

WENTWORTH SHIRE COUNCIL

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

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

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

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

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

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

KEN ROSS GENERAL MANAGER

ORDINARY MEETING AGENDA 16 FEBRUARY 2022

TABLE OF CONTENTS

ITEM		SUBJECT	PAGE NO
1	OPEN	ING OF MEETING	1
2		ER OR ACKNOWLEDGEMENT OF COUNTRY	
3	APOL	OGIES AND APPLICATIONS FOR LEAVE OF ABSENCE	1
4	DISCL	OSURES OF INTERESTS	1
5	CONF	IRMATION OF MINUTES	1
6	OUTS	TANDING MATTERS FROM PREVIOUS MEETINGS	40
	6.1	Outstanding Matters from Previous Meetings	40
7	MAYO	RAL AND COUNCILLOR REPORTS	42
-	Nil		
8	REPO	RTS FROM COMMITTEES	42
	Nil		
9	REPO	RTS TO COUNCIL	43
	9.1	Mayoral Report	43
	9.2	General Manager's Report	44
	9.3	Policy Review - Office of General Manager	48
	9.4	Monthly Investment Report	106
	9.5	Monthly Finance Report	113
	9.6	Policy Review - Department Finance and Policy	117
	9.7	Councillors Superannuation Contributions	142
	9.8	Audit, Risk and Improvement Committee	144
	9.9	AF003 Requests for Financial Assistance	149
	9.10	Policy Review - Department Health and Planning	152
	9.11	Wentworth Local Environmental Plan 2011 - Thegoa Lagoon Rezoning Planning Proposal	165
	9.12	NSW Department of Planning and Environment - Agritourism Reforms	272
	9.13	Willow Bend Caravan Park Lease	282
	9.14	New Lease - Buronga Boatman	288
	9.15	DA2021/008 Proposed Service Station 83 - 89 Hendy Road Lot 1029509 Buronga	
	9.16	DA2021/177 Concept development application for a Marina Styl- Resort and Hotel 4 & 6 River Drive Lot 432 & 433 DP 756961 Buronga	

	9.17 Suspension of Alcohol Free Zone - Wentworth District Rowing (589
	9.18	Delegated Authority Approvals as at end of January 2022	592
	9.19	Projects and Works Report Update - February 2022	595
10	NOTICE Nil	S OF MOTIONS / QUESTIONS WITH NOTICE	605
11	CONFID	DENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION	606
12	OPEN C	COUNCIL - REPORT FROM CLOSED COUNCIL	608
	12.1	Review of Midway Centre Regular Agreements	608
	12.2	Buronga Landfill Discount Rate	609
	12.3	Willow Bend Caravan Park Upgrade - PT2122/03	610
13	CONCL	USION OF THE MEETING	611
NEXT N	IFFTING		611

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 31 January 2022 be confirmed as circulated.



WENTWORTH SHIRE COUNCIL

ORDINARY MEETING MINUTES

31 JANUARY 2022

TABLE OF CONTENTS

ITEM		SUBJECT	PAGE NO
1	OPEN	ING OF MEETING	1
2	PRAY	ER OR ACKNOWLEDGEMENT OF COUNTRY	1
3	APOL	OGIES AND LEAVE OF ABSENCE	1
4	DISCL	OSURES OF INTERESTS	1
5	CONF	IRMATION OF MINUTES	1
6	OUTS'	TANDING MATTERS FROM PREVIOUS MEETINGS	3
	6.1	Outstanding Matters from Previous Meetings	3
7	MAYO	RAL AND COUNCILLOR REPORTS	4
	7.1	Mayoral Report	4
8	REPO	RTS FROM COMMITTEES	5
	Nil		
9	REPO	RTS TO COUNCIL	6
	9.1	General Manager's Report	6
	9.2	Statutory Meeting Item - Review of External Committees	7
	9.3	Policy Review - Office of General Manager	8
	9.4	LGNSW Special Conference 28 Feburary - 2 March 2022	10
	9.5	Monthly Investment Report	11
	9.6	Monthly Investment Report	12
	9.7	Monthly Finance Report	13
	9.8	Monthly Finance Report	14
	9.9	December Quarterly Budget Review	15
	9.10	Delivery Program progress update	16
	9.11	Local Roads and Community Infrastructure Program (Round 3	3) 17
	9.12	Policy Review - Department Finance & Policy	18
	9.13	Environmental Planning and Assessment (Statement of Expe Order 2021	
	9.14	Fee Waiver Request for Planning Proposal	21
	9.15	Wentworth Local Environmental Plan 2011 - Planning Propos rezone Part of Lot 1 DP 1193874, Kelso Station, Pooncarie R Wentworth	oad,
	9.16	Reclassification of Land to Operational	24
	9.17	Delegated Authority Approvals as at end of November 2021	25
	9.18	Delegated Authority Approvals as at end of December 2021	26

	9.19	Projects and Works Report Update - January 2022	27
	9.20	Redevelopment of the Wentworth Shire Civic Centre Project Update	28
10	NOTIC	ES OF MOTIONS / QUESTIONS WITH NOTICE	30
11	CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION		31
12	OPEN	COUNCIL - REPORT FROM CLOSED COUNCIL	33
	12.1	Plant Replacement - Approval of Tender for replacement of Plant 41 110HP Tractor	33
	12.2	Wentworth Shire Civic Centre Redevelopment - Stage One - Courtyard - PT2122/05	34
13	CONC	LUSION OF THE MEETING	35
NEXTI	MEETING	G	35

1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 6:31pm.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

A minutes silence was observed to pay respect to Roy (Locky) Harvey a current staff member of 54 years who passed away on Australia Day.

PRESENT:

COUNCILLORS: Councillor Tim Elstone (Mayor)

Councillor Brian Beaumont
Councillor Steve Cooper
Councillor Peter Crisp
Councillor Greg Evans
Councillor Steve Heywood
Councillor Daniel Linklater
Councillor Susan Nichols
Councillor Jo Rodda

STAFF: Ken Ross (General Manager)

Matthew Carlin (Director Health and Planning) Geoff Gunn (Director Roads and Engineering) Simon Rule (Director Finance and Policy)

Gayle Marsden (Executive Assistant to General Manager)

Voleak Sroeung (Governance Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTERESTS

Councillor Elstone advised that he had a significant pecuniary interest in Item 9.15 as he represents the owner of the land.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 10 January 2022 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 10 January 2022 be confirmed as circulated.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

Council Resolution

That the Ordinary Council meeting be adjourned, and the recording of the meeting paused, for the purpose of conducting a Public Forum. The meeting was adjourned at 6:36 pm

Moved Cr. Evans, Seconded Cr Crisp

CARRIED UNANIMOUSLY

Mr Roy Costa spoke to Item 9.14

Council Resolution

That Council reconvenes into open session and that the recording of the meeting be recommenced.

Moved Cr. Evans, Seconded Cr Crisp

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/85

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 25 January 2022.

Council Resolution

That Council notes the list of outstanding matters as at 25 January 2022.

Moved Cr Rodda, Seconded Cr. Heywood

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT

File Number: RPT/21/720

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 Elstone for the period of 10 January 2022 - 26 January 2022.

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. Elstone, Seconded Cr Linklater

CARRIED UNANIMOUSLY

MAYORAL MINUTE

That Council continue to pursue inquiry on behalf of the community with respect to the accuracy of the advice given to WaterNSW regarding their reversal of the decision to increase releases from Menindee Lakes from 18000 ML to 21000ML per day.

Moved Cr. Elstone

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGER'S REPORT

File Number: RPT/21/699

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

Reporting Officer: Jess O'Neill - Business Support Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

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

1. OLG Circulars

Circular 21-41

2. Meetings

As listed

3. Upcoming meetings or events

As listed

4. Other items of note

Seven Councillors attended a two day "Elected Life" training course in Broken Hill with the Broken Hill Councillors. It was a very informative and useful training session.

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. Evans, Seconded Cr Crisp

9.2 STATUTORY MEETING ITEM - REVIEW OF EXTERNAL COMMITTEES

File Number: RPT/22/22

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

In order to respond to the needs of its community, Council annually reviews the External Committees to which it has appointed representatives.

The nominated representatives on each committee are responsible for providing a Delegate's Report to Council.

This item was the subject of consideration at the Council meeting held on 10 January 2022, where it was resolved *That Council defer the External Committees representation report until the next meeting*.

Hence this report is tabled for consideration at this meeting where attachment 1 has been filled in as a possible solution to the external representation of this current Council.

Recommendation

That Council considers the list of External Committees and appoint representation to the nominated committees in line with Attachment 1.

Council Resolution

That Council appoint representation to the nominated committees in line with Attachment 1 with the inclusion of Cr Nichols on the Barkandji Indigenous Land Use Agreement Group and Cr Linklater as an alternate for the Australian Inland Botanical Garden committee.

Moved Cr. Heywood, Seconded Cr Linklater

9.3 POLICY REVIEW - OFFICE OF GENERAL MANAGER

File Number: RPT/22/26

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

After each general election of Councillors, the *Local Government Act 1993* requires Council to review all official policies of Council. There are currently 73 policies in place of which 21 are the responsibility of the Office of the General Manager.

For this Council meeting the Office of the General Manager has reviewed five policies and are presenting them to Council for adopting. The Office of the General Manager has also recommended that the Media Statements Policy be rescinded and replaced by the Media Policy.

Recommendation

That Council adopt the following revised policies:

- a) GOV001 Gifts and Benefits Policy
- b) GOV009 Delegations Policy
- c) WR007 Designated Officers of Council Policy
- d) GOV021 Councillor Induction and Professional Development Policy

That Council rescind CC002 – Media Statements Policy

That Council adopt the draft Media Policy (CC010) and Draft Councillor and Staff Interaction Policy (GOV011) documents and place them on public exhibition for a period of 28 days, as required under the Act.

Council Resolution

That Council adopt the following revised policies:

- a) GOV001 Gifts and Benefits Policy
- b) GOV009 Delegations Policy
- c) WR007 Designated Officers of Council Policy
- d) GOV021 Councillor Induction and Professional Development Policy

That Council rescind CC002 – Media Statements Policy

That Council adopt the draft Media Policy (CC010) and Draft Councillor and Staff Interaction Policy (GOV011) documents and place them on public exhibition for a period of 28 days, as required under the Act.

Moved Cr Crisp, Seconded Cr. Nichols

9.4 LGNSW SPECIAL CONFERENCE 28 FEBURARY - 2 MARCH 2022

File Number: RPT/22/38

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 Local Government NSW Special Conference is being held from Monday 28 February 2022 to Wednesday 2 March 2022 at Hyatt Regency, Sydney. This forum is the main local government policy making forum for Local Government New South Wales. Traditionally, Council send the Mayor and General Manager to the Conference.

Recommendation

That Council determines the attendees to the LGNSW Special Conference from 28 February – 2 March 2022 and nominates which attendee will be the Council's voting delegate. If no attendees are selected a voting delegate must still be nominated.

Council Resolution

That Council determines the Mayor and General Manager attend the LGNSW Special Conference from 28 February – 2 March 2022 and nominates the Mayor to be Council's voting delegate.

Moved Cr. Heywood, Seconded Cr Cooper

9.5 MONTHLY INVESTMENT REPORT

File Number: RPT/21/697

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 November 2021 Council had \$27 million invested in term deposits and \$9,038,361.25 in other cash investments. Council received \$8,028.44 from its investments for the month of November 2021.

In November 2021 Council investments averaged a rate of return of 0.46% and it currently has \$6,708,688.82 of internal restrictions and \$22,597,934.54 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr Crisp, Seconded Cr Linklater

9.6 MONTHLY INVESTMENT REPORT

File Number: RPT/22/2

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 December 2021 Council had \$27 million invested in term deposits and \$7,852,303.93 in other cash investments. Council received \$14,395.12 from its investments for the month of December 2021.

In December 2021 Council investments averaged a rate of return of 0.48% and it currently has \$6,908,688.82 of internal restrictions and \$21,815,920.93 of external restrictions.

Recommendation

That Council notes the monthly investment report.

Council Resolution

That Council notes the monthly investment report.

Moved Cr Rodda, Seconded Cr Cooper

9.7 MONTHLY FINANCE REPORT

File Number: RPT/21/698

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Vanessa Lock - Finance Officer

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

Rates and Charges collections for the month of November 2021 were \$1,270,150.22. After allowing for pensioner subsidies, the total levies collected are now 52.13%. For comparison purposes 55.07% of the levy had been collected at the end of November 2020. Council currently has \$36,038,361.25 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr Cooper, Seconded Cr. Evans

9.8 MONTHLY FINANCE REPORT

File Number: RPT/22/8

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 December 2021 were \$1,251,409.84. After allowing for pensioner subsidies, the total levies collected are now 62.98%. For comparison purposes 59.01% of the levy had been collected at the end of December 2020. Council currently has \$34,852,303.93 in cash and investments.

Recommendation

That Council notes the Monthly Finance Report.

Council Resolution

That Council notes the Monthly Finance Report.

Moved Cr Cooper, Seconded Cr. Heywood

9.9 DECEMBER QUARTERLY BUDGET REVIEW

File Number: RPT/22/15

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Report Author: Simon Rule - Director Finance and Policy

Bryce Watson - Accountant

Summary

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

	YTD Actual (31-Dec-2021)	% of Original Budget	% of Revised Budget
Revenue	\$19,659,262	48.14%	42.82%
Operational Expenditure	\$13,537,554	53.55%	48.45%
Capital Expenditure	\$7,893,331	26.32%	22.16%

If approved, the net result of variances for the December 2021 Quarter is a favorable operational variance of \$868,000 and an unfavorable capital variance of \$1,689,000 resulting in a total unfavorable budget variation of \$821,000.

Recommendation

That Council approves the variations to the 2020/21 Operational Plan adopted at the Council Meeting on 30 June 2021.

Council Resolution

That Council approves the variations to the 2020/21 Operational Plan adopted at the Council Meeting on 30 June 2021.

Moved Cr Crisp, Seconded Cr Rodda

9.10 DELIVERY PROGRAM PROGRESS UPDATE

File Number: RPT/22/16

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Bryce Watson - Accountant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

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

Recommendation

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

Council Resolution

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

Moved Cr Rodda, Seconded Cr. Heywood

9.11 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM (ROUND 3)

File Number: RPT/22/36

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

In 2021, Wentworth Shire Council received notification from the Federal Government advising of an additional funding allocation of \$2,556,414 under the Local Roads and Community Infrastructure Program Round 3.

This program will continue to assist local Councils to deliver local road and community infrastructure projects, supporting jobs and the resilience of local economies to help communities bounce back for the COVID-19 pandemic.

Council formally accepted the funding in January 2022 and is now in a position to identify and submit eligible projects for consideration. All approved projects must be completed by 30 June 2023.

Recommendation

That Council endorse the following projects under the Local Roads and Community Infrastructure Program (Round 3) and the applications be submitted.

- 1. James King Park Riverfront \$198,000
- Willowbend Caravan Park Ablution Block \$551,414
- 3. Civic Centre Interpretive Centre \$990,000
- 4. Pooncarie Telegraph Building \$176,000
- 5. Pooncarie Aerodrome Lights \$465,000
- 6. Dareton Travellers Rest \$66,000
- 7. Wentworth Showground Racecourse running rail replacement \$110,000

Council Resolution

That Council endorse the following projects under the Local Roads and Community Infrastructure Program (Round 3) and the applications be submitted.

- 1. James King Park Riverfront \$198,000
- 2. Willowbend Caravan Park Ablution Block \$551,414
- 3. Civic Centre Interpretive Centre \$990,000
- 4. Pooncarie Telegraph Building \$176,000
- 5. Pooncarie Aerodrome Lights \$465,000
- 6. Dareton Travellers Rest \$66,000
- 7. Wentworth Showground Racecourse running rail replacement \$110,000

Moved Cr Rodda, Seconded Cr. Heywood

9.12 POLICY REVIEW - DEPARTMENT FINANCE & POLICY

File Number: RPT/22/19

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

After each general election of Councillors, the *Local Government Act 1993* (the Act) requires Council to review all official policies of Council. There are currently 73 policies in place of which 25 are the responsibility of the Finance & Policy Department.

For this Council meeting the department has reviewed six policies and are presenting them to Council for adopting. The department is also proposing to introduce a new Conflicts of Interest policy for Council to adopt.

Recommendation

That Council adopt the following revised policies:

- a) AF004 Investment Policy
- b) GOV003 Fraud Control Policy
- c) GOV005 Procurement Policy
- d) GOV013 Enterprise Risk Management Policy
- e) GOV020 Code of Conduct Policy

That Council adopts the revised GOV010 – Payment of Expenses and Provision of Facilities Policy and places the policy on 28 days public exhibition as required by the Act.

That Council adopts the draft GOV023 – Conflicts of Interest Policy and places the policy on 28 days public exhibition as required by the Act.

Council Resolution

That Council adopt the following revised policies:

- a) AF004 Investment Policy
- b) GOV003 Fraud Control Policy
- c) GOV005 Procurement Policy
- d) GOV013 Enterprise Risk Management Policy
- e) GOV020 Code of Conduct Policy

That Council adopts the revised GOV010 – Payment of Expenses and Provision of Facilities Policy and places the policy on 28 days public exhibition as required by the Act.

That Council adopts the draft GOV023 – Conflicts of Interest Policy and places the policy on 28 days public exhibition as required by the Act.

Moved Cr. Nichols, Seconded Cr Crisp

9.13 ENVIRONMENTAL PLANNING AND ASSESSMENT (STATEMENT OF EXPECTATIONS) ORDER 2021

File Number: RPT/22/21

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

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

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

expand

Summary

Council has received correspondence from The Honorable Rob Stokes MP, Minister for Planning and Public Spaces via the Office of the Secretary. This letter explains that an Order has been made for all Local Government Organisations in NSW that sets out the expectation for Councils in relation to our planning and development functions under the *Environmental Planning and Assessment Act 1979*.

Recommendation

That Council notes the Statement of Expectations Order 2021.

Council Resolution

That Council notes the Statement of Expectations Order 2021.

Moved Cr. Heywood, Seconded Cr Linklater

9.14 FEE WAIVER REQUEST FOR PLANNING PROPOSAL

File Number: RPT/22/17

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

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

attraction

Summary

Roy Costa Planning and Development (RCPD), on behalf of their client is seeking a waiver of the applicable fee for the lodgment of a planning proposal of \$6367.00 – see Attachment 1.

Once lodged, the Planning Proposal aims to amend the zoning of 191 Pitman Avenue from RU1 Primary Production to RU5 Village with a small portion as SP2 Infrastructure. This will be subject to a completed planning proposal document and report to Council at a later date.

Recommendation

That Council resolves to refuse to waive the LEP Amendment Fee of \$6,367.00.

Council Resolution

That Council resolves to refuse to waive the LEP Amendment Fee of \$6,367.00.

Moved Cr Rodda, Seconded Cr. Heywood

CARRIED UNANIMOUSLY

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

For the Motion: Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood,

Linklater, Nichols and Rodda.

Against the Motion: Nil.

9.15 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO REZONE PART OF LOT 1 DP 1193874, KELSO STATION, POONCARIE ROAD, WENTWORTH

File Number: RPT/22/51

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

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

attraction

At 07:28 pm Councillor Tim Elstone left the Council Chambers.

At 07:28 pm Councillor Daniel Linklater assumed the Chair

Summary

Council resolved to continue to support this planning proposal at the Ordinary Meetings held 16 September 2020 and 14 April 2021.

At the meeting held 14 April 2021, Council resolved to proceed with this planning proposal and refer it to the Minister for Planning and Public Spaces for consideration of finalising the planning proposal, preparing the plan and notification of the amendment on the legislative website. This was requested as the delegation for making the plan was removed from Council's responsibility due to the objection received from the Department of Primary Industry – Agriculture.

Refer to Attachment 1 Council Meeting Agenda and Minutes 14 April 2021.

The Department of Planning, Industry and Environment (DPIE) requested some further considerations and modifications to the planning proposal prior to making a final decision of the amendment.

Recommendation

That Council:

- 1. Resolve to continue to support and proceed with the Planning Proposal and request the Minister for Planning and Homes to approve and finalise the Planning Proposal, including the preparation of the plan and notification of the amendment on the legislative website.
- Resolve to accept and support the submission from the proponent in response to the concerns raised by Department of Planning, Industry and Environment and NSW State Emergency Services.
- 3. Resolve to request an extension to the Gateway Determination timeframe completion date, subject to the necessary time that the Department of Planning, Industry and Environment would estimate that they would require to finalise the planning proposal and notification to be made on the legislative website.
- 4. Resolve to submit a request to the Department of Planning, Industry and Environment to prepare the associated planning proposal amendment mapping on Council's behalf.
- 5. Resolve to advise the Department of Planning, Industry and Environment that a Rural Residential Strategy will be prepared and finalised during 2022 and the Flood Risk

Management Committee will be established early in 2022 to facilitate the progression of the Flood Study project.

Council Resolution

That Council:

- Resolve to continue to support and proceed with the Planning Proposal and request the Minister for Planning and Homes to approve and finalise the Planning Proposal, including the preparation of the plan and notification of the amendment on the legislative website.
- Resolve to accept and support the submission from the proponent in response to the concerns raised by Department of Planning, Industry and Environment and NSW State Emergency Services.
- 3. Resolve to request an extension to the Gateway Determination timeframe completion date, subject to the necessary time that the Department of Planning, Industry and Environment would estimate that they would require to finalise the planning proposal and notification to be made on the legislative website.
- 4. Resolve to submit a request to the Department of Planning, Industry and Environment to prepare the associated planning proposal amendment mapping on Council's behalf.
- Resolve to advise the Department of Planning, Industry and Environment that a Rural Residential Strategy will be prepared and finalised during 2022 and the Flood Risk Management Committee will be established early in 2022 to facilitate the progression of the Flood Study project.

Moved Cr Crisp, Seconded Cr Cooper

CARRIED UNANIMOUSLY

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

For the Motion: Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood,

Linklater, Nichols and Rodda.

Against the Motion: Nil.

.

At 08:20 pm Councillor Tim Elstone returned to Council Chambers.

At 08:20 pm Councillor Tim Elstone resumed the Chair

9.16 RECLASSIFICATION OF LAND TO OPERATIONAL

File Number: RPT/21/695

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 3.0 Wentworth is a community that works to enhance and

protect its physical and natural assets

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

Summary

Section 31(2) of the *Local Government Act 1993* (the Act) notes that before Council acquires land, or within three months after it acquires land, Council may classify the subject land by resolution.

The purpose of classification is to identify Council owned land which should be kept for use by the general public (community) or for Council purposes (operational).

A resolution of Council, within the timeframe prescribed in the Act is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land which restricts its use.

Recommendation

That Council classifies the following parcels of land as Operational Land:

- Lot 200 Deposited Plan 1252696 for the purpose of the Buronga River Boat Sewer Pump Out Station (EDS)
- Lot 102 Deposited Plan 1254150 for the purpose of stormwater infrastructure and raw water stand pipe.

Council Resolution

That Council classifies the following parcels of land as Operational Land:

- Lot 200 Deposited Plan 1252696 for the purpose of the Buronga River Boat Sewer Pump Out Station (EDS)
- Lot 102 Deposited Plan 1254150 for the purpose of stormwater infrastructure and raw water stand pipe.

Moved Cr. Nichols, Seconded Cr Beaumont

9.17 DELEGATED AUTHORITY APPROVALS AS AT END OF NOVEMBER 2021

File Number: RPT/22/10

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 November 2021, a total of 17 Development Applications and one S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$3,687,880.00. This brings the year to date total to 184 Development Applications and 29 S4.55 Applications approved, with an estimated development value of \$30,363,337.00

Recommendation

- a) That Council receives and notes the report for the month of November 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 November 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 Rodda

CARRIED UNANIMOUSLY

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

For the Motion: Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood,

Linklater. Nichols and Rodda.

Against the Motion: Nil.

9.18 DELEGATED AUTHORITY APPROVALS AS AT END OF DECEMBER 2021

File Number: RPT/22/12

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 December 2021, a total of 10 Development Applications and three S4.55 Modification Applications were determined under delegated authority by the Director Health and Planning.

The estimated value of the determined developments was \$2,344,720.00. This brings the year to date total to 194 Development Applications and 32 S4.55 Applications approved, with an estimated development value of \$32,708,057.00

Recommendation

- a) That Council receives and notes the report for the month of December 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 December 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 Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

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

For the Motion: Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Heywood,

Linklater, Nichols and Rodda.

Against the Motion: Nil.

9.19 PROJECTS AND WORKS REPORT UPDATE - JANUARY 2022

File Number: RPT/21/724

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 December and January 2021.

Recommendation

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

Council Resolution

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

Moved Cr Rodda, Seconded Cr Beaumont

9.20 REDEVELOPMENT OF THE WENTWORTH SHIRE CIVIC CENTRE PROJECT UPDATE

File Number: RPT/22/48

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 is to include detail of project progress, identify any budget variances that may impact on the project, and recognise any issues that may have an adverse impact on the works.

Council allocated funding within the 2020-21 and 2021-22 Operational Plans for the redevelopment and upgrade of the Wentworth Shire Civic Centre, formerly the old Wentworth Services Club building. The redevelopment was identified as a significant capital project.

Council on 26 June 2019, accepted a tender from GSD Architects to undertake project management of the building redevelopment. Accordingly, GSD Architects were engaged to manage various phases of the said 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's 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 to the region successfully utilise.

Concept Plans including render displays and finish selections for the Wentworth Shire Civic Centre Building Entrance, Library and Courtyard, Public Meeting Room (*Wentworth Community Space and Convention Centre*), Public Kitchen, and Reception were placed on public exhibition from 24 May to 4 June 2021. A total of 9 community submissions were lodged with Council providing feedback to the said plans. Some submissions required no further action, while others require further consideration on the engagement of a curator for the development of interpretive and interactive themes proposed within the Wentworth Shire Visitor Information and Experience Centre.

Council have been successful in securing the following funding:

Funding Program	Funding Amount excluding GST
2019/20 Public Library Infrastructure Grant (State Library of New	
South Wales) for the Relocation of the Wentworth Shire Library.	\$500,000.00
Round 7 of the Resources for Regions Program for the relocation of	
the Wentworth Visitor Information Centre to the Civic Centre.	\$941,023.00
Phase 2 of the NSW Government Local Roads and Infrastructure	
Program Extension for the construction of the Wentworth Library	
Outdoor Riverfront Gathering Space (Library Courtyard).	\$487,539.00

Round 3 of the Federal Government's Economic Development	
Program for the Wentworth Community Space and Convention	
Centre.	\$713,339.00

Council lodged an application for funding in the amount of \$713,339.00 excluding 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 excluding GST was submitted with the Regional Tourism Activation Fund on 11 August 2021, for the Wentworth Interpretive Centre Development (*Wentworth Shire Visitor Information and Experience Centre*). Successful projects were expected to be announced in November 2021, however, announcements have been delayed to early 2022.

Recommendation

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

Council Resolution

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

Moved Cr. Heywood, Seconded Cr Cooper

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

10.1 BURONGA / GOL GOL WATER ISSUES

Cr Susan Nichols requested if it was possible to assess the cost for a new water tower at the southern end of the Shire as it is required and Council has \$10.5M in the water fund. Also water pressure in Wentworth is a problem and could it be assessed at the same time

The Director of Roads and Engineering advised that Public Works Advisory are working on the Integrated Water Cycle Management Strategy for the whole Shire and the Buronga / Gol Gol issue has been highlighted to them as an urgent issue. It has been requested that this be looked at first. The Director advised he will follow up with Public Works Advisory. He also advised there are no outstanding customer request regarding this matter.

Cr Crisp requested the matter be escalated to the Minister overseeing Public Works Advisory to get the Strategy completed in a timely manner.

10.2 AUSTRALIA DAY EVENT AT JUNCTION PARK

Cr Jo Rodda requested that the power provided at Junction Park be investigated as there was an issue on the day. Cr Rodda also queried why the road was closed off to the park.

The General Manager advised there was a risk assessment completed and it was determined to close the road to traffic.

10.3 POWER BOLLARDS AT JUNCTION PARK

Cr Greg Evans asked investigation be carried out in regard to the safety of the power bollards in relation to water inundation.

10.4 JUNCTION PARK EVENT AND SPONSORSHIP OF EVENTS

Cr Brian Beaumont commented that the event could have been better promoted and asked if there are any conditions attached to sponsorship we provide to events.

The General Manager advised that it is up to the event organisers to promote the events, Council provides sponsorship but is not the host of the event. He also advised there are no conditions put on sponsorship

10.5 CURLWAA BOAT RAMP

Cr Steve Heywood asked when the Curlwaa Boat ramp will be fixed.

The Director of Roads and Engineering advised that the contractors have been contacted and they are returning after Easter to rectify the ramp.

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 Tender for replacement of Plant 41 110HP Tractor. (RPT/22/37)

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 Wentworth Shire Civic Centre Redevelopment - Stage One - Courtyard - PT2122/05. (RPT/22/49)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for

business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

Council Resolution

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

Moved Cr. Evans, Seconded Cr Linklater

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 PLANT REPLACEMENT - APPROVAL OF TENDER FOR REPLACEMENT OF PLANT 41 110HP TRACTOR

File Number: RPT/22/37

Responsible Officer: Geoff Gunn - Director Roads and Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Allan Eastmond - Manager Works

Objective: 3.0 Wentworth is a community that works to enhance and

protect its physical and natural assets

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

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council accepted the tender from Agg-Tech Machinery for the supply of one Massey Ferguson MF5711S Tractor for the sum of \$149,404.20 inc GST, and accepted the trade price of \$64,750.00 inc GST for the Council owned John Deere 4WD Tractor, plant item 41 with a total changeover price of \$84,654.20 inc GST.

12.2 WENTWORTH SHIRE CIVIC CENTRE REDEVELOPMENT - STAGE ONE - COURTYARD - PT2122/05

File Number: RPT/22/49

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

Reporting Officer: Rachael Withers - Subdivision Officer

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

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

expand

REASON FOR CONFIDENTIALITY

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

The General Manager advised that Council in accordance with the provisions of the Local Government (General) Regulation 2005, Section 178(1)(a) accepted the tender from CPM Building Contractors Pty Ltd to carry out the construction of the Wentworth Shire Civic Centre Courtyard for Contract PT2122/05, in the amount of \$647,148.00 GST inclusive, and authorises the Mayor and General Manager to sign the contract documentation and affix the Council Seal and that Council concurred to post tender negotiations being undertaken by Council officers with CPM Building Contractors Pty Ltd for relocation and/or decommissioning of the existing fire service pit, with an upper limit allowance of \$20,000.00 GST inclusive budgeted as a provisional sum to undertake the said work.

13 CONCLUSION OF THE MEETING

Meeting closed at 8:37pm

NEXT MEETING

16 February 2022

CHAIR

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

File Number: RPT/22/116

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

Troporting Officer. Cayle Marsdell Exceditive 7.5515tant

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 8 February 2022.

Additional Information

Nil

Attachments

1. Outstanding Action List as at 8 February 2022 U

Date From: Date To:	Printed: Wednesday, 9 February 2022 12:30:07 PM	Action Record (latest first)	04 Feb 2022 2:41pm Rule, Simon There is nothing that Council can do in this situation. The Local Government Act allows for organisations that meet the definition of a Public Benevolent Institution to exempt for paying rates. Completed	08 Feb 2022 11:26am Kampman, Tarryn The bollards are designed and approved to be water proof. Note long periods of inundation, would require electrical inspection and minor cleaning and repair works. Also, all power to the site and metering point will be isolated during a flooding event. Action Complete.	08 Feb 2022 11:05am Kampman, Tarryn Follow up meeting undertaken on the 8/02/22 with both Public Works and DPIE to confirm project escalation, appropriate scope and design together with funding options.
Division: Committee: Ordinary Council Officer:	Outstanding Action Items Report	Item	Cr Don McKinnon requested that investigations be carried out to see if there is a way for these organisations to pay rates.	Cr Greg Evans asked investigation be carried out in regard to the safety of the power bollards in relation to water inundation.	Cr Susan Nichols requested if it was possible to assess the cost for a new water tower at the southern end of the Shire as it is required and Council has \$10.5M in the water fund. Also water pressure in Wentworth is a problem and could it be assessed at the same time. The Director of Roads and Engineering advised that Public Works Advisory are working on the Integrated Water Cycle Management Strategy for the whole Shire and the Buronga / Gol Gol issue has been highlighted to them as an urgent issue. It has been requested that this be looked at first. The Director advised he will follow up with Public Works Advisory. He also advised there are no outstanding customer request regarding this matter. Cr Crisp requested the matter be escalated to the Minister overseeing Public Works Advisory to get the Strategy completed in a timely manner.
Division: Committe Officer:	0	Title	Benevolent Organisatio ns Rates	Power Bollards at Junction Park	Buronga / Gol Gol Water issues
		Item	10.1	10.3	10.1
		Meeting	Ordinary Council 17/11/202 1	Ordinary Council 31/01/202 2	Ordinary Council 31/01/202 2

7 MAYORAL AND COUNCILLOR REPORTS

Nil

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 MAYORAL REPORT

File Number: RPT/22/77

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 Elstone for the period of 27 January 2022 - 8 February 2022.

Recommendation

That Council notes the information contained in the Mayoral report.

Detailed Report

The following table lists the meetings attended by Mayor Elstone for the period of 27 January 2022 – 8 February 2022.

ZOZZ O I ODITALIY		
Date	Meeting	Location
31 Jan 2022	MDA Board Meeting	Video Conference
31 Jan 2022	Mayoral Meeting	Wentworth
31 Jan 2022	Pre Meeting Briefing	Wentworth
31 Jan 2022	Ordinary Council Meeting	Wentworth
1 Feb 2022	Mayoral Meeting	Wentworth
2 Feb 2022	Transgrid Meeting	Wentworth
3 Feb 2022	Meeting NSW Police Commissioner	Dareton
6 Feb 2022	Community Strategic Plan Community Consultation	Anna Branch Hall
8 Feb 2022	Mayoral Meeting	Wentworth

Attachments

Nil

9.2 GENERAL MANAGER'S REPORT

File Number: RPT/22/78

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

Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

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

1. OLG Circulars

Circular 22-01

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 22-01

Local Government Code of Accounting Practice and Financial Reporting 2021-22

The Code must be used by councils and JOs to prepare their annual financial statements in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

2. Meetings

Following is a list of meetings or events attended by the General Manager for the period of 27 January 2022 – 8 February 2022.

Date	Meeting	Location
31 Jan 2022	Mayoral Meeting	Wentworth
31 Jan 2022	Pre-Meeting Briefing	Wentworth
31 Jan 2022	Ordinary Council Meeting	Wentworth
1 Feb 2022	South West Renewable Energy Zone Regional Meeting	Video Conference
2 Feb 2022	Transgrid/Secure Energy Meeting	Wentworth

3 Feb 2022	NSW Police Commissioner	Dareton
4 Feb 2022	Community Strategic Plan Community Consultation BMEET	Dareton
6 Feb 2022	Community Strategic Plan Community Consultation	Anna Branch Hall
8 Feb 2022	Mayoral Meeting	Wentworth

3. Events

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

			1 3
Date	Meeting	Proposed Attendees	Location
23 Feb 2022	MDA Strategic Planning Meeting	Cr Heywood and Cr Evans	Video Conference
28 Feb – 2 Mar 2022	LGNSW Special Conference	Mayor and General Manager	Sydney
		-	

4. Other items of note

Nil

Attachments

Circular 22-01

Item 9.2 - Attachment 1 Circular 22-01



Circular to Councils

Circular Details	22-01 / 24 January 2022 / A796990
Previous Circular	N/A
Who should read this	General Managers / Financial accounting business areas
Contact	Policy Team / (02) 4428 4100 / code@olg.nsw.gov.au
Action required	Council/Joint Organisations to implement

Local Government Code of Accounting Practice and Financial Reporting 2021-22

What's new or changing

- The final Code of Accounting Practice and Financial Reporting (Code) is available for preparing councils' 2021-22 financial statements.
- A Joint Organisation (JO) Supplement to the Code is available for preparing JO 2021-22 financial statements.

What this will mean for your council/JO

• The Code must be used by councils and JOs to prepare their annual financial statements in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Key points

- The Code has been prepared in accordance with the *Local Government Act* 1993, the Australian Accounting Standards and other requirements.
- Changes highlighted in yellow are new for 2021-22.
- Councils and JOs should carefully review the key changes in this year's Code, which are also detailed within the *Summary of key changes to the Code 2021-22*.
- The JO Supplement to the Code supports JOs preparing financial statements.
- The introduction and overview of the Code provides guidance to JO's on the application of the JO Supplement.
- The Code has been developed in consultation with the Code Working Group, which involves key stakeholders, including the NSW Audit Office, council and JO representatives, external auditors and Local Government NSW.

Where to go for further information

- OLG's website has the:
 - Code comprising of five documents:
 - 1. General Purpose Financial Statements (Section 1)
 - 2. Joint Organisations Supplement (Section 2)
 - 3. Special Purpose Financial Statements (Section3)
 - 4. Special Schedules (section 4), and
 - 5. Appendices (Section 5)
 - Summary of key changes to the Code 2021-22

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

Item 9.2 - Attachment 1 Circular 22-01

OLG's Accounting Practice page can be found here:

https://www.olg.nsw.gov.au/councils/council-finances/financial-reporting/local-government-code-of-accounting-practice-and-financial-reporting/

Brett Whitworth

Group Deputy Secretary, Planning Delivery and Local Government

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

9.3 POLICY REVIEW - OFFICE OF GENERAL MANAGER

File Number: RPT/22/117

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

After each general election of Councillors, the *Local Government Act 1993* requires Council to review all official policies of Council. There are currently 73 policies in place of which 21 are the responsibility of the Office of the General Manager.

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

Recommendation

That Council adopt the following revised policies:

- a) Flag Policy, Protocols and Guidelines (CC003)
- b) Welcome and Acknowledgement of Country (CC004)
- c) Employee Provisions Policy (WR002)

That Council adopt the draft Code of Meeting Practice (GOV018) and place on public exhibition for a period of 28 days, as required under the Act.

Detailed Report

Purpose

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

Background

After each general election of Councillors, the Act requires Council to review all official policies of Council. There are currently 73 policies in place of which 21 are the responsibility of the Office of the General Manager.

Report Detail

For this report staff within the Office of the General Manager have reviewed the following policies:

CC003 - Flag Policy, Protocols and Guidelines

CC004 - Welcome and Acknowledgement of Country

WR002 – Employment Provisions Policy

GOV018 - Code of Meeting Practice

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

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

Conclusion

The Local Government Act 1993 requires Council to review its official Council Policies following a general Election of Council. The Office of the General Manager is currently responsible for 21 Council policies. For this Council meeting the department has reviewed four policies and are presenting them to Council for adoption.

Attachments

- 1. Draft Flag Policy, Protocols and Guidelines CC003.
- 2. Draft Welcome to Country Policy CC004.
- 3. Draft Employee Provisions Policy WR002 U
- Revised Code of Meeting Practice GOV018

Word Document Reference: Record Number

Council Policy No: CC003

FLAG POLICY, PROTOCOLS AND GUIDELINES

POLICY OBJECTIVE

The intent of this policy is to establish suitable protocol guidelines for the flying of flags on Wentworth Shire Council premises; the Australian flag, the Aboriginal and Torres Strait Islander flags and other flags.

1. POLICY STATEMENT

This policy is to ensure that Wentworth Shire Council establishes systems which deal with the establishment of suitable guidelines for the flying of flags on Wentworth Shire Council premises.

2. POLICY COVERAGE

This policy applies to all areas of Council's operations and covers all Council premises where Council displays flags. Unless otherwise stated, this policy is applicable to the flying of the Australian flag, Aboriginal and Torres Strait Islander flags and other flags on Council's properties.

3. STRATEGIC PLAN LINK

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

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

4. BACKGROUND INFORMATION

Wentworth Shire Council aims to communicate a clear procedure with specific guidelines of when and how flags are to be flown to establish a consistent approach of flying flags in Council's control.

5. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition		
-----------	------------	--	--

6. POLICY CONTENT

It is the policy of this council that the flying of flags on its premises is consistent with the protocols set by the Australian Federal Government in instances where it has control over the display or management of flags.

The Australian and Aboriginal flags will be raised and flown together as per Australian flag raising protocols as per the Flags Act 1953 (Cth) and Australian National Flag Protocols developed by the Department of the Prime Minister and Cabinet each council working day and the following Public Holidays:

- 26 January Australia Day
- 25 April Anzac Day

7. RELATED DOCUMENTS & LEGISLATION

Flags Act 1953 (Cth)

Australian National Flag Protocols

Word Document Reference: Record Number

Council Policy No: CC003

FLAG POLICY, PROTOCOLS AND GUIDELINES

8. ATTACHMENTS

Nil.

9. DOCUMENT APPROVAL

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

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

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

General Manager Wentworth Shire Council	Date
Signed:	date.
	Click here to enter a

Word Document Reference: Record Number

Council Policy No: CC004

WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

POLICY OBJECTIVE

This Council policy provides guidance concerning the use of a Welcome to Country by traditional custodians and an Acknowledgement of Country and when these are to be conducted at certain Wentworth Shire events, ceremonies, meetings, functions or on Council's written communications.

1. POLICY STATEMENT

The intent of this policy is to establish suitable protocol guidelines for Wentworth Shire Council to apply in a situation where it is appropriate for a Welcome to Country or an Acknowledgement of Country.

2. POLICY COVERAGE

This policy is applicable to any event where it would be appropriate for a Welcome to Country or an Acknowledgement of Country which precede and activity or event. It is also applicable to Council's formal communications and website.

3. BACKGROUND INFORMATION

Welcome to Country

A Welcome to Country is where the traditional Aboriginal custodian or Elder welcomes people to their land.

A Welcome to Country always occurs at the opening of an event and is usually the first item on the program. The local Aboriginal custodians or traditional owners conduct the ceremony. This may be done through a speech, song, ceremony, or a combination of these things.

Not all Aboriginal people can perform a Welcome to Country, as it must be given by an appropriate person, such as a recognised Elder within the local community. The traditional custodians should be consulted on this matter.

Acknowledgement of Country

Acknowledgement of Country is a way that the Council can demonstrate respect for Aboriginal protocol and can be performed by any individual, Aboriginal and Torres Strait Islander or other Australians, participating in an occasion of any kind. The Council takes the Acknowledgement of Country to be a demonstration of respect dedicated to the traditional custodians of the land where the event or gathering is being conducted.

The Acknowledgement of Country comprises a short statement at the beginning of the opening speech. It is to be included prior to other acknowledgements and formalities.

4. STRATEGIC PLAN LINK

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

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

5. POLICY CONTENT

It is the policy of this Council to use a Welcome to Country and/or the Acknowledgement of Country as follows:

5.1 Welcome to Country

- 5.1.1 It is the responsibility of the people organising the event to ensure, if required, that the traditional custodians are involved in the Welcome to Country.
- **5.1.2** When organising an event requiring a Welcome to Country, organisers are to provide the traditional custodians with information on the theme and purpose of the event.

Page **1** of **3**

Word Document Reference: Record Number

Council Policy No: CC004

WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

- **5.1.3** Appropriate lead time should be given to the traditional custodians when organising a Welcome to Country.
- 5.1.4 In general, a Welcome to Country will be performed where there are invited members of the public and/or dignitaries in attendance.
- **5.1.5** Examples of events where it would be desirable for a Welcome to Country to be performed by an Aboriginal Elder from the local community on which the event is taking place include:
 - Official Welcome to Wentworth Shire
 - Community engagement events involving visiting dignitaries
 - Opening of new buildings or facilities
- 5.1.6 It may not always be possible to organise a Welcome to Country at such events and functions; in such situations, an Acknowledgement of Country is the minimum requirement.

5.2 Acknowledgement of Country

- 5.2.1 It is the responsibility of the chair of the meeting or host or master of ceremonies of the event to ensure that the Acknowledgement of Country takes place in an appropriate manner
- 5.2.2 It is appropriate for the host of the ceremony to make the Acknowledgement, unless another person has been asked to perform the acknowledgement.
- **5.2.3** The following text can be used in Acknowledgement of Country for an event or meeting:
 - "I would like to pay my respect and acknowledge the Traditional Custodians of the land on which we are meeting and pay my respects to Elders past, present and emerging."
- **5.2.4** The following text can be used on Council communications as an Acknowledgement of Country:
 - "We acknowledge the traditional owners of the land on which we live and work, and pay our respects to their elders past, present, and emerging"
- 5.2.5 It is recommended that at a minimum the following events and written communications should include an Acknowledgement of Country:
 - Awards Nights
 - Council functions not involving visiting dignitaries
 - NAIDOC week events
 - Council email communications
 - Formal Council correspondence
 - Council's website

6. RELATED DOCUMENTS & LEGISLATION

N/A

7. ATTACHMENTS

Nil.

Word Document Reference: Record Number

Council Policy No: CC004

WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

8. DOCUMENT APPROVAL

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

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

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

Signed:	date.
General Manager Wentworth Shire Council	Date

Word Document Reference: Record Number

Council Policy No: WR002

EMPLOYEE PROVISIONS POLICY

POLICY OBJECTIVE

This official council policy deals with employment provisions that are provided to Wentworth Shire Council employees, and more particularly, clearly highlight any variations or additional considerations to entitlements that are provided within the Local Government State Award. This official council policy deals with employment provisions that are provided to Wentworth Shire Council employees, and more particularly, clearly highlight any variations or additional considerations to entitlements that are provided within the Local Government State Award.

1. POLICY STATEMENT

The intent of this policy to provide a summary of the employment provisions that are provided to employees of Council and to establish applicable limitations, terms and conditions to the benefits provided by either the Award or through this policy.

2. POLICY COVERAGE

This policy applies to all areas of Council's operations and covers all employees under the provisions of the Local Government State Award 2020. Where there is a contradiction between the policy and the Award, the Award conditions shall prevail.

3. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Award	Local Government (State) Award 2020 and any subsequent amendments
The Act	Local Government Act 1993 and regulations and amendments

4. POLICY CONTENT

It is the policy of this Council that:

- The provisions outlined in this policy apply to employees who are employed under the Local Government State Award.
- Where an employee is retained on a Senior Service Contract employment provisions shall be stipulated within each contract. Where the contract is silent, this policy and the Award conditions shall prevail.
- Where Council makes provisions under this policy that are over and above the Award provisions their continuance is not guaranteed and may be amended, reviewed or revoked by Council at any time.
- The requirements and application timeframes for staff leave are shown in Schedule 1 (which may be amended by the General Manager from time to time). All Employees must adhere to the requirements and application periods set out in Schedule 1 of this policy.
- All new employees must acknowledge that they have read this policy by signing a copy of the policy and such copy will be placed on the personnel file.
- In addition to the previous requirements of the Award, Council stipulates the following:

4.1. Standard Hours of Employment

Page 1 of 9

Word Document Reference: Record Number

Council Policy No: WR002

EMPLOYEE PROVISIONS POLICY

- 4.1.1. In accordance with the Award, standard hours of employment, including start and finish times and days worked, will be established in the employee's letter of offer.
- 4.1.2. Any changes to the standard hours of employment must be approved and documented by the General Manager.

4.2. Payment for Relief Duties/Work

- 4.2.1. Higher duties for all positions except those of a Director or that of the General Manager are as per the provisions of the Award Section 10.
- 4.2.2. Where an officer (who is not employed under a Senior Executive Contract) is appointed by Council to the position of Acting General Manager or Acting Director, higher duties will be paid at a negotiated, pre-determined rate of pay that will reflect the actual duties undertaken during that period.
- 4.2.3. All higher duty arrangements must be agreed to in writing prior to the commencement of the position. No payments will be back-dated.

4.3. Higher Duties – Plant Operations

The operational classifications of plant items (which may be amended from time to time by the General Manager) are shown in Schedule 2 of this policy.

The provisions of the Award will apply to Labourers employed under Operational Band 3 who are requested to operate an Operational Band 4 item of plant for a period of not less than 1 hour and not more than five days. In all such cases, the following applies:

- 4.3.1. Other than in extenuating circumstances, no higher duties payments will be made or back-dated unless the higher duties have been approved by the immediate supervisor prior to the commencement of work.
- 4.3.2. Higher duties payments are not made where an employee is receiving supervised training in the use of plant items.

4.4. Overtime and Time in Lieu Provisions

Overtime provisions are as per the Award, noting that:

- 4.4.1. Overtime will only be paid where an employee is specifically requested to commence work before the agreed commencement of ordinary time, or later than the agreed completion of ordinary hours.
- 4.4.2. Approval to work overtime must be in writing and approved prior to being taken (and only those with an authorized delegation can approve overtime). Any work conducted without prior approval may not be paid as overtime.
- 4.4.3. In accordance with Section 20(vi) of the Award, employees may elect to be paid at the appropriate overtime rate, or be granted time in lieu equivalent to actual hours worked.
- 4.4.4. It is Council policy that accrued time in lieu is taken before any other voluntary leave is granted, and must be used within three months of it being accrued.
- 4.4.5. Overtime is not payable whilst an employee is undertaking training.

Time in Lieu accruals will not be paid out and must be taken as leave, except in the situation where the employee resigns and it is not possible for the leave to be taken prior to their termination date.

Page **2** of **9**

Word Document Reference: Record Number

Council Policy No: WR002

EMPLOYEE PROVISIONS POLICY

4.5. Rostered Days Off (RDO's)

- 4.5.1. The entitlement to RDO's shall be established in the employee's letter of offer, and is generally available to staff working 75 hours per fortnight (whose standard hours of employment will be 8.30am to 5.00pm, five days per week with a one-hour unpaid meal break).
- 4.5.2. Where an employee is entitled to RDO's, they shall work 75 hours in the fortnight and be paid for 70 hours each fortnight. The remaining five hours each fortnight is accrued towards the RDO.
- 4.5.3. An employee will normally accrue 15 RDO's at the ordinary rate of pay each year, with three of these being expected to be taken over the Christmas break. Leave will be deducted from other leave entitlements. Where all leave entitlements have been exhausted, the employee will be required to take leave without pay over the Christmas break.
- 4.5.4. Staff will not be permitted to accrue more than five RDO's at any given time, unless specifically agreed to by their Director.
- 4.5.5. RDO arrangements are to be authorized within each Directorate in accordance with departmental requirements.
- 4.5.6. Staff with excess of five RDO's will be requested to provide their Directorate with a plan to reduce the RDO hours to an acceptable level within the calendar year.
- 4.5.7. RDO accruals will not be paid out and must be taken as leave, except in the situation where the employee resigns and it is not possible for the leave to be taken prior to their termination date.

4.6. <u>Leave Provisions – Annual Leave</u>

As per the award, refer to Schedule 1 for requirements.

It is to be noted that Part B West of the Line Provisions includes the Wentworth Shire Council.

- 4.6.1. An employee will normally be allowed to accrue a maximum of 8 weeks of Annual Leave. Staff who have in excess of 8 weeks of Annual Leave will be requested to provide their Director with a plan to reduce the excess Annual Leave hours to an acceptable level.
- 4.6.2. Any request for leave without pay must be forwarded to the Manager of Human Resources for assessment, then to the General Manager for approval.

4.7. <u>Leave Provisions – Sick Leave</u>

As per the award, refer clause 22A for requirements.

4.8. Leave Provisions – Carers Leave

As per the award, refer clause 22B for requirements.

4.9. Bereavement and Compassionate Leave

Leave is granted as per section 22J of the award.

If the relationship of the deceased person is not set out in Section 22, Item J of the Award, leave taken including for attendance at a funeral is to be taken from other voluntary leave entitlements.

Word Document Reference: Record Number

Council Policy No: WR002

EMPLOYEE PROVISIONS POLICY

4.10. Corporate Uniform & Personal Protective Equipment (PPE)

The intent of providing a corporate uniform and personal protective clothing is to promote a professional and corporate image of all staff employed by Wentworth Shire Council.

- 4.10.1. Staff will be provided with an initial uniform/PPE allocation and a limited annual allocation of replacement items, which will be subject to annual budget determinations.
- 4.10.2. Part time staff shall receive a pro-rata allowance based on the conditions of their work. Temporary and casual staff shall be considered on an individual basis subject to positional requirements and duration of employment. The initial uniform/PPE allocation is set out in Schedule 3 of this Policy.
- 4.10.3. Where safety footwear is not provided by Council all footwear worn to work by employees must:
 - (a) Be appropriate for the task to be performed
 - (b) Reduce risk of injury
 - (c) Have a back or strap
 - (d) Not be slip-ons or thongs (including fashion thongs)
- 4.10.4. Shorts are not permitted to be worn by an employee and skirts shorter than midthigh are not permitted.
- 4.10.5. It is a condition of employment that a corporate uniform/PPE provided under this policy shall be worn at all times whilst on duty or representing Council. Discretion can be used where employees are attending conferences and events outside normal working hours. The General Manager may from time to time approve casual dress days for special occasions or fundraising events.
- 4.10.6. Due to the nature of some positions within Council, individuals can seek variation from the choice of uniform clothing, but all variations must be approved by the General Manager. To comply with Work Health and Safety requirements, staff must at all times wear clothing that is safe for the tasks that are being performed.

4.11. Superannuation and Superannuation Seminars

- 4.11.1. In accordance with the provisions of the *Industrial Relations Act (1996)* Section 124, Wentworth Shire Council offers staff the ability to choose the superannuation fund to which they contribute.
- 4.11.2. Council will grant paid time to employees to attend superannuation seminars, provided that such seminars do not unduly interfere with the day to day running of the Council.

4.12. Recognition of Service

Council values the contribution and commitment of its employees and officially recognises employees who exceed five years continuous service.

In recognition of various employment milestones, a presentation will be made to employees in line with the limits established in Schedule 4 of this policy. In the case of employees who resign or retire after more than 5 years of continuous service they will be presented with a corporate gift to the value of \$50, with increments of \$10 thereafter for each year of service.

Page **4** of **9**

Word Document Reference: Record Number

Council Policy No: WR002

EMPLOYEE PROVISIONS POLICY

4.13. Staff Gratuity Scheme

- 4.13.1. Staff employed on or after 19 June 2013 do not have any entitlements to the gratuity scheme.
- 4.13.2. Staff employed prior to 19 June 2013 shall maintain an entitlement to the staff gratuity scheme as follows.
 - Employees who complete 10 years of service are eligible for a gratuity of \$1500 and for every completed year thereafter a gratuity of \$300 be paid.
 - Employees are not permitted to cash out gratuity scheme entitlements.

4.14. Working from Home

- 4.14.1. The consideration of a working from home arrangement will be done so on the completion and submission of the relevant paperwork (found on Council's Intranet) to the Office of the General Manager. Employees entering into an approved working from home arrangement will need to agree to pre-defined measure to ensure the arrangement provides benefits both operationally and the employee. This may include, but is not limited to:
 - a) Keeping logs of work completed at home;
 - b) Defining the scope of work that is due to be completed while working from home;
 - c) Random network access checks to ensure compliance with the working from home agreement.
- 4.14.2. Council requires an ergonomic assessment of the home workspace, and an assessment regarding the WHS risks/hazards associated with the home working area. If it is determined that the workspace could increase the employee's risk of harm, Council will notify the employee and refuse the application.
- 4.14.3. If an employee is found to be not performing their duties at an acceptable level while working from home, Council retains the right to terminate the working from home agreement through the performance management process and requires the employee to work from Council's designated office location.
- 4.14.4. Council retains the right to refuse or cease a working from home agreement request on reasonable business grounds.

5. RELATED DOCUMENTS & LEGISLATION

Nil.

Word Document Reference: Record Number

Council Policy No: WR002

EMPLOYEE PROVISIONS POLICY

6. POLICY IMPLEMENTATION

6.1. Policy Responsibilities

The General Manager, Directors, Mangers and Team Leader are responsible for making sure staff are informed about the content and enforcing the provisions of this policy.

All staff are responsible for complying with the content of this policy.

6.2. Breaches

Breaches of this policy may be dealt with as performance management issues, and/or may result in Council applying the progressive disciplinary procedure of the Award.

Misconduct and serious misconduct relating to this policy such as, but not limited to, claiming hours not actually worked, may result in Council applying penalties to employment up to and including dismissal, in accordance with the Award.

7. ATTACHMENTS

SCHEDULE 1 – LEAVE REQUIREMENTS AND APPLICATION PERIODS

Type of leave / entitlement	Requirements and Application period
Higher duties	To be agreed to in writing prior to the commencement of the higher duties.
Overtime & Time in Lieu	Refer section 4.4 of this policy
Unexpected Sick Leave, Carers leave and compassionate leave.	 Immediate Supervisor to be notified (by phone or email) of the need to take leave and expected duration. Leave form to be completed immediately upon return and accompanied by appropriate evidence, as outlined within the Award.
Extended Sick Leave & Carers leave	Request / Notification to be accompanied by appropriate medical evidence and submitted at the earliest possible time before leave is taken, or shortly thereafter.
All other leave up to 2 weeks	Request to be received between 1 and 4 weeks prior to first day of leave.
All other leave in excess of 2 weeks	Request to be received 4 weeks in advance.

Page **6** of **9**

Word Document Reference: Record Number

Council Policy No: WR002

EMPLOYEE PROVISIONS POLICY

SCHEDULE 2 – OPERATION CLASSIFICATIONS OF PLANT ITEMS

Operational Classifications of Plant Items		
Operational Band 3	Operational Band 4	
Car/Ute	Grader	
Medium Ridged Truck and below	Heavy Ridged Truck and above	
Load-all	Water Cart	
Bobcat	Dozer	
Front End Loader below 938	Front End Loader 938 and above	
Forklift	Scraper	
Ride on Mower	Jet-patcher	
Tractor	Street Sweeper	
Excavator 12 tonne and below	Excavator above 12 tonnes	
Roller		
Back-Hoe		

Word Document Reference: Record Number

Council Policy No: WR002

EMPLOYEE PROVISIONS POLICY

SCHEDULE 3 – INITIAL UNIFROM/PPE ALLOCATIONS

Indoor Staff Uniform (Full-Time, Permanent Employees Only)			
Women	Men		
1x Business suit which includes 1 jacket and any two of the following: - matching suit skirt, trousers or dress (no shorts)	1 x Business suit with 2 pairs of matching trousers (no shorts)		
1 x knitwear item – jumper or sleeveless vest	1 x Knitwear – jumper or sleeveless vest		
3 x shirt/blouse/top from approved range	3 x Collared Business Shirts from approved range		
Scarf (optional)	Tie (optional)		

Outdoor staff uniform & Personal Protective Equipment

Standard issue of: -

- 5 Shirts; 5 trousers, 2 jumpers,1 jacket and 1 hat all from Council's range
- 1 pair safety boots or shoes

Additional Items (as determined by risk assessment of task)

SCHEDULE 4 – RECOGNITION OF SERVICE AWARDS

5 Years	Recognition of Service Certificate
10 Years	Recognition of Service Certificate <u>and</u> a gift or voucher to the value of \$100
15 Years	Recognition of Service Certificate <u>and</u> a gift or voucher to the value of \$150
20 Years	Recognition of Service Certificate <u>and</u> a gift or voucher to the value of \$200
25 Years	Recognition of Service Certificate <u>and</u> a gift or voucher to the value of \$250
30 Years	Recognition of Service Certificate <u>and</u> a gift or voucher to the value of \$300
35 Years	Recognition of Service Certificate <u>and</u> a gift or voucher to the value of \$350
40 Years	Recognition of Service Certificate to be presented at a Council meeting whereby the employee will join the Councillors & the senior management team at morning tea <u>and</u> a gift or voucher to the value of \$400

Page **8** of **9**

Word Document Reference: Record Number

Council Policy No: WR002

EMPLOYEE PROVISIONS POLICY

8. DOCUMENT APPROVAL

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

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

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

Signed:	Click here to enter a date.
General Manager Wentworth Shire Council	Date



WENTWORTH SHIRE COUNCIL

CODE OF MEETING PRACTICE

(Policy GOV018, based on the 2021 Model Code of Meeting Practice)

Adopted by Council TBC

WSC CODE OF MEETING PRACTICE

This Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW. A table of the clauses amended by Wentworth Shire Council is included at the end of this document.

2021

ACCESS TO SERVICES

Main administration office:

Street Address: 26-28 Adelaide Street, Wentworth NSW 2648

OFFICE HOURS
Monday to Friday
8.30am to 5.00pm

Postal Address: PO Box 81, Wentworth, NSW 2648

Phone: 03 5027 5027

Fax: 03 5027 5000

Email: council@wentworth.nsw.gov.au
Website: www.wentworth.nsw.gov.au

Wentworth Civic Centre: (Currently Closed)

Street Address: Darling Street, Wentworth, NSW 2648

OFFICE HOURS Monday to Friday 8.30am to 5.00pm

Postal Address: PO Box 81, Wentworth, NSW 2648

Phone: 03 5027 5027

Fax: 03 5027 5000

Email:council@wentworth.nsw.gov.auWebsite:www.wentworth.nsw.gov.au

Midway Service Centre:

Street Address: Midway Drive, Buronga, NSW 2739

OFFICE HOURS Monday to Friday 9.00am to 5.00pm

Postal Address: PO Box 81, Wentworth, NSW 2648

Phone: 03 5027 5027

Fax: 03 5027 5000

Email: council@wentworth.nsw.gov.au
Website: www.wentworth.nsw.gov.au

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Wentworth Shire Council expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

Table of Contents

1	INTRODUCTION	1
2	MEETING PRINCIPLES	2
3	BEFORE THE MEETING	2
4	PUBLIC FORUMS	6
5	COMING TOGETHER	8
6	THE CHAIRPERSON	13
7	MODES OF ADDRESS	14
8	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS	15
9	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	15
10	RULES OF DEBATE	17
11	VOTING	20
12	COMMITTEE OF THE WHOLE	21
13	DEALING WITH ITEMS BY EXCEPTION	22
14	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC	22
15	KEEPING ORDER AT MEETINGS	26
16	CONFLICTS OF INTEREST	28
17	DECISIONS OF THE COUNCIL	29
18	TIME LIMITS ON COUNCIL MEETINGS	31
19	AFTER THE MEETING	31
20	COUNCIL COMMITTEES	32
21	IRREGULARITES	35
22	COUNCIL SEAL (WSC Provision)	35
22	DEFINITIONS	27

1 INTRODUCTION

This Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

In accordance with the requirements of the Act councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

Additional provisions made by resolution of the Wentworth Shire Council have been inserted using bold italicised font *(bold italicised font)*.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the

Act.

Trusted: The community has confidence that councillors and staff act ethically and

make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to

the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Not Applicable.

3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

Extraordinary meetings

3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

GOV018 WSC Code of Meeting Practice (DOC/19/765)

Page | 2

3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.

The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **seven (7)** business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 Not Applicable

GOV018 WSC Code of Meeting Practice (DOC/19/765)

Page | 3

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
 - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and

must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement regarding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

3.25 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

3.26 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

3.27 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the general manager may arrange a premeeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council via email to council@wentworth.nsw.gov.au Applications to speak at the public forum must be received by the close of business two (2) business days before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item. (EXAMPLE: for a meeting at 6.30pm on a Wednesday, notice is to be received by COB the Monday prior)
- 4.5 A person may apply to speak on no more than two (2) items of business on the agenda of the council meeting.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs two (2) business days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed three (3) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to one (1) minute.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to five (5) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.
 - Note 1: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.
 - Note 2: When a public forum is required to be held prior to a council meeting, the council meeting will be opened by the mayor at the advertised time, and then immediately adjourned for an allotted time for the purpose of conducting the public forum.
 - Note 3: A record will be kept within the council minutes detailing the adjournment of the meeting, the names of those who addressed council, and whether they spoke "for" or "against" the item of business. Additionally, the record will detail any conflicts of interest declared by councillors as per clause 4.23.

5 COMING TOGETHER

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audiovisual link under this Code
- 5.3 Not Applicable
- Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5a Requests as outlined in 5.5 can be made either in writing or via email, and must be received by the general manager at least four (4) hours prior to the commencement of the Ordinary Council meeting. A copy of the request is to be tabled by the general manager at the meeting.

5.5b Requests for Leave of Absence cannot be made by one councillor on behalf of another.

- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
 - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency or because of localised civil unrest, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
 - (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
 - (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audiovisual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a GOV018 WSC Code of Meeting Practice (DOC/19/765) Page | 11

meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- (a) the meeting is being recorded and made publicly available on the council's website,
- (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
 - (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clause 5.34 - 5.38 reflection section 236 of the Regulation.

5.39 Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the general manager and other staff at meetings

5.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.40 reflects section 376(1) of the Act.

5.41 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.41 reflects section 376(2) of the Act.

5.42 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.42 reflects section 376(3) of the Act.

- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

6 THE CHAIRPERSON

The chairperson at meetings

The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
 - (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
 - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 Not Applicable.
- The general order of business for an ordinary meeting of the council shall be: [councils may adapt the following order of business to meet their needs]
 - 01 Opening meeting
 - 02 Prayer or Acknowledgement of country
 - 03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
 - 04 Confirmation of minutes
 - 05 Outstanding matters from previous meetings
 - 05 Disclosures of interests
 - 06 Mayoral and Councillor Reports (includes Mayoral minute(s))
 - 07 Reports of committees
 - 08 Reports to council
 - 09 Notices of motions/Questions with notice
 - 10 Confidential matters
 - 11 Conclusion of the meeting
 - 8.2a The chairperson will determine whether to deliver a Prayer or Acknowledgement of Country
- 8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
 - Note: If adopted, Part 13 allows council to deal with items of business by exception.
- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
 - (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the council, or

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- (b) is the election of a chairperson to preside at the meeting, or
- (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
- (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it **should** identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council **may** defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Additional WSC provision to be read in conjunction with clause 10.11 10.1a Recommendations made in a staff report become a motion (and can then be debated) when the recommendation is both moved and seconded.

10.1b Alternatively, a staff report can be opened for debate when a councillor puts forward a lawful motion and that motion is seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
 - (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

<u>Limitations on the number and duration of speeches</u>

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.
- 11.4 Not Applicable.

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.11 Not Applicable.

Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12-11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

GOV018 WSC Code of Meeting Practice (DOC/19/765)

(i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret

 unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
 - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by close of business, two (2) business days before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **three (3)** speakers are to be permitted to make representations under clause
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the GOV018 WSC Code of Meeting Practice (DOC/19/765)

 Page | 24

agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **three (3)** speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed **one (1)** minute to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

<u>Information to be disclosed in resolutions closing meetings to the public</u>

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
 - (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

14.23 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act or Regulation or this code, or

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

- 15.12 The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) (b), or (e), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 15.15 Not Applicable.

Note: Clause 15.14 confers a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. Clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting.

- 15.16 Clause 15.15 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.17 reflects section 233(2) of the Regulation.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- **16.2** Councillors attending a meeting by audio-visual link must declare and manage any conflicts GOV018 WSC Code of Meeting Practice (DOC/19/765) Page | 28

of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later **than the close of business on the second business day after** the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
 - (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
 - (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20– 10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 11pm.
- 18.2 If the business of the meeting is unfinished at **11pm** the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **11pm** and the council does not resolve to extend the meeting, the chairperson must either:
 - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
 - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
 - (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a council meeting and of any amendments moved to it.
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
 - (f) details of a Point of Order raised at a council meeting. (to be read in conjunction with clauses 15.1-15.7)
- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
 - (a) such number of members as the council decides, or
 - (b) if the council has not decided a number a majority of the members of the committee.

Functions of committees

The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
 - (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
 - (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
 - (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

GOV018 WSC Code of Meeting Practice (DOC/19/765)

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Not Applicable.
- Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

GOV018 WSC Code of Meeting Practice (DOC/19/765)

20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 20.24 Not Applicable.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITES

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
 - (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 COUNCIL SEAL (WSC Provision)

GOV018 WSC Code of Meeting Practice (DOC/19/765)

Note: This section has been inserted by Wentworth Shire Council and follows the provisions contained within section 400 of the Local Government (General) Regulation 2005

- 22.1 Council's seal will be used only for documents that relate to the business of council, and without limiting the use of the seal, will normally only include specifically:
 - a) the exercise by Council of its functions in relation to the purchase, exchange, leasing, disposal of, and otherwise dealing with, real property, or
 - b) executing a contract of employment for the General Manager, or
 - c) completing agreements or contracts from state or federal government departments where they have requested the agreements or contracts be under seal, or
 - d) entering into planning agreements.
- 22.2 Council's seal will not be used for documents such as references or certificates of service for Council employees.
- 22.3 The seal of a council must be kept by the mayor or the general manager, as the council determines. To this end, in December 2012 Council resolved that the seal be held by the Mayor, under lock and key, in the Mayoral Chamber.
- 22.4 The seal of a council may be affixed to a document only in the presence of:
 - a) the mayor and the general manager, or
 - b) at least one councillor (other than the mayor) and the general manager, or
 - c) the mayor and at least one other councillor, or
 - d) at least 2 councillors other than the mayor.
- The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- 22.6 The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

23 DEFINITIONS

the Act	means the Local Government Act 1993	
act of disorder	means an act of disorder as defined in clause 15.11 of this	
act of disorder	code	
amendment	in relation to an original motion, means a motion moving	
	an amendment to that motion	
audio recorder		
audio-visual link	any device capable of recording speech	
audio-visuai iink	means a facility that enables audio and visual communication between persons at different places	
business day	means any day except Saturday or Sunday or any other day	
business day	the whole or part of which is observed as a public holida	
	throughout New South Wales	
chairperson	in relation to a meeting of the council – means the person	
chair person	presiding at the meeting as provided by section 369 of the	
	Act and clauses 6.1 and 6.2 of this code, and	
	in relation to a meeting of a committee – means the person	
	presiding at the meeting as provided by clause 20.11 of this	
	code	
this code	means the council's adopted code of meeting practice	
committee of the council	means a committee established by the council in	
	accordance with clause 20.2 of this code (being a	
	committee consisting only of councillors) or the council	
	when it has resolved itself into committee of the whole	
	under clause 12.1	
council official	has the same meaning it has in the Model Code of Conduct	
	for Local Councils in NSW	
day	means calendar day	
division	means a request by two councillors under clause 11.7 of	
	this code requiring the recording of the names of the	
	councillors who voted both for and against a motion	
foreshadowed amendment	means a proposed amendment foreshadowed by a	
	councillor under clause 10.18 of this code during debate on	
	the first amendment	
foreshadowed motion	means a motion foreshadowed by a councillor under clause	
	10.17 of this code during debate on an original motion	
open voting	means voting on the voices or by a show of hands or by a	
	visible electronic voting system or similar means	
planning decision	means a decision made in the exercise of a function of a	
	council under the Environmental Planning and Assessment	
	Act 1979 including any decision relating to a development	
	application, an environmental planning instrument, a	
	development control plan or a development contribution	
	plan under that Act, but not including the making of an	
norformanco improvement	order under Division 9.3 of Part 9 of that Act means an order issued under section 438A of the Act	
performance improvement order		
quorum	means the minimum number of councillors or committee	
	members necessary to conduct a meeting	
the Regulation	means the Local Government (General) Regulation 2021	
webcast	a video or audio broadcast of a meeting transmitted across	
	the internet either concurrently with the meeting or at a	
	later time	

year	means the period beginning 1 July and ending the following
	30 June

Revised Code of Meeting	a Practice GOV018
-------------------------	-------------------

9.4 MONTHLY INVESTMENT REPORT

File Number: RPT/22/96

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 January 2022 Council had \$29 million invested in term deposits and \$6,331,074.21 in other cash investments. Council received \$7,525.34 from its investments for the month of January 2022.

In January 2022 Council investments averaged a rate of return of 0.49% and it currently has \$6,778,145.40 of internal restrictions and \$22,314,271.99 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 31 January 2022 Council had \$35,331,074.21 invested with ten (10) financial institutions and two (2) Treasury Corporations.

Breakdown of Total Funds Available

Financial Institution	Amount	Percentage of Available Funds
AMP	\$2,000,616.02	5.66%
Bank of Queensland	\$1,000,000.00	2.83%
Bendigo Bank	\$4,312,424.78	12.21%
Commonwealth Bank	\$5,000,000.00	14.15%
IMB Bank	\$1,000,000.00	2.83%
Macquarie Bank	\$5,018,860.55	14.21%
Members Equity Bank	\$1,000,000.00	2.83%
National Australia Bank	\$6,000,000.00	16.98%
Westpac	\$5,000,000.00	14.15%
Suncorp	\$2,000,000.00	5.66%
Northern Territory T-Corp	\$1,000,000.00	2.83%
New South Wales T-Corp IM	\$1,999,172.86	5.66%
TOTAL	\$35,331,074.21	100.00%

Investments on Hand as at 31 January 2022

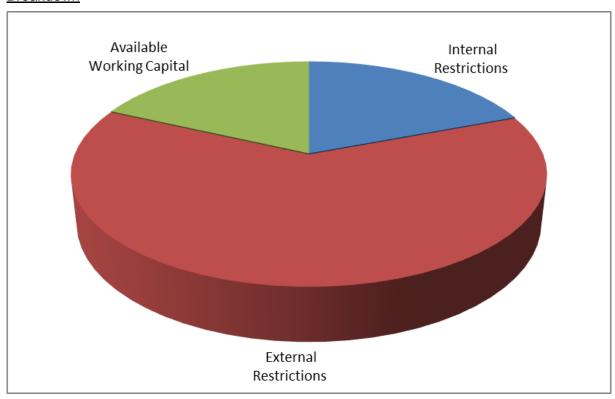
Wentworth Shire Council						
Investments on Hand as at 21st January 2022						
Investments on Hand as at 31st January 2022						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Investment Type	Amount Invested	Rating
AMP Bank	22/09/2021	22/09/2022	0.80%	Term Deposit	\$ 1,000,000.00	A2/BBB
AMP Bank	22/11/2021	22/02/2022	0.70%	Term Deposit	\$ 1,000,000.00	A2/BBB
Bank of Queensland	7/12/2021	5/09/2022	0.50%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	24/05/2021	24/02/2022	0.35%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Bendigo Bank	27/09/2021	27/06/2022	0.30%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Commonwealth Bank	11/08/2021	8/04/2022	0.32%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	20/05/2021	20/05/2022	0.39%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	15/06/2021	15/06/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	14/07/2021	14/07/2022	0.46%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Commonwealth Bank	27/08/2021	27/05/2022	0.37%	Term Deposit	\$ 1,000,000.00	A1+/AA-
IMB Bank	9/12/2021	9/03/2022	1.01%	Term Deposit	\$ 1,000,000.00	A2/BBB+
Macquarie Bank	7/10/2021	24/08/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	10/06/2021	10/03/2022	0.40%	Term Deposit	\$ 1,000,000.00	A1/A+
Macquarie Bank	3/12/2021	2/11/2022	0.50%	Term Deposit	\$ 1,000,000.00	A1/A+
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	19/01/2022	19/07/2022	0.52%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	21/01/2022	18/10/2022	0.62%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	28/06/2021	25/03/2022	0.30%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	3/12/2021	4/04/2022	0.42%	Term Deposit	\$ 1,000,000.00	A1+/AA-
National Australia Bank	3/12/2021	1/07/2022	0.49%	Term Deposit	\$ 1,000,000.00	A1+/AA-
NTT-Corp	16/09/2021	15/12/2022	1.35%	Fixed Bond	\$ 1,000,000.00	A1+/AA-
Suncorp Bank	10/06/2021	10/06/2022	0.33%	Term Deposit	\$ 2,000,000.00	A1/A+
Westpac Banking Corporation	24/11/2021	20/10/2022	0.52%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	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-
Westpac Banking Corporation	7/01/2022	5/08/2022	0.46%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Westpac Banking Corporation	3/12/2021	3/06/2022	0.35%	Term Deposit	\$ 1,000,000.00	A1+/AA-
Total					\$ 29,000,000.00	·
					, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Other Cash Investments						
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Rating	
Bendigo Bank - Operating A/c	N/A	Ongoing		\$ 2,312,424.78	A2/BBB+	
AMP (11)	23/10/2020	Ongoing	0.55%	\$ 616.02	A2/BBB+	
Macquarie Bank (4) - Ongoing	3/12/2020		0.35%	\$ 2,018,860.55	A1/A+	
NSW T - Corp IM Short Term Cash	28/10/2021	Ongoing	0.55%	\$ 1,999,172.86	A1/AA+	
Total Funds Available					\$ 35,331,074.21	

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

Restrictions

Internal Restrictions		
- Employee Entitlements	\$2,376,437.00	
- Doubtful Debts	\$124,556.00	
- Future Development Reserve	\$1,076,217.20	
- Trust Account	\$700,935.20	
- Capital Projects	\$1,200,000.00	
- Plant Replacement Reserve	\$1,500,000.00	\$6,778,145.40
External Restrictions		
- Water Fund	\$10,329,889.41	
- Sewer Fund	\$4,224,556.75	
- T-Corp Loan Balance	\$1,155,627.26	
- Developer Contributions Reserve	\$663,375.97	
- Unexpended Grants	\$5,176,702.96	
- Crown Reserves Reserve	\$213,700.14	
- Loan Guarantee Reserve	\$3,460.91	
- Prepayments Cemeteries	\$546,958.59	\$22,314,271.99
Day to Day Liquidity		\$6,238,656.82
Total Funds Available		\$35,331,074.21

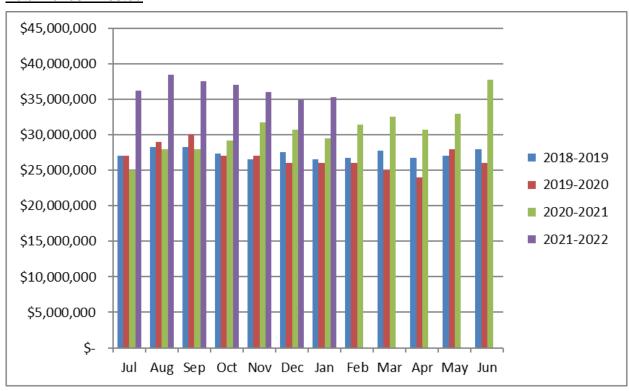
<u>Breakdown</u>



Summary – Unexpended Grants as at 31 January 2022

Grant	Amount
Library Infrastructure Grant	\$477,685.19
Resources For Regions VIC Relocation	\$423,300.55
Wentworth Extended Day Care	\$108,602.98
SCCF Wentworth Rowing Club	\$66,186.35
Crown Reserve Improvement Fund Astronomy Park	\$669,313.39
Crown Reserve Improvement Fund Pooncarie Racecourse	\$29,700.00
Resources For Regions Junction Island Bridge	\$164,546.59
Wentworth Showgrounds Sewer Upgrade	\$158,667.23
Main Road Block Grant	\$816,748.75
Crown Reserve Improvement Fund Wentworth Caravan Park Grant	\$1,000,000.00
EDS Grant	\$122,959.93
Murray Darling Basin Civic Centre Grant	\$487,539.00
Fixing Local Roads Grants	\$651,453.00
Total	\$5,176,702.96

Total Funds Invested



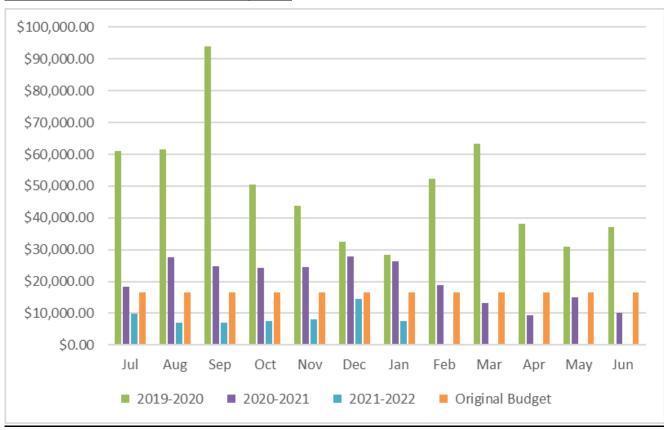
Two (2) term deposits and two (2) other accounts matured or provided interest in January earning Council \$7,525.34 in interest. The budget for January was \$16,666.67. Year to date Council has received \$61,474.84 in interest. The budget for the current financial year is currently set at \$200,000.00.

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 January 2022

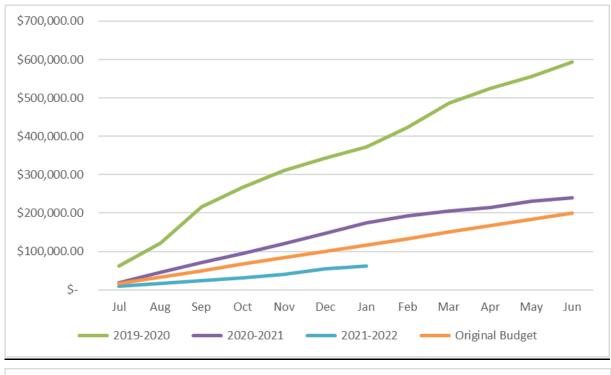
Investee	Date Invested	Date of Maturity	Effective Interest Rate	Amount Invested	Interest Earned
Term Deposits					
National Australia Bank (6)	23/02/2021	19/01/2022	0.35%	\$1,000,000.00	\$3,164.39
National Australia Bank (8)	25/02/2021	21/01/2022	0.35%	\$1,000,000.00	\$3,164.39
Other Cash Investments					
AMP (11)	23/10/2020	Ongoing	0.55%	\$616.02	\$477.24
Macquarie Bank (4) - Ongoing	3/12/2020	Ongoing	0.35%	\$2,018,860.55	\$685.66
Total					\$7,491.68

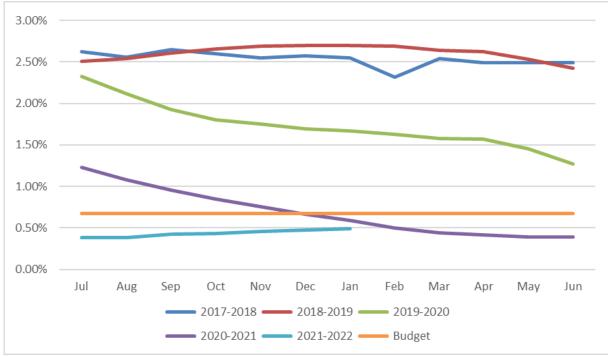
Investment Revenue received January 2022



Total Interest received July 2021 – June 2022

For January 2022 Council's investments returned an effective average rate of 0.49%. Year to date the effective average rate has been 0.44%. The budget for 2021-2022 was set at 0.67%.





Conclusion

The Director Finance & Policy certifies that all investments have been made in accordance with the *Local Government Act 1993* (NSW), Local Government (General) Regulations 2021 and Council's Investment Policy. Council is investing its funds prudently to optimise returns and reduce exposure to risk in accordance with legislation and its own investment policy.

Attachments

Nil

9.5 MONTHLY FINANCE REPORT

File Number: RPT/22/90

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 January 2022 were \$280,822.39. After allowing for pensioner subsidies, the total levies collected are now 65.31%. For comparison purposes 60.96% of the levy had been collected at the end of January 2021. Council currently has \$35,331,074.21 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 31 January 2022

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

	Combi	ined Bank Account
Cash Balance as at 1 January 2022	\$	2,811,900.67
Add: Receipts for the Period Ending 31 January 2021	\$	2,653,091.33
Rates, Debtors, Miscellaneous		
Less: Payments for the Period Ending 31 January 2021		
Cash Book entries for this Month	\$	3,152,567.22
Cash Balance at at 31 January 2021	\$	2,312,424.78
Investments		
Total Investments as at 31 January 2021	\$	33,018,649.43
TOTAL	\$	35,331,074.21

Collection of Rates and Charges

Rates and Charges collections for the month of January 2022 were \$ 280,822.39. After allowing for pensioner subsidies, the total levies collected are now 65.31%. A summary of the Rates and Charges situation as at 31 January 2022 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 Notation Character	074 050 70	
+ Additional Water Charges	874,258.70	
+ Supplementary Rates and Charges	72,735.80	
+ Additional Charges	46,683.80	
- Credit Adjustments	14,581.44	
- Abandonments	772.05	\$ 11,481,646.01
Deductions		
- Payments	7,331,077.80	
- Less Refunds of Payments	9,924.00	\$ 7,321,153.80
		\$ 4,160,492.21
- Pensioner Subsidy		
Government Subsidy	97,515.86	
Council Subsidy	79,785.71	\$ 177,301.58
Total Rates/Water Charges Outstanding		\$ 3,983,190.63

Note: For comparison purposes 60.96% of the levy had been collected at the end of January 2021.

Rates/Water write offs and adjustments

Rates and charges that have been written off or adjustments made under the delegated authority of the General Manager for the month of January 202

Date	Amount	Comment
27.1.2022	146.00	Cancelled Hire of Pooncarie Hall
14.1.2022	442.00	Cancel Invoice - Paid DA fees direct into Job Number
		Reduction of Lease as per contract - Low river level due to
11.1.2022	718.05	maintenance of Mildura Weir
24.01.2022	2.65	Write off interest that was raised on account after settlement
	27.1.2022 14.1.2022 11.1.2022	27.1.2022 146.00 14.1.2022 442.00 11.1.2022 718.05

Council Loans Report

Name	Institution	Purpose	Interest Rate	Loan Amount	Amount Outstanding	Due Date
Loan	National		4.550%			
201	Australia Bank	Buronga Landfill	Fixed	\$ 920,000.00	\$ 337,853.02	30/01/2025
Loan			3.470%			
202	ANZ Bank	Civic Centre	Fixed	\$ 850,000.00	\$ 636,875.95	21/10/2026
Loan	National		3.586%			
203	Australia Bank	Midway Centre	Fixed	\$ 1,900,000.00	\$1,597,407.59	28/04/2023
Loan			5.290%			
204	Bendigo Bank	Buronga Landfill	Fixed	\$ 1,500,000.00	\$1,276,971.77	12/05/2037
CFWC31		Trentham Cliffs	1.82%			
0604	T-Corp	Sewer	Fixed	\$ 750,000.00	\$ 715,589.05	4/06/2031
CFWC31		Burong/Gol Gol	1.79%			
0624	T-Corp	Stormwater	Fixed	\$1,250,000.00	\$1,192,209.45	24/06/2031
Loan	National	Willowbend				
205	Australia Bank	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	\$861,069.44	25/09/2028
				TOTAL	\$8,117,976.27	

Overtime and Travelling

Jan-22		Pay Periods	14 & 15					
Overtime								
	Time an	d a Half	Doul	ble Time	Double Ti	me and Half	Trip	le Time
Department	Hours	Amount	Hours	Amount	Hours	Amount	Hours	Amount
Animal Services	13.50	\$ 667.05	8.00	\$ 526.88	8.50	\$ 721.10	nours	Amount
Civil Works	44.00	\$ 2,405.33	35.50	\$ 2,741.47	14.00	\$ 1,556.29		
Finance	3.00	\$ 170.55	19.00	\$ 1,388.64	21100	Ç 1/000123		
Health & Planning		,	13.50	\$ 1,011.33				
Parks & Gardens	7.00	\$ 318.92	9.00	\$ 535.49				
Roads - Council	81.50	\$ 3,504.69	33.50	\$ 1,927.90	19.50	\$ 1,384.72	6.50	\$ 550.88
Roads - RMS	318.00	\$ 14,449.10	341.50	\$ 20,848.71				
Roads & Engineering Indoor	10.00	\$ 703.52	7.00	\$ 670.75				
Tourism	12.75	\$ 521.42						
Waste Management	60.50	\$ 2,752.27						
Water & Waste Water	80.00	\$ 3,858.94	67.50	\$ 4,192.98	44.00	\$ 3,721.45		
Total	630.25	\$ 29,351.79	534.50	\$ 33,844.15	86.00	\$ 7,383.56	6.50	\$ 550.88
Travel Allowance								
Department	Kms	Amount						
Health & Planning	630.0	\$ 491.40						
Total	630.0	\$ 491.40						
		71,621.78						

Conclusion

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

Attachments

Nil

9.6 POLICY REVIEW - DEPARTMENT FINANCE AND POLICY

File Number: RPT/22/89

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

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

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

Recommendation

That Council adopt the following revised policies:

- a) AF013 Hardship Policy
- b) AF014 Debt Recovery Policy
- c) GOV002 Use of Information and Communication Devices Policy
- d) GOV004 Internal Reporting Policy
- e) GOV012 Complaint Management Policy

Detailed Report

Purpose

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

Background

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

Matters under consideration

For this report staff within the Finance & Policy Department have reviewed the following policies:

AF013 – Hardship Policy

AF014 – Debt Recovery Policy

GOV002 – Use of Information and Communication Devices Policy

GOV004 - Internal Reporting Policy

GOV012 - Complaint Management Policy

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

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

Legal, strategic, financial or policy implications

The Act requires Council to review all of its official Council policies following a general election of all Councillors.

Conclusion

The Finance & Policy department is currently responsible for 26 Council policies. For this Council meeting the department has reviewed five policies and are presenting them to Council for adopting. It is the recommendation of the reporting officer that these policies be adopted.

Attachments

- Debt Recovery Policy
- 2. Hardship Policy
- 3. Internal Reporting Policy !!
- Use of Communication Devices Policy
- 5. Complaint Management Policy U.

Word Document Reference: TBC

Council Policy No: AF014

DEBT RECOVERY

POLICY OBJECTIVE

Council will carry out debt recovery in a fair and consistent manner and in accordance with the provisions of the *Local Government Act 1993* (Act) and the regulations.

1. POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which:

- outline clear and appropriate debt recovery procedures which will be undertaken by Council:
- ensure effective control over all invoiced debts owed to Council (including Rates and Charges, Sundry Debtors and Water Usage Charges);
- are sympathetic to those ratepayers and debtors suffering genuine financial hardship;
- fulfil statutory requirements of both the Act and the *Civil Procedure Act 2005*, with respect to the recovery of rates and other debts; and
- ensure the integrity and confidentiality of all proceedings for both Council and the debtor.

2. POLICY COVERAGE

This policy applies to all ratepayers, sundry debtors and account holders within the Wentworth Shire Council Local Government Area.

This policy applies to Council staff with delegated responsibility for carrying out the procedures, and debt recovery agents who act on behalf of Council.

3. STRATEIC PLAN LINK

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

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

4. **DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
Act	Local Government Act 1993 (NSW)
Council	Council of the Shire of Wentworth.

5. POLICY CONTENT

Rates and Annual Charges

Annual rates and charges notices are issued in July each year. They may be paid in a single instalment or by quarterly instalments. If a payment is made in a single instalment, the instalment is payable by 31st August. If a payment is made by quarterly instalments, the instalments are payable by 31st August, 30th November, 28th February and 31st May.

An Annual Rates and Charges notice and quarterly instalment reminder notices are issued 30 days before the due date.

Water Usage Charges

Word Document Reference: TBC

Council Policy No: AF014

DEBT RECOVERY

Council's water usage charges are billed every 4 months (3 accounts per year). Accounts are issued 30 days before the due dates.

Interest on overdue Rates and Annual Charges

Interest is calculated daily on overdue rates and charges at the maximum rate announced by the minister for Local Government each year in accordance with section 566 (3) of the Act. Interest is not charged on legal costs

Payment Arrangements

Council is empowered under Section 564 of the Act to enter into an agreement with a person to accept variable payments of rates and charges due and payable.

Where Council staff deem it to be appropriate in the circumstances, prior to the commencement of legal action, Council shall accommodate an agreement for the period payment of the debt that extinguishes it within a reasonable timeframe.

Failure to adhere to a payment arrangement that has been put in place will result in legal action for recovery, in accordance with this policy.

Where a debtor defaults on approved arrangements for payment and there has been no contact from the debtor to discuss the missed payments, Council may recommence recovery action from the stage which had been reached prior to the last arrangement being negotiated.

Recovery Action

If payment is not received or a suitable arrangement made to have the outstanding balance paid following the issue of a reminder notice and a final notice, legal action will be commenced on all accounts with an outstanding balance greater than \$1,000.

When legal action commences, a statement of liquidated claim (summons) will be issued and served. Where judgement is entered in Council's favour, Council will seek to recover the judgement debt through appropriate recovery actions. Action to recover outstanding debts that will be considered, may include, but is not limited to:

- A garnishee of income;
- Writ of execution on goods and chattels;
- Examination notice;
- Examinations summons;
- Service or a rent order where the property is tenanted; or
- Sale of Land for unpaid rates in accordance with section 713 of the Act.

Arrangements for payment may be accepted after legal action has commenced, subject to the continuation of legal action should the ratepayer not adhere to the approved arrangement.

Section 712 (1) of the Act 1993 provides that proceedings for the recovery of an ordinary rate or annual charge may be commenced at any time within 20 years from the date when the rate or charge became due and payable.

All legal costs and expenses incurred in recovering outstanding rates and charges shall be charged against the property in accordance with section 605 of the Act.

In accordance with Section 459 of the *Corporations Act 2001*, where the ratepayer is a company and has been served with a creditors statutory demand (Section 459e of the Act) and the ratepayer has not complied within the 21 day period, Council has the right to commence proceedings to have the

Page **2** of **4**

Word Document Reference: TBC

Council Policy No: AF014

DEBT RECOVERY

debtor company wound up and a liquidator appointed. All debts regarding the issue of a creditors' statutory demand must exceed the sum of \$2,000.00.

Sale of Land for unpaid Rates and Charges

Where any rate or charge is overdue and has remained unpaid for more than three (3) years from the date on which it became payable, Council may proceed to sell the land in accordance with division 5, part 2, chapter 17 of the Act.

Where any rate or charge is overdue in respect of vacant land and the amount exceeds the valuer general's current valuation of the property, Council may proceed to sell the land in accordance with division 5, part 2, chapter 17 of the Act.

6. Related Documents & Legislation

Legislation

- Local Government Act (NSW) 1993
- Local Government (General) Regulation 2021
- Privacy and Personal Information Protection Act (NSW) 1998
- Health Records and Information Privacy Act (NSW) 2002
- Civil Procedures Act (NSW) 2005
- Corporations Act (Cth) 2001

Council Policies

- AF013 Hardship Policy
- GOV022 Legislative Compliance Policy

Council Documents

Legislative Compliance Framework

Other Documents/Guidelines

- OLG Circular 15-40, December 2015, A30931
- Debt Collection Guideline for collectors and creditors ACCC/ASIC

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

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

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

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

Page **3** of **4**

Debt Recovery Policy

Wentworth Shire Council

Word Document Reference: TBC

Council Policy No: AF014

DEBT RECOVERY

Click here to enter a signed: date.

