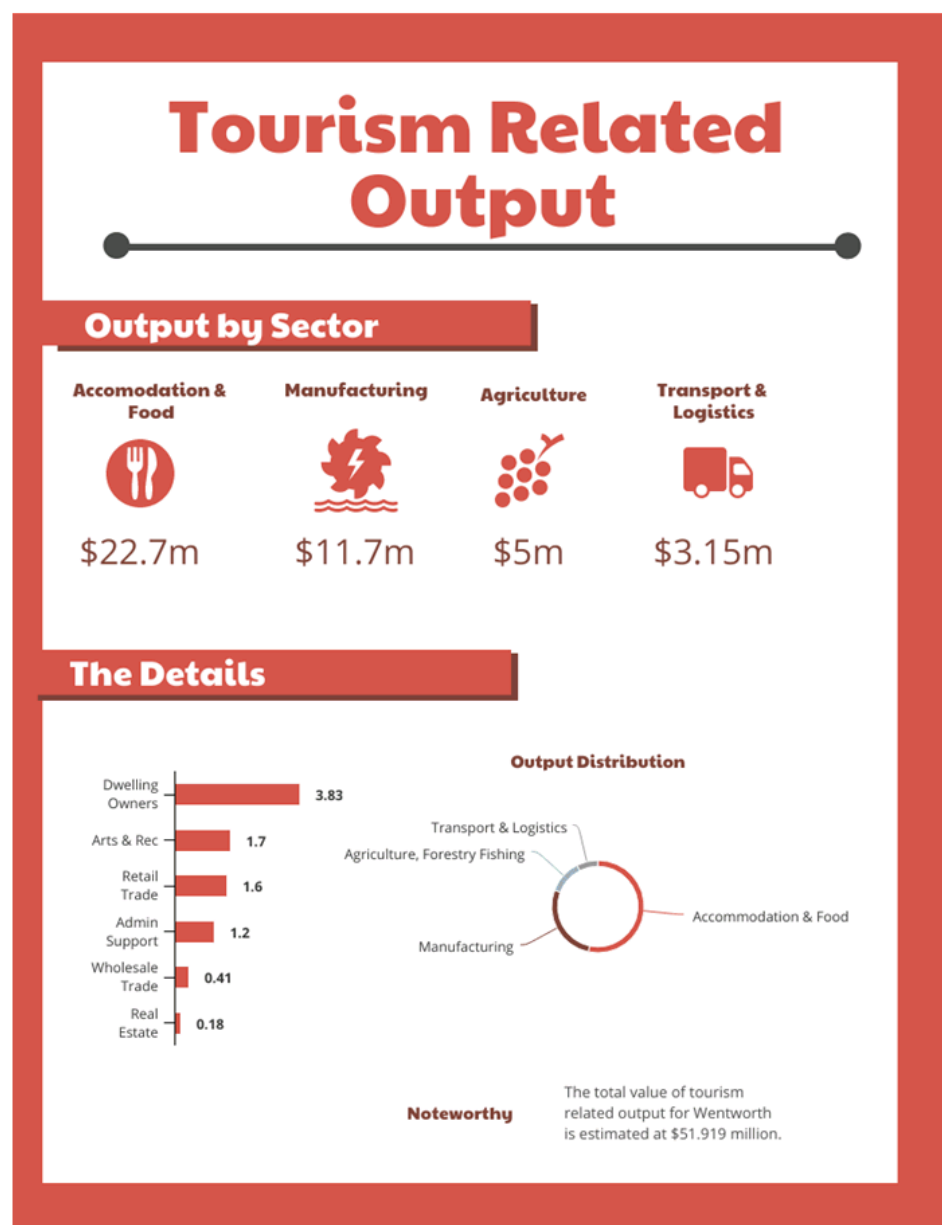


Figure 7 Output attributable to Tourism in Wentworth (REMPAN Economy)

In the Wentworth LGA there is a significant difference in the provision of employment between the accommodation and food industry and the agriculture, forestry, fishing, retail trade, manufacturing, transport/postal warehousing and arts and recreation services industries.

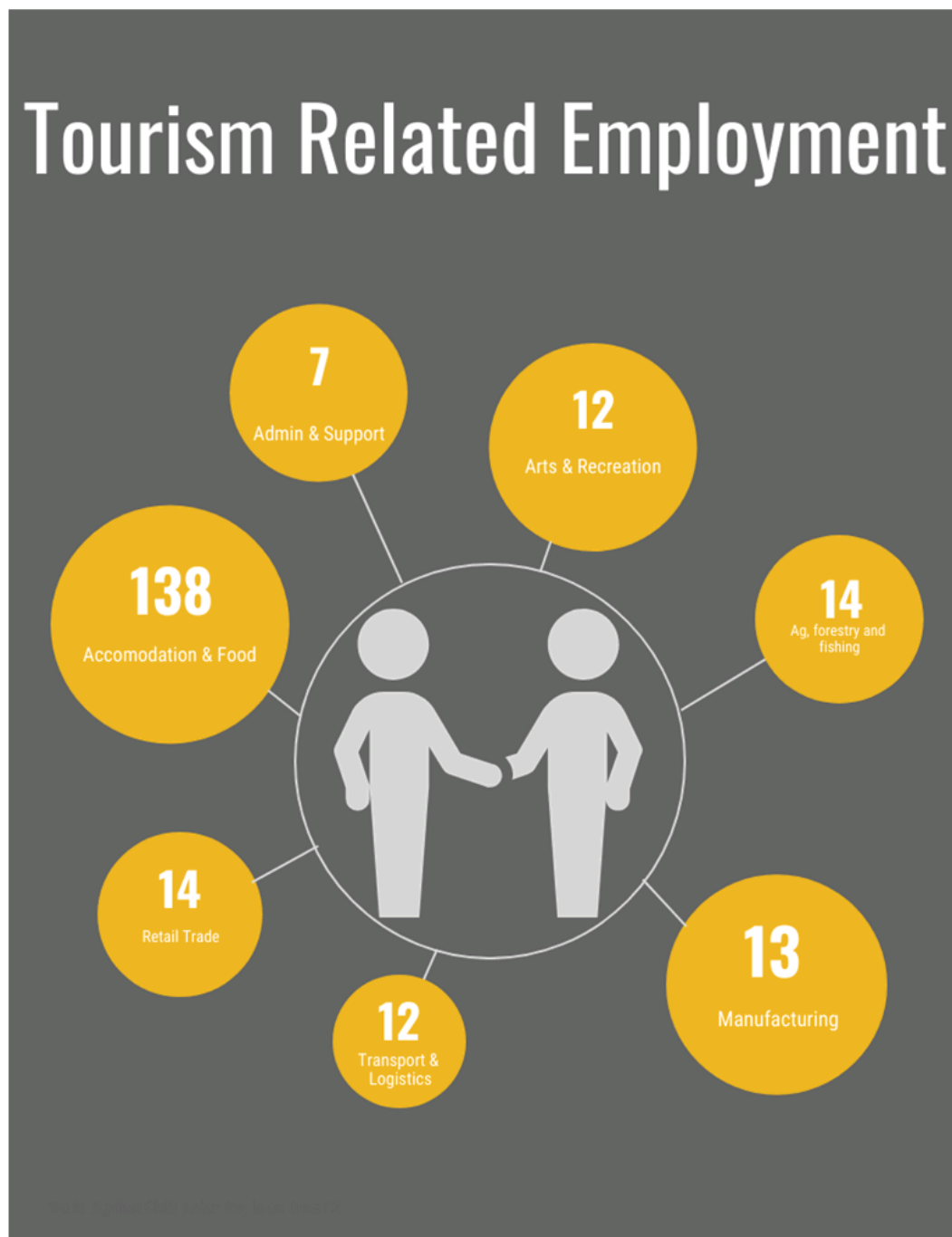


Figure 8 Employment attributable to Tourism (REMPLAN Economy)

2.1.3 Agricultural economy and employment statistics

2.1.3.1 Agricultural economy

The total output estimate for Wentworth (A) is \$1,131.943 million.

The agriculture, forestry and fishing sectors contribute \$275.389 million (24.3%) of the total output.

Primary Industry Economic Financial Output

Output Ag, forestry & fishing & Others



Figure 9 Total output of Agriculture, forestry and fishing sectors (REMPLAN Economy)

2.1.3.2 Agricultural employment

Of the 2,837 jobs in Wentworth LGA, 789 people (27.8%) are directly employed in the agriculture, forestry and fishing industries as follows:



Figure 10 Employment in the Agriculture, Forestry & Fishing industry (REMPPLAN Economy)

2.2 Background planning issues

2.2.1 Land & Environment Consent Orders

Following a legal challenge by the Murray Darling Wetlands Association with Wentworth Shire Council and the Department of Planning and Infrastructure being respondents, mediation lead by the NSW Land and Environment Court resulted in Consent Orders which were essentially reflected in stage one of a brief for a Rural Lands Strategy.

This section has been prepared in response to Consent Orders No 40255 of 2012 issued by the Land and Environment Court on 30 October 2012.

The Orders directed Wentworth Shire Council to evaluate the conversion of the Wentworth Local Environmental Plan 1993 (WLEP 1993) to the Wentworth Local Environmental Plan 2011 (WLEP 2011):

“Review all submissions made to the Wentworth LEP 2011 concerning rural land use and consider all rural land use mapping and identify:

- 1 Any inaccuracies in current mapping under the Wentworth LEP 2011;*
- 2 Any rural lands, local planning provisions under the Wentworth LEP 1993 which were not incorporated into the Wentworth LEP 2011; and*
- 3 Those matters arising from submissions or item (b) above which support an amendment to the Wentworth LEP 2011 or warrants specific consideration in a broader land use strategy”.*

Following a review of the public submissions received during the exhibition of the draft WLEP 2011, it was concluded that the following were considered to be the key issues:

- Inaccuracy of the natural resource mapping for terrestrial biodiversity, wetlands and rivers/watercourses
- The restrictions of the land use table applicable to the RU1 Primary Production zone
- The validity and lack of justification for the application of the proposed minimum lot sizes to be applied in the RU1 Primary Production zone
- River setbacks
- The ‘Sunset’ clause relating to dwelling permissibility on existing holdings, former rural lots and schedule of permitted uses
- The process by which the LEP 1993 was converted to LEP 2011.

2.2.2 Previous work undertaken

Wentworth Shire Council resolved to “undertake a Shire wide rural land use study to determine the justification of zoning issues” in April 2011. Following that resolution consultants were appointed with the project commencing in September 2013.

A draft Agricultural Strategy and draft Rural Land Use and Rural Residential Strategy were presented to Council and the executive management team in a workshop forum July 2015. Prior to the draft documents being endorsed by Council for public exhibition and state agency consultation, all Councillors declared a pecuniary interest in rural land.

A request was submitted to the Minister for Local Government seeking the removal of the pecuniary interest disability. The response from the Minister advised that the pecuniary interest disability would not be removed and that Council should delegate its decision making powers to the Western Region Planning Panel to finalise the Rural Land Use and Rural Residential Strategy.

Following the resolution of Council to delegate their decision making powers to the Western Region Planning Panel in May 2018, Council staff worked closely with the Department of Planning, Industry & Environment and members of the Western Region Planning Panel on this project.

A thorough review of the 2015 draft Rural Land Use and Rural Residential Strategy determined that statistical data, relevant documentation references and information contained in the draft were outdated and ineffectual.

The issues identified in the 2015 draft Rural Land Use and Rural Residential Strategy are still somewhat consistent with the current land use issues.

It has been determined that of the remaining issues, some of these can be resolved directly by undertaking a review of the current land use planning controls relating to rural land, whilst others will need to be addressed and resolved within other strategic work. Further details are provided in Section 2.4.

2.3 Existing rural land planning controls

2.3.1 Zone applicable to rural land

Rural land in the Wentworth LGA is predominantly used for pastoral grazing, broad acre cropping and irrigation purposes. These areas occupy over 88% of the LGA, approximately 2,320,731.74 hectares. The zone applied over these areas is RU1 Primary Production zone, as shown in Figure 11 below:

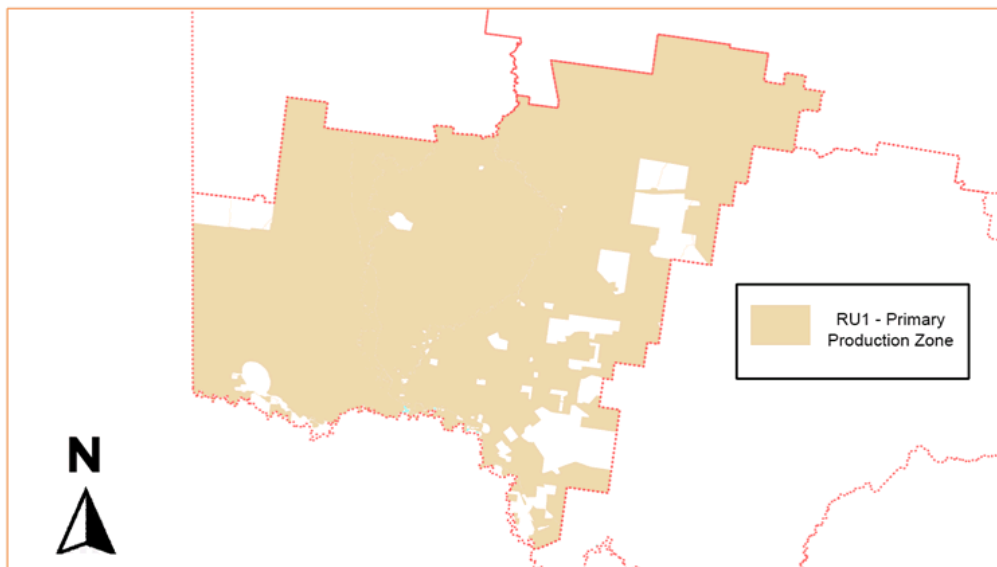


Figure 11 RU1 Primary Production zone map

2.3.2 Minimum lot size, property sizes & holdings

The current minimum lot sizes applicable to the RU1 Primary Production zone are:

- 10,000 for pastoral grazing, broad acre cropping, new horticulture
- 10 hectares for irrigation districts.

The map below shows the distribution of the two minimum lot sizes across the Wentworth LGA.