General Manager Wentworth Shire Council

Date



Wentworth Shire Council

Word Document Reference: TBC

Council Policy No: AF013

HARDSHIP POLICY

POLICY OBJECTIVE

To provide financial assistance to ratepayers who are experiencing genuine financial hardship with the payment of Council's rates and charges.

To provide a decision making framework for the appropriate assessment of financial hardship applications

1. POLICY STATEMENT

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of a hardship application applying the principles of fairness, integrity, confidentiality and compliance with statutory requirements. It applies to all applications for alternative payment arrangements or writing off rates, fees, annual charges and interest accrued on such debts.

To establish guidelines for the General Manager and staff when dealing with ratepayers, suffering genuine financial hardship, with the payment of their rates and charges. To fulfil the statutory requirements of the *Local Government Act* 1993 (Act) with respect to the ability to grant provision and give special consideration to ratepayers subject to financial hardship

2. POLICY COVERAGE

This policy applies to eligible ratepayers within the Wentworth Shire Council Local Government area who are experiencing genuine financial difficulties in paying their rates and charges.

3. STRATEGIC PLAN LINK

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

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

4. **DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition
Act	Local Government Act (NSW) 1993
Council	Council of the Shire of Wentworth

5. POLICY CONTENT

Determination of Eligibility

The criterion for financial hardship involves an inability of the ratepayer to pay their rates, rather than an unwillingness to do so. Hardship may result from any of, but is not limited to, the following:

- Loss of employment by ratepayer or family member; or
- Family breakdown; or
- Ongoing or long term illness of the ratepayer or family member; or
- Death in the family; or
- Loss of income due to natural disasters or drought; or
- High rate levy increase due to revaluation.

Wentworth Shire Council

Word Document Reference: TBC

Council Policy No: AF013

HARDSHIP POLICY

Application Conditions/Procedure

To request consideration for a concession under the hardship policy, the ratepayer must submit in writing a signed and dated application stating the nature of the hardship and the estimated period over which the hardship will be experienced.

Each case will be considered individually and on its merits and will take into account, but will not be limited to:

- The property for which the hardship application applies must be the principal place of residency of the applicant/s if categorised as "Residential" for rating purposes;
- The property for which the hardship application applies must be categorised as "Residential" or "Farmland" for rating purposes;
- The applicant must be the owner or part owner of the property and be liable for the payment of rates on the property;
- The ratepayer's financial circumstances, including income and expenses from all sources;
- The amount of rates levied compared to the average rates levied of the rate category or subcategory; and
- Repayment history, including any previous defaults or arrangements.

The application for financial hardship must be accompanied with supporting documentation which may include but not limited to:

- Letter from a recognised financial counsellor or financial planner confirming financial hardship or a Statutory Declaration from ratepayer outlining reasons for applying for hardship;
- Copy of recent bank statements of all accounts; and
- Details of income and expenditure Council may request additional information to confirm
 the ratepayer's hardship status if deemed necessary and may also request the ratepayer
 attend an interview to assist Council in the understanding of the issues causing hardship

Once the ratepayer has submitted the application, the Rates Officer will make an assessment based on the merit of the individual case against the eligibility conditions within this policy.

A recommendation to be made to the General Manager for amounts less than \$2,000. For amounts greater than \$2,000 a report to be prepared for resolution in Closed Council to protect the applicant(s) privacy in accordance with Section 10A(2)(b) of the Act.

Council will consider hardship applications in closed meetings and personal information will remain confidential. The ratepayer will be informed of Council's decision in writing and if not satisfied with the outcome can request the Council to reconsider its decision.

Available Options

Options available under this policy for those suffering hardship include the following:

- Defer outstanding amounts for a set period of time;
- Periodic Payment Arrangements;
- Charge interest rate of 0% on overdue amounts for a set period of time;
- Writing off accrued interest and costs;
- Extend pensioner concession to avoid hardship; and
- Pensioner Abandonments.

Wentworth Shire Council

Word Document Reference: TBC

Council Policy No: AF013

HARDSHIP POLICY

Section 564 of Act provides that Council may enter into a formal agreement with a ratepayer eligible for alternative periodical payments for due and payable rates and charges. A periodic payment agreement will be offered in accordance with Council's Debt Recovery Policy. Interest will apply unless specifically stated otherwise on outstanding balances but allow ratepayers the required time to make payments without any legal action being undertaken by Council to recover rates and charges.

Accrued interest on rates or charges payable by a person may be written off under Section 567 of the Act.

Interest will be written off with the following conditions;

- Interest is charged and then written-off where a repayment schedule is adhered to and the arrangement provides for accrued interest to be waived.
- Where a scheduled repayment default occurs, the levying of interest charges are to be reactivated from the last payment made in accordance with the repayment schedule. The ratepayer will be contacted via correspondence and advised of the repayment default.

If the ratepayer continues to experience hardship after the concession period approved by Council has expired, then a new application must be made by the ratepayer. In such circumstances evidence provided with the initial application may be used to confirm the ratepayer's hardship status, however Council may request additional information to confirm the ratepayer's current hardship status if deemed necessary.

Section 577 of the Act, enables Council to make an order deeming certain persons who are jointly liable with an eligible pensioner(s) or solely liable, but who are not themselves eligible, to be eligible pensioners for the purpose of a mandatory reduction in rates and charges to avoid hardship.

Section 582 of the Act, enables Council to waive or reduce rates, charges and accrued interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the *Social Security Act 1991*. Thus, council may, in its absolute discretion, further reduce on a voluntary basis (with no subsidy from the state government) rates and charges otherwise payable by an eligible pensioner. Council may also agree to allow the remainder of pensioners' rates, after concessions have been deducted, to accrue against the future estate or sale of the land in appropriate cases.

General Revaluation of the Local Government Area

Section 601 of the Act provides that where any ratepayer who suffers substantial hardship as the consequence of the making and levying of a rate following a new valuation, may apply to Council for rate relief.

Council will not consider hardship applications under this provision, as valuations are independently determined by the NSW Valuer General. Council will encourage ratepayers to make an appropriate application under the appeal provision of the NSW *Valuation of Land Act 1916*

Hardship Concession Termination

The concessions granted may be withdrawn for any of the following reasons;

- Defaulting on a payment arrangement;
- The ratepayer no longer owns the land;
- The ratepayer advises Council that the hardship no longer applies;
- The ratepayer defaults on a payment arrangement if a payment arrangement has been entered into; or

Page **3** of **4**

Wentworth Shire Council

Word Document Reference: TBC

Council Policy No: AF013

HARDSHIP POLICY

Council receives information that proves the hardship no longer exists.

Where property ownership changes on any assessment with a rate deferral agreement in place, all rates and charges must be fully paid at the point of this change. Hardship concessions are not transferable.

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- Local Government Act (NSW) 1993
- Local Government (General) Regulation 2021

Council Policies

- AF014 Debt Recovery Policy
- GOV022 Legislative Compliance Policy

Council Documents

• Legislative Compliance Framework

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

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

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

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

Ger	eral Manager Wer	ntworth Shire Council	Date
- 8			
Signed:			date.
			Click here to enter a

Word Document Reference: TBC

Council Policy No: GOV004

INTERNAL REPORTING POLICY

POLICY OBJECTIVE

Wentworth Shire Council (Council) is committed to upholding the high standards of ethical and accountable conduct and will not tolerate any form of wrongdoing, which includes corrupt conduct, maladministration or serious and substantial waste of public money.

Council encourages and supports the reporting of wrongdoing and is committed to protecting those who report wrongdoing from any adverse action motivated by their report and keeping their identity confidential where possible.

In accordance with Section 6D of the *Public Interest Disclosures Act 1994* (the PID Act), this policy provides a framework for those who perform public official functions to report certain types of wrongdoing, classified as 'public interest disclosures,' without fear of reprisal and to support the management of these reports.

1. POLICY STATEMENT

The intent of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out to whom wrongdoing can be reported at Council, what can be reported and how reports of wrongdoing will be dealt with.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this Policy and the PID Act.

The internal reporting system established under this Policy is not intended to be used for staff grievances, which should be raised through the Complaints Management Policy.

The Internal Reporting Policy is supported by the NSW Ombudsman's internal reporting policies, procedures and guidelines under the PID Act.

2. POLICY COVERAGE

This policy applies to both Council staff and Councillors. Council staff are further defined as being permanent employees (whether full-time or part-time); temporary or casual employees; consultants and individual contractors working for the Council.

This policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for Council.

3. STRATEGIC PLAN LINK

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

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

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Council of the Shire of Wentworth
GIPA Act	Government Information (Public Access) Act 2009

Page **1** of **4**

Word Document Reference: TBC

Council Policy No: GOV004

INTERNAL REPORTING POLICY

	1
ICAC	Independent Commission Against Corruption
Informant	A public official who makes a report of a Public Interest Disclosure.
PID Act	Public Interest Disclosures Act 1994
Public Interest Disclosure	A disclosure satisfying the applicable requirements of Part 2 of the <i>Public Interest Disclosures Act 1994</i> . That is, a disclosure of information that the person making the disclosure honestly believes, on reasonable grounds, shows or tends to show corrupt conduct, maladministration, serious and substantial waste in local government, government information contravention or local government pecuniary interest contravention by Council, Councillors, staff or public officials or by another public authority or any of its officers.
Public Official	An individual who is a Councillor, an employee of or otherwise in the service of a public authority.

5. POLICY CONTENT

It is the policy of this Council that:

Council will report any serious wrongdoing as defined under the PID Act as:

Five Categories of Serious Wrongdoing

- Corrupt conduct;
- Maladministration;
- Serious and substantial waste in local government;
- Breach of the Government Information (Public Access) Act 2009 (GIPA Act); and
- Local government pecuniary interest contravention.

When will a report be protected?

Council will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all the requirements under the PID Act. These requirements are:

- a. The report must be about one of the above five categories of serious wrongdoing corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention.
- b. The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- c. The report has to be made to either the General Manager, or for reports about the General Manager the Mayor, a position nominated in this policy (Council's Disclosures Coordinator) or an investigating authority.

Reports by staff and Councillors will not be considered to be public interest disclosures if they mostly question the merits of government policy, including the policy of the governing body of Council and are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

Maintaining Confidentiality

Page **2** of **4**

Word Document Reference: TBC

Council Policy No: GOV004

INTERNAL REPORTING POLICY

Council realises that many staff will want their report to remain confidential. This can help to prevent any action being taken against informants for reporting wrongdoing.

Where possible and appropriate, Council will take steps to keep the informant's identity, and the fact that there has been a reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate.

Who can receive a report within Council?

All staff are encouraged to report general wrongdoing to their supervisor. However, the PID Act requires that – for a report to be a public interest disclosure – it must be made to certain public officials identified in this policy or any supporting Council procedures.

The following positions are the only staff within Council who can receive a public interest disclosure. In the interests of maintaining confidentiality, with the exception of the Mayor, each of the nominated staff members reports directly to the General Manager.

The Disclosures Coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within Council who can deal with them appropriately. The Director – Finance & Policy is the nominated Disclosures Coordinator of Council.

Disclosure Officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and or dealing with reports made in accordance with this policy.

Protection against reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines.

Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure, can also be required to pay damages for any loss suffered by that person.

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- Local Government Act 1993 (NSW)
- Local Government (General) Regulation 2021
- Independent Commission Against Corruption Act (NSW) 1998
- Public Interest Disclosure Act (NSW) 1994
- Government Information (Public Access) (NSW) 2009

Council Policies

- GOV001 Gifts and Benefits Policy
- GOV003 Fraud Control Policy
- GOV005 Procurement Policy
- GOV008 Public Access to Information Held by Council Policy
- GOV009 Delegation Policy
- GOV012 Complaints Management Policy
- GOV019 Statement of Business Ethics Policy
- GOV020 Code of Conduct Policy
- GOV022 Legislative Compliance Policy

Page 3 of 4

Word Document Reference: TBC

Council Policy No: GOV004

INTERNAL REPORTING POLICY

GOV023 – Conflict of Interest Policy

Council Documents

- Legislative Compliance Framework
- Governance Framework
- Internal Reporting Procedure
- Fraud Control Plan
- Records & Information Management Policy (Operational)
- Information Security Policy (Operational)
- Gifts and Benefits Register
- Conflict of Interest Register
- Complaints Management Framework

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

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

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

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

General Manager Wentworth Shire Council	Date
Signed:	date.
	Click here to enter a

Page 4 of 4

Word Document Reference: TBC

Council Policy No: GOV002

USE OF INFORMATION TECHNOLOGY AND COMMUNICATION DEVICES POLICY

POLICY OBJECTIVE

The objective of this policy is to provide clear guidelines for staff and Councillors in their use of computers, email, internet, telephone and other electronic media and devices in the conduct of Council-related activities.

This policy seeks to:

- Preserve the integrity and efficiency of information technology and communication devices by providing guidelines to clarify what constitutes appropriate conduct and use of the equipment;
- Ensure the use of information technology and communication devices complies with Council's obligations to maintain a workplace that is efficient, harmonious and without risk of discrimination or harassment resulting from improper use; and
- Outline the ramifications of failing to abide by the guidelines contained in this policy.

1. POLICY STATEMENT

Council recognises that access to information technology and communication devices is required as a convenient and effective means of communication, both internally between staff and departments, and externally with other councils, groups or individuals.

Council's position is that information technology and communication devices are necessary to conduct business activities, however Council also recognises the need to comply with its obligations in maintaining a work place that is efficient, harmonious and without risk of discrimination or harassment resulting from improper use of the information technology and communication equipment supplied.

2. POLICY COVERAGE

This policy applies to all Councillors, and Council staff including, employees, casuals, consultants and contractors.

3. STRATEGIC PLAN LINK

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

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

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Council of the Shire of Wentworth
Information technology and communication devices	Includes any electronic device or computer software provided to Councillors or staff for use in the performance of their duties.

Page **1** of **4**

Word Document Reference: TBC

Council Policy No: GOV002

USE OF INFORMATION TECHNOLOGY AND COMMUNICATION DEVICES POLICY

5. POLICY CONTENT

It is the policy of this Council that where information technology and communication devices are provided to Councillors and staff for business purposes, Councillor and staff have a responsibility to ensure their proper use.

Councillors and staff must not use information technology and communication devices to:

- Conduct illegal activities;
- Conduct business that in any way could, or would be likely to, bring Council's name into disrepute;
- Send emails or messages which contain inappropriate or offensive material of a sexual, racial, defamatory, abusive, obscene or discriminatory nature;
- In a manner which is likely to be perceived as harassment, intimidation or an unwanted invasion of privacy; or
- To revel or publicise confidential or proprietary information.

Personal usage

Council accepts that its information technology and communication devices may on occasion be used for personal reasons. However, Councillors and staff must remember that the primary purpose of Council's information technology and communication devices are as tools for conducting business and to enhance the overall effectiveness of the organisation.

The provision and maintenance of communication devices is a cost to Council, therefore excessive personal use can undermine the effectiveness of the organisation. Therefore, excessive personal use by a Councillor or a stall member may need to be reimbursed to Council by the user.

Councillors and staff must not use communication devices to maintain or support a personal business activity or improperly used for the users benefit or the benefit of any other person or third party.

Copyright

All Councillors and staff must respect the copyright and any other intellectual property rights of third parties. Copyright protects the exclusive right of the copyright holder to copy, publish, perform, broadcast and sell copyrighted material. Councillors and staff must not download material from the internet or otherwise receive and use information that is owned by a third party unless they have the written permission of that party.

As a general rule, under copyright law downloading from the internet for personal research is allowed. However, downloading material for distribution to others or for business purposes will require the permission of the third-party owner.

Records Management

Electronic messages form part of the official business communication of Council, and as such, are governed by the same legislative requirements as all Council records.

For legal purposes emails are a formal document and have the same standing in court as paper documents. Councillors and staff should not expect that email is confidential or private. Therefore, when sending confidential information, careful consideration should be given as to whether alternative means of communication are preferable.

Breach of Policy

Word Document Reference: TBC

Council Policy No: GOV002

USE OF INFORMATION TECHNOLOGY AND COMMUNICATION DEVICES POLICY

Council reserves the right, at any time and without the consent of the user to inspect, monitor and examine a Councillor or staff members use of information technology and communication devices.

Compliance with this policy is a condition of each staff member's employment with Council. A breach of any part of this policy may depending on the circumstances, be regarded as serious breach of the staff member's employment contract with Council.

A failure to comply with this policy and any relevant directions given by management may result in the following action being taken against a staff member or Councillor:

- Counselling (including intensive training on this policy and the appropriate use of devices);
- Disciplinary action regarding "inappropriate use" of the devices, including cancellation of access to any or all devices;
- Dismissal of staff where access and/or the distribution of material outlined in this policy are unacceptable; and
- In relation to Councillors, a failure to comply with this policy may be considered a breach
 of the code of conduct, which could see the Councillor subject to the procedures for
 administrating the code of conduct.

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- Local Government Act 1993 (NSW)
- Local Government (General) Regulation 2021
- Work Health & Safety Act 2009 (NSW)
- Public Interest Disclosure Act 1994 (NSW)
- Government Information (Public Access) Act 2009 (NSW)
- Privacy & Personal Information Protection Act 1998 (NSW)
- Health Records & Information Privacy Act 2002 (NSW)
- State Records Act 1998 (NSW)
- Anti-Discrimination Act 1997 (NSW)
- Evidence Act 1995 (NSW)
- Defamation Act 2005 (NSW)
- Employees Liability Act 1991 (NSW)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Crimes Act 1914 (Cth)
- Copyright Act 1968 (Cth)
- Defamation Act 1974 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Telecommunications Act 1997 (Cth)

Council Policies

- GOV004 Internal Reporting Policy
- GOV007 Privacy Management Policy
- GOV008 Public Access to Information Held by Council Policy
- GOV010 Provision of Facilities & Payment of Expenses Policy
- GOV020 Code of Conduct Policy

Word Document Reference: TBC

Council Policy No: GOV002 USE OF INFORMATION TECHNOLOGY AND COMMUNICATION DEVICES POLICY

GOV022 – Legislative Compliance Policy

Council Document

- Legislative Compliance Framework
- Governance Framework
- Privacy Management Plan
- Records & Information Management Policy (Operational)

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

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

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

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

General Manager Wentworth Shire Council	Date
Signed:	Click here to enter a date.

Word Document Reference: TBC

Council Policy No: GOV012

COMPLAINT MANAGEMENT POLICY

POLICY OBJECTIVE

Wentworth Shire Council (Council) is committed to delivering quality customer service and communicating effectively with the community. An effective complaints management system is an essential part of the provision of quality customer service and is also a key component of sound corporate governance ensuring that there is an appropriate level of accountability in the exercise of Council functions.

1. POLICY STATEMENT

The intent of this policy is to ensure that Council establishes a complaints management system that handles feedback and complaints effectively and provides an efficient, fair and accessible mechanism for resolving complaints.

A complaint management system is an organised way of responding to, recording and reporting complaints, as well as using complaints to improve service to Council's customers.

Council aims to:

- Recognise the customer's right to raise concerns about their dealings with Council;
- Provide clear definitions of what constitutes a complaint;
- Establish a user-friendly procedure for lodging complaints with Council;
- Provide an efficient, fair and accessible mechanism for resolving complaints;
- Inform the community and customers about the process used to handle complaints;
- Establish the remedies that are available to resolve complaints; and
- Establish performance standards for the management of complaints to ensure that complaints are dealt with professionally, within specified timeframes and using appropriate feedback mechanisms to ensure that complainants are kept informed.

Council regards all complaints with the utmost seriousness and will handle complaints in a professional, respectful and timely manner in order to resolve the issues raised by the complainant.

2. POLICY COVERAGE

This policy applies to all staff receiving or managing complaints from the public made to or about Council, regarding our services, staff and complaint handling.

Staff Grievances, Code of Conduct complaints and Public Interest Disclosures are dealt with through separate mechanisms.

3. STRATEGIC PLAN LINK

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

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

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Complaint	An expression of dissatisfaction with Council's decisions, policies, procedures, charges, employees, or the quality of the services it provides.

Page **1** of **7**

Word Document Reference: TBC

Council Policy No: GOV012

COMPLAINT MANAGEMENT POLICY

Complainant	Any person wishing to provide feedback about Council's services which expresses dissatisfaction with a decision, level or quality of service, failure to adhere to a policy, procedure, or behaviour of an employee, Councillor or agent, which can be investigated and acted upon.
Council	Council of the Shire of Wentworth
Dispute	An unresolved complaint escalated either within or outside of Council.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about Council's services or complaint handling where a response is not explicitly or implicitly expected or legally required.
Grievance	A clear, formal statement by an individual Council staff member about another staff member or a work-related problem.

5. POLICY CONTENT

This policy is intended to ensure Council handles complaints fairly, efficiently and effectively.

Defining a Complaint

For the purposes of this policy, a complaint is defined as an expression of dissatisfaction with Council's decisions, policies, procedures, charges, employees, or the quality of the services it provides.

On its own, a request for a Council service or the exercise by Council of its regulatory functions is not a complaint about Council. Accordingly, Council's definition of what constitutes a complaint should not be so broad as to include such requests.

For the purposes of this policy, the following are not to be registered as a complaint:

- a request for Council services (unless it is a second request, where there was no response to the first);
- a request for documents, information or explanation of policies or procedures;
- a request for Council to exercise a regulatory function (unless it is a second request, where there was no response to the first);
- the lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy (unless this is recorded as a complaint about Council's decisionmaking); or
- a submission relating to the exercise of a regulatory function (e.g. an objection to a development application or a submission on a policy).

Who is a complainant?

A complainant is any person wishing to provide feedback about Council's services which expresses dissatisfaction with a decision, level or quality of service, failure to adhere to a policy, procedure, or behaviour of an employee, Councillor or agent, which can be investigated and acted upon.

What is a Code of Conduct complaint?

Word Document Reference: TBC

Council Policy No: GOV012

COMPLAINT MANAGEMENT POLICY

All Councillors, staff or delegates of Council are subject to Council's Code of Conduct. If a complaint has been made to Council that alleges conduct that, if proven, would represent a breach of the Code of Conduct, the complaint will be dealt with in accordance with the Procedures for Administration of Council's Code of Conduct, regardless of whether or not the complainant has requested that the complaint be dealt with under the Code of Conduct.

What is a Public Interest Disclosure (PID) complaint?

The Public Interest Disclosures Act 1994 (PID) sets in place a system to encourage public officials to report serious wrong doing. The PID Act requires public authorities to have an internal reporting policy and procedures in place for receiving, assessing and dealing with public interest disclosures. Public Officials who wish to lodge a complaint under the PID Act must declare that they are doing so when lodging the complaint.

Council's Complaint Management Framework

Council's complaint management system provides at least three tiers of review.

First Tier - Standard Complaints (Frontline complaint handling)

Registration and attempted resolution by frontline staff or referral to an appropriate person or agency to deal with (e.g. Code of Conduct issues, protected disclosures, allegations of corrupt conduct).

Second Tier - Complex Complaints (Internal review, alternative dispute resolution and investigation)

If a complainant is still dissatisfied, his or her complaint is reviewed or investigated by an identified complaints officer or simply by someone who is more senior, and the results of the review should be reported to the complainant.

If the complainant remains dissatisfied, further consideration should be given to options that may be available to achieve a settlement. This may include conciliation, mediation, or further direct negotiations over remedying the grievance.

Third Tier - Unresolved Complaints (External review)

If the complaint cannot be resolved within Council, the complainant is referred to an outside agency such as the NSW Ombudsman, the Office of Local Government or to some alternative dispute resolution procedure or, as a last resort, any legal remedy. It should be noted that where, on Council's assessment, the complaint concerns or may concern corrupt conduct, it should be reported to the Independent Commission Against Corruption (ICAC) at the first-tier stage as outlined above.

How will complaints be handled

Essentially, there are 4 steps to the complaints handling process.



All Complaints will be dealt with expeditiously

 The Council Officer who is responsible for the investigation will initially make contact with the complainant by phone, usually within five (5) business days of receipt of the complaint.

Page **3** of **7**

Word Document Reference: TBC

Council Policy No: GOV012

COMPLAINT MANAGEMENT POLICY

- All complaints will be acknowledged in writing within ten (10) business days of receipt.
 The acknowledgment letter will provide the details of the Council Officer who will be investigating the complaint and who will liaise with the complainant.
- All complaints will undergo a preliminary investigation and the complainant will be informed of the result of the preliminary investigation within 20 business days from the date of receipt.
- Where the complaint is not able to be resolved within this timeframe the complainant will be advised (in writing) of the intended course of action.

A	5 Days	Complaints are acknowledged by phone within 5 days of receipt of the complaint. Complainant advised who their contact person is.
11	10 Days	Formal acknowledgment occurs within 10 days of receipt of the complaint, and confirmed by contact person.
*	15 Days	Complainants are consulted by phone within 15 days of receipts of the complaint, and involved in the decision-making process.
	20 Days	Complainants are notified in writing of a resolution or continuing process within 20 days from the date of receipt of the complaint.
	30 Days	A review of the handling of a complaint must be made within 30 days of being informed of the decision.

All complaints will be recorded

All complaints will be recorded in Council's electronic document management system (EDMS). Where a complaint is received verbally (either over the phone or at the counter), the staff member who receives the verbal complaint will be responsible for entering the details into the EDMS.

Anonymous Complaints

Complaints are often made by an anonymous complainant. Council will review anonymous complaints; however, it can be very difficult to resolve complaints of this nature, or to enforce legislation, without the ability to thoroughly investigate and gather evidence and additional information.

Action is taken on anonymous complaints as far as it is possible to do so without being able to consult with the complainant. If there is sufficient information in the complaint, a review of the complaint will be conducted.

Confidentiality

Word Document Reference: TBC

Council Policy No: GOV012

COMPLAINT MANAGEMENT POLICY

Confidentiality is of paramount importance. All complaints are dealt with confidentially, with information released only to those parties deemed absolutely necessary in the complaint process.

- As an additional confidentiality measure, documentation relating to Second-Tier complaints are placed in an EDMS container with restricted access.
- In order to fully investigate a complaint, the person against who a complaint has been made has a right to know the details of the complaint. The identity of the complainant will be kept confidential.
- In lodging a complaint, the complainant acknowledges and agrees to the release of information deemed relevant to the organisation.

Empowerment of Staff

All Council staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Council staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

Customers to have input in remedies

As a part of the complaint management system, customers will be asked to identify what action they would like Council to take to resolve their complaint. Remedies may include:

- An apology where Council has made a mistake, or where a staff member's comments or behaviour may have offended;
- Providing the desired service;
- A refund of any overcharged or incorrectly charged monies; or
- A commitment to investigate and/or review Council procedures or practices where a complaint is justified.

Managing unreasonable conduct

The General Manager shall have discretionary power when dealing with the following types of unreasonable complaints:

- complaints that are deemed to be trivial, frivolous, vexatious, or not made in good faith;
- complaints where the complainant is violent, abusive or aggressive towards staff (or where there are threats of violence); or
- unreasonable complainant conduct where the nature or frequency of complaints raises substantial health, safety, resource or equity issues for Council, its staff, other service users or the complainant themselves.

In each of these circumstances, the General Manager has the discretion to:

- refuse to deal with the matter;
- nominate alternate dispute resolution processes;
- change or restrict a complainant's access to Council services;
- limit the complainant to a sole contact point;
- restrict the subject matter of communications that Council will consider;
- limit when and how a complainant may make contact;
- nominate a representative to handle contact on Council's behalf; or
- completely terminate a complainant's right to access Council's services.

Page **5** of **7**

Word Document Reference: TBC

Council Policy No: GOV012

COMPLAINT MANAGEMENT POLICY

Except in extreme cases of overt aggression, violent assault or other unlawful or unacceptable conduct, the General Manager will provide to the complainant written advice about the conduct in the first instance. In extreme cases, or if the complainant's conduct continues after they have been given a written warning, a notification letter immediately restricting the complainant's access to our services will be sent.

The right of review

Council is committed to improving our service to the public and welcomes all feedback. Where a complainant is unhappy with the outcome of a complaint the complainant can request a review of the case. All requests for a review of a decision must be made within 30 days of being advised of the outcome.

- In order for us to conduct a review the complainant must tell us how we have reached the
 wrong decision or provide us with new and important information that is relevant to the
 decision made.
- If we agree to review our decision, the request is assigned to a staff member who was not involved in handling the complaint.
- Council will only review a decision once.
- A review is not a reinvestigation of a complaint. We will be looking at whether the
 processes followed by our staff were fair and adequate, and whether the conclusions
 reached were reasonable based on the information available to us and properly explained.
- Where we have reviewed the decision and the complainant is still not satisfied, they will be advised to make contact with the NSW Ombudsman.

Complaint statistics will be reported to Council

By 31 December each year Council is to be provided with a statistical report only about the number of complaints received and the outcome of the complaints. The report will follow the guidelines outlined by the Office of Local Government.

Continuous improvement

Council is committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- support the making and appropriate resolution of complaints;
- implement best practices in complaint handling;
- recognise and acknowledge exemplary complaint handling by staff;
- · regularly review the complaints management system and complaint data; and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

How to lodge a complaint

A complaint can be made via any one of the following means:

- Email to council@wentworth.nsw.gov.au
- Mail to Wentworth Shire Council, P.O. Box 81 Wentworth NSW 2648
- In Person at 26-28 Adelaide Street, Wentworth or Midway Service Centre, 6 Midway Drive Buronga
- via Telephone (03) 5027 5027
- via the Website at www.wentworth.nsw.gov.au

Page **6** of **7**

Word Document Reference: TBC

Council Policy No: GOV012

COMPLAINT MANAGEMENT POLICY

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- Local Government Act (NSW) 1993
- Local Government (General) Regulation 2021
- Independent Commission Against Corruption Act (NSW) 1998
- Ombudsman Act (NSW) 1974
- Anti-Discrimination Act (NSW) 1987
- NSW Government Information (Public Access) Act (NSW) 2009
- Privacy and Personal Information Protection Act (NSW) 1998
- Health Records and Information Privacy Act (NSW) 2002
- Public Interest Disclosure Act (NSW) 1994

Council Policies

- GOV004 Internal Reporting Policy
- GOV009 Delegation Policy
- GOV019 Statement of Business Ethics Policy
- GOV020 Code of Conduct Policy
- GOV022 Legislative Compliance Policy

Council Documents

- Legislative Compliance Framework
- Governance Framework
- Internal Reporting Procedure
- Records & Information Management Policy (Operational)
- Complaints Management Framework

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

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

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

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

General Manager Wentworth Shire Council	Date
igned:	date.
	Click here to enter a

Page **7** of **7**

9.7 COUNCILLORS SUPERANNUATION CONTRIBUTIONS

File Number: RPT/22/91

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

Under Commonwealth legislation, Council is not required to make superannuation contributions in relation to the fees they pay to Mayors and Councillors because they are not employees of Council for the purposes of the *Superannuation Guarantee (Administration) Act* 1993. Mayors and Councillors are elected to civic office in the Council and Council is not their employer.

Following industry feedback in 2020 the Office of Local Government (OLG) undertook a review of the relevant issues associated with this matter.

Following a period of public consultation, the *Local Government Act 1993* was amended giving Council the option to pay an amount equivalent to the superannuation guarantee in addition to the Mayor and Councillor fees. The amendment takes effect from 1 July 2022.

Recommendation

That Council resolve to pay an amount equivalent to the superannuation guarantee in addition to the Mayor and Councillor fees from 1 July 2022.

Detailed Report

Purpose

The purpose of this report is to update Council on recent changes to the Local Government Act that now allows for the payment of Superannuation Contributions for Councillors.

Background

Under Commonwealth legislation, Council is not required to make superannuation contributions in relation to the fees they pay to Mayors and Councillors because they are not employees of Council for the purposes of the *Superannuation Guarantee (Administration) Act 1993*. Mayors and Councillors are elected to civic office in the Council and Council is not their employer.

Following industry feedback in 2020 the Office of Local Government (OLG) undertook a review of the relevant issues associated with this matter.

Matters under consideration

As part of the review the OLG released a public submission paper which considered a number of factors and asked for feedback on the following possible options:

- 1. Maintain the status quo;
- 2. Amend the NSW *Local Government Act 1993* to require councils to pay a portion of the mayor's and councillors fees equivalent to the superannuation guarantee amount;
- 3. Amend the NSW *Local Government Act 1993* to require councils to pay an amount equivalent to the superannuation guarantee in addition to the payment of the mayor's and councillors fees; or

4. Amend the NSW *Local Government Act 1993* to give councils the option to pay an amount equivalent to the superannuation guarantee in addition to the mayor's and councillors fees.

Following the public consultation period, the OLG made a recommendation to the Minister for Local Government that option four (4) should be adopted by the Government.

Therefore, the *Local Government Act 1993* was amended giving councils the option to pay an amount equivalent to the superannuation guarantee in addition to the mayor's and councillors fees. The amendment takes effect from 1 July 2022.

The decision to make superannuation contribution payments requires a Council resolution at an open meeting.

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

- a) Resolve to make superannuation contribution payments for the Mayor and Councillors; or
- b) Resolve not to make superannuation contribution payments for the Mayor and Councillors.

Legal, strategic, financial or policy implications

The current superannuation guarantee rate is 10% and will progressively increase to 12% by 2025/26.

The total amount of fees paid to the mayor and councilors is currently \$138,000 and is forecast to increase by 2.5% to \$141,600 for the 2022/23 financial year.

The financial implication of this decision would be to increase operational expenditure for 2022/23 by \$14,160.

Conclusion

Following a period of public consultation, the *Local Government Act* 1993 was amended giving Council the option to pay an amount equivalent to the superannuation guarantee in addition to the Mayor and Councillor fees. The decision to make superannuation contribution payments required a resolution from Council at an open meeting.

Attachments

Nil

9.8 AUDIT, RISK AND IMPROVEMENT COMMITTEE

File Number: RPT/22/119

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Simon Rule - Director Finance and Policy

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

The Local Government Act 1993 (NSW) and the Local Government (General) Regulation 2021 requires Council to have:

- An Audit, Risk and Improvement Committee (ARIC) that continuously reviews and provides independent advice to the Council on how it is functioning and managing risk;
- A robust risk management framework that accurately identifies and mitigates the risks facing the Council and its operations; and
- An effective internal audit function that provides independent advice as to whether the Council is functioning effectively and the Council's internal controls to manage risk are working.

These three mandatory governance mechanisms are a vital part of the NSW Government's plan to ensure that Council is doing things the best way they can for the community and are on track to delivering the community's goals and objectives.

Council's that don't have a compliant ARIC have until 4 June 2022 to appoint a Committee. Council currently does not have a compliant ARIC therefore needs to have one in place by 4 June 2022.

Given the timeframes involved a decision from Council is required now to give Council officers sufficient time to advertise for the relevant positions and have appointments confirmed prior to 4 June 2022.

Recommendation

That Council

- a) Resolve to appoint a standalone Audit, Risk and Improvement Committee consisting of the following:
 - An Independent Chairperson;
 - 2 Independent Members; and
 - 1 non-voting Councillor
- b) Set the sitting fees for the Audit, Risk and Improvement Committee as follows:
 - Chairperson \$12,552 per annum
 - Independent Members \$1255.00 per meeting

Detailed Report

Purpose

The purpose of this report is to update Council on the legislative requirements for appointing an Audit, Risk & Improvement Committee.

Background

The Local Government Act 1993 (NSW) and the Local Government (General) Regulation 2021 requires Council to have:

- An Audit, Risk and Improvement Committee that continuously reviews and provides independent advice to the Council on how it is functioning and managing risk;
- A robust risk management framework that accurately identifies and mitigates the risks facing the Council and its operations; and
- An effective internal audit function that provides independent advice as to whether the Council is functioning effectively and the Council's internal controls to manage risk are working.

These three mandatory governance mechanisms are a vital part of the NSW Government's plan to ensure that Council is doing things the best way they can for the community and are on track to delivering the community's goals and objectives.

Matters under consideration

The Local Government Act requires Council to establish an Audit, Risk and Improvement Committee to continuously review and provide independent advice to the General Manager and the governing body of Council on:

- Whether Council is complying with all necessary legislation, regulations and other legal requirements;
- The adequacy and effectiveness of Council's risk management framework, fraud and corruption prevention activities, financial management processes, and Council's financial position and performance;
- Council's governance arrangements;
- The achievement by Council of the goals set out in Councils Community Strategic Plan, Delivery Program, Operational Plan and other strategies;
- How Council delivers local services and how it could improve the performance of its functions more generally;
- The collection of performance measurement data by Council; and
- Any other matters prescribed by the Local Government Regulations.

Guiding Principles

An Audit, Risk and Improvement Committee is independent of the Council.

The committee is equipped with the relevant expertise and has the access to Council resources and information necessary to fulfil its role and responsibilities effectively.

Council receives relevant and timely advice and assurance from the committee on the matters listed in section 428A of the Local Government Act.

The work of the committee is thoroughly planned and executed, risk-based and linked to Council's strategic goals.

The committee adds value to Council and is held accountable by the Council for its performance.

Council is accountable to the community for complying with statutory requirements relating to the committee.

The exact nature of Council's Audit, Risk and Improvement Committee role and the specific activities it reviews on behalf of Council will vary depending on Council's needs, risks and business functions

ARIC's are to have an advisory and assurance role only. They are to exercise no administrative functions, delegated financial responsibilities or any management function of Council.

It is expected that Council's Audit, Risk and Improvement Committee will provide independent advice to Council that informed by Council's internal audit and risk management activities and information and advice provided by Council staff, relevant external bodies and other subject matter experts.

Ongoing reporting by the Audit, Risk and Improvement Committee to the governing body of Council and the General Manager is essential for accountability and will ensure that the governing body of Council is kept abreast of matters considered by the committee and any emerging issues that may influence the strategic direction of Council or the achievement of Councils goals and objectives.

It is important that Council's Audit, Risk and Improvement Committee has clear guidance on how it should serve Council, and that Council has input into how the committee will operate. This will ensure there is no ambiguity between Council and the Audit, Risk and Improvement Committee and that Council can measure the committee's performance.

The terms of reference for the committee is to be approved by resolution of the governing body of Council and reviewed annually by the Audit, Risk and Improvement Committee, and once each Council term by the governing body.

Each council has been categorised as a tier 1, tier 2, or tier 3 council for the purposes of determining the size and composition of their Audit, Risk and Improvement Committee. The categorisation is based on:

- The population, the population density and annual population growth of the local government area;
- The proximity of the local government area to an urban or regional centre;
- The council's financial status
- The grouping of the council with other similar councils;
- The remuneration categories determined by the Local Government Remuneration Tribunal: and
- An understanding by the Office of Local Government of the council's overall performance and risk profile.

This is to ensure that the requirements of Council's Audit, Risk and Improvement Committee are appropriate for Council based on its size, risk profile, operational complexity, resources and its ability to attract suitably qualified committee members.

Council must comply with the following requirements:

- The Chair of the Audit, Risk and Improvement Committee must:
 - Meet the independence requirements for the committee members; and
 - Be prequalified as a chair under the NSW Government's Prequalification Scheme.
- All other voting members must meet the independence requirements for committee members
- The Local Government Regulation allows each committee to have an optional non-voting councillor member that meets the committee's eligibility criteria for councillor members.

All Audit, Risk and Improvement Committee voting members must be independent to ensure they have no real or perceived bias or conflicts of interest that may interfere with their ability to act independently and can provide Council with robust, objective and unbiased advice about how Council is functioning.

The governing body of Council and the General Manager must ensure that adequate procedures are in place to preserve the independence of the chair and members of the Audit, Risk and Improvement Committee.

The persons appointed as a Chair or a member of an Audit, Risk and Improvement Committee must possess the skills, knowledge and experience necessary to undertake their roles on the committee effectively and to ensure the committee is able to operate appropriately and effectively to support Council.

Wentworth Shire Council has been classified as a tier 1 council which means as minimum it must have an independent chair and two independent members that meet the eligibility criteria for non-prequalified committee members. Council can establish larger committees and include more prequalified committee members than required should they choose to do so.

Council's that don't have a compliant Audit, Risk and Improvement Committee have until 4 June 2022 to appoint a Committee. Council currently does not have a compliant Audit, Risk and Improvement Committee therefore needs to have one in place by 4 June 2022.

Council officers have explored the option of sharing an Audit, Risk and Improvement Committee with another Council/s, however at the time of writing this report there has no interest shown therefore Council has no option but appoint its own committee.

Given the timeframes involved a decision from Council is required now to give Council officers sufficient time to advertise for the relevant positions and have appointments confirmed prior to 4 June 2022.

It is the recommendation of this report that Council resolve to appoint the minimum committee requirements, consisting of:

- An Independent Chairperson;
- 2 Independent members; and
- 1 non-voting Councillor.

Council is also required to set sitting fees for the members of the committee. It is recommended that Council base the sitting fees on the NSW Treasury Audit and Risk Committee Independent Chairs and Members guidelines.

Under these guidelines Council is classified as a small agency, therefore should set the fees as follows:

- Independent Chairperson \$12,552 per annum
- Independent Members 1,255 per meeting

These fees are current as at December 2020 and are reviewed by NSW Treasury every two (2) years.

It is expected that the committee will meet as a minimum 4 times per year. Therefore, based on the above proposal it will cost Council \$22,592 per annum.

Legal, strategic, financial or policy implications

Failure to have a compliant Committee in place by the deadline will see Council in breach of the *Local Government Act 1993*.

Conclusion

The Local Government Act 1993 requires Council to have a compliant Audit, Risk and Improvement Committee appointed by 4 June 2022.

Attachments

Nil

9.9 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/22/93

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Annette Fraser - Team Leader Customer Service

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

Council has provided an allocation of \$160,000.00 for the 2021/22 financial year for the consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, the total value of request granted so far totals \$132,452.00.

The total value of requests for this funding application period totals \$4,447.00, which if granted in full, would leave a balance in the Donations, Contributions and Grants fund of \$23,101.00.

Recommendation

That Council having reviewed each of the applications approve option:

(a) Granting the full value of all requests for a total of \$4,447.00.

Detailed Report

Purpose

The purpose of this report is to consider requests for financial assistance that have been received within the current application period.

Background

Council's ability to make financial contribution and/or in-kind assistance are set out in Section 356 of the *Local Government Act 1993*. To assist Council in its compliance requirement, Council has adopted a Donations, Contribution and Grants Policy (AF003), and has provided a funding allocation of \$160,000.00 for the 2021/22 financial year. In this financial year \$132,452 has been granted to a variety of organisations.

Matters under consideration

In this current application period, there have been seven (5) requests for assistance received from community organisations. The total value of the requests under consideration is \$4.447.00.

A review of the applications has determined that the applications meet the program guidelines.

Options

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

- (a) Granting the full value of all requests for a total of \$4,447.00; or
- (b) consider reducing or declining some applications.

Legal, strategic, financial or policy implications

If the requested total of \$4,447.00 is approved this would leave a minimum of \$23,101 left for the final application round in May.

Conclusion

Nil. Attachments

- 1. DCG Donations Contributions & Grants Applications List.
- 2. DCG Donations Contributions & Grants Applications (Under Separate List) ⇒

Organisation/Recipient	Type of Request	\$ Value	\$ Value Amounts granted in 2020/21	Details of Request
Wentworth Pre-School	Fee Waiver	\$48.00	\$765.55	Request for Fee Waiver for hire of Community Meeting Room
Pooncarie School P&C	Fee Waiver	\$154.00	Nil	Pooncarie Hall hire
Wentworth District Rowing Club	Grant	\$2,000.00	\$4750.00	Easter 2022 Regatta
Wentworth Bowling Club Inc	Grant	\$2,000.00	\$800.00	2 x Star Days
Murray Darling Junction Fishing Club Inc	Fee Waiver	\$245.00	Nil	License Agreement
A	TOTAL	\$4447.00		

9.10 POLICY REVIEW - DEPARTMENT HEALTH AND PLANNING

File Number: RPT/22/135

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Matthew Carlin - Director Health and Planning

Objective: 4.0 Wentworth is a caring, supportive and inclusive community

that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership,

planning, decision-making and service delivery

Summary

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

For this Council meeting the department has reviewed three policies and are presenting one of them to Council for adopting and another for public exhibition. The department is proposing that Council rescind the remaining policy due to changes in legislation.

Recommendation

That Council:

- 1) Adopt PR007 Levee Bank Easement Policy
- 2) Adopt PR011-Mooring Site Policy
- 3) Endorse for public exhibition PR016 Mobile Food Vending Vehicle Policy for a period of 28 days

Detailed Report

Purpose

The purpose of this report is to update Council on the process of the review of Council policies that is ongoing following the election of all Councillors.

Background

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

Report Detail

For this report, staff within the Health and Planning Department have reviewed the following policies:

PR007 – Levee Bank Easement Policy

PR011 – Mooring Site Policy

PR016 – Mobile Food Vending Vehicle Policy

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

While reviewing the following policies:

PR007 - Levee Bank Easement Policy

PR016 – Mobile Food Vending Vehicle Policy

PR011 – Mooring Site Policy

It has been determined these policies are still required of Council and that the current scope and intent of these policies are still relevant.

With regard to PR007 and PR011, only minor formatting and administrative updates were needed of this policy. It is therefore recommended these policies be adopted.

With regard to PR016, this policy has undergone significant change to reflect community feedback from previous consultation and to address current food safety legislation. It is therefore recommended this policy be endorsed to go out to public exhibition for a period of 28 days per Councils Community Participation Plan.

Conclusion

The Local Government Act 1993 requires Council to review its official Council Policies following a general Election of Council. The Health and Planning Department is responsible for 15 Council policies. For this meeting Council has reviewed three policies, two of which for adoption and one for public exhibition.

Attachments

- PR007 Levee Bank Easement Policy
- 2. PR011 Mooring Site Policy !-
- 3. PR016 Mobile Food Vending Vehicle Policy.

Word Document Reference: DOC/22/2335

Council Policy No:PR007

LEVEE BANK EASEMENTS

POLICY OBJECTIVE

This Official Policy aims to identify the obligations of Council, landowners and the public in relation to levee banks.

POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which: Clearly identify the obligations of Council, landowners and the public in relation to the registered levees throughout the Shire

1. POLICY COVERAGE

This policy applies to all areas of Council's operations is to deliver the opportunity for the creation of easements over the registered levee banks throughout the Shire with reference to the type of structure. In addition, this policy identifies the permitted uses of the land within the easement.

2. STRATEGIC PLAN LINK

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

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

3. DEFINITIONS AND ABBREVIATIONS

Act	Local Government Act 1993 (NSW)	
GM	General Manager	
Regulations	Local Government (General) Regulations 2005 (NSW)	
Inside Toe of Levee	Flood protected side of levee bank	
Outside Toe of Levee	Flood liable or river side of levee bank	
Crest of Levee	Top of Levee	
Easement	Right of access for specific purpose being construction and maintenance of the levee structure	

4. POLICY CONTENT

This policy is derived from five previous versions date 1989, 2000, 2001, 2009 and the current Policy CP36 dated 2010

5. RELATED DOCUMENTS & LEGISLATION

It is the policy of this council that:-

- **5.1** Council creates easements on all of Council's registered levees throughout the Shire
- **5.2** Identify the extent of the easement dependent upon the physical construction of the levee bank in line with the following:

Word Document Reference: DOC/22/2335

Council Policy No:PR007

LEVEE BANK EASEMENTS

- a) Earth Levee levee structure plus 1.5 metres adjacent to the inside toe of the levee and 1.5 metres adjacent to the outside toe of the levee.
- b) Concrete Levee levee structure plus 1 metre either side of the levee structure
- **5.3** Nominate that the rights enabled by the easement creation is for construction and maintenance of the levee only.
- 5.4 Council is legally able to gain access to the levee for maintenance and construction via the crest or within the easement either side of the levee. In times of flood access to the levee to be right of entry through the affected property
- Restrict the public access through private property with physical barriers and signage. This position will be supported with appropriate wording on the easement transfer document and dissemination of public information.
- 5.6 Ensure that no excavation, construction, plantings or work of any type are carried out within the easements without the written consent of the General Manager or nominee.
- **5.7** Adhere to the levee bank audit carried out by the Department of Public Works identifying that permanent obstruction within the levee easement be removed within the annual operational budget.
- 5.8 Ensure boundary fences are provided with an unlocked gate in the fence on the crest of the levee. Such gate or gates are to be a minimum of 3.0m wide.
- 5.9 Remove the objects as identified within the levee bank audit and undertake associated remediation of the levee bank at the cost of Council.
- 5.10 Consider applications prior to the creation of levee bank easement for permanent structures, excavations or filling on land on which a registered levee is constructed in accordance with this policy as if an easement had been created.

ATTACHMENTS

Nil.

6. DOCUMENT APPROVAL

For Council Policies please use the following, otherwise delete

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

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

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

General Manager Wentworth Shire Council	Date
Signed:	date.
	Click here to enter a

Word Document Reference: DOC/22/2344

Council Policy No: PR011

Mooring Site Policy

POLICY OBJECTIVE

It is the objective of this policy to set out the parameters for the approvals of private mooring sites in the Wentworth Shire.

1. POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which either permit or prohibit an application for a private mooring site.

2. POLICY COVERAGE

This policy applies to all areas of Council's operations and is applicable to all land and waterways within the Wentworth Shire and particularly along the Murray and Darling Rivers and Tuckers Creek.

3. STRATEGIC PLAN LINK

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

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

4. DEFINITIONS AND ABBREVIATIONS

Council	Wentworth Shire Cour	ncil	

5. POLICY CONTENT

Wentworth Shire Council is committed to preserving public access to rivers and waterways with the Shire.

This policy is subject to all other Plans prepared and approved in accordance with any current State Legislation or other current State of Commonwealth Legislation.

Where this Policy conflicts with any other Council Policy or Plan on matters pertaining to mooring sites or mooring approvals this Policy shall prevail.

It is the policy of this Council that:

- Council will not agree to or support the issue of a mooring licence or licenses adjacent to any Public Reserve or Public Road, with the exception of a Council owned Public Reserve where a permissive occupancy for the purpose of mooring exists.
- 2. Mooring sites that are adjacent to the Victorian side of the Murray River will be referred to the Victorian Department of Environment, Land, Water and Planning.
- 3. Application for a mooring site adjacent to the Victorian side of the Murray River will not require lodgement of a development application.

6. RELATED DOCUMENTS & LEGISLATION

Environmental Planning and Assessment Act 1979

Wentworth Local Environmental Plan 2011

Water Management Act

Word Document Reference: DOC/22/2344

Council Policy No: PR011

Mooring Site Policy

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

For Council Policies please use the following, otherwise delete

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

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

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

General Manager Wentworth Shire Council	Date
3.61.631	date
Signed:	date.
	Click here to enter a

Word Document Reference: DOC/22/1977

Council Policy No: PR016

MOBILE FOOD VENDORS POLICY

POLICY OBJECTIVE

The objective of this policy is to provide the framework for the operation of mobile food vending vehicles in the Wentworth Shire Local Government Area.

1. POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which sets out the relevant legislative requirements for safe food handling and preparation practices and establishes the on-street trading parameters.

2. POLICY COVERAGE

This policy applies to the Wentworth Local Government Area.

3. STRATEGIC PLAN LINK

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

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

4. **DEFINITIONS AND ABBREVIATIONS**

Term/Word	Definition		
Mobile Food Vendor	A food vendor who has a <i>Mobile Food Vendor Permit</i> and operates a licensed food vending vehicle or trailer.		
Mobile Food Vending Vehicle	A mobile food vending vehicle is a vehicle location on Councilowned roads and managed land used in connection with the preparation and/or sale of food.		
	It includes vehicles used for on-site food preparation (e.g. Hamburgers, hot dogs, and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food. For the purposes of this policy "mobile food vending vehicle" refers to both food trucks and food vans, being vehicles that are registered within the meaning of the Road Transport Act 2013.		
Council-owned roads	Council-owned roads includes all of the land used for vehicular traffic, plus any footway, shoulder, kerb and gutter.		
Managed land	Council managed land includes all crown land and reserves within the Wentworth Local Government Area		
Standing Vehicle	Includes any food truck or food van that has stopped to make a sale, or with the intention to sell		

5. POLICY CONTENT

Approval Process Mobile Food Vending Vehicles

Page **1** of **7**

Word Document Reference: DOC/22/1977

Council Policy No: PR016

MOBILE FOOD VENDORS POLICY

Approval under the *Local Government Act 1993* is required to be obtained prior to commencement of operation of a mobile vending vehicle.

An application for approval to use a mobile food vending vehicle is to be made on the approved form. The prescribed fee is to be paid before the application is assessed.

Prior to the issue of an approval under this Policy, the mobile food vending vehicle is to be made available for inspection by Council officers.

All approvals will be issued with an end date of 30 June each financial year.

All approvals will be subject to conditions, including but not limited to compliance with this Policy.

Only the sale of food and drinks will be permitted from mobile food vending vehicles. No sale of alcohol, cigarettes or other products from mobile food vending vehicles will be allowed.

The applicant is required to submit a copy of public liability insurance, indemnifying the applicant to an amount of not less than \$20,000,000. This insurance is to be valid at all times.

Design and construction of Mobile Food Vending Vehicles

All mobile food vending vehicles are required to:

- Be appropriate for the types of food produced and activities conducted
- Provide adequate space for all activities and all equipment to be used and stored
- Allow easy cleaning/sanitising procedures of all structures and equipment
- Prevent entry of pests, dust, fumes, smoke and other contaminants
- Exclude favourable sites for pests to harbour (live and breed)

Parking/Standing of Mobile Food Vending Vehicles

Mobile food vending vehicles are to:

- Comply with local parking rules and restrictions
- Comply with relevant road rules
- Operate from Council approved locations only
- Ensure pedestrian ramps and footpaths are not compromised
- Ensure deliveries are not made while in operation
- Ensure the serving window does not open onto any part of a vehicular carriageway or cycleway

Waste Management

Provisions for waste management are to include the following:

- Waste materials are to be collected in bins or suitable receptacles, bagged or contained, stored and disposed of at the cost of the operator
- Any waste produced by the operation of the mobile food vending vehicle is to be removed from the site via the mobile food vending vehicle at the end of the trading period
- The trading area is to be left in a clean and tidy condition at the end of each trading interval
- The trading approval holder is liable to reimburse Council for any cleaning cost incurred by Council during the duration of the trading period as a result of the operation of the mobile food vending vehicle.

Page **2** of **7**

Word Document Reference: DOC/22/1977

Council Policy No: PR016

MOBILE FOOD VENDORS POLICY

- Disposal of all liquid wastes generated within the food van is to be discharged to the sewer
 or as approved by an authorised Council Officer. Under no circumstances is liquid waste to
 be discharged to the ground or in the stormwater drain or natural waterways
- Details of liquid waste and garbage disposal arrangements must be supplied with the application for the mobile food vending vehicle.

Potable Water Supply

The vehicle must be provided with an adequate supply of potable water stored in approved containers and suitably protected against contamination, for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes.

The vehicle is to be equipped with a waste water tank external to the vehicle, of at least 50 litre capacity with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

All hot water for washing purposes is to be supplied from a suitable hot water system and should be piped so it can be mixed with cold water.

Control of Pollution

Operators are to comply with the *Protection of the Environment Operations Act 1997*, which contains provisions relating to pollution, including prevention of offensive noise, smoke, odour and waste water discharges.

Noise

The emission of noise associated with the use of the vehicle, including the operation of any mechanical plant and equipment, is to comply with the following:

- The use of the vehicle must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act* 1997
- If any noise complaints are received and substantiated by an authorised Council officer, the
 officer may direct that the use of the food truck/business is to be suspended or moderated
 to prevent nuisance until attenuation measures are completed and Council has confirmed
 in writing that the use may resume.
- The operation of a mobile food vending vehicle is not to involve the use of any bell, music or other sound device to attract customers, nor while the vehicle is stationary.

Odour

If any odour or smoke complaints are received and substantiated by an authorised Council officer, then the use of the vehicle or apparatus is to be moderated as directed by an authorised Council officer as deemed necessary to prevent nuisance.

Use of Separate Premises/Preparing Food at home

Where the operation of the mobile food vending vehicle involves the use of premises within the Wentworth Shire Local Government Area, for the storage or preparation of food in conjunction with a mobile food vending vehicle, a Development Consent for such use may be required under the *Environmental Planning and Assessment Act 1979*.

A separate approval may be required for the preparation of food as part of a home business.

Page **3** of **7**

Word Document Reference: DOC/22/1977

Council Policy No: PR016

MOBILE FOOD VENDORS POLICY

6. RELATED DOCUMENTS & LEGISLATION

- Local Government Act 1993
- Food Act 2003
- Roads Act 1993
- Environmental Planning and Assessment Act 1979
- Protection of the Environment Operations Act 1997
- Food Standards Code
- Mobile Food Vending Vehicles Operation, construction and food handling Guidelines 2017
- Department of Local Government Street Vending Control Guidelines 2017

7. ATTACHMENTS

Permitted Trading Locations

8. DOCUMENT APPROVAL

For Council Policies please use the following, otherwise delete

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

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

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

General Manager Wentworth Shire Council	Date
Signed:	date.
Ciencedo	1 .
	Click here to enter a

Page **4** of **7**

Word Document Reference: DOC/22/1977

Council Policy No: PR016

MOBILE FOOD VENDORS POLICY

ATTACHMENT 1 – PERMITTED TRADING LOCATIONS

TOWNSHIP	Wentworth
SITE	Junction Park Cadell Street
PERMITTED TRADING HOURS	7am – 8pm each day of the week
CONDITIONS	A maximum of two (2) traders may operate from the designated bays



Word Document Reference: DOC/22/1977

Council Policy No: PR016

MOBILE FOOD VENDORS POLICY

TOWNSHIP	Curlwaa
SITE	O'Donnell Park
PERMITTED TRADING HOURS	7am – 8pm each day of the week
CONDITIONS	A maximum of One (1) traders may operate from the designated bays



Word Document Reference: DOC/22/1977

Council Policy No: PR016

MOBILE FOOD VENDORS POLICY

TOWNSHIP	Dareton
SITE	Dareton Boat Ramp
PERMITTED TRADING HOURS	7am – 8pm each day of the week
CONDITIONS	A maximum of One (1) traders may operate from the designated bays



9.11 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - THEGOA LAGOON REZONING PLANNING PROPOSAL

File Number: RPT/22/42

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

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

invest

Strategy: 2.5 Maintain/create desirable open spaces and recreation

facilities

Summary

Council's Health and Planning Department has prepared a Planning Proposal as an outcome of the Sustainable Wentworth Strategy and Management Plan for Thegoa Lagoon.

The Planning Proposal seeks to amend the following planning provision in the *Wentworth Local Environmental Plan 2011* (WLEP2011):

Amend the Land Zoning Map – Sheet LZN_002B and Land Zoning Map – Sheet LZN_002D applied to the subject land from 'RU1 Primary Production' & 'RU5 Village' to 'C2 Environmental Conservation'

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 Homes 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

The Sustainable Wentworth Strategy 2016 was undertaken by Council's Health and Planning Department. The Management Plan for Thegoa Lagoon Reserve was prepared by Thegoa Lagoon Management Steering Committee in 2003.

The purpose of preparing the Sustainable Wentworth Strategy 2016 was to guide the future development of the township of Wentworth and to provide opportunities for alternative uses of specific sites around the township. The Management Plan was undertaken to guide the integrated management of the reserve by identifying management goals and actions to ensure the natural and cultural features of the Thegoa Lagoon are recognised and protected. The strategy and the Management Plan provide justification and recommendations for amendments to the WLEP2011.

Refer to Attachment 1 Sustainable Wentworth Strategy 2016.

Refer to Attachment 2 Management Plan for Thegoa Lagoon Reserve 2003.

Matters under consideration

This Planning Proposal has been prepared to act upon the recommendations made in the Sustainable Wentworth Strategy 2016 and Management Plan for Thegoa Lagoon Reserve.

The Planning Proposal proposes to:

- Amend the Land Zoning Map – Sheet LZN_002B and Land Zoning Map – Sheet LZN_002D applied to the subject land from 'RU1 Primary Production' & 'RU5 Village' to 'C2 Environmental Conservation' (in accordance with the proposed Land Zoning Map shown in Part 4).

Refer to Attachment 3 – Planning Proposal for Thegoa Lagoon.

Refer to Attachment 4 – Zone investigation

Early consultation with the Department of Planning, Industry and Environment (Biodiversity and Conservation) and Department of Planning, Industry and Environment (Crown Lands) has been undertaken to gauge the agencies support or concerns for the proposed amendments to the *Wentworth Local Environmental Plan 2011*.

The response received from the agencies was positive regarding the proposed amendments to the WLEP2011. A copy of the agency responses will be sent to the NSW Department of Planning and Environment as part of the planning proposal application.

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 Homes for consideration of a Gateway Determination,
- 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 Homes for consideration of a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979.

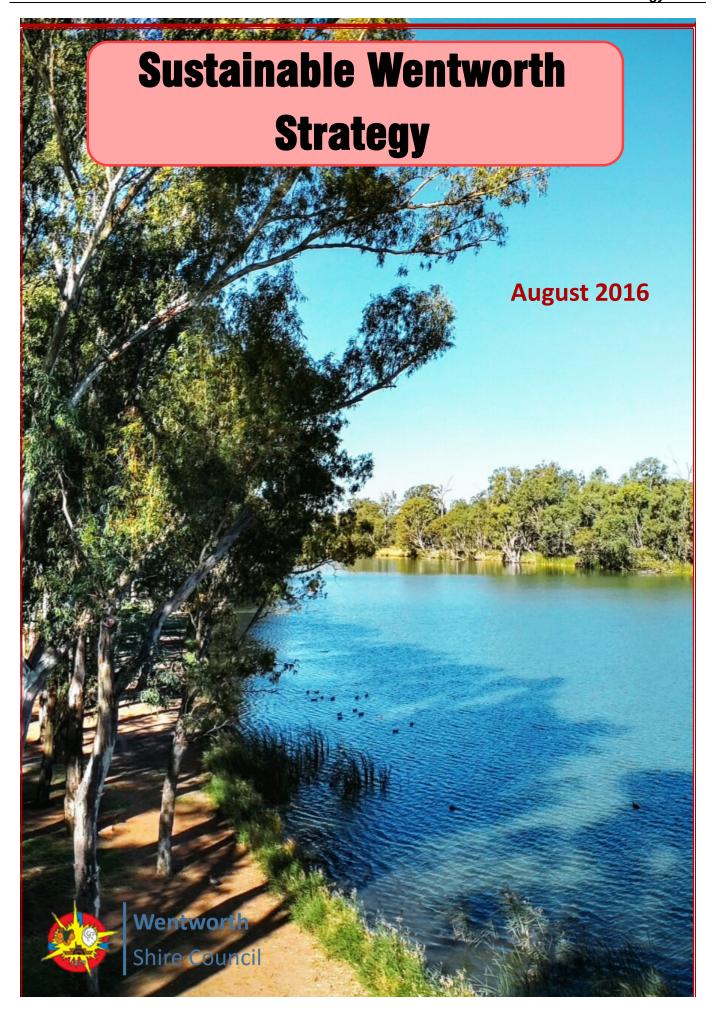
The endorsement will provide Council with the opportunity to progress the implementation of the recommendations made in the Sustainable Wentworth Strategy and the Management Plan for Thegoa Lagoon Reserve which will provide social and biodiversity benefits such as a healthy environment, cultural heritage protection and enhanced community interaction with the environment.

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 Homes for consideration of a Gateway Determination.

Attachments

- Sustainable Wentworth Strategy 2016
- 2. Management Plan for Thegoa Lagoon Reserve 2003
- 3. Planning Proposal for Thegoa Lagoon 4



CONTENTS

1. Introduction

- 1.1 Purpose of the Strategy
- 1.2 Study Area

2. Consultation

3. Wentworth LEP 2011 Zones of Wentworth Township

4. Assessment of Specific Sites

5. Core Themes

- 5.1 Commercial Land
- 5.2 Residential Land
- 5.3 Health Care Services
- 5.4 Emergency Services
- 5.5 Recreational Land
- 5.6 Other Land

6. Strategy Recommendations

7. Conclusion

Attachments:

- 1. Current Wentworth Zone Map
- 2. Proposed Wentworth Zone Map
- 3. Specific Sites Map
- 4. Businesses in Commercial Precinct
- 5. Proposed Commercial/Industrial Rezoning Map
- 6. Vacant Residential Land
- 7. Public Open Space
- 8. Existing Pathways in Wentworth

Tables:

- Table 1 Proposed Sites for Rezoning
- Table 2 Wentworth Businesses
- Table 3 Parks and Playgrounds
- Table 4 Recreational Facilities and Public Open Space
- Table 5 Types of uses of Public Open Space
- Table 6 Recommended Rezoning Mapping Anomalies
- Table 7 Recommended Rezoning Commercial & Industrial Precincts

1. INTRODUCTION

The Sustainable Wentworth Strategy is a document designed to guide the future development of the township of Wentworth, in south western New South Wales.

Wentworth is a small town located at the confluence of the Murray and Darling Rivers, in south west New South Wales with a population of 1,248 people. (ABS 2011 Census Quick Stats).

1.1 PURPOSE OF THE STRATEGY

The purpose of this document is to establish an agreed vision for Wentworth's urban area and develop a plan to facilitate future development to ensure the provision of services that will meet the expectations and future needs of the Wentworth community.

Wentworth has a high percentage of 'older' residents, with 55.3% of residents aged over 50 years old. (ABS 2011 Census Quick Stats). Therefore it is imperative that facilities and services that are and will be required in the future are established to ensure that it is not necessary for aged residents to relocate to other towns to gain access to medical and support services.

It is also important to ensure the ongoing availability of business services, residential land, recreational facilities, including pathways, are adequate to meet the demands of the entire community.

The strategy includes a desktop review of current land uses and the zoning applied to each parcel of land. Recommendations for changes to the zoning of various parcels of land have been made to more accurately reflect the 'on ground' activities.

Numerous key sites have been identified as being suitable for future redevelopment. Each site has been assessed in terms of its serviceability under its existing use, surrounding land uses and its potential for an alternative use.

Additionally, a walk through the 'commercial' precinct of Darling, Sandwych and Adams Streets indicates a lack of available shop front business premises. Until recently, there were several premises vacant in this precinct, where now there are only one or two vacant premises in the commercial precinct.

The Sustainable Wentworth Strategy addresses the following core themes:

- Commercial Land
- Residential Land
- Health Care Services
- Emergency Services
- Recreational Land
- Other Land

1.2 STUDY AREA

The study area referred to in this document encompasses the entire Wentworth Township.

Additionally, numerous specific sites have been referred to individually due to their future development potential and the suitability of these sites for alternative uses.

2. CONSULTATION

Community consultation was conducted over a period of six weeks.

The methods of consultation included the following:

- Community drop in session held in Wentworth
- Letters to individual landowners that would be directly affected by a recommendation to rezone their land
- Public exhibition of the draft Sustainable Wentworth Strategy at key locations
- Local newspaper advertisements

A community drop in session was held in Wentworth 24 May 2016 from 4.00pm to 7.00pm. The session was well attended with in excess of fifty people providing general comments and contributing their thoughts on the strategy and living in Wentworth.

A total of sixteen written submissions were received from community members during the consultation period.

Generally, Council has received:

- Strong community support for the relocation of the Council Office, Library, Chambers and Visitor Information Centre to the former Wentworth Services Club.
- Several objections to the proposed rezoning of Thegoa Lagoon and land at the north end of Wentworth Street.
- One objection to the proposal to consult with the Wentworth Primary School regarding any future plans to relocate.
- Concern from landholders that the proposed rezoning of the commercial/business precinct from RU5 Village to B2 Local Centre zone on the basis that there may be an increase in Council Rates.
- Numerous comments in support of the development of a local skate park and child care centre.

3. WENTWORTH LEP 2011 ZONES OF WENTWORTH TOWNSHIP

The current zones applied to Wentworth include:

- RU5 Village
- SP2 Infrastructure (State Highway)
- IN1 General Industrial
- RU1 Primary Production
- W2 Recreational Waterways.

At the time of the conversion from Wentworth LEP 1993 to WLEP 2011, the town of Wentworth was blanketed with the RU5 Village zone, except for a few lots that were zoned either SP2 Infrastructure, IN1 General Industrial and RU1 Primary Production.

Refer to Attachment 1 – Current Wentworth Zone Map.

It is considered that the RU5 Village zone is an appropriate zone for the town of Wentworth. The intent of the zone is to provide flexibility for a range of land uses that promote development, ensure opportunities for economic development and service the local rural community.

However, some of the sites or areas that are currently zoned RU5 Village or RU1 Primary Production zone should be rezoned to more accurately reflect the on ground activities and purpose of those sites.

Table 1 - Proposed Sites for Rezoning

Site	Name	Current Zone	Rezone to	Justification
1a & 1b	Wentworth Sporting Complex – Golf, Bowls, Tennis, Swimming Pool, Boy Scouts	RU5 Village	RE2 Private Recreation	This site is Crown owned land, with Wentworth Shire Council being the Trustee of the land, and used for recreational use by club members of the public.
2	Wentworth Recreation Reserve	RU5 Village	RE1 Public Recreation	This site is Crown owned land and managed by Wentworth Shire Council for public recreational use.
3	North Adams Street Public Open Space	RU5 Village	RE1 Public Recreation	This site is Crown owned land, with Wentworth Shire Council being the Trustee of the land, and used for public recreation.
4	Strother Park	RU5 Village	RE1 Public Recreation	This site is Crown owned land, with Wentworth Shire Council being the Trustee of the land, and used for public recreation.
5	Sturt Park	RU5 Village	RE1 Public Recreation	This site is Crown owned land, with Wentworth Shire Council being the Trustee of the land, and used for public recreation.
6	Junction Park	RU5 Village	RE1 Public Recreation	This site is Crown owned land, with Wentworth Shire Council

				being the Trustee of the land,
				and used for public recreation.
7	Ski Reserve	RU5 Village	RE1 Public	This site is Crown owned land,
	JAN Meserve	1105 Village	Recreation	with Wentworth Shire Council
			The circulation	being the Trustee of the land,
				and used for public recreation.
8	Rowing Club	RU5 Village	RE1 Public	This site is Crown owned land,
		i i i i i i i i i i i i i i i i i i i	Recreation	with Wentworth Shire Council
				being the Trustee of the land,
				and used for public recreation.
9	Wharf	RU5 Village	RE1 Public	This site is Crown owned land,
		as rage	Recreation	with Wentworth Shire Council
				being the Trustee of the land,
				and used for public recreation.
10	Fotherby Park	RU5 Village	RE1 Public	This site is Crown owned land,
			Recreation	with Wentworth Shire Council
				being the Trustee of the land,
				and used for public recreation.
11	Apex Park	RU5 Village	RE1 Public	This site is Crown owned land,
			Recreation	with Wentworth Shire Council
				being the Trustee of the land,
				and used for public recreation.
12	Rotary Park	RU5 Village	RE1 Public	This site is Crown owned land,
			Recreation	with Wentworth Shire Council
				being the Trustee of the land,
				and used for public recreation.
13	Wentworth	Part RU5	RE1 Public	This site is Crown owned land,
	Showground	Village and	Recreation	with Wentworth Shire Council
		Part RU1		being the Trustee of the land,
		Primary		and used for public recreation.
		Production		
14	Wentworth Pistol	RU1 Primary	RE2 Private	The site is owned by the
	Club	Production	Recreation	Wentworth Pistol Club and used
				for recreation by members of the
				club.
15	Water Stations	RU5 Village	SP2	This site is used for the storage
&			Infrastructure	and distribution of
16			(Water Plant)	filtered/unfiltered water for the
				township of Wentworth.
17	Sewerage Station	RU5 Village	SP2	This site is used as a sewerage
			Infrastructure	pump station for the township of
			(Sewerage	Wentworth.
			Plant)	

Refer to Attachment 2 – Proposed Wentworth Zone Map.

During community consultation several submissions were received objecting to the proposal to rezone Thegoa Lagoon and Reserve from RU1 Primary Production zone to E1 National Parks and Nature Reserves zone. Another submission suggested rezoning the area to E2 Environmental Conservation zone whilst maintaining the RU1 Primary Production zone on leased land.

Subsequent to those submissions, Thegoa Lagoon has been removed from Table 1 to allow for further investigation as to whether the Lagoon should be rezoned, and if so, to what zone(s). This process will also involve further consultation with those who have submitted comments and objections to the future zoning of Thegoa Lagoon.

Recommendation:

That Council prepare a planning proposal to amend the WLEP 2011 by rezoning of the above listed sites as indicated in Table 1.

That Council continue to investigate the most appropriate zone(s) to be applied over Thegoa Lagoon and Reserve.

Timeframe:

Short term – 1 to 2 years

4. ASSESSMENT OF SPECIFIC SITES

The recommendations or options provided on the following pages are suggestions only and further consideration of alternative appropriate uses for each site will continue throughout the consultation phase of this project.

Refer to Attachment 3 – Specific Sites Map

Site 18 - Former Wentworth Services Club

This building is the most prominent in Wentworth and possibly one of the most notable structures in the Sunraysia region. The use of the building as a club or hotel has been exhausted and an alternative use is the only way forward.

While it lays dormant the building deteriorates and portrays a strong feeling of emptiness and lack of growth and development in Wentworth. Therefore, it would be ideal for the future of Wentworth, if the building was once again occupied and used for an alternative purpose.

Located centrally within the commercial precinct of town, the Wentworth Services Club Building is conducive for the modernisation of all Council Administrative needs. This would include the Administration Offices, Library, Visitor Information Centre, Meeting Rooms and Council Chambers.

By relocating the office staff, the Public Library and Council Chambers to the former Wentworth Services Club, all administrative branches of Wentworth Shire Council would be amalgamated to ensure smooth and efficient provision of services to the community.

The size of the Club would more than adequately accommodate all functions of Council, including the Visitor Information Centre and would provide a modern and comfortable working environment.

The relocation of Council's Administrative services also ensures the future use and maintenance of an iconic and highly visual building in the centre of the commercial precinct of Wentworth. There would also be adequate car parking facilities, so as not to impede any car parking for existing businesses in the Darling street north commercial precinct.

The existing public car park to the north of the building (adjacent to the Grande Resort Motel) would provide more than adequate shared car parking facilities for the use of the former Services Club building for Council administrative purposes and the adjoining Grand Resort Hotel.

The acquisition of this property would facilitate the nominated development in the majority of the following specific sites.

Recommendation:

Wentworth Shire Council consider purchasing and refitting the former Wentworth Services Club for the purposes of relocating Council's administrative functions, including offices, Council chambers, Visitor Information Centre, Meeting Rooms and Public Library to the iconic building.

Timeframe:

Short term - 1 to 2 years

Wentworth Shire Council – Sustainable Wentworth Strategy Adopted 17 August 2016

7



Site 19 – Junction Links

With its access to services (sealed road, power, water, sewer), close proximity to Junction Park through Berkeley Street and the Recreation Reserve and an outlook over the Wentworth Golf Course, albeit over the Wentworth Levy, this green field site is considered suitable for residential development. It has been suggested that the site could provide for appropriate independent, senior living units and dwellings.

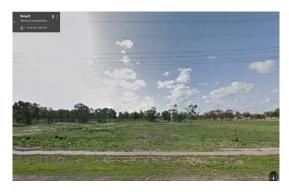
The site area of approximately 4.7 hectares has an approved subdivision plan that would provide 52 residential lots for future development. Based on an average lot area of 600 square metres this site could potentially provide for around 78 new dwellings.

Recommendation:

Facilitate development of the site for residential purposes.

Timeframe:

Short term - 1 to 2 years





Site 20 – Land adjacent to McLeod Oval and Site 19

This unused site is suitably located to establish a stormwater retention basin for the residential development on Site 19 and any future development of Site 26.

This basin could be connected to the existing basin just to the north that currently assists with the water supply to the Golf Course. The southern half of this site is included in an approved subdivision applicable to Site 19 for the purposes of stormwater retention.

The aesthetic and connectivity appeal of this area could also be improved by landscaping the site and incorporating walking/cycle paths. A greater opportunity would then exist to design a link through Site 19 to Murray Street/Alice Street which then establishes a short pedestrian/cycle access to the Junction Park in Cadell Street.

Recommendation:

Consider the development of Site 20 as a stormwater retention basin with landscaped design to attract public recreational and linkage use, dependent on the future development of Sites 19 and 26.

Timeframe:

Short term - 1 to 2 years





Site 21 – Wentworth Shire Council Administration Office Car Park

Murray House has expressed the need to expand their existing facilities in Murray Street to continue to provide adequate services for existing and future residents.

To expand, Murray House has advised that it requires more land adjacent to the existing facility to continue to provide necessary services from its current site.

Council has the opportunity to contribute significantly to this necessity and its community by accommodating that growth by relinquishing the Wentworth Shire Council office car park to Murray House to facilitate the expansion of the existing facility.

Recommendation:

Facilitate the expansion of Murray House by selling the current Administrative Office car park site to Murray House.

Timeframe:

Short term – 1 to 2 years





Site 22 – Public Library and Council Chambers

Should Wentworth Shire Council see justification in the relocation of the Public Library and Council Chambers to Site 18, this opens up an opportunity for the relocation of Wentworth Hospital to this site by internally refitting and redesigning the existing building.

Alternatively, the site, including the existing buildings, could be internally refitted and designed to accommodate for a variety of health care providers.

This move would create a centralised health care precinct with both the hospital and Murray House being located adjacent to one another. It would also ensure that the hospital is not isolated from the town during an emergency event.

The use of this site as a hospital or as a medical centre would be consistent with the use of the adjacent site as an aged care facility and the surrounding residential development.

Should the hospital premise require more space than that is provided on this site, consideration of the Wentworth Shire Office building site could be included to facilitate the relocation.

Recommendation:

Consult with the Wentworth Hospital as to the feasibility of relocating the hospital to the Library and Council Chambers site.

Facilitate the relocation of the Wentworth Hospital by vacating the Library and Council Chambers.

Timeframe:

Medium term - 3 to 5 years





<u>Site 23 – Wentworth Shire Council Administration Offices & Wentworth Town Hall</u>

The Wentworth Shire Council administration office building is separately housed from the Council Chambers on an adjoining lot. The office building is aging and the office layout is constantly requiring alterations to accommodate staff and personnel.

This site adjoins the northern boundary of Site 22 and Murray House and residential development to the west.

Site 23 may be conducive to demolishing the existing aged office building and redeveloping to establish a new, modern and serviceable hospital for the Wentworth Community, conveniently located adjacent to Murray House.

Alternatively, vacating this site would provide an opportunity to establish a centralised health care precinct by redeveloping the site to accommodate for a range of medical practitioners. Both of the above options would build and strengthen an operative health care precinct facility by centralising health care services in Wentworth.

The Wentworth Town Hall is currently listed in the Wentworth LEP 2011 Schedule 5 Environmental Heritage list. Due to its local significance, the Hall should be retained in Council's ownership and continued to be used as a community facility, including the Community Meeting Room. However, further consideration should also be given to its low usage rates and how utilising this building can be expanded or increased.

To ensure the Hall is retained in Council's ownership, the building should be subdivided from the WSC administration office building.

Recommendation:

Retain ownership of the Wentworth Town Hall and Community Meeting Room for community use by subdividing the building from Council's Administration Offices.

Undertake a study that identifies all Council owned and maintained buildings that are used for community purposes. This study would include the rate of usage of each facility and the community groups and organisations that rely on the use of such buildings.

Consult with the Wentworth Hospital and Ambulance Services as to the feasibility of relocating the Hospital and/or Ambulance Station to the WSC administration office building site.

Timeframe:

Medium term - 3 to 5 years





Wentworth Shire Council – Sustainable Wentworth Strategy Adopted 17 August 2016

Site 24 - Former Tennis Courts

The expansion of Murray House together with the establishment of a health care precinct raises the question as to the availability of safe and secure car parking within close proximity to the precinct.

An unused lot across the road from Murray House, of which is already sealed due to its previous use as tennis courts, provides an opportunity for Murray House to provide off street car parking. This lot contains an area of 1,669 square metres. A car park of this size could cater for up to approximately 35 car parking spaces.

The lot is crown land, managed by Council as Trustee and has not been used for recreational purposes for many years. The site is bounded by a laneway at the rear of the property, Wentworth Pre-school to the west and a dwelling to the east.

The proposed use would not have a negative impact on the surrounding uses, provided the property was not installed with lighting that may be of a nuisance to the adjoining residential properties.

It has also come to Council's attention that a petition has been circulating around Wentworth seeking assistance to facilitate the establishment of a Child Care Centre. The petition includes 382 signatures, 18 expressions of interest and 6 letters in support of the proposal.

Without having conducted specific research into the demand for such a facility, it may be premature to consider this site for such purposes. However, should Council see a need for a child care centre in Wentworth, this site adjoins the Wentworth Pre-school and may be considered to be an appropriate location for the development of a child care facility.

Recommendation:

Undertake a child care study with a purpose to identify the demand for a child care centre to service Wentworth and the surrounding area and a suitable location for such development.

Enter into discussions with Murray House to utilise this vacant, sealed site for car parking purposes.

Timeframe:

Short term – 1 to 2 years





Site 25 – Wentworth & District Hospital

The existing, aging Wentworth Hospital is currently located outside the main town levee bank and is disconnected from the township area.

There are three levees around Wentworth. One encloses the main town centre of Wentworth on the western side of the Darling River, the second levee encloses further development on the eastern side of the Darling River, while the third tightly surrounds the hospital to the east of the Darling River and south of Tuckers Creek.

Ideally, the hospital should be located within the urban area to ensure it is not isolated from the urban area during a flood event or any other natural disaster.

Should the Hospital relocate to Site 22 or 23, this land with frontage to the Darling River, adjacent to the ski reserve and approximately 210 metres from the Murray River, may be conducive for the development and use of:

- Aboriginal Cultural Heritage and Interpretative Centre
- Tourist and visitor accommodation refers to backpackers', bed & breakfast, hotel/motel, serviced apartments accommodation
- Eco tourism a building or place that provides temporary accommodation to visitors on a
 commercial basis, is located in or adjacent to an area that has special ecological or cultural
 significance, is sensitively designed and located to minimise bulk, scale, physical footprint and
 visual impact on the surrounding area.
- Resort and/or restaurant
- Caravan park
- Residential park long term residential accommodation in relocatable buildings.

The hospital site is surrounded by crown owned land that has not been disturbed or cultivated and remains in its naturally vegetated state. Therefore, eco-tourism and associated activities that would be sympathetic to the surrounding land use would be considered appropriate for this site.

The site falls within the RU5 Village zone which is one of the most flexible zones within the environmental planning standard instrument. Therefore due to the flexibility of the zone permitting an extensive variety of uses, development potential for this site is very broad.

Wentworth currently has 7 operating motels, therefore it is suggested that some other form of tourist accommodation be considered, rather than increasing the competition for existing motel facilities in Wentworth.

Recommendation:

Should the Wentworth Hospital relocate to Site 22 or 23, Council should encourage the development and use of Site 25 for one of the purposes listed above.

Timeframe:

Medium term - 3 to 5 years





Site 26 - Vacant Land (adjacent to the Old Wentworth Gaol)

This lot is crown owned with Wentworth Shire Council being Trustee of the land.

Proposed uses of this vacant site have included a truck wash, an Overnight RV Park and Dump Site, picnic and park area for tourists visiting adjacent attractions and residential development.

The size and shape of the lot does not support the use of this site as an Overnight RV Park and Dump Site. Additionally, to accommodate the movement of large RVs existing small trees may need to be removed and there is a risk of offsite impacts, for example increase in noise and traffic, from this use that may affect surrounding residential landholders.

It may be considered appropriate for the site to be developed for residential use due to its close proximity to existing residential development and given that the Wentworth Gaol and Military Museum do not generate excessive traffic movements.

There is an existing park diagonally opposite the site, being Strother Park, which provides a large lawn area and toilet facilities for tourists and local residents. Therefore, an additional park may be considered excessive for this area.

Recommendation:

Give further consideration as to the potential use of this vacant site.

Timeframe:

Medium - 3 to 5 years



Site 27 - Wentworth Shire Council Depot

The primary purpose of suggesting the relocation of Council's Depot is to relocate the movement of plant and machinery away from established residential development and the proposed health care precinct.

The number of vehicle movements is not only clocked by heavy machinery, being trucks, tractors, earth moving equipment as such, but the number of employees driving to and from the depot on a daily basis and the use of organisational vehicles during the course of any one day for operational purposes.

The relocation of the existing main depot would open up the site for the relocation of the Ambulance Station and State Emergency Service (SES) from Armstrong Street to Short Street. Should the Ambulance Station and SES be relocated, this would also provide more space for the relocation of Council's Depot from Short Street to Armstrong Street.

To build even further on the relocation of the Ambulance Station and SES, consideration of encouraging the re-siting of the aged Wentworth Fire Station from the corner of Adam and Helena Streets to this site. This creates a combined emergency services precinct closely located to the health care precinct.

It is considered that the movement of emergency services vehicles would be less compared to the use of the site as a functional main Council depot, therefore the proposed use would not have an increased noise or traffic hazard impact on surrounding residential properties.

Recommendation:

Consult with each of the emergency service providers to gauge their interest in consolidating and creating an emergency services precinct.

Timeframe:

Long term - 6+ years





<u>Site 28 – Wentworth Shire Council Sub Depot</u>

Consolidation of the two existing depots will centralise the operations from one site.

It removes the movement of vehicles, plant and machinery from an established residential area and the proposed health care precinct.

A possible constraint to this proposal is the size of this site and whether or not it is large enough to accommodate a combined depot. The Short Street depot has an area of 0.99 hectares and the Armstrong Street depot, including the Ambulance and SES sites, encompasses an area of 1.1 hectares.

If the relocation of the existing depot in Short Street to Armstrong Street is considered a viable option, but the Sub Depot is considered too small to accommodate both, consideration could be given to:

- Relocating the Ambulance Station to the proposed emergency services precinct;
- Relocating the SES facilities to the proposed emergency services precinct;
- Entering into discussions with the owner of the large, vacant parcel of land across the road from the Sub Depot, regarding the potential to purchase part of the lot for depot purposes.

Recommendation:

Give further consideration of this proposal to incorporate:

- Investigation of the logistics of relocating the Ambulance Station and SES facilities in Armstrong Street, adjacent to the Sub Depot to the proposed emergency services precinct, thereby providing an additional area of approximately 0.25 hectares to the overall depot site, or
- Consider entering into discussion with the landowner of the large parcel of privately owned land across the road.

Timeframe:

Long term - 6+ years





Site 29 – Former car parking site for former Wentworth Services Club

This vacant site abuts residential development to the north and west of the site and is located within easy access to the Wentworth commercial precinct. It is the first of only two undeveloped sites within close proximity to the commercial core of Wentworth.

Given the location of the two lots and the existing surrounding uses, the site is conducive to:

- Commercial development
- Child Care Centre development
- Residential development.

The site is zoned RU5 Village, therefore, the future development of the land will more than likely be predicated by the purchaser(s) of the lots.

Recommendation:

Rezone the site from RU5 Village zone to B2 Local Centre zone to ensure that future development of the land increases the supply of shop front and business premises in the commercial precinct of Wentworth. This zone also allows for the use of the site as a child care facility.

Timeframe:

Short term - 1 to 2 years



Site 30 – Vacant Site (Corner Adelaide, Short and Adams Streets)

This site has the potential to provide for additional residential development on the Adelaide Street and Adams Street frontage. Alternatively, should it be required, additional car parking for the proposed health care precinct off Short Street.

Recommendation:

Encourage the development of this site for residential, or if necessary, additional car parking purposes or as a new ambulance station.

Timeframe:

Medium term - 3 to 5 years





Site 31 - Girl Guides Hall

The Wentworth Girl Guides Hall is located in the popular residential area of Cadell Street, approximately 200 metres from Junction Park.

The site consists of two separate lots, has two street frontages, being Cadell and Alice Street and contains one building. Because of its location, this fully serviced site would be ideally suited for residential development.

It is unknown at the time of writing this document, just how often the building is used by the Girl Guides association. If the site is not used or infrequently used, ie only a few times per year, consideration of the Girl Guides club sharing a building with another infrequently used club building could be discussed.

The merits of sharing would reduce building maintenance costs and increase security with more frequent utilisation of one building.

One suggestion for building sharing could be that the Girl Guides share the Boy Scouts building in Beverley Street.

Recommendation:

Undertake a study that identifies all Council owned and maintained buildings that are used for community purposes. This study would include the rate of usage of each facility and the community groups and organisations that rely on the use of such buildings.

Timeframe:

Medium term – 3 to 5 years





Wentworth Shire Council – Sustainable Wentworth Strategy Adopted 17 August 2016

18

Site 32 - Boy Scouts Hall

Located in Beverley Street as part of the overall Wentworth Sporting Complex, it is unknown how often this building is used by the Boy Scouts Association.

Should the building be used infrequently, consideration of sharing the building with the Girls Guides Association should be undertaken.

Recommendation:

Undertake a study that identifies all Council owned and maintained buildings that are used for community purposes. This study would include the rate of usage of each facility and the community groups and organisations that rely on the use of such buildings.

Timeframe:

Medium term – 3 to 5 years



5. CORE DEVELOPMENT THEMES

5.1 COMMERCIAL LAND

Wentworth has a small, established commercial precinct in Darling, Adams and Sandwych Streets. The precinct is bounded by residential development and the Darling River. The Silver City Highway runs through the centre of the commercial precinct, affording passing through traffic with visual exposure of Wentworth's business centre.

At the time of preparing this draft document, there was only one vacant shop front premises within the commercial precinct of Wentworth. Therefore, consideration should be given to securing any suitably located, vacant land for future commercial development.

The area that surrounds the commercial precinct is fully developed, other than two lots located on the corner of Darling and Helena Streets and two lots located at the south end of Darling Street. The lack of available shopfront premises and vacant lots severely restricts any growth or extension to the current commercial precinct footprint in Wentworth.

Wentworth is serviced by the following businesses which are located within the commercial precinct of town:

Table 2 - Wentworth Businesses

Darling	Police Station	Business
Street	Courthouse	Business
	Information Centre/Opportunity Shop/	Retail
	Meeting Room	Office
	Post Office	Business
	Medical Clinic	Business
	Hairdresser	Business
	Real Estate Agent	Business
	Motel	Business
	Hotel	Business
	Second Hand Goods/Hardware	Retail
	Ladies Clothing	Retail
	Murray Darling	Office
	Laundrette	Business
	Bank	Business
	Real Estate Agent	Business
	Bank Office	Office
	Giftware	Retail
	Ladies/Men Clothing & Accessories	Retail
	Mallee Family Care	Office
	MADEC	Office
	Newsagency	Retail
	Café x2	Retail
	Craft Shop	Retail
	Veterinary Clinic	Business
	Hotel/Motel	Business
	Textile Shop	Retail

	Speech Pathologist	Office
	Paddle Steamer Display	Business
	Solicitor	Office
	Octec Employment Services	Office
	Meals On Wheels	Office
Adams	Hairdresser	Business
Street	Café	Retail
	Bakery	Retail
	Accountant	Office
	Wentworth Motors	Business
	Gift Shop	Retail
	Supermarket	Retail
	Service Station	Retail
	Motel x 2	Business
	Hotel	Business
	Hardware	Retail
Sandwych	Road Traffic Authority	Business
Street	Museum	Business
	Chemist	Retail

Refer to Attachment 4 – Businesses in Commercial Precinct Map

Located outside of the commercial precinct is a medical clinic in Helena Street and three motels.

Determining the commercial precinct boundary and rezoning this area ensures that adequate land and/or floor space is continually available for business/retail development. This facilitates greater opportunity for future economic growth of the commercial sector in Wentworth.

The B2 Local Centre zone has been selected from the suite of business zones contained in the Standard Instrument as it allows all forms of commercial uses (business, office and retail), residential accommodation in the form of shop top housing, entertainment and function centres, tourist and visitor accommodation. The B2 zone is considered to be the most appropriate zone for local and town centres throughout New South Wales.

Refer to Site 33 of Attachment 5 – Proposed Commercial/Industrial Rezoning Map.

A light industrial or enterprise corridor precinct has evolved over the years in Adams Street, between Francis and Arthur Streets. The types of businesses located in this precinct include a power services depot, local bus line service depot, tyre servicing and a communications network site. Ideally, these uses would usually be located in the IN2 Light Industrial or B6 Enterprise Corridor zone. The Wentworth LEP 2011 includes both of these zones.

In this instance, the B6 Enterprise Corridor would be appropriate given the location of these businesses in Adams Street, being the Silver City Highway through Wentworth. However, it should be noted that the current objectives and zone land use table contained within WLEP 2011 is not consistent, in that the objectives aim to provide for residential uses as part of the business use and activities on the land. Meanwhile, the development of a dwelling is prohibited. This inconsistency should be rectified to permit the development of a dwelling on the land that supports or enhances the proposed commercial use.

Refer to Site 34 of Attachment 5 – Proposed Commercial/Industrial Rezoning Map.

Wentworth has a sizeable area of land in Armstrong Avenue zoned IN1 General Industrial zone. The site containing 17.4 hectares has direct access to a sealed road, is located on the eastern fringe of town to ensure minimal off sight impacts on surrounding land uses and is outside of the Wentworth flood levee.

While there is currently no industrial activity occurring on this site, it would be beneficial to rezone this area to IN2 Light Industrial in order to attract a mix of light industrial businesses. Additionally, this zone should allow for the development of a dwelling to encourage and support a mix of light industrial businesses to Wentworth. This also removes the threat of contamination exposure to Tuckers Creek from a general or heavy industrial use.

Refer to Site 35 of Attachment 5 – Proposed Commercial/Industrial Rezoning Map.

Recommendation:

Rezone Sites 33, 34 and 35 as outlined in Attachment 5 – Proposed Commercial and Industrial Rezoning Maps.

Amend the B6 Enterprise Corridor zone Land Use Table by inserting *Dwelling houses* to *3 Permitted with consent*.

Amend the IN2 Light Industrial zone Land Use Table by inserting *Dwelling houses* to *3 Permitted with consent*.

Amend the IN2 Light Industrial zone objectives by adding "To provide for residential uses, but only as part of a light industrial development".