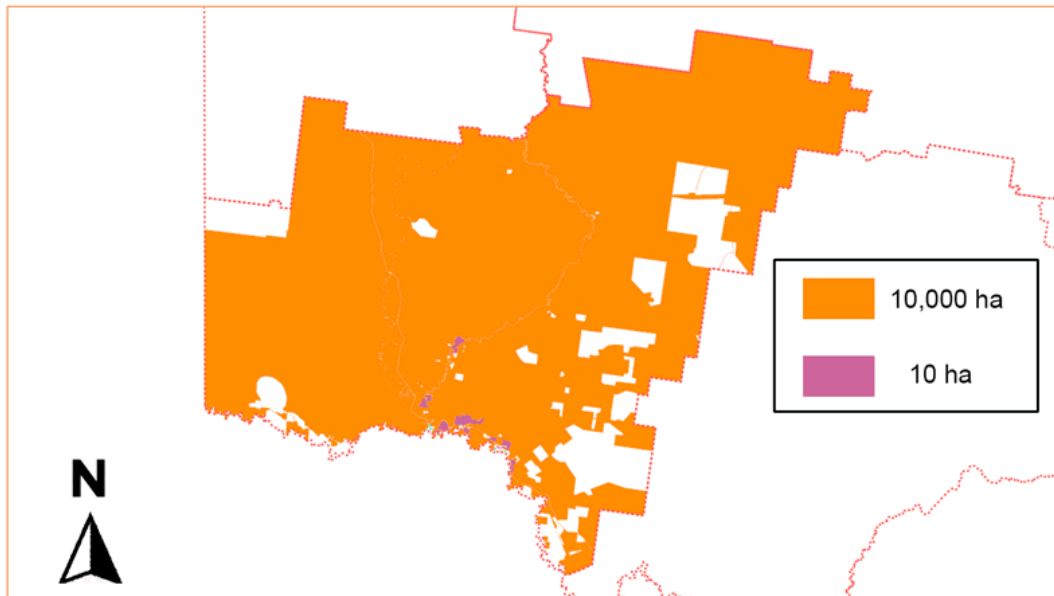


Figure 12 RU1 Primary Production zone minimum lot size map

2.3.3 Subdivision & Dwelling provisions

A summary of the development standards for subdivision and dwellings in rural zones are provided below:

- Clause 4.1 Minimum lot size – sets out the criteria to meet the minimum lot size for rural land subdivision and specifies objectives to promote suitable land uses, minimise cost to the community, prevent fragmentation of rural land, protect biodiversity and maximise economic potential of intensive agriculture. It is recommended that the objectives of this clause be updated to simplify, yet provide greater clarity of the objectives of the clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.1AA Minimum lot size for community schemes – specifies that subdivision of land for community title development must meet the minimum lot size. It is recommended that the R5 Large Lot Residential and E4 Environmental Living zone be included in this clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.1B Minimum subdivision lot sizes for certain split zones – specifies the objectives and requirements for subdivision of allotments that are within more than one zone. It is recommended that E4 Environmental Living zone be included in this clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.2 Rural subdivision – sets out the ability to create a lot less than the minimum lot size for the purpose of agriculture, where there is no ability for an existing dwelling or development of a new dwelling on the lot. Aimed to allow the subdivision of and transfer of vacant allotments between farm holdings.
- Clause 4.2A - sets out the prohibition for subdivision of RU1 and E3 zones for the purposes of residential accommodation or tourist and visitor accommodation. It is recommended that E4 Environmental Living and R5 Large Lot Residential zones be included in the clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.2B - this clause details the requirements for dwelling houses in the RU1 and E3 zones, which are that the lot must meet the minimum lot size. This clause also included the 'existing holding' and 'former rural lot' provisions which have now expired. It is recommended that the expired provisions be removed.

Proposed modifications are provided in Appendix 2.

- Clause 4.2C – this clause requires that there must be a 'demonstrated economic capacity' to support the employment of rural workers and that the development must be on the same lot as an existing 'lawfully erected' dwelling house. It is recommended that Secondary dwellings are included in this clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.2D – the interpretation of this clause is subjective and has caused confusion in the past as it alludes to the permissibility of dwelling houses on RU1 zoned land where the allotment is less than the minimum lot size provided, it is proven that the development will support intensive plant or extensive agriculture. This clause, in its current form, contradicts the requirements of Clause 4.2 regarding minimum lot size and dwelling permissibility in the RU1 zone. It is recommended that this clause be removed from the Wentworth LEP 2011.

2.3.4 Additional planning provisions affecting rural zoned land

Clause 5.4 Controls relating to miscellaneous permissible uses

Additional controls and conditions apply to the following permissible uses in the RU1 Primary Production zone:

- bed and breakfast

- home businesses
- home industries
- farm stay accommodation
- roadside stalls

Clause 5.5 Controls relating to secondary dwellings on land in a rural zone

Not adopted.

It is recommended that controls relating to secondary dwellings be adopted in Clause 5.5. This will ensure there is clarity in the definition of this type of development, which is recommended to be included as permissible with consent in the RU1 Primary Production zone land use table.

Proposed secondary dwelling controls are provided in Appendix 2.

Clause 5.13 Eco-tourist facilities

The objective of this clause is to ensure that the environmental and cultural values are maintained and to ensure that proposed facilities will have a minimal impact on the environment.

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

This clause aims to minimise any potential land use conflict between the existing and proposed land uses.

Clause 5.18 Intensive livestock agriculture

This clause aims to ensure that appropriate environmental assessment is undertaken and to provide thresholds for which development consent is not required.

Clause 5.19 Pond-based, tank-based and oyster aquaculture

The objective of this clause is to encourage sustainable aquaculture development and to set out local and operational requirements.

Schedule 1 Additional permitted uses

1 to 4 of this schedule permitted the development of a dwelling on 17 lots in Curlwaa and Mourquong. These provisions expired 16 December 2018 and need to be removed from the schedule.

The proposed amended Schedule 1 is provided in Appendix 2.

2.4 Identified issues

2.4.1 RU1 Primary Production zone land use table

The current land use table for RU1 Primary Production zone is very restrictive in its permissible uses.

Regular enquiries from rural landholders are received seeking to obtain permission for additional uses that are considered compatible with agricultural activities, particularly where those activities supplement or provide additional income to maintain financial independence and security.

A review of the current land use table is undertaken in Section 3, including recommended amendments to the objectives and land use table for the RU1 Primary Production zone.

2.4.2 Minimum lot sizes

It is considered that there has been insufficient justification to support the continued application of the 10,000 or 10 hectare minimum lot sizes over RU1 Primary Production zoned land in the Wentworth local government area.

The minimum lot size provisions directly affect dwelling permissibility in the RU1 Primary Production zone.

Due to the complexity of issues subsequent of the application of the current minimum lot sizes, these will be reviewed and resolved in a separate rural residential strategy.

2.4.3 Dwelling permissibility, Former Rural Lots, Existing Holdings & Additional Permitted Uses

Dwelling permissibility or prohibition on rural land is determined by the application of the minimum lot size provisions in an LEP.

Previous permissibility was also granted under the now expired:

- existing holding and former rural lot provisions of Clause 4.2B and
- Schedule 1 Additional permitted uses (1-4).

The issue relevant to the development of new dwellings on rural lots includes the prohibition of such development should the lot not meet the minimum lot size standard, despite the necessity for a new or additional dwelling to support the current rural use and business enterprise.

Due to the complexities subsequent of the application of the current minimum lot sizes and dwellings on rural land, these will be reviewed and resolved in a separate rural residential strategy.

2.4.4 Boundary realignment/adjustment

Council is receiving an increasing number of requests to realign allotment boundaries. Under the current planning controls in the Wentworth LEP 2011, there is no provision to adjust boundaries where the allotments do not meet the MLS. To enable the sale of allotments to adjoining or nearby landholders for consolidation or expansion or the reconfiguration of property boundaries to support the ongoing agricultural activities, planning controls need to facilitate the expansion of landholdings for financial sustainability, where these boundary adjustments achieve the objective of the zone.

A review of this issue is undertaken in Section 3, including recommended amendments to the Wentworth LEP 2011.

2.4.5 Riverfront clauses and setback

While the LEC consent orders required the application of the river setbacks to be reviewed as part of the overall Rural Land Use Strategy project, it will be necessary for any review to be consistent with the outcomes and recommendations of the DPIE River Murray Management Strategy (RMMS) or any such similar project. This strategy is currently being developed and will inform any new SEPP, the current draft Murray Regional Strategy or revised Murray Regional Environmental Plan No. 2.

Therefore, any review of the riverfront clauses and setback provisions should be undertaken following completion of the RMMS.

2.4.6 Inaccuracy of natural resource mapping for terrestrial biodiversity, wetlands, watercourses and flood areas

It is acknowledged that the terrestrial biodiversity and wetlands mapping is not 100 percent accurate. However, where inaccuracies are identified, amendments to the applicable maps in the WLEP 2011 can be made. The mechanisms for amending the LEP include, but are not limited to, amendments as a consequence of this review of current rural land planning controls, an LEP review and periodic anomaly or 'housekeeping' amendments. Any proposed amendments to the mapping will be undertaken following consultation with potentially affected landholders.

It is considered that the watercourse mapping is satisfactory. Any inaccuracies that are identified can be resolved through 'housekeeping' planning proposals.

Inaccuracies or inconsistencies in the current flood mapping will be rectified and updated following completion of the Flood Study and Flood Risk Management Study and Plan project.

Section 3 Proposed Policy Direction

3.1 Policy Direction – Tourism, value-adding and diversification

3.1.1 Intent

Encourage and facilitate the establishment of diverse value-added industries and tourism development whilst having regard to and respecting agricultural, environmental and scenic values.

3.1.2 Outcomes to be achieved

1. Enable rural landholders to diversify and value add to their existing enterprise.
2. Support the on-farm production of local produce, including the marketing and sale of the final product.
3. Ensure planning instruments facilitate a range of tourism uses on rural land.
4. Facilitate a broader range of residential development on rural land.

3.1.3 Discussion

One of the issues with the current rural land use planning controls is the limited permissible land uses under the RU1 Primary Production zone.

For many rural land owners, their farm is their livelihood and operated as any other business, often at a much larger scale. Not all farmers are able to generate an income solely from their agricultural property and therefore, rely on employment for off farm income.

To support the ongoing financial stability and independence of full-time primary producers, planning provisions need to provide more flexibility and opportunities for farming enterprises to use their land for alternative uses that complement the existing on farm activities, without reducing the agricultural productivity.

There is a growing national trend for rural land owners, both large and small, to launch in to less traditional farming ventures by either value adding to farm produce, diversifying into alternative farming or alternative rural land use activities, that complement the farming enterprise or are conducive to being located in a rural setting.

The Wentworth local government area contains a broad range of lot sizes and diverse agricultural enterprises which provides an enormous opportunity for rural land holders and operators to explore additional value-added or diverse activities. This should be seen as a positive attribute to living and working in rural Wentworth.

The Western Murray REDS refers to the importance of identifying and capitalising on 'endowments' to support economic development and growth. The strategy identifies the following endowments for the western Murray region:

- natural features of the rivers and landscape, national parks
- industry features relating to tourism, agriculture and water security
- human features of the local and indigenous cultures
- physical features including rail and road networks and access to aviation services

An increase in enquiries for permissibility in the establishment of value-added industries and alternative, compatible land uses to support existing rural enterprises, demonstrates a growing demand for a broader range of permissible uses in the RU1 zone.

While the current land use table for the RU1 zone allows for home industries and rural industries, the resultant product can only be sold on site via approval for a roadside stall. The only permissible retail sale of product on site is through development approval of a cellar door premises.

Similarly, there are limited permissible land uses that support low key tourism such as bed and breakfast accommodation, camping grounds, eco-tourist accommodation and farm stay accommodation.

The *Agritourism and small-scale agriculture development* (Agritourism) reforms proposed by the Department of Planning, Industry & Environment, will help to alleviate some of the current constraints to permissibility for farm stay accommodation, farm events and farm gate activities.

The Agritourism reforms will provide the opportunity for the sale of locally grown, processed and packaged produce directly from rural properties and include permissibility to host functions and events that benefit from being held in a rural environment.

There is an active and valued tourism industry in Wentworth, however, there is also untapped opportunity and potential to share the real rural experience with visitors to our region.

Well-designed tourism development which respects the natural features of the area, particularly rural and environmental features, can provide opportunities for innovative diversification of existing enterprises.

Tourism is also a desirable and stable employment opportunity for both the community and new residents to the area. Flow on effects to both rural landholders and their community include economic and social benefits collectively through an increase in visitor numbers to the Wentworth region, as a result of a growth in tourism attractions and associated businesses.

Therefore, this paper proposes that an amendment to the Wentworth LEP 2011 RU1 Primary Production zone land use table is required to enable additional tourism, value-added and diversification uses that will support the ongoing financial viability of rural enterprises.

The proposal to allow for additional tourism uses in the RU1 land use table is also supported by the Far West Regional Plan under Direction 5.9 Promote tourism opportunities. This direction suggests that activities relating to tourism that extend visitors stay in the region should be explored.

The recommendation to include additional tourism uses in the RU1 land use table enacts upon Action 5.9 of the Far West Regional Plan.

Planning Priority 1 of the Wentworth Local Strategic Planning Statement also highlights the growing trend and demand for tourism on rural land. Strategic Direction E under this planning priority also recommends that tourism uses that are compatible with agriculture be included in the land use table for rural land.

The establishment of tourism development on rural land is also affirmed under Planning Priority 2 where it is to be encouraged *where it would benefit from being established on agricultural land or in a rural setting*.

Dual occupancies and secondary dwellings offer a variety of positive and future-focused advantages that include, but are not limited to:

- succession planning for generational farming families
- leasing opportunities for additional on-farm income (thus potentially reducing the need for off-farm income to be generated)
- provision of short-term accommodation such as bed and breakfast or the potential to host farm/nature related retreats.

Where there is a dwelling entitlement the current planning provisions only allow for attached dual occupancy which limits the variety of housing opportunities on rural land.

Despite current dual occupancy permissibility in the RU1 zone, being two dwellings of similar or identical size and built form, the inclusion of permissibility for a secondary dwelling provides additional flexibility for residential accommodation on rural properties. A secondary dwelling would commonly be described as a smaller, perhaps less substantial type of residential dwelling. This in turn proactively responds to anticipated changes and emerging trends in residential requirements on rural land ie. Older generations downsizing, but not yet ready or wanting to relocate to town.

Table 1 below shows a comparison between the existing and proposed land uses. The legend below highlights the proposed changes to the existing land use table in the RU1 Primary Production zone as outlined in Table 1:

- Proposed change to objectives
- Proposed additional permissible uses without consent
- Proposed additional permissible uses with consent
- Proposed additional prohibited uses

Table 1 Land use table comparison

<p>RU1 Primary Production zone</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth. • To ensure land is available for intensive plant agricultural activities. • To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature. 	<p>Proposed RU1 Primary Production zone</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth. • To ensure land is available for intensive plant agricultural activities. • To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
<p>2 Permitted without consent</p> <p>Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems</p>	<p>2 Permitted without consent</p> <p>Agriculture; Environmental protection works; Forestry; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems</p>
<p>3 Permitted with consent</p> <p>Agricultural produce industry; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism</p>	<p>3 Permitted with consent</p> <p>Agricultural produce industry; Air transport facility; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industry; Backpackers' accommodation; Bed and breakfast accommodation; Boat building and repair facility; Boat launching ramp; Boat sheds; Building identification signs;</p>

<p>boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems</p>	<p>Business identification signs; Camping ground; Caravan Parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishment; Emergency services facility; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Freight transport facilities; Heavy industry; Helipads; Home Industries; Home occupations (sex services); Industrial retail outlet; Industrial training facilities; Intensive livestock agriculture; Jetties; Kiosk; Landscaping material supplies; Light industries; Markets; Mining; Moorings; Mooring pens; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurant or café; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Self storage units; Sewerage system; Telecommunications facility; Transport depot; Truck depots; Underground mining; Vehicle repair station; Veterinary hospitals; Waste or resource management facility; Water recreation structures; Water supply system;</p>
<p>4 Prohibited</p> <p>Amusement centre; Artisan food and drink industry; Attached dwellings; Back packers' accommodation; Boarding house; Boat building and repair facility; Car parks; Caravan parks; Centre-based child care facilities; Commercial premises (Business, Office, Retail (food & drink premises, garden centres, hardware/building supplies, kiosks, markets, retail, rural supplies, shops, vehicle sales/hire); Crematorium; Early education and care facility; Emergency services facility; Entertainment facilities; Exhibition home; Exhibition village; Function centres; Funeral home; General industry; Group home; Hazardous industry; Health services facilities; Heavy industry; Heliport; High technology industry; Highway service centre; Hospital; Hostel; Hotel or motel accommodation; Industrial retail outlet; Industry; Kiosk; Marina; Market; Mining; Mooring pen; Mortuary; Multi dwelling housing; Neighbourhood shop; Offensive storage establishments; Passenger transport facility; Places of public worship; Recreation facilities (indoor); Residential flat buildings; Schools; Semi-detached dwellings;</p>	<p>4 Prohibited</p> <p>Amusements centre; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Correctional centres; Crematorium; Early education and care facility; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Funeral home; General industry; Group homes; Health services facilities; Heliport; High technology industries; Highway service centres; Home occupations (sex services); Hospital; Hostel; Hotel or motel accommodation; Industries; Information and education facilities; Marinas; Mortuaries; Multi dwelling housing; Neighbourhood shop; Passenger transport facilities; Places of public worship; Port facilities; Recreation facilities (indoor); Residential care facility; Residential flat buildings; Respite day care centres; Restricted premises; Retail premises; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sex services premises; Shop; Storage premises; Take away food and drink premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshop; Vehicle sales or hire</p>

Seniors housing; shop top housing; Residential care facility; Resource recovery facility; Respite day care centre; Restricted premises; Retail premises; Secondary dwelling; Self-storage units; Seniors housing; Service stations; Serviced apartment; Sex services premises; Storage premises; Telecommunications facility; Transport depot; Truck depot; Underground mining; Vehicle body repair workshop; Vehicle repair station; Warehouse or distribution centre; Waste or resource management facility; Wharf or boating facilities; Wholesale supplies;	premises; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies;
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It should be noted that:

- Farm buildings are currently permissible without consent. Table 1 above shows an amendment that proposes to move farm buildings to permissible with consent
- With the inclusion of Agriculture in permissible without consent, Extensive and Intensive plant agriculture will be removed from the permissible without consent table
- Educational establishments are currently permissible with consent, however the sub category of school is prohibited. The amended land use table rectifies this oversight to include both schools and tertiary/secondary/TAFE establishments as permissible with consent under the Educational establishment definition
- Heavy industrial storage establishments and offensive industries are currently permitted with consent. However, heavy industrial uses and offensive industrial storage establishments are both prohibited. For consistency and to facilitate heavy/offensive industrial development (both offensive and hazardous), particularly as the WLEP 2011 does not include the heavy industrial zone, heavy industry is recommended to be introduced as permitted with consent.

Council has received feedback as a result of conducting early consultation with the Department of Primary Industries – Agriculture. The uses proposed for inclusion in the RU1 land use table, of which DPI Agriculture do not support, are listed below, together with the purpose and justification for their inclusion:

Table 2 Non-supported uses and justification

Backpackers accommodation	This use will serve three purposes: 1) provide additional and variety of tourism accommodation facilities for visitors to the region
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	<p>2) fill a major gap in the provision of accommodation for seasonal workers</p> <p>3) facilitates an additional income stream for rural landholders.</p>
Boat building and repair facility	This type of activity requires space and ease of access to a river and should preferably be located outside of urban environments. Industrial zones are not located within close proximity to rivers and therefore, this use should be permissible in the RU1 zone.
Caravan parks	To take advantage of the natural outback environment and provide a variety of rurally located accommodation facilities, similar to other far west local councils such as Balranald, Central Darling, Bourke and Carathool.
Emergency services facility	To legalise the existence of numerous Rural Fire Services facilities that are located in remote districts and managed by the RFS volunteers and facilitate the development of additional remote services if required.
Heavy industry	This type of development requires separation from other more sensitive developments, particularly away from townships. While normally it would be located in a heavy industrial zone, where that land would have previously been RU1 zone, Wentworth LGA does not have sufficient enquiry or demand to warrant rezoning tracks of rural land to facilitate the establishment of this type of use. However, by permitting this use in the RU1 zone, Council facilitates the establishment of this type of development in locations where there would be adequate separation from sensitive uses and space.
Industrial retail outlet	This use is generally used in conjunction with rural industry (and industry which will remain prohibited) and permits the sale of goods that have been manufactured on the land on which the rural industry is located.
Light industry	This use includes artisan food and drink industry (new use supported by DPI Agriculture), home industry (currently permissible) and high technology industry (currently prohibited). It is considered that there is no compelling reason not to permit the full range of light industrial activity in the RU1 zone.

Restaurant/Café	There is a growing trend in the rural sector of processing and manufacturing raw produce for retail sale on site. This activity can be successfully operated in conjunction with an associated restaurant or cafe, similar to cellar door sales with associated food provision services. These types of rural enterprises are becoming increasingly popular with tourists and the local community.
Transport depot	May require larger areas of land to operate this type of use and would be more suitable outside of town boundaries. Considered compatible with rural land uses.
Truck depot	May require larger areas of land to operate this type of use and would be more suitable outside of town boundaries. The type of machinery stored and serviced also includes farm machinery. Considered compatible with rural land uses.
Vehicle repair station	This type of use includes the permissibility to repair all machinery including agricultural machinery and is considered compatible with rural land uses. It would also facilitate an additional income stream for rural land holders

3.1.4 Recommendations

1. Amend the objectives and land use table for RU1 Primary Production to permit additional uses that support diversification of value added and tourism uses on rural land in the Wentworth LEP 2011.

3.2 Policy Direction – Boundary adjustments

3.2.1 Intent

Facilitate opportunities for agricultural enterprises to expand or adjust business operations through boundary adjustments of allotments.

3.2.2 Outcomes to be achieved

Enable boundary adjustments where existing or created allotments do not meet the minimum lot size or create additional allotments.

3.2.3 Discussion

During the past few of years, Council has received an increasing number of requests to realign or adjust allotment boundaries. These enquiries include land where the allotments do not satisfy the

MLS.

The SEPP (Exempt and Complying Development Codes) 2008 provides for exemption from development approval for boundary adjustments where the proposal satisfies certain standards. Should those standards not be satisfied, development consent is required.

However, under the current planning controls in the Wentworth LEP 2011, there is no provision to adjust boundaries where the allotments do not meet the MLS.

This needs to be rectified to assist with:

- enabling the sale of allotments to adjoining or nearby landholders to encourage the expansion of landholdings and facilitate financial sustainability
- facilitating succession planning or family requirements where there is a necessity for allotment boundaries to be changed
- supporting newcomers to the agricultural industry, particularly on allotments that are smaller than the designated minimum lot size.

The proposed new clause would not permit the creation of any new allotments or additional dwelling entitlements.

3.2.4 Recommendations

1. Replace existing Clause 4.2D with a new clause that facilitates boundary adjustments in zones RU1 and E3 where the allotments do not meet the minimum lot size, as shown in Appendix 2.

Section 4 Implementation Plan and Review

4.1 Implementation Plan

The following table presents an implementation plan outlining the specific recommended actions contained within this Review of Rural Land Planning Controls paper.

Table 3 Implementation Plan

No	Action	Timeframe (Years)	Funding source
1	Prepare a planning proposal to amend the Wentworth LEP 2011 by replacing the objectives and land use table for RU1 Primary Production to permit additional uses that support diversification of value added development and tourism uses on rural land in the Wentworth LEP 2011, as outlined in Appendix 2.	0-1	WSC Operational budget
2	Prepare a planning proposal to amend the Wentworth LEP 2011 by updating Part 4 Principal Development Standards, as outlined in Appendix 2.	0-1	WSC Operational budget
3	Prepare a planning proposal to amend the Wentworth LEP 2011 by replacing existing Clause 4.2D with a new clause that facilitates boundary adjustments in zones RU1 and E3 of allotments that do not satisfy the minimum lot size requirements, as outlined in Appendix 2.	0-1	WSC Operational budget
4	Prepare a planning proposal to amend the Wentworth LEP 2011 by inserting secondary dwelling size provisions in Clause 5.5 Controls relating to secondary dwellings on land in a rural zone, as outlined in Appendix 2.	0-1	WSC Operational budget
5	Prepare a planning proposal to amend the Wentworth LEP 2011 by updating Schedule 1 Additional permitted uses, as outlined in Appendix 2.	0-1	WSC Operational budget

References

Western Murray Regional Economic Development Strategy 2018-2022

Far West Regional Plan 2036

Wentworth Local Strategic Planning Statement 2020

REMPAN Economy [REMPAN Economy](#)

REMPAN Community [REMPAN Community](#)

Appendix 1: Strategic context

A short summary of the key strategic reports relevant to rural land that articulate government aspirations and directions relevant to Wentworth Shire Council and this Review of Rural Land Planning Controls papert, are as follows:

Far West Regional Plan 2036

The Far West Regional Plan 2036 sets out the following vision for the wider region:

A unique part of Western NSW with a diverse economy supported by the right infrastructure, an exceptional natural environment and resilient communities.

The Plan sets out the following directions and actions relevant to this review document:

- **Direction 2: Protect productive agricultural land and plan for greater land use compatibility**
 - 2.2 Manage the interface between agricultural lands and other land uses to minimise land use incompatibility and fragmentation
- **Direction 5: Promote tourism opportunities**
 - 5.9 Identify opportunities for tourism uses and associated land uses in local plans

Wentworth Local Strategic Planning Statement (2020)

The WSC Local Strategic Planning Statement gives effect to:

- **Priority 2: Protect productive agricultural land and plan for greater land use compatibility**

Through six strategic directions:

- i. Protect irrigated horticultural land uses in pumped irrigation districts and general irrigation lands outside pumped districts
- ii. Manage change in pumped districts of Pomona and Curlwaa by balancing the need to support the productive and sustainable function of existing water infrastructure with pressure for new rural and hobby farm living
- iii. Prioritise new irrigated horticulture on suitable land
- iv. Support other agricultural land uses including dryland cropping and pastoral farming
- v. Facilitate the development of new, innovative and compatible non-agricultural land uses and development, particularly tourism on or near productive agricultural land and by reviewing and amending the rural zone land use table
- vi. Prioritise new value-added manufacturing (food processing, packaging and manufacturing) including on site sales (farm gate retail) and related transport facilities on land with safe access to the key regional freight route consisting of the Sturt and Silver City Highways.

■ Priority 2: Grow Tourism

Through eleven strategic directions:

- a. Encourage a range of tourism and visitor accommodation development where it benefits from a location with a primary productive use or benefits from a rural landscape setting
- b. Consider ecotourism facilities as a land use to manage conflicts between horticulture and residential areas in Buronga
- c. Encourage a range of tourism development and amenities within settlement boundaries
- d. Leverage existing access to the rivers to embellish public along rivers
- e. Support tourism developments along the river that do not impact on the health and amenity of the rivers
- f. Reinforce Wentworth township's riverfront precinct
- g. Locate cluster moorings and commercial mooring sites close to towns
- h. Promote high quality public spaces
- i. Improve and maintain access for connectivity to places of heritage significant, adjoining states/towns and popular tourist destinations
- j. Deliver new or upgraded infrastructure across the shire
- k. Consolidate the far west tourism experience by working with the FWJO and associated Councils to prepare a heritage trail

Regional Development Framework (2017): Making it happen in the regions

The Regional Development Framework aims to improve investment coordination and decision making to provide quality services and infrastructure in regional NSW, align efforts to support growing regional centres and identify opportunities to activate local economies.

20 Year Economic Vision for Regional NSW (2021)

The 20-year Vision for Regional NSW sets out the State Government's strategy to drive sustainable, long-term economic growth in regional NSW. It is essentially a roadmap to unlock significant economic potential in regional NSW.

New major investments and economic injections into projects has provided insight into the merging sectors of advanced manufacturing, renewable energy and gas and technology enable primary industries. The merging future industries have also been identified as critical minerals, ecotourism, recycling and high-quality food products.

The Western Murray Region includes Wentworth Shire Council where one of the focuses of the document is to develop areas with tourism potential to attract both domestic and international tourists, whilst managing energy and water resources to supply will meet the long term regional needs.

NSW Government Right to Farm Policy (2015)

A Right to Farm Policy was developed by the NSW government in 2015 that aims to protect farmers' desire to undertake lawful agricultural practices without conflict or interference from complaints from neighbours and other land users. The policy brings together a suite of actions including:

- Reinforcing rights and responsibilities
- Establishing a baseline and ongoing monitoring and evaluation of land use conflicts
- Strengthening land use planning
- Ensure environmental planning instruments, where appropriate, consider rural land use conflict
- Consideration of legislative options should additional Government intervention be required.