Timeframe:

Short term - 1 to 2 years

5.2 RESIDENTIAL LAND

Based on the Australian Bureau of Statistics (ABS) data for 2006, Wentworth had a population of 1,303 residents. This number declined to 1,227 between 2006 and 2011. Although the total population number declined by 76, during this time the number of residents aged 55 and over increased from 550 to 664.

The ABS data for 2006 also reveals that the number of single resident households in Wentworth increased from 155 in 2006 to 170 in 2011, while 16 properties were issued with construction certificates for dwellings in Wentworth during this time. This indicates a correlation between single resident households and the number of new dwellings being constructed in Wentworth.

A local real estate agent has stated that the occupancy and sale rates of units in Wentworth is high and regular, indicating that the demand for new dwellings revolves around smaller, community styled developments for retirees. It was also stated that the consistent migration of retirees, or near aged retirees, from Broken Hill, pastoral stations and other areas also ensures the regular sale of residential real estate in and around Wentworth.

In terms of the current provision of aged, independent residential units/dwellings, there appears to be a demand for this type of development and a shortfall in the current supply on the basis of real estate sales and occupancies of these types of development.

The ABS census data also indicates that 89 dwellings were unoccupied in 2006 and 94 dwellings were unoccupied in 2011, revealing that some properties are purchased for temporary accommodation or holiday rentals.

Therefore, due to the projected increase in population numbers in the 55 and over year old cohort, it is expected that in the future there will be an increase in demand for residential development that specifically caters for retirees.

In addition to the sites in Section 3 being identified for possible future residential development, there is a sizeable portion of vacant land currently zoned RU5 Village located throughout the Wentworth urban area.

Refer to Attachment 6 - Vacant Residential Land.

In total there is approximately 14.14 hectares of vacant land in Wentworth considered suitable for residential development. Combined with Junction Links, Wentworth has a total of 18.82 hectares of vacant residential land for future development. This equates to approximately 235 lots based on an average lot size of 800 square metres.

The lots on the northern Wentworth Street frontage are a mix of freehold and crown land with uses ranging from dryland grazing to light industrial. These lots are not protected from flooding by the Wentworth levee.

The large lot partially zoned RU5 Village and RU1 Primary Production zone north of Armstrong Avenue adjacent to the Wentworth Showgrounds, is crown owned, vacant and unused land. This lot is also not protected from flooding by the Wentworth levee. To develop this land for residential purposes would require works to the Wentworth levee to extend the levee and surround the entire site.

In all, the undeveloped RU5 Village zone with frontage to Armstrong Avenue, excluding the portion applied over part of the Wentworth Showground, is approximately 28.6 hectares. If subdivided into 1000 square metre lots, which is considered quite large under current standards, would create a total of 286 additional residential lots, or 357 lots based on an average lot size of 800 square metres.

On the basis of the data above, Wentworth has the potential to develop 235 lots within the Wentworth town levee and as many as 357 outside of the levee's protection. During the past five years, between 2006 and 2011, 16 new dwelling were constructed in Wentworth. If these figures are maintained, Wentworth has a 14 year supply of land suitable for residential development within the town levee and an additional 22 years supply currently situated outside the town levee.

It may be considered prudent for Wentworth Shire Council to review these figures and data available from the Australian Bureau of Statistics following the next Census in August 2016, to identify if current trends and demand for residential land have changed and assess the supply applicable at the time this review is conducted.

Recommendation:

Undertake a review of the residential data for Wentworth when that information is released by the Australian Bureau of Statistics based on the August 2016 Census.

Timeframe:

Medium term - 2 to 5 years

5.3 HEALTH CARE SERVICES

This strategy proposes to consolidate all health care services in Wentworth into a location that is easily accessible by car, gopher and pedestrians. This establishes a centralised precinct for the Wentworth community to access all health care services in one location, reflective of the type of facilities that are becoming popular in larger towns, cities and service centres across Australia.

Wentworth is currently serviced by two private medical clinics, one situated in the identified commercial precinct and the second located in an established residential area. The Wentworth Hospital is located on the south eastern fringe of town, outside of the Wentworth levee. The Ambulance Station, is located on the eastern edge of town, while the only centralised facility is Murray House in its present location in Murray Street.

Section 3 of this report identifies key specific sites that would facilitate and enable the relocation of the Wentworth Hospital, Ambulance Station, the expansion of Murray House and provide developable land within the proposed health care precinct, for medical clinics, practitioners and other health care service providers.

5.4 EMERGENCY SERVICES

Wentworth is serviced in times of emergency by the New South Wales Ambulance service, Fire & Rescue NSW and State Emergency Service (SES). The fire station is centrally located in Adams Street, while the Ambulance and SES facilities are sited adjacent to the Council Sub Depot.

With the Darling River flowing through and dissecting Wentworth, there is the risk that during a bridge lift or in a flood event, should there be the need for Ambulance or SES services west of the river, these services are physically unable to attend these events.

By centrally locating all of the emergency facilities in one location, west of the Darling River, this side of town can be reassured of the attendance of these key services. In extreme circumstances, should the east of town be separated from these services in a long term flood event, alternate services from Dareton, Buronga/Gol Gol and Mildura could provide a back-up service to these resources.

Wentworth Shire Council – Sustainable Wentworth Strategy Adopted 17 August 2016

24

5.1 RECREATIONAL LAND

Public Open Space

Public open space is defined as land set aside for passive and sporting recreational use for the public.

The following tables list the parks, playgrounds and recreational spaces and facilities, including their lot size area, that service the Wentworth community and visitors.

Parks and Playgrounds

Wentworth has a total of 70,668 m² or 7.06 hectares of public open space, which are used as parks and playgrounds.

Table 3 – Parks and Playgrounds

Site	Address	Area	
Number			
36	144 Darling Street Lot 5 Sec 34 DP 759074 (Rotary Park)	1001 m ²	
37	Beverley Street Lot 7351 DP 1178836 (Strother Park)	4753 m ²	
38	43-45 Cadell Street Lot 9 &10 Sec 8 DP 759074 (Sturt Park)	989 m ² & 989 m ²	
39	Silver City Highway Lot 7337 DP 1173879 (Fotherby Park)	2.33 ha	
40	68-76 William Street Lot 9 & 10 DP 756994 (Apex Park)	1978 m ² & 1978 m ²	
41	Junction Park	3.56 ha	

Recreational Facilities and Public Open Space

Additionally, a total area of public open space dedicated to passive use and for organised recreational activities totals $298,498 \text{ m}^2$ or 29.8 hectares.

Table 4 – Recreational Facilities and Public Open Space

Site	Address	Area
Number		
42	Adams Street Lot 7344 DP 1150178	8851 m ²
43	Ski Reserve Road Lot 2 DP 817572 (Ski Reserve)	9.3 ha
44	Darling Street Lot 1464 DP 763434 (Rowing Club)	1.3 ha
45	Wharf Road Lot 7034 DP 1126248 (Wharf)	6131 m ²
46	Junction Park	3.3 ha
47	Cadell Street Lot 167 DP 764533 (Cemetery Park)	1.49 ha
48	Lock - Cadell Street Lot 1 DP 1118766 (Lock Park)	4616 m ²
49	49 64A Beverley Street Lot 7320 DP 1158106 (Sporting 7.2 ha	
	Complex)	
50	40 Beverley Street Lot 7322 DP 1158106 (McLeod	5.3 ha
	Oval/Pool)	

The table below identifies the types of uses each public open space area in Wentworth provides:

Table 5 – Types of uses of Public Open Space

Site Number	Street ID	Public Open Space	Playground	Rec Facility	
36	144 Darling Street Lot 5 Sec 34 DP 759074	✓	✓		
37	Beverley Street Lot 7351 DP 1178836	✓	✓		
38	43-45 Cadell Street Lot 9 & 10 Sec 8 DP 759074	✓	✓		
39	Silver City Highway Lot 7337 DP 1173879	✓	✓		
40 68-76 William Street Lot 9 & 10 DP 756994		✓	✓		
41 & 46 Junction Park		✓	✓		
42	42 Adams Street Lot 7344 DP 1150178		✓		
43	Ski Reserve Road Lot 2 DP 817572	✓		✓	
44	Darling Street Lot 1464 DP 763434	✓		✓	
45	Wharf Road Lot 7034 DP 1126248	✓		✓	
46	Cadell Street Lot 167 DP 764533	✓			
47 & 48	Lock - Cadell Street Lot 1 DP 1118766	✓			
49	64A Beverley Street Lot 7320 DP 1158106	✓		✓	
50	40 Beverley Street Lot 7322 DP 1158106	✓		✓	

In total, 36.86 hectares of urban land is provided for both the resident community and visitors as public open space. The New South Wales Department of Planning & Environment benchmark for the provision of public open in new development is 2.83 hectares per 1,000 people.

In terms of the provision of public open space and recreational land for current and future residents, Wentworth has sufficient space to cater for a population of approximately 13,000 people.

Refer to Attachment 7 – Public Open Space

While Wentworth has an abundance of public land available for recreational use, it may be considered proactive and beneficial to undertake a strategy of the public land located adjacent to the commercial precinct. This area between the Wentworth Caravan Park and the former Wentworth Services Club includes the Wharf, Rowing Club and Fotherby Park is considered to be the most utilised of public spaces by residents and visitors alike.

The strategy could include a review of existing conditions and provide recommendations for improvements to existing accesses, play equipment, seating, shade areas, lighting, landscaping, signage, toilet facilities, display of local art work and car parking.

Recommend	ation:		
	rategy for the maintenance and re Services Club to the Wentworth C		rme
Timeframe:			
Short term -	1 to 2 years		

Proposed Skate Park

The Wentworth Branch of the Bendigo Bank are seeking Council's assistance and support with the planning and establishment of a skateboard park.

Recently, the Wentworth Area Skate Park Inc committee (WASP) was established with representation from the Bendigo Bank, community leaders, parents and young residents.

WASP have requested that Council grant permission for the development to proceed at the Wentworth Recreation Reserve in Beverley Street, which is Council owned land. Depending on the scale of the skate ramp and any other associated uses, this site may be suitable due to its size, vehicle access and availability of services.

An alternative site that has been considered by Council is Fotherby Park.

When determining a suitable site for a skate park, the following should be taken into consideration:

- Size of site to accommodate the proposed use
- Distance from residential areas with regard to noise and lighting (Ideally it should not be established within 50 metres of a residential area)
- Site needs to be highly visible for security purposes
- Within proximity to other facilities used by young people
- Accessibility for vehicles, parking space, food and drink premises
- Availability of power and toilet facilities
- Favourability of the site with intended users.

A skate park research study undertaken by Rockdale City Council stated that Australian Bureau of Statistics (2000) research revealed that 36% of males aged 5-14 years participated in skateboarding/rollerblading compared to 26% of females in the same age cohort. On average boys would skateboard or rollerblade on average 6 hours per week compared to the girls at an average of 4 hours per week.

ABS 'QuickStats' Census data for the Wentworth 5 to 14 age cohort:

```
2006 - 5 to 14 year old Males = 72 (x 36% = 26)
```

2006 - 5 to 14 year old Females = 70 (x 26% = 18)

2011 - 5 to 14 year old Males = 51 (x 36% = 18)

2011 - 5 to 14 year old Females = 66 (x 26% = 17)

Bradley, GL (2010) Skate parks as a context for Adolescent Development states that on average 26.5% of the Australian male population aged between 8 and 22 years old, participate in skateboarding either occasionally or on a regular basis.

ABS 'QuickStats' Census data for the Wentworth 8 to 22 age cohort:

```
2006 - 8 to 22 year old Males = 125 (x 26.5\% = 33)
```

2006 - 8 to 22 year old Females = 104

2011 – 8 to 22 year old Males = 86 (x 26.5% = 22)

2011 - 8 to 22 year old Females = 91

Based on the statistics of the Rockdale City Council study, approximately 35 residents (youth) will use the skate park somewhere between 4 and 6 hours per week. While based on the Bradley (2010) study statistics 22 residents (male youth) will use the skate park on an occasional or regular basis. The statistics provided in these studies can only be considered a guideline for the potential use of the skate park in Wentworth. Particularly, due to the omission of visitors utilising the facility and the exclusion of females in the Bradley (2010) study.

Recommendation:

Encourage and support the skate park committee with identifying the most suitable site for the development of a skate park.

Timeframe:

Medium term – 3 to 5 years

Wentworth Shire Council – Sustainable Wentworth Strategy Adopted 17 August 2016

29

5.2 OTHER LAND

Sports Complex Carpark

Depending on the site investigation outcomes for the skate park, if a larger site is required to accommodate this use and an analysis of this site is favourable, the former complex carpark may be worthwhile considering for this youth facility. Particularly, if there is any intention to expand the skate park facility to include additional activities such as a water park and children's BMX bike track.

An alternative suggestion for the use of the existing car park area is as an overnight RV Park and dump site. The size of the area would accommodate the movement of large vehicles and an existing dump site/sewer pit is located to the rear of the site.

However, the following issues need to be considered:

- 1. Is it appropriate to provide a free, overnight rest stop site for large RV vehicles and an additional dump site? Particularly when other smaller caravans that do not have private ensuites need to access and pay for these facilities at local caravan parks?
- 2. What would be the impact on surrounding residents ie. manoeuvring large vehicles, noise and lighting.
- 3. Is there a demand for an overnight rest stop for RV vehicles in Wentworth?

Careful consideration should also be given to encourage the patronage of existing caravan parks and the use of these parks by tourists to ensure the economic viability and sustainability of these businesses.

Discussion with existing park owners regarding site availability, access and required services for these larger vehicles may provide the stepping stone to cater for the growing number of RV tourists.

In the meantime, opening up the Sports Complex Carpark as an overnight RV Park, on a trial basis, would provide an opportunity to determine if there is a demand and how strong the demand for this facility is in Wentworth, if there would be any negative impacts on surrounding landowners and if the facility would impact on patron numbers at surrounding caravan parks.

Recommendation:

Facilitate a discussion with caravan park owners regarding their park's ability to cater for RV tourists.

Investigate the use of this site as an RV overnight park and dump site including impacts on local caravan parks and surrounding residential land.

Open the site for use as an overnight RV Park on a trial basis for twelve months to determine the demand for such a facility in town and the impact on existing caravan parks.

Timeframe:

Short term – 1 to 2 years

Extension of the Murray Street Median Strip

Extension of the existing Murray Street median strip west of Alice Street and east of Beverley Street.

This creates greater consistency of the streetscape in Murray Street together with the future development of Junction Links and the proposed health care precinct.

This project would reduce the number of car parking spaces on Murray Street, however Site 5 and potentially, Site 15, could offset the loss of spaces in Murray Street.

Recommendation:

Encourage the extension of the Murray Street Median Strip, including the planting of street trees.

Assess the suitability of other streets in Wentworth for tree lined Median Strips.

Short term – 1 to 2 years

Pathways

A key role pathways play in the streetscape is to both connect and service the community, while completing the 'look and feel' of the street.

Wentworth and the Sunraysia region is renowned for its pleasant weather. Ensuring paths are designed and landscaped appropriately will encourage residents to utilise this valuable infrastructure for pedestrian and gopher use for access to goods and services.

Improvements and additions to the pedestrian environment in several streets of Wentworth should be a priority for Council. Particularly, in view of the aging population and the necessity to provide safe and comfortable pedestrian and gopher access around town and to the commercial precinct. This is achieved by providing each street in the urban area with a tree lined pathway.

If space is limited in streets that have median strips, consideration could also be given to establishing pathways within those existing tree lined median strips.

Located on the median strip at the corner of Darling and Adelaide Streets is a uniquely designed park bench and sculpture. The extension of the beginning of this art precinct within the commercial core of Wentworth would also provide local artists with the opportunity to create and display art work to the community and the many tourists who visit and travel through Wentworth each year.

Refer to Attachment 8 – Existing pathways in Wentworth.

Recommendation:

Assess all streets in Wentworth to ascertain the existence of pathways and street trees.

Establish a works program to ensure that all streets in Wentworth are provided with at least one pathway and that all pathways both existing and proposed are lined with shade trees.

Develop a plan that identifies suitable locations for the display of local artwork for the establishment of an art precinct within the commercial centre of Wentworth.

Timeframe:

Short term - 1 to 2 years

Wentworth Primary School

Riverfront land is highly sought after, popular and in demand real estate. The relocation of the Primary School affords the opportunity to extend residential development along the Darling River frontage. Thereby encouraging and facilitating population growth with the attraction of additional residential riverfront lots.

The relocation of the Wentworth Primary School would also eliminate the potential risk of pupils dangerously accessing the adjacent Darling River.

Recent changes to teaching formats and associated classroom layout, the relocation and redevelopment of the Wentworth Primary School provides an opportunity for the New South Wales Department of Education to construct a modern and efficient school building and environment.

The 150 year old school draws from the Wentworth, Curlwaa and Pomona areas and has had consistent enrolment numbers since the 2008. The current enrolment is 129 students with 6.4 full time equivalent staff.

The existing site contains the original school building which is included in the Wentworth LEP 2011 Schedule 5 Environmental Heritage list as a locally significant item.

If it is considered that the existing primary school oval would not accommodate the combined school buildings and required outdoor play area/field, it could be suggested that the school and Council enter into an agreement whereby approval is granted for the school to utilise the recreation reserve in Beverley Street on a regular basis, particularly for organised sports days.

Recommendation:

Consult with New South Wales Department of Education of the likelihood of any future relocation plans.

Timeframe:

Long term - 6+ years

6. STRATEGY RECOMMENDATIONS

The recommendations listed below are sectioned into timeframes in accordance with the associated recommended timeframes provided in the main body of this report. This will assist with resourcing finances in Council's operational budget to ensure that actions required are undertaken and completed.

Timeframe - Short Term - 1 to 2 years

Recommendation 1 – Mapping Anomalies

It is recommended that Wentworth Shire Council amend the Wentworth LEP 2011 by rezoning the following land as set out in the Table 6 below.

Table 6 – Recommended Rezoning Mapping Anomalies

Site	Name	Current Zone	Rezone to
1	Wentworth Sporting	RU5 Village	RE2 Private Recreation
	Complex – Golf, Bowls,		
	Tennis, Swimming Pool, Boy		
	Scouts		
2	Wentworth Recreation	RU5 Village	RE1 Public Recreation
	Reserve		
3	North Adams Street Public	RU5 Village	RE1 Public Recreation
	Open Space		
4	Strother Park	RU5 Village	RE1 Public Recreation
5	Sturt Park	RU5 Village	RE1 Public Recreation
6	Junction Park	RU5 Village	RE1 Public Recreation
7	Ski Reserve	RU5 Village	RE1 Public Recreation
8	Rowing Club	RU5 Village	RE1 Public Recreation
9	Wharf	RU5 Village	RE1 Public Recreation
10	Fotherby Park	RU5 Village	RE1 Public Recreation
11	Apex Park	RU5 Village	RE1 Public Recreation
12	Rotary Park	RU5 Village	RE1 Public Recreation
13	Wentworth Showground	Part RU5 Village and Part	RE1 Public Recreation
		RU1 Primary Production	
14	Wentworth Pistol Club	RU1 Primary Production	RE2 Private Recreation
15,	Water Station	RU5 Village	SP2 Infrastructure (Water
16			Plant)
17	Sewerage Station	RU5 Village	SP2 Infrastructure (Sewerage
			Plant)

Recommendation 2 – Thegoa Lagoon and Reserve

It is recommended that Wentworth Shire Council continue to investigate the most appropriate zone(s) to be applied over Thegoa Lagoon and the Reserve.

Recommendation 3 - Former Wentworth Services Club

It is recommended that Wentworth Shire Council purchase and refit the former Wentworth Services Club for the purposes of relocating Council's administrative functions, including offices, Council Chambers, Visitor Information Centre, Meeting Rooms and Public Library.

Recommendation 4 – Junction Links

It is recommended that Wentworth Shire Council facilitate the development of Junction Links for residential purposes by way of approaching and discussing the sale of the land to local developers.

Recommendation 5 - Land for Stormwater Retention Basin

It is recommended that Wentworth Shire Council facilitate the development of this area for stormwater retention purposes to support the residential development of Junction Links. The cost to develop the stormwater retention basin and associated landscaping will be shared between the developer of Junction Links and Wentworth Shire Council.

Recommendation 6 - Wentworth Shire Council Office Car Park

It is recommended that Wentworth Shire Council facilitate the expansion of Murray House by subdividing and selling the current Administrative Office car park site to Murray House.

Recommendation 7 – Former Tennis Courts, Murray Street

It is recommended that Wentworth Shire Council consult with Murray House as to the feasibility of purchasing this land and their use of this site for car parking purposes.

Recommendation 8 – Child Care Centre Study

It is recommended that Wentworth Shire Council undertake a Child Care Study with the purposes of identifying the demand for a Child Care Centre in Wentworth and the most suitable location for the development of such a facility.

Recommendation 9 – Pathways

It is recommended that Wentworth Shire Council establish a works program to ensure that all streets in Wentworth are provided with at least one pathway and that all pathways both existing and proposed are lined with shade trees.

It is recommended that Wentworth Shire Council develop a plan for the commercial core of Wentworth that identifies suitable locations for the display of local, suitable art work.

Recommendation 10 - Public Open Space

It is recommended that Wentworth Shire Council develop a strategy for the maintenance and revitalisation of the river front area between the former Wentworth Services Club to the Wentworth Caravan Park including Fotherby Park.

Recommendation 11 – Rezone to Create Commercial, Enterprise Corridor and Industrial Precincts

It is recommended that Wentworth Shire Council amend the Wentworth LEP 2011 by rezoning the following land as set out in the Table 7 below.

Table 7 - Recommended Rezoning Commercial & Industrial Precincts

Site	Land	Current Zone	Rezone to
33	Land within this site as per	RU5 Village	B2 Local Centre
	Attachment 5: Proposed		
	Commercial & Industrial		
	Rezoning		
34	Land within this site as per	RU5 Village	B6 Enterprise Corridor
	Attachment 5: Proposed		
	Commercial & Industrial		
	Rezoning		
35	Land within this site as per	IN1 General Industrial	IN2 Light Industrial
	Attachment 5: Proposed		
	Commercial & Industrial		
	Rezoning		

It is recommended that Wentworth Shire Council amend the Wentworth LEP 2011 by inserting *Dwelling houses* to *3 Permitted with consent* in the B6 Enterprise Corridor land use table.

It is recommended that Wentworth Shire Council amend the Wentworth LEP 2011 by inserting *Dwelling houses* to *3 Permitted with consent* in the IN2 Light Industrial land use table.

Recommendation 12 - Sports Complex RV Park and Dump Site

It is recommended that Wentworth Shire Council:

- Consult with local caravan park owners as to the feasibility and availability of existing park facilities to cater for the growing number of RV vehicles, and
- Trial the use of the Sports Complex Carpark as an RV Park for a period of twelve months to ascertain the impact on surrounding uses and the level of demand for such a facility in Wentworth.

Recommendation 13 – Extension of Murray Street Median Strip It is recommended that Wentworth Shire Council investigate the suitability of extending the tree lined median strip of Murray Street to encompass the full length of the street. This investigation is to include the suitability of other streets in Wentworth to be redeveloped with tree lined median strips.

<u>Timeframe</u> – <u>Medium Term</u> – 3 to 5 years

Recommendation 14 - Wentworth Public Library and Council Chambers

It is recommended that Wentworth Shire Council consult with the Wentworth Hospital as to the feasibility of relocating the hospital to the Library and Council Chambers site.

It is recommended that Wentworth Shire Council facilitate the relocation of the Wentworth Hospital or the establishment of a medical/health care precinct by selling and vacating the Library and Council Chambers

Recommendation 15 - Wentworth Shire Council Administration Offices

It is recommended that Wentworth Shire Council consult with the Wentworth Hospital and New South Wales Ambulance Service as to the feasibility of redeveloping and relocating the hospital to the Council Administration Office site.

It is recommended that Wentworth Shire Council facilitate the relocation of the Wentworth Hospital or the establishment of a medical/health care precinct by selling and vacating the existing Council Administration Office building.

Recommendation 16 – Wentworth Town Hall, Girl Guides and Boy Scouts

It is recommended that Wentworth Shire Council undertake a two lot subdivision to subdivide the Wentworth Town Hall from the Council Administration Offices.

It is recommended that Wentworth Shire Council undertake a study that identifies and lists all Council owned and maintained buildings in Wentworth that are used for community purposes and by community organisations. This study is to include the rate of usage of each building and the feasibility of community groups and organisations sharing buildings.

Recommendation 17 - Wentworth Hospital Site

It is recommended that Wentworth Shire Council, in the event that the Wentworth & District Hospital propose to relocate to Site 22 or 23, encourage and facilitate the redevelopment of Site 25 for one of the following purposes:

- Aboriginal Cultural Heritage and Interpretative Centre
- Tourist and visitor accommodation refers to backpackers', bed & breakfast, hotel/motel, serviced apartments accommodation
- Eco tourism a building or place that provides temporary accommodation to visitors on a
 commercial basis, is located in or adjacent to an area that has special ecological or cultural
 significance, is sensitively designed and located to minimise bulk, scale, physical footprint and
 visual impact on the surrounding area.
- Resort and/or restaurant
- Caravan park
- Residential park long term residential accommodation in relocatable buildings.

Wentworth Shire Council – Sustainable Wentworth Strategy Adopted 17 August 2016

37

Recommendation 18 - Vacant Land adjacent to the Old Wentworth Gaol, Beverley Street

It is recommended that Wentworth Shire Council give further consideration as to the potential use of this vacant site.

Recommendation 19 - Vacant Land at Corner Adelaide, Short and Adams Street

It is recommended that Wentworth Shire Council encourage the development of this site for residential purposes.

Recommendation 20 - Proposed Skate Park

It is recommended that Wentworth Shire Council encourage and support the Skate Park Committee with identifying and advising of the most suitable site for the development of a skate park, in particular McLeod Oval Reserve adjacent to the Wentworth Swimming Pool, as requested by the Wentworth Area Skate Park Committee in Beverley Street, Wentworth.

Recommendation 21 - Review Residential Census Data

It is recommended that Wentworth Shire Council review the 2016 Census data with the purpose of identifying the current supply and demand for residential land in the Wentworth urban area.

<u>Timeframe – Long Term – 6+ years</u>

Recommendation 22 – Wentworth Shire Council Depot

It is recommended that Wentworth Shire Council consult with New South Wales Ambulance Service, New South Wales State Emergency Service and New South Wales Fire Brigade as to the feasibility of relocating to the Council Depot site in Short Street and creating an emergency services precinct.

Recommendation 23 – Wentworth Shire Council Sub Depot

It is recommended that Wentworth Shire Council proceed with the consolidation of the Council Depot subsequent to the outcome of Recommendation 22.

Recommendation 24 – Wentworth Primary School

It is recommended that Wentworth Shire Council consult with New South Wales Department of Education regarding the likelihood of any future relocation plans.

7. CONCLUSION

The Sustainable Wentworth Strategy has been prepared by Wentworth Shire Council for consideration by Council, key stakeholders and the Wentworth community.

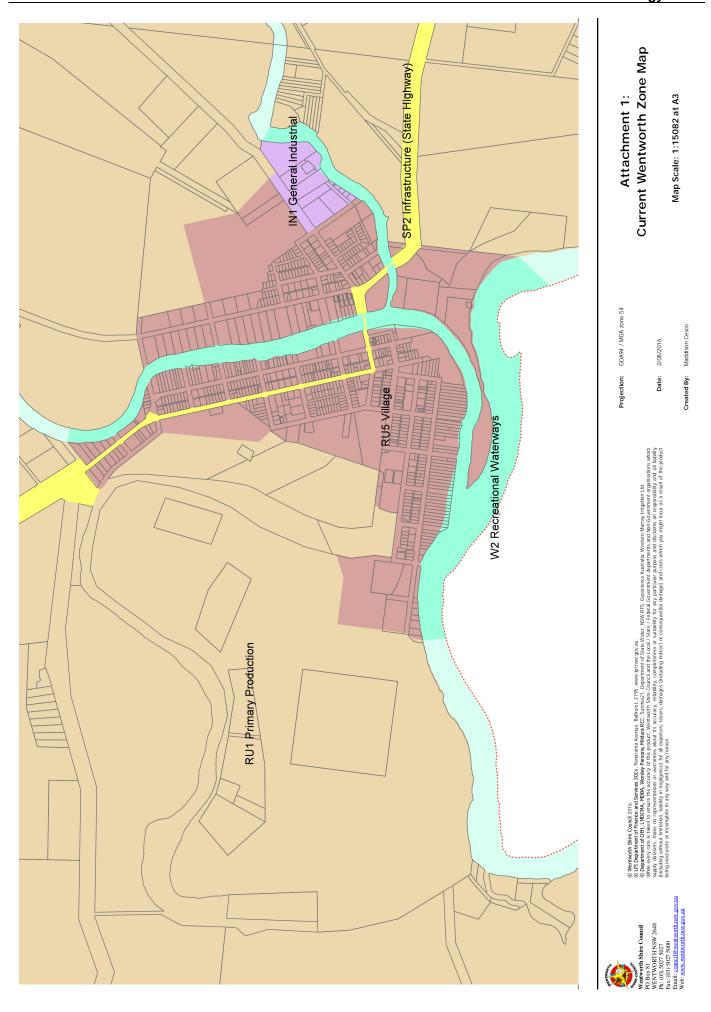
The research undertaken for the strategy revealed that Wentworth has limited land available for future commercial development, particularly within the existing commercial area. Therefore the strategy recommends rezoning the existing commercial precinct and vacant adjacent land to facilitate the future expansion of the commercial district.

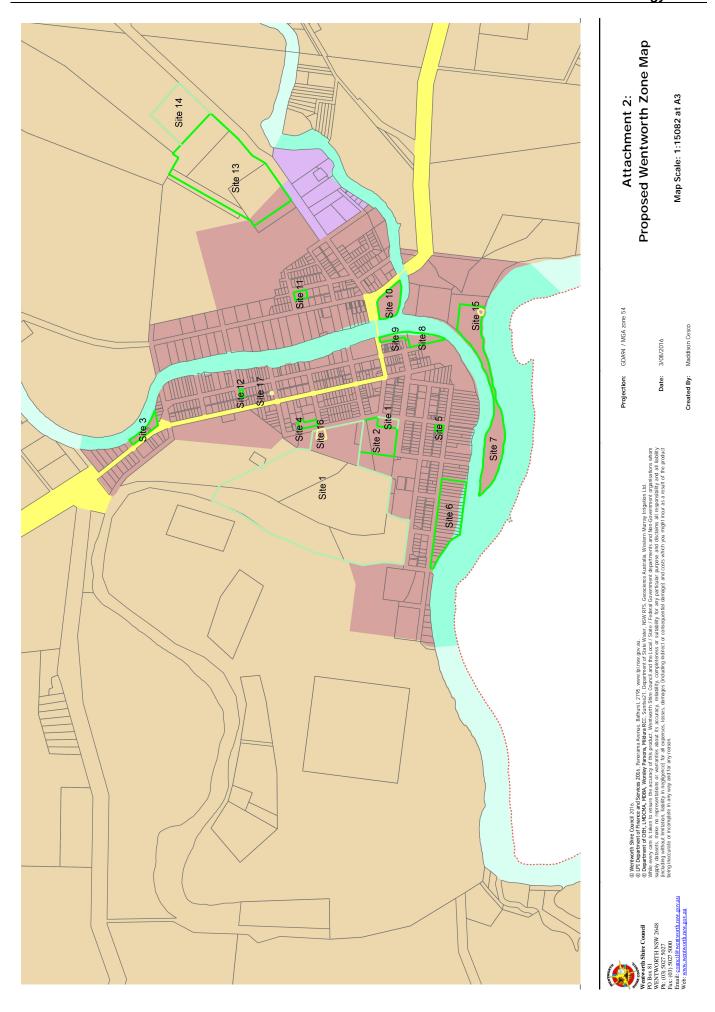
The results of the strategy also highlight that the township has a substantial amount of vacant land both within and outside of the town levee for future residential development. It is also likely that future residential development will require smaller lot and dwelling sizes that will cater for the over 50 year old age cohort.

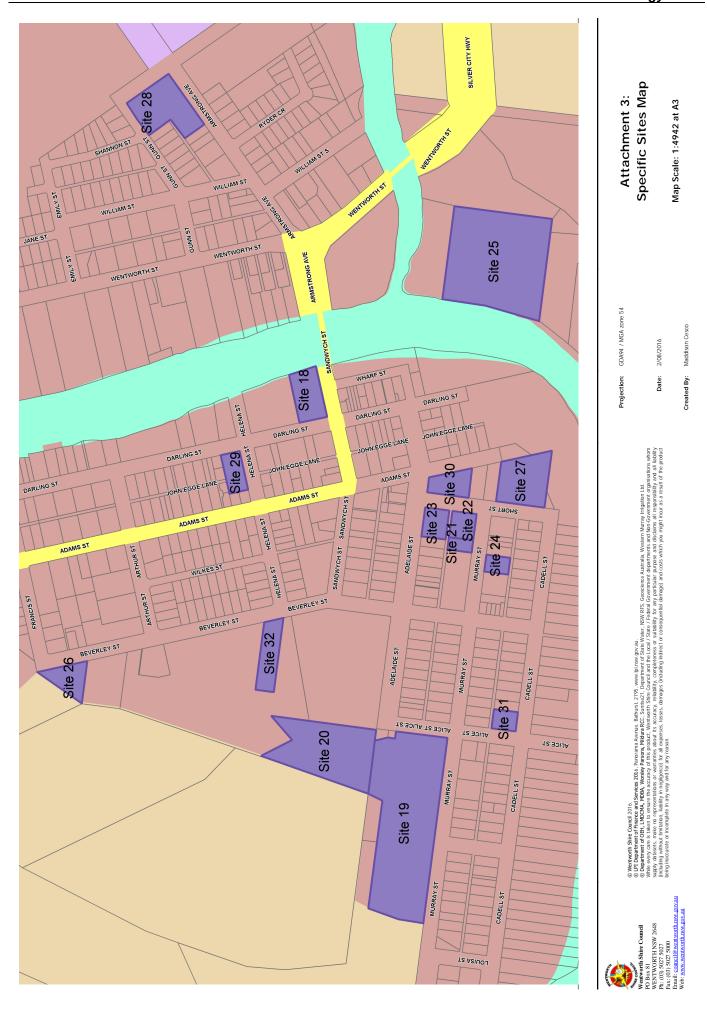
There is an opportunity to centralise existing health care services to create a Health Care Precinct and an Emergency Services Precinct in Murray and Short Streets. This opportunity is rare and is based on the recommendations which have a domino effect over several key specific sites.

Wentworth provides a very generous supply of public open space and recreational land for both the resident community and visitors.

A review of this document should be undertaken every three years to ensure the strategy is up to date and that operational budgeting and administrative requirements can support the recommendations of the strategy.

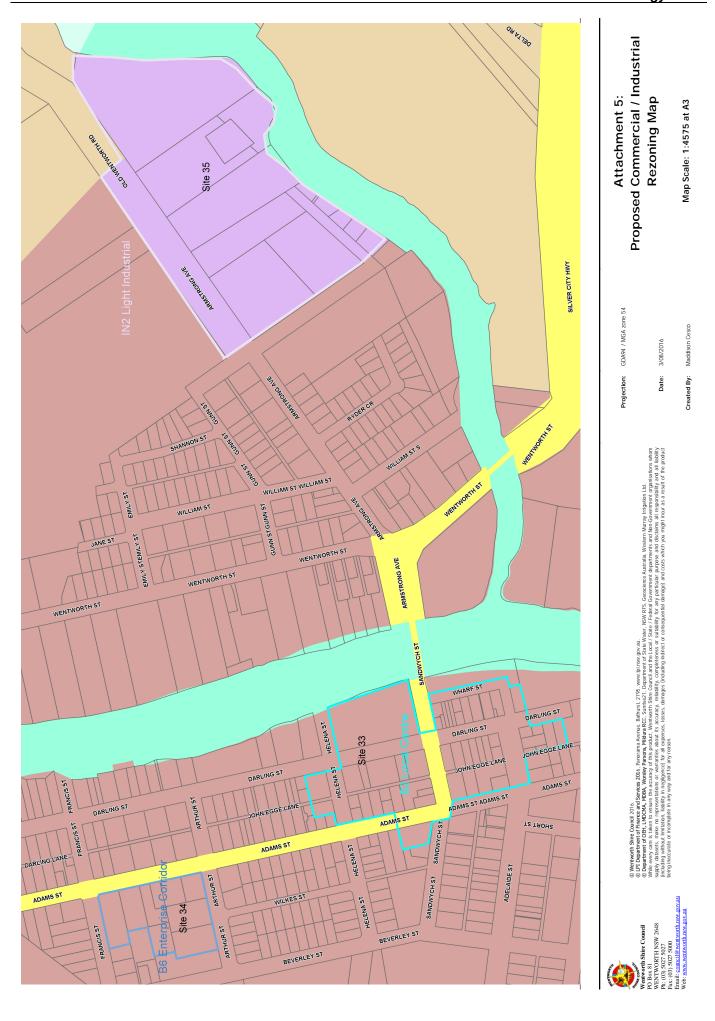


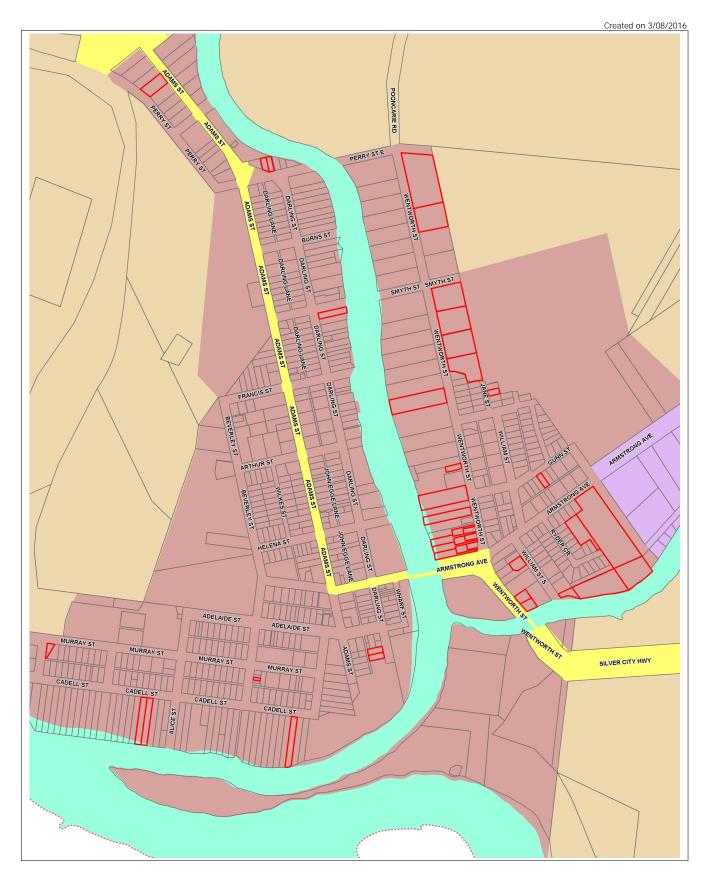




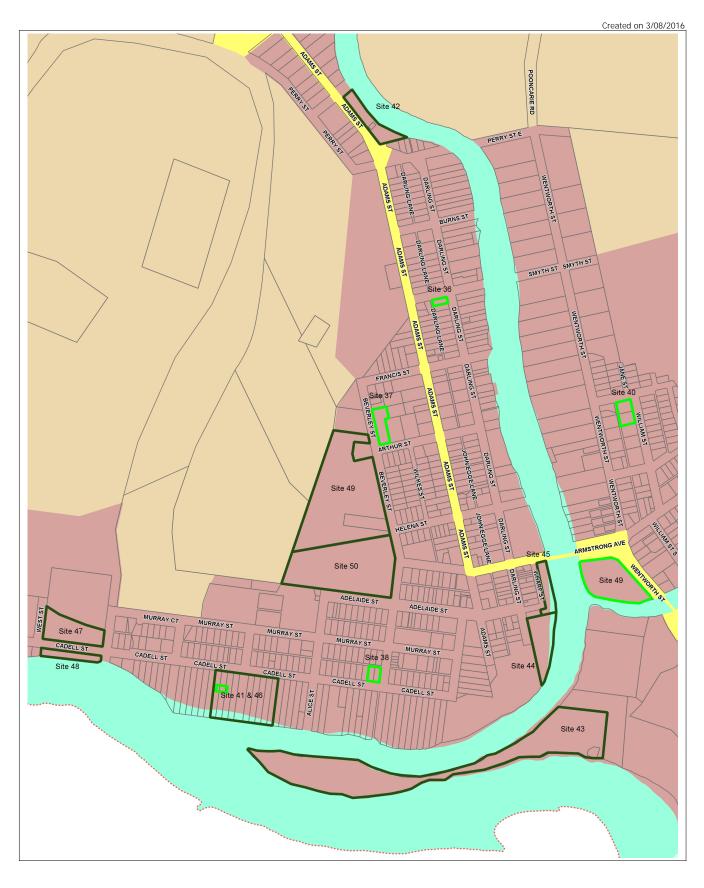




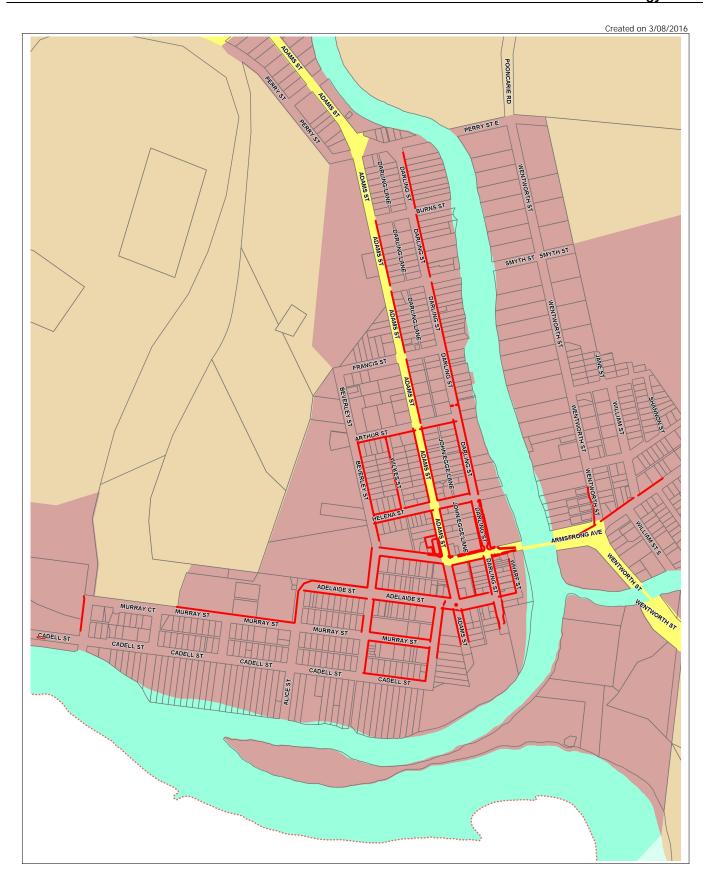










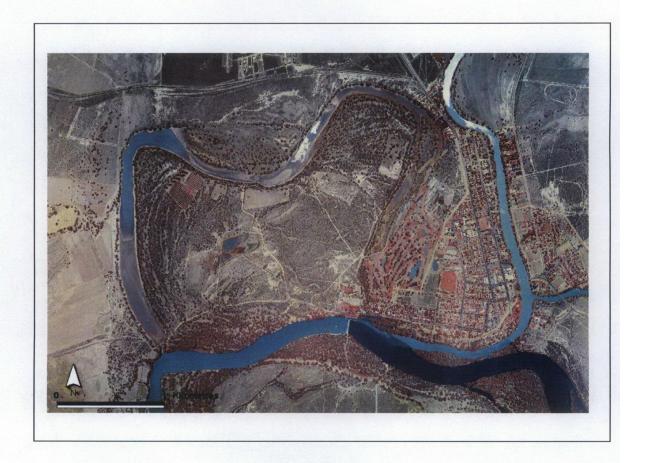




IN-11732 File 6/2

MANAGEMENT PLAN FOR THEGOA LAGOON RESERVE

2003-2006 Revised 2003



This management plan has been prepared by the Thegoa Lagoon Management Steering Committee, comprising:

Representatives	1998-2001	2003
Carnma	Kerry Ziernicki	Graham Clarke
Dareton CWP Wentworth Aboriginal Corporation	Norty Ziomion	attended by representatives from time to time
adjacent landholders	Peter Atkinson, Les McWhinney	Peter Atkinson Geoff Holland
Wentworth Shire Council	Cr Reg McKenzie, Rod Spitty	Anne Kiely David McMillan
NSW Murray Wetlands Working Group	Paul Lloyd	Paula D'Santos Howard Jones
Department of Infrastructure, Planning and Natural Resources	Don Reid	Lesley Palmer
NSW National Parks and Wildlife Service	Jo Gorman	Jo Gorman
Dareton Aboriginal Land Council		
Barkindji Elders		Maryanne Martin Peggy Thomas
Wentworth Regional Tourism		Joan Stockman

The three-year plan was prepared to allow full public review of the management of the lagoon and surrounding areas.

Following the 2003 review, the plan will be reviewed annually by the Management Committee.

If you would like a copy of this draft plan to study, please contact Wentworth Shire Council on (03) 5027 5027.

Abbreviations:	Dareton CV	WP Dareton Community Working Party
	DIPNR	Department of Infrastructure, Planning and
		Natural Resources
	MWWG	NSW Murray Wetlands Working Group
	NPWS	National Parks and Wildlife Service
	WDHS	Wentworth District Historical Society
	WSC	Wentworth Shire Council
	BEC	Barkindji Elders Council
	DALC	Dareton Aboriginal Land Council

Thegoa Lagoon Reserve Management Plan – 2003

CONT	ENTS		page
1.0	Background		1
1.1	Introduction		1
1.2	History		1
1.3	Wetland Ecology		3
1.4	1.4.2 Cultural Heritage 3	3 3 3 3	3
1.5	The Need for a Management Plan		4
2.0	Objectives of the Plan		5
3.0	Management of Thegoa Lagoon		6
3.1	Background		6
3.2	Management Areas 3.2.1 Southern 3.2.2 Western 3.2.3 North-east 3.2.4 Central	6 6 6	6
3.3	Statutory Controls 3.3.1 Murray Regional Environmental Plan No. 2 3.3.2 Local Environment Plan 3.3.3 Native Vegetation Act 3.3.4 Rivers and Foreshores Improvement Act 3.3.5 Water Management Act 3.3.6 NSW Water Reform Policies 3.3.7 Western Lands Act 3.3.8 Crown Lands Act 3.3.9 Fisheries Management Act	7 7 7 7 7 8 8 8 8 8	
4.0	Management Issues, Strategies and Actions	5	10
4.1	Environmental Issues 4.1.1 Wetland rehabilitation 4.1.2 Native Flora 4.1.3 Native Fauna 4.1.4 Fishery management 4.1.5 Environmental Monitoring	10 11 12 12 13	10
4.2	Cultural Heritage		14

Thomas Lagon Pacarua Management Plan = 2003

7

		Aboriginal Heritage European Heritage	14 14		
4.3 4.4		r Supply and Use ogeology			16 18
4.5	4.5.1 2 4.5.2 9 4.5.3 9 4.5.4 9 4.5.6 9 4.5.6 9	Management Zoning Garden Waste Tip Wentworth Western Sewerage Treatment P Pest Plants and Animals Public Access/Track Rationalisation Visitor Facilities Riparian Fencing Eastern regulator channel maintenance	'lant	19 19 19 19 20 20 21	19
4.6	Storm	nwater Drainage			24
4.7	Envir	onmental and Cultural Interpretation			24
4.8	Prom	otion and Marketing			25
5.0	Imple	ementation of the Plan			26
5.1	Fund	ing Current and On-going Works			31
Appe	ndix: P	revious studies			32
Figu	res				
Fig 2 Fig 3 Fig 4 Table	Theg Theg The (1 Imp	tion and features of Thegoa Lagoon oa Lagoon Management Zones oa Lagoon Vegetation Communities changing face of Thegoa Lagoon lementation by Management Area on Table			1 7 11 22 26 27

1.0 BACKGROUND

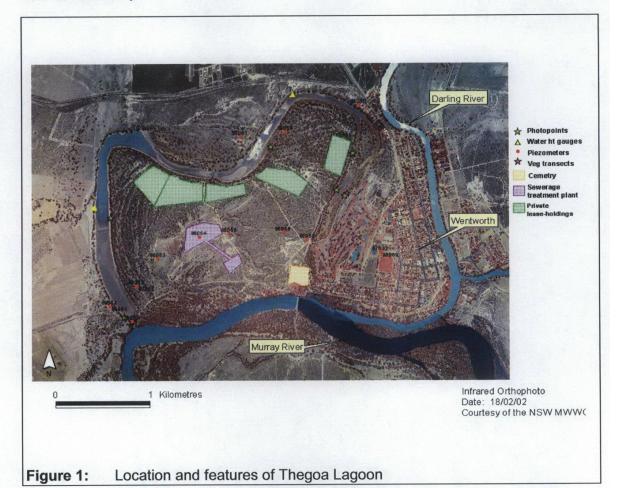
1.1 Introduction

Thegoa Lagoon is a natural ephemeral lagoon, immediately west of Wentworth at the junction of the Murray and Darling Rivers (Figure 1). The floodplain bordered by the lagoon and the Murray River covers approximately 445 hectares. Much of this land (approximately 400 hectares) forms the Thegoa Lagoon Reserve (Reserve No. R78909 as of 16th August 2002, Parish of Wentworth, County of Wentworth) which is classified as community land for public recreation and plantation. It is Crown Land with the Shire of Wentworth as Trustee. Several small private lease-holdings occupy the remaining land in this area.

The lagoon has a surface area of almost 80 hectares and a capacity of approximately 770 megalitres. (Revised estimated volume in 2003, 622ML between - 0.25m and - 3.0m contours based on a bathymetric survey, staff gauges and 1997 bed levels - L. Palmer Sept 03)

1.2 History

During and following floods, the lagoon would have provided abundant wildlife and plant material for use by local Aboriginal people. It would also have been highly significant due to its strategic location at the junction of the Murray and Darling Rivers. The lagoon remained a well-known meeting place for large groups of Aboriginal people into the second half of the nineteenth century.



Thomas I agon Deserve Management Dlan _ 2002

European settlement of the area occurred from the 1860s and the area of the current reserve was known as Wentworth Common from the late 1800s. A large camp was established in the reserve possibly near the existing cemetery during the construction of Weir and Lock 10 in the 1920s. Three agricultural leases were established in the floodplain bounded by the lagoon in the early 1950s, and the remaining floodplain area was gazetted as a reserve in 1956 for use as "community land for public recreation and plantation".

Prior to the construction of the Wentworth Weir in 1928, water would have only entered Thegoa Lagoon during substantial floods in the Murray or Darling Rivers.

Following the 1956 flood, Wentworth Shire Council installed a 300mm-diameter pipe in the depression upstream of the weir, when Cadell Street was reformed. It was reported in 1969 that a 600mm diameter pipe had been laid parallel to and adjoining the existing 300mm pipe, but with an invert level 600mm lower and 1200mm below pool level of the Murray River. It was ascertained that the Wentworth Shire Council also installed the 600mm pipe. These works allowed regulated flows in the Murray River to enter Thegoa Lagoon.

A license was issued to Wentworth Shire Council in May 1970 authorising a 600mm-diversion pipe with the purpose of augmenting the supply of water in Thegoa Lagoon for recreational purposes. The fate of the 300mm-diversion pipe has not been recorded, however it is no longer operative.

This artificial inlet has been operated since the 1970s; until recently, to maintain unnaturally high and constant water levels in the lagoon by allowing water from the weir pool to replenish the lagoon water level. This occurred despite the lagoon's classification by DIPNR as an unregulated watercourse. This conversion of the lagoon to a permanent waterbody provided visual amenity and a water supply to water users around the lagoon.

With the introduction of the Volumetric Allocation Scheme on the Murray River, it was determined that all water which entered the lagoon, other than at times of surplus flows in either the Murray or Darling Rivers, would be considered to be a debit against water allocated from the rivers to NSW. Upon investigation, it was concluded that the continued inflow of regulated water from the Murray River into the lagoon was causing an unreasonable loss of regulated water.

When the diversion license held by WSC was renewed in 1975 the following conditions were added to the license to address the above concerns.

- The licensee was to install a stop valve or other control device in the diversion pipe near its point of off-take to the satisfaction of the then Water Resources Commission (now DIPNR).
- The authorised work was only to be used for the purpose of augmenting the supply of water in Thegoa Lagoon when the Water Resources Commission (now DIPNR) announced offallocation supplies were available in the Murray River at the point of off-take. At all other times the diversion pipe was to be effectively closed.

A metal slide control device was installed on the upstream end of the diversion pipe in 1980. Refurbishment and upgrading of the eastern regulator was undertaken by Wentworth Shire Council in 2002.

The final draft Management Plan was produced in January 1999.

1.3 Wetland Ecology

Prior to river regulation, the lagoon was a temporary wetland, which filled with floodwaters from either the Murray or Darling Rivers. The natural cycle of periodic filling and drying maintained the natural processes and productive environments within the lagoon.

The ecology of wetlands along the floodplains of most inland Australian rivers is adapted to periodic cycles of flooding and drying. Such cycles are a critical driving force for the ecological productivity and diversity of these wetlands. Along the Murray River, regulation of flows has resulted in near-permanent inundation of many wetlands and the loss of their natural water level variation and periodic drying. The long history of regulation, combined with the relatively high frequency of floods and high river flows in the last 25 years, has also created a perception that wetlands such as Thegoa Lagoon require permanent and stable water levels. However, such conditions have caused serious degradation to wetlands throughout the river system.

1.4 Significance of the Lagoon and its Environs

Previous studies have highlighted the significance of the wetland and floodplain environments (refer Appendix).

1.4.1 Aboriginal Heritage

The area contains numerous archaeological sites including burials, scar trees, boundary trees and middens. All but one of these sites have been assessed as moderate to high scientific significance due to their representativeness and preservation. All of the sites remain significant to Barkindji Elders and the Barkindji community. Several sites are of special significance.

1.4.2 Cultural Heritage – covers the period post European settlement.

Although a thorough assessment of the historic heritage of the reserve has not been completed, general observations have identified several significant sites throughout the area. The lagoon and surrounds have history of use as a major travelling stock route, stock reserve and town common, and location of the town cemetery and sewerage system is also located on the floodplain.

1.4.3 Environmental Significance

The lagoon and surrounding floodplain is an unusually healthy and diverse example of the riverine environment of the region. In particular, the area includes a high diversity of habitats within a relatively small area. The three vegetation communities of River Red Gum, River Cooba/Black Box and Chenopod Shrubland, occurring around the lagoon are ecologically significant and include one species that occurs only over a restricted range. Four native fauna species occurring at the lagoon are listed as threatened and 14 species are listed as vulnerable and rare.

1.4.4 Eco-cultural Tourism Potential

The area offers considerable opportunities for the development of eco-cultural tourism facilities due to its proximity to Wentworth, its accessibility and the variety and integrity of its natural and cultural features.

1.4.5 Other Values

The lagoon provides several other values. The wetland environment provides a natural setting enjoyed by local residents and visitors, as well as a recreational resource for camping, fishing and picnicking. The lagoon also provides a source of water to surrounding properties for irrigation, recreation and stock and domestic use.

1.5 The Need for a Management Plan

No integrated management of the lagoon and its environs has been undertaken to date. This has resulted in *ad hoc* management decisions in the past, which have not fully considered the implications for, and the long-term protection of, the diverse features and values of the area. In addition, several activities have been allowed to occur which have damaged the natural environment and culturally significant sites. Given its documented significance, the lagoon requires a more integrated and long term approach to the management of its land, water, vegetation and cultural heritage values.

A draft Management Plan for Thegoa Lagoon 1998 –2001 was completed in January 1999. This plan was developed to identify broadly accepted management goals and actions to ensure the natural and cultural features of the area are recognised and protected. It aimed to achieve long term rehabilitation and conservation of the natural environments and cultural features of the lagoon and floodplain. In particular, it integrated the management of all aspects of the lagoon and its environs including:

- · hydrologic rehabilitation of the wetland,
- · recognition and protection of the Cultural Heritage associated with the area,
- · development of appropriate access and interpretation facilities.

While some of the actions have been undertaken, others have not progressed due to a lack of funds and lack of a person to run the implementation process. The plan did not get beyond draft status. The Steering Committee, based on the original membership, was re-convened to revise the Management Plan in 2003. Notification was placed with the local press advising the community of the meeting and calling for interested persons to attend. An amended membership was established at that meeting.

2.0 OBJECTIVES OF THE MANAGEMENT PLAN

The key aim of the management plan is the recognition and protection of the natural and cultural features of the lagoon and its surrounds. This will be achieved through the following principles.

MANAGEMENT PRINCIPLES

- Rehabilitation and conservation of the natural vegetation and habitats of the area.
- Rehabilitation of the wetland environment.
- Recognition and protection of Cultural Heritage sites and values.
- An appropriate level of access to, and interpretation of, the lagoon's natural and cultural features.
- Implementation of sustainable water supply arrangements for existing users.

The plan aims to integrate the management of key issues for the area and outline the actions required to ensure the integrity of the ecological and cultural values are maintained in the long term. The specific objectives of the plan are listed below.

MANAGEMENT OBJECTIVES

- Increased information about, and understanding of, the ecological and cultural features and values of the lagoon and its environs.
- Revegetation of areas affected by vegetation loss and disturbance.
- Re-establishment of more natural hydrologic patterns to promote wetland rehabilitation.
- Conservation and protection of Cultural Heritage associated with the wetland.
- Encouragement and facilitation of ecological and cultural interpretation.
- Development and maintenance of low-impact recreational opportunities.
- Promotion of greater public awareness of the features and values of the lagoon.
- Assessment of the impacts and effectiveness of management changes and actions.
- Regular reporting on progress of management objectives to Wentworth Shire Council,
 Dept. of Infrastructure, Planning, and Natural Resources, Lower Murray Darling Catchment
 Management Authority and the community.

3.0 MANAGEMENT OF THEGOA LAGOON

3.1 Background

Wentworth Shire Council classifies the land as Community Land, and a plan of management is required to be prepared in accordance with the *Local Government Act 1993*.

The resources of the lagoon and its floodplain environs have been used for a number of purposes.

- Agricultural land uses include livestock grazing, irrigated pasture and horticulture. Other land uses established in the floodplain are open space recreation, the Waste Water Treatment Plant for Wentworth, the Wentworth cemetery, a garden waste tip and sand extraction. The lagoon area also includes Crown Reserves and former travelling stock route. Most of the land on the inside of the lagoon is a Crown Reserve (No. 78909) covering an area of about 450 hectares. This area has been reserved for the purpose of "public recreation and plantation" with management vested with Wentworth Shire Council. Grazing, irrigated agriculture, residential premises and commercial accommodation enterprises have been established on the areas overlooking the lagoon.
- The lagoon is used to provide water supply. Several landholders around the lagoon draw
 their stock and domestic supplies from the lagoon until 2002, when temporary and some
 permanent alternate arrangements were made, due to the complete drying of the lagoon. A
 few properties extract water for irrigated agriculture.

Past management of the area has been ad hoc and has not integrated broader management issues such as environmental and cultural heritage conservation.

3.2 Management Areas

The floodplain of the lagoon has been divided into four management areas (Figure 2).

3.2.1 Southern

The southern section lies along the Murray River from Weir and Lock 10 to the lagoon's western inlet. It is and will continue to be the main area for general tourism and recreation access.

3.2.2 Western

Together with the north-east section, this area contains the major Aboriginal heritage sites. It will be used for low impact developments such as walking tracks.

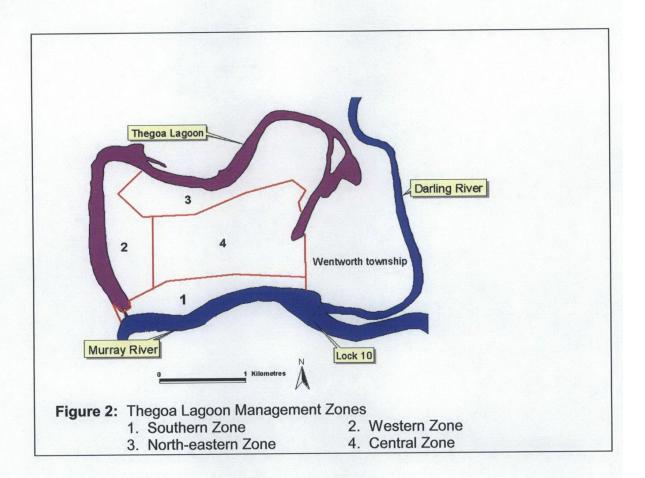
3.2.3 North-eastern

The north-eastern section is less accessible than the others and also includes the private lease-holdings. No recreational or tourism facilities will be developed in this area.

3.2.4 Central

This area includes the sewage treatment plant, cemetery and rubbish tip. Rehabilitation will require longer term planning than the other sections and future actions are likely to be more expensive.

mi r m in anna



3.3 Statutory controls on management activities

3.3.1 Murray Regional Environment Plan No. 2 - Riverine Land The provisions of MREP2 affect development of the Reserve.

3.3.2 Local Environmental Plan

The Shire of Wentworth Local Environmental Plan was adopted in April 1993. Under this plan the Thegoa Lagoon Reserve is zoned "General Rural" which allows agriculture and forestry without Council development consent. This plan is under review during 2004.

3.3.3 Native Vegetation Act

Approval in accordance with the *Native Vegetation Act (2003)* must be obtained for the clearing of native vegetation or the clearing of any vegetation on protected land (within 20 metres of a prescribed stream). Thegoa Lagoon has not been prescribed for the purpose of the Act. The Murray River is a prescribed stream, works authorised under Rivers and Foreshores Improvement exclude those works from the Native Vegetation Act.

3.3.4 Rivers and Foreshores Improvement Act

Under the *Rivers and Foreshores Improvement Act (1948)*, any excavations or earthworks on the bed, banks or within 40 metres of any watercourse requires a permit from the Department of Infrastructure, Planning and Natural Resources.

3.3.5 Water Management Act (Water Licensing)

Access to and use of water in any watercourse as defined by regulations is controlled by a range of Approvals and Licences by the *Water Management Act, 2000*. Statutory embargoes throughout New South Wales now mean virtually no new licences for consumptive may be lodged with the Department of Infrastructure, Planning and Natural Resources. Stock and domestic requirements are exempt from this control and those landholders with waterfrontage

Thomas I agon Deserve Management Plan _ 2003

property enjoy what is now known as "Basic Landholders Rights" (formerly Riparian Rights) which provide for stock and domestic access with limitations to use.

Water for irrigation and any other commercial or industrial purposes may only be obtained via a permanent transfer from another licence holder.

All diversion licences have been granted a volume and conditions of access to which they are limited.

The Water Sharing Principles of the Water Management Act, 2000 afford protection of the water source and its dependent ecosystems. Within Thegoa Lagoon the extraction of water for irrigation (principally) is limited to the seasonal availability and the depth of water stored. A gauge height has been established upon which irrigation is required to cease. Seasonal variability of inflows (ie floods or other surplus flow events) means the lagoon may dry up on occasions. Flood flows in the Murray or lower Darling need to reach a level of 50-60GL/day approximately in order for the lagoon to fill naturally from the downstream end. In surplus flow times, ie flows in excess of 10GL/day and when in-stream environmental needs have been met, water may be permitted to enter the lagoon via the works licensed to the Wentworth Shire Council on the upstream end (above Weir and Lock 10 at Wentworth).

3.3.6 NSW Water Reform Policies

The NSW Water Reform policies have been designed to improve the efficiency of water supply and use and minimise the environmental impacts resulting from water supply and use. The policies encompass a wide range of water management and pricing issues. In particular under these policies, water supply licences from unregulated streams, such as Thegoa Lagoon, will be converted to a volumetric allocation.

In general, transfers are not allowed from regulated streams (such as the Murray River) to unregulated streams (such as Thegoa Lagoon). However, the Department of Infrastructure, Planning and Natural Resources has established a community-based committee reviewing the transfer policies on unregulated streams within the Murray River Valley.

3.3.7 Western Lands Act 1901

Landuse on Western Lands Lease must be consistent with the purpose of the lease and the Western Lands lease conditions. There is grazing lease and agricultural lease on parts of Thegoa Lagoon.

3.3.8 Crown Lands Act 1989

Section 10 of the Crown Lands Act states:

The Crown Lands Act provides for the administration and management of Crown Land to ensure that Crown Land is managed for the benefit of the people of New South Wales and provided for

- a) a proper assessment of Crown Land
- b) the management of Crown Land
- c) regulation of conditions under which the crown land is permitted to be occupied, used, sold leased, licensed or otherwise dealt with
- d) the development and conservation of Crown Land
- e) The reservation or dedication of Crown Land for public purposes
- f) the collection recording and dissemination of information in relation to crown land Section 11 goes on to state:

For the purposes of this Act, the principle of Crown Land management are:

- a) that environmental protection principles be observed
- b) that the natural resources of the Crown be conserved wherever possible
- c) that the public use and enjoyment of the crown land be encouraged
- d) that where appropriate, multiple use of Crown land be encouraged
- e) that where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and

Page 226

f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state consistent with the above principles

Any development on Crown land that requires development consent from Council, will require the consent of the Minister administering the Crown Land Act, as owner of the land, prior to the lodgement of such an application with Council. This requirement extends to Crown lands held under lease, licence, reserve or otherwise vacant Crown land.

Where the development such as a pipeline traverses Crown land that is vacant, reserved for public purposes or is otherwise licensed under the Crown Lands Act, an easement will be required. The proponent will be required to have the sites survey and have easements created over such sites under the Conveyancing Act.

3.3.9 Fisheries Management Act 2000

Sections 198-203 pertain to dredging and reclamation works. If a person or local government authority conducts works on land that is permanently or intermittently submerged by water, a permit from NSW Fisheries is required. If a public authority wishes to conduct or authorise dredging and reclamation work, it must take into consideration issues raised by NSW Fisheries.

Under section 219 of the FMA 2000 works or structures within a watercourse that may obstruct fish passage require a permit from NSWF.

The FMA 2000 makes provision for the listing of threatened species, population and ecological communities. It is an offence to harm the habitat of threatened species, populations and ecological communities.

4. MANAGEMENT ISSUES, STRATEGIES AND ACTIONS

4.1 Environmental Issues

4.1.1 Wetland Rehabilitation

The natural hydrology of the lagoon has been altered by local flow regulation since 1956. Under natural hydrologic conditions, the lagoon would have been filled by seasonal floodwaters from the Murray or Darling Rivers. Once each flood had receded, the residual pool(s) in the lagoon would gradually evaporate.

Given its location at the confluence of the Murray and Darling Rivers, the lagoon could receive inflows from floods in the two river systems - Murray River floods from winter to spring and Darling River floods from summer to autumn. As a result of these combined floods, the lagoon would not have dried completely every year with subsequent floods often refilling the wetland. However, occasional drying (MWWG suggest perhaps one in five years, on average, for partial drying out of the lagoon and one in ten years, on average, for the complete drying out of the lagoon) would have occurred when flood inflows did not happen for two or more years.

Operation of the regulator on the eastern inlet during the 1970s and 1980s maintained a constant water level in the lagoon. The wetland environment of the lagoon has degraded from the loss of natural water level fluctuations and seasonal drying. Consequently, appropriate water management and the associated on-ground engineering works are the key priority for rehabilitating the wetland environment.

Wentworth Shire Council as the licence holder under the Water Act (1912) currently operates the regulator on the eastern inlet.

Obiective

Re-establishment of more natural hydrologic patterns to promote wetland rehabilitation.

Strategies

- Inflows to the lagoon will be managed to create a water regime which allows:
 - 1. Flooding of the lagoon in winter and spring as Murray River floodwaters naturally reach the area,
 - 2. Partial draining of the lagoon as floodwaters recede, and
 - 3. Slow drying of the residual water in the lagoon by evaporation and possibly controlled water extraction.
 - 4. Management of water levels in the lagoon to minimise the risk of saline groundwater intrusions. NOTE Complete drying of the lagoon occurred in 2002-3, the MWWG recommends that the dry period should not exceed 2 consecutive years until further hydrogeological investigation completed (refer Section 4.4).
- Improve the community's understanding of the lagoon's ecological condition and requirements.

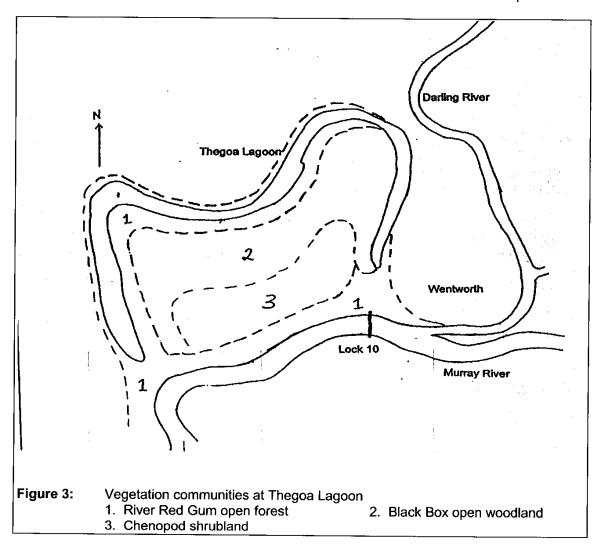
Actions

- Operate flow control structures to re-establish seasonal water level fluctuations [WSC/DIPNR] - PRIORITY ACTION
- Review of regulator operation annually (WSC/DIPNR)
- Investigate the benefits and options for replacing the western inlet/outlet structure [MWWG]
- Riparian fencing to prevent unrestricted stock access to lagoon estimated at 2km on LMD Catchment Blueprint standard costing @\$6500/km

4.1.2 Native Flora

Three major vegetation communities occur across the floodplain areas (Figure 3):

- 1. Riparian River Red Gum and River Cooba open forest adjacent to the lagoon and Murray River,
- 2. Black Box open woodland backing the open forest, and
- 3. Chenopod shrubland with scattered Black Box across the remainder of the floodplain.



Each community has distinct shrub and groundcover species. The Chenopod community includes one locally common species Desert Glasswort, (*Pachycornia triandra*) listed as having a restricted regional distribution. The excessive number of vehicle tracks has degraded the vegetation within several areas, rubbish dumping, sand extraction and general disturbance. Pest plant species are also a problem in some areas. These areas will require active revegetation.

Very little aquatic vegetation exists within the lagoon due to the combined impact of the past inappropriate water regime and infestation with Common Carp (Cyprinus carpio). Other strategies and actions will address these issues.

Objective

Rehabilitation and conservation of the natural vegetation of the area.

Theona Laonon Reserve Management Dlan 2002

Strategies

- Encourage regeneration of native floodplain species.
- Identify areas requiring revegetation with local native species.
- Revegetate highly modified or degraded areas.

Actions

- Revegetate the tip site after landscaping (WSC) PRIORITY ACTION
- Rehabilitate (under supervision and after undertaking the assessment outlined in Section 4.5.6) unnecessary tracks to encourage seed capture and water infiltration - [WSC/Dareton CWP] - PRIORITY ACTION
- Signage for major vehicle tracks and foot tracks [WSC] as per section 4.5.5.
- Assess and map floodplain area (as part of the general mapping of the area) to identify areas requiring revegetation [Dareton CWP/BEC] - PRIORITY ACTION

4.1.3 Native Fauna

The diverse habitats within the lagoon floodplain are in relatively healthy condition and provide an excellent example of a semi-arid riverine environment. The lagoon, in particular, supports a range of waterbirds. The occurrence and abundance of fauna species and the presence of key habitat areas has been identified in an Environmental Baseline Study (Luitjes & Smith, 1995).

The habitat value of some areas has been degraded by various activities, and feral species require control actions. Other strategies and actions will address these issues.

Objective

Greater understanding of the native fauna habitat value of the area.

Strategy

- Identify key wildlife habitat areas and restrict visitor access to specified areas.
- Increase recognition and public appreciation of native fauna occurring at the lagoon.

Actions

- Establish more frequent wildlife monitoring of the area for inclusion in the NSW Wildlife Atlas [NPWS].
- Increase recording of bird life via negotiation with Sunraysia Bird Observers and local community at various stages of lagoon flooding and drying cycle [NPWS/MWWG].
- Update an inventory of native fauna [NPWS].

4.1.4 Fishery Management

An aquatic fauna survey was conducted from November 1998 to February 2000 (Plummer et. al, 2000). The survey included sampling of the fish population within the lagoon. During two sampling events (Nov. 1998 and June 1999) a cumulative total of 10 fish species was recorded, (six native species and four exotic species).

Due to the lack of information on the fish communities of Thegoa Lagoon dating before 1998, it is difficult to ascertain whether the number of native species has declined. However, the presence of four exotic species including Common Carp (*Cyprinus carpio*) and Eastern Gambusia (*Gambusia holbrooki*) is likely to have impacted on the native fish population.

The best option for the management of the lagoon is to adopt a suite of actions that compliment the biological requirements of the endemic species. The biological pre-requisites of carp do not complement the natural regimes of aquatic ecosystems. The adoption of a hydraulic regime (wetting & drying) in conjunction with fish passage at the western confluence of the lagoon will enhance opportunities for native fin-fish species whilst reducing the capacity for European carp to populate the lagoon.

During the filling of the lagoon in 2003 following complete drying under drought condition, Murray Cod fingerlings were recorded in the rushes of the eastern inlet channel. The Murray

Thegas Lagoon Reserve Management Plan 2002

Darling Freshwater Research Centre undertook sampling during the re-filling and will prepare a report due in 2004.

Objective

Recovery of native fish populations within the lagoon.

Strategies

- Improve the hydrological management of the lagoon to maximise native fish passage between the lagoon and Murray River. NOTE - fish entering via the eastern regulator will be contained in Thegoa Lagoon as there is no access back to the river system except in flood events.
- Improve native fish habitat within lagoon.
- Assess control methods for carp, and other exotic fish species.

Actions

- Maintain adequate large woody debris (snags) within lagoon [MWWG]
- · Investigate options and feasibility of re-snagging sections of the lagoon. [MWWG]
- Investigate options for fish breeding in the lagoon [NSW Fisheries]
- Provision of fish passage at the western confluence of the lagoon & the Murray River [NSW Fisheries]

4.1.5 Environmental Monitoring

Any management changes must incorporate adequate monitoring to allow their consequences to be assessed and reviewed. This will provide essential information for future management both at Thegoa Lagoon and at similar wetlands along the Murray River.

Objective

Assessment of the effects of management changes on the lagoon and floodplain environments.

Strategy

Develop an effective monitoring program to assess any changes in the environmental condition of the lagoon and to provide information for future management options.

Actions:

- Establishment of photo-points at selected sites across the floodplain to assess the rate and success of revegetation activities [DIPNR/NPWS/MWWG] - PRIORITY ACTION
- Maintain photopoints at selected sites across lagoon to assess the rate and success of riparian revegetation [MWWG]
- Establish regular surface water level monitoring and surveying of gauges [DIPNR/MWWG]
- Baseline assessment of water quality while the lagoon is low and when full [DIPNR/MWWG]
- Monthly monitoring of surface water salinity when the level falls below 1.0m [DIPNR/MWWG]
- · Continued monitoring of groundwater levels, commenced April 2002, review 12-18 months.

4.2 Cultural Heritage

4.2.1 Aboriginal Heritage

Thegoa Lagoon is highly significant to the Aboriginal community because of its strategic location at the confluence of the two major rivers in south-eastern Australia. This being reflected in the many Aboriginal heritage sites including burials, middens, campsites and scar trees (canoe, coolamon, boundary and burial markers). The junction of the Murray and Darling Rivers was an important meeting and gathering place for Aboriginal people. Food and material resources were plentiful in the Red Gum woodland and saltbush floodplain around the lagoon. In addition, a major burial ground is located just downstream of the lagoon at Snaggy Bend.

Management of the area involves the Dareton CWP, Barkindji Elders Council (BEC) and Dareton Aboriginal Land Council (DALC). A Memorandum of Understanding clarifying the legislative basis of Aboriginal management of the area may be required.

Identification and proper management of the Aboriginal heritage is an integral part of the management of the area.

Objectives

Protection and recording of culturally significant sites.

Greater community understanding of the significance of the heritage sites in the reserve.

Strategy

· Protection of culturally significant sites.

Actions

- Prepare a Memorandum of Understanding between DIPNR, NPWS, WSC, Dareton CWP, BEC and DALC, clarifying the legislative basis of Aboriginal management of the area – PRIORITY.
- Implement site protection works as outlined in the Archaeological Assessment (Edmonds, 1995) [Dareton CWP/NPWS/BEC].
- Survey and record all new cultural sites [Dareton CWP/NPWS/BEC/DALC].
- Rotation of sites shown on tours to ensure individual sites are not stressed by overvisitation [Dareton CWP/BEC].
- Wentworth Shire Council to notify BEC, DALC and Dareton CWP prior to commencing any public works in the reserve [WSC].
- Train Aboriginal staff working at the Lagoon in the identification and recording of Aboriginal sites [NPWS, BEC, WSC, Dareton CWP, DALC] - PRIORITY ACTION.
- Provide lease-holders with details of Aboriginal sites on their holdings and necessary protection methods and advised these sites are protected under state legislation[Dareton CWP/NPWS/BEC/DALC] - PRIORITY ACTION.
- Identify and develop appropriate sites in the southern management area for public interpretation and visitation [Dareton CWP/NPWS/BEC/DALC].
- Undertake dating of sites to provide more detailed interpretive information for visitors [Dareton CWP/NPWS/BEC/DALC].

4.2.2 European Heritage

Although a thorough assessment of the cultural heritage of the reserve has not been completed, general observations have identified several significant sites including old building foundations, fence lines, rubbish and bottle dumps, ceramic scatters and shelters. Also, a large camp was established near the site of current cemetery during the construction of Weir and Lock 10 in 1920s.

Identification and proper management of the cultural heritage is integral to the management of the area.

Objectives

Protection and recording of heritage significant sites

Greater understanding of the significance of the heritage sites in the reserve.

Strategy

· Protection of sites.

Actions

- Survey and record heritage sites [WSC]
- Approach Wentworth and District Historical Society (WDHS) and encourage their involvement in heritage research and interpretation [WSC]
- Undertake documentary research about the history of the reserve [WSC/WDHS]
- Stabilise and fence sites as necessary [WSC/WDHS]
- Identify and develop appropriate sites in the southern management area for public visitation and interpretation [WSC/WDHS]
- Ensure co-ordination of Cultural Heritage information [All groups]

Cemetery

The reserve includes the original cemetery for Wentworth. Wentworth Shire Council engaged a heritage adviser and has developed a separate management plan for the cemetery. In particular, additional area will be required for future needs.

Objective

Preservation of heritage values of the cemetery.

Cemetery Management Plan - complete at time of revision.

4.3 Water Supply and Use

The natural hydrology of the lagoon has been modified by the build-up of Cadell Street to protect residents from floods in the 1950's. This prevented natural inflow of river water to the lagoon. Council placed a diversion pipe below the natural surface at this location to provide for inflows which in turn triggered licensing action by the then Water Commission. This inlet allows regulated flows from the Wentworth weir pool to enter the lagoon. The pipe has a capacity of approximately 16 megalitres per day, which is sufficient to meet current water demand.

Although the lagoon is classified as unregulated and therefore provides no water supply security, the eastern inlet had been operated until the early 1990's to maintain stable high water levels in the lagoon, giving a relatively secure water supply for consumptive water uses stock and domestic needs and irrigation. Other beneficiaries of this water management have included tourism and recreation. In addition, the frequency of flooding and high river flows during the 1970s and 1980s was higher than the long term average, and this may have created a perception of water supply security.

As noted in Section 4.1.1, these water supply arrangements undermined the natural hydrologic requirements of the wetland environment by lessening the natural variability of water levels. In addition, given its location along the riparian fringe in a semi-arid landscape, the lagoon is subject to significant natural evaporation (up to 1 centimetre a day during summer). Approximately 90% of the water in the lagoon is lost to evaporation rather than domestic, stock or irrigation use. Consequently, maintaining high water levels in the lagoon is a highly inefficient method of providing reliable water supplies to consumptive users around the lagoon.

Thegoa Lagoon is an unregulated stream, from 1996, the Department of Infrastructure, Planning and Natural Resources (DIPNR) has allowed surplus water to enter the lagoon with the objective of re-establishing a more natural hydrology to rehabilitate the lagoon environment.

Water Supply Arrangements

The DIPNR has developed an interim water supply policy for Thegoa Lagoon for 1998 and 1999. Under this policy, the lagoon will continue to be filled naturally by flood inflows. This interim policy recognises the lagoon is not a permanently inundated watercourse and receives water from flood events and not from regulated flows. It seeks to implement the water management objectives and policies of the NSW Water Reforms and the Murray Darling Basin Ministerial Council Cap on Water Diversions.

Water Inflows to the Lagoon:

1. Flood flows:

All flood flows in the Murray and Darling Rivers will enter the lagoon by overtopping the western sill. This will occur when flows in the Murray River are 60,000 megalitres per day or greater. Flood flows in the Darling River generally occur between January and April, while those in the Murray River generally occur between August and December.

2. Surplus flows:

Water inflows through the eastern inlet regulator may occur during periods of surplus flow, ie. Flows in the Murray River surplus to consumptive requirement that cannot be stored in Lake Victoria, and all downstream requirements are met. The Murray Darling Basin Commission declares surplus flow periods. However, they usually occur when flows in the river exceed downstream demand (including minimum flows for South Australia), usually as a result of rainfall in the catchment. In addition, 10 megalitres per year may be diverted from the river to the lagoon for recreational purposes (as licensed to Wentworth Shire Council).

3. Duration of inflows:

Under flood conditions, the lagoon would be expected to fill (ie, hold water to the level of the western sill). Under surplus flow conditions, inflows would continue for the period of the surplus flow declaration, as advised by the Murray Darling Basin Commission. If filled by surplus flows, the lagoon would overflow back to the river over the western sill.

4. Multiple inflows in one year:

Multiple inflows in one year will be allowed into the lagoon if the conditions noted in (1) and (2) occurred more than once.

5. Notification arrangements:

Notification of flood flows and surplus flows into the lagoon will be through the community, State and Local Government members of the Thegoa Lagoon Management Steering Group.

Limitations to Access

Water extraction for irrigation use is allowed until lagoon water levels fall to a relative water level of 0.3m on the gauges installed in the lagoon. This minimum level was revised downward from 0.8m to 0.5m by the DIPNR in consultation with the Steering Group. (In August 2003, Thegoa Lagoon irrigators advised by DIPNR Licensing Officers the cease to pump level is 0.3m).

Temporary Transfer of Water Allocations

Under the NSW Water Reform policies, temporary transfers of regulated water cannot be made to unregulated streams such as Thegoa Lagoon. Such a transfer was made in 1997 before the Water Reform policies were implemented. This transfer highlighted several difficulties in delivering the small transferred volumes to diversion pumps while the lagoon water level was low.

· Possible Environmental Water Allocation

The risk of saline groundwater intrusions to the lagoon is potentially greatest if the lagoon dries fully. Although this risk has only been raised as a possibility, a minimum water level of 0.5m will be maintained in the lagoon, if possible. This will be reviewed, once the risk is clarified by continuing hydrogeologic monitoring and assessment. Options will be investigated for obtaining an environmental water allocation to maintain this minimum water level in the lagoon. Such an environmental water allocation, if available, would be for the sole purpose of protecting the lagoon from saline groundwater intrusions. It would not be available to surrounding water users.

Objective:

Implementation of Water Supply Arrangements and water in-flow conditions.

Strategies

· Maintain and monitor water supply operation procedures.

Actions:

- Operate eastern regulator under interim supply arrangements [WSC/DIPNR]
- Monitor flood inflows to the lagoon [DIPNR].

Thegoa Lagoon Reserve Management Plan - 2003

4.4 Hydrogeology

Background

South-western NSW is subject to high saline water tables due to the prehistory and geology of the area, river regulation and broad catchment changes over the last 100 years. Thegoa Lagoon is particularly at risk from a high watertable because of its location between the Murray River, the Lower Darling River and the Great Anabranch of the Darling River. All of these watercourses surrounding the lagoon contribute significantly to groundwater seepage.

A recent review of groundwater data in the area identified high saline watertables around the lagoon. This study indicated the lagoon might be at risk from intrusion of saline groundwater if the lagoon is dried for an extended period.

Objective:

Clarification of the risk of saline groundwater intrusions into the lagoon.

Strategies:

- Obtain adequate hydrogeologic information for developing and implementing a hydrologic management regime, which rehabilitates the lagoon ecology and minimises any risk from saline groundwater intrusions.
- Ensure the lagoon is not kept 100% dry for more than 2 consecutive years, until further investigations have been completed.

Actions

- If possible, manage inflows to maintain a minimum water level of 0.5m, taking into account evaporation and irrigation usage - see Section 4.3 [DIPNR/MWWG].
- Install 3 piezometers. Two deep bores (20-25m) at N 6227098 E 581279 and N 62254658 E 584146 (one replaces a destroyed bore); One shallow bore (10m) N 6226458, E 581439 (DIPNR).
- Continued monitoring of groundwater levels and salinity, commenced April 2002, review 12-18 months (DIPNR/MWWG).

4.5 Land Management

4.5.1 Zoning

The lagoon reserve is currently zoned as "Rural" under Wentworth Shire Council's Local Environmental Plan. Although this zoning is suitable for the existing leases, it does not reflect the environmental and heritage significance of the area.

Objective

Re-zone the lagoon reserve to reflect conservation value.

Strategy

· Ensure appropriate zoning for the area.

Actions

Rezone the area as a "Conservation Zone" with existing leases remaining as "Rural" [WSC]
 PRIORITY ACTION.

4.5.2 Garden Waste Tip

The existing tip detracts from the aesthetics of the natural environment of the reserve and is a potential source of weed infestation to the area. Wentworth Shire Council has closed the tip and diverted garden waste disposal to more appropriate facilities. However, the tip has been used for many years and specific actions will be required to discourage illegal dumping. The tip area will also require active rehabilitation with landscaping and revegetation.

The tip has been used to dispose of domestic garden waste and does not contain any intractable waste material. Leachate from the area should be innocuous.

Objective

Rehabilitate the tip area to a natural condition.

Strategies

- Address unauthorised dumping of refuse.
- · Rehabilitate site of existing tip.

Actions

- Reclaim rubbish tip area through filling, landscaping and revegetation with local native species [WSC] - PRIORITY ACTION.
- Monitor the site for regeneration of pest plants and control as necessary (refer to Section 4.5.5) [WSC].

4.5.3 Wentworth Western Wastewater Treatment Plant

The reserve includes the western sewage treatment plant for Wentworth, which was constructed above the 1956 flood level. The main problems with the plant are the impact on the aesthetics of the surrounding natural bushland, occasional discharge of effluent to the river and odour.

The Council has engaged a consultant to assess all options for future sewage treatment. The results of the consultancy recommended the removal of the sewage treatment plant from the floodplain, this is a priority action for Wentworth Shire Council for 2003-4.

4.5.4 Pest Plants and Animals

Infestations of weed species, such as Noogoora Burr (Zanthium occidentale), African Boxthorn (Lycium ferocissimum), Olive, Prickly Pear (Opuntia sp.), and Peppercorn Tree (Schina areira) and Matchhead Plant (Psilocaulon tenue), occur in the open forest and woodland areas. Dumping of garden waste at the rubbish tip and illegally in other areas provides a source for additional infestations of exotic plants. Introduced species, such as Century Plant, may be

retained if they are of historical significance or associated with historic sites provided they do not pose a threat to the ecology of the lagoon and reserve.

Feral animals present in the reserve include rabbits, foxes, dogs and feral cats. Rabbits are having a serious impact on the integrity on Aboriginal heritage sites in sandy areas. Foxes, dogs and cats pose a constant threat to small native animals.

Objective

Control or where possible eradicate pest plant and animals from the reserve.

Strategies

- Develop and implement an effective program for weed and feral animal control appropriate for the pest species and their location
- Improve the timing of weed control activities to ensure maximum effect (for example before flowering)
- Cease and police dumping of garden refuse at the tip and elsewhere

Actions - Pest Plants

- Control the spread of Noogoora Burr by annual spraying prior to seed formation [WSC/Dareton CWP]. Around Log Bridge (the south-western section of the lagoon floodplain) as a priority. At the north-eastern section of the lagoon subsequently. Effective control will require several years of repeated and timely spraying.
- Continue annual weed control/removal programs [WSC]
- Monitor the reclaimed tip regularly for weed infestations and undertake control measures when necessary [WSC]

Actions - Feral Animals

- Plan and undertake a program for trapping domestic dogs, feral cats and foxes [Dareton CWP/NPWS/WSC/RLPB/Neighbours]
- Undertake a program for controlling rabbits [Dareton CWP/NPWS/WSC/BEC/DALC]
 This should be done mainly by gassing. Ripping may be possible at some sites under supervision by the NPWS and Barkindji Elders.

4.5.5 Public Access/Track Rationalisation

Numerous tracks have been established across the reserve with no planning or consideration of the impacts on environmental or cultural features. Most of these tracks are unnecessary. Rationalisation of these tracks would allow most to be closed and revegetated, and allow greater control over the impacts of visitor use of the reserve.

Objective

Rationalisation of the tracks and restriction of vehicle access

Strategies

- Identification and closure of unnecessary tracks
- Maintenance of main vehicular road system and walking/riding trails

Actions

- Identify tracks required by leaseholders and stakeholders [Dareton CWP/WSC/BEC/DALC]
- Identify primary vehicular access roads to be developed and maintained [Dareton CWP/WSC/BEC/DALC]
- Where appropriate, initiate rehabilitation of closed tracks by shallow ripping [Dareton CWP/WSC/BEC/DALC]

4.5.6 Visitor Facilities

The primary area for day visitation within the reserve will be along the river front, which has the aesthetic features and existing access to handle larger numbers of people. Day visitation facilities will be concentrated in this area with some interpretation material. Other areas of the

Thomas Logger Bosonio Monogoment Dien 2003

lagoon will have limited access via walking, cycling and horse-riding trails. Appropriate interpretation material will be located along these trails.

Objective

Planned distributions of access and use facilities within the reserve.

Strategies

- Direct recreational activity to river frontage (Southern management area)
- · Develop visitor facilities at key sites in this area
- · Plan and develop trail system

Actions

- Establish picnic facilities along Murray River [Dareton CWP/WSC]
- Develop maintenance program for facilities including rubbish removal [Dareton CWP/WSC]
- Establish trail system with appropriate interpretation material [Dareton CWP/WSC]
- Install warning and direction signs about the risk of falling tree limbs [Dareton CWP/WSC]

4.5.7 Riparian Fencing

During drying of the lagoon, sheep graze the regenerating plant growth. Hoof traffic causes compaction and breakdown of the soil cracking that normally allows additional plant germination and soil aeration.

Objective

Management of Thegoa Lagoon dry periods for vegetation and soil benefit.

Strategy

No grazing of domestic livestock on Thegoa Lagoon during drying cycles.

Action

Installation of riparian fencing, where needed, estimate of 2 kilometres [WSC]

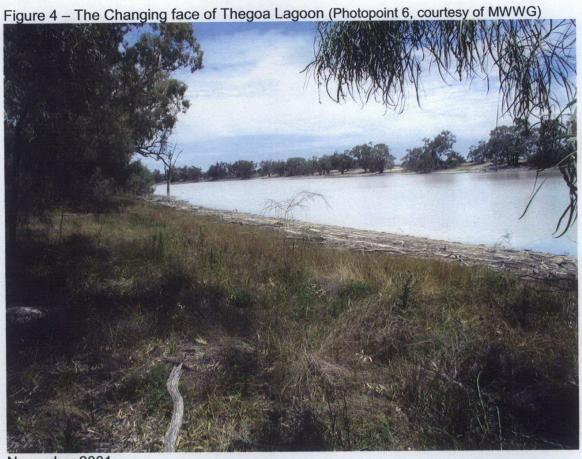
4.5.8 Eastern regulator channel maintenance

Removal of cumbungi regeneration in connecting channel to allow adequate rate of flow during water replenishment.

Maintenance of eastern regulator to prevent leakage.

Action

Maintenance of eastern regulator, eastern connecting channel, removal of cumbungi by Wentworth Shire Council.





April 2002





November 2002

4.6 Stormwater Drainage

The lagoon receives stormwater drainage from two areas: the Wentworth Gaol Reserve on the north-east side of the lagoon, and to a lesser extent, Cadell Street. This stormwater may include run-off from built-up areas and former rubbish tip sites, and occasionally wastewater from the domestic Water Treatment Plant. Wentworth Shire Council has accepted a Management Plan for the Gaol Reserve, which includes options for improving stormwater management. In addition, the Council has prepared a Stormwater Management Plan.

Objective

Adequate disposal of urban stormwater drainage and control of natural stormwater diversion within the Reserve

Strategy

Minimise impacts of stormwater discharge to the reserve

Actions

 Investigate stormwater filtration options including assessment of cost and benefits of stormwater retention from the Gaol Reserve [WSC]

4.7 Environmental and Cultural Interpretation

Interpretation and education facilities are required to improve public awareness of the environmental and cultural significance of the lagoon and reserve. In particular, these facilities will focus on the wetland ecology and the Aboriginal and historical use of the area. Such interpretation facilities will highlight all the features of significance including Aboriginal heritage, historic heritage, wetland and floodplain ecology, and the proximity to the confluence of the two major rivers of the Murray-Darling Basin.

Objective

Interpretation facilities at the reserve explaining the ecology and Cultural Heritage significance of the area

Strategies

- · Identify appropriate levels, intensity and locations of further interpretation facilities
- · Develop appropriate interpretation facilities
- · Investigate appropriateness of, and options for, a regional cultural centre

Actions

- Prepare and install interpretation boards at the entrance to the reserve and at the lock and river junction highlighting the Cultural heritage significance of the area and the type of sites present [Dareton CWP/NPWS/WSC/BEC/DALC/WDHS]
- Develop self-guided tour booklet outlining the cultural and ecological features of the area [Dareton CWP/MWWG/BEC/DALC/WDHS]

4.8 Promotion and Marketing

Promotion and marketing of the lagoon and reserve are needed for two reasons. In the short term, efforts will be directed to raising local appreciation of the lagoon and its significance. Over the longer term, promotion will focus on raising the profile of the area as a regional attraction.

Objectives

Greater understanding and appreciation of the features of the area among the local community

Promotion of the area as a regional feature of ecological and cultural significance

Strategies

- Develop a public identity for the lagoon
- Promote the lagoon as part of a regional circuit of ecological and cultural tourism features including Mungo National Park

Actions

- Investigate the origins of the lagoon's name [Dareton CWP/WSC/MWWG/BEC/DALC]
- Prepare media releases to publicise the work being done at the lagoon and increase community awareness of the management changes and objectives [All members of Steering Committee]
- Develop information brochures outlining the features of the area [Daretor CWP/WSC/BEC/DALC]
- Liaise with local and regional tourism organisations [Dareton CWP/WSC/BEC/DALC]

5. IMPLEMENTATION OF THE PLAN

Implementation of the management plan will be based on the four management areas as shown in Table 1.

Table 1: Management priorities in the four management areas

Section	Issues	Primary purpose	Management Priorities
Southern	Main recreational and tourism use area	General tourism and recreation access	 Develop adequate recreation and interpretation facilities
Western	Contains major Aboriginal heritage sites Native fish management	 Aboriginal heritage protection Low impact interpretation facilities Native fish management and access 	Develop system of walking tracks and interpretation material Actions as per section 4.1.4
North-east	Contains major Aboriginal heritage sites Contains private leaseholdings	Protection of Aboriginal heritage	Protection of sites Recording of any new sites
Central	May contain heritage sites Contains Council infrastructure Management changes require long term planning and cost assessment	Protection of heritage Short term - Minimise aesthetic impact Long term - Assess removal or modification of infrastructure	Short-term mitigation of impacts Planning and co-ordination of long term actions

New actions and actions not undertaken up until January 2003, are listed in the Action table (Table 2). Actions cover four categories.

- 1. Technical investigations will provide additional information about the lagoon environment and the threats it faces, and allow a greater understanding of the wetland as the basis for future management.
- 2. Monitoring will provide information on changes occurring in and around the lagoon as a result of existing processes and management actions. This will allow management to be reviewed and refined.
- 3. Management planning and actions will improve the co-ordination, effectiveness and efficiency of management arrangements.
- 4. On-ground works will bring into effect the management strategies outlined in the plan.

Table 2 is divided into 2 portions based on the primary external funding source the Lower Murray Darling Catchment Blueprint.

Actions deemed to be a "Priority" indicates the action need to be undertaken at a suitable time and are shown in italics in the following table (Table 2).

These Legan Becamic Management Plan 2003 -26

Table 2 Action Table

	2017 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
--	--

Issue	ssue Actions Resp group		est cost	funding avail	add'i fund req'd
Environmental Management 4.1.1 Wetland	Operate flow control structures to re-establish seasonal water level fluctuations	WSC/DIPNR	Ó	Ü	0
rehabilitation	Annual review of regulator operation	WSC/DIPNR	0	J	0
	Investigate the benefits and options for replacing the western inlet/outlet structure	WSC/DIPNR //MWWG	0	J	0
4.1.4 Fish Management	Replacement of western inlet/outlet with culvert type structure to allow fish passage	NSW Fisheries WSC/MWWG/DI PNR	30,000	J	30000
	Maintain adequate snags within lagoon	NSW Fisheries WSC/MWWG/DI PNR	0	J	0
	Investigate options and feasibility of re-snagging sections of the lagoon Investigate installation of carp control structure to prevent re-colonisation by	MWWG	2,000		0 2000
	nature carp Re-snagging sections of the lagoon Insert 1km @\$3000/km)		3,000		0000 3000
4.5.7	റ on Blueprint standard costing @\$6500/km	wsc	13000		13000
			48,000		0 48000
4.1.2 Native Flora	Revegetate tip site after landscaping	wsc	2,000		
	Rehabilitate unnecessary tracks assessed under Section 4.5.6	WSC/Dareton CWP	3,000		3000
	Assess and map floodplain area to ID areas requiring revegetation	WSC	2,000	2,000	
			7,000	2,000	0 5000
4.1.3 Native Fauna	Establish more frequent wildlife monitoring of the area for inclusion in the NSW Wildlife Atlas	NPWS	400		
	Increase recording of birdlife via negotiation with Sunraysia Bird Observers	NPWS/MWWG	500	ર્ટ	0
	Update an inventory of native fauna	NPWS	006	δ	
			006		
4.5.4 Pest Management	Control of Noogoora Burr and other pest plant species by annual spraying prior to seed formation, Log Bridge priority, then north east section	wsc	2000		0
)	Monitor re-claimed tip for weed infestations & control	wsc	1000		
_	Plan & undertake pest animal control program for feral cats, dogs & foxes	NPWS/ WSC NPWS/ WSC	3000	009	0008
	טוומפו ומאל מ שו טעומון ועו עשווויוען ימטייעי))::)::	_		_

- 27

	5 %	1,000 1,000 1,000 2,000 20,900 56,0 ding add'l fund iil req'd 0 100 0 130 0 130
1,000 1,000 1,000 2,000 7,000 est cost	00 000 000 000 000 000 000 000 000 000	0000 0000 0000 0000 0000 0000 0000 0000 0000
est cos	est cos	est cos
DIPNR/MWWG DIPNR/MWWG DIPNR/MWWG BIPNR/MWWG DIPNR/MWWG CESP group CWP/NPWS //BEC/DALC	DIPNR DIPNR/MWWG DIPNR/MWWG DIPNR/MWWG DIPNR/MWWG DIPNR/MWWG DIPNR/MWWG DACC/DALC NPWS/BEC/ DALC/WSC/ DACC/WSC/ Dareton CWP	DIPNR/MWWG DIPNR/MWWG DIPNR/MWWG DIPNR/MWWG DIPNR/MWWG NPWS/BEC/ DALC/WSC/ DALC/WSC/ DALC/WSC/ DALC/WSC/ DALC/WSC/ DACION CWP BEC/DALC DAreton DIPNR/MWWG DIPNR/MWWG DIPNR/MWWG
w 12-18	Baseline assessment of lagoon water quality while the lagoon is low and when full D Monthly monitoring of salinity when surface water level<1.0m Continued monitoring of salinity when surface water level<1.0m Monthly monitoring of salinity when surface water level<1.0m Lal management Actions Implement site protection works as outlined in Archaeological assessment Continued monitoring of Aboriginal in the ID and recording of Aboriginal in Sites Do Sites	iginal I I I I I I I I I I I I I I I I I I I
× 12-18	w 12-18	iginal I I I I I I I I I I I I I I I I I I I
	l liginal	iginal II or ii
Resp group Dareton CWP/NPWS	Resp group Dareton CWP/NPWS /BEC/DALC NPWS/BEC/ DALC/WSC/ DALC/WSC/ Dareton CWP	Resp group CWP/NPWS CWP/NPWS /BEC/DALC /BEC/DALC /DALC/WSC/ /DACON CWP /DARCON CWP /DARCO
Resp group Dareton CWP/NPWS //BEC/DALC	Resp group Dareton CWP/NPWS /BEC/DALC /BEC/D	Resp group est co CWP/NPWS /BEC/DALC /BEC/DALC /DALC/WSC/ /DALC/WSC/ /DARCONDHS /WSC/WDHS /WSC/W
Dareton CWP/NPWS //BEC/DALC	Dareton CWP/NPWS /BEC/DALC /BEC/DALC // NPWS/BEC/ // DALC/WSC/ // Dareton CWP	Dareton CWP/NPWS //BEC/DALC //BEC/DALC //DACC/WSC/ DALC/WSC/ Dareton CWP BEC/DALC Dareton CWP/NPWS WSC/WDHS //DIPNR And N DIPNR 10m) N 12002, DIPNR/MWWG
Dareton CWP/NPWS /BEC/DALC	Dareton CWP/NPWS /BEC/DALC NPWS/BEC/ DALC/WSC/ Dareton CWP	Dareton CWPINPWS IBEC/DALC Iginal NPWS/BEC/ DALC/WSC/ Dareton CWP BEC/DALC Dareton CWP/NPWS WSC/WDHS ANG DIPNR/WWWG IQINO DIPNR/WWWG IQUO) N IQUO) N IQUOS, DIPNR/WWWG
	NPWS/BEC/ DALC/WSC/ Dareton CWP	NPWS/BEC/ DALC/WSC/ Dareton CWP BEC/DALC Dareton CWP/NPWS WSC/WDHS DIPNR DIPNR/WWWG DIPNR/WWWG
BEC/DALC Dareton CWP/NPWS		DIPNR DIPNR/WWG DIPNR/MWWG DIPNR/MWWG
e more detailed interpretative information for BEC/DALC Dareton CWP/NPWS sary	WSCWDHS	DIPNR/WSC DIPNR/MWWG DIPNR/MWWG
e more detailed interpretative information for BEC/DALC Dareton CWP/NPWS sary WSC/WDHS	sary WSCWDHS 1	DIPNR/MWWG DIPNR DIPNR/MWWG
e more detailed interpretative information for Dareton CWP/NPWS Sary WSC/WDHS 11 DIPNR DIPNR/WSC DIPNR/WSC	sary WSC/WDHS 1 DIPNR DIPNR DIPNR/WSC	DIPNR/MWWG DIPNR/MWWG
e more detailed interpretative information for Dareton CWP/NPWS Sary WSC/WDHS 11 DIPNR DIPNR DIPNR/WSC	sary WSC/WDHS 1 I DIPNR Iterim supply arrangements DIPNR/WSC	
BEC/DALC Dareton CWP/NPWS WSC/WDHS DIPNR DIPNR/WSC DIPNR/WWG	sary NSC/WDHS Iterim supply arrangements Intain a minimum water level of 0.5m, taking into Usage ores (20-25m) at N 6227098 E 581279 and N s a destroyed bore); One shallow bore (10m) N g cost \$60/m	

Thegoa Lagoon Reserve Management Plan - 2003

- 28

Subtotal water suppl	Subtotal water supply/use and hydrology	4,600	1,000	3,600
4.7 Environmental Education	Prepare and install interpretation boards at the entrance to the reserve, lock, and WSC/NPWS/river junction highlighting the Cultural Heritage significance of the area and the type Dareton CWP of sites present.	5,000		5000
	Develop a self-guided tour booklet outlining the cultural and ecological CWP CWP features of the area	2,000	2,000	0
Subtotal interpretation/education		7,000	2,000	5000

TOTAL			101,500	21,900	2	77,600
A Managament	Management Plan actions that have are NOT covered but Blueprint & have not occurred or not been superseded since plan development	en superseded sin	ce plan develor	pment		
Issue	Actions	Resp group	est cost	funding avail	add'i req'd	add'l fund reg'd
4.2 Cultural heritage -	Provide leaseholders with details on significant sites, protection and state legislation	NPWS/Dareton CWP/ BEC/DALC	1,000		0	1,000
4.K.	Prepare a Memorandum of Understanding between NPWS, WSC, and Steering C'tee/WSC clarifying the legislative basis of Steering C'tee/WSC management of the area	NPWS/BEC //DALC/Dareton CWP/ WSC	Ō		0	0
	Survey & record newly ID historic sites	NPWS/Dareton CWP/ BEC/DALC	1,000		0	1,000
	Rotation of sites shown on tours to ensure individual sites not stressed by over visitation	Dareton CWP/BEC/ DALC	0		0	0
	Wentworth Shire Council to notify Dareton CWP prior to commencing any	wsc	0		0	0
	Identify & develop appropriate sites on southern management area for public interpretation & visitation relates to interpretative signage	NPWS/Dareton CWP/ BEC/DALC	2,000		0	2,000
<u> </u>	Ensure coordination of cultural information	Dareton CWP/WSC/ WDHS/BEC/	500		0	0

- 29

97,600

43,900

146,500

4.2.2 Heritage	Survey & record historic sites	wsc	3,000	0	3,000
	Approach Wentworth & District Historical Society re involvement in heritage research	WSC/WDHS	0	0	0
	Undertake documentary research about the history of reserve Identify & develop appropriate sites on southern management area for public interpretation & visitation	WSC/WDHS WSC/WDHS	2,000	00	2,000
4.5 Land Man't	Re-zone area as Conservation with existing leases remaining Rural	WSC	1,000	1,000	0
4.5.1 4.5.2	Reclaim rubbish tip site with, filling, landscaping, revegetation with local native	WSC	10,000	10,000	0
4.5.4 7.7.7.7.7.7.7.7.7.7.7.7.7.7.7.7.7.7.7	Continue annual weed control/removal programs Identify tracks used by leaseholders & stakeholders	wsc	2,500	0	0
	Identify primary vehicular access roads to be developed and maintained	Dareton CWP/WSC/ BEC/DALC	tba	_	
	Where appropriate initiate rehabilitation of other closed tracks by shallow ripping	WSC	2,000	2,000	0
4.5.6	Visitor facilities – picnic facilities & maintenance, trail system, interpretation material and falling tree branch warning signs	WSC Dareton CWP	10,000	5,000	5,000
4.5.8	Maintenance of eastern regulator, eastern connecting channel, removal of cumbungi by Wentworth Shire Council.	wsc	tba		
4.6 Stormwater drainage	Investigate stormwater filtration options including assessment of cost and benefits of stormwater retention from the Gaol Reserve	WSC	4,000	4,000	0
4.8 Promotion & Marketing	Investigate origins of the lagoon's name	Steering C'tee	0		
0	Develop information brochures outlining the features of the area	WSC/Dareton CWP	4,000	0	4,000
	media releases to publicise work and management changes etc liaison with local and regional tourism organisations	all Steering C'tee WSC/Dareton CWP	0 0	00	0 0
SUB TOTAL		:	45,000	22,000	20,000

- 30

Grand Total

5.1. Funding Current and On-going Works

Background

Current and planned activities to assist the management of the lagoon include the following.

- Wentworth Shire Council has employed a Tourist/Promotions Officer who will work with Steering Committee in implementing the management plan and developing programs.
- An aquatic fauna survey was completed and submitted to the MWWG by the Murray Darling Freshwater Research Centre in 2000.
- The Department of Infrastructure, Planning and Natural Resources is monitoring the piezometers around the lagoon and undertaking some water quality monitoring.

Small-scale works

Small scale works include the following.

- Interpretation material signs, interpretative boards, information leaflets
- Site protection works fencing
- · Vegetation rehabilitation and regeneration
- Control of pest plants, particularly Noogoora Burr, and pest animals

Wentworth Shire Council and LMD Catchment Blueprint will meet funding for these activities.

External Funding

Lower Murray Darling Catchment Investment Strategy will fund natural resource components of this plan as outlined in the preceding tables (through the inclusion of the Thegoa Lagoon Management Plan in the Catchment Blueprint).

The timeframe for implementation is within 12 months of funding approval and contract sign off with Wentworth Shire Council.

Applications for funding may be sought from the following sources.

- Envirofund (amounts up \$30,000 and compatible with LMDCM Blueprint)
- Environmental Trust
- NSW Heritage Incentives program
- · Australian Institute of Aboriginal and Torres Strait Islander studies
- · Aboriginal Affairs Discretionary Grants

APPENDIX: Previous studies

Edmonds, V. 1995, An Archaeological Assessment of Thegoa Lagoon Reserve Wentworth, Western NSW. Archaeological Consulting Services, Buronga.

Jonasson, P. 1995, Water Management of Thegoa Lagoon: Discussion paper. Department of Water Resources, Dareton.

Luitjes, K. and Smith, C. 1995, Environmental Baseline Study: Thegoa Lagoon Reserve, Wentworth NSW. Sunraysia Environmental, Mildura.

Plummer, N. McCarthy, B. Ellis, E. and Gawne, B. 2000, *Aquatic Fauna Survey of Thegoa Lagoon near Wentworth, NSW*. Murray Darling Freshwater Research Centre, Lower Basin Laboratory.

Rix, C. and Sammon M. 1995, *Tourism Baseline Study: Thegoa Lagoon Reserve, Wentworth NSW*. Thomsons Accountants and Advisers, Mildura.

Thegoa Lagoon Steering Committee 1999, Draft management Plan for Thegoa Lagoon 1998 – 2001, prepared by Don Reid, Dept of Land and Water Conservation.

Woolley, D. 1997, *Groundwater Condition at Thegoa Lagoon, Wentworth NSW.* Department of Infrastructure, Planning and Natural Resources, Parramatta.

WENTWORTH SHIRE COUNCIL WORTH THE DRIVE

PLANNING PROPOSAL AMENDMENT TO THE WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011

THEGOA LAGOON RESERVE REZONING

JANUARY 2022

Document details

Version	Purpose	Author	Review
Draft 1	Draft for Council Resolution	George Kenende	Michele Bos

TABLE OF CONTENTS

TABLE OF CONTENTS	3
INTRODUCTION	4
Site Location	4
PART 1 – OBJECTIVES AND INTENDED OUTCOMES	7
PART 2 – EXPLANATION OF PROVISIONS	7
PART 3 – JUSTIFICATION Section A – Need for the Planning Proposal	
Section B – Relationship to Strategic Planning Framework	8
Section C – Environmental, social and economic impact	15
Section D – State and Commonwealth interests	16
Part 4 – MAPPING	17
Part 5 – COMMUNITY CONSULTATION	18
Part 6 – PROJECT TIMELINE	18
List of Tables	
Table 1: Land uses of allotments within the subject land	4
Table 2: Consistency with SEPPs	
Table 3: Consistency with S9.1 Ministerial Directions	
Table 4: Estimated project timeline	18
List of Figures	
Figure 1: Subject site location	
Figure 2: Existing vs Proposed zoning	7
Figure 3: Proposed zone of subject land	17

INTRODUCTION

This planning proposal relates to the subject land identified as Thegoa Lagoon Reserve (Lot 7323 & 7328 DP 1174216 and waterway). The planning proposal has been prepared following investigations to determine the most appropriate zone for the subject land as recommended by the Sustainable Wentworth Strategy prepared by Wentworth Shire Council and the Management Plan for Thegoa Lagoon Reserve prepared by Thegoa Lagoon Management Steering Committee. These documents are provided in Attachment 1 & 2 respectively.

The zone investigation is provided in Attachment 3.

The planning proposal seeks to amend the following Wentworth Local Environmental Plan 2011 provisions:

Amend the Land Zoning Map – Sheet LZN_002B and Land Zoning Map – Sheet LZN_002D applied to the subject land from 'RU1 Primary Production' & 'RU5 Village' to 'C2 Environmental Conservation' (in accordance with the proposed Land Zoning Map shown in Part 4).

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.

Site Location

The subject land known as Thegoa Lagoon Reserve is made up of land (Lots 7323 & 7328 DP 1174216 and Lot 117 DP 756994) and a crown waterway (lagoon). This planning proposal only applies to Lot 7323 & 7328 DP 1174216 and the waterway section of Thegoa Lagoon only. The subject land is located in Far-west NSW within the Wentworth Shire suburb of Wentworth with an area of approximately 404 ha and has access from Adams Street, Cadell Street and Murray Court.

The subject land (Lot 7323 & 7328 DP 1174216) is classified as community land (public recreation and plantation) owned by the Crown with Wentworth Shire Council as the crown land manager with the waterway designated as a crown waterway.

Eight (8) separate allotments are located within the subject land but are **not** included in this planning proposal (Table 1).

Table 1: Land uses of allotments within the subject land

Land Identifier	Zoning	Ownership	Land use	Reason for exclusion
Lot 117 DP	RU1 Primary	Crown land reserve	Vegetated	Undetermined Aboriginal
756994	Production		un-used site	Land Claim on the land.
Lot 119 DP	RU1 Primary	Crown land: Lease	Agriculture	Agriculture use, existing

PLANNING PROPOSAL – REZONE THEGOA LAGOON RESERVE

756994	Production			zoning adequate for land use. Leased land not recommended for rezoning under the Thegoa Lagoon Management Plan.
Lot 120 DP 756994	RU1 Primary Production	Crown land: Lease	Rural residential	Existing zoning adequate for existing land use. Agriculture use, existing zoning adequate for land use. Leased land not recommended for rezoning under the Thegoa Lagoon Management Plan.
Lot 122 DP 756994	RU1 Primary Production	Crown land: Lease	Rural Residential	Existing zoning adequate for existing land use. Agriculture use, existing zoning adequate for land use. Leased land not recommended for rezoning under the Thegoa Lagoon Management Plan.
Lot 123 DP 756994	RU1 Primary Production	Crown Land Reserve	Vegetated rehabilitated site	Land reserved for infrastructure or services not recreation. Potential rezoning into Conservation zone if reserve purpose is amended
Lot 129 DP 756994	RU1 Primary Production	Freehold	Rural Residential	Existing zoning adequate for existing land use
Lot 142 DP 756994	RU1 Primary Production	Crown Land	Vegetated rehabilitated site	Land reserved for infrastructure or services not recreation. Potential rezoning into Conservation zone if reserve purpose is amended
Lot 90 DP 1149815	RU1 Primary Production	Freehold	Sewage treatment plant/Laydown area	Existing zoning adequate for existing land use with C2 zoning not matching this use

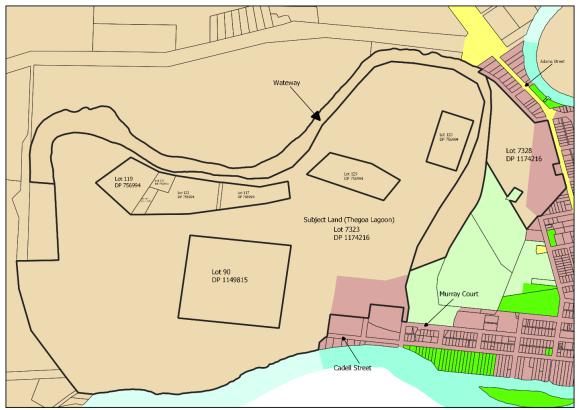


Figure 1: Subject site location

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

To amend the *Wentworth Local Environmental Plan 2011* to identify, protect and manage a high value, natural environment and heritage area by rezoning the split RU1 Primary Production and RU5 Village zoned subject land to an appropriate Conservation zone.

PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes will be achieved by amending the *Wentworth Local Environmental Plan 2011* as follows:

Amend the Land Zoning Map – Sheet LZN_002B and Land Zoning Map – Sheet LZN_002D applied to the subject land from 'RU1 Primary Production' & 'RU5 Village' to 'C2 Environmental Conservation' (in accordance with the proposed Land Zoning Map shown in Part 4).



Figure 2: Existing vs Proposed zoning

PART 3 – JUSTIFICATION

This section sets out the reasons for the intended outcomes and provisions in this planning proposal.

<u>Section A – Need for the Planning Proposal</u>

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

The planning proposal is consistent with:

- Sustainable Wentworth Strategy (2016),
- Management Plan for Thegoa Lagoon Reserve (2003) and
- Thegoa Lagoon Baseline Study Report (1993)

The Sustainable Wentworth Strategy (SWS) was prepared by Wentworth Shire Council in 2016. The SWS was undertaken to guide the future development of the township of Wentworth and to provide opportunities for alternative uses of specific sites around the township. The subject land was recommended for further investigation of an appropriate zone. This planning proposal is the result

of the investigation conducted to identify an appropriate conservation zone.

The Management Plan for Thegoa Lagoon Reserve (MPTLR) was conducted and prepared by Thegoa Lagoon Management Steering Committee in 2003. The MPTLR was undertaken to guide the integrated management of the reserve by identifying management goals and actions to ensure the natural and cultural features of the Thegoa Lagoon are recognised and protected. The recommended rezoning in section 4.5 of the MPTLR of the subject land from rural to a conservation zone will allow for some of the objectives of the MPTLR to be met. Lot 7328 DP 1174216 was not included in the management plan. However, due to the land being identified as forming part of the Thegoa Lagoon Reserve, its close proximity to the study area and its current land use, the conservation and heritage value of Lot 7328 is identical to the land included in the management plan.

The Thegoa Lagoon Baseline Study Report (TLBSR) was managed by CARNMA CDEP Aboriginal Corporation in conjunction with Council, State agencies and Local aboriginal community in 1993. The main purpose of the report was to identify the current status of the subject land and investigate its potential future uses and management. The results of this baseline study were included in the drafting of the MPTLR.

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

The rezoning of the subject land from 'RU1 Primary Production' & 'RU5 Village' to 'C2 Environmental Conservation' is considered the best means of achieving the objectives and intended outcomes of the Planning Proposal in **Part 1** which are:

.... to identify, protect and manage a high value natural environment and heritage area by rezoning the split RU1 Primary Production and RU5 Village zoned subject land to an appropriate Conservation zone.

Is there net community benefit?

There is net community benefit from the planning proposal through the generation of environmental, cultural, economic and social gains in the Wentworth local government area.

The planning proposal will reflect and highlight the value of natural environment while enabling appropriate and suitable development and management of the subject land. This will subsequently provide social and biodiversity benefits such as a healthy environment, cultural heritage protection and enhanced community interaction with the environment.

Thus, this planning proposal provides greater opportunity for continued management and protection of the subject land.

<u>Section B – Relationship to Strategic Planning Framework</u>

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)?

The regional plans applicable to the planning proposal are:

- Far West Regional Plan 2036
- Draft Murray Regional Strategy 2009-2036

PLANNING PROPOSAL – REZONE THEGOA LAGOON RESERVE

The Far West Regional Plan 2036 is the NSW Government's 20-year development blueprint for the future of Western NSW. The goal of the plan is to create a diverse economy supported by an exceptional natural environment and resilient communities in the Far West region. This planning proposal is consistent with the plan as the rezoning will ensure better protection and management of an environmentally significant and natural area in Wentworth.

The Draft Murray Regional Strategy 2009-2036 is a long-term land use planning strategy prepared by the NSW Government to guide sustainable land use and economic development in the NSW Murray Region over a period of 25 years. Among others, the strategy identifies the need for the maintenance and protection of cultural value areas. The proposed rezoning of the subject land in this planning proposal is consistent with the strategy as it reflects more accurately the importance of the existing natural environment and will ensure better management and land use of a subject land containing significant cultural and environment value.

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, Sustainable Wentworth Strategy 2016 and Council's Community Strategic Plan 2017-2027.

The Wentworth Local Strategic Planning Statement 2020 sets out a broad land use framework for Wentworth Shire concurrently with the Community Strategic Document. The planning proposal to rezone the subject land is consistent with the vision and intent of the plan as it will enhance and protect a significant environmental and cultural heritage area.

The Community Strategic Plan 2017-2027 articulates a vision of making the Wentworth Shire 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 the Wentworth Shire a:

- a) vibrant, growing and thriving shire;
- b) desirable shire to visit, live, work and invest;
- c) community that works to enhance and protect its physical and natural assets; and
- d) caring, supportive and inclusive community that is informed and engaged in its future.

This planning proposal to rezone the subject land is consistent with the goals of the plan in that it will enhance the availability of natural recreational areas, as well as manage and enhance the cultural and environmental values of the subject land. Thus, the objectives and intended outcomes of this planning proposal enable execution of strategies and actions developed to achieve the goals and deliver the vision of the strategic plan.

This planning proposal is consistent with the Sustainable Wentworth Strategy, which was adopted by the Wentworth Shire Council in August 2016. The strategic document was developed to guide development of the Wentworth Township to ensure availability of services that meet the expectations and future needs of the residents.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Consistency with applicable State Environmental Planning Policies is outlined below in Table 2.

Table 2: Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
Murray Regional Environmental Plan No 2—Riverine Land	Y	Y	The planning proposal will better align the land uses with the objectives of this deemed SEPP.
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	N		
Planning Policy			
(Housing for Seniors or			
People with a Disability)			
2004			
State Environmental	Υ	Υ	The planning proposal will not alter the
Planning Policy			application of this SEPP for development
(Infrastructure) 2007			that satisfies the development standards of
, , , , , ,			the code.
State Environmental	Υ	Υ	The planning proposal will not reduce or
Planning Policy (Koala	•		cause impediment to koala habitat.
Habitat Protection)			a de de la composition della c
2020			
State Environmental	Υ	Υ	The planning proposal will not reduce or
Planning Policy (Koala	1	'	cause impediment to koala habitat.
Habitat Protection)			cause impediment to roala habitat.
2021			
	N.		
State Environmental	N		
Planning Policy			
(Kosciuszko National			
Park – Alpine Resorts)			
2007			
State Environmental	N		
Planning Policy (Kurnell			
Peninsula) 1989			
State Environmental	N		
Planning Policy (Major			
Infrastructure			
Corridors) 2020			
State Environmental	N		
Planning Policy (Mining,			
Petroleum Production			
and Extractive			
Industries) 2007			
State Environmental	N		
Planning Policy 19 -			
Bushland in Urban			
Areas			
State Environmental	N		
Planning Policy 21 –			
Caravan Parks			
State Environmental	N		
Planning Policy 33 –			
Hazardous and			
Offensive Development			
State Environmental	N		
Planning Policy 36 –	-		
Manufactured Home			
Estates			
		1	

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	The subject land for this planning proposal has not been historically used for contaminating activities.
State Environmental Planning Policy 64 – Advertising and Signage	N		
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 will restrict agricultural activities to those that will not significantly impact the environmental status of the land.
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 3.

Table 3: 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 zoning to a residential, business, industrial, village or tourist zone.
1.3 Mining, Petroleum Production and Extractive Industries	Y	Y	The planning proposal will not restrict Mining, Petroleum Production and Extractive Industries.
1.4 Oyster Aqua Culture	N		
1.5 Rural Lands	Y	Y	The planning proposal is for rezoning the subject land from a rural zone (RU1) to a conservation zone (C2).
		2. Environm	nent and Heritage
2.1 Environment Protection Zones	Y	Y	The planning proposal seeks to rezone land from a rural zone (RU1) to an environmental conservation zone (C2).

PLANNING PROPOSAL – REZONE THEGOA LAGOON RESERVE

		I	<u></u>
2.2 Coastal	N		
Management			
2.3 Heritage	Υ	Y	The planning proposal will facilitate in the
Conservation			protection and management of an area with
			high heritage value.
2.4 Recreation Vehicle	N		
Areas			
2.5 Application of E2	N		
and E3 Zones and			
Environmental Overlays in Far			
North Coast LEPs			
2.6 Remediation of	N		
Contaminated Land	14		
correarminated Earla		4. Hazard a	and Risk
4.1 Acid Sulfate Soils	N	7. Hazaru e	
4.2 Mine Subsidence	N N		
and Unstable Land	IN		
4.3 Flooding	Υ	Υ	The planning proposal will not increase the
4.5 1 looding	1	ı	flood risk as it will restrict development that
			may alter flooding on the land.
4.4 Planning for	N		may after mooding on the land.
4.4 Planning for Bushfire Protection	IN		
Busilille Protection		5. Regional	Planning
5.1 Implementation of		J. Regional	Fiailinig
Regional Strategies	-		
(Revoked)			
· · · · · · · · · · · · · · · · · · ·	N		
5.2 Sydney Drinking Water Catchments	IN		
5.3 Farmland of State	N		
and Regional	IN		
Significance on the			
NSW Far North Coast			
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)			
a. sen (nershed)		l .	

5.9 North West Rail Link Corridor Strategy	N		
5.10 Implementation of Regional Plans	Υ	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	N		
		7. Metropolita	n 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 amendment to the Wentworth LEP 2011 will facilitate the management and protection of critical habitat or threatened species, populations or ecological communities or their habitats from adverse impacts.

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 negative 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 planning proposal is anticipated to have a positive social and economic effect on the locality by ensuring the availability and protection of natural lands for passive recreational use by community and visitors. This will provide an opportunity for active, healthy lifestyle choices as well as an attractive tourist attraction in Wentworth.

<u>Section D – State and Commonwealth interests</u>

Is there adequate public infrastructure for the planning proposal?

The planning proposal will not result in additional demand for public infrastructure.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council has consulted with the following public authorities:

- Department of Planning, Industry & Environment (Crown Lands): Had no objection and supported the planning proposal.
- Department of Planning, Industry & Environment (Biodiversity and Conservation): No objection to the planning proposal and recommended the C2 Environment Conservation zone for the subject land.

No further pre-gateway determination consultation with any other State or Commonwealth public authority has been undertaken for this planning proposal.

Part 4 - MAPPING

This part contains the mapping for this planning proposal in accordance with the guide.

The planning proposal seeks to amend sheet LZN_002B & LZN_002D of the Land Zoning Map of the Wentworth Local Environmental Plan 2011. An indicative land zoning map is shown in Figure 2 below.

Council will request assistance with the preparation of the Wentworth LEP 2011 mapping from the Department of Planning, Industry and Environment and the ability to lodge the template maps at the stage identified under S3.36 of the *Environmental Planning and Assessment Act 1979*, rather than prior to exhibition. The maps provided as part of this planning proposal are considered detailed enough for public exhibition purposes.

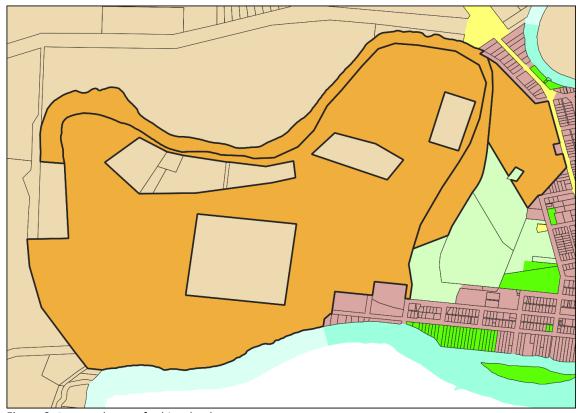


Figure 3: Proposed zone of subject land

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 4 below:

Table 4: Estimated project timeline

Task	Timeframe
Anticipated commencement date (date of Gateway	March 2022
determination)	
Completion of required technical information	
Public exhibition/Community consultation	April 2022
State agency consultation	April 2022
Public hearing (if required)	
Consideration of submissions	May 2022
Consideration of planning proposal post exhibition	June 2022
(Council report)	
Request Opinion from Parliamentary Counsel	Map only amendment of WLEP 2011
Submission to the Department to finalise the LEP	July 2022
Date PPA will make the plan (if delegated)	August 2022
Date PPA will forward to the Department for	August 2022
notification	

ZONE COMPARISON FOR APPLICATION AND PROTECTION OF THEGOA LAGOON

RU1 PRIMARY PRODUCTION ZONE	E2 ENVIRONMENTAL CONSERVATION ZONE	E3 ENVIRONMENTAL MANAGEMENT ZONE
 Objectives of the 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 diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature. 	• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. • To prevent development that could destroy, damage or otherwise have an adverse effect on those values.	 Objectives of the zone To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a limited range of development that does not have an adverse effect on those values.
Permitted without consent Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems	Permitted without consent Extensive agriculture; Water reticulation systems	Permitted without consent Extensive agriculture; Home-based child care; Home businesses; Home occupations; Water reticulation systems
Permitted with consent Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; 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	Permitted with consent Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Community facilities; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Information and education facilities; Jetties; Moorings; Open cut mining; Public administration buildings; Recreation areas; Research stations; Roads; Waste or	Permitted with consent Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cemeteries; Charter and tourism boating facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Helipads; Home industries; Home

Item 9.11 - Attachment 4 Zone Investigation

ZONE COMPARISON FOR APPLICATION AND PROTECTION OF THEGOA LAGOON

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 (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems	resource transfer stations; Water recreation structures; Water recycling facilities; Water supply systems	occupations (sex services); Information and education facilities; Jetties; Kiosks; Moorings; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Secondary dwellings; Sewerage systems; Signage; Waste or resource transfer stations; Water recreation structures; Water supply systems
Prohibited Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3	Prohibited Business premises; Dairies (pasture-based); Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3	Advertising structures; Biosolids treatment facilities; Dairies (pasture-based); Industries; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Sewage treatment plants; Warehouse or distribution centres; Any other development not specified in item 2 or 3
Summary This zone has been applied to the lagoon and reserve, including the crown land lots that are subject to western lands leases, since the conversion of the WLEP 1993 to WLEP 2011.	Summary The E2 zone is more restrictive of type of development that is permissible in comparison with the E3 zone.	Summary The E3 zone is restrictive of the types of development permissible, however, there is more flexibility for the development of dwellings and associated uses of such for example home
The extent of uses permitted in the RU1 zone, would arguably not protect the environmental and cultural significance of Thegoa lagoon.	Thegoa Lagoon and Reserve has the following mapping applied: - Flood Planning Area Map - MLS 10,000 ha - Watercourse (Lagoon only)	businesses, industries and occupations. This zone also provides greater flexibility for the development of animal board/training establishments, farm buildings, farm stay accommodation and secondary dwellings.
The Thegoa Lagoon Management Plan highlighted the inaccuracy of the zone applied to the reserve and recommended that the area be rezoned to a suitable conservation zone that would reflect the	- Wetlands - Terrestrial Biodiversity	It is considered that this zone may be too liberal with its permissibility of a larger range of development that could have an irrevocable adverse

Item 9.11 - Attachment 4 Zone Investigation

ZONE COMPARISON FOR APPLICATION AND PROTECTION OF THEGOA LAGOON

environmental and cultural significance of the	It should be noted that under Crown ownership and	effect on the environmental and cultural significance
natural asset.	reserve status, there are severe limitations and	of the lagoon and reserve.
	restrictions for the use of the lagoon and reserve.	
Recommendations		It should be noted that under Crown ownership and
	Recommendation	reserve status, there are severe limitations and
 To ensure that existing use rights of the 		restrictions for the use of the lagoon and reserve.
holders of the western lands leases are	Based on studies done for Thegoa Lagoon and	
upheld and maintained, those lots should	feedback from DPIE (Biodiversity and Conservation),	Recommendation
remain as RU1 Primary Production zone.	this would be the best option for protecting the high	Although the zoning is more restrictive than the RU1
 To ensure the environmental and cultural 	environment and heritage values of the area.	zone, it is not restrictive enough to adequately
significance of Thegoa Lagoon and Reserve,		protect the significant environment and heritage
the areas should be rezoned to either E2 or		value of the area.
E3 zone.		

9.12 NSW DEPARTMENT OF PLANNING AND ENVIRONMENT - AGRITOURISM REFORMS

File Number: RPT/22/92

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

In response to the NSW Government's *Making Business Easier Program* and an agritourism project undertaken by NSW Small Business Commission and Service NSW, the Department of Planning, Industry and Environment (DPIE) has prepared a draft amendment to the Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order) to facilitate agritourism.

As part of the amendment process, Councils are required to nominate whether they wish to adopt two optional clauses relating to *farm stay accommodation* and *farm gate premises* and to nominate the zones where the agritourism uses will be made permissible.

Recommendation

That Council:

- Resolve to advise the Minister for Planning and Homes that it does not intend to adopt the two optional clauses related to Farm stay accommodation and Farm gate premises.
- Resolve to advise the Minister for Planning and Homes that the zones to include Agritourism as permissible with consent are RU1 Primary Production and C4 Environmental Living.
- 3. That a division be called in accordance with S375A of the Local Government Act 1993 (NSW).

Detailed Report

Purpose

The purpose of this report is to provide Council with the information required to make an informed decision whether to adopt the optional clauses relating to *farm stay accommodation* and *farm gate premises* and to nominate the zones suitable for agritourism uses.

Background

To support the resilience and sustainability of regional communities and farming enterprises, the NSW Government has made a commitment to growing emerging industries by facilitating the establishment of supplementary industries related to agriculture. One of those industries is agritourism.

Agritourism is a tourism related product or experience that connects agriculture and its products with people and places, by allowing visitors on a farm or in a rural environment to enjoy the space, be educated and/or participate in activities and events. Agritourism activities will also enable primary producers to diversify their on-farm incomes whilst maintaining primary production on the land as the principle use.

Matters under consideration

DPIE has provided Councils with a draft SI LEP Order outlining the proposed changes to the SI.

Refer to Attachment 1 Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021.

These new Agritourism uses are summarised as follows:

- Amendment to the Farm stay accommodation definition

 <u>From</u> means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to
 - To means a building or place-
 - (a) on a farm -

primary production

- (i) That is a primary production business, or
- (ii) On land categorized as farmland under the Local Government Act 1995, Section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.
- Insertion of Agritourism to the Dictionary as a 'parent term' including farm gate premises and farm experience premises
- Insertion of Farm gate premises to the Dictionary
 - (a) means a building or place—
 - (i) on a farm that is-
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the Local Government Act 1995, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals.
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
 - (b) includes cellar door premises.
- Insertion of Farm experience premises to the Dictionary means a building or place—
 - (a) on a farm that is-
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the Local Government Act 1995, section 515, and
 - (b) that is ancillary to the farm, and
 - (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,
 - (ii) farm tours,

- (iii) functions or conferences.
- (iv) farm field days.

Council needs to consider whether to adopt the **optional** clauses for Farm stay accommodation and Farm gate premises as outlined on pages 3 and 4 in Attachment 1. These clauses enforce additional controls of which applicants and Council must adhere to when applying and assessing applications for Agritourism developments.

A brief summary of the controls contained in the optional clauses, is as follows:

Farm stay accommodation

- Maximum number of guests permissible at any one time is 24 (Clause 5.4(5) of the WLEP restricts the number of bedrooms to 8 for this type of use)
- Minimum floor area of buildings used to accommodate guests can be no less than 60 square metres
- Maximum number of guests accommodated in moveable dwellings is 20
- Maximum number of moveable dwellings is 6
- All buildings and moveable dwellings must be on the same lot as an existing lawful dwelling or on a lot that meets the minimum lot size for a dwelling
- Additional impacts that are required to be considered by the consent authority prior to determining an application.

Comments

There is an existing restriction in the WLEP on the number of bedrooms permissible for this type of development, that being 8 bedrooms. This clause will be retained.

The controls in the optional clause provide limits to the size and area of the development, however, development applications should be considered on the merits of application, justification for the development and the location and size of the landholding.

Section 4.15 of the Environmental Planning and Assessment Act lists the evaluation criteria that must be considered by a consent authority when determining a development application.

Farm gate premises

- Limits the farm gate premises floor area to a maximum of 200 square metres
- Maximum number of people is 50 at any one time
- Additional impacts that are required to be considered by the consent authority prior to determining an application

Comments

The Farm gate premises use enables activities such as processing, packaging and the sale of those products, an associated restaurant or café, facility for tastings, workshops, information and education. The use also includes cellar door premises. Despite the requirement of it being an ancillary use to the farm or agricultural enterprise, there is a risk of hindering the establishment of these premises by restricting the development to a maximum floor area of 200 square metres, Rather the development should be permissible based on the scale of the farming enterprise.

Section 4.15 of the Environmental Planning and Assessment Act lists the evaluation criteria that must be considered by a consent authority when determining a development application.

Zones

Council also needs to nominate the zones where the Agritourism uses will be made permissible with consent by the insertion of the 'parent use' in the applicable land use

table(s). The objectives of the zones will determine the practicality and suitability of the two uses for inclusion within the zones.

The Wentworth LEP 2011 includes the following rural zones and zones that permit agricultural activities:

- RU1 Primary Production zone
 - Comments The objectives of this zone, in addition to the current planning proposal under assessment with DPIE to include tourism uses, would support the proposed Agritourism uses being included in this zone.
- RU3 Forestry
 - *Comments* The objectives of this zone do not support the inclusion of the Agritourism uses in this zone.
- RU5 Village
 - Comments The objectives of this zone do not support the inclusion of the Agritourism uses in this zone.
- C3 Environmental Management
 - Comments The objectives of this zone do not support the inclusion of the Agritourism uses in this zone.
- C4 Environmental Living
 - Comments The objectives of this zone aim to allow for low impact residential development whilst protecting areas that have ecological, scientific or aesthetic values. However, extensive and intensive plant agriculture are permitted without consent. The permissible agricultural uses and the inherent values of these areas may be an additional attraction and support the proposed Agritourism uses being included in this zone.

Options

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

- Advise DPIE that Agritourism, including both Farm gate premises and Farm experience premises are to be included in the RU1 Primary Production and C4 Environmental Living zones
- Do not adopt the LEP order optional clause for Farm stay accommodation
- Do not adopt the LEP order optional clause for Farm gate premises

Legal, strategic, financial or policy implications

The recommendations made in this report are consistent with Council's strategic planning directions for rural land in the Wentworth local government area.

There are no legal, financial or policy implications.

Conclusion

This report informs Council of the options relating to the Agritourism and small-scale agriculture development reforms proposed by DPIE. The recommendations made to Council ensure consistency with facilitating tourism and value-added industries on rural land.

Attachments

1. Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021.



Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the Environmental Planning and Assessment Act 1979.
e2021-237.d09

 $C:\Docs\ep\e2021-237\d09\e2021-237EXN.fm\ 23/11/21,\ 02:24\ pm$

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006 Land Use Table

Insert in appropriate order in Direction 5-

Agritourism;

Farm experience premises;

Farm gate premises;



Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Omit "not less than 8" from clause 5.4(8). Insert instead "not less than 9".

[2] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5,000 metres of a poultry farm used for breeding poultry, or
 - (B) within 1,000 metres of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3,000 metres of another pig farm.

[3] Clauses 5.23 and 5.24

Insert after clause 5.22—

5.23 Farm stay accommodation [optional]

- (1) The objectives of this clause are—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [set out other objectives of the clause]
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—
 - (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
 - (ii) 20 guests, and
 - (b) the gross floor area of a building used to accommodate guests will not be more than [insert number no less than 60] square metres, and
 - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [insert number no more than 20] at any 1 time, and
 - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [insert number no more than 6], and
 - (e) all buildings or moveable dwellings used to accommodate guests will be—
 - (i) on the same lot as an existing lawful dwelling house, or

Page 3

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) on a lot—
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - (B) the size of which is not less than the minimum size shown.
- (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

5.24 Farm gate premises [optional]

- (1) The objectives of this clause are—
 - to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [set out other objectives of the clause]
- (2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—
 - (a) the gross floor area of a building used for farm gate premises will not be more than [insert number no more than 200] square metres, and
 - (b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more [insert number not more than 50] persons.
- (3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—

Page 4

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (i) residential accommodation,
- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

[4] Dictionary

Insert after the definition of agriculture, paragraph (d)—

(e) agritourism.

[5] Dictionary

Omit the definition of farm stay accommodation.

Insert in alphabetical order—

agritourism means the following-

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of *agriculture*—see the definition of the term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a farm
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act* 1995, section 515, and
- used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of the term in this Dictionary.

farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act* 1995, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,

Page 5

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

Note— Farm experience premises is a type of **agritourism**—see the definition of the term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or cafe,
 - a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises is a type of **agritourism**—see the definition of the term in this Dictionary.

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth and includes a business that—

- (a) was a primary production business, and
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.
- [6] Dictionary, definition of "cellar door premises"

Omit "retail premises" from the note. Insert instead "farm gate premises".

[7] Dictionary, definition of "restaurant or cafe"

Insert ", but does not include a restaurant or cafe that is included as part of artisan food and drink industry or farm gate premises" after "provided".

[8] Dictionary, definition of "retail premises"

Insert "farm gate premises," before highway service centres".

[9] Dictionary, definition of "retail premises"

Omit paragraph (b).

Page 6

C:\Docs\ep\e2021-237\d09\e2021-237BOD.fm 23/11/21, 02:24 pm

9.13 WILLOW BEND CARAVAN PARK LEASE

File Number: RPT/21/692

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

invest

Strategy: 2.1 Grow visitation to the Shire by developing a quality visitor

experience and promoting our destination

Summary

Wentworth Shire Council purchased the Willow Bend Caravan Park business in 2017, for the benefit of the community.

A Deed of Agreement was prepared to transfer the business ownership until the expiry of the existing lease in 2023.

Original copies of the lease and certificate of title were forward to the Minister of Crown Lands for signing. The original documents were lost and the registration could not be completed by Land Registry Services to transfer the ownership.

Given the end of lease date and factoring in time lost and cost of preparing additional documents, it is Council's best interest to develop a new lease rather than submitting another Deed of Agreement.

This report seeks a resolution of Council to authorise the preparation of a new lease for the Willow Bend Caravan Park Reserve to secure lawful tenure of Crown Reserve 32017.

Recommendation

That Council:

- 1) Endorses the preparation of a new lease agreement for occupation of Willow Bend Caravan Park Crown Reserve 32017, being Lot 1 Deposited Plan 1121941
- 2) In its capacity as Crown Land Manager, authorises the granting of a new lease, pre Plan of Management, for the term of 20 years (10+10) tenure accordance with Section 70 Clause 70(2)(c)(i)(ii) of the *Crown Land Management Regulation 2018*
- 3) Grants permission to progress and complete the surrender of the existing lease and authorisation to negotiate and finalise the terms of a new lease in accordance with the existing lease
- 4) Engages Bartier Perry Lawyers to prepare the draft lease
- 5) Affixes to all documentation the Common Seal of the Wentworth Shire Council, which may be required to be sealed to give effect to this resolution
- 6) Authorises the General Manager and Mayor be delegated to sign any related documentation

Detailed Report

Purpose

The purpose of this report is to provide Council with information to authorise the preparation of a new lease for the Willow Bend Caravan Park Reserve.

Background

The Wentworth Shire Council was successful in purchasing the Willow Bend Caravan Park business in December 2017. Lawyers were contracted by Council to prepare a Deed of Agreement. On completion, original copies of the lease and the certificate of title were sent to the Minister of Crown Lands for consent.

After signing, the original copies were lost between departments and only copies returned. Land Registry Services could not register the Wentworth Shire Council as the owner on the Certificate of Title without the original documents, therefore was subsequently rejected.

As a result, Council have had to start the Deed of Agreement preparation from the beginning.

The reserve is managed by Wentworth Shire Council, pre Plan of Management. Council as the Crown Land Manager can authorise the occupation of a twenty (20) year maximum tenure through a Crown Land Manager Lease, authorised under Clause 70(2)(c)(i)(ii) of the Crown Land Management Regulation 2018.

Matters under consideration

Lease

Leases for Crown Land, managed by Council are to be prepared in accordance with the *Crown Land Management Act 2016* and *Local Government Act 1993*, to ensure there is legal and suitable occupation of Crown land.

A lease enables exclusive use over a particular piece of land or building for a specified term and purpose. It is the best form of agreement if longer-term security of tenure is an important factor to the user of the land.

The Council Crown Land Manager must clearly demonstrate the proposal is not inconsistent; and does not interfere with, the reserve purpose/s of public recreation and conservation.

Pre Plan of Management

Council in its capacity as Crown Land Manager can grant tenure to a maximum of Twenty-One (21) years, under Clause 70(2)(c)(i)(ii) of the *Crown Land Management Regulation* 2018.

Crown Land Management Regulation 2018

- 70 Exemption from operation of Act, sections 3.22 and 3.23(7)
 - 2.(c) the granting of a new lease or licence over the land for a term not exceeding the maximum term if—
 - (i) there was a lease or licence in force over the land immediately before 1 July 2018, and
 - (ii) there are no additional permitted uses of the land,

Under this clause, Lot 1 Deposited Plan 1121941 has been held in lease since 1996 and the new lease will be prepared in accordance of the previous lease with no additional uses of the land.

Maximum Term

Per the regulation above, Council can approve a maximum term up to 21 years, including any option for the grant of a further term (i.e.10+10+1). Addition of a holding over clause, limited to a maximum term of 12 months, can allow time at the end of their term to arrange a new contract.

Risk Consideration

If the lease lapses out of tenure, the Minister may request the competitive process (call to market) to take place. This could allow interested parties to participate in a competitive process to secure the right to negotiate a new lease of Crown land, generally, this will be advertised.

Added considerations

- 1. Costs of starting the deed of agreement process again with the lease expiry looming, opposed to preparing a new lease.
- 2. The timeframe to prepare both legal document in contrast to one.
- 3. Engage experienced lawyers Bartier Perry to prepare a new lease as they prepared the lease for the Buronga Caravan Park

Options - Term

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

- a) 5 year term
- b) 10 year term (5+5)
- c) Maximum of 20 years (10+10) this includes an option for the grant of a further term

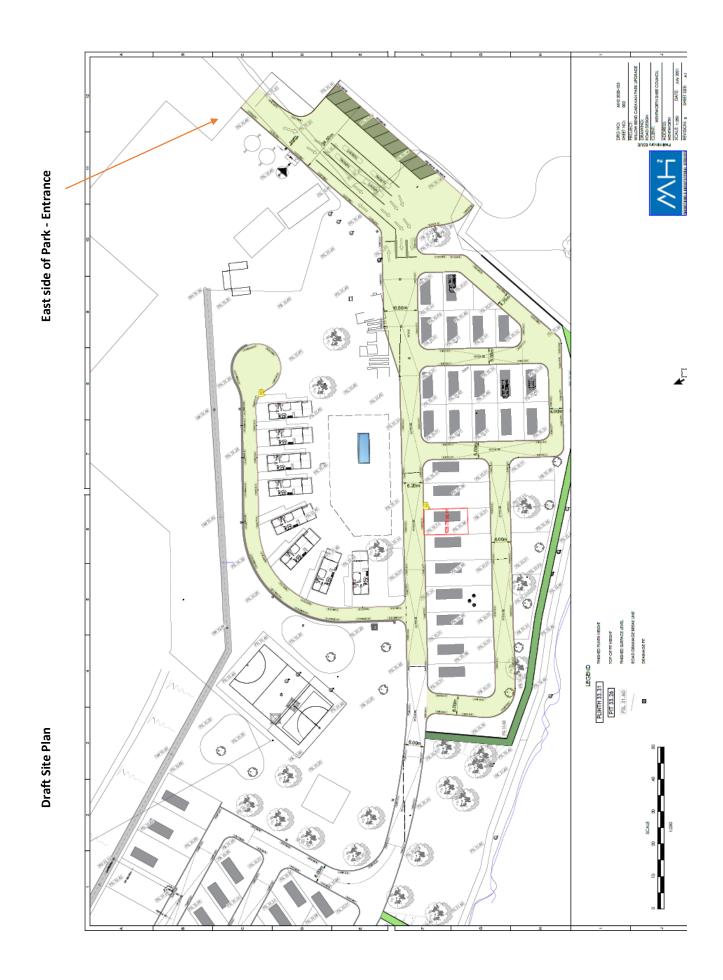
Conclusion

Having consideration to the content of this report, the most appropriate course of action is for Council to:

- Authorise a new lease that would provide the security of tenure for the occupation of part Crown Reserve 32017 for a further period of 20 years (10+10)
- Provide the authority to progress and complete the surrender of the existing lease and the authorisation to negotiate and finalise the terms of a new lease in accordance with the existing lease
- Engage Bartier Perry Lawyers to prepare the document, they completed the documentation for the Buronga Caravan Park lease (Discovery Parks) and have the expertise in dealing with specific Crown Lands regulations.

Attachments

- 1. Willow Bend Caravan Park draft site plans.
- Leased area





Page 286

Item 9.13 - Attachment 2 Leased area



Willow Bend Caravan Park Reserve 32017

Map Scale: 1:2375 at A4

9.14 NEW LEASE - BURONGA BOATMAN

File Number: RPT/22/40

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

invest

Strategy: 2.1 Grow visitation to the Shire by developing a quality visitor

experience and promoting our destination

Summary

Council has received a request for a change of partnership to be noted on an existing lease for Crown Reserve 63988, Lot 2 Deposited Plan 1032974, being part of the Buronga Caravan Park Reserve. This request requires the preparation of a new lease.

This reserve has been held continually under lease since 2003 as a hire boat business. The tenure has changed hand on several occasion and eventually re-developed into a commercial boat mooring business. The current owner took over the business in 2006 and has held tenure since, with two additional lease extensions of 10 years (2013 & 2023).

The current lease expires in 21 September 2023, and the new partnership has requested the preparation of a new lease providing them with long-term security of the reserve for their business enterprise.

The reserve is managed by the Wentworth Shire Council, pre Plan of Management. Council in its capacity as the Crown Land Manager can authorise the occupation of a twenty-one (21) year maximum tenure authorised under Clause 70(2)(c) of the *Crown Land Management Regulation 2018*.

This report seeks a resolution of Council to authorise the preparation of a new lease for part of the Buronga Caravan Park Reserve, securing lawful tenure of Crown Reserve 63988.

Recommendation

That Council

- 1. Approves the preparation of a new lease agreement for the occupation of Crown Reserve 63988, part of Buronga Caravan Park, being Lot 2 Deposited Plan 1032974.
- 2. In its capacity of the Crown Land Manager authorises the granting of a lease, pre Plan of Management, for the term of 20 years (10+10) tenure in accordance with Section 70 Clause 70(2)(c)(i)(ii) of the Crown Land Management Regulation 2018.
- 3. Grants permission to progress and complete the surrender of the existing lease and the authorisation to negotiate and finalise the terms of a new lease in accordance with the existing lease
- 4. Engages Bartier Perry Lawyers to prepare the draft lease
- 5. Enters into a Deed of Agreement for the reimbursement of any of Council's costs associated with the preparation of this Commercial Business lease.
- 6. Affix the Common Seal of Wentworth Shire Council to all documentation that requires to be sealed, to give effect to this resolution
- 7. Authorises the Mayor and General Manager be delegated to sign any related documents.

Detailed Report

Purpose

The purpose of this report is to provide Council with the necessary information to authorise the preparation of a new lease for the occupation of Lot 2 Deposited Plan 1032974, part of the Buronga Caravan Park Reserve 63988. The lease will secure land tenure for a Commercial boat mooring business in Buronga for a term of ten years with an option to renewal for a further 10 years (10+10).

Background

This section of the Buronga Caravan Park Reserve has been held under lease continually since 2003, starting out as a boat hire business. When the business sold in 2006, the new owner re-developed the site into a commercial boat mooring business. The current owner took over the business in 2006 and has held tenure since with two additional lease extensions of 10 years (2013 & 2023).

The site consists of 3 commercial mooring sites listed as CL3081, CL3082 and CL5615 along with two Crown issued licenses, one for a jetty & suction pipeline Ll431621 and another for a jetty Ll356466. Both will terminate upon transfer and or expiry of the current lease agreement on the 31 July 2023.

To ensure the lease does not lapse out of tenure, the existing lease will need be surrendered and a new lease prepared before the expiration date. This will provide the new partnership with long-term security of the reserve for their business enterprise.

Matters under consideration

Lease

Leases for Crown Land, managed by Council are to be prepared in accordance with the *Crown Land Management Act 2016* and *Local Government Act 1993*, to ensure there is legal and suitable occupation of Crown land.

A lease enables exclusive use over a particular piece of land or building for a specified term and purpose. It is the best form of agreement if longer-term security of tenure is an important factor to the user of the land.

The Council Crown Land Manager must clearly demonstrate the proposal is not inconsistent; and does not interfere with, the reserve purpose/s of public recreation and conservation.

Pre Plan of Management

Council in its capacity as the Crown Land Manager can grant tenure to a maximum of Twenty-One (21) years under Clause 70(2)(c)(i)(ii) of the *Crown Land Management Regulation 2018*.

Crown Land Management Regulation 2018

Section 70 Exemption from operation of Act, sections 3.22 and 3.23(7)

- 2.(c) the granting of a new lease or licence over the land for a term not exceeding the maximum term (21 years including any option for the grant of a further term) if—
 - (i) there was a lease or licence in force over the land immediately before 1 July 2018, and
 - (ii) there are no additional permitted uses of the land

Under this clause, Lot 2 Deposited Plan 1032974 has been held in lease since 2003 and the new lease will be prepared in accordance of the previous lease with no additional uses of the land.

Maximum Term

Per the regulation above, Council can approve a maximum term up to 21 years, including any option for the grant of a further term (i.e.10+10+1). Addition of a holding over clause, limited to a maximum term of 12 months, can allow time at the end of their term to arrange a new contract.

Rent

Holders of leases, licenses and permits to occupy Crown Land are required to pay rent.

Considering the tenant's long historical affiliation with the reserve, and that they have contributed to the continuous improvement of the facility over a number of years. The current rent payable is \$1334.15 (including GST) per month with an increase of Consumer Price Index annually.

In 2013, Council resolved to remove the annual rental increase of 5% and apply the lesser Consumer Price Index (CPI) rate of 2.3% over ten years.

Deed of Agreement

Considering the commercial nature of the business and their ability to generate an income from the lease over a twenty-year period, Council should consider the addition of a clause requiring the lessee to bear Councils expenses involved with the preparation of the lease (e.g. Solicitor, advertising, stamp duty).

Estimate of Costs

Deed of Agreement \$3,000 Lease preparation - \$15,000 +GST (includes surrender of existing lease) Disbursements \$ 400.00

Options - Term

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

- a) 5year term
- b) 10year term (5+5)
- c) Maximum of 20 years (10+10) this includes an option for the grant of a further term

Conclusion

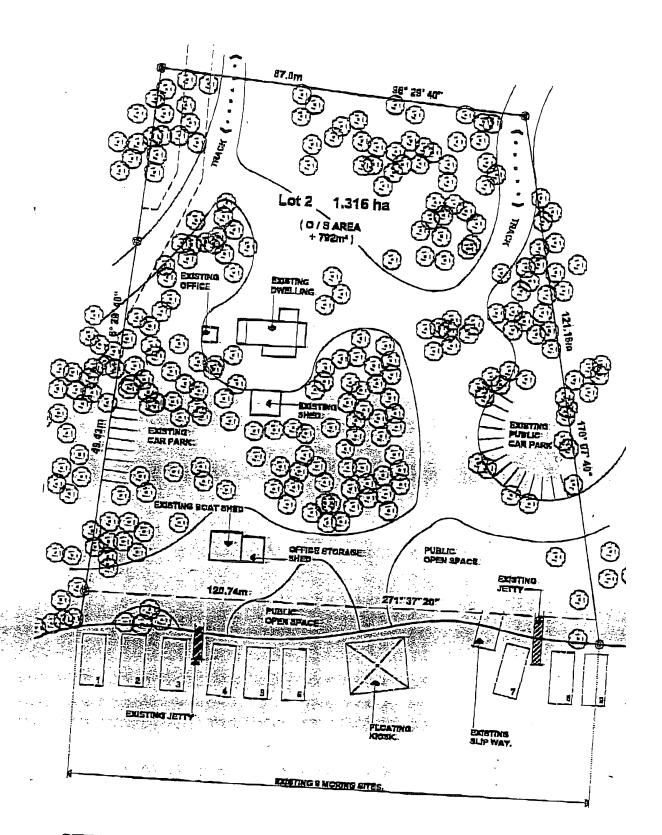
Having consideration to the content of this report, the most appropriate course of action is for Council to:

- Authorise a new lease that would provide the security of tenure for the occupation of part Crown Reserve 63988 for a further period of 20 years (10+10).
- Provide the authority to progress and complete the surrender of the existing lease and set the conditions and terms in accordance with the existing lease
- Enter into a Deed of Agreement for the reimbursement of Council's costs
- Rent will continue as previously set in the existing licence, with an annual increase of either the Consumer Price Index, when the new lease is executed.
- Engage Bartier Perry Lawyers to prepare the documents, they completed the documentation for the Buronga Caravan Park lease (Discovery Parks) and have the expertise in dealing with Crown Lands regulations.

Attachments

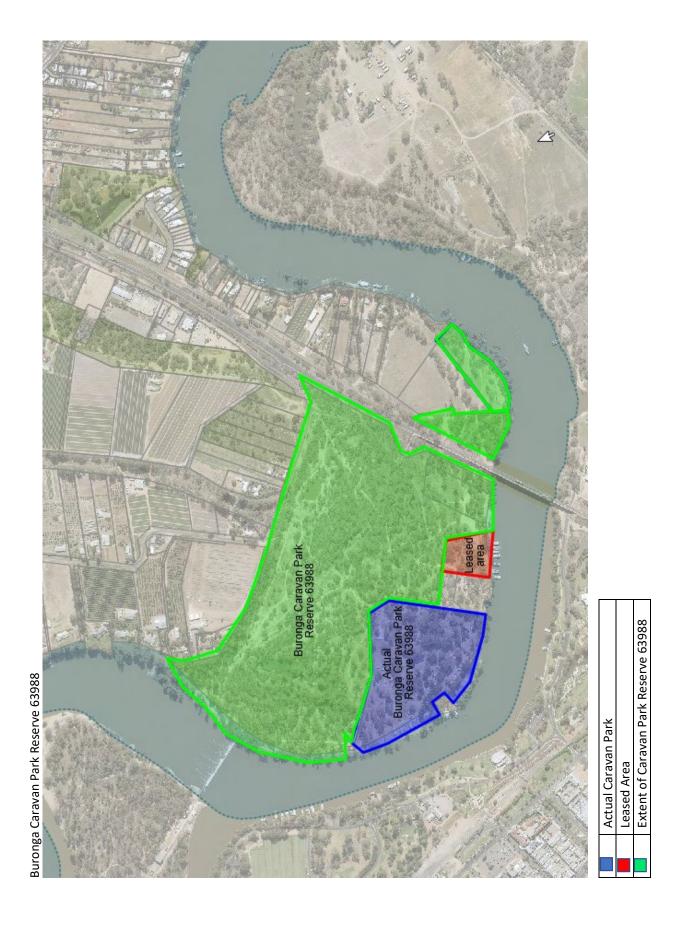
- 1. Hisotrical site sketch Buronga Boatman U.
- 2. Location of leased area Buronga Caravan Park J.

To: Perer Turner



SITE LAYOUT 1:500

1. 1. 13.



9.15 DA2021/008 PROPOSED SERVICE STATION 83 - 89 HENDY ROAD LOT 5 DP 1029509 BURONGA

File Number: RPT/22/105

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

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

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

expand

Summary

Council is in receipt of a development application for the proposed development of an "On the Run" Highway Service Centre at 83-89 Hendy Road Lot 5 DP 1029509 Buronga.

The development proposes the following:

- A new control building positioned in the middle section of the site, with a drive through and pick area.
- Truckies lounge, courtyard, showers and toilets.
- A new diesel canopy with three filling points located in the north-western section of the site accessible from the Sturt Highway.
- Fuel canopy including three (3) double sided fuel bowsers and associated fuel infrastructure
- Underground fuel vessels
- Twelve car parking spaces and 2 staff car parking spaces
- Three truck parking spaces, to be positioned in the eastern section of the site;
- Signage including 12.8m high 'price-board' pylon
- Access and exist to the development from Hendy Road

Development for the purposes of a Highway Service Centre is not prohibited under the WLEP 2011 and therefore can be permitted with consent. The development will provide services that will be in competition to the adjoining Shell Highway Service Centre and provide additional employment opportunities in Buronga.

The location of the site would enable development adjacent to the Sturt Highway. As such the development would meet the objectives of the RU5 Village zone by providing additional services for residents, including job opportunities during construction and ongoing operation of the site

Recommendation

 That Council, having considered the content of this report, resolves to refuse development approval for DA2021/008 being a service station "highway service centre" located at 83-89 Hendy Road Lot 5 DP 1029509 Buronga. 2) That a division be called in accordance with s375A of the Local Government Act 1993 (NSW)

Detailed Report

Purpose

The purpose of this report is to provide information for Council to determine Development Application DA2021/008, having consideration to the detail provided both within this report and the attachment provided.

Background

A Development Application was lodged with Council on 1 February 2021 seeking consent for the use and development of the land for a "Service Station". Public submissions and council assessment identified the issue that the plans provided would best be suited for definition as a "Highway Service Centre" instead of a "Service Station".

The applicant provided further justification for the "Service Station" definition in response to a request for further information dated from Council dated 12 February 2021. The response was produced by SLR dated 13 September 2021.

Council sent the applicant 2 additional Further Information Request letters dated 25 February 2021 and 3 March 2021, with two (2) responses to the further information letter from the applicant sent back to council on 13 September 2021.

The application is being reported to the Council as it is classified as an application with significant public interest for which 11 submissions were received during the public notification period. The history of the application and process to date has indicated that this is a high-level development.

The application has been processed and is now being reported to Council for their determination.

Refer to attachment 1 – Development Application

Refer to Attachment 2 – Statement of Environmental Effects

Refer to Attachment 3 – Traffic Impact Assessment

Refer to Attachment 4 – Supporting Documentation

Refer to Attachment 5 – Response to Further Information

Refer to Attachment 6 – SEPP 33 Risk Screening

Refer to Attachment 7 - Submissions

Refer to attachment 8 – Submissions to renotification

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* as relevant to the development. The development assessment conducted for this proposal summarises the relevant matters for consideration and provides a planning commentary.

Refer to attachment 9 – Section 4.15 assessment report

Based on the findings of the assessment report the proposal meets some aspects to warrant the site as suitable, but on the other hand there are some aspects which warrant the site to be considered unsatisfactory for the proposed development.

The proposed development is suitable in that it:

- Meets the objectives of the RU5 land use table
- The proposed use is similar to adjoining land use with similar environmental impacts

Located along a Highway

However, there are a number of issues that warrant the site and development to be considered unsatisfactory:

- The use applied for (service station) does not match the WLEP 2011 definition, but matches WLEP 2011 definition of highway service centre.
- The proposed development does not meet the strategic vision council has for the land as shown by the proposed B2 under the BGGSP. Under the B2 zone, highway service centres are prohibited.
- The proposed development does not match with the desired characteristics of the centre under the proposed new E1 zoning set to replace the B2 zoning in the Standard LEP Instrument
- Adverse site constraints and impacts have been identified:
 - While the design of ingress and egress from the subject site are represented diagrammatically to meeting some of the appropriate design guidelines, as a minimum, the off-street car park associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays shall be in accordance with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
 - Matters to be satisfied under clause 101(2) of the State Environmental Planning Policy (Infrastructure) 2007: based on the plans and documentation provided, this matter cannot be fully determined. As such, there are unacceptable entrance/exit arrangements proposed which will create traffic impacts on the highway
 - Pedestrian/cyclist interception and pedestrian/cyclist safety were not adequately addressed.
 - The SISD (safe intersection sight distance) for the proposed highway entrance intersection does not comply with Austroads requirements (123m for 60km/hr zones)
 - In-adequate measures proposed for restricting B-triples from accessing the site which will create additional workload and enforcement activity of this restriction by relevant authorities.
 - Inconsistent documentation and plans provided regarding use of the right of carriage way (ROC), which may significantly impact the assessment and land owner requirements

The application was referred to the following External agencies under the *State Environmental Planning Policy (Infrastructure) 2007*:

- **Transport for NSW**: Required further detailed plans to be prepared as part of possible conditions to be attached to a consent if Council determines that way
- Essential Energy: Raised concerns regarding safety issues arising from the development and existing electrical infrastructure.

Refer to Attachment 9 – Transport for NSW response

Refer to attachment 10 – Essential Energy response

Options

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

Refuse Development Application 2021/008 for reasons identified in this report

Legal, strategic, financial or policy implications

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

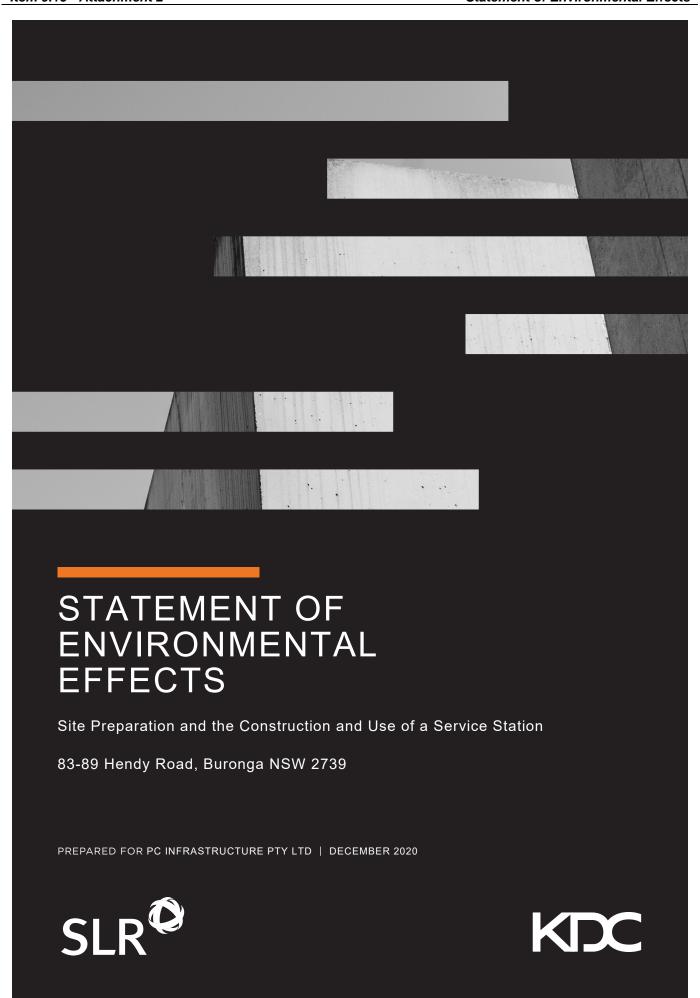
The applicant also has the right to appeal the decision made by Council to the Land and Environment Court pursuant to Section 8.7 of the *Environmental Planning & Assessment Act* 1987.

Conclusion

Having consideration to the content of this report it is concluded that the appropriate course of action is to refuse DA2021/008 subject to conditions contained within the report.

Attachments

- Development Application (Under separate cover)
- 2. Statement of Environmental Effects !
- 3. Traffic Impact Assessment J.
- 5. Response to Further Information (Under separate cover) ⇒
- SEPP 33 Risk Screening
- 7. Submissions (Under separate cover) ⇒
- 8. Submissions after renotification (Under separate cover) ⇒
- 10. Transport for NSW response (Under separate cover) ⇒
- 11. Essential Energy response (Under separate cover)⇒







This page has been left blank intentionally

19331.3_SEE_Buronga_December2020





Statement of Environmental Effects

FINAL

Report Reference No.: 19331.3 **Dated:** December 2020

Environmental Assessment

Prepared by: KDC Pty Ltd | ABN 61 148 085 492 | www.kdc.com.au

Mitchell Kennedy Town Planner KDC Pty Ltd

Reviewed by:

Melissa Thomas
Principal Planner

KDC Pty Ltd

Address: Suite 2, 125 Bull Street, Newcastle West NSW 2302

On Behalf of: PC Infrastructure Pty Ltd

Application and Land Details

Applicant: PC Infrastructure Pty Ltd C/ - KDC Pty Ltd

Applicant Address: Suite 2, 125 Bull Street, Newcastle West NSW 2302

Land to be developed: Lot 5 DP 1029509 83-89 Hendy Road, BURONGA NSW 2739 **Project:** Demolition and Construction and Use of a Service Station



As of October 2nd 2020, KDC has joined the SLR Consulting team. To learn more about SLR, and the additional expertise that we can now provide our clients, take a read here >

This Report has been prepared in accordance with the brief provided by our client and has relied upon the information collected at or under the times and conditions specified in the Report. All findings, conclusions or recommendations contained within the Report are based only on the aforementioned circumstances. Furthermore, the Report is for the use of the Client only and no responsibility will be taken for its use by other parties.

19331.3_SEE_Buronga_December2020





This page has been left blank intentionally

SLR[©]



Contents

Execu	itive Summary	1
1	Introduction	3
1.1	On The Run	3
1.2	Site History	4
2	Site Analysis	5
2.1	Site Location and Context	5
2.2	Site Description	6
2.3	Surrounding Development	7
3	Description of Proposed Development	9
3.1	Elements of The Proposed Development	9
3.1.1	Site Preparatory Works	9
3.1.2	Service Station	9
3.2	Vehicular Access and Parking	11
3.3	Signage	12
3.4	Landscaping and Tree Removal	12
3.5	Waste Management	13
3.6	Stormwater Management	13
3.7	Construction Management	13
4	Relevant Legislation and Planning Controls	15
4.1	Environmental Planning and Assessment Act 1979	15
4.2	Roads Act 1993	15
4.3	Protection Of The Environment Operations (Underground Petroleum Storage Systems) Regulation	2019 16
4.4	Protection Of The Environment Operations (Clean Air) Regulation 2010	16
4.5	State Environmental Planning Policies (SEPP)	16
4.5.1	State Environmental Planning Policy 33 – Hazardous and Offensive Development	16
4.5.2	State Environmental Planning Policy 55 - Remediation Of Land	16
4.5.3	State Environmental Planning Policy 64 – Advertising And Signage	17
4.5.4	State Environmental Planning Policy (Infrastructure) 2007	17
4.5.5	Draft State Environmental Planning Policy (Remediation Of Land)	18
4.6	Wentworth Local Environmental Plan 2011	18
4.6.1	Land Zoning	18
4.6.2	Relevant Clauses	20
4.7	Wentworth Development Control Plan 2011	20
5	Assessment Of Planning Issues	21
5.1	Compliance With Planning Instruments and Controls	21
5.2	Traffic, Access and Parking	21

K		SLR [©]
5.3	Visual Impact	22
5.4	Signage	23
5.5	Amenity	23
5.5.1	Noise	23
5.5.2	Odour	24
5.5.3	Overshadowing	24
5.6	Multi – Level Risk Assessment	25
5.7	Lighting 25	
5.8	Safety and Security	25
5.9	Landscaping	25
5.10	Stormwater Management	26
5.11	Sediment and Erosion Control	26
5.12	Waste Management	26
5.13	Social and Economic Impacts	27
5.14	Aboriginal Heritage	28
5.15	Public Interest	28
5.16	Building Access	28
6	Conclusion	29





Figures

Figure 1 – Site Aerial (Source: Six Maps) Figure 2 – Cadastral Plan (Source: Six Maps) Figure 3 – LEP Zoning Map Extract (LZN_004F)	5 5 18
Tables	
Table 1 – Fuel Storage Capacity	10
Table 2 – Planting Schedule	12
Photographs	
Photograph 1 – Hendy Road Frontage from Eastern Boundary (Source: Google Maps) Photograph 2 – Hendy Road Frontage – Western Boundary (Source: Google Maps)	6 6
Appendices	
Appendix A – Architectural Plans	31
Appendix B – Landscape Plans	33
Appendix C – Compliance Table	35
Appendix D – Traffic Report	37
Appendix E – Civil Plans	39
Appendix F – Sepp 33	41
Appendix G – CPTED Report	43
Appendix H – Plan of Management	45
Appendix I – Waste Management Plan	47
Appendix J – Lighting Report	49





This page has been left blank intentionally





EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) is submitted to Wentworth Shire Council (Council) in support of a Development Application (DA) at the subject site known as 83-89 Hendy Road, Buronga for a service station, encompassing the following:

- + Site preparation works including earthworks;
- + Construction of a new slip lane and access driveway via the Sturt Highway;
- + Construction of a new ingress and egress vehicle crossovers along Sturt Highway;
- Construction and use of a service station including convenience store with drive-through facility;
- Fuel canopy including three (3) double sided fuel bowsers and associated fuel infrastructure;
- + Diesel canopy including three (fuel) fill points;
- + Car parking including 12 customer spaces and 2 staff car parking spaces (including one accessible space);
- + Refuse/service enclosure,
- + Signage including 12.8m high priceboard pylon;
- + Landscaping and fencing; and
- + Other minor works as illustrated on the proposed Architectural Drawings included at Appendix A.

The development will provide valuable services and convenient facilities for residents living within the Buronga locality, employees within the locality and motorists travelling along Sturt Highway. The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts.

OTR are an experienced Australian fuel operator who also offer convenience facilities onsite including a drive-through lane for fuel payment and retail purchases. Operating 24 hours a day, 7 days a week, the development will meet market demand in Buronga for this type of service station facility.

The proposal is compliant with relevant legislative requirements and Environmental Planning Instruments including the Wentworth Local Environmental Plan (LEP) 2011. The proposal is permissible within the RU5 Village Zone and is compliant with the applicable LEP clauses.

The proposal is generally compliant with the applicable requirements of Wentworth Development Control Plan (DCP) 2011. There were limited DCP controls applicable to the site, however the proposed development has been designed to be sympathetic to the local character of the area, and the co-location of a service station adjacent to a similar use considered appropriate along a State classified road.

The proposed development incorporates a high quality presentation to Sturt Highway/Hendy Road and an integrated site development approach, involving a land use that is permissible and desirable in the location. Landscaping is focused on the site boundaries to effectively visually and acoustically buffer the proposal. The proposal, including appropriate mitigation measures where necessary, is compatible with surrounding land uses due to its modest bulk and scale and as a result, will cause minimal adverse environmental and amenity impact.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including traffic and access, noise, odour, privacy, visual amenity and waste and water management. Where required, mitigation measures are proposed to minimise these impacts and reduce potential risk associated with the development. Furthermore, OTR will

19331.3_SEE_Buronga_September2020





employ strict management procedures for the premises to ensure that the development is a safe, efficient and pleasant environment in which to work and visit.

Through the proposal's merits and absence of any significant adverse environmental impacts, the DA is considered to be in the public's interest and recommended for Council's support subject to standard conditions.





1 INTRODUCTION

This Statement of Environmental Effects (SEE) is submitted to Wentworth Shire Council (Council) in support of a Development Application (DA) at the subject site known as 83-89 Hendy Road, Buronga for a service station operated by On The Run (OTR), encompassing the following:

- + Site preparation works including earthworks;
- + Construction of a new slip lane and access driveway via the Sturt Highway;
- + Construction of a new ingress and egress vehicle crossover along Sturt Highway;
- + Construction and use of a service station including convenience store with drive-through facility;
- + Fuel canopy including three (3) double sided fuel bowsers and associated fuel infrastructure;
- + Diesel canopy including three (fuel) fill points;
- + Car parking including 12 customer spaces and 2 staff car parking spaces (including one accessible space);
- + ;
- + Refuse/service enclosure,
- + Signage including 12.8m high priceboard pylon;
- + Landscaping and fencing; and
- + Other minor works as illustrated on the proposed Architectural Drawings included at Appendix A.

A Construction Certificate for the development will be sought separately.

This SEE has been prepared by KDC Pty Ltd (KDC) on behalf of PC Infrastructure Pty Ltd. It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). It should be read in conjunction with the supporting information and Architectural Plans prepared by ADS Architects appended to this SEE.

1.1 ON THE RUN

On the Run (OTR) are a South Australian family business, who have been operating for 30 years. OTR is South Australia's largest local employer and leading convenience retailer with over 145 petrol and convenience stores across metropolitan and rural South Australia, Victoria and Western Australia employing over 3,100 people.

OTR is seeking to expand their offerings into the state of NSW with this particular site in Buronga to be one of the first OTR service stations in NSW. OTR developed from humble beginnings and has become a flagship banner. OTR brings together unique retailing skills and brands into a successful, innovative, multi-branded convenience offering.

OTR at Buronga will provide a point of difference from traditional service station developments due to the added benefit of a drive-through attached to the control building. Food and drink (hot and cold) purchases can be made within the drive-through lane in addition to paying for fuel. The proposal, open at all times of the day and night, will provide great value, top quality products and exceptional customer service making it an invaluable facility for the community.





1.2 SITE HISTORY

The previous applicant sought consent to construct and operate a Highway Service Centre at 83-89 Hendy Road, Buronga. The original application (DA2017/004) was refused by Wentworth Shire Council in November 2017. The previous applicant lodged an appeal pursuant to s 8.7 of the Environmental Planning and Assessment Act 1979 ('the Act').

The application was amended throughout the course of the appeal proceedings. On June 27 2018, the Court granted leave to the Applicant to amend their development application. On the 17 December 2018 the Court proceedings determined that no power was available to grant consent to the development application and the consent was refused.

The Court's determined in their findings that it is not necessarily the case that the site is not able to accommodate a service station use. Rather that the scale of the development and the accesses proposed off the Sturt Highway were not justified or designed in sufficient detail to demonstrate that the new development does not compromise the effective and ongoing operation of the Sturt Highway.

The Court did not find that the site is unable to accommodate a service station. The design of access to the proposed development from the Sturt Highway had not been resolved in sufficient detail to demonstrate to the Court's satisfaction that the development would not compromise the effective ongoing operation of the Highway. The present application takes account of issues raised by the Court and demonstrates access to the Highway that is consistent with its safe and effective ongoing operation.





2 SITE ANALYSIS

2.1 SITE LOCATION AND CONTEXT

The site is situated on the northern side of the Sturt Highway/Hendy Road in the suburb of Buronga which forms part of the Wentworth Shire Local Government Area (LGA). The site is bound by to the north by land in Lot 1 of DP 1213735, Hendy Road to the south, a service station and supermarket to the east, and a Government Building for the NSW National Parks and Wildlife Service to the west. The site is surrounded primarily by RU5 Village zoned land.

The Sturt Highway a state classified road, adjoins the site to the south, and is an important road link for the transport of passengers and freight between Sydney and Adelaide and the regions situated adjacent to the route, it spans across approximately 950km.

Land within the vicinity of the site is generally characterised by a mixture of residential uses, public recreation, rural industry and commercial transport land uses. Refer to Figure 1 and 2 for Site Aerial and Site Cadastre.

Figure 1 – Site Aerial (Source: Six Maps)



Figure 2 – Cadastral Plan (Source: Six Maps)



19331.3_SEE_Buronga_September2020





2.2 SITE DESCRIPTION

The site is located at 83-89 Hendy Road, Buronga, legally described as Lot 5 in DP1029509.

The site has a 100m frontage to Hendy Road which extends along the entire southern boundary and a 100m northern boundary. North of the site is a 15m wide easement which which runs along the entire northern boundary (Lot 1 in DP 1213735). The site is approximately 6,940m² and is rectangular in shape with a gentle slope on the frontage and a slight elevation above the surface of Hendy Road (Sturt Highway), however overall is considered a generally flat site.

The site is currently vacant however, has previously operated as Johnsons Truck and Coach Service Pty Ltd. The site is cleared of all vegetation.

The following photographs depict the site.

Photograph 1 – Hendy Road Frontage from Eastern Boundary (Source: Google Maps)



Photograph 2 – Hendy Road Frontage – Western Boundary (Source: Google Maps)



19331.3_SEE_Buronga_September2020





2.3 SURROUNDING DEVELOPMENT

As stated above, the site is located north of Hendy Road/Sturt Highway. The Sturt Highway, a state classified road, adjoins the site to the south and is an important road link for the transport of passengers and freight between Sydney and Adelaide and the regions situated adjacent to the route, it spans across approximately 950km.

Surrounding land uses to the north are typically smaller lot residential dwellings, immediately to the south are larger lot residential dwellings, and to the east and west the predominate use is rural industry.





This page has been left blank intentionally





3 DESCRIPTION OF PROPOSED DEVELOPMENT

This section of the SEE provides a detailed description of the proposed development.

3.1 ELEMENTS OF THE PROPOSED DEVELOPMENT

The proposal includes the following works within the site:

- + Site preparation works including earthworks;
- + Construction of a new slip lane and access driveway via the Sturt Highway;
- + Construction of a new ingress and egress vehicle crossover along Sturt Highway;
- + Construction and use of a service station including convenience store with drive-through facility;
- + Fuel canopy including three (3) double sided fuel bowsers and associated fuel infrastructure;
- + Diesel canopy including three (fuel) fill points;
- + Car parking including 12 customer spaces and 2 staff car parking spaces (including one accessible space);
- + ;
- + Refuse/service enclosure,
- + Signage including 12.8m high priceboard pylon;
- + Landscaping and fencing; and
- + Other minor works as illustrated on the proposed Architectural Drawings included at Appendix A.

3.1.1 SITE PREPARATORY WORKS

Proposed earthworks are required in order to provide suitable building and canopy levels, as well as a suitably graded car park and site access levels. Excavation will also occur for the underground fuel storage systems and to implement below natural ground surface stormwater management measures. Refer to the Civil Engineering Plans contained at Appendix E for full details.

3.1.2 SERVICE STATION

The service station will be operated by On The Run (OTR) and will include:

- + Petrol filling area (appropriately bunded) with fuel canopy over containing three (3) double-sided bowsers;
- + Underground fuel tanks and associated fuel and diesel infrastructure (as detailed below).
- + Convenience Store comprising the following;
 - Retail floor space;
 - Customer service counter;
 - o Food preparation and wash area, freezer, cool room and store room;
 - Single lane drive-through with canopy over order point and pay and pickup window;
 - Customer and staff amenities;
 - Truckie's lounge;
 - Truckie's courtyard;and
 - Bathroom amenities.
- + Enclosed refuse area.

19331.3_SEE_Buronga_September2020





External Materials and Finishes

Materials and finishes have been identified on the Elevation and Site Plans prepared by ADS Architects (refer Appendix A) and include the following;

- + Charcoal painted fibre cement sheet wall cladding;
- + Colorbond screening around refuse area;
- + PGH sandstock brickwork;
- + Lime painted fibre cement sheet fascial cladding;
- + Grey painted fibre cement sheet fascial cladding;
- + Black painted zincalume sheet;
- + Black painted fibre cement sheet wall cladding;
- + Grey painted precast wall panels; and
- + Slatted timber screen.

The proposed building is of a contemporary design with a subtle colour scheme so as to not dominate the streetscape.

Tank Details

The proposal includes a total of three (3) fuel/diesel storage tanks, with split compartments. The fuel storage tanks will be located in an underground tank farm, west of the fuel canopy. Please see Table 1 below which indicates the proposed fuel storage capacity.

The new underground fuel tanks will be are prefabricated off-site and will be transported to the site prior to their installation. The proposed installation of the new tanks will take approximately one week. The ancillary works and commissioning of the new tanks will take approximately 4-5 weeks.

The design and installation of the underground storage systems will comply with AS1940 and AS 4897-2008 and the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2019. This provides the highest level of protection.

Refer to SEPP 33 assessment prepared by Hazkem at Appendix F, which provides further detail regarding the installation of the propose underground fuel tanks and fuel infrastructure.

Table 1 – Fuel Storage Capacity

Product	Quantity	Tank/Compartment No.	Class and PG
Petrol	30,000 litres	1	3 PG II
Petrol	30,000 litres	2	3 PG II
Petrol	30,000 litres	3	3 PG II
Diesel	90,000 litres	4	C1*
Diesel	90,000 litres	5	C1*

Notes: * As the diesel (combustible C1) is stored on site separate to the petrol (flammable liquid class 3), it is not considered to be potentially hazardous and can be omitted from this report moving forward 6.





Operational Hours and Staff

The proposed hours of operation are 24 hours a day, 7 days a week. There will be an average of 6 staff on site during daytime hours and a minimum of 3 staff during night-time hours at any given time. Further details provided in the Plan of Management contained at Appendix H.

Deliveries

Delivery of consumable goods will be undertaken at two locations. For small consignments of consumable goods delivered in light vehicles (HiAce or similar), unloading will occur in the parking spaces at the front of store during the day, evening or morning should periods. For large quantities of consumable goods delivered in heavy vehicles, unloading will be undertaken under the light vehicle canopy and the fuel tank refill point is located adjacent to the diesel canopy and will be undertaken during the day or evening periods. Refer to the swept paths for an A-Double (36.5m) articulated vehicle provided in the Traffic Report at Appendix D.

The proposed delivery schedule is anticipated to have fresh food deliveries occur daily with dry storage goods twice weekly. This detail will be refined upon commencement of the operation.

Fuel deliveries will be made on an as need basis. The vehicle circulation plan for fuel tankers (20m Articulated Vehicles) are identified in the Traffic Report at Appendix D. Fuel deliveries will occur during the day and evening periods at off peak hours.

Plan of Management

A Plan of Management (PoM) prepared is included in Appendix H. The PoM sets out a number of policies and procedures to help make the premises a safe, efficient and pleasant environment in which to work and visit. The safety and security issues addressed in the PoM have been devised to ensure the amenity of the surrounding area is maintained at all times.

3.2 VEHICULAR ACCESS AND PARKING

The proposed vehicular access to the development is proposed via an all-movements crossover to Hendy Road, with a protected right turn lane and an auxiliary left turn lane located on Hendy Road. The driveway from Sturt Highway will provide for entering vehicles, including a slip lane as shown on the plans at Appendix D. The proposed two vehicle crossover points along Sturt Highway will enable left in-left out and right in-right out from the site. There is a clear delineation with the implementation of a raised median between the proposed vehicle crossovers, ensuring adequate vehicle movements.

All vehicle movements arising from the proposed development, including fuel and other goods deliveries, waste collection and customer and employee vehicle movements, will be able to be accommodated by the proposed crossovers to Sturt Highway.

The proposed driveways will provide for the turning movements of cars and service vehicles (including petrol delivery tankers), in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS 2890.1 and AS 2890.6. Parking will be provided at grade with spaces a minimum of 2.6 metres wide by 5.4 metres long. These dimensions satisfy the requirements of AS 2890.6. The disabled space will be provided with a 2.4 metre wide adjacent area for wheelchairs. These dimensions satisfy the requirements of AS 2890.6:2009.

A drive-through will be provided attached to the control building. This will provide for customers to pay for fuel and other products from the convenience store. The drive-through will provide queuing for some ten cars, in accordance with the RMS "Guide to Traffic Generating Developments".





A loading bay is not provided on site, please refer to the POM which includes a Delivery Management Plan within Appendix H. Fuel deliveries will be made by articulated vehicles up to 20m long. Service vehicles will enter and depart the site in a forward direction.

A total of 14 parking spaces (including 1 disabled space) are provided within the site to service the development, compliant with Council's DCP. In addition to the provision car spaces provided, there is sufficient space for 12 cars to refuel under the main canopy.

3.3 SIGNAGE

Proposed signage at the site includes the following:

- + 12.876m high, internally illuminated, freestanding pylon sign identifying fuel pricing and the future users of the site.
- + 4 x illuminated fuel canopy helio signs;
- + 1 x drive through entry gantry internally illuminated;
- + 2 x OTR LED sign;
- + 1 x OTR control building fascia entry sign illuminated letters;
- + 2 x OTR menu panels digital signage;
- + 1 x OTR placard signage non illuminated;
- + 1 x Coffee blade wall illuminated letters;
- 5 x OTR blade wall sign illuminated letters;
- + 1 x OTR parapet wall sign;
- + 1 x OTR drive through entry wall sign; and
- + Other ancillary signage including pump numbers and pump information boards, air and water signs.

3.4 LANDSCAPING AND TREE REMOVAL

The current site is clear of all vegetation, thus no removal of trees or vegetation is required.