The policy also considers a range of legislative options available to the NSW government if the experience and evidence informed by the implementation of the policy suggest that a legislated response is warranted.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

The aims of the Policy relevant to this review of rural land use controls are as follows:

- To facilitate the orderly economic use and development of lands for primary production
- To reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources
- To identify state significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations
- To simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts
- To encourage sustainable agriculture, including sustainable aquaculture.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The aims of this Policy are as follows:

- Providing exempt and complying development codes that have state-wide application
- Identifying the types of development that are of minimal environmental impact that may be carried out without the need for development consent
- Identifying the types of complying development that may be carried out in accordance with a complying development certificate
- Enabling the progressive extension of the types of development in this policy

- Providing transitional arrangements for the introduction of the state-wide codes including the amendment of other environmental planning instruments

Part 2 of the SEPP exempts certain development from requiring development approval. The types of development exempt from requiring approval relative to rural land, providing certain development standards are met include farm buildings, stock holding yards, grain silos and bunkers and fences.

Part 3A of the SEPP outlines the complying development standards for rural dwellings on RU1 Primary Production zoned land.

Ministerial Section 9.1 Direction 1.5 Rural Lands

The objectives of this direction are to:

- protect the agricultural production value of rural land,
- facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- assist in the proper management, development and protection of rural lands to promote the social, economic and, environmental welfare of the State,
- minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
- support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

Appendix 2: Recommended Wentworth Local Environmental Plan 3011 Planning Proposal Amendments

RU1 PRIMARY PRODUCTION ZONE OBJECTIVES & LAND USE TABLE

Key to proposed changes to the RU1 land use table

- Proposed change to objectives
- Proposed additional permissible uses without consent
- Proposed additional permissible uses with consent
- Proposed additional prohibited uses

Current RU1 Primary Production zone land use table
<p>RU1 Primary Production zone</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth. • To ensure land is available for intensive plant agricultural activities. • To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature. <p>2 Permitted without consent</p> <p>Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems</p> <p>3 Permitted with consent</p> <p>Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems</p> <p>4 Prohibited</p> <p>Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3</p>
Amendments

RU1 Primary Production zone**1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.

2 Permitted without consent

Agriculture; Environmental protection works; Forestry; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Agricultural produce industry; Air transport facility; Airstrips; Animal boarding or training establishments; Aquaculture; **Artisan food and drink industry;** **Backpackers' accommodation;** Bed and breakfast accommodation; **Boat building and repair facility;** Boat launching ramp; Boat sheds; Building identification signs; Business identification signs; Camping ground; **Caravan Parks;** Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishment; **Emergency services facility;** Environmental facilities; Extractive industries; **Farm buildings;** Farm stay accommodation; Freight transport facilities; **Heavy industry;** Helipads; Home Industries; Home occupations (sex services); **Industrial retail outlet;** Industrial training facilities; Intensive livestock agriculture; Jetties; **Kiosk;** Landscaping material supplies; **Light industries;** **Markets;** **Mining;** Moorings; **Mooring pens;** Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; **Restaurant or café;** Roadside stalls; Rural industries; **Rural supplies;** Rural workers' dwellings; **Secondary dwellings;** Self storage units; Sewerage system; **Telecommunications facility;** **Transport depot;** **Truck depots;** **Underground mining;** **Vehicle repair station;** Veterinary hospitals; **Waste or resource management facility;** Water recreation structures; Water supply system; Any other development not specified in item 2 or 4

4 Prohibited

Amusements centre; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; **Correctional centres;** Crematorium; Early education and care facility; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Funeral home; General industry; Group homes; Health services facilities; Heliport; High technology industries; Highway service centres; Home occupations (sex services); Hospital; Hostel; Hotel or motel accommodation; Industries; **Information and education facilities;** Marinas; Mortuaries; Multi dwelling housing; Neighbourhood shop; Passenger transport facilities; Places of public worship; Port facilities; Recreation facilities (indoor); Residential care facility; Residential flat buildings; Respite day care centres; Restricted premises; Retail premises; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sex services premises; Shop; Storage premises; Take away food and drink premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshop; Vehicle sales or hire premises; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies.

Proposed RU1 Primary Production zone land use table**RU1 Primary Production zone****1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.

2 Permitted without consent

Agriculture; Environmental protection works; Forestry; Home-based child care; Home business; Home occupations; Roads; Water reticulation system

4 Permitted with consent

Air transport facility; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Camping ground; Caravan Parks; Cellar door premise; Dual occupancies; Dwelling house; Eco-tourist facility; Extractive industry; Farm building; Farm stay accommodation; Heavy industry; Helipad; Intensive livestock agriculture; Kiosk; Landscaping material supplies; Light industry; Market; Open cut mining; Plant nursery; Restaurant or café; Roadside stall; Rural industry; Rural supplies; Rural workers' dwelling; Secondary dwelling; Self storage units; Sewerage system; Transport depot; Truck depot; Underground mining; Any other development not specified in item 2 or 4

4 Prohibited

Airport; Amusements centre; Centre-based child care facility; Commercial premises; Correctional centre; Crematorium; Early education and care facility; Entertainment facility; Exhibition home; Exhibition village; Function centre; Health services facility; Heliport; Highway service centre; Hospital; Industry; Information and education facility; Liquid Fuel Depot; Marina; Mortuary; Passenger transport facility; Place of public worship; Port facility; Recreation facility (indoor); Residential accommodation; Respite day care centres; Restricted premises; Service station; Serviced apartment; Sex services premise; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshop; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

Key to proposed changes to the Principal Development Standards

- Removal of existing development standard provisions
- Proposed changes/additions to development standard provisions

Current Clause 4.1 Minimum subdivision lot size
<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,</p> <p>(b) to ensure subdivision occurs in a staged manner that minimises the cost to the community from the provision of public infrastructure and services,</p> <p>(c) to ensure rural lands are not fragmented in a manner that threatens their future use for agriculture or primary production,</p> <p>(d) to ensure that subdivision is not likely to result in inappropriate impacts on the natural environment including native vegetation, natural watercourses and habitats for threatened species and populations and endangered ecological communities,</p> <p>(e) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>(b) by any kind of subdivision under the Community Land Development Act 1989.</p>
Amendments
<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,</p> <p>(b) to ensure subdivision occurs in a staged manner that minimises the cost to the community from the provision of public infrastructure and services to establish minimum areas for lots that are consistent with the relevant zone objectives,</p> <p>(c) to ensure rural lands are not fragmented in a manner that threatens their future use for agriculture or primary production to prevent the fragmentation of productive rural lands,</p> <p>(d) to ensure that subdivision is not likely to result in inappropriate impacts on the natural environment including native vegetation, natural watercourses and habitats for threatened species and populations and endangered ecological communities does not inappropriately impact on the natural environmental values of the area,</p> <p>(e) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses to provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p>

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or

(b) by any kind of subdivision under the [Community Land Development Act 1989](#).

Proposed Clause 4.1 Minimum subdivision lot size

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

(a) to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,

(b) to establish minimum areas for lots that are consistent with the relevant zone objectives,

(c) to prevent the fragmentation of productive rural lands,

(d) to ensure that subdivision does not inappropriately impact on the natural environmental values of the area,

(e) to provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.

(2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or

(b) by any kind of subdivision under the [Community Land Development Act 1989](#).

Current Clause 4.1AA Minimum subdivision lot size for community title schemes

4.1AA Minimum subdivision lot size for community title schemes

(1) The objectives of this clause are as follows—

(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—

(a) Zone RU1 Primary Production,

(b) Zone E3 Environmental Management,

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause applies despite clause 4.1.

Amendments

4.1AA Minimum subdivision lot size for community title schemes

(1) The objectives of this clause are as follows—

(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management,
- (c) Zone E4 Environmental Living,
- (d) Zone R5 Large Lot Residential,

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause applies despite clause 4.1.

Proposed Clause 4.1AA Minimum subdivision lot size for community title schemes

4.1AA Minimum subdivision lot size for community title schemes

(1) The objectives of this clause are as follows—

(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management,
- (c) Zone E4 Environmental Living,
- (d) Zone R5 Large Lot Residential,

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause applies despite clause 4.1.

Current Clause 4.1B Minimum subdivision lot sizes for certain split zones

4.1B Minimum subdivision lot sizes for certain split zones

(1) The objectives of this clause are as follows—

(a) to provide for the subdivision of lots that are within more than one zone but that cannot be subdivided under clause 4.1,

(b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

(2) This clause applies to each lot (an **original lot**) that contains—

- (a) land in a village, residential, business or industrial zone, and
- (b) land in Zone RU1 Primary Production, Zone E2 Environmental Conservation or Zone E3 Environmental Management.

(3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the **resulting lots**) unless—

- (a) one of the resulting lots will contain—
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
- (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Amendments**4.1B Minimum subdivision lot sizes for certain split zones**

- (1) The objectives of this clause are as follows—
- (a) to provide for the subdivision of lots that are within more than one zone and cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an **original lot**) that contains—
- (a) land in a village, residential, business or industrial zone, and
 - (b) land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living.
- (3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the **resulting lots**) unless—
- (a) one of the resulting lots will contain—
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Proposed Clause 4.1B Minimum subdivision lot sizes for certain split zones**4.1B Minimum subdivision lot sizes for certain split zones**

- (1) The objectives of this clause are as follows—
- (a) to provide for the subdivision of lots that are within more than one zone and cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an **original lot**) that contains—
- (a) land in a village, residential, business or industrial zone, and
 - (b) land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living.
- (3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the **resulting lots**) unless—
- (a) one of the resulting lots will contain—
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Current & Retain Clause 4.2 Rural subdivision**4.2 Rural subdivision**

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (baa) Zone RU3 Forestry,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone RU6 Transition.

Note—

When this Plan was made, it did not include Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.

(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

Note—

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

Current Clause 4.2A No strata plan subdivision in certain rural zones**4.2A No strata plan subdivision in certain rural zones**

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management.

(3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that lot.

Amendments**4.2A No Strata plan subdivision in certain rural zones**

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management,
- (c) Zone E4 Environmental Living,
- (d) Zone R5 Large Lot Residential.

(3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that lot.

Proposed Clause 4.2A Strata plan subdivision in certain rural zones**4.2A Strata plan subdivision in certain rural zones**

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—
- (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management,
 - (c) Zone E4 Environmental Living,
 - (d) Zone R5 Large Lot Residential.
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that lot.

Current Clause 4.2B Erection of dwelling houses on land in Zones RU1 and E3

4.2B Erection of dwelling houses on land in Zones RU1 and E3

- (1) The objectives of this clause are as follows—
- (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.
- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is—
- (a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or
 - (b) a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) an existing holding, or
 - (e) a former rural lot.

Note—

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Land ceases to be an existing holding for the purposes of subclause (3)(d) or a former rural lot for the purposes of subclause (3)(e) if—
- (a) an application for development consent referred to in the relevant subclause is not made in relation to that land before the seventh anniversary of the commencement of [Wentworth Local Environmental Plan 2011](#), or
 - (b) development consent has been granted for the erection of a dwelling on the land and that development consent has been surrendered in accordance with the Act.
- (5) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if—
- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
 - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road, a public reserve or for another public purpose.
- (6) In this clause—

existing holding means land that—

- (a) was a holding on 7 May 1993, and
 - (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,
- whether or not there has been a change in the ownership of the holding since 7 May 1993, and includes any other land adjoining that land acquired by the owner since 7 May 1993.

former rural lot means a lot created for the purpose of a rural dwelling before 7 May 1993.

holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

Note—

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

Amendments

4.2B Erection of dwelling houses on land in certain residential, rural and environmental zones

(1) The objectives of this clause are as follows—

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management,
- (c) Zone E4 Environmental Living,
- (d) Zone R5 Large Lot Residential.

(3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is—

- (a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or
- (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, ~~or~~
- (d) ~~an existing holding, or~~
- (e) ~~a former rural lot.~~

Note—

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

(4) ~~Land ceases to be an existing holding for the purposes of subclause (3)(d) or a former rural lot for the purposes of subclause (3)(e) if—~~

- ~~(a) an application for development consent referred to in the relevant subclause is not made in relation to that land before the seventh anniversary of the commencement of [Wentworth Local Environmental Plan 2011](#), or~~

~~(b) development consent has been granted for the erection of a dwelling on the land and that development consent has been surrendered in accordance with the Act.~~

(5) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if—

- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
- (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—

- (i) ~~a minor realignment of its boundaries that did not create an additional lot, or~~
- (ii) ~~a subdivision creating or widening a public road or public reserve or for another public purpose,~~
- or
- (iii) ~~a consolidation with an adjoining public road, a public reserve or for another public purpose.~~

(6) ~~In this clause—~~

~~**existing holding** means land that—~~

~~(a) was a holding on 7 May 1993, and~~

~~(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,~~

~~whether or not there has been a change in the ownership of the holding since 7 May 1993, and includes any other land adjoining that land acquired by the owner since 7 May 1993.~~

~~**former rural lot** means a lot created for the purpose of a rural dwelling before 7 May 1993.~~

~~**holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.~~

~~**Note—**~~

~~The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.~~

Proposed Clause 4.2B Erection of dwelling houses on land in Zones RU1 and E3

4.2B Erection of dwelling houses on land in certain residential, rural and environmental zones

(1) The objectives of this clause are as follows—

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management,
- (c) Zone E4 Environmental Living,
- (d) Zone R5 Large Lot Residential.

(3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is—

- (a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or
- (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.

Current Clause 4.2C Erection of rural workers' dwellings

4.2C Erection of rural workers' dwellings

(1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.

(2) This clause applies to land in Zone RU1 Primary Production.

(3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development will not impair the use of the land for agricultural or rural industries, and
- (b) there is a demonstrated economic capacity of the agricultural or rural industry being carried out on the land to support the ongoing employment of rural workers, and
- (c) the development will be on the same lot as an existing lawfully erected dwelling house, and

(d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.

Amendments

4.2C ~~Erection of Rural workers' dwellings~~ and secondary dwellings

(1) The objectives of this clause ~~is to ensure the provision of~~ are –

(a) to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries, and

(b) to ensure that the erection of rural worker's dwelling or secondary dwellings does not have an adverse impact on the agricultural or rural industries use of the land.

(2) This clause applies to land in Zone RU1 Primary Production.

(3) Development consent must not be granted to the erection of a rural worker's dwelling ~~or a secondary dwelling~~ on land to which this clause applies unless the consent authority is satisfied that –

(a) the development will not impair the use of the land for agricultural or rural industries.

~~(b) there is a demonstrated economic capacity of the agricultural or rural industry being carried out on the land to support the ongoing employment of rural workers, and~~

(c) the development will be on the same lot as an existing lawfully erected dwelling house, and

~~(d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.~~

Proposed Clause 4.2C Rural workers' dwellings and secondary dwellings

4.2C Rural workers' dwellings and secondary dwellings

(1) The objectives of this clause are –

(a) to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries, and

(b) to ensure that the erection of rural worker's dwelling or secondary dwellings does not have an adverse impact on the agricultural or rural industries use of the land.

(2) This clause applies to land in Zone RU1 Primary Production.

(3) Development consent must not be granted to the erection of a rural worker's dwelling or a secondary dwelling on land to which this clause applies unless the consent authority is satisfied that –

(a) the development will not impair the use of the land for agricultural or rural industries.

(b) the development will be on the same lot as an existing lawfully erected dwelling house.

Current Clause 4.2D Dwelling houses in Zone RU1 Primary Production

4.2D Dwelling houses in Zone RU1 Primary Production

(1) The objective of this clause is to ensure dwelling houses are developed only where they support the permitted agricultural use of the land.

(2) This clause applies to development for the purposes of dwelling houses on land in Zone RU1 Primary Production other than land that is a former rural lot under clause 4.2B.

(3) Before granting consent to development to which this clause applies, the consent authority must be satisfied that –

(a) the land is being or is intended to be used for the purpose of intensive plant agriculture or extensive agriculture, and

(b) the dwelling house will be required to support the carrying out of any such purpose, and

(c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties, and

(d) services for the supply of water and electricity to support the agricultural activity are available or adequate arrangements have been made to make them available when required.

Amendments**4.2D Dwelling houses in Zone RU1 Primary Production**

(1) The objective of this clause is to ensure dwelling houses are developed only where they support the permitted agricultural use of the land.

(2) This clause applies to development for the purposes of dwelling houses on land in Zone RU1 Primary Production other than land that is a former rural lot under clause 4.2B.

(3) Before granting consent to development to which this clause applies, the consent authority must be satisfied that—

(a) the land is being or is intended to be used for the purpose of intensive plant agriculture or extensive agriculture, and

(b) the dwelling house will be required to support the carrying out of any such purpose, and

(c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties, and

(d) services for the supply of water and electricity to support the agricultural activity are available or adequate arrangements have been made to make them available when required.

4.2D Boundary adjustments in Zones RU1 and E3

(1) The objective of this clause is to facilitate boundary adjustments between lots where one or more of the lots created do not meet the minimum lot size shown on the Lot Size Map in relation to the land but the objectives of the relevant zone can be achieved.

(2) This clause applies to land in the following zones—

(a) Zone RU1 Primary Production,

(b) Zone E3 Environmental Management.

(3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies by way of a boundary adjustment between adjoining lots where one or more of the lots created by the subdivision do not meet the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that—

(a) the subdivision will not create additional lots, and

(b) the number of dwelling houses or opportunities for dwelling houses on each lot after the subdivision will remain the same as before the subdivision, and

(c) the potential for land use conflict will not be increased as a result of the subdivision, and

(d) if the land is in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and

(e) if the land is in Zone E3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and

(f) the subdivision will not result in any increased bush fire risk to existing buildings.

(4) In determining a development application for the subdivision of land under this clause, the consent authority must consider the following—

(a) the existing uses and approved uses of other land in the vicinity of the subdivision,

(b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,

(c) whether the subdivision is likely to be incompatible with a land use on any adjoining land,

(d) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,

(e) whether the subdivision is likely to have a significant adverse impact on the environmental values of the land.

(5) This clause does not apply—

(a) in relation to the subdivision of lots in a strata plan or community title scheme, or

(b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

Proposed Clause 4.2D Boundary adjustments in Zones RU1 and E3**4.2D Boundary adjustments in Zones RU1 and E3**

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more of the lots created do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to the land but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies by way of a boundary adjustment between adjoining lots where one or more of the lots created by the subdivision do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that—
- (a) the subdivision will not create additional lots, and
 - (b) the number of dwelling houses or opportunities for dwelling houses on each lot after the subdivision will remain the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) if the land is in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and
 - (e) if the land is in Zone E3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and
 - (f) the subdivision will not result in any increased bush fire risk to existing buildings.
- (4) In determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether the subdivision is likely to be incompatible with a land use on any adjoining land,
 - (d) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (e) whether the subdivision is likely to have a significant adverse impact on the environmental values of the land.
- (5) This clause does not apply—
- (a) in relation to the subdivision of lots in a strata plan or community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

PART 5 MISCELLANEOUS PROVISIONS

Current Clause 5.5 Controls relating to secondary dwellings on land in a rural zone
5.5 Controls relating to secondary dwellings on land in a rural zone
[Not adopted]
Proposed Clause 5.5 Controls relating to secondary dwellings on land in a rural zone
5.5 Controls relating to secondary dwellings on land in a rural zone
If development for the purposes of a secondary dwelling is permitted under this plan on land in a rural zone –
<ul style="list-style-type: none"> (a) The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater –

- | | |
|------|--|
| (i) | 110 square metres |
| (ii) | 60% of the total floor area of the principal dwelling. |

SCHEDULE 1 ADDITIONAL PERMITTED USES**Current Schedule 1 Additional permitted uses****Schedule 1 Additional permitted uses****1 Use of certain land at Church Road, Creek Road, Delta Road and Silver City Highway, Curlwaa**

(1) This clause applies to the following land at Curlwaa—

- (a) Lot 19, DP 804043 at Church Road,
- (b) Lots 3, 4 and 6, DP 729492 and Lots 15, 17 and 19, DP 804040 at Delta Road,
- (c) Lot 3, DP 804041 at Creek Road,
- (d) Lot 192, DP 822094 and Lots 8, 10, 18 and 19, DP 729494 at Silver City Highway.

(2) Development for the purpose of a dwelling house is permitted with development consent on each lot.

(3) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.

2 Use of certain land at Manly Road, Curlwaa

(1) This clause applies to Lot 8, DP 807828, Manly Road, Curlwaa.

(2) Development for the purpose of subdivision resulting in lots with a minimum area of 1,000m² is permitted with development consent.

(3) A dwelling house is permitted with development consent on each lot created from the subdivision.

(4) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.

3 Use of certain land at Silver City Highway, Curlwaa

(1) This clause applies to Lot 5, DP 807831, Silver City Highway, Curlwaa.

(2) Development for the purpose of subdivision resulting in lots with a minimum area of 2,000m² is permitted with development consent.

(3) A dwelling house is permitted with development consent on each lot created from the subdivision.

(4) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.

4 Use of certain land at Silver City Highway, Mourquong

(1) This clause applies to Lot 1, DP 1040128 and the part of Lot 2, DP 1040128 that was part of former Lot 1043, DP 39753, being Silver City Highway, Mourquong.

(2) Development for the purpose of subdivision resulting in lots with a minimum area of 6,000m² is permitted with development consent.

(3) A dwelling house is permitted with development consent on each lot created from the subdivision.

(4) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.

5 Use of land marked “Community facilities” in Zone SP1 Special Activities

(1) This clause applies to land within Zone SP1 Special Activities and marked “Community facilities” on the [Land Zoning Map](#).

(2) Development for the purposes of dwelling houses or educational establishments is permitted with development consent.

6 Use of certain land at Sturt Highway, Trentham Cliffs

(1) This clause applies to the following land at Sturt Highway, Trentham Cliffs—

- (a) Lot 38 and part of Lot 42, DP 756936, identified as "B" on the [Additional Permitted Uses Map](#),
- (b) part of Lot 1, DP 1128099, identified as "C" on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of—
 - (a) a highway service centre is permitted with development consent on land referred to in subclause (1)(a), and
 - (b) a caravan park is permitted with development consent on land referred to in subclause (1)(b).

Amendments

Schedule 1 Additional permitted uses

1 Use of certain land at Church Road, Creek Road, Delta Road and Silver City Highway, Curlwaa

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Proposed Schedule 1 Additional permitted uses**Schedule 1 Additional permitted uses****1 Use of land marked “Community facilities” in Zone SP1 Special Activities**

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- (2) Development for the purposes of—
- (a) a highway service centre is permitted with development consent on land referred to in subclause (1)(a), and
 - (b) a caravan park is permitted with development consent on land referred to in subclause (1)(b).

WENTWORTH SHIRE COUNCIL

WORTH THE DRIVE

**PLANNING PROPOSAL
AMENDMENT TO THE WENTWORTH LOCAL ENVIRONMENTAL
PLAN 2011**

RURAL LAND PLANNING CONTROLS

October 2021

Document details

Version	Purpose	Author	Review
October 2021	Council Meeting 20/10/21	Michele Bos	Matthew Carlin

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INTRODUCTION

This planning proposal relates to rural land, particularly, that being land affected by the RU1 Primary Production zone and has been prepared to enact the recommendations from the Review of Rural Land Planning Controls (RLPC) paper developed by Wentworth Shire Council. This document is provided in Attachment 1.

The planning proposal seeks to amend the following Wentworth Local Environmental Plan 2011 provisions:

- RU1 Primary Production land use table
- Part 4 Principal development standards relating to rural land
- Part 5 Miscellaneous provisions Clause 5.5
- Schedule 1 Additional permitted uses

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment *Planning Proposals: A guide to preparing planning proposals August 2016*.

The planning proposal seeks a Gateway Determination to proceed under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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

A completed Information Checklist is provided separately.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

This planning proposal proposes to amend the current RU1 Primary Production zone land use table, rural related principal development standards, miscellaneous provisions and additional permitted uses in the Wentworth Local Environmental Plan (WLEP) 2011 as recommended by the RLPC.

The specific objectives and intended outcomes of the planning proposal are to:

- a) Allow for rural landholders to diversify and value add to their existing enterprise.
- b) Facilitate a range of tourism uses on rural land.
- c) Enable a broader range of residential development on rural land.
- d) Facilitate boundary adjustments where existing or created allotments do not meet the minimum lot size or create additional allotments.
- e) To remove provisions that have expired.

PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes will be achieved by amending the Wentworth Local Environmental Plan 2011 as follows:

- Replace the current RU1 Primary Production zone land use table as per Table 1 below.
- Amend the rural related Part 4 Principal development standards as per Table 2 below.
- Amend Part 5 Miscellaneous provisions Clause 5.5 as per Table 3 below.
- Amend Schedule 1 Additional permitted uses as per Table 4 below.

Table 1: Proposed RU1 Primary Production zone land use table

Proposed RU1 Primary Production zone land use table
RU1 Primary Production zone 1 Objectives of zone <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth. • To ensure land is available for intensive plant agricultural activities. • To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism. 2 Permitted without consent Agriculture; Environmental protection works; Forestry; Home-based child care; Home business; Home occupations; Roads; Water reticulation system 3 Permitted with consent Air transport facility; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Camping ground; Caravan Parks; Cellar door premise; Dual occupancies; Dwelling house; Eco-tourist facility; Extractive industry; Farm building; Farm stay accommodation;

Heavy industry; Helipad; Intensive livestock agriculture; Kiosk; Landscaping material supplies; Light industry; Market; Open cut mining; Plant nursery; Restaurant or café; Roadside stall; Rural industry; Rural supplies; Rural workers' dwelling; Secondary dwelling; Self storage units; Sewerage system; Transport depot; Truck depot; Underground mining; Any other development not specified in item 2 or 4

4 Prohibited

Airport; Amusements centre; Centre-based child care facility; Commercial premises; Correctional centre; Crematorium; Early education and care facility; Entertainment facility; Exhibition home; Exhibition village; Function centre; Health services facility; Heliport; Highway service centre; Hospital; Industry; Information and education facility; Liquid Fuel Depot; Marina; Mortuary; Passenger transport facility; Place of public worship; Port facility; Recreation facility (indoor); Residential accommodation; Respite day care centres; Restricted premises; Service station; Serviced apartment; Sex services premise; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshop; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

Table 2: Proposed Part Principal Development Standards

Proposed Part Principal Development Standards
<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,</p> <p>(b) to establish minimum areas for lots that are consistent with the relevant zone objectives,</p> <p>(c) to prevent the fragmentation of productive rural lands,</p> <p>(d) to ensure that subdivision does not inappropriately impact on the natural environmental values of the area,</p> <p>(e) to provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>(b) by any kind of subdivision under the Community Land Development Act 1989.</p>
<p>4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone E3 Environmental Management,</p>

- (c) Zone E4 Environmental Living,
 - (d) Zone R5 Large Lot Residential,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

4.1B Minimum subdivision lot sizes for certain split zones

- (1) The objectives of this clause are as follows—
- (a) to provide for the subdivision of lots that are within more than one zone and cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an **original lot**) that contains—
- (a) land in a village, residential, business or industrial zone, and
 - (b) land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living.
- (3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the **resulting lots**) unless—
- (a) one of the resulting lots will contain—
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

4.2A Strata plan subdivision in certain rural zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—
- (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management,
 - (c) Zone E4 Environmental Living,
 - (d) Zone R5 Large Lot Residential.
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that lot.

4.2B Erection of dwelling houses on land in certain residential, rural and environmental zones

- (1) The objectives of this clause are as follows—
- (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.
- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management,

- (c) Zone E4 Environmental Living,
- (d) Zone R5 Large Lot Residential.
- (3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is—
 - (a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or
 - (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.

4.2C Rural workers' dwellings and secondary dwellings

- (1) The objectives of this clause are –
 - (a) to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries, and
 - (b) to ensure that the erection of rural worker's dwelling or secondary dwellings does not have an adverse impact on the agricultural or rural industries use of the land.
- (2) This clause applies to land in Zone RU1 Primary Production.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling or a secondary dwelling on land to which this clause applies unless the consent authority is satisfied that the development will not impair the use of the land for agricultural or rural industries.

4.2D Boundary adjustments in Zones RU1 and E3

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more of the lots created do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to the land but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies by way of a boundary adjustment between adjoining lots where one or more of the lots created by the subdivision do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that—
 - (a) the subdivision will not create additional lots, and
 - (b) the number of dwelling houses or opportunities for dwelling houses on each lot after the subdivision will remain the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) if the land is in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and
 - (e) if the land is in Zone E3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and
 - (f) the subdivision will not result in any increased bush fire risk to existing buildings.
- (4) In determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
 - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,

- (b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether the subdivision is likely to be incompatible with a land use on any adjoining land,
 - (d) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (e) whether the subdivision is likely to have a significant adverse impact on the environmental values of the land.
- (5) This clause does not apply—
- (a) in relation to the subdivision of lots in a strata plan or community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

Table 3: Proposed Part 5 Miscellaneous provisions Clause 5.5

5.5 Controls relating to secondary dwellings on land in a rural zone
<p>If development for the purposes of a secondary dwelling is permitted under this plan on land in a rural zone –</p> <ul style="list-style-type: none"> (a) The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater – <ul style="list-style-type: none"> (i) 110 square metres (ii) 60% of the total floor area of the principal dwelling.