The proposed landscaping plans include soft landscaping consisting of trees, shrubs, accents, grasses and groundcovers as well as hard landscaping such as pedestrian pavements. The planting palette is based on the landscape character of the area and the durability of the species selected. The full plant schedule is provided in Table 2 and Landscape Plans and specifications are attached at Appendix B.

Table 2 - Planting Schedule

Symbol		Botanical Name	Common Name	Mature	Mature	Spacings	Pot Size
				Height (m.)	Spread (m.)		
Trees							
	Fr	Fraxinus "Raywood"	Claret Ash	8	4	As Shown	100L
	Ec	Eucalyptus crebra	Narrow Leafed Ironbark	40	20	As Shown	100L
	TL	Tristaniopsis laurina 'Luscious'	Water Gum	9	8	As Shown	100L
Shrubs							
	As	Acmena smithii 'Minor'	Dwarf Lilly Pilly	3	2	As Shown	300mm
	Wf	Westringia fruiticosa	Coastal Rosemary	2	2	As Shown	300mm
	PgR	Photinia glabra 'Rubens'	Small Leaf Photinia	3	2	As Shown	300mm
Accents							
	PBB	Phormium Bronze Baby	Bronze Baby	1	1	As Shown	300mm
Groundce	overs / Grasses	i					
	Dc	Dianella caerulea "Breeze"	Blue Flax Lily	0.4	0.4	5.00/m2	150mm
	Lt	Lomandra longifolia 'Tanika'	Matt Rush Grass	0.7	0.6	5.00/m2	150mm
	Tj	Trachelospermum jasminoides	Star Jasmine	0.2	0.5	5.00/m2	150mm

19331.3_SEE_Buronga_September2020





3.5 WASTE MANAGEMENT

Waste will be stored in the designated refused enclosure where there will be a minimum of 2 bins provided (for the separation of general waste and recycling). Waste collection will be undertaken by a private contractor during daytime or evening hours. The refuse area opposes the control building to the east and adjoins the drive-through portion of the site. Waste vehicles will have adequate room for collection of waste, for further details please refer to the Waste Management Plan (WMP) at Appendix I.

Details on waste quantities during construction are provided in the Waste Management Plan (WMP) at Appendix I.

3.6 STORMWATER MANAGEMENT

In consultation with Council engineers, onsite treatment is proposed for stormwater runoff to mitigate any adverse downstream impacts.

It is proposed that all runoff from the car parking and circulation areas be captured by a system of pit and pipe infrastructure. All stormwater surface inlet pits are proposed to include a proprietary inlet pit for capture of stormwater pollutants. It is expected that the inlet pits will capture the majority of gross pollutants and suspended solids prior to being discharged from the site.

Stormwater runoff from the roof area of the building will be collected via gutter and downpipe and conveyed to the proposed 5kL rainwater reuse tank. Captured runoff will be retained onsite and used internally for toilet flushing. Overflow from the rainwater tank will be conveyed to the nearest stormwater pit.

All runoff from underneath the canopies will be captured by sump pits and conveyed to a proprietary device (SEPL puraceptor or equivalent) for removal hydrocarbon pollutants. Treated runoff will be discharged to the stormwater system. The water management proposed for the development is detailed in the Civil Drawings, prepared by Northrop, provided at Appendix E.

3.7 CONSTRUCTION MANAGEMENT

A Construction Management Plan (CMP) will be prepared and submitted to the Certifier for approval prior to the issue of a Construction Certificate.





This page has been left blank intentionally





4 RELEVANT LEGISLATION AND PLANNING CONTROLS

The following legislation, Environmental Planning Instruments (EPI's), Development Control Plan (DCP) are relevant to the proposed development:

- + Environmental Planning and Assessment Act 1979;
- + Roads Act 1993;
- + Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019;
- Protection of the Environment Operations (Clean Air) Regulation 2010;
- + State Environmental Planning Policy No. 33 Hazardous and Offensive Development;
- + State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55);
- State Environmental Planning Policy No. 64 Advertising and Signage (SEPP 64);
- + State Environmental Planning Policy (Infrastructure) 2007;
- + Draft State Environmental Planning Policy (Remediation of Lands)
- + Wentworth Local Environmental Plan 2011; and
- + Wentworth Development Control Plan 2011.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposal, as with all development applications, is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act). Section 4.15(1) of the EP&A Act, 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15(1), is provided within this SEE.

Integrated Development

The proposed development is classified as Integrated Development pursuant to Section 4.46 of the EP&A Act as it requires approval under Section 138 of the Roads Act 1993 for the proposed slip lane and driveway access from Sturt Highway (Hendy Road), see below.

4.2 ROADS ACT 1993

Under Section 138 of the Roads Act, consent is required from the appropriate road authority to:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road,

Sturt Highway is a State Classified Road, under the care and control of Transport for NSW (TfNSW). Therefore, the DA will be referred to TfNSW for concurrence during the assessment process.





4.3 PROTECTION OF THE ENVIRONMENT OPERATIONS (UNDERGROUND PETROLEUM STORAGE SYSTEMS) REGULATION 2019

The proposal process will comply with *Part 2 Commissioning of storage systems* of the POEO Regulation including installation, use and record keeping. The new tanks have been designed and will be installed by duly qualified persons, and the system will include the mandatory equipment required by AS 4897–2008: The design, installation and operation of underground petroleum storage systems.

A leak detection system will be installed on the storage site in accordance with *Part 3 Leak detection systems*. Furthermore, an equipment integrity test of the system will be carried out in accordance with the written directions of a duly qualified person, and the system will be certified, by the person by whom the test was carried out, as having satisfied the test.

The service station tanks will also fully comply with *Part 4 Use of Storage Systems* including the preparation of a complying Fuel System Operation Plan prior to the use of the service station. It will be reviewed and updated as required and a copy will be kept on site at all times. A loss monitoring system for a storage system will also be designed by a duly qualified person in accordance with EPA guidelines as required under this regulation.

4.4 PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2010

Stage 1 vapour recovery (VR1) equipment will be installed at the petrol tanks which is designed to capture the displaced vapour from storage tanks when a tanker delivers petrol to a service station and return the displaced vapor back to the delivery tanker by means of a vapor tight connection line. In accordance with Protection of the Environment Operations (Clean Air) Regulation, the VR1 system will be tested for vapour system recovery performance before commissioning, and whenever components required to ensure the integrity of the system are removed and replaced, for example, during maintenance.

4.5 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)

4.5.1 STATE ENVIRONMENTAL PLANNING POLICY 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

This policy aims to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

In accordance with this SEPP, a SEPP 33 Risk Screening Analysis has been undertaken by accredited dangerous goods consultant, Hazkem PTY LTD (refer to Appendix F). The screening process determined that the minimum setback distances from the remote fill points and fuel dispensing points. As noted in the SEPP33 report, based on the setback distances, the site is deemed to be non-hazardous there is no requirement to do a Preliminary Hazard Analysis (PHA) for further analysis. For further details refer to the Risk Screening Report at Appendix F.

4.5.2 STATE ENVIRONMENTAL PLANNING POLICY 55 - REMEDIATION OF LAND

Clause 7(1) of the SEPP states:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and





(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Although the site is currently considered vacant, the site had been previously operated as Johnsons Truck and Coach Service. In this regard, the previous use is similar to that which is proposed and, in this regard, a Preliminary Site Investigation (PSI) report is not considered necessary in relation to site suitability. A PSI may be prepared prior to the commencement of construction to establish the soil contamination status at the site prior to redevelopment. The majority of the site will be covered with hardstand to accommodate the proposed building, fuel canopy and vehicle manoeuvring areas.

4.5.3 STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING AND SIGNAGE

Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

It is considered that the proposed signage scheme satisfies the relevant criteria outlined within SEPP 64. Consistency of the development with Clause 3(1)(a) is discussed further in Section 5.4 of this report. A detailed assessment of the proposal against the Schedule 1 Assessment Criteria is provided in Appendix C.

4.5.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 45 - Determination of development applications - other development

The proposal involves works that has the potential to impact exposed overhead electricity power lines, as works may occur within 5m of the powerlines on Sturt Highway. In this regard, written notice will be given to the electricity supply authority (understood to be Endeavour Energy) inviting comments about potential safety risks. Any response must be taken into consideration by the consent authority.

Clause 101 - Development with frontage to classified road

The site has frontage to Sturt Highway, a State Classified Road. Clause 101 of this SEPP outlines the requirements for development with frontage to classified road. The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The design of the development ensures that vehicles have satisfactory and safe access to and from the site via a slip lane and ingress point along Sturt Highway and an egress point along Sturt Highway. The two vehicle crossover points along Sturt Highway support both left and right turns accessing and exiting the site, ensuring that the new service station development will not compromise the effective and ongoing operation of the existing state classified road.

It is considered that the all vehicle movements arising from the proposed development, including fuel and other goods deliveries, waste collection and customer and employee vehicle movements, will be able to be accommodated by the proposed crossovers to the Sturt Highway. The proposal incorporates a land use that is well suited to the site being located





on a Classified Road. A Traffic Report has been undertaken by SLR which addresses potential traffic related impacts from the proposal and finds the proposal acceptable (refer to Appendix D).

Clause 104 - Traffic-generating development

The proposal triggers traffic generating development as per Clause 104 and Schedule 3 of the SEPP and will therefore need referral to Transport for NSW (TfNSW). Pursuant to this clause, the consent authority shall take into consideration any comments made by TfNSW in respect of the proposal as well as the accessibility of the site, including:

- ii)(A) the efficiency of movement of people and freight to and from the site and the extent of multipurpose trips, and
- (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- iii) And any potential traffic safety, road congestion or parking implications of the development.

In this regard, the Traffic Report found that the surrounding road network is capable of accommodating the additional traffic flows estimated to be generated by the proposal, with minimal impact in terms of traffic delays or congestion. Furthermore, the on-site configuration of car parking, aisles and circulation for customer and servicing vehicles is considered satisfactory. The proposal is consistent with the objectives and intent of the relevant clauses of SEPP (Infrastructure) 2007.

4.5.5 DRAFT STATE ENVIRONMENTAL PLANNING POLICY (REMEDIATION OF LAND)

The Draft State Environmental Planning Policy (Remediation of Lands) intends to supersede SEPP 55 which has been the framework for contaminated lands for 20-years. The new draft SEPP will retain elements of SEPP 55, and add new provisions to establish a modern approach to the management of contaminated land. In this regard, reference is made to Section 4.5.2 of this SEE.

4.6 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011

The site is within the land application area of the Wentworth Local Environmental Plan (LEP) 2011.

4.6.1 LAND ZONING

In accordance with the LEP, the site is zoned RU5 Village, as illustrated in Figure 3.

Figure 3 – LEP Zoning Map Extract (LZN_004F)



19331.3_SEE_Buronga_September2020





Zone RU5 - Village

1 Objectives of zone

- + To provide for a range of land uses, services and facilities that are associated with a rural village.
- + To promote development in existing towns and villages in a manner that is compatible with their urban function.
- + To encourage well-serviced sustainable development.
- + To ensure there are opportunities for economic development.
- + To deliver new residential and employment growth in Buronga and Gol Gol.
- + To ensure business and retail land uses are grouped within and around existing activity centres

2 Permitted without consent

Environmental protection works; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Centre-based child care facilities; Community facilities; Dwelling houses; Home industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Cellar door premises; Correctional centres; Crematoria; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial training facilities; Industries; Pond-based aquaculture; Port facilities; Rural industries; Rural workers' dwellings; Sex services premises; Vehicle body repair workshops; Wharf or boating facilities

The following relevant LEP definition is provided for the proposal:

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

In this regard, the proposed service station use is permitted with consent within the RU5 Village zone under the above terms.

The proposal meets the objectives of the zone and the overall intent as the use add to the diversity and expansion of services available along the Sturt Highway.





4.6.2 RELEVANT CLAUSES

Clause 4.3 Height of Buildings

The maximum height of buildings is not adopted under the WLEP 2011.

Clause 4.4 Floor Space Ratio

The maximum Floor Space Ratio is not adopted under the WLEP 2011.

Clause 5.10 Heritage Conservation

The site has not been identified as containing a heritage item.

Clause 7.1 Earthworks

In accordance with Clause 7.1 development consent is required for earthworks unless considered exempt or ancillary to development for which development consent has been given. The earthworks proposed under this DA will not result in detrimental effects on drainage patterns, soil stability or impact the amenity of adjoining properties. Refer to Civil Plans at Appendix E for details on mitigation measures.

Clause 7.2 Essential Services

Under Clause 6.3 development consent must not be granted unless the consent authority is satisfied that an appropriate supply of services such as water, electricity, disposal and management of sewerage, stormwater drainage and suitable road access is provided. All services currently provided to the site will undergo any necessary improvements in order to cater to the proposed development at the site.

Clause 7.3 Flood Planning

The site has not been identified as being flood prone land.

Clause 7.4 Terrestrial Biodiversity

The site has not been identified as being within a terrestrial biodiversity area.

Clause 7.5 Wetlands

The site has not been identified as being within a wetlands area.

4.7 WENTWORTH DEVELOPMENT CONTROL PLAN 2011

The Wentworth Development Control Plan (DCP) 2011 applies to all land within the LGA of Wentworth, including the subject site.

The Wentworth DCP 2011 Chapters relevant to the proposed development are:

- + Chapter 2 General Development Objectives;
- + Chapter 3 General Development Controls; and
- + Chapter 6 Commercial Development Controls.

A full assessment against the relevant components of the DCP is included in table format at Appendix C. It has been established that the proposal largely complies with the controls of the DCP.





5 ASSESSMENT OF PLANNING ISSUES

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this SEE. The assessment considers only those matters under Section 4.15 (1) of the EP&A Act 1979 that are relevant to the proposal.

5.1 COMPLIANCE WITH PLANNING INSTRUMENTS AND CONTROLS

The proposal is generally compliant and consistent with all applicable legislative requirements, environmental planning instruments and Council controls as outlined in Section 4 of this SEE, and as summarised below:

- + The service station element of the proposal achieves compliance with SEPP 33 (Hazardous and Offensive Development), Protection of the Environment Operations (Underground Petroleum Storage Systems) and (Clean Air) Regulations;
- + Proposed signage is consistent with the criteria contained in SEPP 64 Advertising and Signage;
- + The proposal meets traffic and access requirements pursuant to SEPP Infrastructure 2007 and will require concurrence from TfNSW;
- + The proposed use is permissible within the R5 Village zone under the Wentworth LEP 2011 and the proposal meets all LEP development standards; and
- + The proposal is generally consistent with the objectives and relevant controls within Wentworth DCP 2013. Any variations are justified in the compliance table at Appendix C.

5.2 TRAFFIC, ACCESS AND PARKING

A Traffic Impact Assessment (TIA) has been undertaken by SLR and is attached at Appendix D. The report examines the traffic implications of the proposal including the predicted traffic generation and its impact on existing road and intersection capacities. The report also reviews parking requirements and access provisions including assessment against Council, Australian Standards and TfNSW requirements as required.

Traffic

The anticipated rates of traffic likely to be generated from the proposed development have been assessed within the TIA having regard for the TfNSW 'Guide to Traffic Generating Development'. PC Infrastructure provided historical transactional data from a number of OTR service stations from various locations throughout regional South Australia for a two year period, which has been used to determine the most appropriate trip rates for the weekday AM and PM peaks. The TIA considers the weekday PM and Saturday peak periods, where it has been assumed that the trips generated during the Saturday peak are equivalent to the weekday AM peak. The resultant traffic demand estimate for the development is consistent with historical data for heavy vehicle percentages along Sturt Highway.

The additional traffic anticipated from the proposal has been assigned to the road network where it was found that the surrounding road network is capable of accommodating the expected additional traffic from the proposal.

Access and Internal Circulation

The TIA provides an assessment with the proposed access and internal circulation against the relevant Australian Standards. Vehicular access to the development is proposed via an all-movements crossover to Hendy Road, with a protected right turn lane and an auxiliary left turn lane located on Hendy Road. The proposed site access arrangements are demonstrated in the TIA located at Appendix D.





The internal layout of the development site has been designed to accommodate swept paths associated with an A-Double of 36.5m vehicles to enter the site, circulate and make deliveries before exiting the site in a forward direction on Hendy Road/Sturt Highway. In addition, a raised median has been provided to separate streams of traffic turning in and out of the development.

The proposed driveways and internal layout will provide for the turning movements of cars and service vehicles (including petrol delivery tankers), in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Offstreet commercial vehicle facilities), AS 2890.1 and AS 2890.6, BCA 2019, WSC Standard Drawings and Wentworth Shire Development Control Plan 2011. Swept paths are illustrated at Appendix D.

The proposed access and circulation arrangements are considered appropriate.

Parking

Parking for the proposed development has been calculated in accordance with Council's car parking rates. Part 5 of the Wentworth Shire Development Control Plan 2011 includes the following parking requirements:

- + service stations: six spaces per work bay;
- + convenience stores: one space per 40m2 GFA; and
- + one space per 40m2 for a restaurant.

The service station will not have any work bays therefore the car parking has been assessed based on the Gloss Floor Area of the convenience store. The convenience store at 448m² will require 12 parking spaces.

The proposed development will provide 14 spaces (including 1 disabled spaces), in accordance with this requirement. Furthermore, The Building Code of Australia (BCA) stipulates the accessible car parking requirements based on the building classification. The building proposed as part of the development is categorised as a Class 6 building by the BCA, and as such, requires one accessible space for every 50 car parking spaces or part thereof (for up to 1,000 parking spaces). The proposed development shows that there is one accessible car parking space proposed, which therefore accords with the BCA requirements. The proposed parking provision is therefore appropriate and in accordance with the DCP and BCA.

Within the site, parking spaces will be typically 2.6 metres wide by 5.4 metres long with 600mm overhang. Accessible parking spaces will be 2.4 metres wide, with a 2.4-metre-wide adjacent area for wheelchairs. These dimensions satisfy the requirements of the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 6: Off-street parking for people with disabilities), AS 2890.1:2004 and AS 2890.6:2009.

5.3 VISUAL IMPACT

The proposed development has been architecturally designed and includes contemporary built form with high quality finishes and materials. It is considered that the proposed works will positively impact upon the visual amenity and built character of the area given:

- + Redevelopment at the site including contemporary building design and high quality design and materials will contribute to the aesthetical improvement of the area;
- + The proposal incorporates appropriate building scale, bulk, density and setbacks for the locality adjacent to a highway;
- + Appropriate integration of landscaping on the side boundaries to protect visual amenity for neighbouring premises;





- + A conservative amount of signage within the site is proposed including a single pylon sign in order to achieve an orderly and co-ordinated site presentation and not to create signage clutter; and
- + New proposed landscaping elements will add to the visual interest of the site and enhance the local urban ecology including extensive boundary plantings.

Although the site is not located within the urban release area of Buronga and Gol Gol in accordance with the map at Clause 8.1 of the Wentworth DCP 2011, the proposed development offers the assurance of necessary infrastructure and services for the future of the community, the service station will provide a boost to the economy of the locally community through the provision of jobs and services, and it has been strategically co-located to ensure balanced development within the area and aiding the appropriate design in accordance with the local character of the area.

5.4 SIGNAGE

An integrated approach has been adopted for signage within the site, comprising a mix of flush wall signs and business and product identification on the building facades and fuel canopy, as well as a 12m pylon/price board sign.

The proposed signage will be of a high quality and finish and selected signs will be internally illuminated at an acceptable level that will not result in unreasonable glare that would affect the safety of passing vehicles or pedestrians.

The external signage proposal meets the general signage controls contained with Part 9 and 10 of the DCP by complimenting and conforming to both the development on which it is displayed and the character of the surrounding locality; ensuring signage does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; avoiding visual clutter; and ensuring that signs and structures do not disrupt vehicular or pedestrian traffic flow.

The 12.8m pylon complies in height with Council's DCP and is significantly setback from the actual carriageway to not impair the safe operation of the surrounding road network.

Overall, the proposed signage is appropriate for the use and setting of the site and will contribute to the visual interest of the area. The proposed signage meets the objectives and provisions of SEPP 64 and the Wentworth DCP 2011, as demonstrated in Appendix C.

5.5 AMENITY

5.5.1 NOISE

It is noted that the proposed development is a permissible land use in a location, which has commercial developments to the east and west of the subject site. The site immediately to the east is a service station and supermarket, therefore it is considered that the proposed OTR service station will satisfy the criteria located in the NSW Environment Protection Authority's (EPA's), Noise Policy for Industry (NPI),2017; and NSW Department of Environment and Climate Change – NSW Interim Construction Noise Guideline (ICNG), 2009.

Construction Noise

It is noted that during the construction period, there is the potential that levels during standard construction hours may be above the noise management levels at several of the nearest receivers to the project during construction activities. Therefore, it is recommended that noise management and mitigation measures be adopted during noise intensive construction activities.

Recommendations for consideration during construction/demolition activities for this project may include:

+ implement boundary fences as early as possible to maximise their attenuation benefits to surrounding receivers;





- + toolbox and induction of personnel prior to shift to discuss noise control measures that may be implemented to reduce noise emissions to the community;
- + where possible use mobile screens or construction hording to act as barriers between construction works and receivers;
- + all plant should be shut down when not in use. Plant to be parked/started at farthest point from relevant assessment locations;
- + operating plant in a conservative manner (no over-revving);
- + selection of the quietest suitable machinery available for each activity;
- + avoidance of noisy plant/machinery working simultaneously where practicable;
- + minimisation of metallic impact noise;
- + all plant are to utilise a broadband reverse alarm in lieu of the traditional hi frequency type reverse alarm; and
- + undertake letter box drops to notify receivers of potential works.

Operational Noise

As discussed above, the proposed development is a permissible land use in a location which has commercial developments to the east and west of the subject site and is located adjacent to a State classified road. The proposed development will operate 24 hour, 7 days a week and the operation includes customer generated noise, light and heavy vehicle movements, goods deliveries and mechanical plant. It is expected that with similarity in use to the neighbouring eastern site that the subject site will meet the criteria outlined in the NSW Environment Protection Authority's (EPA's), Noise Policy for Industry (NPI),2017; and NSW Department of Environment and Climate Change – NSW Interim Construction Noise Guideline (ICNG), 2009.

Furthermore, sleep disturbance is not anticipated, and maximum noise events are predicted to remain below the EPA trigger values for sleep disturbance and awakenings.

5.5.2 **ODOUR**

It is not expected that the proposal will have a significant impact on surrounding premises from any potential odours associated with refuelling and /or cooking/food preparation activities undertaken on the site.

Stage 1 vapour recovery (VR1) equipment will be installed in the fuel storage tanks on site. VR1 is designed to capture fuel vapour which is displaced when a fuel tanker delivers fuel to the site. Vapour which is displaced from the on-site storage tanks when the tanker delivers fuel is captured and returned to the tanker for transport away from the site, where it is compressed and returned as a liquid to the fuel stream. The VR1 system will be tested for vapour recovery performance before commissioning, and whenever components required to ensure the integrity of the system are removed or replaced, for example during maintenance.

In relation to the kitchen within the control building, the proposal will have no significant impact as a result of potential odours associated with cooking and waste storage. Operation of the kitchen areas will be in accordance with the Food Standards Code in *The Food Act 2003 and Australian Standard 4674 – Design Construction and Fit-out of Food Premises.*

5.5.3 OVERSHADOWING

Due to the existing site levels, orientation, location and height of the proposed building and fuel canopy, the proposal is not expected to have any unreasonable amenity impact on neighbouring uses as a result of overshadowing.





5.6 MULTI – LEVEL RISK ASSESSMENT

The Preliminary Risk Screening Analysis carried out by HAZKEM Pty Ltd found that the proposed service station was deemed 'not potentially hazardous'. The proposed design demonstrates compliance with all setbacks distances as required under SEPP33, and therefore the design of the site is deemed to not impose a significant level of risk to the community, thus the results find that there is no requirement for a further Preliminary Hazard Analysis to be undertaken on the site.

The design & installation of the underground petroleum storage system will comply with AS 4897 - 2008 and with Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 and Protection of the Environment Operations (Clean Air) Amendment (Vapour Recovery) Regulation 2010.

All equipment will be installed to manufacturer's recommendations and will comply with all the relevant standards listed within.

5.7 LIGHTING

Appropriate external lighting will be installed on the proposed premises, including lighting for the car parking and outdoor areas. External lighting will contribute to the overall safety of the site, in conjunction with other security measures such as CCTV cameras.

It is considered that the proposed lighting will result in minimal impact on adjoining properties and the surrounding streetscape and is generally directed internally and significantly setback from the highway.

All proposed lighting will be contained within the boundaries of the site and will be in accordance with Australian Standards (AS4282:2019- Control of the obtrusive effects of outdoor lighting) and (AS1158.3.1:2020 – lighting technical parameters). Please refer to the lighting report at Appendix J for further detail.

5.8 SAFETY AND SECURITY

The development has been designed to and shall be managed to minimise and discourage criminal activity and ensure the safety of customers, staff, and the local community. The proposal has been designed to be consistent with Crime Prevention through Environmental Design (CPTED) principles.

A Crime Risk Assessment has been undertaken and is included at Appendix G. The purpose of the Crime Risk Assessment is to identify and assess crime risk associated with the proposed development, and to minimise opportunities for crime through design. The Crime Risk Assessment has regard for the 4 key strategies (surveillance, access control, territorial reinforcement and activity and space management) of crime prevention and public safety.

5.9 LANDSCAPING

A detailed Landscape Plan has been prepared by Landscape Architects Site Image to accompany the proposal (Appendix B). The proposed landscape works include boundary plantings and internal plantings in the form of trees, hedge shrubs, low shrubs, grasses and turf.

The proposed landscaping is predominately along the sites boundaries and throughout the site mitigating anti-social behaviour, delineating spaces and neighbouring uses and aiding in screening the development from the road network, thus increasing the visual amenity from a predominately hardstand site.

The existing site characteristics have been considered in the landscape design with a suitable outcome realised through a number of landscape elements, including:

+ Planting that will complement the future development;





- + Extensive planting around the entire site to help soften the development as viewed from the surrounding road network;
- + Planting that addresses and enhances the relationship between the site, various road frontages and adjoining land:
- + A variety of planting species with low maintenance and water requirements;
- + Design which promotes the safety of the community though the maximisation of natural surveillance; and
- + Use of native tree species where possible.

In summary, the new landscaping proposed will help integrate the built form and hardstand areas required for a service station development such as this and provide a positive contribution to the overall landscape character of the area.

5.10 STORMWATER MANAGEMENT

The water management proposed for the development is detailed in the civil drawings prepared by Northrop provided at Appendix E. The stormwater requirements have been designed in accordance with consultation with Council's stormwater engineer and includes onsite treatment for stormwater runoff to mitigate any adverse downstream impacts.

It is proposed all runoff from the car parking and circulation areas will be captured by a system of pit and pipe infrastructure. All stormwater surface inlet pits are proposed to include a proprietary inlet pit for capture of stormwater pollutants. It is expected that the inlet pits will capture the majority of gross pollutants and suspended solids prior to being discharged from the site.

Stormwater runoff from the roof area of the building will be collected via gutter and downpipe and conveyed to the proposed 5kL rainwater reuse tank. Captured runoff will be retained onsite and used internally for toilet flushing. Overflow from the rainwater tank will be conveyed to the nearest stormwater pit.

All runoff from underneath the canopies will be captured by sump pits and conveyed to a proprietary device (SPEL puraceptor or equivalent) for removal hydrocarbon pollutants. Treated runoff will be discharged to the stormwater system. The water management proposed for the development is detailed in the Civil Drawings, prepared by Northrop, provided at Appendix E.

5.11 SEDIMENT AND EROSION CONTROL

A number of sediment and erosion controls will be put in place to limit contaminants entering nearby waterways or leaving the site during the site preparation and construction phase. The controls include:

- + Sediment fence;
- + Building material stockpiles;
- + Single temporary construction entry; and
- + Drop inlet to sediment trap.

All sediment control devices will be constructed, placed, and maintained in accordance with respective Council specifications and Northrop's civil drawings as shown on the proposed Erosion and Sediment Control Plans at Appendix E.

5.12 WASTE MANAGEMENT

The types of waste generated during operation of the premises will include food wastes, recyclable paper and cardboard, plastics, containers, residual waste and hazardous waste (e.g. fuel spills). The refuse area is located east of the control building on the outer verge of the drive-through portion of the site. Within the refuse area there will be a minimum of two





bins for the separation of general waste and recycling. Staff from the premises will regularly remove waste from the building and bins within the site to this area.

A Waste Management Plan (WMP) has been prepared for the proposal, addressing each stage of the development from demolition through to the ongoing management of waste when the premises is operational. The WMP has been prepared in accordance with *EPA Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* and will be implemented throughout the development, refer to Appendix I for further detail.

5.13 SOCIAL AND ECONOMIC IMPACTS

An analysis of the social and economic impacts associated with the development of the site is detailed in this section to ensure that, where relevant, social and economic considerations are an integral part of the development assessment process.

The proposed establishment of a 24/7 service station offering drive-through convenience is anticipated to have an ongoing positive social and economic impact on the local Buronga area and the broader community.

The identified positive impacts are summarised below:

- + The proposal will generate direct employment opportunities as well as further job creation during the construction phase;
- + The total construction cost of the development will have flow on value added multiplier benefits to the local region;
- + The development will be compliant with relevant disability standards, and will meet the needs of people with physical disabilities, sensory disabilities and intellectual disabilities;
- + The proposal will provide much needed services to the area meeting the daily needs of the surrounding residents, workers and visitors;
- + The proposal is consistent with the planning intent for RU5 zone under the LEP 2011; and
- + Specific safety and security measures will be incorporated into the operational procedures of the development to ensure a safe and secure environment for patrons and staff.

The potential adverse impacts arising from the development include:

+ Dust, traffic etc. from construction activities.

Comment – Impacts on surrounding premises from construction activities will be temporary in nature and will be addressed in the Construction Management Plan (CMP) to be prepared for at construction certificate stage. Mitigation measures will be included in the CMP and consistent with the erosion and sediment control techniques and practices to be implemented for this site, to ensure construction impacts on surrounding premises are kept to a minimum.

+ Increased traffic and vehicle movements

Comment – A very large proportion of vehicles which will access the site will be "drop in" trips (i.e. vehicles already in traffic passing the site). Notwithstanding, the Traffic Report has assessed the proposal and found that the design of the development in terms of vehicle access, circulation, parking and servicing is appropriate and that the road system serving the site will be capable of accommodating the additional traffic flows.

+ Odour





Comment – Stage 1 vapour recovery (VR1) equipment will be installed in the fuel storage tanks on site. VR1 is designed to capture fuel vapour which is displaced when a fuel tanker delivers fuel to the site. The VR1 system will be tested for vapour recovery performance before commissioning, and whenever components required to ensure the integrity of the system are removed or replaced, for example during maintenance

+ Noise

Comment – It is considered that the proposed development adjoins a similar development to the east and adjoins a state classified road, therefore these activities already contribute to the noise generation of the locality, it is expected that the proposed development will be compliant with relevant legislation.

+ Antisocial behaviour

Comment – Potential antisocial behaviour at the site should be considered given the 24-hour nature of the proposal. Specific security measures will be used such as CCTV cameras, fencing, external lighting and appropriate landscaping to deter would-be-offenders. A Crime Risk Assessment has been undertaken and is included at Appendix G.

Given the overall positive impacts associated with the proposal and the implementation of mitigation measures as mention within this report, the proposal is expected to provide a net community benefit to the local and wider community.

5.14 ABORIGINAL HERITAGE

An AHIMS search was undertaken on the 26 August 2020. The search demonstrated that no aboriginal sites are recorded in or near the subject site nor have any aboriginal places been declared in or near the location.

5.15 PUBLIC INTEREST

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts (as detailed within this report). The style of development is appropriate for the zoning and location along a State Classified Road which has high volumes of traffic.

5.16 BUILDING ACCESS

Access to the buildings will be compliant with the relevant legislation and criteria including The Building Code of Australia (BCA), the Disability Discrimination Act 1992 and AS1428 – Design for Access and Mobility to ensure that adequate pedestrian and disabled access is provided for the development. As illustrated on the proposed plans, access for the disabled is made available throughout the site, carpark, building entrances and within the buildings.





6 CONCLUSION

The proposed development of a service station located at 83-89 Hendy Road, Buronga will provide valuable services and convenient facilities for residents living within the area, employees within the locality and motorists travelling in the area. OTR are an experienced Australian fuel operator who also offer convenience facilities onsite including a drive-through lane for fuel payment and retail purchases. Operating 24 hours a day, 7 days a week, the development will meet market demand in Buronga for this type of service station facility.

The proposal is compliant with relevant legislative requirements and Environmental Planning Instruments including the Wentworth LEP 2011. The proposal is permissible within the RU5 Village Zone and is compliant with the applicable LEP clauses.

The proposal is generally compliant with the applicable requirements of Wentworth DCP 2011. The proposed development has been designed to be sympathetic to the local character of the area, and the co-location of a service station adjacent to a similar use considered appropriate along a State classified road.

The proposed development incorporates a high-quality presentation to Sturt Highway/Hendy Road and an integrated site development approach, involving a land use that is permissible and desirable in the location. Landscaping is focused on the site boundaries to effectively visually and acoustically buffer the proposal. The proposal, including appropriate mitigation measures where necessary, is compatible with surrounding land uses due to its modest bulk and scale and as a result, will cause minimal adverse environmental and amenity impact.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including traffic and access, noise, odour, privacy, visual amenity and waste and water management. Where required, mitigation measures are proposed to minimise these impacts and reduce potential risk associated with the development. Furthermore, OTR will employ strict management procedures for the premises to ensure that the development is a safe, efficient and pleasant environment in which to work and visit.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues, the DA is considered to be in the public's interest and worthy of Council's support.









APPENDIX A – ARCHITECTURAL PLANS

ADS Architects









APPENDIX B - LANDSCAPE PLANS

Site Image









APPENDIX C – COMPLIANCE TABLE

KDC Pty Ltd









APPENDIX D - TRAFFIC REPORT

SLR Consulting Australia Pty Ltd









APPENDIX E - CIVIL PLANS

Northrop Consulting Engineers









APPENDIX F - SEPP 33

Hazkem Pty Ltd









APPENDIX G – CPTED REPORT

KDC Pty Ltd









APPENDIX H - PLAN OF MANAGEMENT

KDC Pty Ltd









APPENDIX I – WASTE MANAGEMENT PLAN

KDC Pty Ltd









APPENDIX J – LIGHTING REPORT

ADP Consulting Pty Ltd



TRAFFIC IMPACT ASSESSMENT

OTR Service Station Development 83-89 Hendy Road, Buronga

Prepared for:

PC Infrastructure Pty Ltd 270 The Parade Kensington Park SA 5068



PC Infrastructure Pty Ltd Traffic Impact Assessment OTR Service Station Development 83-89 Hendy Road, Buronga SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

PREPARED BY

SLR Consulting Australia Pty Ltd ABN 29 001 584 612 Level 2, 15 Astor Terrace Spring Hill QLD 4000 Australia (PO Box 26 Spring Hill QLD 4004) T: +61 7 3858 4800 E: brisbane@slrconsulting.com www.slrconsulting.com

BASIS OF REPORT

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with PC Infrastructure Pty Ltd (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
620.13569-R01-v2.0	23 December 2020	Anthony Kay/ Benjamin Park/ Rhiannon Pace	Kris Stone	Shane Healey
620.13569-R01-v1.0	1 September 2020	Anthony Kay/ Benjamin Park/ Rhiannon Pace	Kris Stone	Shane Healey



PC Infrastructure Pty Ltd Traffic Impact Assessment OTR Service Station Development 83-89 Hendy Road, Buronga SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

CONTENTS

1	INTRODUCTION	1
1.1	Context	1
1.2	Assessment Scope	1
2	EXISTING CONDITIONS	2
2.1	Subject Site	2
2.2	Surrounding Road Network	2
2.3	Road Network Planning	3
3	DEVELOPMENT OVERVIEW	5
3.1	Proposed Development	5
3.2	Site Access and Car Parking	5
3.3	Servicing	6
4	INTERNAL DESIGN CONSIDERATION	7
4.2.1	Site Access	7
4.2.2	Car Parking	8
4.2.3	PWD Car Parking Provision	8
4.3.1	Site Access	8
4.3.2	Car Parking and Circulation	9
5	ASSESSED TRAFFIC DEMANDS	10
5.1	Study Intersections	10
5.2	Existing Traffic Demands	11
5.3	Background Traffic Demands	11
5.4	Development Traffic Demands	11
5.4.1	Service Station Component	12
5.4.2	Drive Through Component	14
5.4.3	Summary	15
5.5	Passing Traffic Capture Rates	15
5.6	Trip Assignment	16
6	OPERATIONAL ASSESSMENT	18
6.1	Assessment Scenarios	18
6.2	Performance Criteria	18
6.2.1	Degree of Saturation	18
6.2.2	Critical Delay	19
6.3	SIDRA Assessment	20
6.3.1	I1 – Hendy Road/ Melaleuca Street	20



PC Infrastructure Pty Ltd Traffic Impact Assessment OTR Service Station Development 83-89 Hendy Road, Buronga SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

6.3.2	D2 – Hendy Road/ OTR Site Access	21
7	TRAFFIC ENGINEERING DESIGN CONSIDERATIONS	23
7.1	Sight Distance Assessment	23
7.2	Turn Warrant Assessment	23
7.3	Recommended Site Access Configuration	26
7.4	Fronting Road Geometry	26
8	SUMMARY AND CONCLUSIONS	27
DOCUI	MENT REFERENCES	
TABLES		
Table 1	Key Roads	3
Table 2 Table 3	Development Summary DCP Minimum Car Parking Requirement	5 8
Table 3	Car Park and Circulation Compliance Review	9
Table 5	Historical Traffic Growth – Sturt Highway (fronting the subject site)	11
Table 6	Trip Generation Rate Comparison	14
Table 7	Service Station Component Trip Generation Assumptions	14
Table 8	Historical Trip Movements Recorded at OTR Drive-Throughs	14
Table 9	Summary of Traffic Generation Assumptions	15
Table 10	Historical Weekday PM Passing Trade Capture Rates (Regional OTR Sites)	15
Table 11	Traffic Generation Sensitivity Review – Passing Traffic Capture Rates	16
Table 12	Trip Type Assumptions	16
Table 13	External Trip Distribution	16
Table 14	Degree of Saturation Thresholds	18
Table 15	Critical Delay Thresholds	19
Table 16	SISD Calculations	23
Table 17	Road Geometry Assessment – Cross Section Widths (NDD)	26
Table 18	Road Geometry Assessment – Deceleration Lane Lengths (NDD)	26
FIGURES		
Figure 1	Site Location – Local Context	2
Figure 2	Service Road Planned Upgrades	4
Figure 3	Proposed Site Access Arrangements	6
Figure 4	Extract from Council's Standard Drawing SD 4-5 Rev A	7
Figure 5	Study Intersections	10
Figure 6	Trip Movements vs Regional OTR Site GFA	12
Figure 7	Trip Rate vs. Regional OTR Site GFA	13
Figure 8	Hendy Road/ Melaleuca Street – SIDRA Site Layout and Summary Output	20
Figure 9	Hendy Road/ OTR Site Access – SIDRA Site Layout and Summary Output	21
Figure 10	• •	24
Figure 11	•	25 25
Figure 12	Turn Warrant Assessment – 2031 Saturday Peak	25



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

APPENDICES

Appendix A Development Plan Appendix B Swept Path Assessment Appendix C Traffic Flow Diagrams

Appendix D SIDRA Output

Appendix E Sight Distance Assessment



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

1 Introduction

1.1 Context

SLR Consulting Pty Ltd (SLR) has been commissioned by PC Infrastructure Pty Ltd (PCI) to prepare a Traffic Impact Assessment (TIA) for the proposed On The Run (OTR) service station development located at 83-89 Hendy Road, Buronga.

Plans for the development proposal have been prepared by ADS Architects (ADS). A copy of the development plan layout is included at **Appendix A**.

1.2 Assessment Scope

This Traffic Impact Assessment (TIA) report assesses the consistency of the development with Council and State planning, and evaluates the impacts of the proposed development on the surrounding transport networks. The TIA identifies the transport infrastructure required to support the development, and provides an assessment of the traffic and transport aspects of the development against the requirements of the following relevant authorities:

- Wentworth Shire Council (WSC or Council); and
- Transport for New South Wales (TfNSW).



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

2 Existing Conditions

2.1 Subject Site

The subject site is located at 83-89 Hendy Road, Buronga, which is on the northern side of the Sturt Highway (A20), known as Hendy Road in this section. Formally known as Lot 5 on DP1029509, the land is within Zone RU5 (Village) of the Wentworth Local Environmental Plan 2011 (LEP).

The site is bound by Hendy Road to the south, an access road to the north, an existing service station and convenience store to the east and the NSW National Parks and Wildlife Service Buronga Office to the west. The site is currently unoccupied with no existing site access and surrounded by land identified as Zone RU5 in all directions. The site location is shown in the context of the local area on **Figure 1**. Whilst there is an existing right of carriageway to the north of the site, the proposed development only accesses the external road network via Hendy Road.

Figure 1 Site Location – Local Context



2.2 Surrounding Road Network

Details of the key roads surrounding the subject site are provided in **Table 1.**



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

Table 1 Key Roads

Road Name	Classification	Authority	Existing Form	Posted Speed
Hendy Road (Sturt Highway)	State Highway	TfNSW	One traffic lane in each direction, divided, semi- rural cross-section.	60km/hr
Melaleuca Street	Collector Road	WSC	One traffic lane in each direction, undivided, semi-rural cross-section.	60km/hr
Right of Carriageway (ROC)	-	Private	One traffic lane in each direction, divided by service bays, service vehicle parks on both sides of road, urban cross-section	-
Service Road	Local Street	WSC	One traffic lane in one direction, rural cross- section.	50km/hr

2.3 Road Network Planning

Review of TfNSW and WSC documents has been undertaken to understand future road upgrades planned in the vicinity of the subject site. An approved development application for a supermarket east of the subject site identified planned upgrades to the section of Hendy Road between Melaleuca Street and Carramar Drive, comprising the following:

- All movements (except right out) access to the supermarket;
- Protected right turn lanes for the proposed supermarket and existing service station/convenience store located at 91-95 Hendy Road (immediately east of the subject site);
- Auxiliary left turn lanes for the supermarket and existing service station/convenience store.
- Removing the service road eastern access onto Hendy Road and extending the service road east to Carramar Drive.

The planned changes to the service road are illustrated on Figure 2.



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

Figure 2 Service Road Planned Upgrades





SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

3 Development Overview

3.1 Proposed Development

Based on the development plan prepared by ADS, the development will consist of a service station control building, including shop use and truck driver rest areas, a drive-through facility, and two refuelling canopies (car and truck). The development will also provide parking for cars, trailers and B-Doubles. The proposed land uses and yields associated with the development are described in **Table 2**.

Table 2 Development Summary

Land Use	Yield
Service station (control building/shop)	341m² GFA
Diesel Canopy heavy vehicle refuelling positions	2 spaces
Canopy light vehicle refuelling positions	12 spaces
Car parking spaces	14 spaces (includes 1 PWD space)
Trailer parking spaces	2 spaces
B-double parking spaces	3 spaces

In determining the gross floor area (GFA) for the control building, the following areas have been taken into consideration:

- Floor area floor the building = 448m²
- Floor area of all store rooms = 52m²
- Floor area of cool rooms and freezers attributable to storage (and not retail display) = 32m²
- Truckie's courtyard floor area (two outer walls each of less than 1.4m in height) = 23m²

Therefore the total GFA attributable to the control building when determining trip generation and parking requirements is equivalent to 341m².

3.2 Site Access and Car Parking

Vehicular access to the development is proposed via an all-movements crossover to Hendy Road, with a protected right turn lane and an auxiliary left turn lane located on Hendy Road. The proposed site access arrangements are shown in **Figure 3**.



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

Figure 3 Proposed Site Access Arrangements



A total of 14 car parking spaces are proposed within the site as part of the development, inclusive of one space for Persons with a Disability (PWD) and two staff car parks. In addition to these parking spaces there is sufficient space for 12 cars to refuel under the main canopy.

For larger vehicles, the following parking is provided:

- two trailer parking spaces; and
- three B-double parking spaces.

In addition to the above parking spaces, there are two heavy vehicle refuelling positions under the diesel canopy. Bicycle parking is provided outside the south-west corner of the control building.

3.3 Servicing

The driveway crossovers and internal traffic arrangements have been designed to accommodate fuel deliveries by tankers assumed to be equivalent in size to a 20m articulated vehicle.

Refuse will be stored at the north east corner of the control building, on the opposite side of the drive-through facility. The refuse collection area can be accessed by a front-loading or rear-loading Refuse Collection Vehicle (RCV).



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

4 Internal Design Consideration

4.1 Overview

A review of the proposed internal traffic arrangements, as shown on the development plan included in **Appendix A**, was undertaken against the following relevant documents:

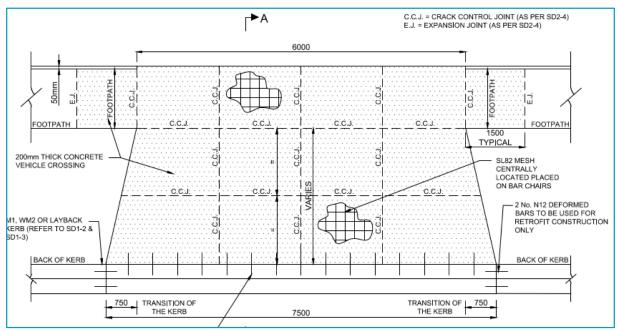
- Wentworth Shire Development Control Plan (DCP) Section 5;
- WSC Standard Drawings;
- Australian Standards for Parking facilities Part 1: Off-street car parking (AS2890.1);
- Australian Standards for Parking facilities Part 6: Off-street parking for people with disabilities (AS2890.6);
- Building Code of Australia 2019.

4.2 Development Control Plan Requirements

4.2.1 Site Access

The WSC DCP specifies that all driveway accesses are required to comply with Council's minimum standards. Given the site will be used regularly by heavy vehicles, the crossover is required to be designed in accordance with standard drawing for a Heavy Duty Vehicle Crossing (SD4-5 Rev A). According to this drawing, the driveway is required to be a minimum of 6m wide and taper to 7.5m wide at the crossover to the fronting road. An extract from SD4-5 Rev A is shown in **Figure 4**.

Figure 4 Extract from Council's Standard Drawing SD 4-5 Rev A





SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx
December 2020

The proposed access arrangement has been designed to accommodate swept paths associated with an A-double (type 1 road train) of 36.5m in length (AS2890.2:2018). In addition, a raised median has been provided to separate opposing streams of traffic turning in and out of the subject site.

4.2.2 Car Parking

The minimum car parking provision for a service station is specified in Chapter 3 of the DCP, specifically subsection 5.2. For ease of reference, the required parking rates are replicated in **Table 3** below.

Table 3 DCP Minimum Car Parking Requirement

Land use	Yield	Car Parking Rate	Requirement
		6 spaces per work bay	N/A
Service stations	341m² GFA	1 space per 40m ² GFA for a convenience store	0.52
		1 space per 40m² for a restaurant	8.52 spaces
Total			9 spaces

As shown in the development plan (**Appendix A**), the development will provide 14 car parking spaces, which exceeds the DCP minimum car parking requirement detailed in **Table 3**. Therefore, the proposed car parking provision is considered compliant.

4.2.3 PWD Car Parking Provision

The Building Code of Australia (BCA) stipulates the PWD car parking requirements based on the building classification. The building proposed as part of the development is categorised as a Class 6 building by the BCA, and as such, requires one PWD space for every 50 car parking spaces or part thereof (for up to 1,000 parking spaces).

The site plan for the proposed development (**Appendix A**) shows that one accessible car parking space is proposed immediately in-front of the control building entrance. This provision accords with the BCA requirements.

4.3 Design of Site Access and Internal Traffic Arrangements

4.3.1 Site Access

The all-movements driveway crossover to Hendy Road is proposed to accommodate:

- the largest anticipated vehicle; and
- a raised median to separate vehicles entering and leaving the site.

The driveway crossover to Hendy Road has been designed to accommodate the largest vehicle that is intended to access the site, which is an A-Double (36.5m in length). Swept path assessments have been prepared and are shown in drawing number 620.13569-D0102 Rev A and 620.13569-D0103 Rev A in **Appendix B**.

As illustrated on drawing 620.13569-D0104 in **Appendix B,** the development caters for the following queuing provision within the site:

A minimum of four car lengths between the hold line at the site egress and car parking space no. 8;



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

- Up to three cars at the first available car fuel dispenser;
- Up to three B-doubles at the first available heavy vehicle diesel dispenser; and
- Up to ten cars at the pick-up point within the drive through.

4.3.2 Car Parking and Circulation

The design of the proposed car parking and circulation elements has been assessed against the requirements within AS2890.1 and AS2890.6. This assessment is summarised in **Table 4**.

Table 4 Car Park and Circulation Compliance Review

Element	Proposed Design	AS2890 Compliant
90° parking bays (User Class 3A – customer parking)	2.6m x 4.8m ¹	Yes (2.6m x 4.8m)
30° parking bays (User Class 3A – customer parking)	2.6m x 4.8m	See discussion below
90° parking bays (User Class 1 – staff parking)	2.4m x 5m	See discussion below
PWD Carparking	2.4m x 5.4m with adjacent 2.4m x 5.4m shared zone	Yes
Parking aisle width (User Class 3A)	7m	Yes (6.6m)

¹ Note: 600mm parking space overhang provided between the parking bays and the footpath area which is defined by a row of bollards along the western control building boundary.

As identified in **Table 4**, the parking bays associated with the angled customer parking (north west corner of site) and staff parking (north east corner of site) do not currently achieve the relevant spatial requirements of AS2890.1. A review of the available parking and servicing footprint indicates that minor design modifications can however be made to achieve compliance. These minor non-compliances should be addressed in subsequent approval and detailed design phases.



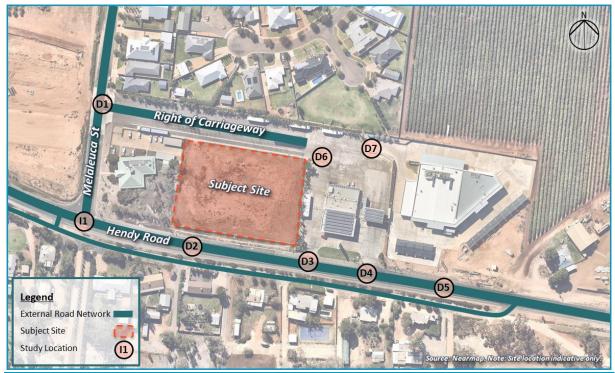
SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

5 Assessed Traffic Demands

5.1 Study Intersections

To investigate the potential traffic impacts of the development on the surrounding road network, the following intersections and driveways shown in **Figure 5** were considered for the analysis.

Figure 5 Study Intersections



ID	Intersection	Form	Authority
I1	Hendy Road/ Melaleuca Street	•	TfNSW
D1	Melaleuca Street/ Right of Carriageway	•	WSC
D2	Hendy Road/ Subject Site	•	TfNSW
D3	Hendy Road/ Shell Service Station (Ingress)	•	TfNSW
D4	Hendy Road/ Shell Service Station (Egress)	•	TfNSW
D5	Hendy Road/ Approved Supermarket	•	TfNSW
D6	Right of Carriageway/ Shell Service Station	At-grade Access	Private Road
D7	Right of Carriageway/ Approved Supermarket	At-grade Access	Private Road



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

5.2 Existing Traffic Demands

In order to ascertain the existing traffic demands on the road network surrounding the site, traffic counts were undertaken on Friday 3 May 2019 and Saturday 4 May 2019 at the following locations:

- I1 Hendy Road/ Melaleuca Street;
- D1 Melaleuca Street/ Right of Carriageway;
- D3 Hendy Road/ Shell Service Station (Ingress); and
- D4 Hendy Road/ Shell Service Station (Egress).

Turning counts for Hendy Road/ Approved Supermarket (D5) and Right of Carriageway/ Approved Supermarket (D7) have been extracted from the approved TIA relating to the supermarket DA (SALT³, Buronga Supermarket Traffic Engineering Assessment, dated 23/11/2017).

Based on the above traffic demand, the following peak hour periods were determined:

- Weekday PM peak hour: 4:00pm 5:00pm; and
- Saturday peak hour: 12:00pm 1:00pm.

ATC counts were commissioned by SLR to understand the speed environment on Hendy Road and were undertaken from Friday 24 to Thursday 30 April 2020. Whilst the survey was undertaken after the outbreak of COVID-19, which is likely to have affected traffic volumes along the Sturt Highway, there is no evidence to suggest that traffic speeds would be greatly affected, particularly in those areas where traffic volumes are relatively low and the network is uncongested.

5.3 Background Traffic Demands

When considering forecast year demands, a 1.5% p.a. linear growth rate has been adopted. Based on the available traffic data along Sturt Highway, as summarised in **Table 5**, this is considered to be a highly conservative assumption given the historical growth.

Table 5 Historical Traffic Growth – Sturt Highway (fronting the subject site)

Survey Year	Data Source	Westbound	Eastbound	Cumulative Growth (p.a.)
2006		-	2684	-
2007	NSW Traffic Volume Viewer	-	2673	-0.41%
2010		-	2762	0.73%

5.4 Development Traffic Demands

As discussed in Section 3.1, the proposed development will combine a typical service station (fuel bowsers, control building, small convenience store), an ancillary drive-through component (serving convenience store items and pre-packaged foods available within the convenience store), and truck rest facilities.

The forecast traffic demand associated with each of these uses has been detailed separately in the following three sections. Note that for Sections 5.4.1 and 5.4.2, where historical data has been sourced for the AM peak, this has then been applied to the Saturday peak in lieu of any other available data.



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

5.4.1 Service Station Component

In order to determine the trip generating potential of the proposed development, PCI has provided historical transactional data from a number of OTR service stations from various locations throughout regional South Australia for a two year period between 1 March 2018 and 4 March 2020. For commercial discretion, the location or operator of these sites have not been disclosed, however each of the locations feature similar design and environmental characteristics to that proposed at the subject site, with the exception that the surveyed locations do not include a drive-through component. Trip movements associated with this aspect of the development are considered in Section 5.4.2.

Whilst the transactional data does not provide direct insight into the exact number of vehicle trip movements made to each site during this period, the use of transactional data for forecasting traffic demands is considered appropriate for this assessment given the typical trading operation of a service station (i.e. 1 transaction = 1 trip in and 1 trip out during the peak period). This methodology also provides conservatism for instances where multiple transactions were made for a single vehicle trip.

It is important to note that the transaction data used to inform traffic generation in this assessment are based on the greatest number of transactions made in the morning and evening peak at each surveyed site over a two year period. This provides a highly conservative demand scenario given that typical engineering practice would adopt the 85th demand scenario.

Figure 6 plots the highest recorded trip movements during each weekday peak period for each of the 11 regional service stations operated by OTR based on the GFA of the associated control building.

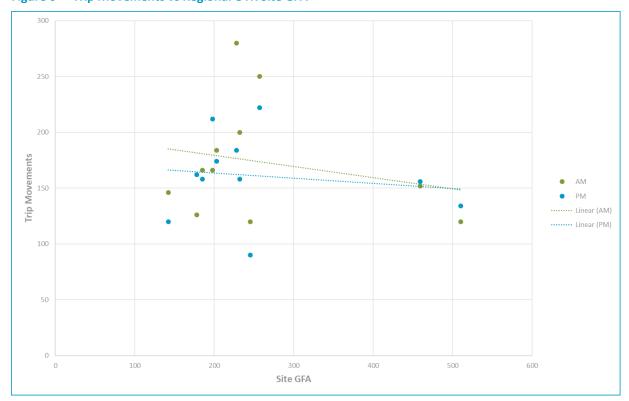


Figure 6 Trip Movements vs Regional OTR Site GFA



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

Figure 6 suggests that based on the data provided by OTR, sites with higher control building GFA do not generate a higher number of transactions (and therefore trip movements) when compared to sites with a lower GFA. The downward sloping linear relationship suggests that as control building GFA increases, the trip rate (trips per m²) for that site decreases, as observed for both AM and PM datasets.

This trend is likely due to the type of facilities typically featured in a service station with a large control building GFA, which include facilities for truck drivers such as rest areas. The area associated with this type of use is not considered to be a high order trip generator during a typical peak hour period.

Figure 7 provides further insight into the relationship between control building GFA and trip generation rates.

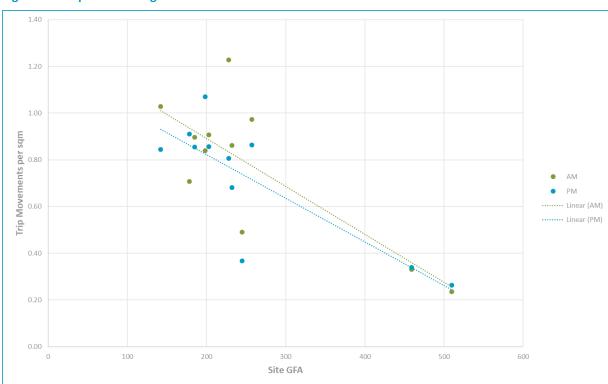


Figure 7 Trip Rate vs. Regional OTR Site GFA

Figure 7 confirms the lower trip generating potential for sites with a larger control building GFA (m²). The trip rates for the two largest control buildings are likely to be more representative when considering the trip movements for the development at the subject site. Alternatively, it would seem inappropriate to use the average value, on the basis that none of the sites in the OTR dataset have lounge facilities for truck drivers. Instead trip rates have been developed based on the 85th percentile building area to inform traffic forecasts in this assessment. Based on the 11 surveyed sites in the dataset provided by PCI, the 85th percentile control building GFA is 358m², and using the relationship summarised in **Figure 7**, the resultant trip generation rates are determined, as shown in **Table 6**.



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx
December 2020

Table 6 Trip Generation Rate Comparison

Yield Scenario	Control Building	Resultant Trip Generation Rate (trips/m²)		
	GFA (m²)	AM Peak	PM Peak	
85 th Percentile	358	0.57	0.53	
Proposed Development	341	0.60	0.56	

The trip rates to be adopted in this assessment are broadly consistent with, albeit slightly lower than, the equivalent land use in TfNSW's Guide to Traffic Generating Developments, where the weekday evening peak hour is 0.66 trip movements per square metre of GFA.

Table 7 summarises the assumed traffic demands associated with the service station based on the adopted trip rate.

Table 7 Service Station Component Trip Generation Assumptions

Land Use Adopted Yield		Trips per m ²		Number of Trips	
	GFA (m ²)	AM Peak	PM Peak	AM Peak	PM Peak
Control Building	341	0.57	0.53	194	180

5.4.2 Drive Through Component

Historical data for an additional five sites in regional South Australia (similar to as described in Section 5.4.1) recorded the number of transactions made through the OTR drive-through which service the same function as proposed at the subject site.

Table 8 summarises the maximum trip movements recorded during the data collection period during the AM and PM peak period.

Table 8 Historical Trip Movements Recorded at OTR Drive-Throughs

Site	Control Building GFA	Weekday AM Peak	Weekday PM Peak
OTR 110	206	22	12
OTR 23	287	34	20
OTR 69	369	16	44
OTR 01	225	12	12
OTR 13	397	86	84
Average	297	34	35

Acknowledging that this drive-through component is likely to generate traffic at a flat-rate irrespective of control building GFA, SLR has adopted the average AM and PM trip movements from the data in **Table 8** for this assessment.



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

5.4.3 Summary

The data supplied by PCI has been used to determine the most appropriate trip rates for the weekday AM and PM peaks. As this traffic impact assessment considers the weekday PM and Saturday peak periods, it has been assumed that the trips generated during the Saturday peak are equivalent to the weekday AM peak. The resultant traffic demand estimate for the development is presented in **Table 9**.

Table 9 Summary of Traffic Generation Assumptions

Development Component	Weekday PM Peak (Trips)	Saturday Peak (Trips)	
Service Station	180	194	
Drive-Through	35	34	
Total	214	228	

Furthermore, 15% of the trips summarised above are anticipated to be made by heavy vehicles, consistent with historical data for heavy vehicle percentages along Sturt Highway.

5.5 Passing Traffic Capture Rates

For locations identified in Section 5.4.1, the peak hour generation (assumed to be represented by the number of transactions multiplied by two for the purposes of this assessment) was reviewed against background traffic demands to understand the variance in OTR traffic generation potential compared to passing traffic. Daily traffic demands for the major frontage roads of the existing regional OTR sites was sourced from the Department for Infrastructure and Transport (DPTI) interactive traffic volume viewer.

These daily volumes were converted to peak hour volumes using a typical industry recognised 10% daily-to-peak conversion factor and presented in **Table 10** to understand the passing traffic capture rates associated with each of the existing OTR sites.

Table 10 Historical Weekday PM Passing Trade Capture Rates (Regional OTR Sites)

Site	Control Building GFA (m²)	Assumed Peak Hour Passing Traffic (VPH)	Capture Rate of Passing Traffic
OTR 101	228	780	23.6%
OTR 121	510	840	16.0%
OTR 123	198	770	27.5%
OTR 125	185	930	17.0%
OTR 17	142	700	17.1%
OTR 30	178	1,360	11.9%
OTR 82	245	650	13.8%
OTR 92	203	750	23.2%
OTR 98	257	1,400	15.9%
Average	235	871	15.9%



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

It is evident that, based on the above data, the traffic generation of regional OTR sites vary significantly when compared to the passing traffic on the major frontage road.

As a sensitivity review, the lower limit, upper limit and average passing traffic capture rates associated with these existing OTR sites have been applied to the forecast 2019 PM background traffic in **Table 11** to ascertain the range of peak hour trips that may be attributable to the proposed OTR site based on recent transactional data.

Table 11 Traffic Generation Sensitivity Review – Passing Traffic Capture Rates

Assessment Scenario	Passing Traffic Capture Rate	Passing Traffic Demand	Resultant Traffic Generation (vph)
Observed Lower Limit	11.9%		112
Observed Upper Limit	27.5%	941vph¹	295
Observed Average	18.4%		150

¹ Note: Background traffic demands are based on recent 2019 survey data and includes forecast traffic generated by the approved and near-operational supermarket adjacent to the site.

As identified in Section 5.4.3, the adopted Weekday PM traffic generation for the proposed OTR site is 214vph, which is significantly above the average of 150vph detailed in **Table 11**, representing a conservative forecast methodology when compared to the historical demands trip of similarly located regional OTR sites.

5.6 Trip Assignment

Typical industry practice for a service station would be to assume that all development trips during a peak hour period would be 'drop-in' trips i.e. trips already on the road network. However for the purposes of conservatism, this traffic impact assessment has adopted a different ratio of drop-in to new trips for light vehicles as detailed in **Table 12**. All heavy vehicles are assumed to be drop-in trips.

Table 12 Trip Type Assumptions

Vahiala Tura	Weekday PM Peak			Saturday Peak		
Vehicle Type	New	Drop-In	Total	New	Drop-In	Total
Light Vehicles	30%	70%	100%	30%	70%	100%
Heavy Vehicles	0%	100%	100%	0%	100%	100%

The existing directional traffic distribution at the Hendy Road/ Melaleuca Street intersection has been used to inform the assignment of development trips on the road network. **Table 13** summarises the observed trip distributions which has been adopted for all development traffic demands.

Table 13 External Trip Distribution

Discotion	All Vehicles			
Direction	Weekday PM Peak	Saturday Peak		
North (via Melaleuca Street)	5%	5%		
East (via Sturt Highway)	45%	40%		
West (via Sturt Highway)	50%	55%		



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

Direction	All Vehicles			
Direction	Weekday PM Peak	Saturday Peak		
Total	100%	100%		

A directional distribution of 50% inbound trips/ 50% outbound trips has also been adopted consistent with typical industry practice for a service station/convenience retail land use.

Reflective of all assumptions documented above, the traffic volumes utilised for the operational assessment are included at **Appendix C.**



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

6 Operational Assessment

6.1 Assessment Scenarios

For the purposes of the traffic assessment conducted herein, it has been assumed that the year of opening of the development will be 2021. On this basis, the performance of the road network has been considered for the following design years, consistent with typical Council and TfNSW operational assessment requirements:

- 2019 Background: To establish the existing operating conditions of the road network;
- **2021 'Without Development':** To establish the operating conditions of the network at the year of opening due to forecast background traffic;
- **2031 'Without Development':** To establish the operating conditions of the network at the 10 year design horizon due to forecast background traffic;
- **2021 'With Development':** To identify the impact of development generated traffic demands at the year of opening;
- **2031 'With Development':** To identify the marginal impact of development generated traffic demands at the 10 year design horizon.

An operational assessment has been undertaken for Hendy Road/ Melaleuca Street (I1) and Hendy Road/ OTR Site Access. The operation of these intersections during the Weekday PM peak and Saturday peak has been assessed for all of the above scenarios.

6.2 Performance Criteria

6.2.1 Degree of Saturation

The study intersections were analysed for each of the traffic demand scenarios using SIDRA Intersection 8.0 (SIDRA). SIDRA is an industry recognised analysis tool used to estimate the capacity and performance of intersections based on input parameters, including geometry and traffic volumes. SIDRA provides an estimate of an intersection's Degree of Saturation (DOS), queues and delays. The maximum DOS thresholds identified by the Austroads Guide to Traffic Management *Part 12: Traffic Impacts Of Developments* (AGTM12-19) for each intersection type are reproduced in **Table 14**.

Table 14 Degree of Saturation Thresholds

Intersection Type	DOS Threshold		
Signalised intersections	Less than or equal to 0.90		
Roundabouts	Less than or equal to 0.85		
Priority controlled intersections	Less than or equal to 0.80		

DOS values exceeding those presented in **Table 14** indicate that an intersection is nearing its practical capacity and upgrade works may be required. Above these threshold values, users of the intersection are likely to experience rapidly increasing delays and queuing.



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

6.2.2 Critical Delay

The *Guide to Traffic Generating Developments* recommends that the average delay statistic for the critical movement provides a better indication of intersection performance and safety for roundabouts and priority-controlled intersections than DOS. A summary of the delay thresholds recommended by the TfNSW is provided in **Table 15**.

Table 15 Critical Delay Thresholds

LOS	Description	Critical Delay (sec/ vehicle)		
А	Good operation	< 14 sec		
В	Acceptable delays and spare capacity	15 - 28 sec		
С	Satisfactory	29 - 42 sec		
D	Near capacity	43 - 56 sec		
Е	At capacity, requires other control mode	57 - 70 sec		



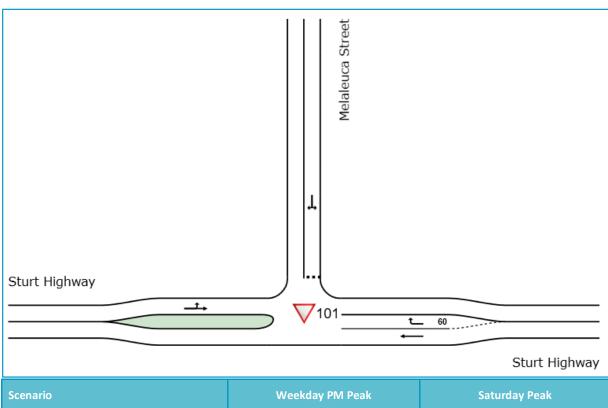
SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

6.3 SIDRA Assessment

6.3.1 I1 – Hendy Road/ Melaleuca Street

The Hendy Road/ Melaleuca Street intersection is a priority-controlled 3-way intersection with a channelised right turn lane on the eastern leg. The site layout extracted from the SIDRA model and the summary output from the SIDRA assessment are presented in **Figure 8**, with more detailed SIDRA output provided in **Appendix D**.

Figure 8 Hendy Road/ Melaleuca Street – SIDRA Site Layout and Summary Output



Scenario	W	Weekday PM Peak			Saturday Peak		
	Max DOS (%)	Max Average Delay (s)	95 th %ile Queue (m)	Max DOS (%)	Max Average Delay (s)	95 th %ile Queue (m)	
Without Development							
2019 Background	0.22	12.5	2.0	0.18	11.5	1.5	
2021 Background 'Without Development'	0.36	18.4	10.7	0.27	14.4	7.9	
2031 Background 'Without Development'	0.42	21.7	12.8	0.31	16.1	9.2	
With Development							
2021 Background 'With Development'	0.37	19.5	11.0	0.28	15.3	8.2	
2031 Background 'With Development'	0.44	23.0	13.2	0.32	17.4	9.7	



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

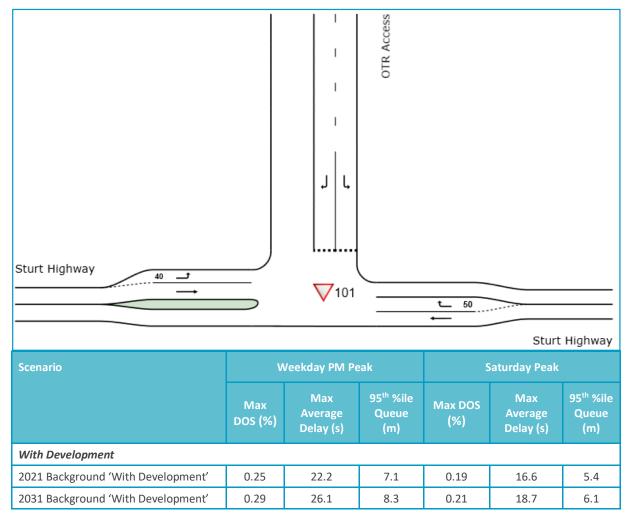
The output from the operational assessment, as summarised in **Figure 8**, indicate that the Hendy Road/ Melaleuca Street intersection operates well within the maximum desired operational thresholds for all assessed scenarios, with and without the traffic demands associated with the proposed development.

The greatest maximum average delay value is observed in the 2031 PM Background plus Development scenario for the right turn from Melaleuca Street. The maximum average delay for this movement is 23.0 seconds per vehicle, or LoS B.

6.3.2 D2 – Hendy Road/ OTR Site Access

The proposed Hendy Road/ OTR Site Access will take the form of a priority-controlled 3-way intersection, with the ingress and egress to the site being separated by a raised median. The major leg has a channelised right turn lane on the eastern leg and an auxiliary left-turn lane on the western leg. The site layout extracted from the SIDRA model and the summary output from the SIDRA assessment are presented in **Figure 9**, with more detailed SIDRA output provided in **Appendix D**.

Figure 9 Hendy Road/ OTR Site Access – SIDRA Site Layout and Summary Output





SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

The output from the operational assessment, as summarised in **Figure 9**, indicate that the proposed Hendy Road/ Site Access intersection operates well within the maximum desired operational thresholds.

The greatest maximum average delay value is observed in the 2031 PM Background plus Development scenario for the right turn from the development access. The maximum average delay for this movement is 26.1 seconds per vehicle, or LoS B. The 95th percentile queue associated with this movement is 8.3m, which is approximately two cars in length.



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

7 Traffic Engineering Design Considerations

7.1 Sight Distance Assessment

The sight distance at the driveway crossover has been checked against guidance contained in Austroads Guide to Road Design Part 4A (AGRD04A-17), and is based on the Safe Intersection Sight Distance (SISD) requirement as described in Section 3.2.2. Equation 2 in the guidance provides the formula for the SISD as follows:

SISD =
$$\frac{D_T \times V}{3.6} + \frac{V^2}{254 \times (d + 0.01 \times a)}$$

The 85th percentile speeds, V are based on the weekday data captured from automatic traffic count surveys undertaken between Friday 24 April and Friday 01 May 2020, where:

- Eastbound = 61.2km/h; and
- Westbound = 59.5km/h

The SISD input and resulting output is contained in **Table 16** below. The SISD has then been corrected to take account of the carriageway grade either side of the proposed driveway access. The required sight distances are shown on drawing number 620.13569-D0101 Rev A (Appendix E), and show that the SISD can be achieved in either direction.

Table 16 SISD Calculations

	Eastbound	Westbound	
Observation Time	3.0	3.0	
Reaction Time	2.0	2.0	
Decision Time	5.0	5.0	
Operating (85 th percentile) speed (km/h)	61.2	59.5	
Coefficient of Deceleration	0.36	0.36	
Longitudinal Grade (%)	-2%	0%	
SISD (m)	125.98	121.36	
SISD (Grade Correction)	+2	0	
SISD + Grade Correction (m)	128	122	

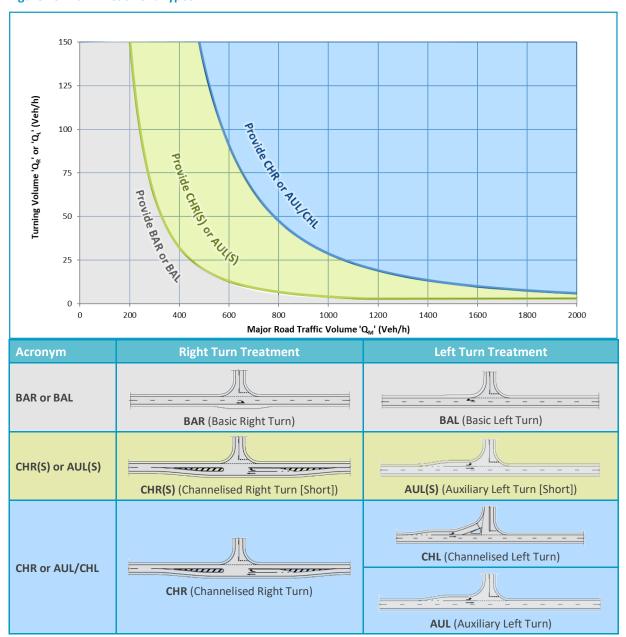
7.2 Turn Warrant Assessment

A turn warrant assessment has been undertaken to establish the desirable form of the proposed site access to Hendy Road in accordance with the industry research summarised within the Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings Management (AGTM6-20). The warrants provide guidance where turning lanes should be provided based on design traffic volumes. A pictorial description of the various turn treatments considered is provided in **Figure 10** to assist with reader interpretation of the assessment.



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

Figure 10 Turn Treatment Types



Source: AGTM6-20

Figure 11 and **Figure 12Error! Reference source not found.** summarise the turn warrant assessment undertaken for the Hendy Road/ Site Access at the 2031 design horizon year for the 'With Development' traffic scenario during the Weekday PM and Saturday peak hour periods respectively. The assessment is based on the following criteria:

- Design Domain Extended Design Domain (appropriate for brownfield sites);
- Road configuration two-lane two-way;
- Design speed less than 70km/h; and



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

• Left turn splitter island – n/a.

Figure 11 Turn Warrant Assessment – 2031 Weekday PM Peak

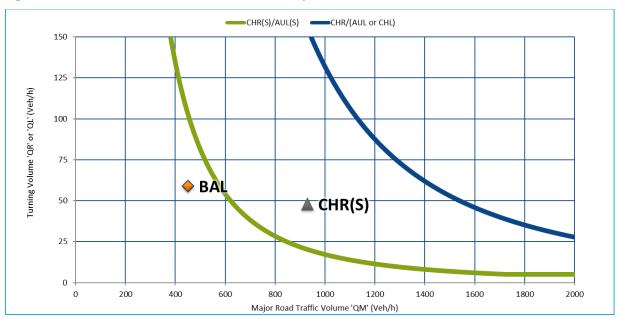
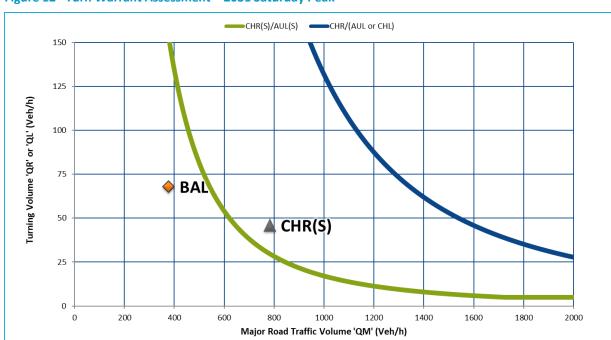


Figure 12 Turn Warrant Assessment – 2031 Saturday Peak



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

Error! Reference source not found. Figure 11 Error! Reference source not found. and **Figure 12** indicate that a short channelised right turn [CHR(S)] treatment is required on the major road. The same figures also indicate that a basic left turn [BAL] treatment is required, however given the short downgrade in the eastbound direction, combined with the volume of heavy vehicles that travel along the Sturt Highway, it is deemed more appropriate to adopt a short auxiliary left turn [AUL(S)] treatment.

7.3 Recommended Site Access Configuration

The turn warrant assessment undertaken above has determined that the following treatments are required:

- short auxiliary left turn [AUL(S)] treatment; and
- a short channelised right turn [CHR(S)] treatment

The above treatments are shown in drawing number 620.13569-D0100 Rev A in Appendix A.

7.4 Fronting Road Geometry

The proposed road form for Hendy Road fronting the subject site has been assessed against the Austroads Guide to Road Design (AGRD) for compliance. Cross sections have been taken at the following two locations:

- AUL(s) into subject site at the point where taper ties in to kerb; and
- AUL(s) into service station east of subject site at the point where taper ties in to kerb;

The resulting assessment is summarised in **Table 17**. A further assessment of the deceleration lane lengths proposed along Hendy Road is provided in **Table 18**. Austroads dimensions have been considered for a design speed of 60km/hr, urban road form and normal design domain. Design speed is based on the 85th percentile speed calculated from speed data measured from the ATC counts.

Table 17 Road Geometry Assessment – Cross Section Widths (NDD)

Location	Auxiliary left turn	Throug	gh lane	Channaliand violatarum	
Location	lane	ЕВ	WB	Channelised right turn	
Location 1	3.0m	3.7m	3.9m	3.1m	
Location 2	3.0m	3.4m	3.3m	3.4m	
Austroads	3.0m	3.5m	3.5m	3.0m	
Compliance	Yes	No	No	Yes	

Table 18 Road Geometry Assessment – Deceleration Lane Lengths (NDD)

Loueth	Auxiliary le	ft turn lane	Channelised right turn		
Length	Total Length Taper length		Total Length	Taper length	
Proposed	50m	20m	61m	20m	
Austroads	50m	20m	55m	20m	
Compliance	Yes	Yes	Yes	Yes	



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

Table 17 and **Table 18** show that the proposed access arrangement complies with Austroads guidance, with the exception of the eastbound/ westbound through lanes widths. The through lane widths should be increased to match the 3.5m width requirement as part of any future detailed design.



SLR Ref No: 620.13569-R01-v2.0_OTR Buronga TIA.docx December 2020

8 Summary and Conclusions

SLR has been engaged by PC Infrastructure to prepare a TIA for a proposed service station development located at 83-89 Hendy Road, Buronga. A plan for the development has been prepared by ADS Architects and is included at Appendix A.

Based on the analysis and discussion documented herein, the following is concluded:

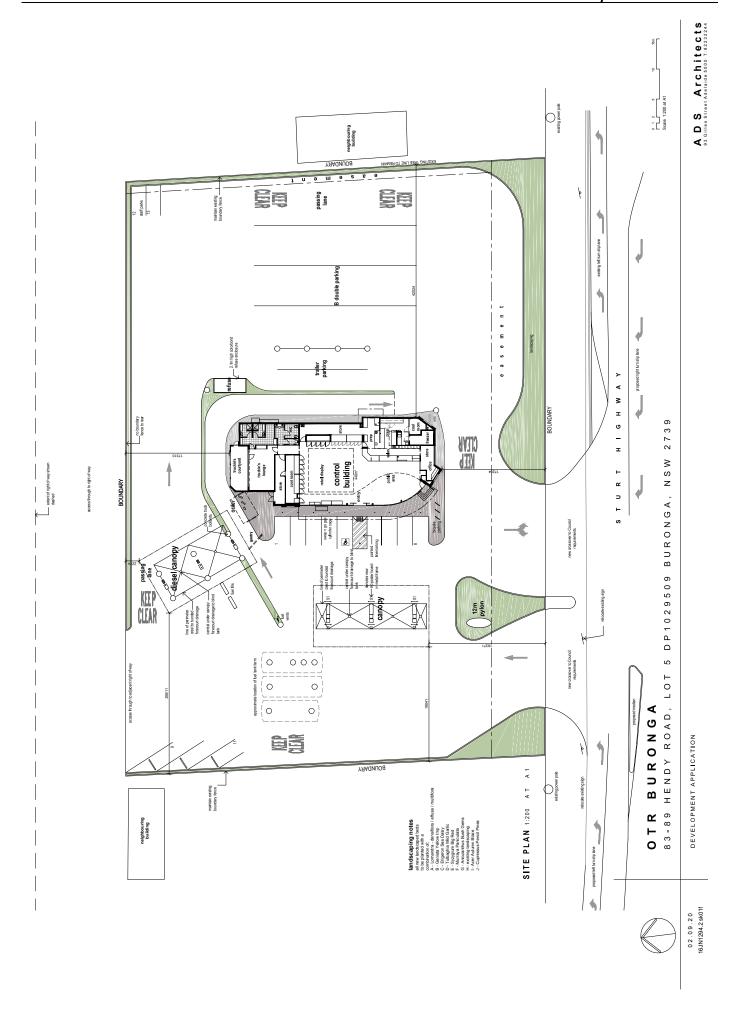
- With the exception of the parking bays associated with the angled customer parking and staff parking, the design of the proposed access, car parking and servicing arrangements satisfies the relevant DCP and AS2890 requirements. The minor non-compliances concerning the angled customer parking and staff parking should be addressed in subsequent approval and detailed design phases;
- The operational assessment conducted herein demonstrates that the proposed site access on Hendy Road will operate well within acceptable performance levels under the 'With Development' traffic scenario at the 10 year design horizon.



APPENDIX A

Development Plan

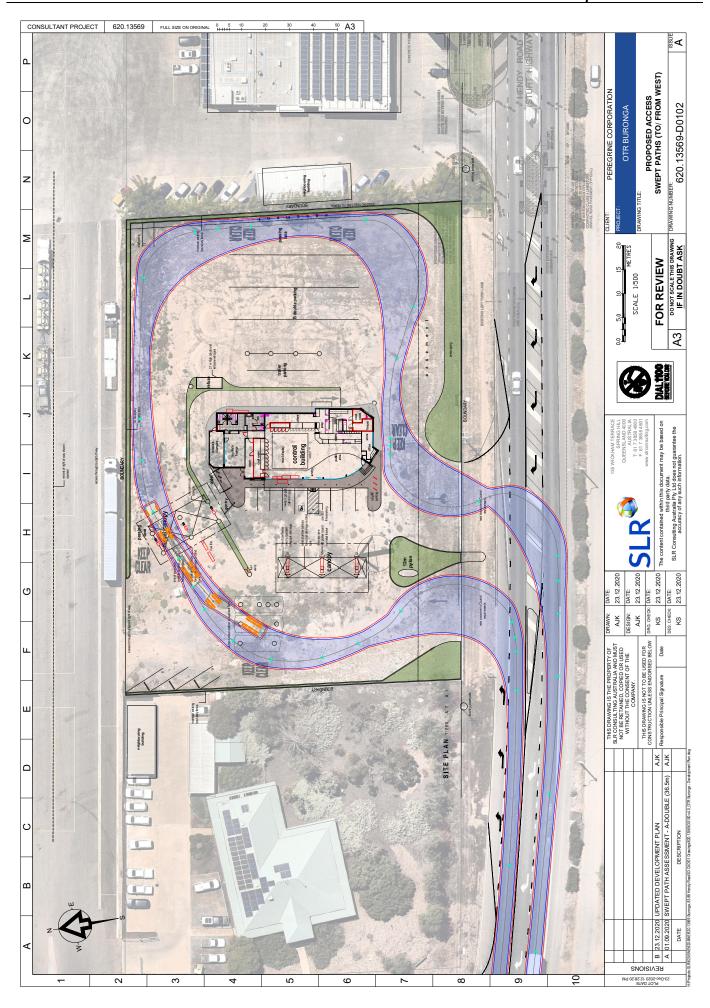


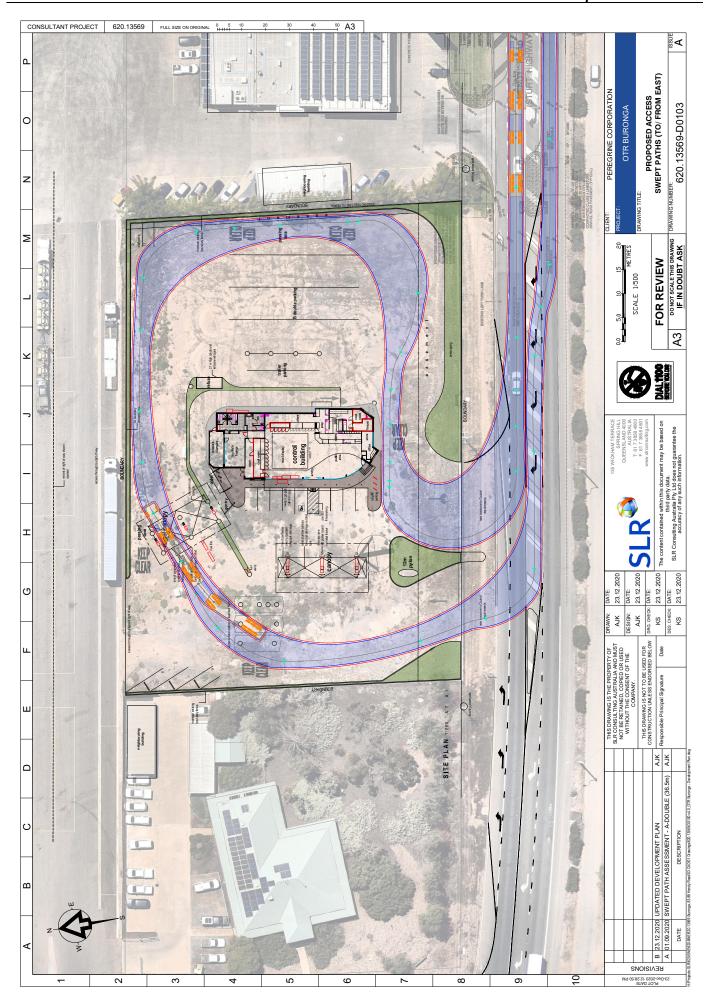


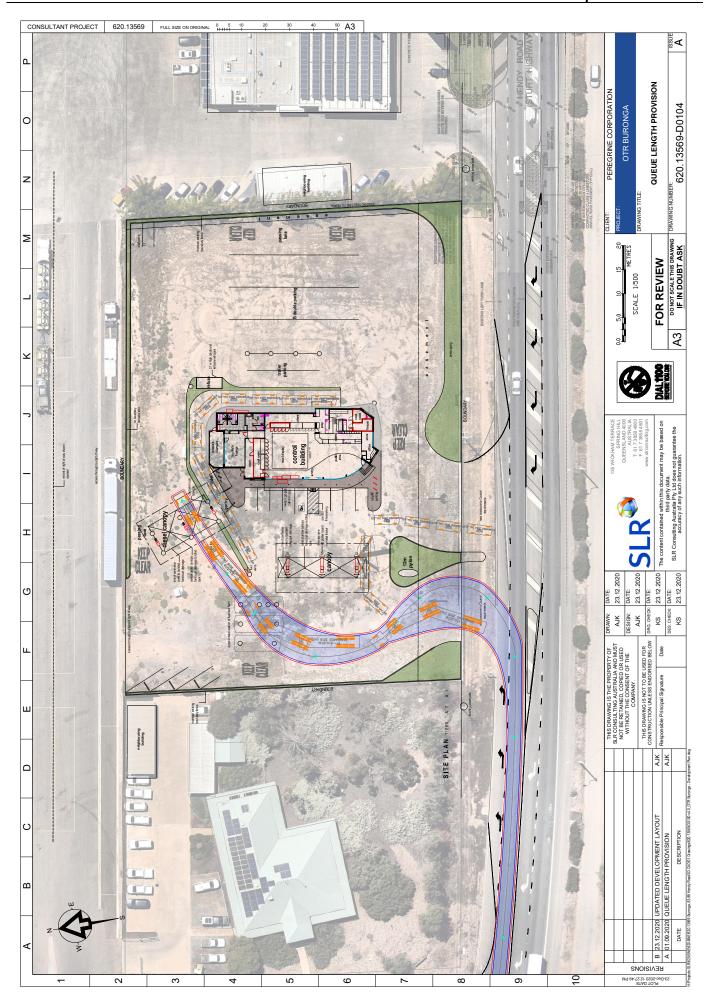
APPENDIX B

Swept Path Assessment





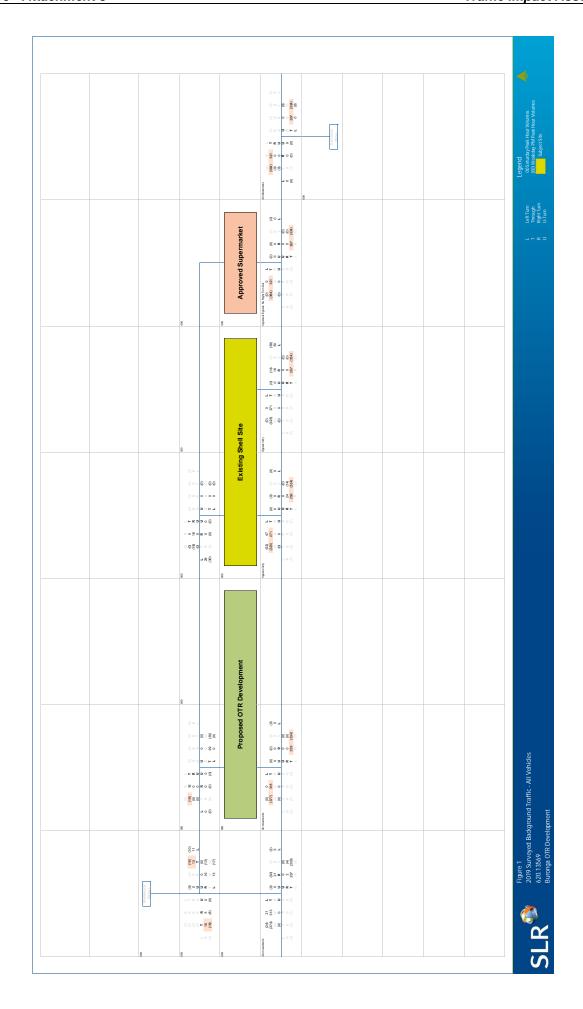


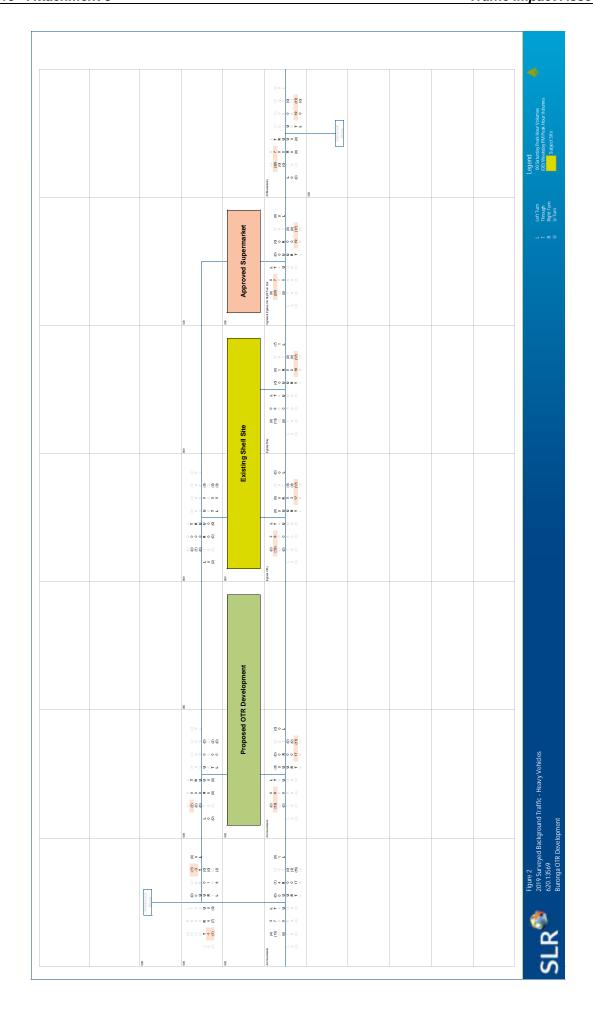


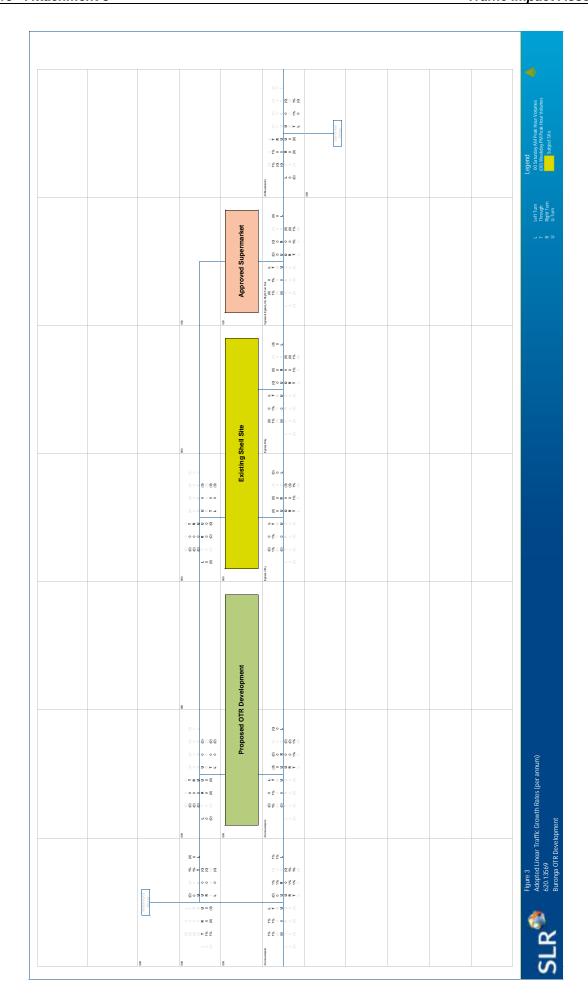
APPENDIX C

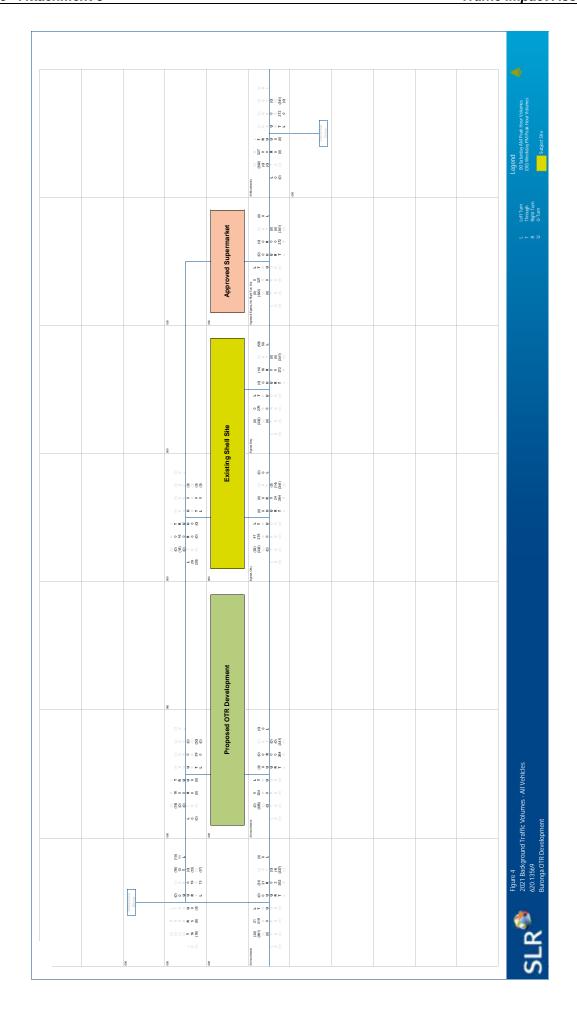
Traffic Flow Diagrams

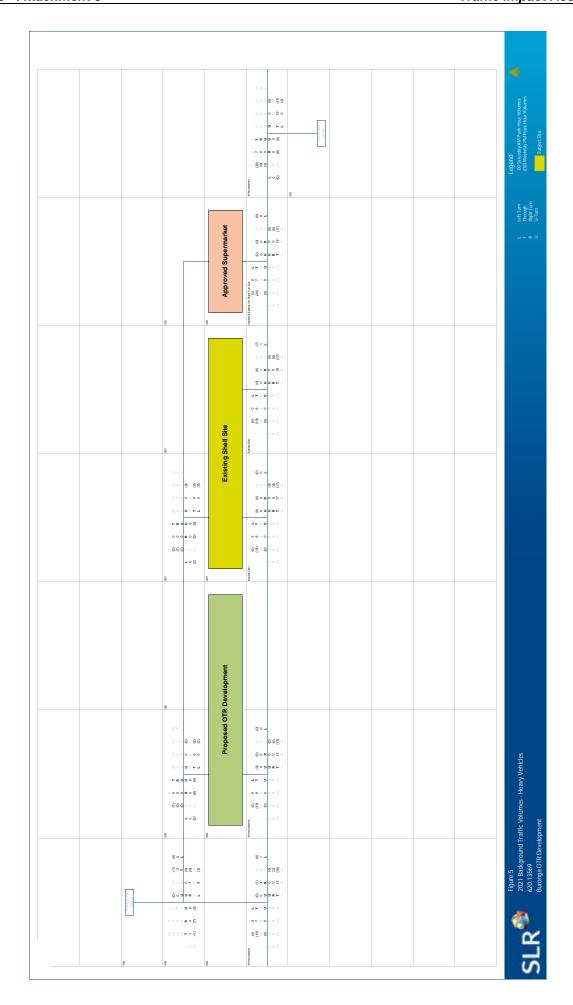


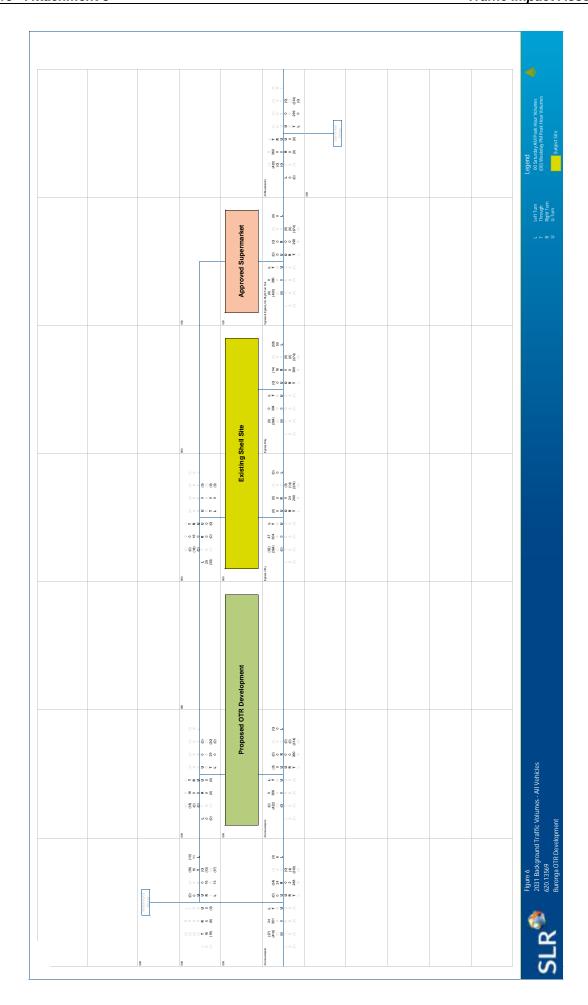


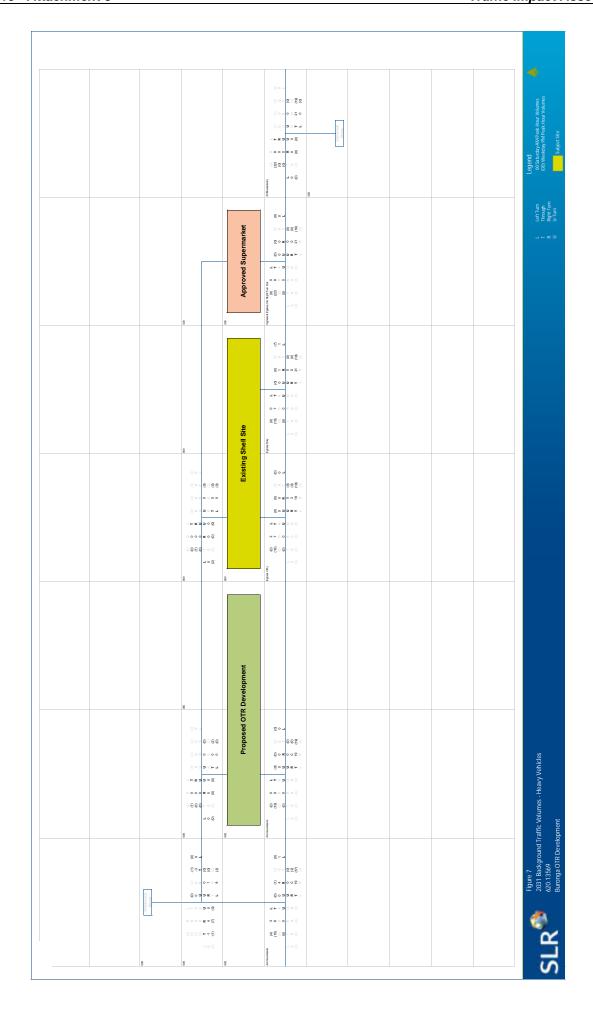


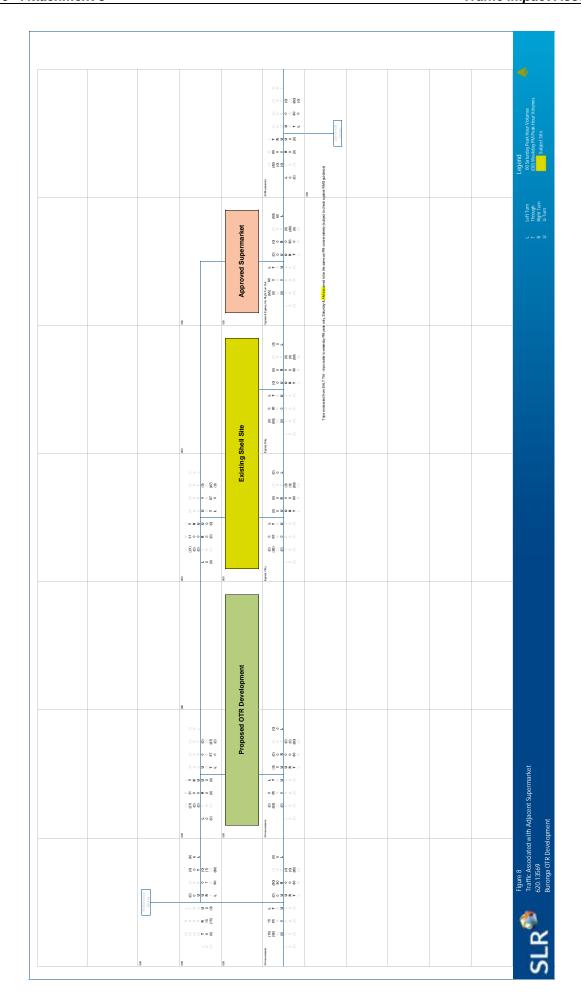


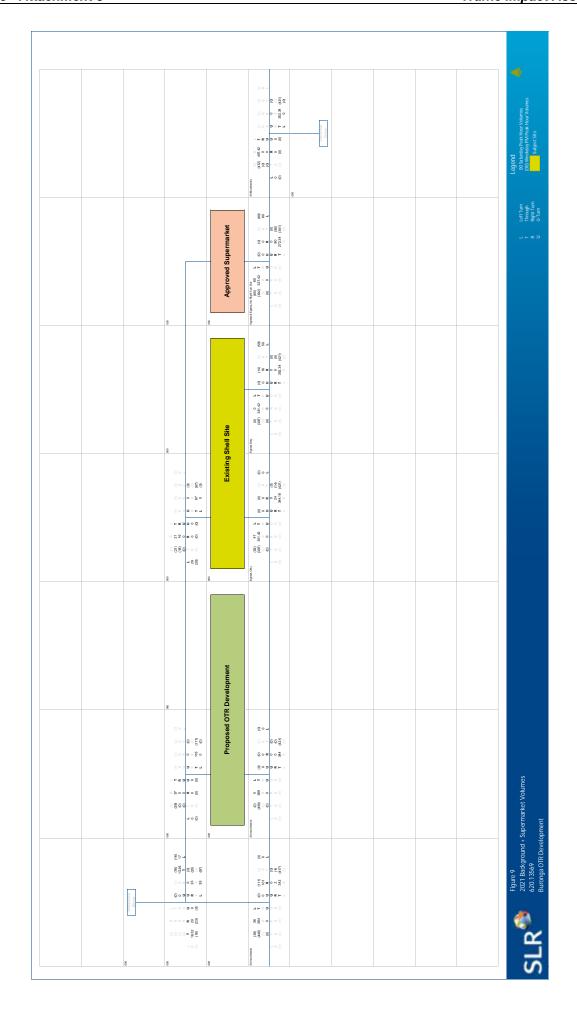


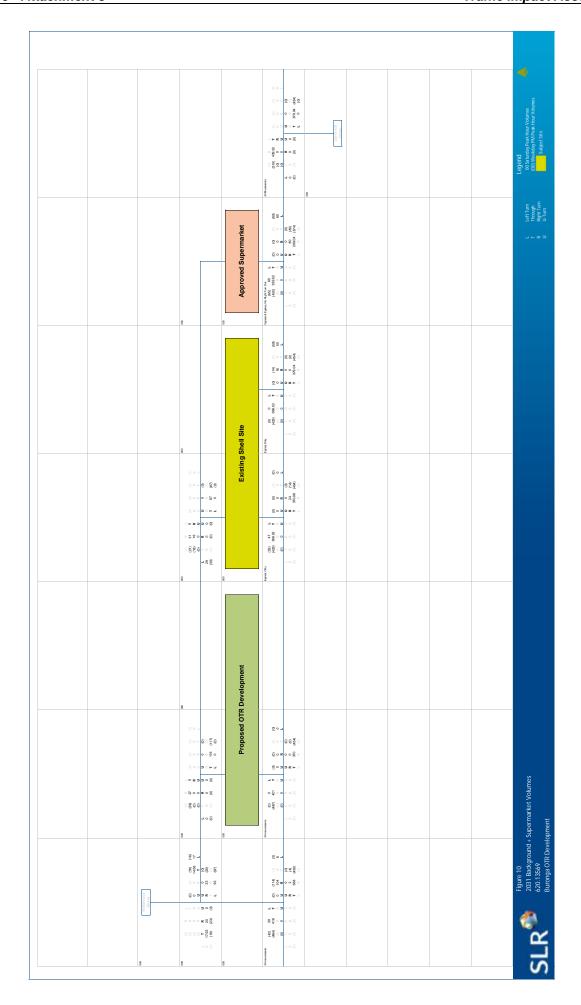


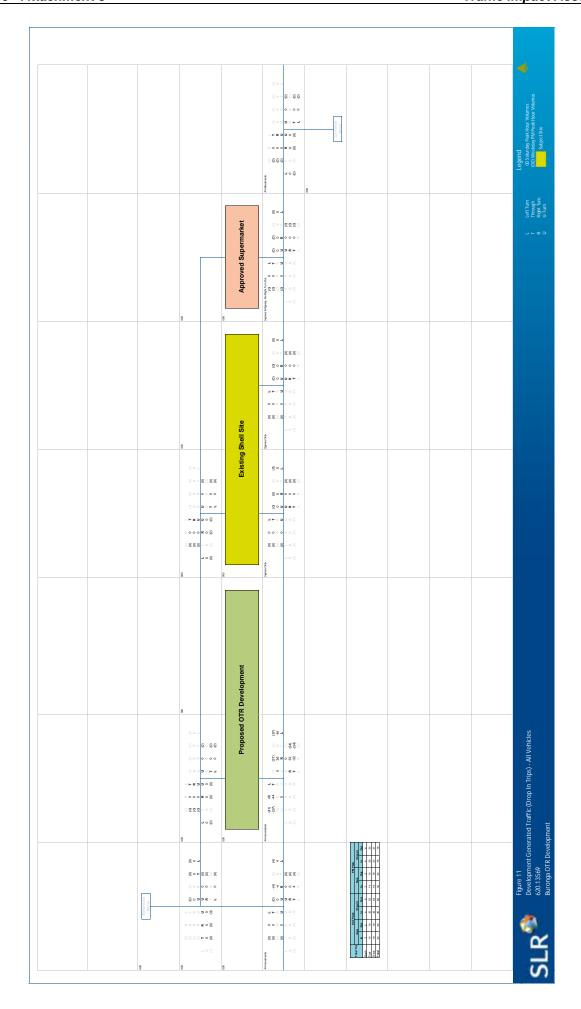


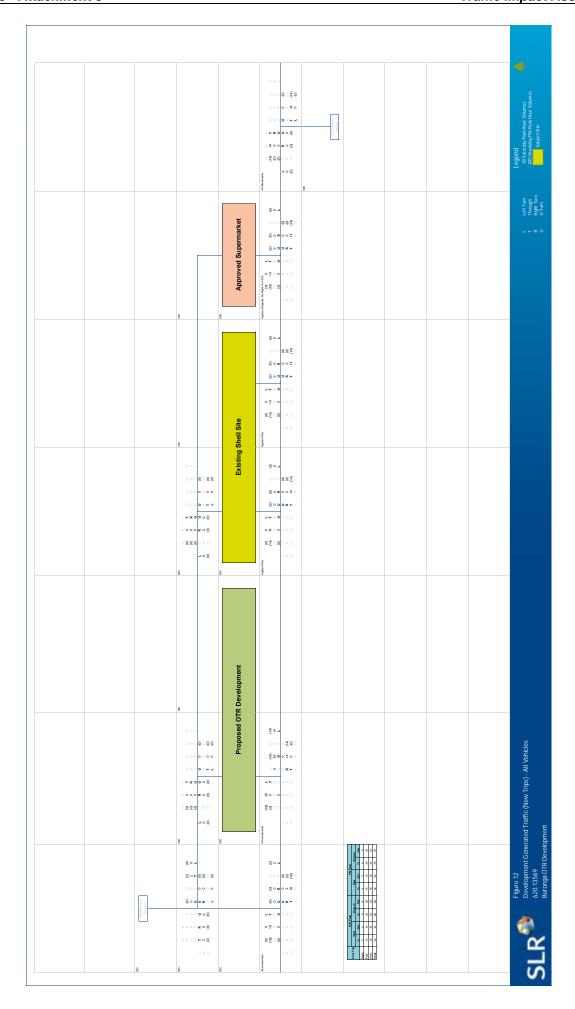


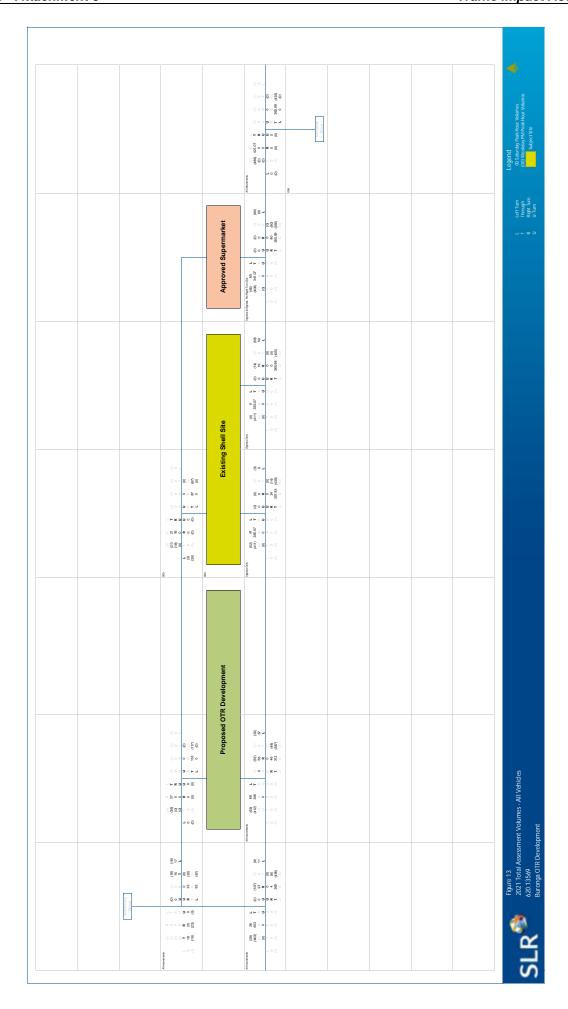


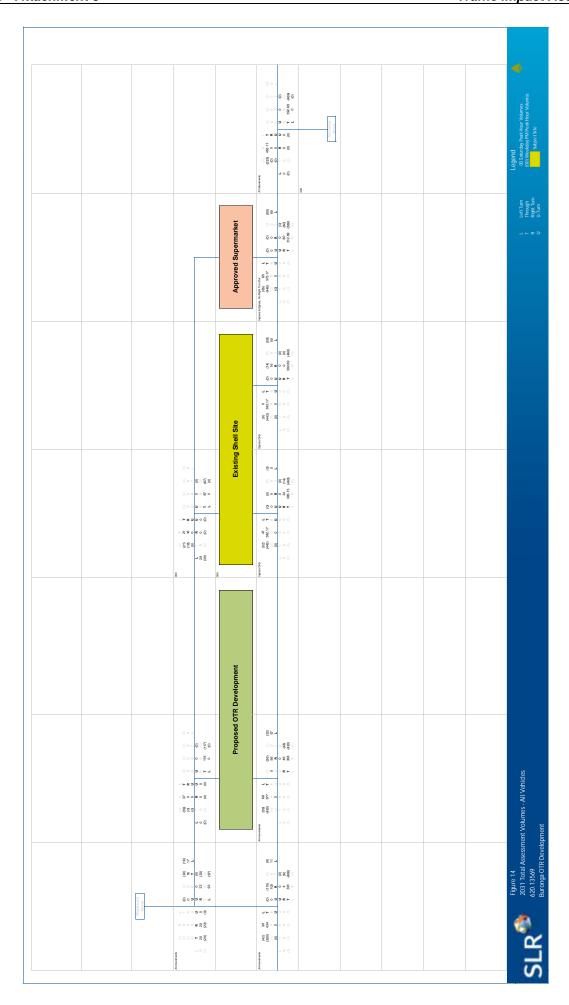


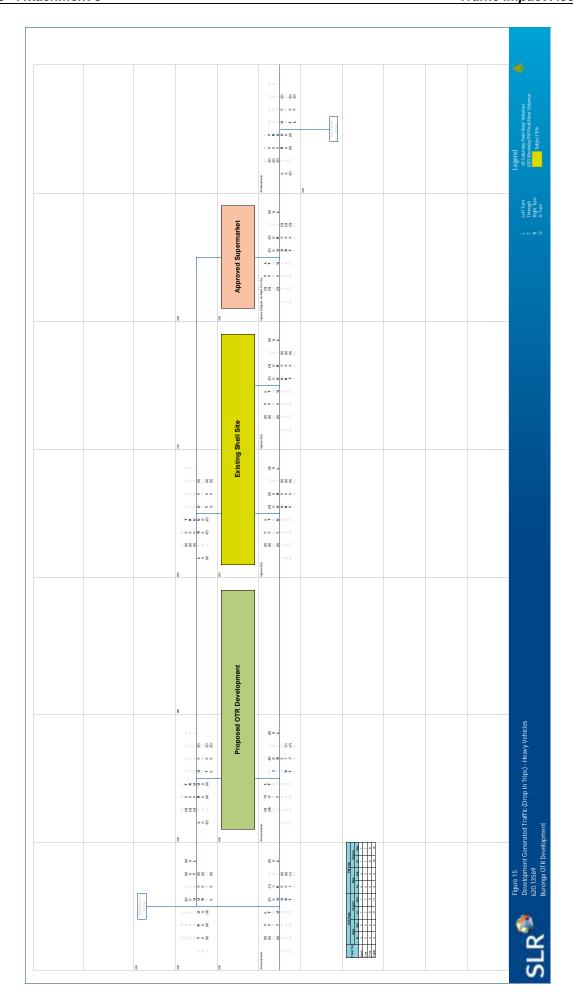


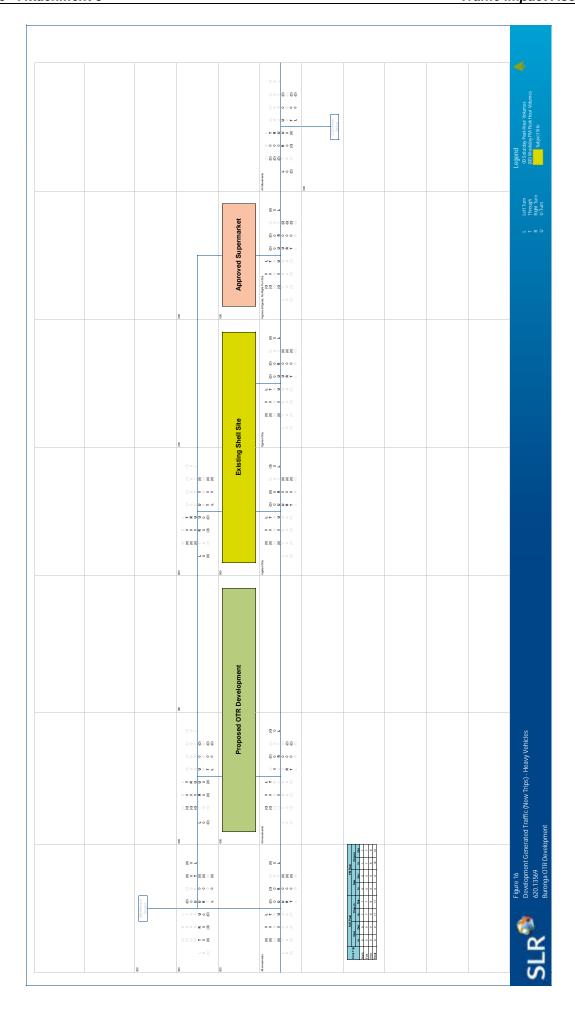


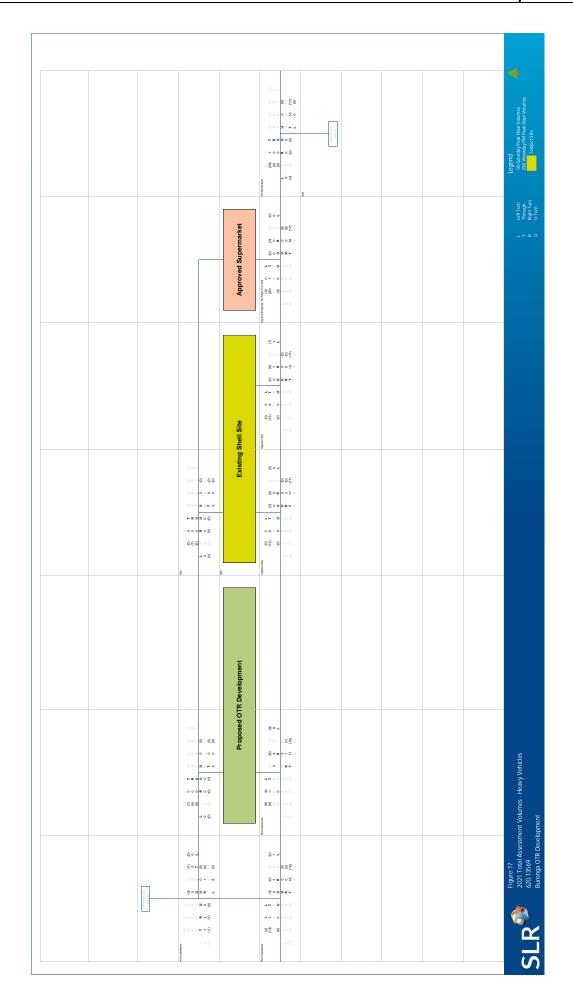


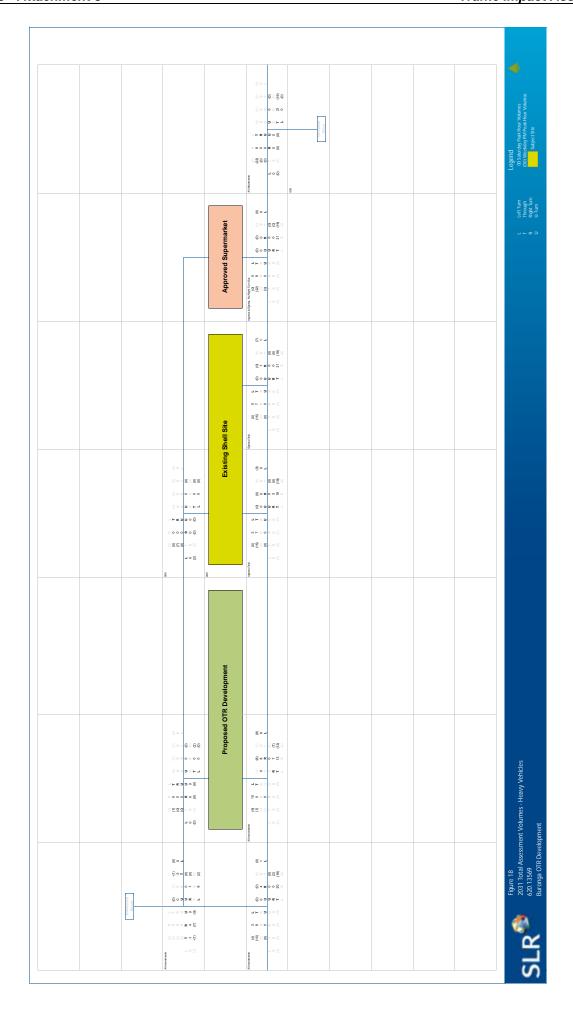












APPENDIX D

SIDRA Output



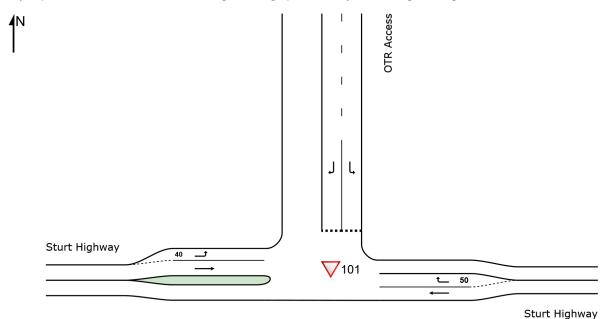
SITE LAYOUT

V Site: 101 [2021 PM Dev (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



SIDRA INTERSECTION 9.0 | Copyright © 2000-2020 Akcelik and Associates Pty Ltd | sidrasolutions.com
Organisation: SLR CONSULTING AUSTRALIA | Licence: NETWORK / 1PC | Created: Wednesday, 23 December 2020 9:19:44 AM
Project: H:\Projects-SLR\620-BNE\620-BNE\620.13569 Buronga, 83-89 Hendy Road\02 Analysis\2020 12 - TIA SIDRA\Site_Access.sip9

USER REPORT FOR SITE

All Movement Classes

Project: Site_Access

Template: Movement & Phasing

V Site: 101 [2021 PM Dev (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total veh/h		DEM FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East:	Sturt	Highway	ven/m	ven/m	/0	V/C	Sec		Ven	- '''				KIII/II
5	T1	387	10	407	2.6	0.213	0.1	LOSA	0.0	0.0	0.00	0.00	0.00	59.9
6 Appr	R2 oach	48 435	7 17	51 458	14.6 3.9	0.067 0.213	8.7 1.0	LOS A NA	0.3	2.0	0.51 0.06	0.70	0.51	51.3 58.8
North	n: OTR	Access												
7	L2	52	9	55	17.3	0.074	8.3	LOSA	0.3	2.1	0.47	0.70	0.47	51.0
9	R2	55	8	58	14.5	0.247	22.2	LOS B	0.9	7.1	0.82	0.94	0.91	43.2
Appr	oach	107	17	113	15.9	0.247	15.4	LOS B	0.9	7.1	0.65	0.82	0.69	46.7
West	: Sturt	Highway												
10	L2	59	9	62	15.3	0.038	5.7	LOS A	0.0	0.0	0.00	0.57	0.00	53.0
11	T1	412	5	434	1.2	0.217	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
Appr	oach	471	14	496	3.0	0.217	8.0	NA	0.0	0.0	0.00	0.07	0.00	58.9
All Vehic	cles	1013	48	1066	4.7	0.247	2.4	NA	0.9	7.1	0.09	0.15	0.10	57.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

▽ Site: 101 [2021 SAT AM Dev (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total veh/h		DEM FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. I Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East	Sturt I	Highway												
5 6	T1 R2	312 46	11 7	328 48	3.5 15.2	0.172 0.060	0.0 8.2	LOS A LOS A	0.0 0.2	0.0 1.8	0.00 0.48	0.00 0.66	0.00 0.48	59.9 51.7
Appr		358	18	377	5.0	0.172	1.1	NA	0.2	1.8	0.06	0.09	0.06	58.7
North	n: OTR	Access												
7	L2	57	9	60	15.8	0.073	7.7	LOSA	0.3	2.0	0.42	0.66	0.42	51.5
9	R2	56	8	59	14.3	0.190	16.6	LOS B	0.7	5.4	0.74	0.89	0.75	46.2
Appr	oach	113	17	119	15.0	0.190	12.1	LOSA	0.7	5.4	0.58	0.77	0.58	48.7
West	: Sturt	Highway												
10	L2	68	10	72	14.7	0.043	5.7	LOS A	0.0	0.0	0.00	0.57	0.00	53.0
11	T1	346	0	364	0.0	0.181	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
Appr	oach	414	10	436	2.4	0.181	1.0	NA	0.0	0.0	0.00	0.09	0.00	58.7
All Vehic	cles	885	45	932	5.1	0.190	2.4	NA	0.7	5.4	0.10	0.18	0.10	57.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

▽ Site: 101 [2031 PM Dev (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total	MES HV]	DEM FLO [Total	WS HV]	Deg. Satn	Delay	Level of Service	QUI [Veh.	ACK OF EUE Dist]	Prop. I Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed
Fast	Sturt I	veh/h Highway	veh/h	veh/h	%	v/c	sec		veh	m				km/h
5	T1	420	12	442	2.9	0.231	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
6	R2	48	7	51	14.6	0.072	9.1	LOS A	0.3	2.1	0.53	0.72	0.53	51.1
Appr	oach	468	19	493	4.1	0.231	1.0	NA	0.3	2.1	0.05	0.07	0.05	58.8
North	n: OTR	Access												
7	L2	52	8	55	15.4	0.077	8.6	LOS A	0.3	2.1	0.49	0.72	0.49	50.8
9	R2	55	8	58	14.5	0.288	26.1	LOS B	1.1	8.3	0.85	0.97	0.98	41.3
Appr	oach	107	16	113	15.0	0.288	17.6	LOS B	1.1	8.3	0.68	0.85	0.74	45.4
West	: Sturt	Highway												
10	L2	59	9	62	15.3	0.038	5.7	LOS A	0.0	0.0	0.00	0.57	0.00	53.0
11	T1	450	7	474	1.6	0.238	0.1	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
Appr	oach	509	16	536	3.1	0.238	0.7	NA	0.0	0.0	0.00	0.07	0.00	59.0
All Vehic	cles	1084	51	1141	4.7	0.288	2.5	NA	1.1	8.3	0.09	0.15	0.10	57.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

V Site: 101 [2031 SAT AM Dev (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total veh/h		DEM, FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. I Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East:	Sturt	Highway												
5 6 Appro	T1 R2	338 46 384	12 7 19	356 48 404	3.6 15.2 4.9	0.187 0.062 0.187	0.0 8.5 1.1	LOS A LOS A NA	0.0 0.2 0.2	0.0 1.9 1.9	0.00 0.50 0.06	0.00 0.68 0.08	0.00 0.50 0.06	59.9 51.5 58.8
		Access	9		15.8		8.0	LOSA	0.3	2.1				
9 Appro	R2	56 113	9 8 17	60 59 119	15.8 14.3 15.0	0.076 0.213 0.213	18.7	LOS A LOS A	0.3	6.1	0.45 0.77 0.61	0.68 0.91 0.79	0.45 0.82 0.63	51.3 45.1 48.0
		Highway												
10 11	L2 T1	68 377	10 0	72 397	14.7 0.0	0.043 0.197	5.7 0.1	LOS A LOS A	0.0 0.0	0.0	0.00	0.57 0.00	0.00	53.0 59.9
Appro	oach	942	10 46	468 992	2.2	0.197	0.9	NA NA	0.0	0.0 6.1	0.00	0.09	0.00	58.7 57.2
Vehic	cles	012	10	002	1.0	0.210	2.0	, ,, ,	0.0	0.1	0.10	0.17	0.10	VI.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

SIDRA INTERSECTION 9.0 | Copyright © 2000-2020 Akcelik and Associates Pty Ltd | sidrasolutions.com

Organisation: SLR CONSULTING AUSTRALIA | Licence: NETWORK / 1PC | Created: Wednesday, 23 December 2020 9:19:49 AM Project: H:\Projects-SLR\620-BNE\620-BNE\620.13569 Buronga, 83-89 Hendy Road\02 Analysis\2020 12 - TIA SIDRA\Site_Access.sip9

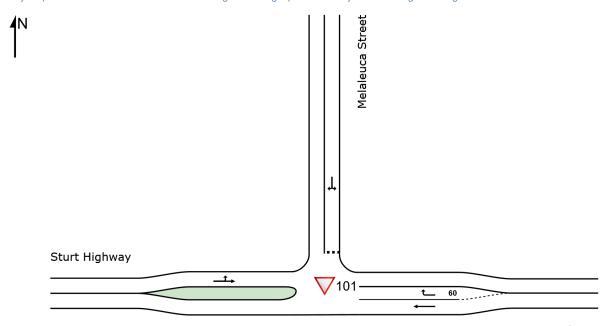
SITE LAYOUT

V Site: 101 [2019 BG - SAT AM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



Sturt Highway

SIDRA INTERSECTION 9.0 | Copyright © 2000-2020 Akcelik and Associates Pty Ltd | sidrasolutions.com

Organisation: SLR CONSULTING AUSTRALIA | Licence: NETWORK / 1PC | Created: Wednesday, 23 December 2020 9:16:52 AM

Project: H:\Projects-SLR\620-BNE\620-BNE\620.13569 Buronga, 83-89 Hendy Road\02 Analysis\2020 12 - TIA SIDRA\Sturt_Maleleuca.sip9

USER REPORT FOR SITE

All Movement Classes

Project: Sturt_Maleleuca

Template: Movement & Phasing

V Site: 101 [2019 BG - SAT AM (Site Folder: General)]

New Site Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU	JMES	DEM. FLO	WS	Deg. Satn		Level of Service	QUE	ACK OF EUE	Prop. E Que	Effective Stop	Aver. No.	Aver. Speed
		[Total veh/h	HV] veh/h	[Total veh/h	HV] %	v/c	sec		[Veh. veh	Dist] m		Rate	Cycles	km/h
East:	Sturt I	Highway												
5	T1	257	17	271	6.6	0.143	0.0	LOSA	0.0	0.0	0.00	0.00	0.00	59.9
6	R2	2	0	2	0.0	0.002	6.6	LOS A	0.0	0.0	0.41	0.54	0.41	52.0
Appro	oach	259	17	273	6.6	0.143	0.1	NA	0.0	0.0	0.00	0.00	0.00	59.9
North	ı: Mela	leuca Str	eet											
7	L2	5	1	5	20.0	0.053	7.1	LOS A	0.2	1.5	0.56	0.75	0.56	49.3
9	R2	21	4	22	19.0	0.053	11.5	LOS A	0.2	1.5	0.56	0.75	0.56	48.9
Appro	oach	26	5	27	19.2	0.053	10.7	LOS A	0.2	1.5	0.56	0.75	0.56	48.9
West	: Sturt	Highway												
10	L2	21	3	22	14.3	0.183	5.7	LOS A	0.0	0.0	0.00	0.04	0.00	57.3
11	T1	313	7	329	2.2	0.183	0.0	LOS A	0.0	0.0	0.00	0.04	0.00	59.6
Appro	oach	334	10	352	3.0	0.183	0.4	NA	0.0	0.0	0.00	0.04	0.00	59.5
All Vehic	eles	619	32	652	5.2	0.183	0.7	NA	0.2	1.5	0.02	0.05	0.02	59.1

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

 $\label{eq:hv} \mbox{HV (\%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.}$

V Site: 101 [2019 BG - PM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total veh/h		DEM. FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East:	Sturt I	Highway												
5	T1 R2	330 4	15 2	347	4.5 50.0	0.182 0.005	0.0 8.4	LOS A LOS A	0.0	0.0	0.00	0.00	0.00	59.9 49.3
Appro		334 leuca Str	17 eet	352	5.1	0.182	0.1	NA	0.0	0.2	0.01	0.01	0.01	59.8
7	L2	3	0	3	0.0	0.077	7.0	LOSA	0.3	2.0	0.63	0.84	0.63	49.0
9	R2	30	1	32	3.3	0.077	12.5	LOS A	0.3	2.0	0.63	0.84	0.63	48.5
Appro	oach	33	1	35	3.0	0.077	12.0	LOSA	0.3	2.0	0.63	0.84	0.63	48.5
West	: Sturt	Highway												
10	L2	24	4	25	16.7	0.219	5.8	LOSA	0.0	0.0	0.00	0.04	0.00	57.2
11	T1	374	13	394	3.5	0.219	0.1	LOS A	0.0	0.0	0.00	0.04	0.00	59.6
Appro	oach	398	17	419	4.3	0.219	0.4	NA	0.0	0.0	0.00	0.04	0.00	59.4
All Vehic	eles	765	35	805	4.6	0.219	8.0	NA	0.3	2.0	0.03	0.06	0.03	59.0

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

V Site: 101 [2021 + Super - SAT AM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total veh/h		DEM FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East:	Sturt	Highway												
5	T1 R2	342	17 0 17	360 2 362	5.0 0.0	0.189	0.0 6.9	LOS A LOS A	0.0	0.0	0.00	0.00 0.56	0.00 0.46	59.9 51.9
	ı: Mela	344 ileuca Str	eet		4.9	0.189	0.1	NA	0.0	0.1	0.00	0.00	0.00	59.9
7 9	L2 R2	5 101	1 4	5 106	20.0 4.0	0.266 0.266	8.4 14.4	LOS A LOS A	1.1 1.1	7.9 7.9	0.71 0.71	0.91 0.91	0.80	47.0 47.1
Appro		106	5	112	4.7	0.266	14.1	LOSA	1.1	7.9	0.71	0.91	0.80	47.1
West	: Sturt	Highway												
10	L2	36	3	38	8.3	0.229	5.7	LOS A	0.0	0.0	0.00	0.05	0.00	57.4
11	T1	384	7	404	1.8	0.229	0.1	LOS A	0.0	0.0	0.00	0.05	0.00	59.4
Appro	oach	420	10	442	2.4	0.229	0.5	NA	0.0	0.0	0.00	0.05	0.00	59.3
All Vehic	eles	870	32	916	3.7	0.266	2.0	NA	1.1	7.9	0.09	0.14	0.10	57.7

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

V Site: 101 [2021 + Super - PM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	icle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total veh/h		DEM FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East	Sturt I	Highway												
5 6	T1 R2	417 4	15 2	439 4	3.6 50.0	0.228 0.006	0.1 9.3	LOS A LOS A	0.0	0.0 0.2	0.00 0.55	0.00 0.63	0.00 0.55	59.9 48.8
Appr		421	17	443	4.0	0.228	0.1	NA	0.0	0.2	0.01	0.01	0.01	59.8
North	n: Mela	leuca Str	eet											
7	L2	3	0	3	0.0	0.358	9.4	LOSA	1.5	10.7	0.80	0.98	1.01	45.2
9	R2	111	1	117	0.9	0.358	18.4	LOS B	1.5	10.7	0.80	0.98	1.01	44.8
Appr	oach	114	1	120	0.9	0.358	18.2	LOS B	1.5	10.7	0.80	0.98	1.01	44.8
West	t: Sturt	Highway												
10	L2	39	4	41	10.3	0.266	5.7	LOS A	0.0	0.0	0.00	0.05	0.00	57.3
11	T1	446	13	469	2.9	0.266	0.1	LOS A	0.0	0.0	0.00	0.05	0.00	59.4
Appr	oach	485	17	511	3.5	0.266	0.5	NA	0.0	0.0	0.00	0.05	0.00	59.3
All Vehic	cles	1020	35	1074	3.4	0.358	2.3	NA	1.5	10.7	0.09	0.13	0.12	57.4

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

V Site: 101 [2021 + Super + OTR - SAT AM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INF VOLU		DEM. FLO		Deg. Satn		Level of Service		ACK OF EUE	Prop. E Que	Effective Stop	Aver. No.	Aver. Speed
		[Total veh/h	HV] veh/h	[Total veh/h	HV] %	v/c	sec		[Veh. veh	Dist] m		Rate	Cycles	km/h
East:	Sturt I	Highway												
5	T1	365	18	384	4.9	0.201	0.1	LOSA	0.0	0.0	0.00	0.00	0.00	59.9
6	R2	4	0	4	0.0	0.004	7.1	LOS A	0.0	0.1	0.47	0.58	0.47	51.9
Appro	oach	369	18	388	4.9	0.201	0.1	NA	0.0	0.1	0.01	0.01	0.01	59.8
North	ı: Mela	leuca Str	eet											
7	L2	11	1	12	9.1	0.279	8.3	LOS A	1.1	8.2	0.72	0.91	0.83	47.0
9	R2	97	3	102	3.1	0.279	15.3	LOS B	1.1	8.2	0.72	0.91	0.83	46.9
Appro	oach	108	4	114	3.7	0.279	14.6	LOS B	1.1	8.2	0.72	0.91	0.83	46.9
West	: Sturt	Highway												
10	L2	36	3	38	8.3	0.239	5.7	LOS A	0.0	0.0	0.00	0.05	0.00	57.4
11	T1	403	7	424	1.7	0.239	0.1	LOS A	0.0	0.0	0.00	0.05	0.00	59.5
Appro	oach	439	10	462	2.3	0.239	0.5	NA	0.0	0.0	0.00	0.05	0.00	59.3
All Vehic	eles	916	32	964	3.5	0.279	2.0	NA	1.1	8.2	0.09	0.13	0.10	57.7

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

V Site: 101 [2021 + Super + OTR - PM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total veh/h		DEM FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East:	Sturt	Highway												
5 6 Appro	T1 R2 pach	436 6 442	16 2 18	459 6 465	3.7 33.3 4.1	0.238 0.008 0.238	0.1 8.8 0.2	LOS A LOS A NA	0.0 0.0 0.0	0.0 0.3 0.3	0.00 0.54 0.01	0.00 0.64 0.01	0.00 0.54 0.01	59.9 49.7 59.7
North	ı: Mela	ıleuca Str	eet											
7	L2	8	0	8	0.0	0.370	9.7	LOS A	1.6	11.0	0.80	0.98	1.03	44.9
9	R2	107	0	113	0.0	0.370	19.5	LOS B	1.6	11.0	0.80	0.98	1.03	44.5
Appro	oach	115	0	121	0.0	0.370	18.8	LOS B	1.6	11.0	0.80	0.98	1.03	44.6
West	: Sturt	Highway												
10	L2	39	4	41	10.3	0.275	5.7	LOSA	0.0	0.0	0.00	0.05	0.00	57.4
11	T1	463	13	487	2.8	0.275	0.1	LOS A	0.0	0.0	0.00	0.05	0.00	59.5
Appro	oach	502	17	528	3.4	0.275	0.5	NA	0.0	0.0	0.00	0.05	0.00	59.3
All Vehic	eles	1059	35	1115	3.3	0.370	2.4	NA	1.6	11.0	0.09	0.13	0.12	57.4

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

V Site: 101 [2031 + Super - SAT AM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total veh/h		DEM. FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. I Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East:	Sturt I	Highway												
5 6 Appro	T1 R2	368 2 370	19 0 19	387 2 389	5.2 0.0 5.1	0.203 0.002 0.203	0.1 7.1 0.1	LOS A LOS A NA	0.0 0.0 0.0	0.0 0.1 0.1	0.00 0.48 0.00	0.00 0.57 0.00	0.00 0.48 0.00	59.9 51.9 59.8
North	ı: Mela	leuca Str	eet											
7 9	L2 R2	6 104	1	6 109	16.7 3.8	0.305 0.305	8.9 16.1	LOS A LOS B	1.3 1.3	9.2 9.2	0.75 0.75	0.94 0.94	0.89 0.89	46.1 46.1
Appro		110 Highway	5	116	4.5	0.305	15.8	LOS B	1.3	9.2	0.75	0.94	0.89	46.1
10 11	L2 T1	39 416	3	41 438	7.7 1.9	0.248 0.248	5.7 0.1	LOS A	0.0	0.0	0.00	0.05 0.05	0.00	57.5 59.4
Appro		455	11	479	2.4	0.248	0.6	NA	0.0	0.0	0.00	0.05	0.00	59.3
All Vehic	eles	935	35	984	3.7	0.305	2.2	NA	1.3	9.2	0.09	0.14	0.11	57.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

V Site: 101 [2031 + Super - PM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehi	cle M	ovemen	t Perfor	mance										
Mov ID	Turn	INP VOLU [Total veh/h		DEM FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East:	Sturt	Highway												
5 6 Appro	T1 R2 pach	450 4 454	17 2 19	474 4 478	3.8 50.0 4.2	0.246 0.006 0.246	0.1 9.7 0.2	LOS A LOS A NA	0.0 0.0 0.0	0.0 0.2 0.2	0.00 0.57 0.01	0.00 0.65 0.01	0.00 0.57 0.01	59.9 48.5 59.7
North	ı: Mela	ıleuca Str	eet											
7	L2	3	0	3	0.0	0.421	10.8	LOSA	1.8	12.8	0.84	1.01	1.13	43.5
9	R2	114	1	120	0.9	0.421	21.7	LOS B	1.8	12.8	0.84	1.01	1.13	43.1
Appro	oach	117	1	123	0.9	0.421	21.4	LOS B	1.8	12.8	0.84	1.01	1.13	43.1
West	: Sturt	Highway												
10	L2	42	4	44	9.5	0.289	5.7	LOSA	0.0	0.0	0.00	0.05	0.00	57.4
11	T1	484	15	509	3.1	0.289	0.1	LOSA	0.0	0.0	0.00	0.05	0.00	59.4
Appro	oach	526	19	554	3.6	0.289	0.5	NA	0.0	0.0	0.00	0.05	0.00	59.3
All Vehic	eles	1097	39	1155	3.6	0.421	2.6	NA	1.8	12.8	0.09	0.13	0.12	57.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

V Site: 101 [2031 + Super + OTR - SAT AM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INP VOLU [Total veh/h		DEM FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East:	East: Sturt Highway													
5	T1 R2	391 4	20	412	5.1 0.0	0.216	0.1 7.3	LOS A	0.0	0.0	0.00	0.00	0.00 0.49	59.9 51.8
Approach 395 20 416 5.1 0.216 0.1 NA 0.0 0.1 0.00 0.01 0.00 59.0 North: Melaleuca Street												59.8		
7	L2	11	1	12	9.1	0.321	9.1	LOSA	1.3	9.7	0.76	0.95	0.93	45.9
9 Appro	R2 bach	100	5	105 117	4.0	0.321	17.4 16.6	LOS B	1.3	9.7	0.76 0.76	0.95	0.93	45.7 45.7
West: Sturt Highway														
10	L2	39	3	41	7.7	0.258	5.7	LOSA	0.0	0.0	0.00	0.05	0.00	57.5
11	T1	434	8	457	1.8	0.258	0.1	LOSA	0.0	0.0	0.00	0.05	0.00	59.4
Appro	oach	473	11	498	2.3	0.258	0.5	NA	0.0	0.0	0.00	0.05	0.00	59.3
All Vehic	les	979	36	1031	3.7	0.321	2.2	NA	1.3	9.7	0.09	0.13	0.11	57.5

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

V Site: 101 [2031 + Super + OTR - PM (Site Folder: General)]

New Site

Site Category: (None) Give-Way (Two-Way)

Vehicle Movement Performance														
Mov ID	Turn	INP VOLU [Total veh/h		DEM FLO [Total veh/h		Deg. Satn v/c		Level of Service		ACK OF EUE Dist] m	Prop. I Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
East: Sturt Highway														
5	T1	469	18	494	3.8	0.257	0.1	LOSA	0.0	0.0	0.00	0.00	0.00	59.9
6	R2	6	2	6	33.3	0.008	9.2	LOSA	0.0	0.3	0.56	0.66	0.56	49.4
Appr	oach	475	20	500	4.2	0.257	0.2	NA	0.0	0.3	0.01	0.01	0.01	59.7
North	North: Melaleuca Street													
7	L2	9	0	9	0.0	0.437	11.3	LOS A	1.9	13.2	0.84	1.02	1.16	43.1
9	R2	110	0	116	0.0	0.437	23.0	LOS B	1.9	13.2	0.84	1.02	1.16	42.8
Appr	oach	119	0	125	0.0	0.437	22.1	LOS B	1.9	13.2	0.84	1.02	1.16	42.8
West	West: Sturt Highway													
10	L2	42	4	44	9.5	0.297	5.7	LOS A	0.0	0.0	0.00	0.05	0.00	57.4
11	T1	500	15	526	3.0	0.297	0.1	LOS A	0.0	0.0	0.00	0.05	0.00	59.4
Appr	oach	542	19	571	3.5	0.297	0.5	NA	0.0	0.0	0.00	0.05	0.00	59.3
All Vehic	cles	1136	39	1196	3.4	0.437	2.6	NA	1.9	13.2	0.09	0.13	0.12	57.1

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab). Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

Delay Model: SIDRA Standard (Geometric Delay is included).

Queue Model: SIDRA Standard.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

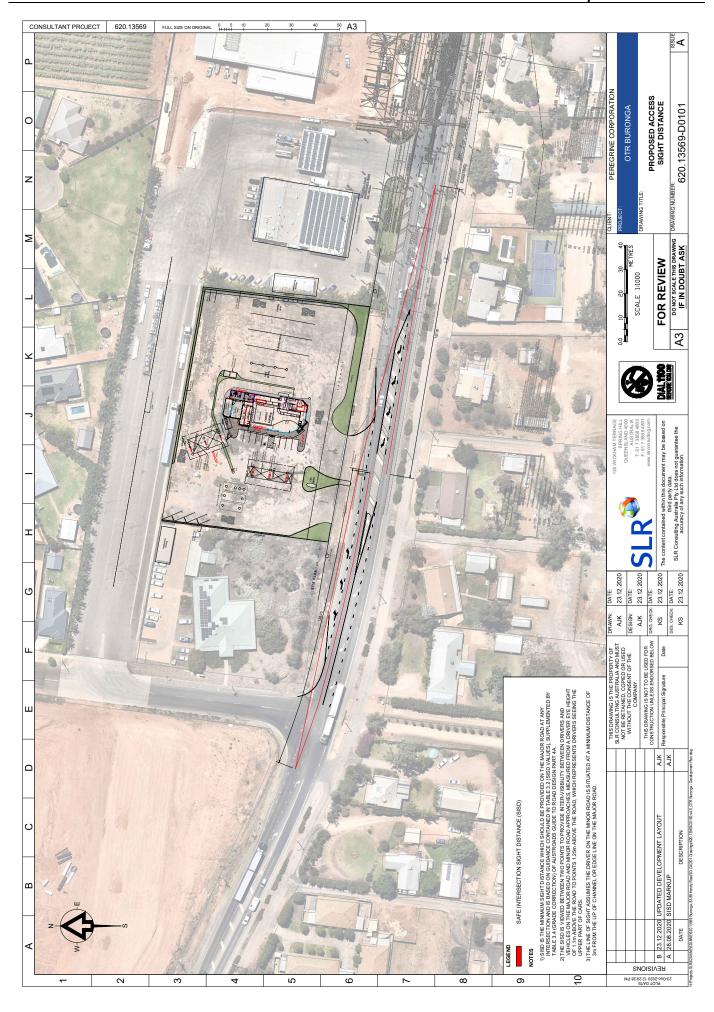
SIDRA INTERSECTION 9.0 | Copyright © 2000-2020 Akcelik and Associates Pty Ltd | sidrasolutions.com

Organisation: SLR CONSULTING AUSTRALIA | Licence: NETWORK / 1PC | Created: Wednesday, 23 December 2020 9:16:59 AM Project: H:\Projects-SLR\620-BNE\620-BNE\620.13569 Buronga, 83-89 Hendy Road\02 Analysis\2020 12 - TIA SIDRA\Sturt_Maleleuca.sip9

APPENDIX E

Sight Distance Assessment





ASIA PACIFIC OFFICES

BRISBANE

Level 2, 15 Astor Terrace Spring Hill QLD 4000 Australia

T: +61 7 3858 4800 F: +61 7 3858 4801

MACKAY

21 River Street Mackay QLD 4740 Australia

T: +61 7 3181 3300

SYDNEY

Tenancy 202 Submarine School Sub Base Platypus 120 High Street North Sydney NSW 2060 Australia

T: +61 2 9427 8100 F: +61 2 9427 8200

AUCKLAND

68 Beach Road Auckland 1010 New Zealand T: 0800 757 695

CANBERRA

GPO 410 Canberra ACT 2600 Australia T: +61 2 6287 0800

F: +61 2 9427 8200

MELBOURNE

Level 11, 176 Wellington Parade East Melbourne VIC 3002

Australia

T: +61 3 9249 9400 F: +61 3 9249 9499

TOWNSVILLE

12 Cannan Street South Townsville QLD 4810 Australia

T: +61 7 4722 8000 F: +61 7 4722 8001

NELSON

6/A Cambridge Street Richmond, Nelson 7020

New Zealand T: +64 274 898 628

DARWIN

Unit 5, 21 Parap Road Parap NT 0820 Australia T: +61 8 8998 0100 F: +61 8 9370 0101

NEWCASTLE

10 Kings Road New Lambton NSW 2305 Australia

T: +61 2 4037 3200 F: +61 2 4037 3201

WOLLONGONG

Level 1, The Central Building UoW Innovation Campus North Wollongong NSW 2500 Australia

T: +61 2 4249 1000

GOLD COAST

Level 2, 194 Varsity Parade Varsity Lakes QLD 4227 Australia

M: +61 438 763 516

PERTH

Ground Floor, 503 Murray Street Perth WA 6000 Australia T: +61 8 9422 5900

T: +61 8 9422 5900 F: +61 8 9422 5901



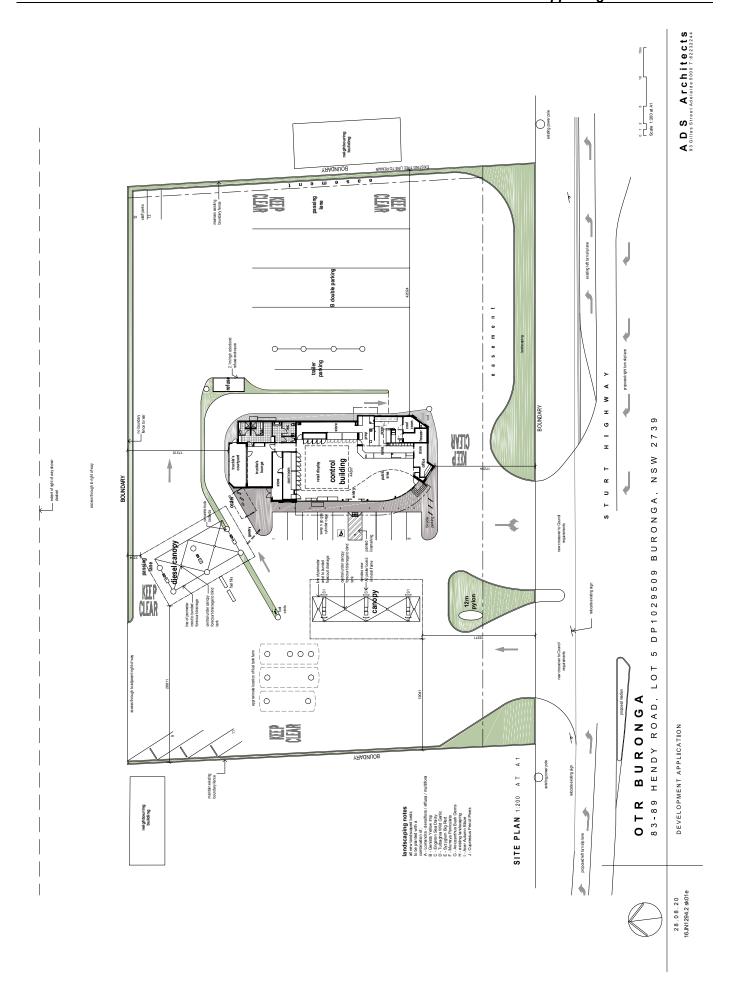
www.slrconsulting.com



OTR BURONGA 83-89 HENDY ROAD, LOT 5 DP1029509 BURONGA, NSW 2739

> 28.08.20 16JN 1294.2 8K00

DEVELOPMENT APPLICATION

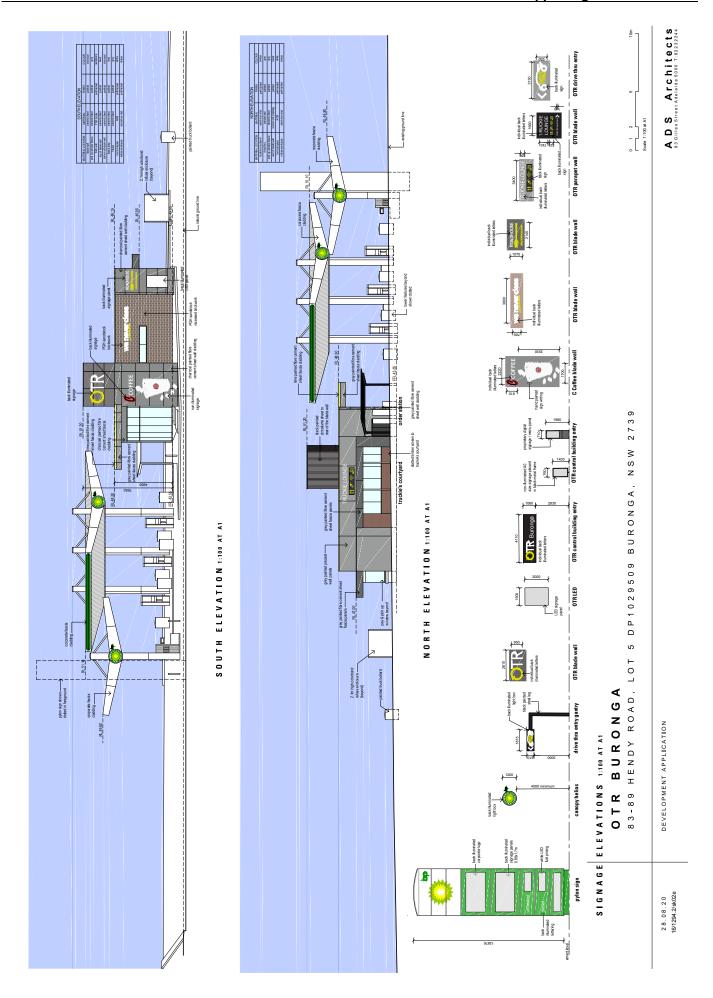


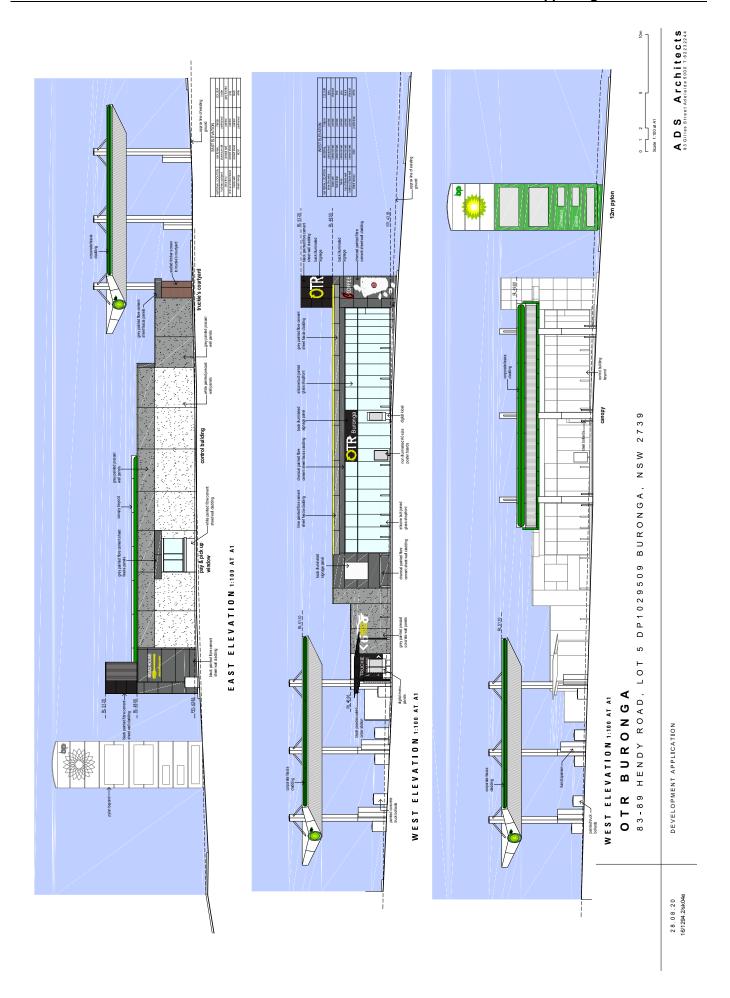
<u>|</u> | 0

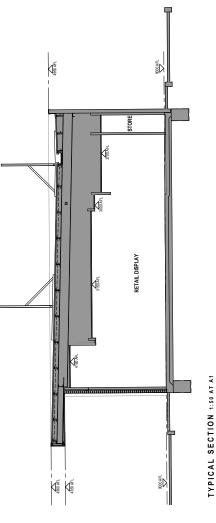
0)



DEVELOPMENT APPLICATION





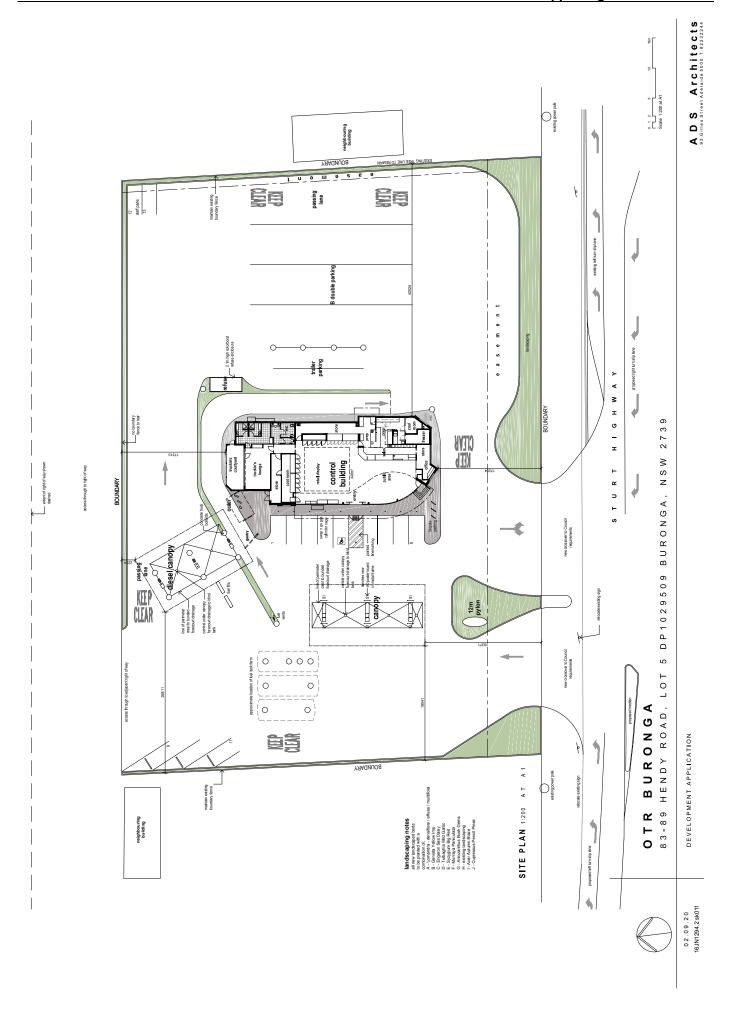


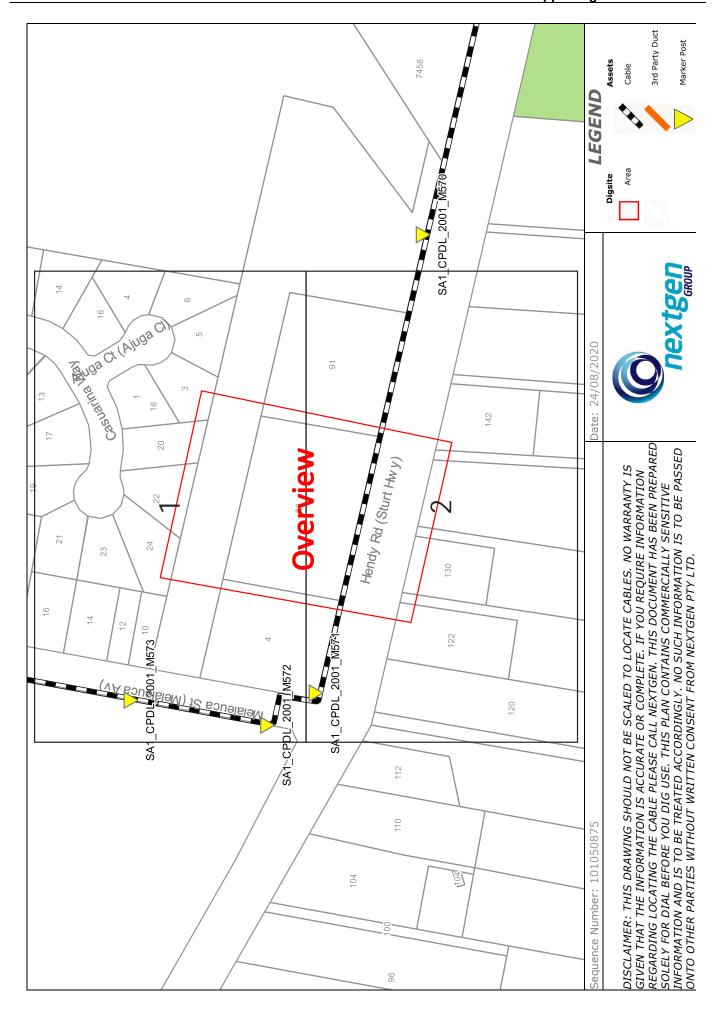
O T R

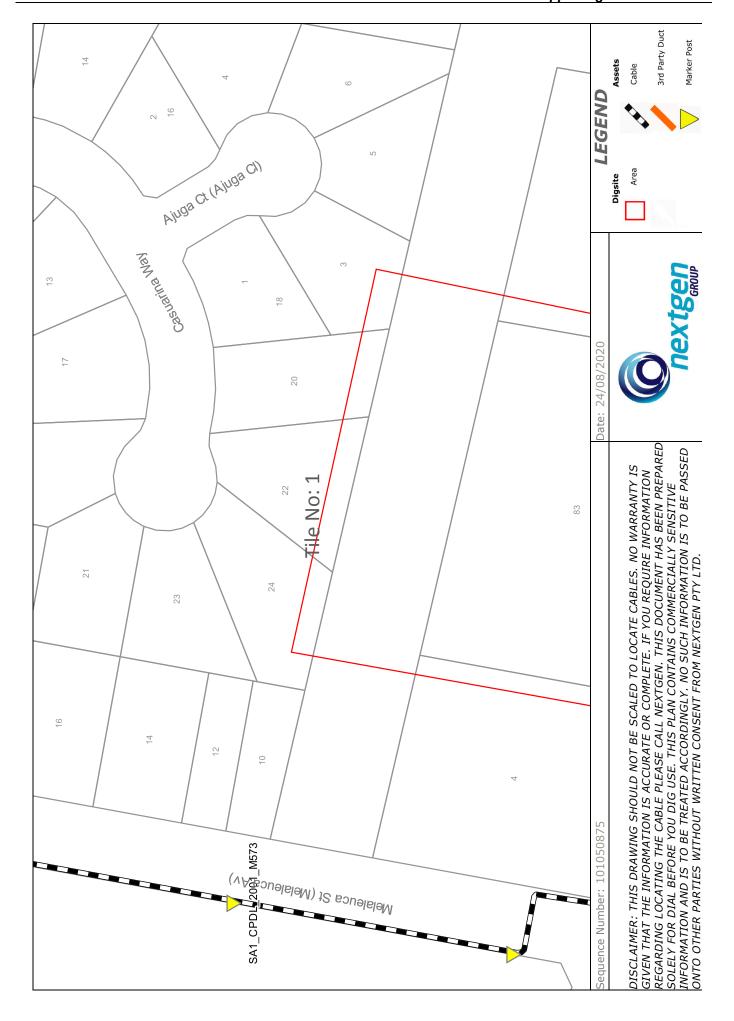
BURONGA
HENDY ROAD, LOT 5 DP1029509 BURONGA, NSW 2739

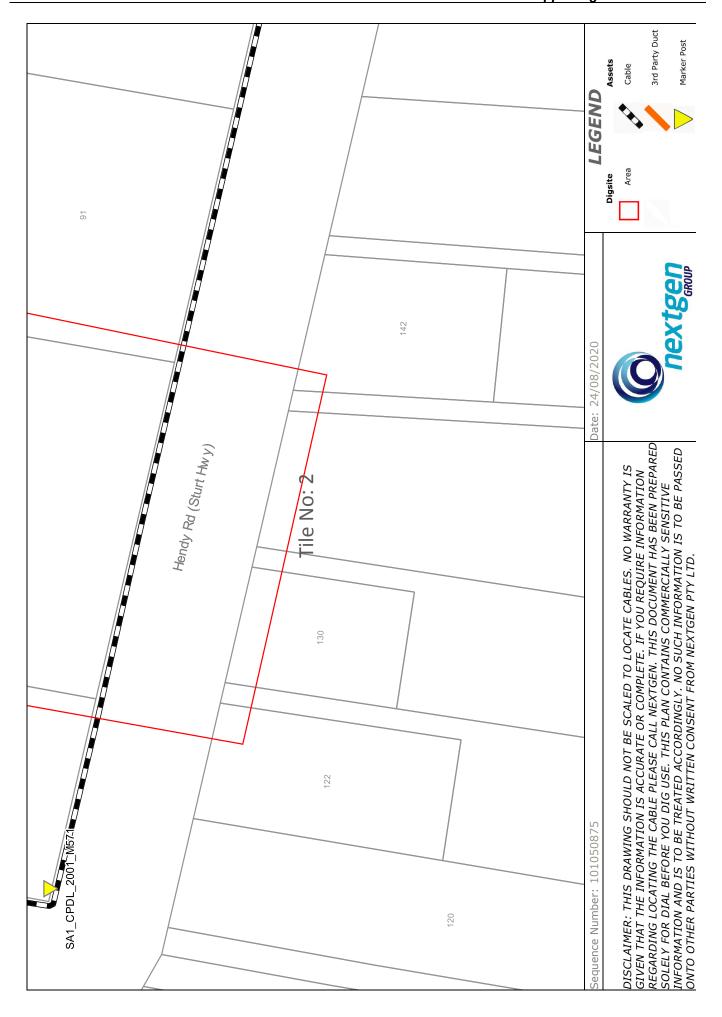
28.08.20 16/1294.2/sk05

DEVELOPMENT APPLICATION

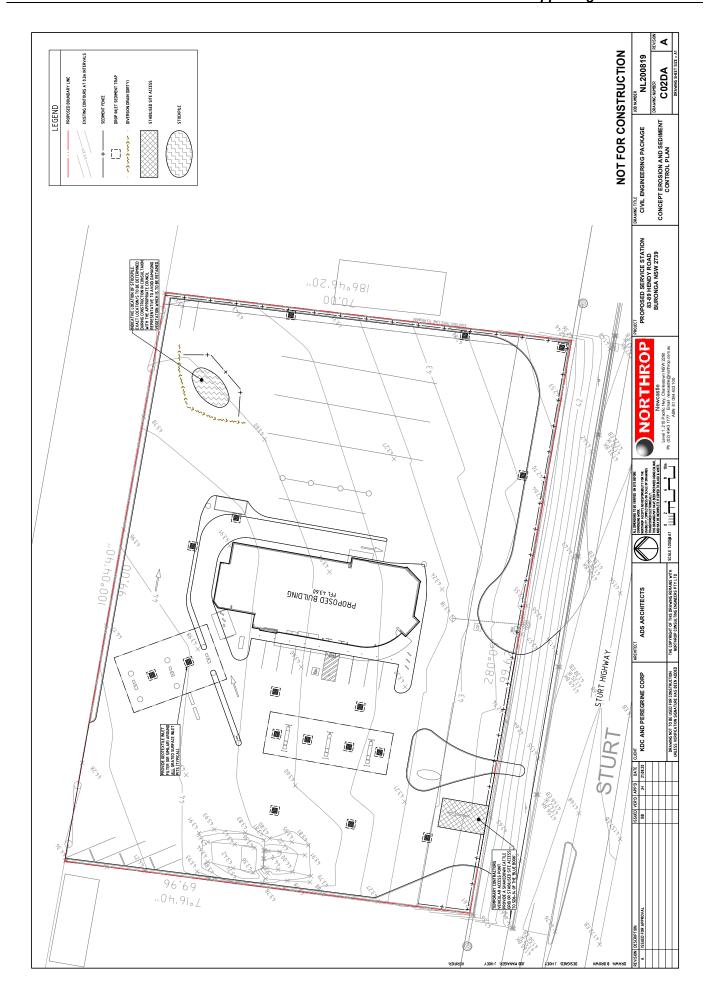


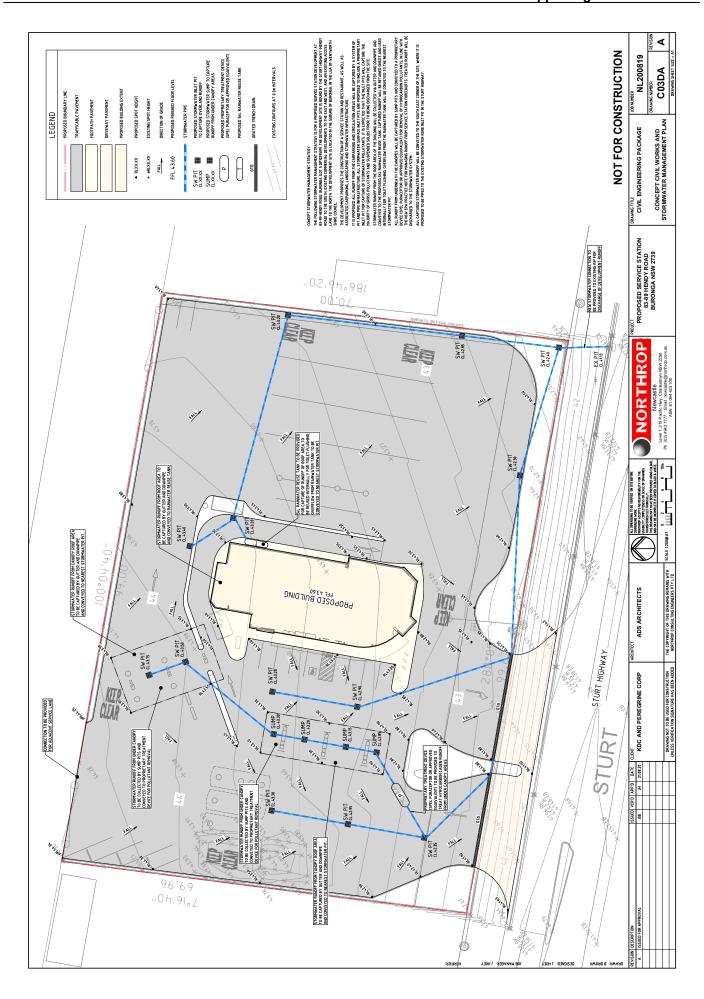


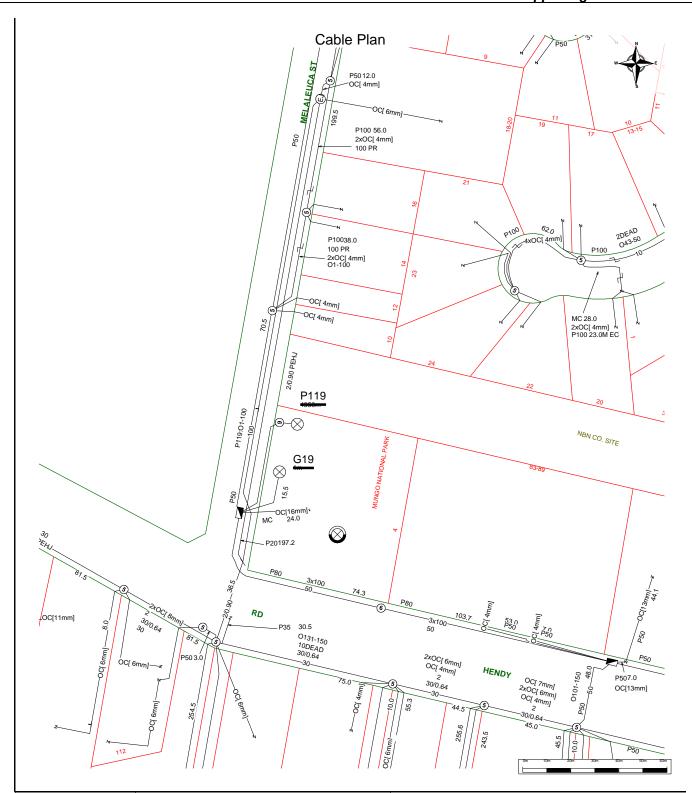




NL200819 NOT FOR CONSTRUCTION C01DA COVER SHEET AND DRAWING LIST WING TITLE CIVIL ENGINEERING PACKAGE NORTHROP COVER SHEET AND DRAWING LIST CONCEPT EROSION AND SEDIMENT CONTROL PLAN CONCEPT CIVIL WORKS AND STORMWATER MANAGEMENT PLAN PROPOSED SERVICE STATION DWG No. DRAWING TITLE CO1DA COVER SHEET AND CO2DA CONCEPT EROSION CO3DA CONCEPT CIVIL WO ADS ARCHITECTS 83-89 HENDY ROAD, BURONGA, NSW, 2739 CIVIL ENGINEERING PACKAGE KDC AND PEREGRINE CORP







<u> T</u>elstra

For all Telstra DBYD plan enquiries email - Telstra.Plans@team.telstra.com

For urgent onsite contact only - ph 1800 653 935 (bus hrs)

TELSTRA CORPORATION LIMITED A.C.N. 051 775 556

Generated On 24/08/2020 15:14:49

Sequence Number: 101050878

CAUTION: Critical Network Route in plot area. DO NOT PROCEED with any excavation prior to seeking advice from Telstra Plan Services on: 1800 653 935

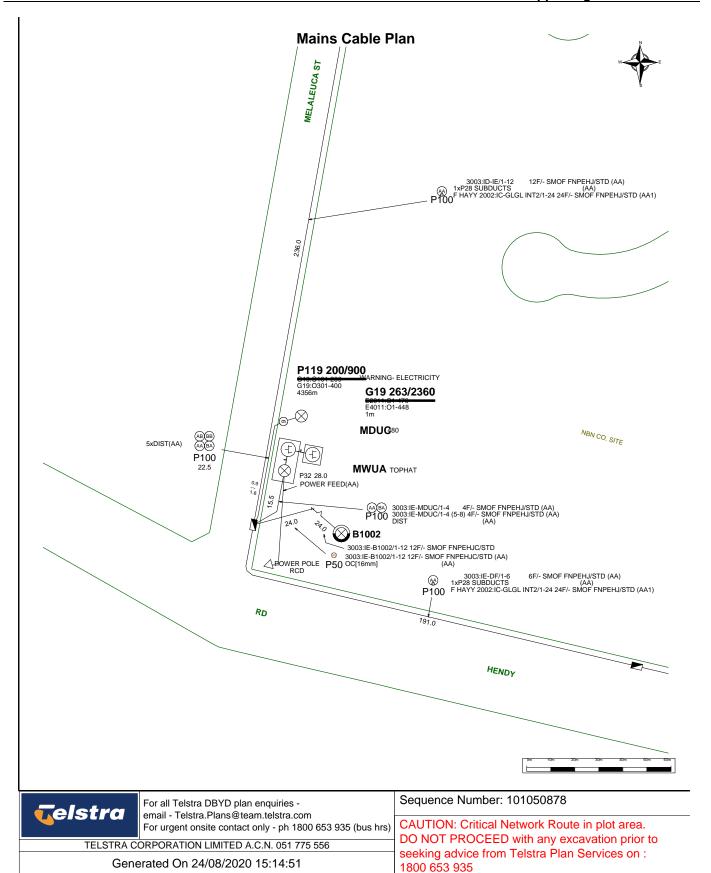
The above plan must be viewed in conjunction with the Mains Cable Plan on the following page

WARNING - Due to the nature of Telstra underground plant and the age of some cables and records, it is impossible to ascertain the precise location of all Telstra plant from Telstra's plans. The accuracy and/or completeness of the information supplied can not be guaranteed as property boundaries, depths and other natural landscape features may change over time, and accordingly the plans are indicative only. Telstra does not warrant or hold out that its plans are accurate and accepts no responsibility for any inaccuracy shown on the plans.

It is your responsibility to locate Telstra's underground plant by careful hand pot-holing prior to any excavation in the vicinity and to exercise due care during that excavation.

Please read and understand the information supplied in the duty of care statement attached with the Telstra plans. TELSTRA WILL SEEK COMPENSATION FOR LOSS CAUSED BY DAMAGE TO ITS PLANT.

Telstra plans and information supplied are valid for 60 days from the date of issue. If this timeframe has elapsed, please reapply for plans.



WARNING - Due to the nature of Telstra underground plant and the age of some cables and records, it is impossible to ascertain the precise location of all Telstra plant from Telstra's plans. The accuracy and/or completeness of the information supplied can not be guaranteed as property boundaries, depths and other natural landscape features may change over time, and accordingly the plans are indicative only. Telstra does not warrant or hold out that its plans are accurate and accepts no responsibility for any inaccuracy shown on the plans.

It is your responsibility to locate Telstra's underground plant by careful hand pot-holing prior to any excavation in the vicinity and to exercise due care during that excavation.

Please read and understand the information supplied in the duty of care statement attached with the Telstra plans. TELSTRA WILL SEEK COMPENSATION FOR LOSS CAUSED BY DAMAGE TO ITS PLANT.

Telstra plans and information supplied are valid for 60 days from the date of issue. If this timeframe has elapsed, please reapply for plans.

UM NM 27.08.2020 UM NM 04.08.2020 Drawn Check Date

Prefect
OTR Buronga
83-89 Hendy Road
Ruironna NSW

	SITE	7		Lands
Buronga NSW		Level 1, 3-5 Baptist Smet Residem NSW 2016 Australia	Tet: (81.2) 8332 9600 Fax: (61.2) 9688 2877 www.shaimage.com.au	Site (mg) (\$500) Py Lid ABN 44 80 1 282 38 0

DEVELOPMENT APPLICATION

Drawing Name. Coversheet

Issue: 0000 B Scale: Job Number: SS20-4460

Clert

Drawing Schedule

Landscape Development Application

OTR Buronga

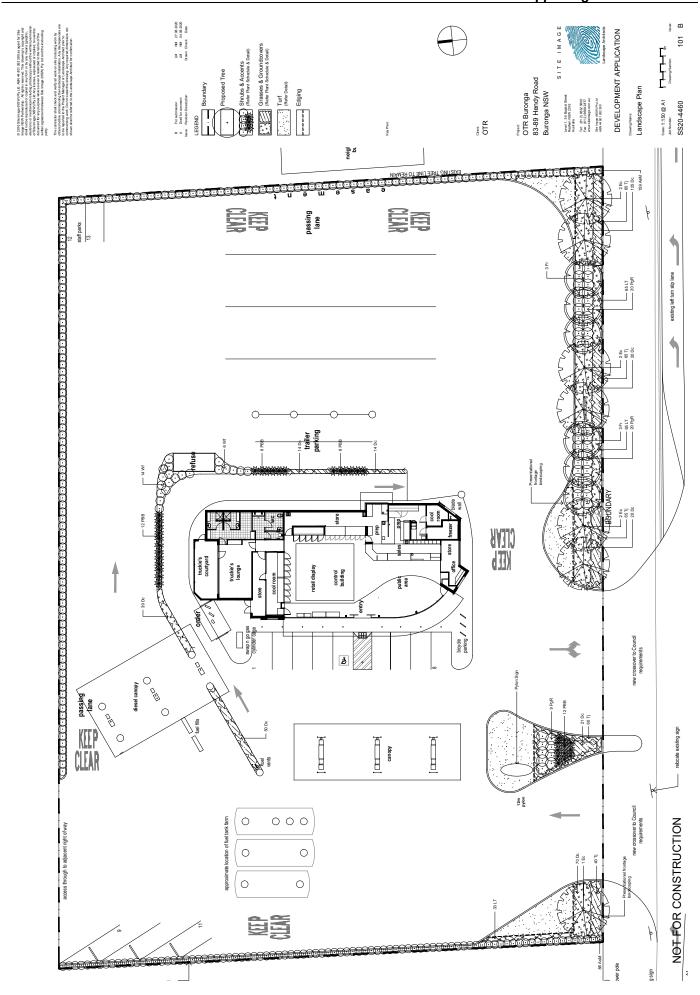
83-89 Hendy Road, Buronga NSW

Drawing Title	Landscape Coversheet	Landscape Plan	Landscape Details
Drawing Number	000	000	501

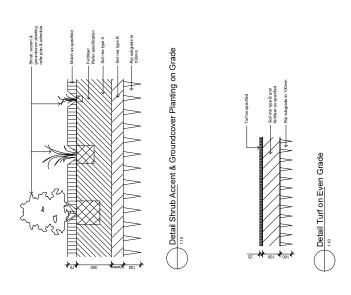
Scale N/A 1:150 As Shown

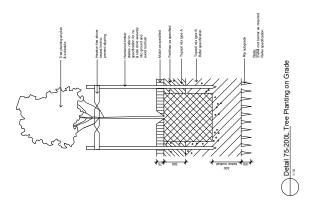
PLANT SCHEDULE

Sy	Symbol	Botanical Name	Common Name	Mature	Mature	Spacings Pot Size	Pot Size
				Height (m.)	Height (m.) Spread (m.)		
Trees							
	Ŀ	Fraxinus 'Raywood'	Claret Ash	80	4	As Shown	100L
	ü	Eucalyptus crebra	Narrow Leafed Ironbark	4	20	As Shown	100L
	2	Tristaniopsis faurina 'Luscious'	Water Gum	6	00	As Shown	100L
Shrubs							
٩	AsM	Acmena smithii Winor'	Dwarf Lilly Pilly	e	2	As Shown	300mm
	Wf	Westringia fruiticosa	Coastal Rosemany	2	2	As Shown	300mm
	PgR	Photinia glabra 'Rubens'	Small Leaf Photinia	6	2	As Shown	300mm
Accents							
	PBB	Phomium Bronze Baby	Bronze Baby	-	-	As Shown	300mm
Groundcove	Groundcovers / Grasses						
	°C	Dianella caerulea 'Breeze'	Blue Flax Lily	0.4	0.4	5.00/m2	150mm
	5	Lomandra longifolia 'Tanika'	Matt Rush Grass	0.7	9:0	5.00/m2	150mm
	F	Trachelospermum jasminoides	Star Jasmine	0.2	0.5	5.00/m2	150mm











ABN 81 139 719 529 adpconsulting.com.au

Consultant Advice Notice

From	Craig Elliott	Advice No.	CAN No-E-1
Project	83-89 Hendy Road Buronga	Project No.	SYD1266
Date	27 August 2020	Pages	1/15
Subject	Lighting DA Report	Revision:	DA

Distribution to:

Attention	Company	Email
Mitchell Kennedy	KDC	mitchell@kdc.com.au

DA Lighting Report

1.1 INTRODUCTION

The proposed development is a new service station located at 83-89 Hendy Road, Lot 5 DP1029509 Buronga NSW in a large lot rural residential village zone. The proposed site will service the A20 Sturt Highway Route which has a steady stream of traffic and nearby local areas including residential, primary production and general industrial.

The service station will provide the local community competition with existing service stations and highway drivers an opportunity to 'stop, revive, survive'.

A truckies' courtyard, lounge and showers are provided to take breaks and refresh contributing to the travel safety and efficiency.

The project will consist of the following:

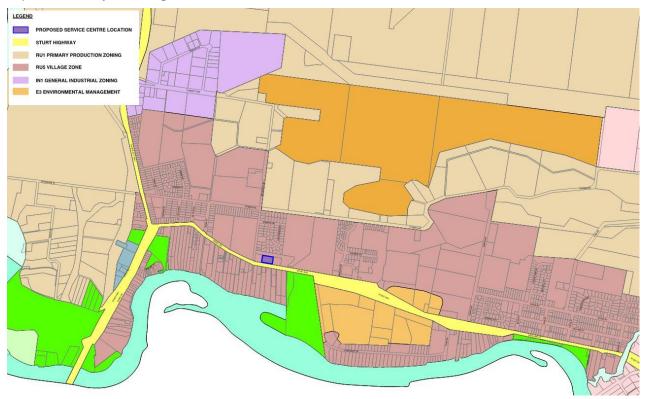
- > Main Control Building with courtyard, lounge, showers, service yard and fuel sales fuel sales area
- > Truck diesel canopy and car fuel canopy
- > Car, coach, trailer, A & B double parking areas
- Loading zone

Creating great environments with great people.

Choose a building block.



Proposed 83-89 Hendy Road Buronga Service Station Location



1.2 APPLICABLE AUSTRALIAN STANDARDS FOR PUBLIC LIGHTING

AS/NZS 1158.0 defines two lighting categories and their application broadly divided as follows:

Category V Lighting

Lighting which is applicable to roads on which the visual requirements of motorists are dominant, e.g. traffic routes. Subcategories range from V1 to V5.

Category P lighting

Lighting which is applicable to roads on which the visual requirements of pedestrians are dominant, e.g. local roads and to local area traffic management devices installed on such roads. Subcategories range from PR1 to PR5.

Relevant design methods, requirements and application guidance for each of the lighting categories above are given in subsequent Standards in the AS/NZS 1158 series as follows:

- > Performance and installation design requirements for Category V lighting are specified in AS/NZS 1158.1.1
- > Computer procedures for the calculation of light technical parameters for Category V and Category P lighting are given in AS/NZS 1158.2
- > Guidance on the design, installation, operation and maintenance of Category V lighting is provided in AS/NZS 1158.1.3

Project: SYD1266-Hendy Road Buronga Service Station Date: 27 August 2020 Advice No: CAN- E-1

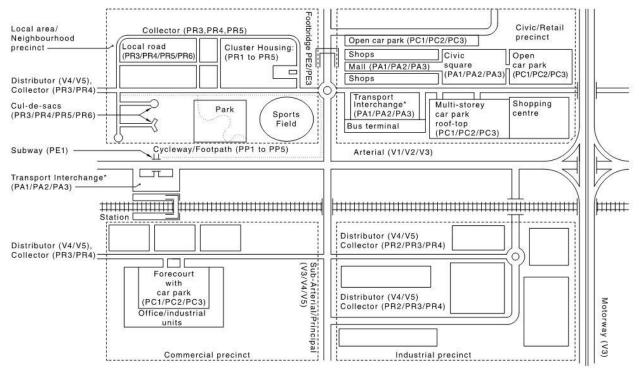
Page 2 of 10 Revision: DA



> Guidance on the design, installation, operation and maintenance of Category P lighting is provided in AS/NZS 1158.3.1

The appropriate lighting category and subcategory for a particular road shall be determined in consultation with local councils as well as the road or traffic authority concerned.