Table 4: Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses
<p>1 Use of land marked “Community facilities” in Zone SP1 Special Activities</p> <ul style="list-style-type: none"> (1) This clause applies to land within Zone SP1 Special Activities and marked “Community facilities” on the Land Zoning Map. (2) Development for the purposes of dwelling houses or educational establishments is permitted with development consent. <p>2 Use of certain land at Sturt Highway, Trentham Cliffs</p> <ul style="list-style-type: none"> (1) This clause applies to the following land at Sturt Highway, Trentham Cliffs— <ul style="list-style-type: none"> (a) Lot 38 and part of Lot 42, DP 756936, identified as “B” on the Additional Permitted Uses Map, (b) part of Lot 1, DP 1128099, identified as “C” on the Additional Permitted Uses Map. (2) Development for the purposes of— <ul style="list-style-type: none"> (a) a highway service centre is permitted with development consent on land referred to in subclause (1)(a), and (b) a caravan park is permitted with development consent on land referred to in subclause (1)(b).

PART 3 – JUSTIFICATION

This section sets out the reasons for the intended outcomes and provisions in this planning proposal.

Section A – Need for the Planning Proposal

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

Yes. The planning proposal is consistent with the Review of Rural Land Planning Controls that was conducted and prepared by Wentworth Shire Council in 2021.

The RLPC was undertaken to identify current major issues relating to the use and development of rural land, to discuss those issues and identify justifiable amendments that would result in the resolution of those issues.

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

This planning proposal is considered to be the best means of achieving the objectives and intended outcomes for the future use and development of rural land in accordance with the Environmental Planning and Assessment Act 1979.

The aim of the planning proposal is to amend the WLEP to provide greater flexibility of permissible uses in the RU1 zoned land that are compatible with the current use of land, including tourism, value-added and diversification development and boundary realignments that will support and facilitate improved management and sustainable financial outcomes for rural enterprises and landholders.

It is believed that the intended outcomes can only be achieved satisfactorily through a planning proposal to amend the current rural land planning controls contained in the WLEP.

Is there net community benefit?

There is net community benefit from the planning proposal through the generation of economic and social gains in the Wentworth local government area.

The planning proposal will enable existing rural enterprises to expand their current activities to include compatible uses that will increase their financial capacity and sustainability, provide opportunity for growth in localised employment, provide additional activities for the resident community and increased attractions for visitors. All of which will have a flow on effect for existing and future local businesses.

Section B – Relationship to Strategic Planning Framework

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

Consistency with applicable state and local strategies and plans is provided in detail in Appendix 1 to the RLPC paper.

The planning proposal is considered to be consistent with the objectives and directions of the following state and regional planning framework:

- Far West Regional Plan 2036
- Regional Development Framework (2017): Making it happen in the regions
- 20 Year Economic Vision for Regional NSW (2018)

- Agricultural Industry Action Plan (2014)
- NSW Government Right to Farm Policy (2015)

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

The planning proposal is considered to be consistent with the planning priorities and strategic directions of the Wentworth Local Strategic Planning Statement 2020. Refer to Appendix 1 to the RLPC paper.

The planning proposal is also consistent with the Wentworth Shire Council 2017-2027 Community Strategic Plan. The plan sets out a vision for the region to be *A thriving region, supported by a robust economic base, distinctive open spaces and strong local governance and leadership*. The four strategic goals of the plan are to make Wentworth Shire a:

- Vibrant, growing and thriving shire;
- Desirable shire to visit, live, work and invest;
- Community that works to enhance and protect its physical and natural assets; and
- Caring, supportive and inclusive community that is informed and engaged in its future.

The planning proposal gains consistency with the WSC Community Strategic Plan by seeking to ensure greater flexibility in the type of uses permissible on rural land which will support current and emerging trends in agriculture, promote rural enterprise growth and prosperity, creation of localised employment, provide tourism investment opportunity and build on the visitor experience and tourism economy.

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

Consistency with applicable State Environmental Planning Policies is outlined below in Table 5.

Table 5: Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy (Aboriginal Land) 2019	N		
State Environmental Planning Policy (Activation Precincts) 2020	N		
State Environmental Planning Policy (Affordable Rental Housing) 2009	N		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N		
State Environmental Planning Policy (Coastal Management) 2018	N		

State Environmental Planning Policy (Concurrences and Consents) 2018	N		
State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017	N		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Y	Y	The planning proposal will not alter the application of this SEPP for development that satisfies the development standards of the code.
State Environmental Planning Policy (Gosford City Centre) 2018	N		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N		
State Environmental Planning Policy (Infrastructure) 2007	N		
State Environmental Planning Policy (Koala Habitat Protection) 2020	Y	Y	The planning proposal will not reduce or cause impediment to koala habitat.
State Environmental Planning Policy (Koala Habitat Protection) 2021	Y	Y	The planning proposal will not reduce or cause impediment to koala habitat.
State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	N		
State Environmental Planning Policy (Kurnell Peninsula) 1989	N		
State Environmental Planning Policy (Major Infrastructure Corridors) 2020	N		
State Environmental Planning Policy (Mining, Petroleum Production	N		

and Extractive Industries) 2007			
State Environmental Planning Policy 19 - Bushland in Urban Areas	N		
State Environmental Planning Policy 21 – Caravan Parks	N		
State Environmental Planning Policy 33 – Hazardous and Offensive Development	N		
State Environmental Planning Policy 36 – Manufactured Home Estates	N		
State Environmental Planning Policy 47 – Moore Park Showground	N		
State Environmental Planning Policy 50 – Canal Estate Development	N		
State Environmental Planning Policy 55 – Remediation of Land	Y	Y	Consideration of potential contamination of land and how it impacts new or future development will need to be considered at the development assessment stage.
State Environmental Planning Policy 64 – Advertising and Signage	Y	Y	Where there is new development requiring signage, as a result of greater flexibility in the rural zone, this SEPP will need to be addressed regardless of whether development approval is required or not.
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development	N		
State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes)	N		
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N		
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Y	Y	This planning proposal does not change or alter in any way the application of this SEPP on new development in the rural zone.

State Environmental Planning Policy (State and Regional Development) 2011	N		
State Environmental Planning Policy (State Significant Precincts) 2005	N		
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N		
State Environmental Planning Policy (Three Ports) 2013	N		
State Environmental Planning Policy (Urban Renewal) 2010	N		
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	N		
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	N		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N		
State Environmental Planning Policy (Western Sydney Parklands) 2009	N		

Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

Consistency with relevant Section 9.1 Ministerial Directions are detailed below in Table 6.

Table 6: Consistency with S9.1 Ministerial Directions

Section 9.1 Direction	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
1. Employment and Resources			
1.1 Business and Industrial Zones	N		
1.2 Rural Zones	Y	Y	The planning proposal is not altering or changing the current application of the RU1 Primary Production zone.
1.3 Mining, Petroleum Production and Extractive Industries	N		
1.4 Oyster Aqua Culture	N		
1.5 Rural Lands	Y	Y	<p>While the planning proposal is not triggered by a recommendation contained in a strategic study or plan, it is justified through the Review of Rural Land Planning Controls paper prepared by Wentworth Shire Council.</p> <p>The review paper highlights the importance of rural land in the Wentworth LGA and the necessity to support rural landholders by providing a level of flexibility in permissible uses to facilitate financial stability and sustainability.</p> <p>The proposed amendments to the WLEP 2011 will not cause adverse impacts on our valuable natural and historic assets, including our biodiversity, native vegetation, cultural and built heritage and the local natural waterways. Quite the opposite, it will provide rural landholders the opportunity to showcase and share their properties with visitors to the far west NSW region.</p> <p>The outcomes of the planning proposal will not:</p> <ul style="list-style-type: none"> - result in the fragmentation in productive agricultural land - cause land use conflict between agricultural activities and dwellings on rural land - adversely affect existing or future rural land uses, but will actually facilitate the development of value-

			added activities to build economic capacity and financial sustainability. The review paper satisfactorily addresses the net community benefit of the social, economic and future interests of the Wentworth community.
2. Environment and Heritage			
2.1 Environment Protection Zones	N		
2.2 Coastal Protection	N		
2.3 Heritage Conservation	N		
2.4 Recreation Vehicle Areas	N		
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N		
2.6 Remediation of Contaminated Land	Y	Y	Agricultural and horticultural activities are included in Table 1 of the Managing Land Contamination Planning Guidelines. The guidelines generally refer to planning proposals that seek to rezone land, of which this planning proposal does not seek to rezone the land. Therefore, under SEPP 55 Remediation of Land, consideration of potential contamination of land and how it impacts new or future development will need to be considered at the development assessment stage.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	N		
3.2 Caravan Parks and Manufactured Home estates	N		
3.3 Home Occupations (Revoked)	-		
3.4 Integrating Land Use and Transport	N		
3.5 Development Near Regulated Airports and Defence Airfields	N		
3.6 Shooting Ranges	N		
3.7 Reduction in non-hosted short term rental	N		

accommodation period			
4. Hazard and Risk			
4.1 Acid Sulfate Soils	N		
4.2 Mine Subsidence and Unstable Land	N		
4.3 Flooding			
4.4 Planning for Bushfire Protection			
5. Regional Planning			
5.1 Implementation of Regional Strategies (Revoked)	-		
5.2 Sydney Drinking Water Catchments	N		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast (Revoked)	-		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked)	-		
5.6 Sydney to Canberra Corridor (Revoked)	-		
5.7 Central Coast (Revoked)	-		
5.8 Second Sydney Airport: Badgerys Creek (Revoked)	-		
5.9 North West Rail Link Corridor Strategy	N		
5.10 Implementation of Regional Plans	Y	Y	The planning proposal is consistent with the Far West Regional Plan 2036.
5.11 Development of Aboriginal Council land	N		
6. Local Plan Making			
6.1 Approval and Referral Requirements	Y	Y	The planning proposal does not include provisions that require concurrence, consultation or referral to a Minister or public authority.

6.2 Reserving Land for Public Purposes	N		
6.3 Site Specific Provisions	Y	Y	The planning proposal does not include site specific provisions as it applies to all land within the RU1 Primary Production zone.
7. Metropolitan Planning			
Not applicable to Wentworth Shire Council	N		

Section C – Environmental, social and economic impact

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

The proposed amendments to the Wentworth LEP 2011 will not have adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

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

There are no other foreseen significant environmental effects associated with the proposed amendments to the Wentworth LEP 2011.

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

The social and economic effects are outlined in the Review of Rural Land Planning Controls paper attached to the planning proposal.

The planning proposal will provide opportunities for economic growth and sustainability for rural landholders by allowing additional, compatible uses to be permissible with consent within the RU1 Primary Production zone. Additionally, an increase in rural enterprise income usually results in an increase in spending at a local level, which has positive flow on effects for the business community.

Social benefits for both rural landholders include growth in visitor numbers to the region, meeting new national and international visitors and growth in employment opportunities in the tourism and business sectors.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal aims to increase additional use permissibility in the RU1 Primary Production zone. Where new development is proposed, there may be the requirement for improved or new public infrastructure, such as all-weather roads, power and telecommunications facilities.

Where there is a demand for additional public infrastructure or services, the expectation will be that the cost will be borne by the developer, unless, that infrastructure will benefit existing or potentially future landholders. Council's and developers' expectations will need to be discussed in detail in the pre-planning stage of each development.

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

Council has consulted with Department of Primary Industries – Agriculture to ensure consistency with their state agricultural land policies.

The RLPC paper has been amended to remove the proposal to amend the current minimum lot sizes as this was not supported by DPI Agriculture.

The proposed additional permissible uses that were not supported by DPI Agriculture have been individually listed and adequately addressed in Table 2 of the RLPC paper.

No further pre-gateway determination consultation with any other State or Commonwealth public authority has been undertaken for this planning proposal.

Part 4 – MAPPING

The planning proposal does not recommend any amendments to the Wentworth LEP 2011 mapping.

Part 5 – COMMUNITY CONSULTATION

Public exhibition and community consultation will be undertaken by Council as part of the Gateway determination process.

It is proposed that the planning proposal is exhibited for a period of 28 to 42 days in accordance with Clause 4 of Schedule 1 of the Environmental Planning & Assessment Act 1979 and the NSW Department of Planning and Environment's: *A guide to preparing local environmental plans 2016*.

A public hearing will not be conducted as part of the public exhibition process.

Part 6 – PROJECT TIMELINE

The indicative timeframe for completing the planning proposal is outlined in Table 7 below:

Table 7: Estimated project timeline

Task	Timeframe
Anticipated commencement date (date of Gateway determination)	November 2021
Completion of required technical information	N/A
Public exhibition/Community consultation	February 2022
State agency consultation	February 2022
Public hearing (if required)	N/A
Consideration of submissions	March 2022
Consideration of planning proposal post exhibition (Council report)	April 2022
Request Opinion from Parliamentary Counsel	June 2022
Submission to the Department to finalise the LEP	July 2022
Date RPA will make the plan (if delegated)	August 2022
Date RPA will forward to the Department for notification	September 2022



OUT21/12988

General Manager
Wentworth Shire Council
26-28 Adelaide St
Wentworth NSW 2648

Attention: Michele Bos

Dear Michele

Wentworth Shire Council - Review of Rural Land Planning Controls

Thank you for the opportunity to comment on Review of Rural Land Planning Controls. The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

NSW DPI Agriculture notes that the review is not supported by thorough strategic planning. Having a strong strategic basis for decisions and clear vision for an area promotes investment and business certainty. Wentworth Shire Council benefits from a strong irrigation industry contributing to the towns GVP and employment. DPI's comments aim to ensure that investment continues intergenerationally.

We appreciate that council has limited resources and accept some changes ahead of the strategic planning process; we have also tried to identify the most appropriate path forward for Council for each proposed change to ensure councils long term prosperity.

1. Reduction in Minimum subdivision lot size (MLS) from 10,000ha to 5,000ha

It is acknowledged that Wentworth LGA generally has a much higher MLS in comparison to surrounding LGAs. While there may be some merit in reducing this MLS, currently there is no strategic direction for Wentworth's rural areas. Reduction of the MLS is likely to result in adhoc rural residential development and is pre-emptive of the proposed future land allocations. In rangeland areas, where farm operations continue to need up scaling to maintain economic viability, over capitalisation can prevent a viable return on investment for farming operations.