Figure 2.1 in AS1158.1.1 below (as well as in AS1158.3.1) shows an example of various road/area types and an indication of the category and subcategory that would be typically applicable



NOTE: Selection of the appropriate lighting subcategory for a road or public space is governed by

- > AS/NZS 1158.1.1 for Category V areas and AS/NZS 1158.3.1 for Category P areas. When determining the appropriate lighting category and subcategory each separate element is assessed based on particular operational characteristic.
- > The night-time usage shall also be considered as night usage could be different to the daytime usage of the road with respect to traffic density and the presence of pedestrians.



1.3 LIGHTING CATEGORY ASSESSMENT

Proposed Service Station at 83-89 Hendy Road, Buronga is assessed referencing Figure 2.1 in determining the categories of the local area. Additionally, the sub-categories are assessed for local roads utilizing Table 2.1 and parking spaces utilizing Table 2.5.

There are parking spaces on all four sides surrounding the main control building.

The Lighting Category assessment process must take into consideration the following:

- > Vehicular activity, i.e. vehicular traffic
- > Pedestrian activity
- > Risk of crime
- > The need to enhance the surrounds, add interest and prestige to the area which helps the local business.

The vehicular traffic and the pedestrian activities are predicted to be low during night with the risk of crime being low.

ADP consulted AS1158 – Public Lighting standards to assess what lighting category the new public lighting scheme should be designed.

1.3.1 Lighting Sub-Category Assessment

ADP determined the following selection criteria for the local roads primarily for access to proposed Service Station.:

The areas are considered as local road primarily used for accessing abutting properties.

- > Pedestrian activity: Low
- > Risk of crime: Low
- > Need to enhance prestige: N/A

Based on the above, the applicable lighting category for the local roads is PR5, obtained utilizing Table 2.1 of AS1158.3.1.2020.

Project: SYD1266-Hendy Road Buronga Service Station Date: 27 August 2020 Advice No: CAN- E-1

Page 4 of 10 Revision: DA



TABLE 2.1 LIGHTING SUBCATEGORIES FOR ROAD RESERVES IN LOCAL AREAS

1	2	3	4	5	6
Type of road or pathway		Selection criteria ^{a,b}			
General description	Basic operating characteristics	Pedestrian/ cycle activity	Fear of crime	Need to enhance amenity	Applicable lighting subcategory ^{c,d}
Collector roads or non- arterial roads which collect and distribute traffic in an area, as well as serving abutting properties		N/A High Medium Low	High Medium Low Low	N/A High Medium Low	PR1 PR2 PR3f or PR4f PR5
Local roads or streets used primarily for access to abutting properties, including residential, commercial and industrial precincts	Mixed vehicle and pedestrian traffic	N/A High Medium Low N/A	High Medium Low Low N/A	N/A High Medium Low N/A	PR1 PR2 PR3 ^f or PR4 ^f PR5 PR6 ^c
Common area, forecourts of cluster housing		N/A High Medium Low	High Medium Low Low	N/A High Medium Low	PR1 PR2 PR3 ^f or PR4 ^f PR5

Refer to Table 3.3 of AS1158.3.1:2020 below for illumination levels corresponding to category PR5.

TABLE 3.3
VALUES OF LIGHT TECHNICAL PARAMETERS
FOR ROADS IN LOCAL AREAS

1	2	3	4	
	Lig	ht technical paramete	ers (LTP)	
Lighting subcategory	Average horizontal illuminance (\bar{E}_h) lx	Point horizontal illuminance ^{a,b} (E _{Ph}) lx	Illuminance (horizontal) uniformity ^c Cat. P (UE2)	
PR1	7	2	8	
PR2	3.5	0.7	8	
PR3 ^e	1.75	0.3	8	
PR4 ^{d,e}	1.3	0.22	8	
PR5 ^{d,e}	0.85	0.14	10	
PR6 ^d	0.7	0.07	10	

ADP determined the following selection criteria for the outdoor car spaces:

- > Night-time vehicle or pedestrian movements: Low
- > Night-time occupancy rates (NTOR): >=25%, <=75%
- > Risk of Crime: Low, referenced from NSW crime stats

Based on the above, the applicable lighting category for the car spaces including circulation roadways is PC3, Disabled parking will be PCD and designated pedestrian crossing will be PCX obtained utilizing Table 2.5 of AS1158.3.1.2020.

Project: SYD1266-Hendy Road Buronga Service Station Date: 27 August 2020 Advice No: CAN- E-1

Page 5 of 10 Revision: DA



TABLE 2.5
LIGHTING SUBCATEGORIES FOR OUTDOOR CAR PARKS
(INCLUDING ROOF-TOP CAR PARKS)

1	2	3	4		
	Selection criteria ^{a,c}				
Type of area	Night time vehicle and/or pedestrian movements	Fear of crime	Applicable lighting subcategory ^b		
Parking spaces, aisles and circulation roadways	High Medium	High Medium	PC1 PC2		
Todaways	Low	Low	PC3		
Designated parking spaces specifically intended for people with disabilities	N/A	N/A	PCD		
For any designated areas for pedestrians to cross	N/A	N/A	PCX		

Table 3.7 of AS1158.3.1:2020 below for illumination levels corresponding to category PC3, PCD and PCX.

TABLE 3.7

VALUES OF LIGHT TECHNICAL PARAMETERS FOR OUTDOOR CAR PARKS (INCLUDING ROOF-TOP CAR PARKS)

1	2	3	4	5
=======================================		Light technical pa	rameters (LTP)	
Lighting subcategory	Average horizontal illuminance ^{a,b} $\left(\overline{E}_{b}\right)$	Point horizontal illuminance ^{a,b} (E _{Pb})	Illuminance (horizontal) uniformity Cat. P	Point vertical illuminance ^{a,b} (E _{Pv})
PC1	14	3	8	3
PC2	7	1.5	8	1
PC3	3.5	0.7	8	120
PCD^d	222	≥ 14 and $\geq (\overline{E}_h)^d$	10_22	<u> </u>
PCX ^e	21	5	8	<u> </u>



1.4 EXISTING SERVICE STATION LIGHTING

Existing nearby service station lighting systems in the area were inspected using google earth and planning portal. The following images give an overview of the properties.

Aerial view of existing 91-95 Hendy road, Buronga Truckstop Service Station



Aerial view of existing 3-7 Hendy Road, Buronga Service station





Aerial view of existing roundabout situated next to existing 3-7 Hendy Road, Buronga Service station



Neighbouring Truckstop Service station lighting

91-95 Hendy road, Buronga Truckstop is located next door to the proposed service station and is assumed to fall under similar lighting categories as that of the proposed 83-89 Hendy road, Buronga Service Station. The lighting at the existing service station at 91-95 Hendy road, Buronga consisted of:

- > Lighting under the truck diesel canopy and car fuel canopy.
- > Minimal external lighting provided other than the above

Nearby Service station lighting

3-7 Hendy Road, Buronga Service station is located at a roundabout one kilometre from the proposed Service Station at 83-89 Hendy road, Buronga. The existing service station lighting categories will fall under different categories to that of the proposed site resulting in the need for higher illuminance. The lighting at the existing service station at 3-7 Hendy Road, Buronga consisted of:

- > Lighting under the truck diesel canopy and car fuel canopy.
- Minimal external lighting provided other than the above and building mounted flood lights
- > Street lighting around the perimeter of the existing service station
- > Additional street lighting poles at the roundabout



1.4 LIGHTING RECOMMENDATIONS

The new lighting scheme for the proposed Service Station at 83-89 Hendy Road, Buronga will meet the following design criteria:

- Category PR5 (Local roadways primarily used to enter the Proposed Service Station), PC3 (Parking spaces and circulation roadways), PCD (Disabled spaces) and PCX (Designated pedestrian crossing) Lighting technical parameters of AS1158.3.1:2020.
- > Limit spill light and glare to adjoining properties in accordance with the requirements of AS4282:2019 control of the obtrusive effects of outdoor lighting.
- > Be energy efficient (use of LED technology).
- > Low maintenance.
- > Use of 4000K CCT lamps with higher than 80 color rendering index.
- > Select vandal resistant, weatherproof luminaires.
- > Select luminaires with low glare.
- > Place luminaires where lighting is needed and where it complements the surrounds with strict adherence to section 3.7 of AS1158.3.1.2020 (Table 3.8 and 3.9).

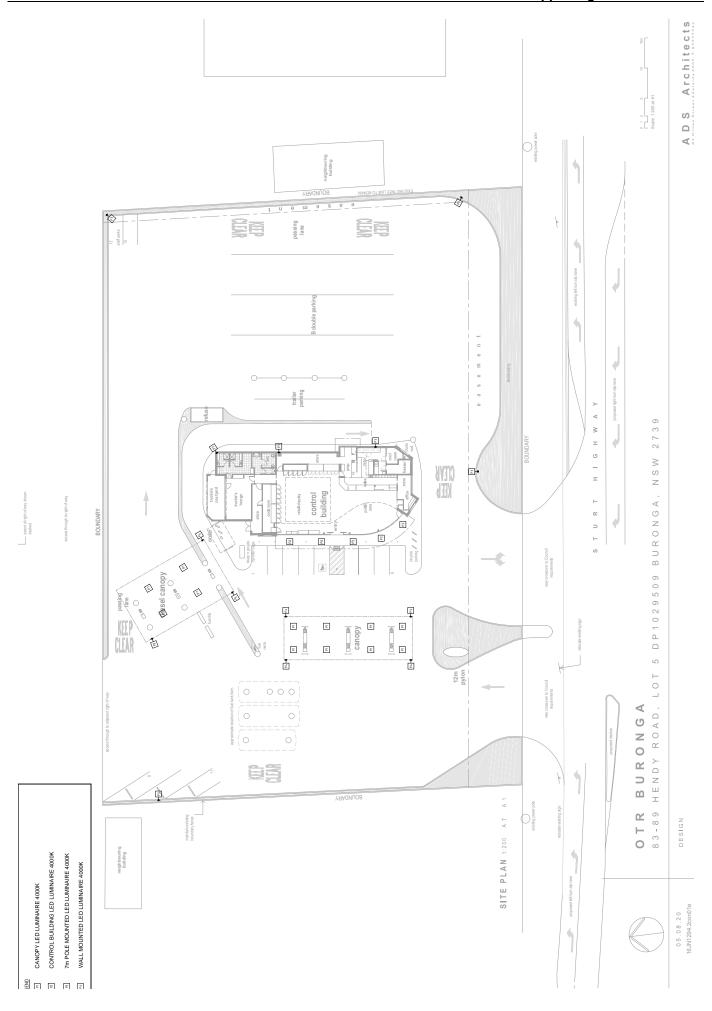
Refer Appendix A – Preliminary Pole Locations for proposed layout to satisfy the above recommendations.

Craig Elliott
Electrical Engineer
ADP Consulting Pty Ltd

Project: SYD1266-Hendy Road Buronga Service Station Date: 27 August 2020 Advice No: CAN- E-1



A.1 Appendix A – Preliminary Pole Locations







Address: 83-89 Hendy Road, BURONGA NSW 2739

Proposal: Site Preparation and Construction and Use of a Service Station.

OBJECTIVES FOR THE WASTE MANAGEMENT ON THIS SITE

+ To minimise resource requirements and construction waste through reuse and recycling;

+ The efficient selection and ordering of resources; and

+ To ensure the waste management systems are compatible with the relevant waste collection services.

The management of waste is addressed in this WMP in the following two (2) sections, according to the stages of the development: demolition, construction and ongoing operation.

1 CONSTRUCTION STAGE

Construction waste will be separated on site by builder's contractors and builder's laborer's during the construction stage. The site shall be checked on a regular basis to make sure no recyclable materials are mixed with non-recyclable materials; and to set aside on site an area to store the recyclable materials for transportation to local recycling plants.

The site manager will erect a sign on site for waste areas and will inform the builder's staff where material is to be collected for recycling. The site manager and/or builder will impose the execution of the waste separation policy.

Stockpiles shall be located and managed appropriately to prevent sediment runoff and ensure minimal environmental impact from the building site.

A suitable all-weather vehicular access points shall be provided for the construction phase from Hendy Road, and all sediment and erosion control devices (including sediment fencing) implemented on site prior to commencement of construction works.

	Estimates Volume in m ³ or	Reuse an	Reuse and Recycling		
Type of waste generated	area m² or weight in tonne (t)	On-Site	Off-Site	Disposal	
Excavated Earth Material	< 100m³ (predominantly tank installation)	Possible reuse of soil for backfilling purposes.	Provided to Local Waste Facility by contractor	Un-recyclable excavated material to be disposed at local waste facility.	
Metal	< 5m³ (offcuts / surplus)	-	Provided to Local Waste Facility by contractor	Sent to local metal recycler	
Steel	<5m³ (offcuts / surplus)	-	Unused disposed of at local waste facility by contractor	Unused disposed of at local waste facility by contractor	
Bricks	<15m³ (offcuts / surplus)	-	Sent to recycling facility for processing and reuse	-	
Concrete	<20m ³	-	Sent to recycling facility for processing and reuse	-	
Packaging (used pallets and pallet	<20m ³	-	Pallets reused where possible	Unused disposed of at local waste	

19331.3_WMP_Buronga_September2020





wrap)				facility by contractor
Other waste e.g. pvc plastics, paint, paper / cardboard	<5m ³	-	Unused Disposed of at local waste facility by contractor by Contractor	Disposed of at local waste facility

Notes

- 1. The location of construction waste facility will be finalised upon engagement of site contractor and tendering process.
- 2. Quantities to be confirmed upon engagement of site contractor.
- 3. The site will be fenced off during the construction phase.

2 ONGOING OPERATION STAGE

OTR will be directly responsible for the ongoing management of operational waste, in accordance with this WMP. Contractors may be engaged to undertake onsite maintenance on an as-needs basis.

Staff will separate general waste and recyclables within the refuse area located on the southern boundary. In the waste area a minimum of two separate bulk bins will be located for the separation of general waste from recyclables. Waste and recycling bins will be clearly labelled and identifiable. The bins and waste storages areas will be cleaned by staff with protective gloves.

The frequency of collection of rubbish is estimated to be 2 times per week, Monday and Thursday however these details will be subject to confirmation when a private waste collector is engaged.

Type of waste	Estimated Volume per week	Reuse and Recycling		Dianagal
generated		On-Site	Off-Site	- Disposal
General Waste	1,050L (based on avg 150L per day)	General waste bins located in designated refuse area	Disposed of at local waste plant by contractor	Disposed of at local waste plant by contractor
Recyclable Waste	700L (based on avg 100L per day)	Recycle bins located in designated refuse area	Recycled	Disposed of at local recycle plant by Council contractor

Note: The above volumes are based on operator experience as waste generation rates are not provide for service stations in Appendix A of the EPA Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities.





WENTWORTH DEVELOPMENT CONTROL PLAN (DCP) 2011 COMPLIANCE TABLE

Table 1 – DCP Table

Control	Requirement	Comment	Compliance
Chapter 2			
L – General De	velopment Objectives		
	Residential land is to be developed with the creation on neighborhoods comprising a range of housing styles and densities to cater for a diverse demographical profile of the land approximate to the state of the land approximate the land approxi		N/A
	 Residential areas should promote the opportunities for walking and cycling as alternative modes for local transport Residential growth shall be promoted in areas identified as 	The subject site is located immediately	N/A
	urban release area.	Buronga and Gol Gol in accordance with the map at Clause 8.1	V
	Employment uses should be sensitively designed and located to minimise conflict.	_ 	Y
	 Buffers are to be used to safeguard the integrity and quality of waterways and creeks 	1	N/A
	Development along waterways requires flood investigations to determine the minimum flood level and to ensure flood levels and velocity would not cause harm to life and property.	N/A 1 5	N/A
	Development buffers are to be used to safeguard prime agricultural land. New sensitive land uses should be located an acceptable distance from hazardous or offensive agricultural operations unless ar appropriate buffer has been established.		N/A
	Integrated open space and drainage networks should		Y





	provide the framework for an	appropriate framework for the site.	
	off-road pedestrian and cyclist	Refer to the stormwater plan at	
	network.	Appendix E.	
•	Non-residential land uses shall	The proposed service station will not	Υ
	not impact upon the amenity of	impact the amenity of surrounding	
	the area or surrounding	uses, as it is permissible within the	
	sensitive land uses. This would	zone and is adjacent to similar uses.	
	include, for example, local shops	Furthermore, the proposed use will	
	and commercial premises,	provide for future social and economic	
	schools, child care centres,	benefits within the community.	
	places of worship, open space	,	
	and recreation.		
	Commercial uses in existing	The proposed commercial use (service	Υ
	Village zone shall be clustered to	station) has been co-located to cluster	-
	minimise car trips and promote	similar surrounding uses, while	
	focus on pedestrian and cycle	providing a competitive offer to the	
	ways to improve on sustainable	adjoining uses.	
	living	dajoning daes.	
	Land uses that maintain a rural	N/A	N/A
	landscape should be	14/7	14/1
	encouraged on the edges of		
	residential areas to provide a		
	defined transition to rural areas		
	and minimise potential for land		
	use conflicts. This is particularly		
	important where large lot		
	residential development is near		
	areas identified for agricultural		
	purposes.		
_	Prime agricultural areas and	N/A	N/A
•	areas identifying potential to	N/A	N/A
	yield groundwater should be		
	safeguarded from incompatible		
	land uses and protected given their environmental sensitivities.		
_	Best practice water quality	Please refer to Civil Plans prepared by	Υ
•	controls (including water quality	Northrop at Appendix E.	1
		North op at Appendix E.	
	3,		
	implemented. Predevelopment water quality should be		
	maintained or enhanced in post-		
	development run-off. The		
	management of water should		
	address cumulative		
	environmental impacts and be		
	carried out in accordance with		
	the objectives of the integrated		
	water cycle management and		
	water cycle management and water sensitive urban design.		
	water sensitive urban design.		





Chapter 3 – General Development Controls				
2 Biodiversity	2.1 Murray and Darling River			
Management	• Stormwater is to be captured	In consultation with Council engineers,	Υ	
	and treated outside of the buffer	onsite treatment is proposed for		
	corridor prior to discharge to the	stormwater runoff to mitigate any		
	River	adverse downstream impacts.		
	• A person must not take an	N/A	N/A	
	action in or adjacent to lands			
	identified by the Department of			
	Environment, Climate Change			
	and Water mapping database as			
	riparian corridors where that			
	action:			
	 Leads to an adverse 			
	affect on the condition			
	of the native			
	vegetation within the			
	riparian corridor/s, or			
	o Fragments an			
	occurrence of			
	vegetation within the			
	riparian corridors, or			
	 Modified or destroys 			
	abiotic factors (such as			
	water, nutrients or soil) necessary for the			
	survival of vegetation			
	within riparian			
	corridors, or			
	 Results in invasive 			
	species that are			
	harmful to riparian			
	corridors becoming			
	established in an			
	occurrence of these			
	lands, or			
	o Diminishes the			
	capacity of the			
	adjoining buffer			
	corridor adjacent to the			
	riparian corridor/s,or -			
	Adversely affects the			
	capacity of a regional			
	connectivity area of a			
	riparian corridor -			
	Adversely affects water			
	quality			





	2.3 Erosion Control – Murray River	Please refer to Appendix E, for civil	Υ
	and Darling River	engineering plans prepared by	
	In considering proposal for	Northrop Engineers. The civil plans	
	development near the river, Council	discuss the stormwater strategy and	
	must consider the following matters:	have prepared an erosion and	
	Regional planning strategies	sediment plan.	
	affecting Murray River.		
	Regional catchment strategy as		
	prepared by the Lower Murray		
	Darling Catchment Management		
	Authority.		
	Relevant strategies and policies		
	by NSW (Department of		
	Environment, Climate Change and Water) Environmental		
	Protection Authority.		
	Any proposed measures to		
	manage concentrated runoff		
	and site drainage.		
	Any proposed measures to		
	minimise the extent of soil		
	disturbance.		
	Whether the removal of		
	vegetation will increase the		
	possibility of erosion, the		
	susceptibility to landslip or other		
	land degradation processes, and		
	whether such removal is consistent with sustainable land		
	management.		
	The need to stabilise disturbed		
	areas by engineering works or		
	revegetation.		
	Whether the land is capable of		
	providing a building envelope		
	which is not subject high or		
	severe erosion concern.		
	Whether buildings or works are		
	likely to cause erosion or		
	landslip.		
	Whether access and servicing of the site or building envelope is		
	the site or building envelope is likely to result in erosion or		
	landslip.		
5 Vehicular Access	5.1 Parking Layout, Servicing and	Please refer to section 5.2 of the SEE	Υ
and Parking	Manouvering	and the Traffic Impact Assessment	
-	The layout and design of access,	prepared by SLR located at Appendix	
	parking and service areas should	D.	
	address the needs of the site		_





occupants and visitors as well as		
respecting the amenity of the		
area.		
• Account should be taken of		
potential noise disturbance,		
pollution and light spillage.		
• Car parking areas can have a		
significant impact on the		
streetscape and should		
therefore be carefully designed		
having regard to landscaping,		
layout and location to ensure		
that parking and service areas		
are integrated sympathetically		
with the development and		
locality.		
 Provision should be made for 		
various modes of transport for		
employees and visitors to the		
site.		
Where parking is provided it		
must be in a safe and efficient		
manner, allowing for easy		
access for occupants, visitors		
and service vehicles, whilst		
ensuring the safety of		
pedestrians and other road		
users.		
Surface parking should be		
visually articulated by the use of		
soft and hard landscaping and		
the use of different surface		
treatments.		
 Parking areas and access ways 		
should be designed, surfaced		
and graded to reduce runoff and		
allow stormwater to drain into		
the site.		
Ensure public car parking and		
service areas are well		
signposted or otherwise		
identified from the entry point.		
7 F		
5.2 Specific Land Use Requirements		
Off-street parking shall be	Please refer to section 5.2 of the SEE	Υ
calculated in accordance as per	and the Traffic Impact Assessment	
the Car Parking Table or you	prepared by SLR located at Appendix	
may take the option of	D.	
•		





		undertaking a traffic impact and		
		parking study.		
		Land use Number of spaces		
		Service stations 6 spaces per work bay, plus 1 space per 40m2 of GPA for a convenience store; plus 1 space per 40m2 of GPA for a convenience store; plus 1 space per 40m2 of GPA for a resturation.		
		(Consider stations & spaces per		
		(Service stations - 6 spaces per		
		work bay; plus 1 space per 40m2 of GFA for a convenience		
		store; plus 1 space per 40m2 of		
		GFA for a restaurant		
		GIA IOI a l'estaulant		
	١.	Disabled standard will apply to		
	`	most land uses at a rate of 1		
		space per 50 spaces or part		
		thereof.		
		The Building Code of Australia		
		Part D prescribes the minimum		
		requirements for the provision		
		of parking spaces for people		
		with disabilities. This plan does		
		not relieve an applicant of any		
		obligation to comply with the		
		Building Code of Australia.		
	•	Bicycle parking/racks should be		
		considered for shopping and		
		recreational developments.		
6 Crime Prevention	A)	Lighting		
Through	•	All areas intended to be used at	Achieved. A lighting report has been	Υ
Environmental		night should allow appropriate	prepared by ADP Consulting, for	
Design		levels of visibility	further detail refer to Appendix J.	
	•	Pedestrian pathways, lane ways	Achieved.	
		and access routes in outdoor		
		public spaces should be lit to the		
		minimum Australian Standard		
		(AS 1158). Lighting should be		
		consistent in order to reduce the		
		contrast between shadows and		
		illuminated areas. Lighting		
		should be designed in		
		accordance with AS4282 –		
		Control of the obtrusive effects		
		of outdoor lighting		.,
	•	Lighting should have a wide	Achieved.	Υ
		beam of illumination, which		
		reaches to the beam of the next		
		light, or the perimeter of the site		
		or area being traversed.		
		Moreover, lighting should clearly		
		illuminate the faces of users of		
	<u> </u>	pathways streetlights should		





shine on pedestrian pathways and possible entrapment spaces as well as on the road • Lights should be directed towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points lighting should take into account all vegetation and landscaping that may act as a entrapment spot	Achieved.	Y
Lighting should be designed so that it is difficult for vandals to break where appropriate use movement sensitive and diffused lights	Achieved.	Y
 Avoid lighting spillage onto neighbouring properties as this can cause nuisance and 	Achieved.	Y
 Reduce opportunities for natural surveillance - Illuminate possible places for intruders to hide 	Achieved.	Y
 As a guide areas should be lit to enable users to identify a face 15 metres away 	Achieved.	Y
 All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly 	Achieved.	Y
Use energy efficient lamps/fittings/switches to save energy	Achieved.	Y
B) Fencing Fence design should maximise natural surveillance from the street to the building and from the building to the street, and minimise the opportunities for intruders to hide	Landscaping has been designed to screen the property, ensuring delineation between neighbouring sites. Please refer to the Crime Prevention Through Environmental Design Report, located at Appendix G.	Y
Front fences should preferably be no higher than 1.2 metre. Where a higher fence is proposed, it will only be considered if it is constructed of open materials (e.g. spaced pickets, wrought iron etc)	N/A	N/A





TE mains importables in manyima	NI/A	NI/A
If noise insulation is required install double glazing at the control of the		N/A
install double-glazing at the front of the building rather that		
_		
a high solid fence (greater than	1	
1 metre)		
C) Car Parking	Please refer to Appendix A for	Υ
		'
' '	-	
manoeuvring areas shall be:	suitable design of the proposed car	
 designed with safet 	·	
and function in mind o have dimensions i	The TIA located at Appendix D, also	
	' ' '	
conformity wit		
AS2890 - Parkin		
Facilities (relevant		
parts of this standard are AS2890. 1 - Off		
street parking		
AS2890.2 –Commercia		
vehicle facilities, an		
AS2890.3 - Bicycl		
parking facilities		
where parking space		
are to be provided fo		
people with disabilities		
these spaces are to be		
 suitably located nea 		
entrances to the		
building and lifts	<i>,</i>	
-	f	
required		
 provided in accordance 		
with Australia	1	
Standards 1428.1	-	
Design for access and	i	
mobility		
o appropriate signag		
and tactile pavemen		
treatments should also		
be installed, when	2	
required		
The design of car parking area		
should incorporate the following	3	
elements:		
Provision of a safe and		Y
convenient vehicle entry and		
exit that avoid	,	
traffic/pedestrian conflict and	-	
impact on the surrounding road		





	conflict. Please refer to Appendix A	
	and Appendix D for further detail.	
• The internal (vehicular)	Achieved.	Υ
circulation network is free of		
disruption to circulating - Traffic		
and ensures pedestrian safety		Υ
• The movement of pedestrians	Achieved.	
throughout the car park should		
be clearly delineated by		Υ
All users of the car park and	Achieved.	
minimises conflict with vehicles		
The design of the car park	Achieved.	Υ
should ensure that passive		·
surveillance is possible and		
Where appropriate, incorporate	Achieved.	Υ
active measures such as	Achieved.	'
cameras and security patrols.		
Car parks should be designed to		
minimize dark areas through the		
provision of appropriate lighting		
		.,
Large car parks should incorporate	Noted.	Υ
communication devices such as:		
 Intercoms 		
 public address systems 		
 telephones 		
 emergency alarms 		
All surfaces in the car park should be	Achieved.	Υ
painted in light coloured paint or		
finished in light grey concrete to		
reflect as much light as possible.		
All potential entrapment points	Appropriate CPTED measures, site	Υ
should be avoided (e.g. under stairs,	layout and design mitigate the	
blind corners and wide columns).	potential for entrapment points on	
Adequate lighting and mirrors should	site.	
be used when certain design features		
are unavoidable.		
a. C anavolaasiei		
D) Entrapment Spots and Blind	The site is bordered by landscape	Υ
D) Entrapment Spots and Blind Corners	planting creating barriers on site. As	'
Pathways should be direct – all	above appropriate CPTED measures	
barriers along pathways should	within the site layout and design	
be permeable (including	mitigate the potential for entrapment	
landscaping, fencing etc)	points on site.	
• Consider the installation of		
mirrors to allow users to see		
ahead and around corners – the		
installation of glass or stainless		

SLR[©]



- steel panels in stairwells can also assist in this regard
- Entrapment spots adjacent to main pedestrian routes such as a storage area or small alley should be eliminated from all designs
- If entrapment spots are unavoidable they should be well lit with aids to visibility such as convex mirrors and locked after hours to eliminate excuse making for individuals to loiter, avoid placement of seating near or adjacent to ATM"s, public phone boxes, toilets, corridors and isolated locations
- E) Landscaping
- Avoid medium height vegetation with concentrated top to bottom foliage. Plants such as low hedges and shrubs, creepers, ground covers and highcanopied vegetation are good for natural surveillance
- Trees with dense low growth foliage should be spaced or crown raised to avoid a continuous barrier
- Use low ground cover or highcanopied trees with clean trunks
- Avoid vegetation, which conceals the building entrance from the street
- Avoid vegetation screening of all public use toilets
- Avoid vegetation that impedes the effectiveness of public and private space lighting use "green screens" (wall hugging vegetation that cannot be hidden behind) if screening large expanses of fencing to minimise graffiti
- F) Communal/Public Areas
- Position active uses or habitable rooms with windows adjacent to main communal/public areas

Please refer to Landscape Plans prepared by Site Image located at Appendix B. The landscape plans have been designed to be sympathetic to the CPTED principles and in accordance with the DCP controls.

The proposed control building has large glazed windows oriented toward the active area of the site and

Υ

Y





(playgrounds, swimming pools, gardens, car parks etc)

- Communal areas and utilities (e.g. laundries and garbage bays should be easily seen and well lit)
- Where elevators or stairwells are provided, open style or transparent materials are encouraged on doors and/or walls of elevators/stairwells
- Waiting areas and entries to elevators/stairwells should be close to areas of active uses, and should be visible from the building entry
- Seating should be located in areas of active uses
- G) Movement Predictors
- Where movement predictors are used the users of it should have clear site lines so they can see what is ahead and behind at all times
- Lighting of movement predictors is essential. Natural lighting should be used where possible with consideration given to wall and ceiling materials to help reflect light
- Emergency intercoms, telephones and security videos should be included in the design of movement predictors. Adequate consideration should be given to who will be monitoring such equipment
- No entrapment spots should be included in any movement predictor
- H) Entrances
- Entrances should be at prominent positions and clearly visible and legible to the users
- Design entrances to allow users to see into the building before entering

communal areas are easily accessed and visible for all patrons.

In accordance with CPTED principles the proposed development has considered the safe movement of pedestrians and vehicles. Lighting has been considered and has been designed in accordance with Australian Standards. It is considered that the proposed site layout is appropriate and will achieve these DCP controls.

The proposed control building has multiple entrances along the frontage orienting toward the west which comprises of the light vehicle fuel canopy. The entrance has been designed to remain accessible and easily visible. No blank walls are

I

Υ





	Entrances should be easily recognisable through design features and directional signage Minimise the number of entry points — no more than 10 dwellings should share a common building entry If staff entrances must be separated from the main entrance, they should maximise opportunities for natural surveillance from the street Avoid blank walls fronting the street In industrial developments, administration/offices should be located at the front of the building	proposed on the control building, with some sense of design articulation integrated within the design. The staff entrance will be the same access point as per all patrons.	
7 Disability Access Standards	Objectives: To provide equitable access within all new developments and ensure that substantial building work carried out on or intensified use of existing buildings provides upgraded levels of access and facilities for all people.	The proposed development has been designed in accordance with DDA standards. Please refer to Appendix A for further details.	Y
9 Highway Promotional Signs	(a) Assessment criteria Each proposal shall undertake a design analysis for the specific locality that identifies: - existing character of the locality - key scenic qualities and features of the locality - desired future character of the locality	The proposed pylon sign has considered the surrounding uses and existing locality of the site, it does not impact any view corridors or key scenic features and the pylon sign is a contemporary design to alert patrons of the offerings located on site. The proposed pylon sign is considered to be an appropriate design given the location adjacent to a state classified road and adjacent to a highway service centre and supermarket.	Y
	(b) Locality Criteria Rural Areas Tourism promotional signs may be established in rural zones where advertising is permissible adjacent to a highway or regional road on the approach to a locality (eg. town, village). One of such sign per approach is permitted to maintain uninterrupted views to the rural landscape, avoid clutter and repetition. On the departure side of	The proposed pylon sign is permissible in the zone and is limited to one on the site. The pylon sign fronts Hendy Road/Sturt Highway a state classified road and is considered to be compliant as the sign is less than 40m² per side.	Y





	the sign the advertisement may be of		<u> </u>
	the sign the advertisement may be of		
	a general promotional nature subject		
	to complying with other assessment		
	requirements. The maximum sign		
-10 5 :	area is 40m2 per side.	DI	
10 Design	SEPP 64 applies to all signage. It will	Please refer to the SEPP 64	Y
Assessment Criteria	have to effect over Wentworth Shire	compliance table listed at Table 2	
	Council LEP, particularly so in the	below.	
	case of large advertisements.		
Chapter 6 – Comm	ercial Development Controls		
6.1 Design of		Please refer to Appendix A for the	Y
Commercial	The materials proposed to be used in	materials, colours and finishes	
Development	building are to be specified in terms	schedule.	
	of texture and colour and a		
	statement of their performance		
	under prevailing and likely		
	environmental conditions submitted		
	with the development application.		
	Major buildings in the commercial		
	area are to be designed by qualified		
	architects.		
	Where external glass is used to clad		
	buildings it must have a reflectivity		
	index of less than 10%.		
	All retail development must provide		
	an awning for the length of its street		
	frontage to protect pedestrians from		
	the weather.		
_	6.1.2 Site Analysis	Achieved.	Υ
	The north point;	, terne rear	•
	Site dimensions and area of		
	land;		
	 Location of easements (type), 		
	rights of way and other		
	restrictions:		
	Contours to AHD (existing and)		
	proposed); 65		
	 Location of driveways, vehicle 		
	parking/manoeuvring areas		
	including numbers of parking		
] ' '		
	, , , ,		
	proposed) with levels to AHD;		
	Location, height and species of trace/vegetation (existing and)		
	trees/vegetation (existing and		
	proposed);		
	Location of fences (existing and		
_	proposed);		





	 Location and type of waste disposal facilities; Location of drainage facilities/services (existing and proposed); Structures and trees/vegetation to be removed; Location and uses of all buildings; Setback dimensions and building lines; Adjoining streets, boundaries and buildings; Proposed areas if any of cut/fill (area, type, level to AHD); and Any other relevant matter considered appropriate. 		
	6.1.3 Site Arrangement Site Coverage The maximum site coverage for all commercial development is generally restricted to 70 per cent. This may be exceeded in certain areas if, in the opinion of Council, special circumstances warrant such dispensation of development control.	The proposed development does not exceed the 70% commercial development site coverage restriction.	Y
	Setbacks • Setbacks for commercial buildings for road frontage boundaries are to be assessed individually.	The proposed control building is setback significantly from all site boundaries.	Y
	Where the building abuts a residential zone the residential set back controls will apply to that commercial development	N/A	N/A
,	Setbacks to side boundaries are to be in accordance with the Building Code of Australia 6.1.5 Landscaping	Noted.	Y
	Consideration should be given to tree planting to provide a sense of scale and to provide shade and amenity.	The proposed landscaping has considered plants relative to the locality and as it has been designed to screen the boundaries and delineate the site from surrounding uses, it is considered that it will increase the visual amenity for patrons and passers-by.	Υ





Any car parking forward of the	N/A	N/A
building line should be screened	,	,,,
by a landscape screen		
maintained to 1.2m high or a		
suitable form of screening.		
A bank guarantee based on an	Noted.	Y
_	Noteu.	'
agreed cost quote for the		
replanting and maintenance of		
the landscaping for a period of		
12 months will be required to be		
lodged with Council with the		
Construction Certificate. Subject		
to satisfactory completion and		
maintenance of the landscaping		
the guarantee will be released		
12 months after completion of		
the development.		
6.1.6 Car Parking	Please refer to the Traffic Impact	Y
Adequate car parking is to be	Assessment located at Appendix D for	
provided for each commercial	further detail.	
development as per the		
requirement shown on Car		
Parking Ratio Table (See		
Chapter 3 Part 5).		
• Car parking must be		
'		
development proposal, whether		
for new development, change of		
use, redevelopment or		
additions.		
On-site circulation design must		
allow all vehicles to turn around		
within the site. Reversing on to		
or from any public road is not		
permitted. If semi-trailers are		
likely to use the site on a regular		
basis, a demonstrated diameter		
turning circle must be provided		
or a practical "T" arrangement		
demonstrated to Council's		
satisfaction including a traffic		
management plan.		
6.1.7 Pedestrian Paving	Noted.	N/A
_	Noted.	IN/A
Pedestrian footpaths along the		
frontage of any commercial		
development must be improved and		
details of this work and for		
landscaping and paving between the		
building line and property boundary		
 must be provided to Council.		





6.1.8 Advertising Structures Advertising structures and signs require Council approval before installation.		
Signage should be integrated to reduce potential of visual clutter.	An integrated whole-site approach to advertising has been adopted including a shared pylon sign and this will simplify / de-clutter signage.	Y
 Pylon sign configuration is preferred so as to consolidate signage for bulky good retail sites. 	As above.	Υ
Any signage above awnings must be carefully designed and located. Consideration should be given to locating it elsewhere within the site or on the building. If located above awnings its size, colour, material and illumination if to be used on signage must all be considered.	The proposed scale, proportion and form of signage is appropriate for the streetscape given it addresses a state classified road.	Y
 6.1.9 Water Pollution During construction the potential to pollute is high. To reduce this risk Council may require: On-site wheel and vehicle base cleaning facilities to reduce soil and contaminated material leaving the site. Protection of as much existing vegetation as possible to reduce erosion Storage of building materials on site to minimise stormwater contamination To ensure all potential water pollutants are controlled and dealt with on site, Council may require devices such as: Effective bunding Retention pits Grease traps Booms and trash racks Silt and litter arrester pits Siltation ponds 	The proposed development has been designed to reduce the risk of water pollution and erosion and sediment runoff. Please refer to the civil plans and erosion and sediment plan prepared by Northrop Engineers located at Appendix E.	Y
prohibited and this is an issue where		





siltation and sedimentation run off	
may affect the river.	

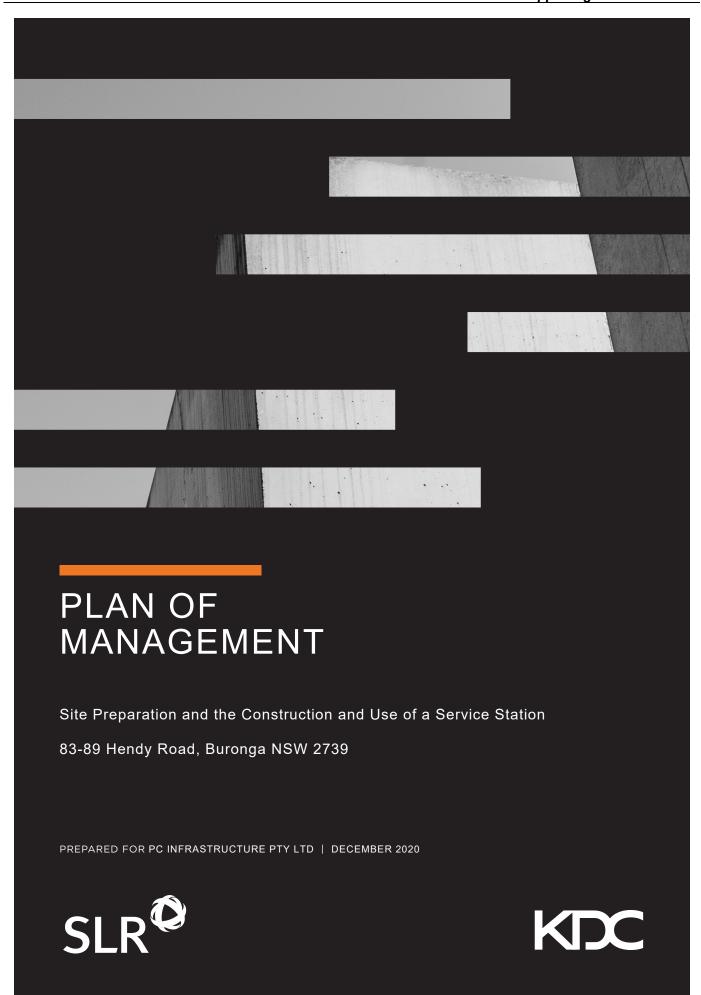
Table 2 - SEPP64 Assessment

Assessment Criter	ia	Comment	Compliance
1) Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the character of the locality, being adjacent to a State Classified Road and zoned RU5 Village.	Y
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is generally consistent with the objectives for signage under the DCP but there is no specific theme for this locality.	N/A
2) Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from any areas of environmental or cultural importance. It is directed away from residential areas.	Y
3) Views and vistas	Does the proposal obscure or compromise important views?	All signage, freestanding and on the building, is within the building LEP height limit and does not comprise any views or vistas.	Y
	Does the proposal dominate the skyline and reduce the quality of vistas?	Most of the external signage is located on the built form and does not protrude above the structure on which it is located. The 12.8m freestanding sign is in keeping with height provisions for the area, and does not dominate the skyline or protrude visibility of the neighboring signage.	Y
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not obscure any other advertising.	Y
4) Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale, proportion and form of signage is appropriate for the streetscape given it addresses a state classified road	Y
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the area through its integration with the built form and uncluttered appearance. The signage appropriately identifies the users of the site.	Y
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	An integrated whole-site approach to advertising has been adopted including a shared pylon sign and this will simplify / de-clutter signage.	Y
	Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	Y
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs do not generally protrude above buildings, structures or tree canopies in the locality.	Y
	Does the proposal require ongoing vegetation management?	In accordance with the Landscape Plans at Appendix B, the site operator is required to maintain the vegetation	Y





		if and when it is required. Landscaping around the pylon signs will be maintained in accordance with landscaping on site.	
5) Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage has been designed to integrate with the built form and site characteristics.	Y
	Does the proposal respect important features of the site or building, or both?	The proposed signage does not detract from important features of the site or proposed buildings.	Υ
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is to be modern and consistent with the users' branding. The placement of signage is considered the most appropriate given the building siting, access points, car parking and landscape elements.	Y
6) Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The internally illuminated signage will be of an appropriate level of brightness for outdoor display.	Y
7) Illumination	Would illumination result in unacceptable glare?	No, the proposed illuminated signage will not result in excessive glare as the signs will be illuminated in accordance with the relevant Australian Standards.	Υ
	Would illumination affect safety for pedestrians, vehicles or aircraft?	The illuminated signage will not provide a safety concern for pedestrians or vehicles.	Y
	Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illuminated signage will not detract from the amenity of any residences as it will be directed away from areas of residence.	Υ
	Can the intensity of the illumination be adjusted, if necessary?	No, however illumination will be in accordance with AS and not expected to create amenity impact to neighbours.	Y
	Is the illumination subject to a curfew?	No, signs will operate 24/7.	Y
8) Safety	Would the proposal reduce the safety for any public road?	The proposed signage will not reduce road safety. Sightlines to and from the site will not be affected and there will be no cause of distraction for drivers.	Y
	Would the proposal reduce the safety for pedestrians or cyclists?	The proposed signage will not reduce existing safety for pedestrians and cyclists. All signage is contained wholly within the site and not within the road or footpath.	Υ
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines from public areas.	Υ







This page has been left blank intentionally

SLR[©]



Contents

1	Introduction	5
2	Purpose of Plan of Management	5
3	OTR	5
4	The Site	5
5	Operational Hours and Staffing	5
6	Staff Training	6
7	Incident Reporting	6
8	Delivery Management Plan	7
9	Noise Management	7
10	Litter Management	7
11	Money Handling	8
12	Weapons	8
13	Theft	8
14	Security and Safety	8
14.1	CCTV Cameras	8
14.2	Surveillance	8
14.3	Lighting	8
14.4	Clear Sight Lines	9
14.5	Access Control	9
14.6	Restricted Areas	9
15	Signage	9
16	Space Management	9
17	Toilets	9
18	Landscaping	9
19	Waste Management	10
20	Consultation	10





This page has been left blank intentionally





1 INTRODUCTION

This Plan of Management (PoM) has been prepared for the proposed On the Run (OTR) service station located off the Sturt Highway (Hendy Road), Buronga.

OTR recognise the need to ensure the safety and security of customers, staff, workers, residents and the greater community in which the proposed service station will reside. Safety and security issues associated with the proposal have been considered carefully to ensure the utmost safety of staff and patrons.

2 PURPOSE OF PLAN OF MANAGEMENT

The PoM is consistent with the principles of Crime Prevention through Environmental Design (CPTED) as described in the Crime Prevention and the Assessment of Development Applications guideline prepared by the former NSW Department of Urban Affairs and Planning (now Department of Planning, Industry and Environment). The policies and procedures outlined in this PoM will help to make the premises a safe, efficient and pleasant environment in which to work and visit. Additionally, the safety and security issues addressed in this PoM have been devised to ensure the amenity of neighbouring properties is maintained at all times during the operation of the premises.

All staff at the OTR service station, as part of the induction process, will be required to be familiar with this Plan of Management.

3 OTR

On the Run (OTR) are a South Australian family business, who have been operating for 30 years. OTR is South Australia's largest local employer and leading convenience retailer with over 145 petrol and convenience stores across metropolitan and rural South Australia, Victoria and Western Australia employing over 3,100 people.

OTR is seeking to expand their offerings into the state of NSW with this particular site in Buronga to be one of the first OTR service stations in NSW. OTR developed from humble beginnings and has become a flagship banner. OTR brings together unique retailing skills and brands into a successful, innovative, multi-branded convenience offering.

OTR at Buronga will provide a point of difference from traditional service station developments due to the added benefit of a drive-through attached to the control building. Food and drink (hot and cold) purchases can be made within the drive-though lane in addition to paying for fuel. The proposal, open at all times of the day and night, will provide great value, top quality products and exceptional customer service making it an invaluable facility for the community.

4 THE SITE

The site is located at 83-89 Hendy Road in the suburb of Buronga which forms part of the Wentworth Local Government Area (LGA). The subject site is approximately 6,940m² and is zoned RU5 Village. The site is bound to the north by land in Lot 1 of DP 1213735, Hendy Road to the south, a service station and supermarket to the east and a Government Building for the NSW National Parks and Wildlife Service to the west. The site is surrounded primarily by RU5 Village zoned land.

5 OPERATIONAL HOURS AND STAFFING

The service station seeks to operate 24 hours a day, 7 days a week.

There will be an average of 6 staff on site during daytime hours and a minimum of 3 staff during night-time hours at any given time.





6 STAFF TRAINING

All staff will be trained in relevant security measures. Staff training days will be held on a regular basis to reinforce safety and security procedures for the service station. Training will ensure that in the event of a robbery, theft or anti-social behaviour, staff act in a manner to best protect customers, fellow staff members and themselves. Employees will be encouraged to report any suspicious activity or persons in and around the area to the Management and / or Local Police.

All staff will adhere to the OTR Emergency Procedures Book for Fuel Stores.

Staff will be trained to know how and when to turn over complaints to Managers. If a guest becomes irate and threatens someone, staff will be trained to:

- + Ask the guest to leave the premises;
- + If the guest refuses, as a last resort, consider calling the police; and
- + A permanent file of these complaints/situations to be kept on site.

All complaints will be attempted to be resolved at a store level. However, if needed, the complaint will be escalated to the area manager.

7 INCIDENT REPORTING

An incident register will be held on site. This will monitor any complaints and will be made available to Police when requested. All incidents including vandalism and graffiti will be recorded, together with the response time taken to repair or remove the property affected or offending material. The frequency of incidents together with the respective response will be included in the regular site performance reviews to ensure the maintenance of acceptable standards.

Staff will have the use of a 'back to base panic button' at all times for emergency situations if the staff member feels that their life or another person's life may be in danger. Staff must not resist a robbery and are required to deploy the duress alarm after the person(s) has left the premise, at which time doors are locked and the Police are called. The service station must stop trading until emergency services arrive.

After a security incident, service station staff will complete the appropriate form within the OTR Store Emergency Procedures Book for Fuel Stores and will provided to OTR Head Office copies of the CCTV footage of the security incident.

Management will supervise all of the above practices and make sure all measures are adhered to.

The following procedure is used to manage any complaints or issues that are raised by external parties.

- + Record in the incident register noting the day time and address of the complainant, to be dealt with by the shift manager.
- + The complaint is then entered via an internal tracking system into a database where it is logged and it is required to be addressed within the 72 hour period.
- + If the complaint cannot be resolved at this level, the area manager will be consulted.
- + All complaints will be reviewed by managers at the weekly managers meeting.





8 DELIVERY MANAGEMENT PLAN

Delivery of consumable goods will be undertaken at two locations. For small consignments of consumable goods delivered in light vehicles (HiAce or similar), unloading will occur in the parking spaces at the front of store during the day, evening or morning should periods. For large quantities of consumable goods delivered in heavy vehicles, unloading will be undertaken under the light vehicle canopy and the fuel tank refill point is located adjacent to the diesel canopy and will be undertaken during the day or evening periods. These operations are to ensure that there is minimal disruption at the site and surrounding road network and to ensure safety of staff and patrons at the site.

The staff and delivery driver procedure to be utilised during a delivery is as follows:

- Driver to contact OTR to inform of delivery 30 minutes prior to scheduled delivery;
- + OTR's Shift Manager to inform staff ETA for scheduled delivery;
- + Driver to make fuel delivery at fuel fill point or consumer delivery to control building following pedestrian pathways;
- + Once delivery is complete, the truck exits the site in a forward direction onto Sturt Highway; and
- + OTR staff to remove traffic control measures and return site back to normal condition.

Additional requirements:

- Deliveries and unloading is to occur outside peak trading hours to minimise any potential traffic and pedestrian conflict or delays;
- A copy of this POM is to be kept on site at all times;
- + A copy of this POM is to be given to delivery company and drivers;
- + Staff involved in deliveries are to be kept up to date on delivery procedures; and
- + Safety vests and cones to be kept onsite at all times.

It is noted that the frequency of delivery of fuel, goods and waste collection will be determined prior to operation. The proposed delivery and service times will limit any disturbance to patrons on the premises as well as maintain the amenity of the surrounding area.

9 NOISE MANAGEMENT

Staff will be encouraged to minimise customer noise whilst on site and report any negative behaviour. Reports of all noise complaints will be documented in a register and kept on site. Staff will be encouraged to ensure that customers behave in an appropriate manner whilst on the site and do not disturb the neighbourhood when exiting the premises late at night/early morning.

Excessive noise within the drive-through will not be tolerated and customers will not be served if they can not keep noise levels reasonable. In extreme cases, Police will be called for any customers refusing to comply.

10 LITTER MANAGEMENT

Staff will ensure that the footpaths, landscaped garden beds, hardstand areas, building entry and immediate surrounds are kept clean and clear of litter. Bins will be located through-out the premises for general waste. This will help mitigate the potential litter impact upon the surrounding environment.

 $19331.3 _Plan_of_Managment_Buronga_December 2020$





Vandalism and graffiti will be removed (where possible) within 24 hours.

11 MONEY HANDLING

An independent security company will be employed to undertake all movement of cash to and from the premises. There will be no cash movements from the premises by the staff at any stage. There will be no movement of monies from the premises by security personnel at night. All appropriate safety alarm system will be installed at the building including back to base security which involves the intruder alarm system being linked to the security company.

12 WEAPONS

Weapons of any type, i.e. knives, firearms, etc., will not be permitted at any time, unless in the hands of authorised security personnel or Police.

13 THEFT

In the event that theft occurs involving a customer, every effort must be made to assist the customer in any way possible, i.e. forms, police report, telephone calls. All personal information must be recorded on the Incident Report Form in case any items are recovered at a future time.

Incidents involving staff members must also be documented on the Incident Report Form and any necessary policy reports must be completed. A list of all items missing must be recorded.

The theft of any property on the premises must be reported to the Police for insurance purposes. All thefts must be documented clearly and concisely on an Incident Report Form.

14 SECURITY AND SAFETY

The security and safety of employees and the general public are highly valued by management and staff of the premises.

14.1 CCTV CAMERAS

CCTV surveillance cameras will be installed in and around the premises in strategic places including within the building and refuelling areas. All cameras will operate 24 hours a day, 7 days a week. CCTV Cameras will remain in working condition at all times. If damage to CCTV Cameras occurs repairs will be undertaken as soon as practicable. CCTV footage of any security incident on the site can be copied and made available to Police as required.

Management will also ensure that the coverage will be operated with due regard to the privacy and civil liberties of all persons within the development.

Staff will be encouraged to assist with passive surveillance of all areas of the development by providing efficient reporting systems for any security or safety concerns on a regular basis.

14.2 SURVEILLANCE

A sign will be placed in a prominent location advising that the premises is under 24-hour camera surveillance and that any anti-social behaviour will be reported to the NSW Police Service.

14.3 LIGHTING

External lighting will be provided around the building, fuelling area and vehicle parking areas to enable clear vision and will be designed in such a manner so as to prevent concealment and shadowing. The standard of lighting will not only

 $19331.3_Plan_of_Managment_Buronga_December 2020$





reduce the fear of crime in accordance with Australian lighting standards, but also serves to provide clear identification of activity using the high technology CCTV cameras proposed.

Broken light fixtures and bulbs within the premises and car park will be replaced within 24 hours.

14.4 CLEAR SIGHT LINES

The service station has been designed to and takes into account the need to maximise clear sight lines. The building incorporates the maximum use of natural surveillance through glazing on the front building elevation and minimises potential obstructions such as physical barriers to ensure clear sight lines at the entry.

14.5 ACCESS CONTROL

The service station will utilise an intruder alarm, access control and CCTV system to monitor access within the site and building.

14.6 RESTRICTED AREAS

Access will be restricted particularly in relation to nominated "secure areas" such as back of house areas. This will be achieved by the installation of movement detectors and security hardware (locks, etc.).

15 SIGNAGE

Clearly identifiable signage will be installed in and around the building to indicate which areas are open to customers and members of the public and which areas are restricted.

Signage and clear sight lines will assist with the anticipated vehicle and pedestrian flows within the associated car park and fuelling bays.

16 SPACE MANAGEMENT

Routine maintenance checks and reporting will be carried out by staff at the premises to ensure the property is maintained and to reduce the likelihood of crime or vandalism. Landscaping will be maintained in a manner that communicates an alert and active presence.

Furthermore, robust materials are proposed to be used where possible, including graffiti resistant materials and the provision of predominately fixed rubbish bins, however not exclusively, to mitigate against potential malicious damage. Any vandalism or graffiti shall be repaired and removed promptly by staff or contractors.

17 TOILETS

Toilets for staff and customer use will be clearly sign posted. The toilet amenities will be well lit and are located where the entrance can be seen from the front entrance.

18 LANDSCAPING

The proposed landscaping is designed not to create pockets or enclosures whereby victims could be entrapped but to help integrate the built form into the site and surrounds. The proposed landscaping scheme avoids vegetation that impedes the effectiveness of outdoor lighting. It will be maintained regularly to communicate an alert and active presence.



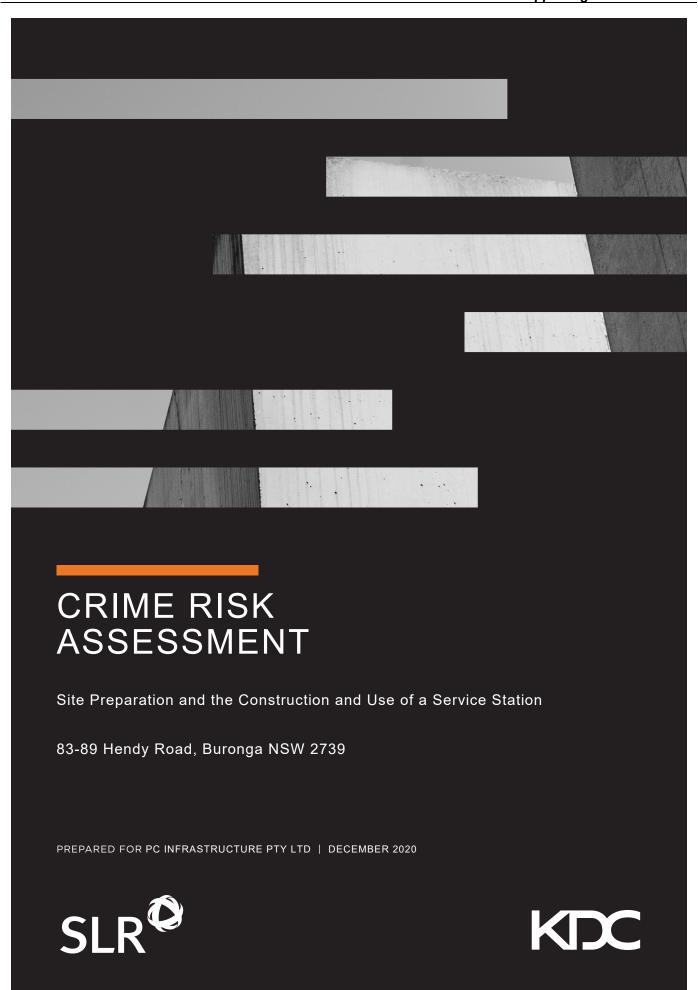


19 WASTE MANAGEMENT

Staff will separate general waste and recyclables; this will occur within the refuse area located to the east of the control building. Waste and recycling bins will be clearly labelled and identifiable. The bins and waste storages areas will be cleaned by staff with protective gloves. Refer to the Waste Management Plan (WMP) for further details on waste management.

20 CONSULTATION

OTR are committed to ongoing consultation with adjoining property owners, Police and Council to foster a better understanding of relevant operational issues that may arise at the Buronga Service Station and would be available to be contacted to discuss potential issues as they may arise.





This page has been left blank intentionally

 $19331.3 _CPTED_Buronga_December 2020$



1 INTRODUCTION

The purpose of this report is to identify and assess crime risk associated with the construction and use of a Service Station, including a service station with light and heavy vehicle refuelling and a convenience with an associated drive-thru facility (food and fuel payment) and on-site parking at 83-89 Hendy Road, Buronga NSW 2739 (Lot 5 DP1029509).

2 SITE ANALYSIS

The site is situated on the northern side of a state classified road, Sturt Highway in the suburb of Buronga which forms part of the Wentworth Local Government Area (LGA). The subject site is approximately 6,940m² and is zoned RU5 Village. The site is bound to the north by land in Lot 1 of DP 1213735, Hendy Road (Sturt Highway) to the south, a service station and supermarket to the east and a Government Building for the NSW National Parks and Wildlife Service to the west. The site is bound primarily by RU5 Village zoned land comprising of land uses to the north of smaller lot residential dwellings, immediately to the south are larger lot residential dwellings, and to the east and west the predominate use is rural industry and commercial uses.

3 CRIME OPPORTUNITY

Given the proposed operational hours of the development are 24 hours, 7 days a week, there is an increased opportunity for crimes or anti-social behaviour (e.g. vandalism, graffiti, litter, excessive noise) at the site, particularly during night time hours. Although, the proposed development will provide active and passive surveillance resulting from 24/7 operation of the facility assisting in the opportunity for deterrence and detection of serious criminal activity including violence and damage to property.

4 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

CPTED aims to influence the design of buildings and places by:

- + Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture;
- + Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended;
- + Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'; and
- + Removing conditions that create confusion about required norms of behaviour (*Department of Planning Industry Environment, formerly the Department of Urban Affairs and Planning, 2001*).

CPTED employs 4 key strategies. These include surveillance, access control, territorial reinforcement and space/activity management.

In accordance with the 4 key strategies, the principals of crime prevention and public safety are addressed in relation to the proposed Service Station at Buronga.

4.1 NATURAL SURVEILLANCE

Natural surveillance limits the opportunity for crime by increasing awareness that people can be seen. Potential offenders therefore feel increased scrutiny and limitations on their escape routes.

 $19331.3 _CPTED_Buronga_December 2020$



Good surveillance is achieved by:

- a) Clear sightlines between private and public spaces;
- b) Effective lighting of public places; and
- c) Landscaping that makes places attractive, but not a place to hide.

The design of the development includes natural surveillance by the strategic placement of physical features to maximise visibility. The specific design elements include: Clear sight lines between the site and adjoining streets and businesses, allowing maximum visibility and surveillance at the vehicular entry into the site;

- + Clear sight lines are provided allowing maximum surveillance of the vehicular entry and exit point(s) for the site;
- + The maintenance levels for paths of travel will comply with AS1680;
- + Installation of 24/7 video surveillance (CCTV) within the development;
- + Fire exit doors will be alarmed (where required);
- + Appropriate day and night lighting installed to eliminate any potential problem areas and to ensure security cameras operate effectively (i.e. easy facial recognition at 15m);
- + No 'hidden spots' created within the site by siting of buildings and canopies allowing optimal surveillance over the internal (central) areas of the site; and
- + The design of the car park areas encourages passive surveillance and incorporates active measures such as lighting and signage.

4.2 NATURAL ACCESS CONTROL

Natural access control limits the opportunity for crime by taking steps to clearly differentiate between public space and private space.

Good access control for the movement of people is achieved by:

- a) Landscapes and physical features that channel and group pedestrians into target areas;
- b) Public external spaces that attract rather than discourage people from gathering; and
- c) Restricted access to internal or high risk areas (e.g. car parks).

The site has been designed to limit access and control flow by:

- + Clear delineation of the property boundary with landscape treatment;
- + Use of landscaping that supports pedestrian access within the site;
- + Clear movement for pedestrians throughout the car park and between the elements of the development to minimise conflict with vehicles; and
- + Appropriate lighting through the parking areas and signage for customers.



4.3 TERRITORIAL REINFORCEMENT (COMMUNITY OWNERSHIP)

Territorial reinforcement promotes social control through increased definition of space and improved proprietary concern, i.e. it makes the normal user feel safe and makes the potential offender aware of a substantial risk of apprehension or scrutiny. By using buildings, fences, pavement, signs, lighting and landscape to express ownership and define public, semi-public and private space, natural territorial reinforcement occurs.

Community ownership (territorial reinforcement) makes people feel comfortable in a place and is achieved by:

- a) A design that encourages people to gather in public spaces;
- b) Having a clear transition between boundaries of public and private spaces; and
- c) Having clear design cues as to who is to use the space and what it is to be used for.

The proposed development has been designed to clearly delineate spaces that are to be used for congregation and areas that are not. This will ensure that any potential intruders or people who are not customers will stand out and be easily identified. Elements of territorial reinforcement included in the original design and ongoing management of the OTR service station includes:

- + The premises and landscaping will be maintained such that it communicates an alert and active presence occupying the entire space;
- + Clearly defined boundaries of the site;
- + Pedestrian line markings provided within the development;
- Display of security system signage at access points.
- + Clearly defined boundaries of the development and areas within; and
- + Provision of directional signage that assists in controlling activities and movements throughout the premises (knowing how and where to enter/exit and find assistance can impact on safety).

4.4 SPACE MANAGEMENT

Space management strategies such as site maintenance, target hardening, and target removal are included in the development.

4.4.1 MAINTENANCE

Management and maintenance are closely linked to a sense of ownership. Good management and maintenance of a place, or property, is often the difference between it seeming safe or unsafe and it being cared for or uncared for. Deterioration indicates less control by the users of a site and indicates a greater tolerance of disorder.

It is in the interest of the future operators at the site to maintain the site to a high standard so that the business can operate at their optimal level and attract as much usage as possible. Routine maintenance checks and reporting will be carried out by personnel employed at the development to ensure the property is maintained and to reduce the likelihood of crime or vandalism.

Furthermore, robust materials are proposed to be used where possible including graffiti resistant materials and fixed rubbish bins, however not exclusively, to mitigate against potential malicious damage. Any vandalism or graffiti will be repaired and removed promptly by staff or contractors.



As stated above, the proposed landscaping is designed not to create pockets or enclosures whereby victims could be entrapped but to help integrate the built form into the site and surrounds. The proposed landscaping scheme avoids vegetation that impedes the effectiveness of outdoor lighting and allows for good sightlines without areas for concealment.

4.4.2 TARGET HARDENING AND REMOVAL

Target hardening and removal is the use of 'design out crime' strategies to make it harder for a crime to be committed and reduces the gains of crime. While this is the most long-established and traditional approach to crime prevention, it can create a 'fortress mentality' and imagery whereby users of the development withdraw behind physical barriers and the self-policing capacity of the built environment is damaged. This is effectively working against CPTED strategies that rely on surveillance, territoriality and positive image management.

The proposal includes the use of some physical barriers associated with target hardening such as security cameras and landscaping in key locations. However, the site allows opportunities for natural surveillance from within the site, with clearly defined boundaries, and allows opportunities for natural access control. The site design has ensured that there is a safe environment for customers and workers within the site.

5 CONCLUSION

The development of the site for the purposes of a Service Station, operating 24/7, has been designed with CPTED principles in mind and incorporates appropriate night lighting, car park design, site and building layout and landscaping as well as security devices such as CCTV cameras to assist in crime deterrence and prevention.

Implementation of the above mentioned measures into the design of the proposal will create an environment that will dissuade offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur.

The design is considered to be consistent with the Department of Planning, Industry and Environment (former Department of Urban Affairs and Planning) Crime Prevention and the Assessment of Development Applications, 2001.

Yours sincerely,

Patrick Quinlan (BURP) (NSW Police Safer by Design Course)

Associate KDC Pty Ltd



SEPP 33

RISK SCREENING DOCUMENTATION



KDC Pty Ltd c/o OTR Service Station 83-89 Hendy Road Buronga NSW

> Hazkem Pty Ltd August 2020

TELEPHONE 61 3 9842 7300 ADDRESS Unit 8, 328 Reserve Road Cheltenham VIC 3192 WEB info@hazkem.com.au www.hazkem.com.au This report was written by Alana Craven, AIDGC member number 076, © Hazkem Pty Ltd

DISCLAIMER

This report was prepared by Hazkem Pty Ltd as an account of work for KDC Pty Ltd. The material in it reflects Hazkem's best judgement in the light of the information available to it at the time of preparation. However, as Hazkem cannot control the conditions under which this report may be used, Hazkem will not be responsible for damages of any nature resulting from use of or reliance upon this report. Hazkem's responsibility for advice given is subject to the terms of engagement with KDC Pty Ltd.

Last Saved
Author
Name of Organisation
Name of Project
Document Version

19th August 2020
Alana Craven
KDC Pty Ltd
OTR Buronga
Rev 0

COPYRIGHT: The concepts and information contained in this document are the property of Hazkem Pty Ltd and is for the sole use of KDC Pty Ltd. Use or copying of this document in whole or in part without the written permission of Hazkem Pty Ltd constitutes an infringement of copyright.

i

TABLE OF CONTENTS

LUKLOZE AND 2COLE OL IHI2 DOCUMENI		
REFERENCE AND ASSISTANCE DOCUMENTS		
SITE DESCRIP	TION	2
Locat		2
Propo		2
Hazar	dous Materials	2
SEPP 33 RISK SCREENING Fuel Storage		3
		3
	Proposal	3
	Calculations	3
TRANSPORT S	SCREENING THRESHOLD	4
CONCLUSION		5
DOCUMENT	REFERENCES	6
Other	References	6
APPENDIX 1	Multi Level Risk Assessment Flow Chart	7
APPENDIX 2	Risk Rank Method	9
APPENDIX 3	Hazard Analysis	11
APPENDIX 4	Proposed Site Drawings	15

HAZKEM PTY LTD ii

OTR BURONGA

1

RISK SCREENING **OTR SERVICE STATION** 83-89 Hendy Road **BURONGA**, NSW

PURPOSE AND SCOPE OF THIS DOCUMENT

For dangerous goods installation designs where there is proposed storages above minor quantities, an investigation process must be followed in order to assess whether or not a proposal is suitable for a particular site or not. Such sites should be deemed "potentially hazardous" until a detailed risk assessment determines otherwise. The process flow chart is detailed in appendix 1.

NSW State Environmental Planning Policy 33¹, (SEPP 33) is a document published by the NSW Department of Planning which provides guidelines for local government and developers for ensuring that the safety and pollution impacts of an industrial proposal are addressed at an early stage of the development application process. Through this document an assessment procedure is followed which links the permissibility of a proposal to its safety performance. SEPP 33 ensures that only those industrial proposals which are suitably located, and able to demonstrate that they can be built and operated with an adequate level of safety, can proceed².

As detailed in SEPP 33 a "hazardous industry" is one which poses a significant risk when all locational, technical, operational and organizational safeguards are included.

A "potentially hazardous industry" is one which, when all safeguards are operating, imposes a risk level which is significantly lower.

SEPP 33 also incorporates a screening process which will determine whether or not a site is potentially hazardous. If deemed potentially hazardous, a preliminary hazard analysis is required.

Certain activities may involve handling, storing or processing a range of substances which in the absence of locational, technical or operational controls may create an off-site risk or offence to people, property or the environment. Such activities would be defined as potentially hazardous or potentially offensive. SEPP 33 also provides guidelines to assist councils and proponents to establish whether a development proposal would fit into such definitions and hence, come under the provisions of the policy.

The purpose of a PHA is to gain a better understanding of the risks and hazards associated with the site and to provide a reasonable basis for an informed judgment to be made on the acceptability of the site for the proposed development³. The PHA will outline in detail possible risks and hazards associated with this site. This will assist council in reaching an informed decision for the proposal.

It is important to note also that this investigation has been carried out by a suitably qualified person who understands the properties of the dangerous goods stored on site and the possible impact they may have on equipment and structures located on and off site. Under state legislation a system must be designed by a suitably qualified person who is experienced in this type of work⁴.

SEPP 33 Risk Screening Document & PHA

HAZKEM PTY LTD

OTR BURONGA

State legislation requires a site such as this to incorporate stage 1 vapour recovery, such that during discharge by a road tanker, all vapours from the storage tank that would normally be discharged to the atmosphere are collected by the tanker (VR1)⁵.

REFERENCE AND ASSISTANCE DOCUMENTS

This document has been compiled with guidance from:

- Hazardous Industry Planning Advisory Paper No 4 'Risk Criteria for Land Use Safety Planning'
- Hazardous Industry Planning Advisory Paper No 6. 'Guidelines for Hazard Analysis"
- Hazardous and Offensive Development Application Guideline 'Applying SEPP 33'
- NSW Dept of Planning assessment guidelines "Multi Level Risk Assessment".

SITE DESCRIPTION

LOCATION

The site is a proposed On The Run (OTR) Service Station to be located at 83-89 Hendy Road, Buronga NSW. The site is on the north side of Hendy Road approximately 70m east of the Melaleuca Street and Hendy Road intersection in Buronga. To the east is a Government Building for the NSW National Parks and Wildlife Service with a Shell Service Station located to the West. There is a easement roadway to the north that runs along the full length of the boundary. The street frontage of Hendy Road runs along the whole of the southern boundary.

PROPOSAL

This site is a proposed service station with the intent to supply Motor Spirit and Combustible Liquids for automotive use to the general public. The site is approx. 6,939m² in size with a proposed 449m² sales building. It is proposed to install double wall fuel tanks as per the list detailed below.

HAZARDOUS MATERIALS

This proposal incorporates a total of approximately 90kl of flammable liquid and 180kl of combustible liquid in underground tanks. The flammable and combustible liquid storages covered by this assessment are the only bulk hazardous materials stored on site and are fully covered under the SEPP 33 screening process.

SEPP 33 RISK SCREENING

FUEL STORAGE

Proposal

Product	Quantity	Tank/Compartment No.	Class and PG
Petrol	30,000 litres	1	3 PG II
Petrol	30,000 litres	2	3 PG II
Petrol	30,000 litres	3	3 PG II
Diesel	90,000 litres	4	C1*
Diesel	90,000 litres	5	C1*

Notes: * As the diesel (combustible C1) is stored on site separate to the petrol (flammable liquid class 3), it is not considered to be potentially hazardous and can be omitted from this report moving forward 6.

Calculations

The screening method set out in Applying SEPP 33 (Department of Planning, 2011) provides the first step in the analysis. The screening method is based on broad estimates of the possible off-site effects or consequences from hazardous materials present on site, taking into account locational characteristics.

If the quantity/distance is less than the screening threshold, then no further analysis is necessary. The safety management regime in this case relies on observance of the requirements of engineering codes and standards.

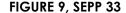
If the quantities/distances exceed the screening threshold, further analysis is necessary.

By utilising Figure 9 of SEPP 33 and measuring separation distances, it can be determined whether further analysis is required. The separation distances are measured from both the underground tank fill points and the fuel dispensers to the site boundaries. As only diesel will be dispensed within the truck filling canopy, only the separation distances from the car canopy dispensers will be measured.

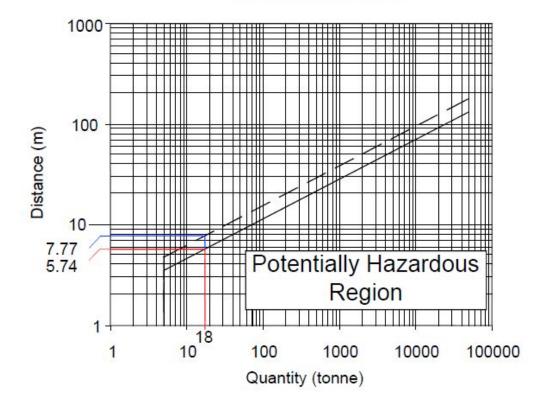
Boundary	Min Distance – Fill Points	Min Distance - Dispensers
North	15.6	33.3
South	51.3	24.4
East	67.5	71.2
West	26.9	23.8

Total storage capacity is 90,000 litres.

So for this quantity, as it is stored underground, we can divide by a factor of five, as it is considered less invasive. So allowance is for 18,000 litre storage.







--- Other Uses --- Sensitive

From Figure 9 we can see that for 18,000 litres, the minimum setback distance from the remote fill and dispensing points is 5.74 metres to site property boundaries for other uses or 7.77 metres for sensitive uses (residential uses).

Since the set back distances are in excess of both 5.74m from normal use and 7.77m from sensitive use boundaries to the fill points and dispensers, the site is deemed to be non hazardous and there is no requirement to do a PHA for further analysis.

TRANSPORT SCREENING THRESHOLD

SEPP 33 screening also requires a study of the transporting/delivery frequencies, for the site as outlined in table 2 (below). It is envisaged that deliveries to site, for fuels will be about 3 times a week, or 156 times per year. According to the "Transportation Screening Thresholds", up to 45 movements per week or 750 movements per year for fuel are acceptable prior to becoming potentially hazardous.

In this case, as the numbers of expected deliveries for the fuel is well below the thresholds, there is no requirement to do further analysis in the form of a PHA based on the transport screening thresholds.

SEPP 33 Risk Screening Document & PHA HAZKEM PTY LTD

Table 2: Transportation Screen Threshold "Applying SEPP 33" (page 18)

Table 2: Transportation Screening Thresholds

	Vehicle	Mo	vements	Minimum	quantity*
	Cumulat	ive	Peak	per load	d (tonne)
Class	Annual	or	Weekly	Bulk	Packages
1	see not	te	see note	see note	*
2.1	>500		>30	2	5
2.3	>100		>6	1	2
3PGI	>500		>30	1	1
3PGII	>750		>45	3	10
3PGIII	>1000)	>60	10	no limit
4.1	>200		>12	1	2
4.2	>100		>3	2	5
4.3	>200		>12	5	10
5	>500		>30	2	5
6.1	all		all	1	3
6.2	see not	te	see note	see note	
7	see not	te	see note	see note	
8	>500		>30	2	5
9	>1000)	>60	no limit	

Note: Where proposals include materials of class 1, 6.2 or 7, the Department of Planning should be contacted for advice. Classes used are those referred to in the Dangerous Goods Code and are explained in Appendix 7.

CONCLUSION

It has been determined via assessment of this proposal under the NSW State Environmental Planning Policy 33 (SEPP 33) that the site is deemed "not potentially hazardous". The proposed design sees all setback distances as required under SEPP 33 achieved and therefore the site and its current design are deemed to not impose a significant level of risk to the community. As a result of this finding there is no requirement for a Preliminary Hazard Analysis to be undertaken based on the site being assessed as not potentially hazardous.

^{*} If quantities are below this level, the potential risk is unlikely to be significant unless the number of traffic movements is high.

DOCUMENT REFERENCES

- State Environmental Planning Policy 33, Hazardous & Offensive Development Application Guidelines. – Department of Planning NSW, January 2011.
- State Environmental Planning Policy 33, Hazardous & Offensive Development Application Guidelines. – Department of Planning NSW. Page 1, 1.2 the policy, last para
- State Environmental Planning Policy 33, Hazardous & Offensive Development Application Guidelines. – Department of Planning NSW. Page 9, 4.2
- Protection of the Environment Operations (Underground Petroleum Storage Systems) regulation 2014 division 1, clause 5 and 6
- ⁵ Protection of the Environment Operations (Clean Air) regulation 2010
- State Environmental Planning Policy 33, Hazardous & Offensive Development Application Guidelines. – Department of Planning NSW. Page 16
- State Environmental Planning Policy 33, Hazardous & Offensive Development Application Guidelines. – Department of Planning NSW. Page 18, table 2

OTHER REFERENCES

Australian Standards:

AS 1940-2017 "The Storage & Handling of Flammable & Combustible Liquids"
AS 4897-2008 "The Design, Installation and Operation of Underground Petroleum

Storage Tanks"

AS 3000-2007 "Electrical Wiring Rules".

AS/NZS 60079.10.1-2009 "Classification of Areas. Explosive gas atmospheres".

Annex ZA "Examples of Hazardous Area Classification".

AS 2832.2-2003 "Cathodic Protection of Metals – Compact buried structures". AS 2239-2003 "Galvanic (sacrificial) Anodes for Cathodic Protection".

AS/NZS 3788-2006 "Pressure Equipment – In-service inspection".

AS 4037-1999 "Pressure Equipment – Examination & testing".

AS/NZS 1841.5-2007 "Portable Fire Extinguishers".

AS 2444-2001 "Portable Fire Extinguishers and Fire Blankets". Select. & location.

AS 1692-2006 "Tanks for Flammable and Combustible liquids".

Codes of Practices:

Australian Code for the Transportation of Dangerous Goods by Road and Rail, Seventh edition. NSW Code of Practice 2005 for Storage & Handling of Dangerous Goods.

NSW Work Health and Safety Act 2011

NSW Work Health and Safety Regulation 2017

Planning NSW Guidelines:

Hazardous and Offensive Development Application Guidelines - Applying SEPP 33
Hazardous and Offensive Development Application Guidelines - Multi-Level Risk Assessment
Hazardous Industry Planning Advisory Paper No. 4 - Risk Criteria for Land Use Safety Planning
Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis
Hazardous Industry Planning Advisory Paper No. 8 - Hazard and Operability Studies

Other Documentation:

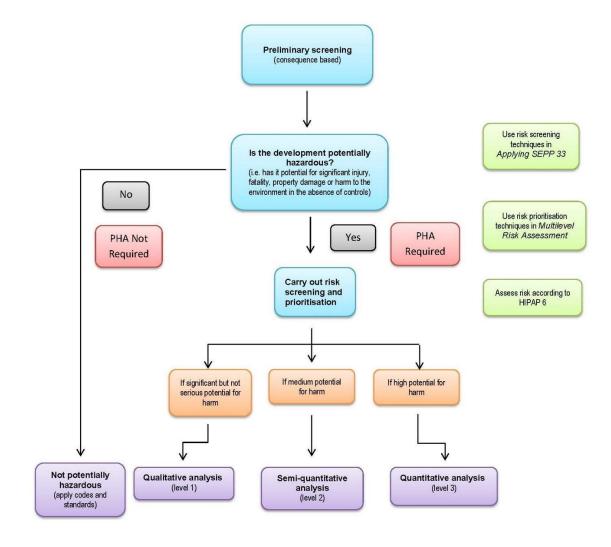
Local Authorities requirements, NSW WorkCover and EPA Acts and Regulations.

Equipment Suppliers Specifications, Requirements and Instructions.

Fuel System Specifications and Drawings.

Site Specific drawings and suppliers specifications.

APPENDIX 1 MULTI LEVEL RISK ASSESSMENT FLOW CHART



APPENDIX 2 RISK RANK METHOD

RISK RANKING METHOD

Risk is the combination of the likelihood of a specific unwanted event and the potential consequences if it should occur.

Probabilities

- A common or repeating occurrence
- B known to occur, or "it has happened"
- C could occur, or "I've heard of it happening"
- D not likely to occur
- E practically impossible

Consequences

People

- 1 fatality or permanent disability
- 2 serious lost time injury or illness
- 3 moderate lost time injury or illness
- 4 minor lost time injury or illness
- 5 no lost time

Equipment, assets or environment

- 1 more than \$500K damage
- 2 \$100K to \$500K damage
- 3 \$50K to \$100K damage
- 4 \$5K to 50K damage
- 5 less than \$5K damage

Production

- 1 more than \$500K production delay
- 2 \$100K to 500K delay
- 3 \$50K to \$100K delay
- 4 \$5K to \$50K delay
- 5 less than \$5K delay

Risk Ranking Method (above)

For each event, the appropriate probability (a letter A to E) and consequence (a number 1 to 5) is selected. If an event affects more than one area of consequence (eg. Affects people and production), The highest rank number, i.e.1, is always selected.

Risk Ranking Table (below)

The consequences (loss outcomes) are combined with the probability (of those outcomes) in the risk ranking table to identify the risk rank of each loss event (eg a consequence 3 with a probability B yields a risk rank 9).

The table yields a risk rank from 1 to 25 for each set of probabilities and consequences.

A rank of 1 is the highest magnitude of risk, i.e. a highly likely, very serious event.

A rank of 25 represents the lowest magnitude of risk, an almost impossible, very low consequence event. Events represented on the risk ranking table by ranks between 16 and 25 inclusive are considered acceptable risks.

RISK	RANKING	TABLE		
Α	В	С	D	E
1	2	4	7	11
3	5	8	12	16
6	9	13	17	20
10	14	18	21	23
15	19	22	24	25
	1 3 6 10	A B 1 2 3 5 6 9 10 14	1 2 4 3 5 8 6 9 13 10 14 18	A B C D 1 2 4 7 3 5 8 12 6 9 13 17 10 14 18 21

APPENDIX 3 HAZARD ANALYSIS

Hazard Analysis

Project: Description/Activity:

OTR Service Station at 83-89 Hendy Road, Buronga NSW Design Phase - Dangerous Goods Storage at Service Station

Date: 19.08.2020

RISK RANKING METHOD SUMMARY (Refer Appendix 2 for full detail)

Probability		Consequences	
		Equipment, assets or	
	People	environment	Production
	1 - fatality or permanent	1- more than \$500K	1 - more than \$500k production
A - Common or Repeating Occurrence disability	disability	damage	delay
B - Known to occur , or "it has			
happened"	2 - serious lost time injury or illness 2 - \$100k to \$500k damage 2 - \$100k to \$500k delay	2 - \$100k to \$500k damage	2 - \$100k to \$500k delay
C - Could occur, o "I've heard of it	3 - moderate lost time injury or		
happening"	illness	3 - \$50k to \$100k damage 3 - \$50k to \$100k delay	3 - \$50k to \$100k delay
D - not likely to occur	4 - minor lost time injury or illness 4 - \$5k to \$50k damage	4 - \$5k to \$50k damage	4 - \$5k to \$50k delay
E - practically impossible	5 - no lost time	5 - less than \$5k damage	5 - less than \$5k delay

					Sheet 1 of 3
	Certification against AS1940 for Flamr	lammable and Combustible Liquids Storage	Probability	Probability Consequences	ses
o N	Hazard		A-E	1-5	Action Required
_	Overfill of tank	The flammable and combustible liquids tanks will be located underground and be remote filled with a remote contents gauge located at the fill points. A spill kit and fire fighting equipment will be within close proximity to the delivery driver whilst filling the tanks.	۵	4	z
5	Leak in pipework	All pipework will be located underground and protected from impact. Regular pressure tests will be performed to ensure tightness. Stock reconciliation is to be carried out weekly and would highlight any leaks immediately.	۵	4	Z
೮	Hose trip hazard	The tanker parking area is to be adjacent to the fill points in a nominated tanker parking area. The hose used will be a small diameter pressure hose and generally able to lie flat on the ground. The tanker driver will use warning signage during deliveries.	Q	5	Z
4	Ruptured fill hose	Extremely unlikely event. The tank hoses will be pressure tested and/or replaced regularly. The tanker will be fitted with an emergency stop system. The tanker standing area will be specifically set up for containment of spills.	Э	4	Z
2	Equipment wear and tear	Regular maintenance checks will be carried out on the tank and its equipment to maintain that everything is in a safe and working condition. This will occur at least annually. Delivery drivers will report anything that requires rectification.	Q	4	Z

9	Vandalism of equipment	The tank will be installed underground. All valves and fittings will be located in a underground turret which is to be kept secured from tampering.	Q	4	Z
7	Customer overfill during dispensing	The dispensers installed at this site will be equipped with a sensing device that's shuts down the flow of product when it reaches the tip of the nozzle. Clean up materials are to be located within close proximity of the dispensing area.	Q	4	Z
8	Customer drives off with nozzle inserted	Clean up materials are to be located within close proximity to the dispensing area.	D	4	z
٥	Collision between vehicle and dispenser	All dispensers on this site are to be protected from vehicular impact by with the assistance of bollards.	Q	3	z
10	Use of mobile phone/transmitting devices	The site is to be fitted with warning signs advising customers of the risk of mobile phone and transmitting devices. The console is to be fitted with a public address system should the console operator be required to advise customers of the use of this type of equipment on a service station site.	Q	4	Z
11	Spill of product onto customer	The console operator will be trained in how to administer first aid should a customer be injured by coming into contact with any dangerous goods on this site.	D	4	Z
12	Customer misuse of equipment	The site will be fitted with instructions indicating procedures for safe use of the dispensing equipment. The console operator will be in clear view of all dispensers on site and capable of shutting down any dispenser system that is not being used in a safe manner. The console operator will also has access to a public address system should they need to verbally communicate with customers on the forecourt.	Q	4	Z
13	Fire at fill point	All delivery tankers will carry at least a single powder type extinguisher which will be available near the fill points during product delivery. As a Service Station site additional fire protection equipment will be available within a close proximity. The fill points will be fitted with back check valves as well as manual valves to stop any outward flow. The tanker is fitted with an emergency stop system in order to cease pumping quickly.	Δ	4	Z
4	Fire on site	As a service station storing and dispensing flammable and combustible liquids fire protection in the form of fire extinguishers will be located on site in strategic places in full compliance with AS 1940. An emergency shut down system will be installed onsite to enable the dispensing system to be shut down in an emergency.	Ω	8	Z
15	Fire on adjoining property	Should a fire on an adjoining property impact the site the dispensing system will be able to be shut down ensuring the all product remains in the underground tanks.	Q	3	Z

Hazard Analysis Summary

OTR Service Station at 83-89 Hendy Road, Buronga NSW Description/Activity: Project/Site:

Sheet 3 of 3 Last Updated:

Date: 19.08.2020

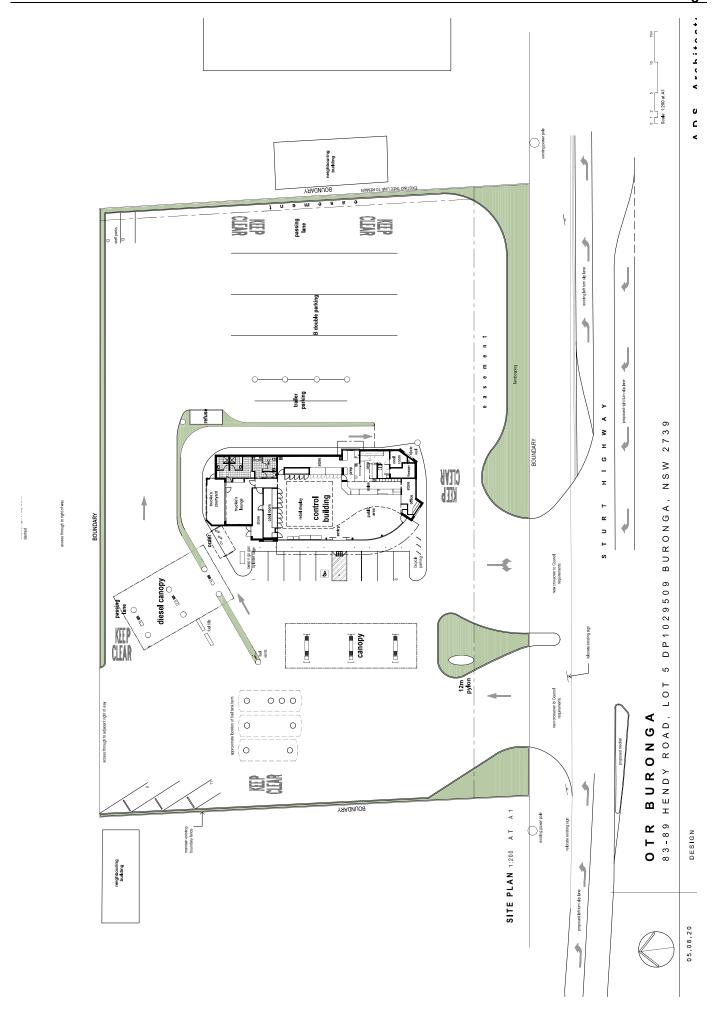
take into account any site issues which must be looked at regarding alternate storage locations Design Phase - Dangerous Goods Storage at Service Station Note: This section of the hazard analysis is for the design of site only and does not

Possible Control Measures Action Required Sign-off & Date Sign	+	CONTROL MEASURES	IMPLEMENTATION	IATION	W	MONITOR & REVIEW
Responsibility and Implemented Planned Action Required Sign-off & Date Review Date				Control		
Ossible Control Measures Action Required Sign-off & Date Review Date			Responsibility and	Implemented	Planned	Review
		Possible Control Measures	Action Required	Sign-off & Date	Review Date	Sign-off & Date
		∢ Z	۲Z			
	_					
	-					
	-					
	-					
	-					
	_					
	-					
	-					
	-					
	-					

CONCLUSION/COMMENTS:

POST IMPLEMENTATION CHECKLIST REVIEW:

APPENDIX 4 PROPOSED SITE PLAN





Health & Planning Division 26- 28 Adelaide Street PO Box 81 WENTWORTH NSW 2648

Tel: 03 5027 5027

council@wentworth.nsw.gov.au

DA Assessment Report Section 4.15 Evaluation

Environmental Planning & Assessment Act 1979 as amended

File Reference: DA2021/008

Address: 83-89 Hendy Road (Sturt Highway) Buronga

Land Description:Lot 5 DP1029509Proposal:Service StationOwner:OTR 150 Pty Ltd

Applicant: PC Infrastructure Pty Ltd

Zone: RU5 Village
Lodgement Date 1 February 2021
Capital Investment Value \$2,640,000.00
Current Use of the Land Vacant

Previous DAs DA11/082: Commercial development (approved),

DA2017/004: Service Station (refused)

SITE DESCRIPTION

The subject site is vacant land located on the northern side of the Hendy Road in Buronga approximately 1.13km east of the Buronga roundabout and 60m east of the intersection of the Hendy Road and Melaleuca Street, Buronga. The allotment is regular in shape and has an area of 6940sqm and a frontage of 99.62m to Hendy Road (classified road).

The site is benefited by a 15m wide easement for services and right of carriageway which the land users rely on for access to the rear of the site. The site is encumbered with an existing 9m wide easement for services running parallel to Hendy Road adjacent to the front boundary and a 2m easement for water supply adjacent to the eastern boundary.

The subject property comprises vacant land between two existing businesses. One being an office building to the West and the other being the existing Shell Service Station to the east. Adjacent to the service station to the east, Council has granted consent for a for the purpose of a supermarket which is now operational. This consent involves changes to the access arrangements from the Sturt Highway and new line making to the Sturt Highway. To the rear of the site (beyond the right of carriageway) is residential development.

All of the mixed uses to the east and west are within the RU5 Village Zone were the uses are permitted with consent. The proposed B2 Local Centre proposed for the land under the endorsed *Buronga Gol Gol Structure Plan 2020* also permits these uses with consent.

DESCRIPTION OF PROPOSAL

The proposal seeks consent to the development of a Service Station operating 24 hours a day. The development includes fuel station, carparking and landscaping. The key aspects of the proposed development are described as follows:

- A new control building positioned in the middle section of the site, with a drive through and pick area.
- Truckies lounge, courtyard, showers and toilets.

- A new diesel canopy with three filling points located in the north-western section of the site accessible from the Sturt Highway.
- Fuel canopy including three (3) double sided fuel bowsers and associated fuel infrastructure
- Underground fuel vessels
- Twelve car parking spaces and 2 staff car parking spaces
- Three truck parking spaces, to be positioned in the eastern section of the site;
- Signage including 12.8m high priceboard pylon
- Access and exist to the development from Hendy Road

Integrated Development:

The proposal is not categorised as Integrated Development, although the application prepared by KDC Pty Ltd referred to it as an integrated development in the Statement of Environment Effects.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

A development application (DA2017/004) for a highway service centre which is similar to the new application, was lodged with council and subsequently refused by council in November 2017. The decision was appealed to the LEC, with the appeal dismissed and the development application being refused.