Proposed adjustments to rural Minimum Lot Sizes should be based on rigorous, objective assessment of agricultural industries, the land resource and production trends in an area and be consistent with government policy.

It is recommended Wentworth complete their rural lands strategy prior to this amendment proceeding.

2. Introduction of new areas of 20ha and 40ha MLS along the Murray, Darling and Great Darling Anabranch Rivers for hobby farming and irrigation purposes

The amenity of these areas, reduction in MLS from 10,000ha to 20ha or 40ha and removal of requirements for houses to be associated with agriculture is likely to lead to the proposed

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areas being used for only lifestyle purposes rather than any type of irrigation or agriculture. No analysis is provided on the impact such land uses would have on current and potential irrigated agriculture in the same areas. Nor is there any assessment of the impact of the additional riparian rights on water availability for agriculture.

It is recommended a rural residential strategy, with consideration of supply and demand and siting in relation to ongoing agriculture, should be completed prior to any further provision of lifestyle allotments.

3. Expansion of permissible uses in the RU1 zone to include detached dual occupancy, secondary dwellings, artisan food and drink premises, truck depots, restaurants and a variety of other uses

Wentworth Shire Council has only adopted one rural zone. This prevents the landscape being tailored to support production in parts and transition to lifestyle/tourism in other parts. It is recommended Wentworth's strategic planning consider introduction of a rural landscape and heavy industrial zone to reduce risks of land use conflict.

NSW DPI Agriculture would support introduction of permissibility of Artisan food and drink industries, Farm Buildings, Markets, Mining, Mooring pens, Rural Supplies, Secondary Dwellings, Telecommunication Facilities, Underground Mining, Waste or resource management facility.

NSW DPI Agriculture would also support the additional objective of the Primary Production zone to promote diversification opportunities in "agriculture, horticulture and tourism".

The remainder of the land uses proposed to become permissible do not support the objectives of this zone. A more appropriate location for these uses should be considered as part of the strategic planning exercise.

4. Introduction of a rural boundary adjustments clause

NSW DPI Agriculture supports the proposed rural boundary adjustment clause provided they do not result in additional dwelling entitlements.

5. Removal of a clause which requires any dwelling house in the rural areas to be associated with an agricultural use

It is noted that, although the RU1 zone applies across the whole Shire, the MLS ranges from 10,000ha in the rangelands to 10ha in the irrigation areas. The RMCG report found that incursion of lifestyle houses within the irrigation areas would lead to loss of investment in irrigated agriculture.

NSW DPI Agriculture supports the RMCG recommendation to introduce a RU4 zone over the irrigated areas, enabling this clause to be removed for the rangeland areas while protecting the horticultural economy. Removal of this clause in the irrigation areas will transition these areas to lifestyle allotments causing conflict with existing operators.

6. Housekeeping amendments to other standard clauses

NSW DPI Agriculture supports the proposed housekeeping amendments.

NSW DPI Agriculture has recently supported a proposed expansion of the Buronga and Gol Gol villages and the Dareton Revitalised Strategy both of which provide residential opportunities. Further strategic assessment and planning would ensure consideration of the supply and demand for rural residential lots and of the location of these lots to limit impacts on agriculture.

Should you require clarification on any of the information contained in this response, please contact Manager Agricultural Land Use Planning, by email at landuse.ag@dpi.nsw.gov.au

Yours sincerely



**Darren Bayley
A/DEPUTY DIRECTOR GENERAL
AGRICULTURE**

29 September 2021



Our Reference: DOC/21/22214
Your Reference: OUT21/12988
Prepared By: Michele Bos
Date: 5 October 2021

Darren Bayley
A/Deputy Director General
Nsw Department of Primary Industries – Agriculture
Locked Bag 21
ORANGE NSW 2800

Email: landuse.ag@dpi.nsw.gov.au

Dear Sir

WENTWORTH SHIRE COUNCIL – REVIEW OF RURAL LAND PLANNING CONTROLS

Council acknowledges and thanks you for responding to and providing comment on the draft Review of Rural Land Planning Controls paper.

Wentworth Shire Council is committed to achieving the vision for our region as outlined in the 2017-2027 Community Strategic Plan:

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

It is considered that Council can achieve that vision by generating economic and social growth opportunities by leveraging our areas rural, industrial and residential strengths as outlined in the Wentworth Local Strategic Planning Statement.

The Strategic vision, intent and priorities of the Wentworth Local Strategic Planning Statement, as outlined on Page 11, is to *investigate and review land use pressures on residential and commercial development opportunities to encourage population growth*. The intent of the Review of Rural Land Planning Controls paper has investigated and reviewed rural land use issues and responds with justification for recommendations to resolve those issues.

In response to the NSW DPI Agriculture comments provided in your correspondence date 29 September 2021, Council advises of the following amendments to the paper:

1. Reduction in Minimum Lot Size from 10,000 ha to 5,000, 40 ha and 20 ha

Council has reviewed the advice provided and will consider any future amendments to the current minimum lot sizes on land affected by the RU1 Primary Production zone as part of an integrated review of minimum lot sizes and rural residential strategy. It is anticipated that this project will commence in 2022.

2. Expansion of permissible uses in the RU1 zone

It is noted that while some of the additional permitted uses are supported by DPI Agriculture, there are others that are not. The review paper will include further justification for those non-supported uses, explaining why they are included and necessary for inclusion within the zone.

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3. Boundary adjustments clause

Council will proceed with the inclusion of a rural boundary adjustment clause.

4. Removal of Clause 4.2D requiring dwellings to be associated with agricultural use

The application of this clause has caused confusion in determining enquiries and development applications for dwellings on rural land, both on broad acre pastoral and horticultural land, particularly where the minimum lot size requirements have not been satisfied.

The contradiction of the clause with Clause 4.2B is explained in the description of the clause in the Wentworth Rural Land & Residential Strategy: Agricultural Update and Planning Policy recommendations prepared by RMCG.

The recommendation for the 'retiring' of this clause is made by RMCG, while the introduction of the RU4 zone is discretionary in the report. The introduction of this zone will be further investigated as part of the rural residential strategy.

5. Housekeeping amendments

Council will proceed with the proposed housekeeping amendments.

We advise that the Review of Rural Land Planning Controls paper and associated planning proposal will be considered by Council at its Ordinary Meeting on 20 October 2021. The report will seek endorsement to submit the planning proposal to the Department of Planning, Industry and Environment requesting a Gateway Determination to proceed.

Should you wish to discuss any matter raised in this letter, please contact Michele Bos, Health & Planning Department on 03 5027 5027.

Yours sincerely



MATTHEW CARLIN
DIRECTOR HEALTH & PLANNING

9.9 DELEGATED AUTHORITY APPROVALS AS AT END OF SEPTEMBER 2021

File Number: RPT/21/593

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Kerrie Copley - Administration Officer

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

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

Summary

For the month of September 2021, a total of 21 Development Applications and two S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$2,232,602.00. This brings the year to date total to 138 Development Applications and 25 S4.55 Applications approved, with an estimated development value of \$20,701,120.00.

Recommendation

That Council:

- a) Received and notes the report for the month of September 2021.
- b) 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) Call a division in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Detailed Report

Purpose

The purpose of this report is to provide Council with a list of Development Applications as tabled in the Attachment, determined under delegated authority by the Director Health and Planning for the month of September 2021, hence complying with the requirements under section 3.20 of the Office of Local Government Promoting Better Practice Program.

Conclusion

The total value of determinations was \$2,232,602.00 for the month of September 2021. The average determination time was 56 days.

Attachments

1. Delagate Authority Report September 2021

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF SEPTEMBER 2021

FILE NUMBER	OWNER	LOCATION	DESCRIPTION	VALUE (EX GST)	DETERMINATION DATE	ACTIVE DAYS
DA2021/111	Darren McCoy	13 Summer Drive Lot 48 DP 1098922 Buronga	Storage shed	\$28,000.00	1/09/2021	42
DA2021/116	Stacey McCoy	Ashen Court Lot 33 DP 1242927 Gol Gol	Shed, Carport & Gazebo	\$10,000.00	1/09/2021	40
DA2021/119	Esther Pyke & Lucas Gordon	Ashen Court Lot 10 DP 1242927 Gol Gol	Dwelling with garage	\$578,000.00	1/09/2021	36
DA2021/094	Thomas & Tegan Douglas & Julie & Sholto Douglas	2704 & 2704B Low Darling Road Lots 2 & 3 DP 1089252 Wentworth	Primitive camping with portable amenities	\$12,000.00	1/09/2021	64
DA2021/117	Diane Considine	5 Pooley Street Lot 675 DP 756961 Buronga	Carport	\$5,000.00	2/09/2021	37
DA2021/118	Mark & Sylvia Nixon	15-17 Hawdon Street Lot 6 Section 7 DP 758338 Dareton	Demolition & replacement of existing boundary fencing	\$3,500.00	3/09/2021	38
DA2021/120	Tyler Finch	392 Delta Road Lot 1 DP 1265137 Curlwaa	Storage shed	\$81,000.00	3/09/2021	35
DA2021/122	Brooke Mobilio	Waratah Court Lot 11 DP 1248641 Gol Gol	Storage shed	\$45,000.00	3/09/2021	24
DA2021/102	Sofal Pty Ltd	40 Helena Street Lot A DP 405626 Wentworth	2 Lot Subdivision	\$0.00	6/09/2021	55
DA2021/123	Adelle Forbes-Wilson	22 Morrison Court Lot 24 DP 1274486 Gol Gol	Dwelling with garage & storage shed	\$460,000.00	8/09/2021	27

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF SEPTEMBER 2021

DA2021/125	Broken Hill Gateway Investments Pty Ltd - David Tunkin	99-101 Wentworth Street Lot 53 DP 756994 Wentworth	Carpport	\$6,980.00	9/09/2021	27
DA2021/110	Luke Cini	River Road Lot 1 DP 1191080 Mourquong	Change of use from 1a to 1b - Boarding House	\$0.00	14/09/2021	56
DA2021/073	Ian & Lisa Roberts	100 Wilga Road Lot 56 DP 756946 Gol Gol 232B Potters Drive Lot 73 DP 756946 Gol Gol	54 Lot Subdivision in 2 Stages	\$0.00	16/09/2021	98
DA2021/126	Peter Freckleton	6525 Sturt Highway Lot PT19 DP 756936 Trentham Cliffs	Part demolition of existing dwelling allowing dwelling alterations & extensions	\$720,000.00	17/09/2021	35
S4-55/2021/020	Dominic Falvo	388 Gol Gol North Road Lot 2 DP 1224385 Gol Gol	Modify DA2020/111 Demolition & replacement of existing storage shed	\$0.00	20/09/2021	28
DA2021/093	Gyndarna Pre School	28-32 Hawdon Street Lot 14 15 16 DP 758338 Dareton	Multiple shade structures - two gazebos & three shade sails	\$48,392.00	23/09/2021	86
S4-55/2021/019	Alderton's Family Trust	Corbett Avenue Lot 2 DP 1260884 Buronga	Modify DA2017/062 Two Industrial Sheds	\$0.00	23/09/2021	34
DA2021/127	Ian & Lisa Roberts	16 The Cobb & Co Way Lot 43 DP 1025499 Gol Gol	Storage shed	\$50,000.00	27/09/2021	42
DA2021/132	Nathan Schryver & Milly-Rae Weight	Moontongue Drive Lot 21 DP 1204878 Gol Gol	Storage shed	\$19,500.00	27/09/2021	35
DA2021/133	Kaytlyn Wilton	6 Lee Court Lot 12 DP 1259103 Gol Gol	Storage shed	\$27,315.00	27/09/2021	34

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF SEPTEMBER 2021

DA2021/138	Robert & Pauline Smith	1290 River Road Lot 1 DP 1214442 Mourquong	Storage shed	\$137,915.00	27/09/2021	33
DA2021/114	Wendy Maton	124 Wood Street Lot 8 DP 700342 Gol Gol	2 Lot strata subdivision	\$0.00	30/09/2021	72
DA2019/012	Maria, Domenico & Anna Carrazza Ownership changed to Decentralised Demountables Pty Ltd - Robert & Josh Wilson	Sturt Highway Lot 80 DP 756946 Lot 2 DP 1003815 Lot 2 DP 703694 Lot 7313 DP 1177383 Gol Gol	112 Lot Subdivision	\$0.00	30/09/2021	312

9.10 REDEVELOPMENT OF THE WENTWORTH SHIRE CIVIC CENTRE PROJECT UPDATE

File Number: RPT/21/578

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

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

Summary

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

Council allocated funding within the 2020-21 Operational Plan for the upgrade of the Wentworth Shire Civic Centre. The upgrade was identified as a significant capital project.

Council on 26 June 2019, accepted a tender from GSD Architects to undertake project management of the Wentworth Shire Civic Centre Redevelopment. Accordingly, GSD Architects were engaged to manage various phases of the redevelopment including planning, design, procurement, construction, commissioning and handover. A Council officer has been appointed to collaboratively work with GSD Architects.

Council endorsed Concept 8 for the Wentworth Shire Civic Centre on 18 December 2019, after which the Concept Plan was further developed and finalised late in 2020. It is believed that the finalised Concept Plan incorporates functionality, serviceability and the inclusion of all required facilities to promote a space that employees, the local community and visitors successfully utilise.

Concept Plans including render displays and finish selections were prepared for the Wentworth Shire Civic Centre Entrance, Library, Courtyard, Public Meeting Room (Wentworth Community Space and Convention Centre), Public Kitchen, and Reception for display. Concept Plans were placed on public exhibition from 24 May to 4 June 2021, whereby a total of 9 community submissions were lodged with Council including feedback. Some submissions required no further action, while others require further consideration.

The State Library of New South Wales confirmed on 5 June 2020, that Council had been successful in securing \$500,000.00 ex. GST in funding by way of the 2019/20 Public Library Infrastructure Grant.

Council were successful in a funding application of \$941,023.00 ex. GST for the relocation of the Wentworth Visitor Information Centre to the Civic Centre, as part of Round 7 of the Resources for Regions Program.

Council were also successful in their nomination of the Wentworth Library Outdoor Riverfront Gathering Space (Library Courtyard) as a project under Phase 2 of the NSW Government Local Roads and Infrastructure Program Extension, with funding in the amount of \$487,539.00 ex. GST approved. Works are to be completed by 31 December 2021.

Funding in the amount of \$713,339.00 ex. GST was approved for the Wentworth Community Space and Convention Centre within the third round of the Federal Government's Economic Development Program.

Council lodged an application for funding in the amount of \$713,339.00 ex. GST with Building Better Regions – Round 5 on 12 March 2021, for the Wentworth Community Space and Convention Centre. Funding announcements were recently released whereby Council were successful, pending formalisation of a deed of agreement.

An application for funding in the amount of \$900,000.00 ex. GST was submitted with the Regional Tourism Activation Fund on 11 August 2021, for the Wentworth Interpretive Centre Development. Successful projects are expected to be announced in November 2021.

Recommendation

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

Detailed Report

Further to the quarter report of 21 July 2021, the following works have been completed:

- Preliminary design and specification for the Wentworth Shire Civic Centre Library Courtyard was reviewed with additional information required for laser cut-out designs within the steel canopy, and detailed planting plans. Ochre Landscaping were engaged by GSD Architects to progress the said components in an effort to finalise tender documentation.
- Progression of detailed design including specification for the entrance to the Visitor Information Centre, and Library. Design will incorporate detail for laser cut-outs for application to the entrance canopy, planting plans, irrigation and feature lighting.
- GSD Architects continue to progress tender documentation for the construction and fit out of the building, including “For Tender Issue” drawings and specifications. Drawings and specification includes provision of electrical, mechanical, and hydraulic design with 80% of the detail for this component of the design complete.
- Progression of fire service assessment continues with the fire engineer preparing a Performance Based Assessment under the performance requirements of the *Building Code of Australia 2019* (BCA), whereby identified non-conformance will be addressed with the deemed to satisfy provision of the BCA. Without the Performance Based Assessment, engineering design for the fire service cannot be progressed. The complexity of the fire service has contributed in delays to finalisation of the design.
- GSD Architects continue to progress the fixtures list for the redeveloped building for consideration by Council. Fixtures will include recommended finishes i.e. flooring selections, cabinetry, tiles, paint selections, hardware inclusive of handles, taps etc.

Attachments

Nil

9.11 PROJECTS AND WORKS REPORT UPDATE - SEPTEMBER 2021

File Number: RPT/21/582

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & 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

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 September 2021.

Recommendation

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

Detailed Report

Refer below for updates of the works completed in September and planned activities scheduled for October 2021.

Projects and Works Update for September 2021

- Roads**
- As part of the capital works renewal 32 local, rural and regional roads throughout the Shire are currently being re-sealed.
 - Little Manly Road Construction is nearing completion, with line marking to be completed in November to finish off the project.
 - Milpara Road – Road side furniture installed 15 September which sees the completion of the project.

Maintenance Grading

Planned maintenance grading was undertaken on the following roads throughout September: Rufus River, Renmark Springwood, Pine Camp Roads.

Traffic Monitoring Program

Locations monitored in September;

- Abbotsford Road - 30m north of Creek Rd int
- Beverley Street - 60m south of Sandwych St int
- Boat Ramp Road - 70m from Cemetery Rd
- Bridge Road - 60m from Pitman Ave West
- Bridge Road- 120m from West Rd
- Burns Street - 50m from Wood St
- Cemetery Road - 40m east of Boat Ramp Rd int
- Dawn Avenue - 150m from Pitman Avenue
- Drovers Drive - 50m east of Gol Gol Nth Rd int
- Ellerslie Road - 120m from Ellerslie Nth Rd
- Ellerslie Road - Approx 100m from Pooncarie Rd
- Fotherby Park S/R - 30m from Silver City Hwy

- Moontongue Drive - Approx 70m from Wilga Rd
- Pitman Avenue - 280m from Gol Gol Nth Rd
- Ski Reserve Road - 40m west of pump station turnoff
- Sporting Complex Internal Rd - 100m from Beverley St
- Wilga Road - Approx 30m from Moontongue Dr
- Wilga Road - 120m from Sturt Hwy

Projects Wentworth Aerodrome Upgrade

- Design consultants finalised construction drawings.
- NOTAM in place for full closure of runway 17/35 to allow for works, runway 08/26 will remain open with periodic closure to accommodate the works being undertaken on 17/35.
- Earthworks commenced as scheduled 6 September.
- Contract documentation for the supply and delivery material (PT2122/01), has been issued, signed and returned to Contract along with purchase order for works.
- The evaluation and tender assessment were completed for the supply and installation of Lighting PT2122/02 and submitted as a late report to the September Council meeting, with approval awarded. Contract documentation has been issued, awaiting return of signed copies.

Buronga Effluent Disposal System (EDS)

- Pump station commissioned for opening in September. Minor faults have occurred on site which have been rectified. Overall, facility is operating as intended.

Buronga Pump Track

- Contractors to commence works post lockdown – pending travel clearances with COVID.

Carramar Drive Oval Fencing Extension – completion 30 September

- Project complete.

Curlwaa Hall

- Old Curlwaa Hall fully demolished and site rehabilitated.

Dareton Travellers Rest - completion 30 September

- Structural steel works for the pergola are completed.
- Timber has arrived and contractor has started constructing the frame.
- Interpretive panels are in second draft.

Gol Gol Heights Culvert Headwalls

- Works to commence upon delivery of headwalls to contractor. Advised headwalls in production but likely not complete until after new year.

Mourquong Water Main Extension – completion November 2021

- Approximately 360m of pipe has been laid to date.
- Contractor has completed the connection to the rising main and installed all fittings for the offtake exiting the under road bore.

Buronga and Gol Gol Shared Paths

- Final alignment of Summer Drive section confirmed and consultation completed with residents.

Sewerage Rationalisation Scheme - Wentworth

- Contractor submitted demolition plan for sewer treatment plant, Council representatives reviewing.
- Contractor coordinating a revised project schedule and timing for further works, WSC to review once received.
- Construction of the switchboard continuing by the electrical sub-contractor.
- Feedback from Council representatives to the contractor has seen changes being conducted to the functional description, Council awaiting updated description.
- Final commissioning delayed, rescheduled for October.

Streetlight LED Upgrade

- Essential Energy's contractor has completed the LED upgrade. In total 667 existing streetlights were replaced with new LED's
- 24 sites were unable to be completed due to a delay in materials or other complex issues.

Wentworth All Day Care Centre

- Project being priced by local suitably qualified contractors, quotations close on 15 October 2021.
- Logistics of relocating the children to the Wentworth Primary School during the construction period being worked through and relevant approvals.

Wentworth Riverfront BBQ and Nature Play Area

- Works on hold – awaiting cross border playground contractor.

Wentworth Rowing and Houseboat Mooring - completion December 2021

- All sheet piling in place and mooring bollards are in place.
- House boat mooring area concrete concourse boxed up for pouring of concrete.
- High water level is impacting on completion of rowing club area and the Rowing Club members have been kept informed throughout.

Wentworth Rowing Club Extension

- Project being priced and quotations close on 29 October 2021.
- BW&A engaged as Building Surveyor.

Wentworth Showgrounds Sewer Upgrade – completion December 2021

- Tender closes Friday 8 October.
- Tender evaluation to be completed Monday 11 October.

Wentworth Showgrounds Tower & Shade Structures

- Shade structure installation to commenced Monday 11 September 2021.
- Tower design updated with larger floor areas due to feedback on design from Racing NSW. Awaiting updated design drawings from contractor.

Willow Bend Caravan Park Upgrade

- Detailed design documentation including technical specification completed.
- Tender documentation completed and currently out for tender, with tenders closing Friday 8 October 2021.

Projects and Works scheduled for October 2021

Roads

- High Darling Road - final clean up and sign implementation, scheduled for week beginning 18 October.
- Bunnerungee Bridge – works have commenced on the removal of the temporary side track. Council, on behalf of TFNSW, will have a fence and signage installed with a pavement upgrade under the bridge to link up to the rest area.
- Native Ridge Lane – Construction works to commence first week October, including tree and vegetation clearing and road re-alignment. Works will include road widening and sealing of the road pavement.

Maintenance Grading

- Planned maintenance grading will be undertaken on the following roads throughout October: Arumpo and Top Hut Road.

Traffic Monitoring Program

Locations for October:

- Garston Road - 30m from Low Darling Rd
- Haul Road - west side of Peter Withers Bridge
- High Darling Road - 40m south of all weather mine road int
- High Darling Road - Approx 100m south from Polia Rd int
- High Darling Road - Approx 140m from Silver City Hwy
- Milkengay Road - Approx 140m from Nob Rd
- Nob Road - 1.9km from Polia Rd
- Nob Road - Approx 1km west of Ginko-Nob Rd Nth int
- Nob Road - approx 4.5km from High Darling Rd
- Nob Road - Approx 120m north of Haul Rd int
- Nob Road - Approx 120m south from Haul Rd int
- Old Broken Hill Road - 40m from Silver City Hwy - south end
- Old Broken Hill Road - 120m east of 183 Dam
- Old Broken Hill Road - Approx 100m from Silver City Hwy - north end
- Polia Road - 9km from High Darling Road
- Pomona Road - Approx 100m from Silver City Hwy
- Roo Roo Road - 2nd grid from Haul Rd int
- Silver City Highway - 230m west of Delta Rd int
- Silver City Highway - Approx 200m east of Hospital Rd int
- Sturt Highway - 170m north of Feyes Ln int.

Projects **Wentworth Aerodrome Upgrade – completion February 2021**

- Completion of Earthworks
- Carting of Class 3 material continuing
- Pavement construction to commence 25th October
- Sealing and line marking scheduled to commence beginning November.

Buronga Effluent Disposal System (EDS)

- The outbound flow meter is on back order. The flow meter is used to record the total waste discharged from the facility. The item isn't required for functionality but for Council's monitoring purposes.
- Additional signage to be erected early October.

Buronga Pump Track

- Contractors to commence works post lockdown – pending travel clearances with COVID.

Buronga and Gol Gol Shared Paths

- Summer Drive section of works commenced late September and will be completed late October.

Gol Gol School Shared Path – completion October 2021

- Pedestrian island being installed along Tapio St near Highway intersection.
- Pedestrian pre-cast island is on order. Once the item has arrived it will be installed – anticipated early November.

Mourquong Water Main Extension - completion October 2021

- Pipeline placement continuing.

Pooncarie Hall Septic Replacement

- Existing septic system is not functioning.
- Proposal to provide new septic tank and absorption trench system for the public amenities block at the Pooncarie Hall.
- Request for quotes being prepared for Land Capability Assessment.

Streetlight LED Upgrade

- Essential Energy have advised that November is when they will assess and estimate the outstanding streetlights and then allocate to their local crews for completion.
- Essential Energy will provide a forecast completion date in the coming months.

Sewerage Rationalisation Scheme - Wentworth

- Council to review revised project schedule and timing for further works.

Pink Lake Stormwater

- Council to engage with Tonkin Consulting to assess existing and proposed developments in the upper Gol Gol catchment area to determine suitable outflow options for the Pink Lake retention basin.

Wentworth Riverfront BBQ and Nature Play Area

- Playground audit and works to be undertaken once interstate travel restrictions have eased.
- Softfall to be installed post final playground works.
- Project completion to be determined post COVID restrictions.

Wentworth Showgrounds Tower & Shade Structure – completion January 2022

- Shade structure construction forecast to be completed by end of October.
- Tower footings forecast to be completed by early November.
- Tower construction forecast to commence in November with updated design.

Wentworth Showground Sewer Upgrade – completion December 2021

- Tenders to be evaluated and presented to the October Council meeting for approval to award.

Williamsville Road Upgrade

- Concept plan for update to Williamsville Road provided to Road Safety Officer.
- Road Safety Officer to consult with Caravan Park Management and other relevant parties regarding concept plan.

Willow Bend Caravan Park Upgrade

- Tender evaluation and assessment to be completed and presented to the October Council meeting for approval to award.

Attachments

1. Attachment 1 - Projects and Works Photo Update



Carramar Drive Oval Fencing - 13 September 2021



Mourquong Water Main Extension – pipes laid along Silver City Highway 6 October 2021



Wentworth Aerodrome - Ausmat team flying out after first round of Covid Vaccinations 10 September



Wentworth Riverfront – installation of sheet piling for houseboat mooring area and houseboat mooring area progress



**Heavy patching along Palm
Island, Wentworth – 20
September 2021**



Bunnerungee side track rehabilitation - September



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 Plant Replacement - Approval of Tenders for replacement of Plant 664 Ford Ranger & Plant 665 Ford Ranger. (RPT/21/584)

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

12.2 Plant Replacement - Approval of Tenders for new plant item - Light Commercial Extra Cab 4x4 Utility. (RPT/21/585)

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 345 & supply new Light Commercial Dual Cab 4x4 utility. (RPT/21/586)

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

12.4 Plant Replacement - Approval of Tender for replacement of Plant 650 Isuzu LSU. (RPT/21/587)

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

12.5 Panel Contract - Supply of Road Construction Materials - PC2122/03. (RPT/21/596)

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 - Hire of Construction Plant & Equipment PC2122/02. (RPT/21/597)

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 PC2122/01. (RPT/21/599)

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 Wentworth Shire Council Bridge Lifts and Maintenance - 12 month period - PT2021/09. (RPT/21/580)

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 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 664 FORD RANGER & PLANT 665 FORD RANGER

File Number: RPT/21/584

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

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

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

REASON FOR CONFIDENTIALITY

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

12.2 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR NEW PLANT ITEM - LIGHT COMMERCIAL EXTRA CAB 4X4 UTILITY

File Number: RPT/21/585

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

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

REASON FOR CONFIDENTIALITY

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

12.3 PLANT REPLACEMENT - APPROVAL OF TENDERS FOR REPLACEMENT OF PLANT 345 & SUPPLY NEW LIGHT COMMERCIAL DUAL CAB 4X4 UTILITY

File Number: RPT/21/586

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

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

REASON FOR CONFIDENTIALITY

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

12.4 PLANT REPLACEMENT - APPROVAL OF TENDER FOR REPLACEMENT OF PLANT 650 ISUZU LSU

File Number: RPT/21/587

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

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

REASON FOR CONFIDENTIALITY

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

12.5 PANEL CONTRACT - SUPPLY OF ROAD CONSTRUCTION MATERIALS - PC2122/03

File Number: RPT/21/596

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & 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.

12.6 PANEL CONTRACT - HIRE OF CONSTRUCTION PLANT & EQUIPMENT PC2122/02

File Number: RPT/21/597

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & 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.

12.7 PANEL CONTRACT - SUPPLY OF BUILDING TRADES, PROFESSIONAL & CONSULTATION SERVICES PC2122/01

File Number: RPT/21/599

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Tarryn Kampman - Coordinator Roads & 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.

12.8 WENTWORTH SHIRE COUNCIL BRIDGE LIFTS AND MAINTENANCE - 12 MONTH PERIOD - PT2021/09

File Number: RPT/21/580

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

17 November 2021