ROADS ACT 1993

Pursuant to section 138 of the *Roads Act 1993*, the proposal was referred to the Transport for NSW (TfNSW) for consideration and comment. In response, and as detailed in their correspondence of 28 October 2021, TfNSW granted assumed concurrence under section 138 subject to conditions. The conditions were:

- Prior to the issue of any Construction Certificate, the strategic design of the intersection with the Sturt Highway is to be lodged to Wentworth Shire Council and referred to TfNSW for review. The strategic design of the intersection is to encompass the following within the design:
 - A Channelised Right (CHR) turn treatment in accordance with Austroads Guide to Road Design Part 4 Figure A8 and RMS Supplements. The CHR treatment is to be sealed, designed and constructed for a 60km/h speed environment and be able to accommodate a 26m articulated vehicle accessing the site, match existing road levels and not interfere with existing road drainage. The CHR treatment shall not alter the existing CHR treatment to Melaleuca Street and not interfere with existing access arrangements to the adjoining development site to the east.
 - An Auxiliary Left (AUL) turn treatment in accordance with Austroads Guide to Road Design Part 4A Figure 8.4 and RMS Supplements. The AUL facility is to be sealed designed and constructed for a 60km/h speed environment and be able to accommodate a 26m articulated vehicle accessing the site, match existing road levels and not interfere with existing road drainage.
 - Safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant TfNSW supplements is to be provided and maintained in both directions at the intersection of the new road and Sturt Highway. For a 60 km/h speed zone the minimum SISD is 123 metres.
 - Landscaping, signage and fencing must not impede sight lines of traffic or pedestrians within or when passing, entering or departing from the site.
 - The intersection is to be designed and constructed to ensure that all turning movements at the intersection of can be carried out, for the 26m articulated vehicle accessing the site, without traversing into the opposing lane of traffic. Swept paths for the design vehicle demonstrating that turn movements can occur in the correct lane are to be provided.
 - All works within the carriageway of the Sturt Highway shall provide a minimum width of 3.5metres for all travel and turn lanes.

- No right turn out of the site is permitted and the design of the access is to prevent right turns out of the site.
- The strategic design is to identify the ancillary works required to accommodate the proposed access and intersection treatments such as changes to neighbouring intersection treatments, signage, vegetation clearing, drainage etc.
- All driveways shall be sealed from the edge of seal of the carriageway to the property boundary.
- A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and TfNSW for the developer to undertake "private financing and construction" of any works on the Sturt Highway. This agreement is necessary for works in which TfNSW has a statutory interest and must be in place prior to road works commencing.
- Prior to the commencement of construction works, the proponent is to contact TfNSW's Field
 Traffic Manager to determine if a Road Occupancy Licence (ROL) is required. In the event that
 an ROL is required, the proponent will obtain the ROL prior to works commencing within three
 (3) metres of the travel lanes in the Sturt Highway.
- Prior to the commencement of construction works a Traffic Management Plan (TMP) including
 Driver Code of Conduct is to be submitted to and concurrence obtained from TfNSW. The
 preparation of the TMP will require consultation with TfNSW, Wentworth Shire Council, the
 principal contractor(s) and relevant stakeholders. The requirements of the TMP and Driver
 Code of Conduct are to cover the matters referred to within the TMP Annexure (attached).
- The TMP is to be reviewed and updated in response to any changes in operating conditions. A
 copy of the TMP and Driver Code of Conduct is to be provided to contractors and employees as
 a part of the site induction and a copy is to be made available to TfNSW with each major
 update.

PROTECTION OF THE ENVIRONMENT OPERATIONS (UNDERGROUND PETROLIUM STORAGE SYSTEMS) REGULATION 2019

The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 came into effect on 1 September 2019.

Under the UPSS regulations the owner/operator is required:

- To have in place a fuel system operation plan
- A system for monitoring and detecting leaks.
- Groundwater monitoring wells and a system for measuring them.
- Systems in place for record keeping, reporting of leaks and notifying council when the UPSS is decommissioned.

To this end, It is therefore proposed that a condition be imposed requiring the underground petroleum storage system meet the minimum requirements of the POEO (Underground Petroleum Storage Systems) Regulation 2019.

SECTION 4.15-MATTERS FOR CONSIDERATION

State Environmental Planning Policies

State Environmental Planning Policy No. 33 – Hazardous and offensive development

One of the aims of the SEPP is to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

A risk screening assessment was conducted as a high service station is a potential hazardous and offensive development. The screening adequately shows how the proposed development is non-

hazardous or offensive due to its location. The requirements of the SEPP are therefore satisfied.

State Environmental Planning Policy No. 55 – Remediation of Land

The purpose of this policy is to provide a state-wide planning approach to the remediation of land. In particular, this policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or other aspects of the environment.

In accordance with clause 7 of SEPP55, following a search of Council records, the subject land is potentially contaminated due to the previous trucking business operating from the site. The intended use is not a sensitive land use and is similar to the previous land use. The requirements of the SEPP are therefore satisfied.

State Environmental Planning Policy No. 64 – Advertising and Signage

Pursuant to clause 17 of the *State Environmental Planning Policy No. 64 Advertising and Signage*, the proposal was referred to the Transport for NSW (TfNSW) for consideration and comment. In response, and as detailed in their correspondence of 28 October 2021, TfNSW granted concurrence under clause 18 subject to the following conditions:

 Luminance of the sign is not to exceed allowable luminance as specified in Transport Corridor Outdoor Advertising and Signage Guidelines (Guidelines) 2017. Lighting is not to flash, move or be objectionably glaring or luminous.

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* (the 'ISEPP'), Council cannot at this stage, based on the plans and documentation provided, determine that matters of concern under clause 101(2) have been satisfied.

Pursuant to clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* (the 'ISEPP'), the proposal was referred to the Transport for NSW (TfNSW) for consideration and comment. In response, and as detailed in their correspondence of 28 October 2021, TfNSW provided recommendations to council to consider during assessment and determination of the development application. The recommendations were as follows:

- The largest vehicle permitted to access the site is a 26m articulated vehicle. Appropriate signage shall be installed to notify drivers of this restriction.
- The right turn movement out of the site is prohibited.
- All vehicles must enter and exit the site in a forward direction.
- All driveways shall be sealed from the edge of seal of the carriageway to the property boundary. All
 vehicle movement and parking areas within the subject site are to be sealed.
- As a minimum the off-street car park associated with the proposed development including driveway
 design and location, internal aisle widths, parking bay dimensions and loading bays shall be in
 accordance with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Offstreet commercial
 vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
- Any landscaping, fencing and signage to be provided within the site or along the boundary with any
 adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians
 for motorists entering and exiting the site to minimise conflict in accordance with Austroads SISD
 and AS2890.1-2004 "Off-street car parking". Noting thatAustroads requires a SISD of 123m for a
 60km/h speed zone.
- On-street parking is to be prohibited along the frontage of the development site to the Sturt Highway. A Full time "No Stopping" restriction is to be implemented along the Sturt Highway for the full frontage of the subject property prior to commencement of any works.
- All activities including, loading and unloading associated with this development are to take place within the subject site. Fill points for petrol and gas storage are to be located so that tankers can

stand clear of access driveways and not impede on access to and from the subject site.

• Prior to issuing of the Occupation Certificate for the subject development the intersection treatments as identified above are to be completed as per the requirements of the WAD.

Pursuant to clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* (the 'ISEPP'), the proposal was referred to the Essential Energy (EE) for consideration and comment. In response, and as detailed in their correspondence of 7 May 2021, due to the insufficient information provided, EE could not make a determination for the project and raised safety concerns with the plans provided.

Regional Environmental Plans

Far West Regional Plan 2036

To apply Direction 12: Enhance the productivity of employment lands.

Action 12.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits for the community.

Wentworth Local Environmental Plan 2011

The subject land is site zoned RU5 Village pursuant to the provisions of the *Wentworth Local Environmental Plan 2011* (WLEP2011).

The applicant defined the proposed development as a service station. Under the WLEP 2011, a service station is defined as:

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

However, based on the services provided and its location, council believes the proposed development does not meet the service station definition but falls under the definition of a highway service centre. The applicant provided further information justifying the projects definition as a service station, however, this was not enough for council to accept the proposed use as a service station.

A highway service centre is defined under the WLEP 2011 as:

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

Development for the purposes of a Service station and/or Highway Service Centre is not prohibited under the WLEP 2011 and therefore can be permitted with consent. The development will provide services that will be in similar to the adjoining Shell Highway Service Centre and provide additional employment opportunities in Buronga.

The location of the site would enable development adjacent to the Sturt Highway. As such the development would meet the objectives of the RU5 Village zone by providing essential services for residents, including job opportunities during construction and ongoing operation of the site.

It is concurred that the proposal is generally consistent with the zone objectives, however the definition of the development proposed by the applicant does not match the WLEP 2011.

Buronga Gol Gol Structure Plan 2020

The Buronga Gol Gol Structure Plan 2020 (BGGSP) is a council strategic document for the Buronga and Gol Gol area endorsed by the NSW Department of Planning. The BGGSP provides a strategic land use framework to facilitate quality and sustainable urban development in the Buronga Gol Gol area by setting out what, when, where and how land and infrastructure development should occur.

Under Fig 4.114 of the BGGSP, the subject land was identified for rezoning from RU5 to B2 local centre. This rezoning was identified as a short term action under table 4.3 with council currently in the process of writing up the Planning Proposal for the proposed rezoning.

Under the B2 zoning highway service centres are prohibited while service stations are permitted with consent. One of the main reasons for the rezoning identified in the BGGSP is to transition to minor impact commercial uses like service stations. This is to ensure there is no increase or cumulative impacts to that already being experienced by the surrounding residential developments.

Based on councils interpretation of the definition of the development as a highway service centre instead of a service station, the proposed development does not completely satisfy the strategic vision and outcomes for the subject land identified in the BGGSP.

A matter for noting is the that the B2 zoning is proposed to be amended to the E1 zone under amendments to the Standard LEP instrument proposed by the Department of Planning and Environment (DPE). One of the desired characteristics for this E1 zoning is to have a range of uses and services commensurate to the size of the centre. The size and use of the proposed development will not match this, moreover, under the E1 zoning, highway service centre will be prohibited.

Section 4.15(1)(a)(ii)any draft environmental planning instrument that is or has been placed on public exhibition

Not Applicable - Wentworth Shire Local Environmental Plan 2011 formally notified on 16 December 2011.

Section 4.15(1)(a)(iii) any development control plan

The development has been assessed against the Wentworth Development Control Plan 2011.

The following non-compliance with DCP recommendations was identified as part of the assessment:

- Pedestrian interception and pedestrian safety was not properly addressed. Further information was requested from the applicant to address this, with insufficient information provided to make a final determination.

Section 4.15(1)(a)(iiia) any planning agreement

There are no planning agreements applicable to the development proposal.

Section 4.15(i)(a)(iv) the regulations (to the extent that they prescribe matters for the

purposes of this paragraph)

Environmental Planning & Assessment Regulations 2000

Division 5 of Part 9 of the Environmental Planning and Assessment Regulation 2000 applies to the proposal. The proposal lacks detail in relation to the fire safety and structural adequacy requirements of the regulations and is therefore considered inadequate.

In accordance with the requirements of the regulation, a condition of consent would be included, if approved, requiring the preparation of both a fire safety certificate and a fire safety schedule and the submission of an annual fire safety statement from the applicant.

Section 4.15(1)(b)the likely impacts of the development

Context and Setting

The development site has historically been utilised for truck and coach sales. This has not occurred on the site for an extended period of time. The property adjoins an existing Shell Highway service Centre.

Landscaping

A landscaping plan was provided for the proposed development. The landscaping was for vegetation within the property boundary and no vegetation or planting proposed within the classified road.

Air

Stage 1 vapour recovery will be installed at the petrol tanks mitigating their impacts on the air.

Flooding

Council mapping indicate that the subject land is not located within flood impacted land.

Bushfire

Council mapping indicate that the subject land is not located within bushfire impacted land.

Economic impacts

It is anticipated that the project will generate a number of permanent and casual employment positions as well as day to day services for local residents. It is considered that the facility will provide for ongoing employment opportunities and positive economic impact.

Access, Transport & Traffic

A Traffic Impact Assessment has been prepared by SLR in support of the development application. The development proposal including the traffic impact assessment was also referred to TfNSW for consideration and comment in accordance with the requirements of the ISEPP and Roads Act. As detailed in a preceding section, TfNSW has recommended that the consent authority considers the imposition of conditions and matters for consideration during assessment.

Site Access

A new access is proposed to be constructed to service the development site to an intersection design standard as in accordance with the Austroads Guide to Road Design specifications and in accordance with the requirements of TfNSW conditions provided.

A Strategic design for the intersection is to be lodged with council and sent to TfNSW for review prior to issuance of the construction certificate. The design is show compliance with the *Austroads Guide to Road Design*.

Although TfNSW have provided assumed concurrence for the road works, the matter of the access way design to be included in the Strategic design are matters council believe should be addressed at the development application stage not prior to Construction certificate stage. The main reason being accessway and safety are matters for consideration under section 4.15 of the EP&A Act and should be satisfied before council can issue an approval.

The SISD (safe intersection sight distance) for the proposed does not comply with Austroads requirement of 123m for 60km/hr zones. This will need to be addressed and may require re-design of the proposal.

The vehicle accessing the site have been restricted to B-doubles and not B-triples by the applicant. However, the measures proposed on how this will be enforced are limited especially on how they can be enforced by the relevant authorities. These measures are required to control traffic flow to ensure the required vehicles designated for the site are the only ones that can access the development site.

As no traffic movement has been proposed to go through the right of carriageway (ROC) in the TIA, but was identified on architectural plans, the access way to the ROC will need to be sealed of as it was not considered in the traffic assessment. If it will be used for any traffic movement, an updated TIA would be required and then a question of law arises in relation to the use of the egress from the site through the ROC and whether that will constitute an intensification of use.

This matter was the subject of a court proceeding being **Huntington & Macgillivray v Hurstville City Council & Ors** [2004] **NSWLEC 694**

With relevance to the Development Application being the subject of this report the following paragraphs of the court transcript are copied.

"26 The intensification of the use by Lot 32 of the right of carriageway burdening Lot A requires development consent in accordance with the EP&A Act given that the use of land is "development". This is also in accordance with Ligon at p 478. Accordingly, the applicant needs to apply for and obtain development consent for the intensification of the use of the right of way for Lot 32 if this development application is to ultimately proceed. Obviously the consent of the Second Respondents will be necessary for any such development application lodged for Lot A."

"27 It is a matter for the Commissioner whether he chooses, in the circumstances where it is not known whether consent to the more intensive use of the right of carriageway over Lot A by Lot 32 can be obtained, to grant consent to the development application currently before the court. Theoretically a deferred commencement condition requiring that development consent be obtained for the intensification in use before any development consent granted to this development application commences could be considered. If the Second Respondent's consent for such a development application is not forthcoming then presumably such a condition will not be fulfilled."

With consideration to the implications of the above information relative to the current DA, should the development have any entrance/exit from the site through the ROC easement 15m wide upon Lot 1 DP1213735, it is judged that it may be in the same category with the facts being:

- DA2021/008 is for the development of a highway service centre on Lot 5 DP1029509
- The traffic impact assessment prepared in support of the development of the Highway Service Centre did not provide for the number of traffic going through the ROC.

- The easement for services and right of carriageway 15m wide was created in 2000, as a result
 of DA128/99 being a subdivision of land at which time access to the front of the allotment being
 the Sturt Highway was not permitted.
- Had the easement for services and right of carriageway 15m wide not been created from Melaleuca Street the subject allotment would not have had any legal point of access. This is not considered unique. This is the basic principle of why right of carriageway easements are created.
- Lot 5 DP1029509 and Lot1 DP1213735 are under different ownership
- In the Huntington & Macgillivray v Hurstville City Council & Ors [2004] NSWLEC 694 the
 proposed development would increase the use of the right of way from 8 to 51 vehicles was
 found to intensify the use of the burdened lot.
- Depending on the increase of traffic movements due entirely to the current development proposal, it may be seen as intensification of use of the easement for services and right of carriageway 15m wide.
- Theoretically a deferred commencement condition requiring that development consent be
 obtained for the intensification in use of the easement for services and right of carriageway
 15m wide before any development consent granted to this development application
 commences could be considered if required.
- If the owner of Lot 1 DP1213735 consent for such a development application is not forthcoming then presumably such a condition will not be fulfilled.

Roads

Hendy Road is a dedicated and sealed public road which extends from the development site to form part of the Sturt Highway. Hendy Road is a State classified road and a well utilised transport linkage which plays an important role within the local road hierarchy.

Parking

The site is to be designed internally to provide separation between the vehicular access paths to the light and heavy bowser facilities. The proposed bowser facility for heavy vehicles is to be setback from the road reserve to allow for the stacking of the design vehicle clear of vehicular access paths to the bowser facility for light vehicles.

The review of the plans provided has raised the following issues:

- The turning paths provided have identified several points of conflict with the proposed infrastructure within the site.
- No detail was provided for service vehicles and their parking and entrance/exit
- It appears that the turning paths provided have been drawn to suit the site restrictions and not reflect the accurate required turning paths of the vehicles nominated to utilise the site.
- The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction. An assessment against this standard was not included in the Traffic impact assessment
- An assessment against AS 2890.1-2004 "Off-street car parking" was shown in the Traffic impact assessment with non-compliance identified. This requires to be address before approval as amendments of plans may affect the rest of the development.

- Inadequate manoeuvring area is available for waste transportation vehicles to service the development site.
- Safety details for cycles based on the cycle parking provided.

Summary

As a minimum the off-street car park associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays shall be in accordance with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.

Utilities

Water

Water supply to the facility is proposed to be provided to the site via use of Council's water supply system. A detailed plan showing connection to Council water supply will be submitted to Council as part of a servicing strategy prior to the issue of a construction certificate. This will require approval by Council.

Sewer

Application will be made to Wentworth Shire Council for connection to the Buronga sewerage scheme. An approval for connection will need to be made once the application is approved by Wentworth Shire Council staff.

Stormwater

During construction all works areas will be bunded and fitted with siltation controls maintained to prevent the transport of sediments offsite.

An erosion and sediment control plan addressing the construction phase will need to be prepared prior to the issue of a construction certificate.

Electricity

Electricity services have been identified as being available for connection to the development site. The proponent will need to liaise further with the local electricity provider, Essential Energy, in relation to the reticulation of electricity infrastructure to the site and any associated upgrades.

Telecommunications

Telecommunication services have been identified as being available for connection to the development site. The proponent will need to liaise further with the telecommunications provider (Telstra or their assignees) in relation to the reticulation of telecommunications infrastructure to the site and any associated upgrades.

Gas

The subject site is not serviced by a natural gas connection.

Heritage

The subject land is not identified as containing a heritage item under schedule 5 of the WLEP 2011. A standard condition of development consent may be imposed requiring agency notification if items of indigenous heritage are uncovered during construction works.

Soils

The site is known to be characterised by reactive soils and as a result a geotechnical assessment of the site will be required prior to the preparation of engineering designs for civil and structural works.

Flora & Fauna

The physical development site comprises highly disturbed land which is vacant and located on a residential fringe. The site is completely clear of vegetation or habitat for fauna and accordingly the development will have no detrimental impact on the flora and fauna located within the area.

<u>Waste</u>

Council staff have reviewed the submitted SEE and determined that proposed waste service arrangements are adequate for the development and that the existing Buronga landfill is available to cater for the general waste arising from ongoing site operations.

A variety of waste streams will be generated at the site ranging from construction waste during the build phase and general waste and recyclables through to trade waste upon facility operation. Standard conditions of development consent should be imposed in this regard and given that the premises will be connected to sewer as part of the site servicing strategy, a Trade Waste application must be submitted to Council prior to the issue of a Construction Certificate (CC).

Adequate manoeuvring area to be made available for waste transportation vehicles to service the development site.

Energy & Ecologically Sustainable Building Design

A report pursuant to Section J of the Building Code of Australia (BCA) will be required to be prepared. It is accepted that this matter be addressed as a condition of development consent to the proposal.

Noise & Vibration

The proposed development is consistent with the existing environs and land uses, as such this matter of deliberation is considered to be satisfactory.

Safety, Security & Crime Prevention

These matters were addressed within the Plan of management and Crime Risk Assessment.

Construction

Management of construction impacts will be the responsibility of the builder (or site manager). It is intended that a condition of development consent, if approved, should be imposed requiring the preparation of a Construction Management Plan (CMP) to ensure that impacts likely to be experienced

during the construction phase of the development are appropriately managed and mitigated.

Section 4.15(1)(c) The suitability of the site for the development

Based on the findings of the assessment report the site meets some aspects of the aims and objectives of the RU5 zone but not those of the BGGSP.

The following reasons deem that the site is unsuitable for the proposed development:

- adverse site constraints or impacts have been identified including:
 - Parking does not comply with minimum off-street car park associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays. These are to comply with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
 - Unacceptable entrance/exit arrangements and traffic impacts through the proposed highway entrance
 - The development as submitted provides for unsatisfactory truck manoeuvring associated with the development that has adverse safety considerations for the public
 - The development as submitted is contrary to the public interest with 11 submissions received in response during notification period.

Section 4.15(1)(d) Any submissions made in accordance with the Act or the Regulations

Adjoining and adjacent landholders were notified as per council Community Participation Plan for a period of fourteen (14) days. Eleven (11) submissions were received by Council in response to the exhibition of the proposal.

The submissions were provided to the applicant for an opportunity to respond.

The main issues and concerns raised by the submitters were:

Traffic impacts

These have been addressed within this assessment report.

Pedestrian safety

These have been addressed within this assessment report.

Environmental Impacts

These have been addressed within this assessment report.

Parking

These have been addressed within this assessment report.

Waste management

These have been addressed within this assessment report.

Intensification of use of Carriageway

These have been addressed within this assessment report.

Application plans

As part of the pre-lodgement check, the plans and documentation were checked against the legislative requirements. Council determined that appropriate documentation and plans were provided for lodgement of the development application.

Development definition

These have been addressed within this assessment report.

Noise and odour impacts

The proposed noise and odour from the development will be in line with adjoining land uses and be controlled by the POEO acts and its delegate legislation and guidelines.

Section 4.15(1)(e) The public interest

No policy statements from State or Federal Government are known to have any relevance to the assessment of this Development Application. The proposal is considered to be consistent with Council's Community Strategic Plan; Goal 1 – Wentworth is a vibrant, growing and thriving shire – strategy 1.1- Grow the potential for business and industry to develop and expand.

Development Contributions Payable

A public reserve contribution was paid during the creation of the Lot. As such, the 7.12 contribution levy is not applicable for the land.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	Υ	Provided comments included in assessment
Subdivision Officer	Υ	Provided comments included in assessment
Roads & Engineering	Υ	Provided comments included in assessment
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health		
Local Laws	N	
Floodplain Mgt	N	
Committee		
Sustainable	N	
Infrastructure		

COMMENTS FROM COUNCIL EXTERNAL AGENCIES

TfNSW: Provided comments

Essential Energy: Raised concern with plans in relation to safety and electricity infrastructure

CONCLUSIONS

- 1. General comments:
- 2. The proposal does not satisfy the points for consideration listed under Section 4.15 part b, c, d and e of the Environmental Planning and Assessment Act.
- 3. The proposal occurs on land zoned RU5 Village. The proposal is considered to have detrimental impact on the site and surrounds. (Sec 4.15 (a))

- 4. The proposal is not consistent with the Wentworth Shire Development Control Plan (Dec 2011) (Sec 4.15 (a))
- The proposed service station (highway service station) accords with the relevant objectives and provisions of the SEPP 33, SEPP 55, SEPP 64. However, it does not fully accord with the Infrastructure SEPP.
- 6. There is no draft local environmental plan affecting the proposed development.

Recommendation:

Refuse the application on the following grounds:

The application has been assessed in accordance with the requirements of the *Environmental Planning* and Assessment Act 1979 and the *Environmental Planning* and Assessment Regulation 2000. The evaluation concludes that the proposal is unsatisfactory in terms of the matters for consideration identified in the legislation.

It is recommended that Council refuse Development Application 2021/008 for a service station (Highway Service Centre) at Lot 5 DP1029509, 83-89 Hendy Road Buronga with the reasons nominated below as justification for the refusal.

- The use applied for (service station) does not match the WLEP 2011 definition, but matches WLEP 2011 definition of highway service centre.
- The proposed development does not meet the strategic vision council has for the land as shown by the proposed B2 under the BGGSP. Under the B2 zone, highway service centres are prohibited.
- The proposed development does not match with the desired characteristics of the centre under the proposed new E1 zoning set to replace the B2 zoning in the Standard LEP Instrument
- adverse site constraints or impacts have been identified including:
 - parking does not comply with as a minimum the off-street car park associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays shall be in accordance with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
 - Unacceptable entrance/exit arrangements and traffic impacts through the highway
 - the development as submitted provides for unsatisfactory truck manoeuvring associated with the development that has adverse safety considerations for the public
 - Pedestrian/cyclist interception and pedestrian/cyclist safety were not adequately addressed. Further information was requested from the applicant to address this, with insufficient information provided to make a final determination
 - The SISD (safe intersection sight distance) for the proposed highway entrance intersection does not comply with Austroads requirements (123m for 60km/hr zones)
 - In-adequate measures proposed for restricting B-triples from accessing the site to allows for enforcement of this restriction by relevant authorities.
 - Matters to be satisfied under clause 101(2) of the State Environmental Planning Policy (Infrastructure) 2007, based on the plans and documentation provided, cannot be determined.
 - Inconsistent documentation and plans provided regarding use of the ROC, which may significantly impact the assessment and documentation requirements
 - The development as submitted is contrary to the public safety and interest with 10 submissions received in response to the notification period.

Delegate report author	Delegated approval and endorsement
Signature:	Signature:
Jund	Martin
George Kenende	Matthew Carlin
Development Assessment Officer	Director Health and Planning
Date: 3/02/2022	Date:4/02/2022

9.16 DA2021/177 CONCEPT DEVELOPMENT APPLICATION FOR A MARINA STYLE RESORT AND HOTEL 4 & 6 RIVER DRIVE LOT 432 & 433 DP 756961 BURONGA

File Number: RPT/22/147

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: George Kenende - Development Assessment Officer

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

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

expand

Summary

A development application (DA2021/177) was received by Council for a concept development for a marina style resort and hotel to be located at 4 & 6 River Drive, Lot 432 & 433 DP 756961 Buronga.

Under the *Wentworth Local Environmental Plan 2011* (*WLEP 2011*), Marina style resort and hotels are permitted with consent if located within the RU5 Village zone.

A concept application does not authorise any works, with subsequent development applications required for the full operational approval.

Recommendation

- That Council approve to issue concept development approval for DA2021/177 being a concept marina style resort and hotel located at 4 & 6 River Drive, Lot 432 & 433 DP 756961 Buronga.
- 2) Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Detailed Report

Purpose

The purpose of this report is to provide information for Council to determine Development Application DA2021/177, having consideration to the detail provided both within this report and the attachments provided.

Background

A Concept Development Application was lodged with Council on 20 October 2021 seeking consent for a marina style resort and hotel on the subject Lot.

The subject lot is located in the RU5 Village zone adjustment to the Murray River.

DA2021/177 was publicly notified as per Council Community Participation Plan for 14 days, with 2 submissions received during this time.

The proposed development is a concept development with very minimal development details provided. As such, all the concerns raised by the submitters cannot be addressed at this stage. All subsequent development applications will require detailed plans and reports which include details of matters raised by the submitters.

The development application was referred to a number of external agencies for comments, with limited feedback due to the lack of details provided with the concept development.

The application has been processed and is now being reported to Council for their determination.

Refer to attachment 1 – Development application

Refer to Attachment 2 – Statement of Environmental Effects

Refer to Attachment 3 - Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* as relevant to the development. However, under section 4.22 of the *Environmental Planning and Assessment Act 1979*, prescribed matters for consideration under section 4.15 do not need to be fully considered if a subsequent development application with the full detailed plans and reports will be lodged for the development.

The proposed development for a concept marina style resort and hotel is permitted with consent under the RU5 Village zone as per the *WLEP 2011*. However, assessment against the rest of the WLEP 2011 could not be conducted due to the concept nature of the proposed development.

An assessment of the development application could not be assessed against the relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs due to the limited details and concept nature of the development application.

The application was referred to external agencies for comment, with the following feedback:

- NSW Department of Planning, Industry and Environment (DPIE): Refused the DA as
 it did not sufficiently address the MREP 2 and may potentially be classified as a canal
 development which is prohibited.
- **NSW DPI Fisheries**: Refused the DA and raised a number of issues with the plans provided and lack of details regarding the projects impacts.
- **NSW DPIE (Environment, Energy and Science)**: Not support the application and not enough details was provided in relation to biodiversity and flooding.
- **Essential Energy:** Provided comments and raised concerns regarding potential impacts of the development on existing electricity infrastructure
- Murray Darling Basin Authority: Raised concern with proposal and lack of detailed information
- **NSW Maritime:** No response received within the allocated time
- **NSW NRAR**: Objected to the development due to the lack of information.
- NSW Heritage NSW: Rejected DA
- VIC Department of Environment, Land, Water and Planning (DELWP): No objection to the development

The application was sent to the agencies mentioned above as referral not as concurrence or integrated development. As such, matters under section 4.13 and 4.47 of the *EP&A Act* are not applicable.

Two (2) submissions were received during the public notification, with main issues raised by the submitters being matters to be considered in subsequent development applications.

Based on the assessment of the application and concept development nature of the development, the concept application can be approved without meeting the prescribed matters of consideration under section 4.15 of the EP&A Act. However, condition of consent and notice of determination will clearly identify the concept nature of the approval and restriction of the concept approval.

Refer to attachment 4 – Section 4.15 Assessment

Refer to attachment 5 - Submissions

Options

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

a) Approve Development Application 2021/177 subject to conditions

Legal, strategic, financial or policy implications

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

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

Conclusion

Having consideration to the content of this report it is concluded that the appropriate course of action is to approve DA2021/177subject to conditions contained within the report.

Attachments

- Development Application (Under separate cover)
- 2. Statement of Environmental Effects J.
- Plans
- Section 4.15 assessment report
- 5. Submissions (Under separate cover)⇒



164 Eighth Street Mildura
PO Box 2925 Mildura 3502
Phone (03) 50210031 Email: admin@roycosta.com.au

Statement of Environmental Effects

Accompanying a Development Application for Approval for a Concept Application for a Marina Style Resort and Hotel

At

Lot 432 & Lot 433 DP 756961

4 – 6 River Avenue Buronga NSW

October 2021



1.0 Introduction

This Statement of Environmental Effects has been prepared by Roy Costa Planning and Development on behalf of Dialena Nominees Pty Ltd to support a development application to Wentworth Shire Council for approval for a concept application for a marina style resort and hotel.

This concept proposes the establishment of resort style facilities to be constructed at 4-6 River Drive Buronga NSW. The subject site is accessible via the George Chaffey Bridge and River Drive. The concept resort and ancillary facilities and functions are envisioned to include but not be limited to:

- Reception, Lobby, and Administration
- Restaurant and Bar
- Kitchen and food service area
- Restaurant
- Conference and function facilities
- Multipurpose room
- Gymnasium
- Swimming Pool(s)
- Children's facilities and play area
- Spas
- Retail premises
- Tourist accommodation
- Serviced apartments
- Marina
- Loading dock and waste management

Section 2.0

1.1 Structure of Statement of Environmental Effects (SEE)

This report is divided into five subsequent sections

- Outlines discussions with Wentworth Shire Council regarding the proposal. Section 3.0 Examines the context of the site by describing its location and nature, existing development and uses and the local area in which it is situated. Section 4.0 Provides an overview of the concept proposal. Section 5.0 Assesses the proposed development against the relevant planning legislation and planning controls.
- Section 6.0 Discusses the likely environmental impacts of the proposed concept development.
- Section 7.0 Concludes the report.

Page 537

2.0 Project Status

2.1 Pre-lodgement Discussions

The proponent approached Wentworth Shire Council in mid-late 2020 to discuss the concept of a marina style resort and convention centre. Copies of A3 concept drawings were provided to Council's Planning Department.

An initial review of information was carried out and revealed the following:

- 1. The cost of development would trigger State Significant/Regionally Significant Development.
- 2. The proponent would need to draft a scoping report for submission to NSW Department of Planning Industry and Environment (DPIE).
- 3. The proponent would need to seek the NSW Secretary's Environmental Assessment Requirements (SEARs) to inform a future Environmental Impact Statement.
- 4. The proposed development is considered to be integrated and designated development.

2.2 Project Background

- a) The proponent provided Council with a copy of the SEARs issued by NSW DPIE. The proposal was considered to be Regionally Significant Development.
- b) At this time, the proponent does wish to develop this land. They are seeking DA concept approval to allow the land to be sold with relevant, in principle, planning permissions in place to make it more attractive to potential buyers.
- c) The proponent, through this consultant, sought advice from Council on how to proceed.
- d) Wentworth Shire Council planning staff advised that a concept development application is the most appropriate pathway to progress this matter.
- e) It was noted by this consultant a concept development application, sets out concept proposals for the development of a site, and for which detailed proposals or for separate parts of the site are to be the subject of a subsequent development application or applications see s4.22 of the Environmental Planning and Assessment Act 1979 (NSW); (hereby known as 'the Act').

2.3 Consent History

As this concept DA impacts on two lots, the following development approvals, applying to the site, while not relevant to this development application, have been outlined below for reference and context.

Lot 432 DP 756961

- 1. DA57/02 Mooring Site
- 2. DA02/06 11 Lot Residential Subdivision Amended to 12 Lot Subdivision
- 3. DA10/104 12 Lot Staged Subdivision
- S96/10/003 Modify Consent DA02/06 from a 12 Lot Subdivision to a Staged proposal consisting of Stage 1 being Lot 12 and Stage 2 being Lots 1-11

Lot 433 DP 756961

- 1. DA02/06 11 Lot Residential Subdivision
- 2. DA08/074 Two (2) Mooring Sites
- 3. S96/10/003 Modify Consent DA02/06 from a 12 Lot Subdivision to a Staged proposal consisting of Stage 1 being Lot 12 and Stage 2 being Lots 1-11
- 4. DA10/104 11 Lot Second Stage Subdivision
- 5. DA15/029 Five (5) Commercial Mooring Sites

Comments on Approval History

The history of development consent sought for the subject land demonstrates both the landholder and Council have an expectation the land will be developed. This proposal seeks a concept development approval for a marina style resort and function centre; notwithstanding additional studies and reports that will be required for the future development of this land to occur.

3.0 Site Context

3.1 Site Location

The subject site is known as 4-6 River Drive, Buronga NSW. It is comprised of two lots being Lot 432 and 433 DP 756961. The land is currently zoned RU5-Village.

Figure 1: Subject Site

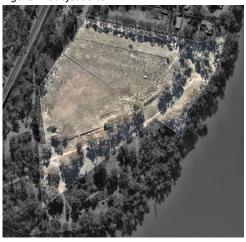


Figure 2: Locality Plan



3.2 Site Description

The area of the site subject to this development application is relatively flat with a natural fall land in a gentle south-easterly direction of approx. 0.02m for every metre over a distance of 170m until it reaches the bank of the river.

The north-western side of the subject land is bounded by River Drive with access to the Sturt Highway/Chaffey Bridge.

To the south and east of Lot 433 the land is bounded by the Murray River

To the south and east of Lot 432, the land is bounded by Crown Reserves that are reserved for Public recreation or conservation being Lot 4 DP 1032974 and Lot 980 756961.

Historically, the land been used for various forms of horticulture including permanent plantings and annual crops. However, in recent times the land has been predominantly vacant with the exception of a single dwelling situated on Lot 6 DP 756956.

The site photograph series throughout the report represent the character of the existing landscape of the site, which in part does not reflect the native elements of the landscape in surrounding environmentally sensitive areas.

4.0 Overview of Concept Proposal

4.1 Reception/Lobby

The reception/lobby will be the focal point at the entrance of the building. The reception is always the first impression for guests and visitors. It is envisioned this part of the resort will be the central hub for check in/out, concierge services, administrative processes as well as luggage/baggage handling.

4.2 Restaurant, Bar and Food Services

The concept of the restaurant and associated areas will be designed such that views of the landscaped area, marina and river can be enjoyed by guests with access to open areas such as the marina and kids play area.

It is envisioned the restaurant and bar facilities will be available to the public, tourists and community members.

4.3 Conference facilities

The conference facilities are likely to consist of a multipurpose space which will be able to accommodate a variety of functions and gathering. It is envisioned the design and construction of the facilities will be done so to allow inclusive and easily accessible pathways for wheelchairs.

4.4 Traffic management

For future consideration, this development will require more studies to address:

- a) details of road transport routes and access
- b) road traffic predictions during construction
- c) safety impact assessment of the road network
- d) details and description of carparking arrangements

5.0 Planning Matters

5.1 Environmental Planning Instruments and Policies

For any future development of the land the following Environmental Planning Instruments and Policies will need to be addressed to enable the consent authority to appropriately assess this concept development:

- a) State Environmental Planning Policy No. 50 Canal Estate Development
- b) State Environmental Planning Policy (Infrastructure) 2007
- c) State Environmental Planning Policy (Primary Production and Rural Development) 2019
- d) State Environmental Planning Policy No.33 Hazardous and Offensive Development
- e) State Environmental Planning Policy No. 55 Remediation of Land
- f) Far West Regional Plan 2036
- g) Murray Regional Environmental Plan No. 2
- h) Draft Murray Regional Strategy 2009-2036
- i) Wentworth Local Strategic Planning Statement
- j) Wentworth Local Environmental Plan 2011
- k) Wentworth Shire Council's Buronga/Gol Gol Structure Plan 2020
- I) Wentworth Development Control Plan

5.2.1 SEPP No. 50 - Canal Estate Development

This SEPP aims to prohibit canal estate development to ensure the environment is not adversely affected by the creation of new developments of this kind.

The Wentworth Shire Council have provided the applicant with a file note prepared by Mr Matthew Carlin, Director Health and Planning that outlines the legal rationale why the associated activity of the Marina Resort concept cannot be defined as 'Canal Estate Development'. Therefore, this development is not prohibited and consequently this SEPP cannot be legally applied to this development – see Attachment 1.

5.2.2 Infrastructure SEPP 2007

This SEPP facilitates the effective delivery of infrastructure across the State of NSW by -

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

Clause 45(2) of this SEPP states,

'Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.'

Given the nature of the type of development consent being sought, the current planning framework requires the consent authority to notify. Given the recent adoption of the NSW ePlanning Portal, this can be carried out by Council thus meeting the requirements of this part of the SEPP.

J

5.2.3 State Environmental Planning Policy (Primary Production and Rural Development) 2019

This SEPP aims to:

- a) facilitate the orderly economic use and development of lands for primary production
- 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
- c) 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
- d) 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
- e) to encourage sustainable agriculture, including sustainable aquaculture,
- to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- g) to identify aquaculture that is to be treated as designated development using a welldefined and concise development assessment regime based on environment risks associated with site and operational factors.

Given the close proximity to land currently zoned RU1 – Primary Production located immediately north-west of the George Chaffey Bridge, this application will require a Land Use Conflict Risk Assessment (LUCRA) to identify any potential land use conflict with sensitive receptors including any productive agricultural land uses.

5.2.4 State Environmental Planning Policy No.33 – Hazardous and Offensive Development

The aim of this SEPP as it applies to this concept application is found in clause 2(c) – (f) which states:

- c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and
- d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and
- e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and
- f) to require the advertising of applications to carry out any such development.

U

This application can be considered to be 'potentially offensive' within the meaning of the definition provided under clause 3 of this SEPP as a mixed used site as described at 1.0 above has the potential to emit a polluting discharge of noise which may have a significant adverse impact in the locality.

To address this concern and to satisfy the aims and objectives of this SEPP, future applications will be subject to noise modelling carried out by a qualified noise consultant to ensure noise and vibration issues are mitigated from construction through to ongoing operation. It is envisaged the actual future development of this land will be subject to a CEMP which will need to address noise and vibration among others.

Also, the development consent conditions would also need to refer to the requirement a quantitative assessment of the potential air quality, dust and odour impacts including methodology of odour impact and dust mitigation and monitoring levels.

Additionally, this application may be considered to be potentially hazardous as the construction and operation has the potential to pose a risk in relation to the biophysical environment, more specifically the Murray River.

To address this concern and to satisfy the aims and objectives of this SEPP a BDAR including an assessment of the potential impacts of any threatened species, populations, endangered ecological communities and their habitats will be required.

5.2.5 State Environmental Planning Policy No. 55 – Remediation of Land

The main objective of this SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Given the history of the subject site, it is reasonable for the land to be subject to soil testing to determine if remediation of the land is required and if so, to set the required standard of remediation work to be achieved to meet certain standards.

5.2.6 Far West Regional Plan 2036

The Far West Regional Environmental Plan applies to the Wentworth Shire Local Government Area.

This concept development is in line with this Regional Plan being Goal 1 A diverse economy with efficient transport and infrastructure networks – Direction 5 Promote Tourism opportunities Action 5.3 Identify opportunities for tourism and associated land uses in local plans.

It is envisioned that this concept development and the associated activities will bring an enhancement of tourist and visitor experiences by expanding the opportunities for a development of this kind that will bring employment, promote the Wentworth Shire and will serve off peak and on peak tourist and visitor markets.

J

5.2.7 Murray Regional Environmental Plan No. 2

The aims of this plan are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

The objectives of this plan are

- a) to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and
- b) to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and
- c) to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.

Per clause 12(1) of this plan, 'Consultation is required for development in the circumstances set out in this clause'. Clause 12(1)(a),(b)(c)&(f) states:

- a) where development is contrary to the aims, objectives or principles of this plan and may have a significant environmental effect along the Murray River—the P&D (Vic), C&NR (Vic) and the adjacent local Council in Victoria must be consulted.
- b) Where development is within or may adversely affect land dedicated or reserved under the National Parks and Wildlife Act 1974—the NPWS must be consulted.
- c) Where development may adversely affect endangered fauna within the meaning of the National Parks and Wildlife Act 1974—the NPWS must be consulted
- Where development may affect boating safety—the MSB must be consulted.

As part of the public notification and public exhibition stage of the assessment of this concept application, Council will need to notify the relevant agencies as listed above. With the inception of the NSW ePlanning Portal, the consent authority is able to send concurrences and referrals via this portal to these agencies.

5.2.7 Draft Murray Regional Strategy 2009-2036

On page 31 of this strategy the third Action listed states Councils will identify and build on the lifestyle and other advantages of the region and seek to identify new opportunities for employment and industry to be located in the Region.

On page 32, the document observes that employment in the accommodation and food services has experienced a significant increase and goes on to say that continued growth in tourism is strongly supported as a way to build the economic strength of the Murray. It states unequivocally that:

'...further growth in tourism needs to be managed to ensure these assets are protected (natural and cultural) and enhanced...Tourism should also be managed and located so that it strengthens existing villages.'

This type of development ties into the Local Strategic Planning Statement and Buronga Gol Gol Structure Plan which is addressed below.

J

5.2.8 Wentworth Local Strategic Planning Statement

This document sets out the land use framework for Wentworth Shire's economic, social and environmental land use needs over a 20-year period. It gives effect to the Far West Regional Plan discussed at item 5.2.6 above and is informed by other state wide and regional policies and plans.

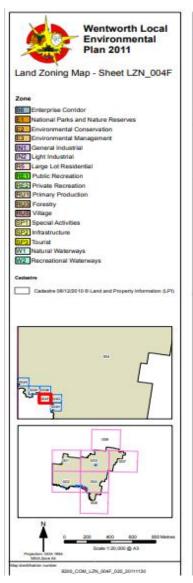
This document lists a number of Planning Priorities and under Planning Priority 2 -Grow Tourism on page 18, it gives effect to Direction 5 of the Far West Regional Plan. Additionally, the document states 'River-based tourism is increasingly popular and the position of the Wentworth Shire Council is made clear in their statement which is: '...the Shire can further its reputation as the 'Gateway to the Outback' by encouraging modern tourism facilities to be locate[d] on sites that take advantage of the river, rural landscape or nature-based settings'.

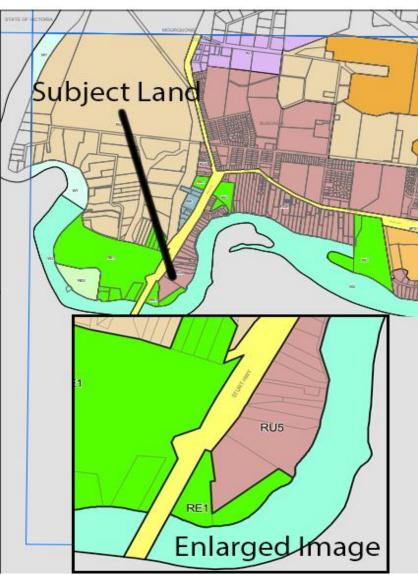
On page 19 of this document the Shire encourages and supports tourism developments along the river that do not impact on the health and amenity of the Darling and Murray Rivers.

With appropriate conditions and site controls, this development will meet the strategic planning priorities of the LSPS.

5.2.9 Wentworth Local Environmental Plan 2011

The proposed concept development is proposed on land within the RU5-Village zone. The objectives for the zoning of this land, per the land use table encourages opportunities for economic development and to deliver new residential and employment growth in Buronga. Also, the RU5-Village zone is an open zone, which means that if the activity or type of development is not expressly listed under item 4 – Prohibited, then it is permitted with consent In implementing the aim, objectives and guiding principles of the LEP, land to which applies to the plan, is within a zone specified by the LEP Maps. These Maps identify the site as being within the RU5- Village Zone per Land Zoning Map – Sheet LZN_004F.





Other provision of the WLEP 2011 that need to be addressed/considered are summarised in the table below:

Zoning	The LEP mapping shows the subject site is RU5 - Village	The proposed concept activity is permissible within the zone	
		with consent	
Development within or in proximity to Riparian Zone	 Must Consider: Access and egress Suitability of proposed development and relationship with the surrounding area Visual amenity and scenic qualities of the river system Impact and conservation/protection of biodiversity, ecosystems Cumulative impact of proposed concept development will cause any adverse impact on the following: a) the water quality and flows within a watercourse, b) the aquatic and riparian species, habitats and ecosystems, c) the stability of the bed, shore and banks of a watercourse, d) the free passage of fish and other aquatic organisms within or along the watercourse, e) any future rehabilitation of the watercourse and riparian areas. 	·	
		proposed f) any increases to water extraction from a watercourse	
Flood Planning	 a) Consent must not be granted unless the consent b) authority is satisfied that the development: c) is compatible with the flood hazard of the land; d) and e) is not likely to significantly adversely affect flood f) behaviour resulting in detrimental increase in the g) potential flood affectation of other development or h) properties; and i) incorporates appropriate measures to manage j) risk to life from flood; and 	watercourse Flood impacts and a site - specific flood study may be required to address matters of concern	

	 k) is not likely to significantly adversely affect the l) environment or cause avoidable erosion, siltation, m) destruction of riparian vegetation or a reduction in n) the stability of river banks or watercourses; and o) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. 	
Biodiversity	The consent authority must consider whether or not the development: • will cause any adverse impact on the condition, • ecological value and significance of the fauna and flora on the land, • will cause any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, • has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, • will cause any adverse impact on habitat elements providing connectivity, and • proposes measures to enhance the biodiversity values of the land. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: • the development is designed, sited and will be managed to avoid any adverse environmental impact, or • if that impact cannot be avoided by adopting feasible alternatives • the development is designed, sited and mill be managed to minimise • the development is designed, sited and will be managed to minimise • and mitigate that impact and incorporate environmental protection and enhancement • works that maintain or improve the biodiversity values of the land.	Future development applications on this land will require the overall design to be such that the need to impact on biodiversity is minimised or mitigated. Additional studies may be required to support any future development applications.

5.3.0 Buronga/ Gol Gol Structure Plan

The Buronga Gol Gol Structure Plan provides a strategic land use framework to facilitate quality and sustainable urban development in these townships. The purpose of the Buronga Gol Gol Structure Plan (BGGSP) is to facilitate quality and sustainable urban development in the localities of Buronga and Gol Gol. With the two localities currently experiencing fast growth, it is imperative to plan and guide land use changes, infrastructure development and public and recreational spaces to support this growth.

This concept development is consistent with this Structure Plan Chapter 3 which states the desired outcomes of this plan is to attract a range of business and retail activities that can adequately support the provision of local services.

This concept development is consistent with the visions and goals of the Buronga/Gol Gol Structure Plan.

5.3.1 Wentworth Development Control Plan

The Wentworth Development Control Plan (DCP) under 2.1 shares a vision that states,

"To encourage balanced development for the Buronga and Gol Gol area, ensuring appropriate infrastructure for a thriving and vibrant community with a rural and village lifestyle and conserving our environmental resources through: - Building a better community for our people; - Ensuring infrastructure is available for the future; - Economic development; and - Encouraging balanced development and conserve our natural resources.'

While the DCP does not specifically describe in details what economic development looks like, it can be stated that any development in Buronga Gol Gol that aims to attract tourism, create job and enhance the reputation of the township meets the requirements to satisfy the goal of economic development and the DCP overall.

6.0 Likely Environmental Impacts

6.1 Land Use Consistency

The proposal is consistent with the current zoning on the site. The proposal seeks to enhance tourism to the Wentworth Shire by establishing high quality resort facilities that will promote the economy. However, a Land Use Conflict Risk Assessment will be required to identify potential land use conflict with sensitive receptors including surrounding agricultural land.

Page 551

J

6.2 Architectural Design

The concept designs show the architecture of the building is not proposed to dominate or define the landscape but rather to frame and be defined by the surrounding landscape and views beyond the site.

Any future architectural designs, the scale and design of the proposal ensure that the architectural qualities of the proposal will create a unique place for people to gather, relax and rejuvenate within a unique riverfront setting.

6.3 Traffic, Access and Egress

It is likely this proposal once operational will be traffic generating. It is envisioned that access, egress, parking and spaces for commercial vehicular movements will need to be addressed in a future Traffic Impact Assessment (TIA). The TIA will need to address:

- existing and anticipated additional traffic generation on the surrounding network
- · vehicle types and volumes
- peak traffic volumes
- travel routes for vehicles accessing the development site

6.4 Landscape Design

Future landscape designs will need to accompany any future development applications for this site. Any future Landscape Design Reports will need to outline the intent and desired outcomes for the site in conjunction with the built form and seeks to ensure that the setting and surroundings of the proposed buildings will integrate with the natural surrounds.

6.5 Flora and Fauna

Any future development of this site will need to be subject to a Flora and Fauna Assessment to determine the full range of environmental and vegetation value. This concept and any future development will need to be designed to minimise its impact on flora and fauna assets in the area.

6.6 Biodiversity

The Biodiversity Offset Scheme Entry Thresholds (BOSET) tool was used to initially to determine if any impacts from this development need to be managed in Biodiversity Assessment Report (BDAR). The BOSET Report shows the subject site does not trigger any biodiversity impacts. However, for any future development, a Test of Significance under part 5 of the Act will be required to be submitted as part of the report.

.

6.7 Development on Flood Viable Land

Clause 5.21 of the WLEP2011 addresses flood planning matters.

Under this clause, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

It is envisioned the central facilities will be constructed on a filled earthworks platform above the existing ground level. Flood impact will need to be modelled and show that floor levels of all buildings be at or above the Flood Planning Level or at a minimum of 0.7m above freeboard.

6.8 Cultural Heritage

Based on the location of the land and its context there is the possibility of items of cultural heritage significance being affected by the development. A basic AHIMS search has been undertaken of the land which has confirmed there is an aboriginal site recorded on or near the land. An AHIMS extensive search has subsequently undertaken which confirmed the location of the site.

A search for the site cards has confirmed a previous survey of the land discovered an isolated artefact central to the land. The Aboriginal community interpretation and management recommendations listed on the site card indicate the artefact is commonly occurring and of low significance. It is recommended that the object should be relocated under a Section 87 Permit. An assessment of cultural heritage should be undertaken in order to clearly understand the extent of such items on the land.

6.9 Noise and Vibration

For any future development assessment of background noise monitoring will be required. Noise testing will be required to obtain and determine road traffic noise levels at appropriate locations to enable calibration of the road traffic noise model to support future development applications.

Traffic generation will increase as a result of the development thus contributing to noise and vibration of ongoing operations of the site. This will need to be addressed in a future traffic management plan.

7.0 Conclusion

This Statement of Environmental Effects has identified environmental impacts associated within this concept proposal for Resort and Hotel at 4-6 River Drive Buronga. It has demonstrated that the proposal is a solution which is supported by the Wentworth LEP 0211 and is a high-quality tourism proposal.

In assessing this proposal, RCPD has demonstrated how the proposal satisfies the provisions of the Wentworth Local Environmental Plan 2011, and how it complies with the provisions of Council's Development Control Plan. This Statement of Environmental Effects has also considered the merits of the Resort and Hotel against the provisions of the relevant State Environmental Planning Policies (SEPPs) Plan.

In meeting its objectives of Council's statutory planning policies, the concept proposal aims to establish a tourism facility with exceptional architectural and contextual merit, responsive to site characteristics and climate as appropriate to the Buronga / Gol Gol area. The proposal will benefit the local community by having a positive economic, environmental and social impact in Wentworth Shire and the region.

The proposal is considered appropriate for the subject site when considering the local and regional intentions for tourism in the Far-West and along the Murray River for the following reasons:

- The proposal is supported by the provisions of the relevant State Planning Polices. The proposal is for a large-scale resort development which is within a prime development area and adequate urban services are available
- The proposal is supported by the Wentworth Local Environmental Plan 2011 especially for tourist activities - with future high-quality site analysis and design, this concept proposal aims to respond to the locational and natural elements of the site
- The proposal is supported by the provisions and achieves the objectives of the Development Control Plan
- The concept of the Carrazza Resort Hotel will introduce a quality conference facility
 which will economically benefit the region. These benefits will include increased tourism
 activity, increased expenditure and employment and economic opportunities for the
 Buronga/Gol Gol community within the market segment
- The BOSET Report attached to this SEE shows the biodiversity in the immediate area in unlikely to be adversely affected (subject to further and more in-depth studies and reports)
- The site is accessed by both River Drive and the George Chaffey Bridge and the concept is of an appropriate scale of development for the surrounding road network

- The proposal will have a range of positive economic outcomes for the Byron Bay area through development investment, increasing tourism spending and increasing the employment market (as discussed above)
- Significant employment opportunities will be provided, both during the construction and operational phases of the proposal, within close proximity to the township areas of Buronga/Gol Gol
- The proposal will have positive social outcomes the establishment of long-term employment and creating spaces where community businesses can be supported.

This Statement of Environmental Effects has assessed all matters relevant to the concept proposal and it is considered that the proposal is suitable for the site and represents a future form of tourism development which is support by the Wentworth LEP 2011 and the DCP. It is therefore recommended that this Development Application for Concept Development Consent is an appropriate use of land within the Wentworth Shire and be approved subject to reasonable and relevant conditions.

Page 555

ATTACHMENTS

Attachment 1 – Canal Estate Development

FILE NOTE

Subject: DEFINITION OF 'CANAL ESTATE DEVELOPMENT'

Context/Background

- i. This file note relates to 4-6 River Drive Buronga, also known as 'Carrazza Resort'. The subject land is lot 432 and 433 of DP 756961.
- ii. This file note forms the rationale and justification why Council's Health and Planning team hold the opinion the proposed concept is not a Canal Estate Development for the purposes of SEPP No. 50.

Opening Statement

- iii. This file note utilises the IRAC method of legal analysis to explain why the proposed concept of a resort style marina is not a Canal estate development.
- iv. For any reader not familiar with this method, IRAC forms the fundamental building blocks of legal analysis. It is the process by which any legal question can be examined. It allows one to reduce the complexities of the law to a simple equation e.g. Issue, Rule, Analysis, Conclusion.

IRAC Method

ISSUES

<u>Issue No. 1 - Under the State Environmental Planning Policy No 50—Canal Estate Development (SEPP50), can a Resort, Convention Centre and Marina be defined as 'Canal Estate Development?</u>

<u>Issue No. 2</u>— Under the State Environmental Planning Policy No 50—Canal Estate Development (SEPP50), is the concept of a Resort, Convention Centre and Marina prohibited?

<u>Issue No. 3 –</u> Can the Canal Estate Development (SEPP50) be legally applied to this development concept?

Page 556

RULES

Rules under the SEPP

- 1. The SEPP identified above aims to 'prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.
- 2. This SEPP provides a definition for 'canal estate development' which reads:

In this Policy, canal estate development means development that:

- (a) incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and
- (b) includes the construction of dwellings (which may include tourist accommodation) of a kind other than, or in addition to:
- (i) dwellings that are permitted on rural land, and
- (ii) dwellings that are used for caretaker or staff purposes, and
- (c) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

Rules Under the WLEP2011

3. The WLEP has a slight variation in the definition for Canal Estate Development from the SEPP. This variation means that the WLEP is more limiting and creates more opportunity for the local consent authority to declare development a Canal Estate Development. However, and whereas SEPP50 is more liberal in its approach and thus creates an oxymoron in that the wording in the SEPP is more restrictive by the use of the word 'and' as discussed above, but creates more opportunity for something not to be declared a Canal Estate if it does not meet all three criteria.

- 4. The dictionary contained at the end of the WLEP provides two separate and distinct definitions for a Canal Estate Development and a Marina. The definition for a Marina under the WLEP is provided as being:
 - a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—
 - (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
 - (b) any facility for providing fuelling, sewage pump-out or other services for boats,
 - (c) any facility for launching or landing boats, such as slipways or hoists,
 - (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
 - (e) any berthing or mooring facilities.
- 5. The WLEP does not provide specific definitions for the terms: 'resort' or 'convention centre'. Also, the land use table does not specifically mention them. However, it does clearly state under 'Permitted with consent' 'Any other development not specified in item 2 or 4'. Therefore, this analysis will rely on the common dictionary meaning of these terms.

Matters of Interpretation

- 6. Under section 6 of the *Interpretations Act 1987*, it states 'definitions that occur in an Act or instrument apply to the construction of the Act or instrument except in so far as the context or subject matter otherwise indicates or requires. This brings the discussion to matters of statutory construction.
- 7. The primary object of statutory construction is to construe the relevant provision so that it is consistent with the language and purpose of all the provisions of the statute. The meaning of the provision must be determined by reference to the language of the instrument viewed as a whole. This means the overall objective of statutory construction is to give effect to the purpose of Parliament or the Minister as expressed in the text of the statutory provisions.

ANALYSIS OF ISSUES

Relationship of SEPP and WLEP

- 8. State Environment Planning Policies (SEPPs) are environmental planning instruments which address planning issues within the State. The practical effect of a SEPP is often to take power away from local councils in order to prohibit certain types of development in an area or to allow certain types of development even where local controls prohibit it. SEPPs often make the Planning Minister the decision-maker or the consent authority for the types of development they relate to.
- 9. The WLEP being the environmental planning instrument made under the Standard Instrument and where the Land Use Table for the RU5-Village zone in that instrument is an "open zone", as opposed to a "closed zone", a "canal estate development" would be permissible, with consent in that zone. Therefore, the Land Use Table for that zone would be inconsistent with SEPP 50 thus creating an ongoing a contrary intention.

Use of the word 'and'

- 10. The use of the word 'and' in SEPP50 needs to be highlighted and discussed. To be a 'canal estate development', that development needs to satisfy all three criteria contained within the definition, i.e. it needs to be a type of development that incorporates those matter(s) listed in part (a) of the definition, and be a development that includes the construction of dwellings listed in part (b) of the definition and be a development that requires or includes one or both of those matters listed in part (c) of the definition.
- 11. For example, a development that did not include the construction of dwellings (listed in part (b) of the definition) would not constitute a "canal estate development" under the SEPP 50 definition notwithstanding that that development satisfied the criteria specified in parts (a) and (c) of the SEPP 50 definition. It is also noted that a development which only involved "an excavation to create a waterway...." (part (c) (ii) of the SEPP 50 definition) would not by itself constitute a "canal estate development" under the current SEPP 50 definition.

Examination of dichotomy of terms

12. An examination of terms is essential to understand what a canal estate development is and is not. In the first part of the definition SEPP50 states it 'incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement. Each term and word will be examined individually to provide a better understanding of the cognate intentions of this SEPP.

J

- 13. It is important to note that an ambiguous dichotomy of terms exists within this clause which in turn creates divergent contextualism that is misleading and confusing.
- 14. The dichotomous nature of this clause is provided by two key words being 'constructed canal' and 'natural waterway/waterbody'. As established in the High Court decision of *CIC Insurance v Bankstown Football Club Ltd* (1997) 187 CLR 384 at [408], 'it states the modern approach to statutory interpretation...insists that the context be considered...not merely at some later stage when ambiguity may be thought to arise'. Utility, not necessity, is the reason for reference to context.
- 15. In the first part of clause 3(a) of SEPP50 it states: '...a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody...'. This statement is confusing at first. However, by applying the legal maxim of *ejusdem generis* the first section of this statement can be restated as ...'a constructed canal or other [artificial] waterway or [artificial] waterbody that is....'
- 16. By re-stating this sentence with the legal maxim applied, the dichotomy between the natural and artificial can be observed more clearly. However, we must be careful not to misconstrue the true and correct intent of this clause.
- 17. Council does not know if this dichotomy of terms was intentional or not. This is a question of statutory construction and statutory interpretation and as such, only the Court can resolve these matters. Until the Court provides a ruling providing a clear statutory interpretation of this clause, it is Council's position to hold to the *ejusdem generis* legal maxim which logically assumes the existence of the intention to create a dichotomy between the artificial and natural.

Examination of definition of terms

18. Given that both the SEPP and WLEP is silent on what the definition of a Canal actually is, the importance of giving a word its current and ordinary meaning was set down in *Coleman v Power* (2004) CLR 1 at 245. Therefore, the rules of statutory interpretation guide us to the accepted legal or ordinary dictionary definition. The relevant legislation and corresponding guidance material as well as the mirriam-webster/oxford dictionary definition provides the following definitions:

	Term	Definition	Source
a)	Canal	an artificial water way for navigation or for	Merriam Webster
		draining or irrigating land	Dictionary
b)	Waterway	means the whole or any part of a watercourse,	WELP 2011
		wetland, waterbody (artificial) or waterbody	
		(natural).	
c)	Waterbody	means a natural body of water, whether perennial	WLEP 2011
		or intermittent, fresh, brackish or saline, the	
		course of which may have been artificially	
		modified or diverted onto a new course, and	
		includes a river, creek, stream, lake, lagoon,	
		natural wetland, estuary, bay, inlet or tidal waters	
		(including the sea).	
d)	Surface	natural water that has not penetrated much	Merriam Webster
	Water	below the surface of the ground	Dictionary
e)	Ground	water within the earth especially that supplies	Merriam Webster
	Water	wells and springs	Dictionary
f)	Resort	a place that is frequented for holidays or	Oxford Dictionary
-\	C	recreation or for a particular purpose.	NAi NA/ - lt
g)	Convention	a building or set of buildings designed to hold	Merriam Webster
h)	Centre Marina	many people and used for meetings	Dictionary WLEP 2011
h)	Mailia	permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on	WLEP ZUII
		land and partly on a waterway), and includes any	
		of the following associated facilities—	
		a) any facility for the construction, repair,	
		maintenance, storage, sale or hire of	
		boats,	
		b) any facility for providing fuelling, sewage	
		pump-out or other services for boats,	
		c) any facility for launching or landing boats,	
		such as slipways or hoists,	
		d) any car parking or commercial, tourist or	
		recreational or club facility that is ancillary	
		to the boat storage facility,	
		e) any berthing or mooring facilities.	

J

19. As the proposal is for a Resort, Convention Centre and Marina, the requirement of clause 3(a) of SEPP50 to be applied is:

'the constructed canal or other waterway or waterbody, that is inundated by or drains to a natural water way or natural waterbody by surface water or ground water movement...'

- 20. It is anticipated the marina portion of the development will be adjacent to and be inundated directly by the Murray River. There will be no inundation or drainage of said water via surface or groundwater movement.
- 21. Therefore, it is Council's opinion the application of clause 3(a) of SEPP50 cannot be applied to this development concept.

Regarding Dwellings

- 22. Clause 3(b) of the SEPP states that it 'includes the construction of dwellings (which may include tourist accommodation) of a kind other than, or in addition to:
 - i. Dwellings that are permitted on rural land, and
 - ii. Dwellings that are used for caretaker or staff purposes, and...
- 23. One area of concern for the Wentworth Shire as the local consent authority acting in an assessment capacity before it goes to the panel for a determination is the question of discretionary decision making. Clause 3(b) of SEPP50 states, '...may include tourist accommodation...'. The question becomes, who holds the power to make a discretionary decision as to whether or not tourist accommodation is or is not included?
- 24. Section 9 of the *Interpretation Act 1987* states, 'in any Act or instrument, the word "may", if used to confer a power, indicates that the power may be exercised or not, at discretion.' As SEPPs are a document that removes power from local planning authorities and makes the Planning Minister the decision maker, then logic dictates it is the Minister and by extension his/her delegates that have the ability to decide if and when tourist accommodation should or should not be included when addressing clause 3b of SEPP50.
- 25. To enable Council to adequately carry out the assessment, we would require confirmation from the Minister/DPIE as to whether or not tourist accommodation is intended to be included in the definition of 'dwelling' per its discretionary decision-making powers as it relates to this concept.
- 26. As this clause includes the construction of dwellings, it is silent on matters of commercial types of development including eateries, bars, a function centre and a marina. The scoping report explains this will be an integrated development consisting of the aforementioned elements. It can therefore be argued that the 'dwellings' are ancillary to the primary purpose of the proposed use of the land.

- 27. According to the NSW Planning Circular PS 13 -001 'How to characterise development', ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept of the dominant use of the land is important when a development involves multiple components on the same land. This is very much the case for this concept of a Resort, Convention Centre and Marina which will include serviced apartments.
- 28. The question then becomes are the dwellings as a component of the development (including any tourist accommodation being serviced apartments) going to serve the dominant purpose of the development or is it independent?
- 29. Council hold the position that the use of the proposed serviced apartments are ancillary and subservient to the proposed dominant purpose and use of the land.
- 30. Therefore, it is Council's opinion the application of clause 3(b)of SEPP50 cannot be applied to this development concept.

Regarding the construction of dwelling on flood prone land

- 31. Clause 3(c)(i) of SEPP50 provides that dwellings that require or include 'the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land' is prohibited.
- 32. This clause of the SEPP assumes floor level construction of dwellings that would be flooded during such an event. However, it does not consider alternative construction techniques such as design pathways that examine performance-based standards for building dwellings on flood prone land set down by the National Construction Code.
- 33. Alternative construction techniques exist that do not require 'depth of fill material' to raise the level of land. For this reason, it is Council's opinion the application of clause 3(c)(i) of SEPP50 cannot be applied to this development concept.

Regarding the Marina

- 34. The definition of a Marina is provided under item 18(h) above and is the same definition contained in the WLEP2011.
- 35. Clause 3(c)(ii) of SEPP50 is a prohibition on the activity to create waterways primarily for the purposes of providing water access to dwellings...
- 36. Given that a marina is a different development type and ongoing land use activity that than of a water access for a dwelling; and the concept plans only provide for a marina as part of the overall development, it is Council's opinion the application of clause 3(c)(ii) of SEPP50 cannot be applied to this development concept.

CONCLUSION

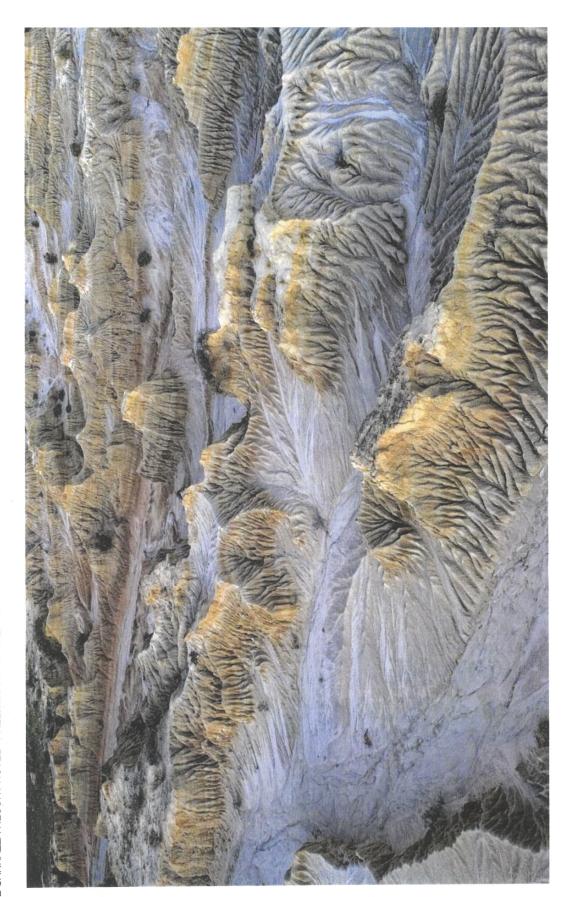
Based on the information above, Council concludes that a Convention Centre and Marina cannot be defined as 'Canal Estate Development' and is therefore not prohibited therefore, SEPP50 cannot be legally applied to this development concept.

Item 9.16 - Attachment 3 Plans

peckvonhartel **qad**







LAKE MUNGO
THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

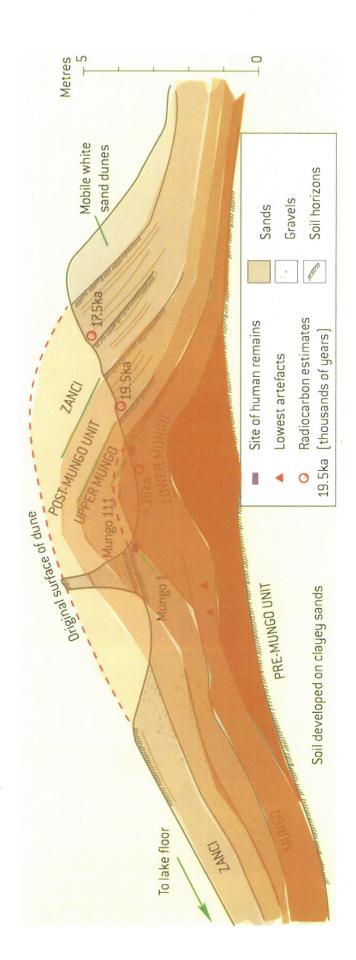
PRELIMINARY
project 4838 date 11/11/

Item 9.16 - Attachment 3 Plans

beckvonhartel <mark>hvd</mark>



drawing SK-120B



LAKE MUNGO - STRATIFICATION

THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

PRELIMINARY project 4838 date

Item 9.16 - Attachment 3 Plans

peckvonhartel <mark>hvd</mark>







THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN LAKE MUNGO HISTORY

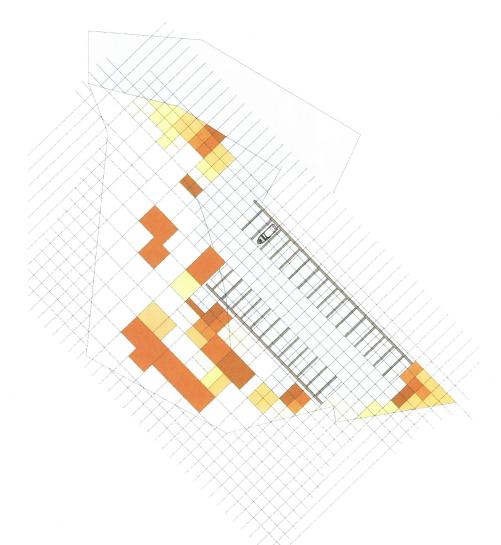
PRELIMINARY project 4838 date

Item 9.16 - Attachment 3 Plans

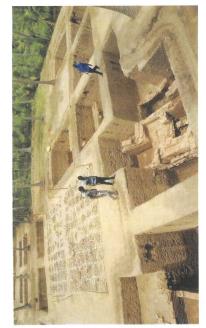
peckvonhartel <mark>und</mark>

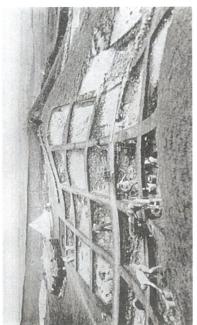


evision



ARCHAELOGICAL PROCESS THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN







PRELIMINARY
project 4838 date 11/11/19

Item 9.16 - Attachment 3 Plans

beckvonhartel <mark>hvd</mark>

THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

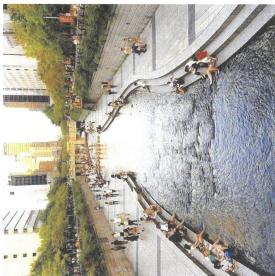
WATER LEVELS



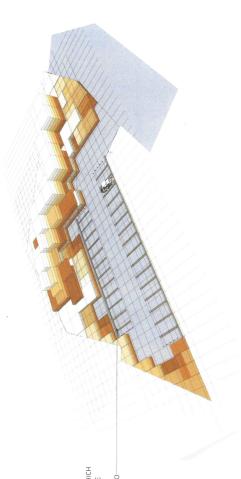
revision

rawing SK-123









THE MARINA CREATES A SCENIC ENVIONMENT, AND THE WATER LEVEL OF THE RIVERS IS A KEY PART OF THE SITE WHICH REVEALS THE ART, SCULPTURES AND ARCHITECTURE OF THE MARINA AS IT CHANGES.

A PARRALEL TO THE GEOLOGICAL HISTORY OF LAKE MUNGO—

PRELIMINARY project 4838 date 11

Item 9.16 - Attachment 3 Plans

peckvonhartel <mark>qvd</mark>









WORLD GEOLOGICAL WONDER - LAKE MUNGO



*note imagery indicative only and not representative of what will be proposed or the local tribe's customs & culture INDIGENOUS CULTURE, ART & NATIVE GARDEN

THE SITE - MILDURA & THE MURRAY

THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

CONCEPT



Item 9.16 - Attachment 3 Plans

peckvonhartel <mark>qvd</mark>



drawing SK-720 revi





MARINA VIEW 01

THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

PRELIMINARY
project 4838 date 11/15/19

Item 9.16 - Attachment 3 Plans

beckvonhartel <mark>dvd</mark>







THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN **MARINA VIEW 02**

PRELIMINARY project 4838 date

Item 9.16 - Attachment 3 Plans

beckvonhartel <mark>dvd</mark>







RIVER APPROACH 01

THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

PRELIMINARY
project 4838 date 11/11/19

Item 9.16 - Attachment 3 Plans

peckvonhartel <mark>qvd</mark>



revision

107 73



RIVER APPROACH 02

THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

PRELIMINARY
project 4838 date 11//11/19

Item 9.16 - Attachment 3 Plans

peckvonhartel <mark>qvd</mark>



revision

drawing SK.740



HOTEL POOL VIEW

THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

PRELIMINARY
project 4838 date 11/15/19

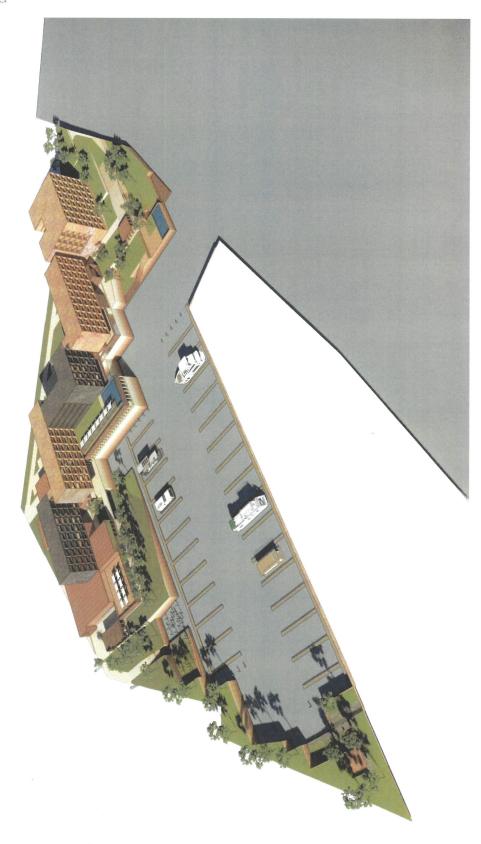
Item 9.16 - Attachment 3 Plans



Item 9.16 - Attachment 3 Plans

peckvonhartel <mark>qvd</mark>





THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN **AERIAL PERSPECTIVE**

PRELIMINARY project 4838 date

Item 9.16 - Attachment 3 Plans

peckvonhartel <mark>qod</mark>





AERIAL VIEW 01

THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

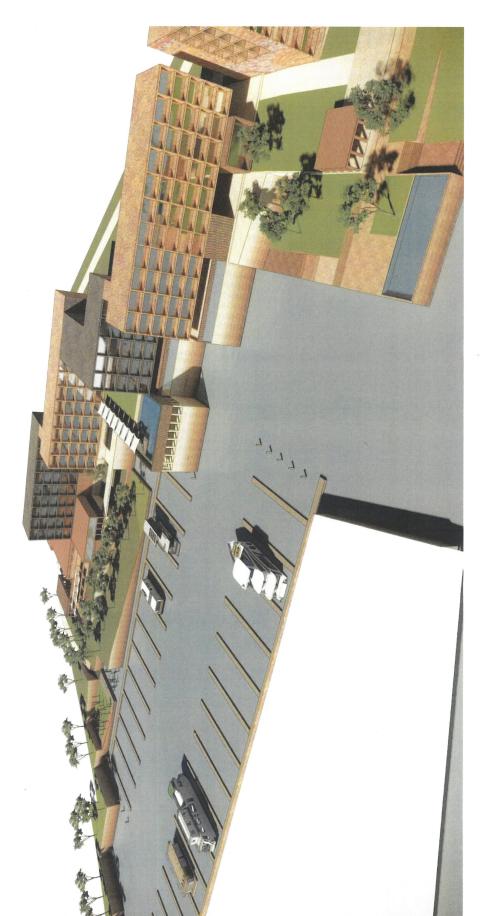
PRELIMINARY project 4838 date

Item 9.16 - Attachment 3 Plans

peckvonhartel <mark>und</mark>



drawing SK-711 revi



AERIAL VIEW 02

THE CARRAZZA RESORT HOTEL - PRELIMINARY CONCEPT DESIGN

PRELIMINARY
project 4838 date 11/15/19



WORTH 亚 DRIVE

Health & Planning Department

26-28 Adelaide Street PO Box 81

WENTWORTH NSW 2648

Tel: 03 5027 5027

council@wentworth.nsw.gov.au

DA Assessment Report Section 4.15 Evaluation

Environmental Planning & Assessment Act 1979 as amended

File Reference: DA2021/177 – PAN-157088

Property Title & Address: 4 & 6 River Drive, Lot 432 & 433 DP 756961 Buronga
Property owner(s): Dialena Nominees Pty Ltd & Antonio Carrazza

Applicant(s): Roy Costa Planning and development

Proposal: Concept developments – Marina style resort and hotel

Previous DAs: DA08/074: 2 mooring site; DA10/104: 11 Lot subdivision;

DA15/029: 5 commercial mooring

Cost of proposed development: \$5 000 000.00 (based on future stage 1 development)

SITE AND SURROUNDING DEVELOPMENT

The subject site comprises of Lot 432 & 433 DP 756961 located in Buronga, Wentworth NSW. The lots have areas of approx. 2.7 ha and 2.78 ha respectively. The subject site connects directly to River Drive from the west linking it to the surrounding area.

The subject site is zoned RU5 Village and W2 Recreational Waterways under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The subject site is currently used for a pump station. The site Is currently mixed used for residential and for commercial mooring activities. The subject site does contain a heritage item or is located within the heritage conservation area. The site is not located within the bushfire mapped areas. However, it is located within the wetlands, terrestrial biodiversity and flood impacted mapped lands.

DESCRIPTION OF PROPOSAL

The proposal seeks a concept development application for a marina resort and hotel on the subject land.

The concept development will comprise of the following:

Hotel accommodation (4 to 6 levels): 160 bedrooms

Convention centre: 3000 sqm

Poo area, gardens and amenities: 6000 sqm

Promenade with retail and restaurants, spa, health retreat, indigenous museum and learning centre: 6000

sqm

Hotel common area and back of house: 85000 sqm

Parking spaces: 220

Marina: Approx. 65 berths (19000 sqm)

Apartments (10 per level, 6 levels, 125 sqm GFA per apartment average): 60 apartments, 7500 sqm total

The application will be staged as follows:

Stage 1: Apartment building

Stage 2: Hotel

Stage 3: Retail and restaurant Stage 4: Conservation centre

Stage 5: Marina

Page 1 of 1

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

The land owner initially went through the process of commissioning a scoping report for the project which was used to acquire SEARs from DPIE. This was due to the project being identified as a Designated development.

The land owner decided to not continue in drafting the EIS and amended the project into a concept development application.

SECTION 4.15-MATTERS FOR CONSIDERATION

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

State Environmental Planning Policy

The following SEPPs and deemed SEPPs may potentially apply to the proposed development:

- State Environmental Planning Policy No. 50 Canal Estate Development
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Koala Habitat Protection) 2021
- State Environmental Planning Policy No.33 Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Primary Production and Rural Development) 2019
- State Environmental Planning Policy (State and Regional Development) 2011
- Murray Regional Environmental Plan No 2—Riverine Land

State Environmental Planning Policy No. 50 – Canal Estate Development

The proposed development could potentially be defined as canal development. However, based on the scoping report approved by DPIE and file note produced by council, enough justification has been provided to allows the concept development to be approved in its current form.

Any subsequent development application from this concept must provide justification for why the proposed development is not classified as canal development.

State Environmental Planning Policy (Infrastructure) 2007

The application was referred to Essential energy as per clause 45 of the SEPP.

No other referrals were conducted or assessment conducted under this SEPP due to the lack of detailed plans and reports to determine referral triggers.

State Environmental Planning Policy (Koala Habitat Protection) 2021

As part of the of the subsequent DA, plans and reports regarding the tree clearing will be required. Not enough details provided to properly assess the proposed development against this SEPP.

Page **2** of **1**

SEPP.

State Environmental Planning Policy No.33 – Hazardous and Offensive Development

Not enough details provided to properly assess whether development triggers this SEPP or not.

State Environmental Planning Policy No. 55 - Remediation of Land

Not enough details provided to properly assess whether development triggers this SEPP or not.

State Environmental Planning Policy No 64—Advertising and Signage

No signage details provided by the development to allow assessment against this SEPP.

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development Not enough details provided to properly assess the proposed development against this

State Environmental Planning Policy (Primary Production and Rural Development) 2019

This SEPP is not applicable as the land is zoned RU5 Village.

State Environmental Planning Policy (State and Regional Development) 2011

The proposed concept development was determined to be a local development.

Murray Regional Environmental Plan No 2—Riverine Land

Due to the nature of the proposed development and its potential significant impact on the River, not enough details were provided to accurately assess the proposed development against the deemed SEPP.

Due to the proposal being a concept development, and the limited amount of information provided with the application, an in-depth assessment of the development against the relevant SEPPs and deemed SEPPs could not be conducted.

However, the proposed development is for a concept approval only with a new development application with detailed reports and plans required before an operational approval is granted. The subsequent DA, will need to provide enough detailed information to allow assessment against all relevant legislations including the SEPPs.

Note: As on 1 March 2022 these SEPPs will be consolidated. Any future development applications will be required to address/meet the new SEPPs.

Wentworth Local Environmental Plan (LEP) 2011

Zone objectives and permissibility

The proposed marina style resort and hotel is Permitted with consent under the RU5 zone under which the subject site located.

Assessment

Due to the proposal being a concept development, and the limited amount of information provided with the application, an in-depth assessment of the development against the relevant clauses and objectives could not be conducted.

Page 3 of 1

However, the proposed development is for a concept approval only with a new development application with detailed reports and plans required before an operational approval is granted. The subsequent DA, will need to provide enough detailed information to allow assessment against the WLEP.

Wentworth Development Control Plan (DCP) 2011

Due to the proposal being a concept development, and the limited amount of information provided with the application, an in-depth assessment of the development against the relevant sections could not be conducted.

However, the proposed development is for a concept approval only with a new development application with detailed reports and plans required before an operational approval is granted. The subsequent DA, will need to provide enough detailed information to allow assessment against the DCP.

(2) The provisions of any draft environmental planning instrument

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

(3) Any matters prescribed by regulations

There are no further matters prescribed by regulations relevant to the proposed development.

(4) The likely impacts of the development

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

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting		Х		The site is surrounded by mixed land uses including residential. More detailed designs of proposal required to determine if acceptable in the area. These will be addressed in the subsequent DA for the project with detailed reports and plans.
Public domain & Streetscape		Х		More detailed reports and designs of proposal required to determine impact of development
Landscaping		Х		More detailed reports and designs of proposal required to determine impact of development
Stormwater		Х		More detailed reports and designs of proposal required to determine impact of development
Heritage		Х		More detailed reports and designs of proposal required to determine impact of development
Soils & Soils Erosion		X		More detailed reports and designs of proposal required to determine impact of development
Air and microclimate		Х		More detailed reports and designs of proposal required to determine impact of development

Page 4 of 1

Water Resources	X	More detailed reports and designs of proposal required to determine impact of development
Biodiversity (Flora & Fauna)	X	More detailed reports and designs of proposal required to determine impact of development
Land Resources	X	More detailed reports and designs of proposal required to determine impact of development
Utilities	X	More detailed reports and designs of proposal required to determine impact of development
Access & Parking	X	More detailed reports and designs of proposal required to determine impact of development
Roads & Traffic	Х	More detailed reports and designs of proposal required to determine impact of development
Solar Access and Energy Efficiency	X	More detailed reports and designs of proposal required to determine impact of development
Overshadowing	Х	More detailed reports and designs of proposal required to determine impact of development
Privacy & Overlooking	X	More detailed reports and designs of proposal required to determine impact of development
Flooding	Х	More detailed reports and designs of proposal required to determine impact of development
Bushfire Prone Area	X	More detailed reports and designs of proposal required to determine impact of development
Noise	Х	More detailed reports and designs of proposal required to determine impact of development
Technological hazards	X	More detailed reports and designs of proposal required to determine impact of development
Safety, Security & Crime Prevention	Х	More detailed reports and designs of proposal required to determine impact of development
Social and Economic Impacts	Х	More detailed reports and designs of proposal required to determine impact of development

(5) The suitability of the site for development

The plans and details of the project provided cannot be used to determine whether the site is suitable for the project or not. However, the proposal is for a concept only with more detailed plans and reports to be provided with the subsequent DA for an operational approval.

The proposed development is permitted by the RU5 & W2 zoning of the area under the Wentworth LEP 2011.

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

The application was notified for 14 days as per the Wentworth Community Participation Plan. 2 submissions were received.

The main concerns raised by the submitters were as follows:

- 1. Overshadowing impacts on adjoining lands
- 2. View protection
- 3. Emission impacts from project (construction and operation)
- 4. Screening of the project

Page 5 of 1

- 5. Character of the area
- 6. Visual impact
- 7. Traffic impacts
- 8. Land use
- 9. Environmental impacts
- 10. In-appropriate design for the area

Officer comments: The proposed development is a concept development with very minimal development details provided. As such, all the concerns raised by the submitters cannot be addressed at this stage. All subsequent development applications will require detailed plans and reports which include details of matters raised by the submitters.

(7) The public interest

Without further more details and reports regarding the proposed development, it cannot be determined whether proposed development is in the public interest or not.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	Y	BCA Classification: Various (unable to determine until more detailed plans provided). No comments at this preliminary stage. All building works must comply with the performance requirements of current Building Code of Australia (BCA) relevant to classification of the building/s. No sewer or water infrastructure is currently available at the site.
Subdivision Engineer	N	
Roads & Engineering	Y	No comment from R&E at this stage, until full details concept plans of road work design has been provided.
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

COMMENTS FROM EXTERNAL REFERRALS

- NSW Department of Planning, Industry and Environment (DPIE): Refused the DA as it did not sufficiently address the MREP 2 and may potentially be classified as a canal development which is prohibited.
- NSW DPI Fisheries: Refused the DA and raised a number of issues with the plans provided and lack of details regarding the projects impacts.

Page 6 of 1

- NSW DPIE (Environment, Energy and Science): Not support the application and not enough details was provided in relation to biodiversity and flooding.
- Essential Energy: Provided comments and raised concerns regarding potential impacts of the development on existing electricity infrastructure
- Murray Darling Basin Authority: Raised concern with proposal and lack of detailed information
- NSW Maritime: No response received within the allocated time
- NSW Heritage NSW: Rejected DA
- VIC Department of Environment, Land, Water and Planning (DELWP): No objection to the development
- NSW NRAR: Objected to the development due to the lack of information.

The application was sent to the agencies mentioned above as referrals not as concurrence or integrated development. As such, matters under section 4.13 and 4.47 of the EP&A Act are not applicable.

CONCLUSIONS

- 1. General comments:
- 2. The proposal does not satisfy the points for consideration listed under Section 4.15 of the Environmental Planning and Assessment Act.
- 3. The proposal occurs on land zoned RU5 and W2. It cannot be determined whether the proposal will have detrimental impact on the site and surrounds.
- 4. It cannot be determined whether the development will be consistent with the Wentworth Shire Development Control Plan (Dec 2011).
- 5. The proposed development cannot be assessed against the relevant SEPPs and deemed SEPPs due to the concept nature and limited information provided.
- 6. There is no draft local environmental plan affecting the proposed development.

RECOMMENDATION:

Approve the concept application subject to conditions and requirement of more detailed plans and reports for subsequent development application. The approval will require redesign and potentially new footprint. As such, will be conditioned to clearly show that approval does not restrict the development to what is in the plans, with the plans being indicative only.

Delegate report author	Delegated approval and endorsement
Signature:	Signature:
Jund	Marker

Page **7** of **1**

George Kenende	Matthew Carlin
Development Assessment Officer	DHP
Date: 7/02/2021	Date: 7/2/2022



Health & Planning Department

26-28 Adelaide Street

PO Box 81

WENTWORTH NSW 2648

WORTH 亚 DRIVE

Tel: 03 5027 5027

council@wentworth.nsw.gov.au

TEMPLATE CONDITIONS

DA2021/177 CONCEPT DEVELOPMENT FOR MARINA STYLE RESORT AND HOTEL 4 & 6 RIVER DRIVE LOT 432 & 433 DP 756961 BURONGA

SCHEDULE 1

PRESCRIBED CONDITIONS

1. The development must adhere to the prescribed conditions in Part 6, Division 8A of the *Environmental Planning and Assessment Regulation 2000*.

Note: This condition has been included as it is a prescribed condition however, this approval does provide for any building works as it is a concept approval only.

GENERAL CONDITIONS

2.

- 1. The development hereby authorised shall be in accordance with the conditions of this approval and stamped approved plans listed below:
 - Preliminary Concept Designs by Peckvonhartel; Project: 4838; Date: 11/11/19

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

The approval is for a concept land use for a marina style resort and hotel on the subject land, with endorsed plans identified in condition 1 being indicative only without restricting in any form subsequent development applications.

Reason: To ensure all parties are aware of the scope and concept nature of the development.

Page 8 of 1

Subsequent development applications are required for all parts of the marina style resort and hotel.
 Reason: To comply with clause 100(c2) of the Environmental Planning and Assessment Regulation 2000.

REASONS FOR CONDITIONS

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

SCHEDULE 2

ADVISORY NOTE

9.17 SUSPENSION OF ALCOHOL FREE ZONE - WENTWORTH DISTRICT ROWING CLUB

File Number: RPT/22/142

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Deborah Zorzi - Administration Officer, Health and Planning

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

invest

Strategy: 2.1 Grow visitation to the Shire by developing a quality visitor

experience and promoting our destination

Summary

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

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

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

Recommendation

That Council:

- a) In accordance with Section 645 of the Local Government Act 1993, suspends the operation of the alcohol-free zone in the area of the Wentworth Rowing Club and Lawns as shown on the map attached to this report, between the hours of 12:00 noon and 22:00 on Saturday 16 April 2022 and 12:00 noon and 20:00 on Sunday 17 April 2022;
- b) Advertises the suspension of the alcohol-free zone in a locally circulated newspaper;
- c) Advises the NSW Police of the details of the suspensions of the alcohol-free zone.

Detailed Report

Purpose

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

Easter Regatta

The Easter Regatta is an annual event held on the Darling and Murray Rivers and hosted by Wentworth District Rowing Club in Wentworth, New South Wales.

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

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

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

Matters under consideration

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

Options

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

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

Conclusion

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

Attachments

1. Map of Rowing Club AFZ area !!

Map of Alcohol Free Zone – Wentworth Rowing Club and Lawns



9.18 DELEGATED AUTHORITY APPROVALS AS AT END OF JANUARY 2022

File Number: RPT/22/101

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 January 2022, a total of 9 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 \$1,793,176.00. This brings the year to date total to 9 Development Applications and 2 S4.55 Applications approved, with an estimated development value of \$1,793,176.00.

Recommendation

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

Detailed Report

Purpose

The purpose of this report is to provide Council with a list of Development Applications as tabled in the Attachment, determined under delegated authority by the Director Health and Planning for the month of January 2022, hence complying with the requirements under section 3.20 of the Office of Local Government Promoting Better Practice Program.

Conclusion

The total value of determinations was \$1,793,176.00 for the month of January 2022. The average determination time was 52 days.

Attachments

1. Delegated Authority Determinations January 2022 U

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF JANUARY 2022

SHIRE COUNCIL

FILE NUMBER	OWNER	LOCATION	DESCRIPTION	VALUE (EX GST)	DATE DATE	ACTIVE DAYS
DA2021/189 PAN 170892	Peter Luckraft & Felicity Schiller	Silver City Highway Lot 7 DP 807828 Curlwaa	Dwelling	\$492,932.00	12/01/2022	21
DA2021/188 PAN 171647	Robert & Pauline Smith	1290 River Road Lot 1 DP 1214442 Mourquong	Dwelling with garage & swimming pool	\$1,000,000.00	12/01/2022	30
S4-55/2021/031 PAN 175389	Jackson Forster & Meranda Adair	354 Gol Gol North Road Lot 140 DP 756946 Gol Gol	Modify DA2021/084 Amend storage shed location	\$0.00	18/01/2022	41
DA2021/131 PAN 131608	Crown Land NSW - Lower Murray Water	Opposite Boeill Creek Road Lot 1 DP 1217509 & Lot X DP 388592 Boeill Creek	Upgrade of existing pump station	\$50,000.00	19/01/2022	149
DA2021/191 PAN 169575	Leslie & Raelene Mayes	48 River Drive Lot 13 DP 1107552 Buronga	Carport	\$9,900.00	20/01/2022	34
DA2021/192 PAN 174785	Kevin & Julie Eastwood	2559 Silver City Highway Lot 19 DP 807828 Curlwaa	Implement shed	\$65,844.00	21/01/2022	43
DA2021/193 PAN 170748	Denver Bell	Ashen Court Lot 9 DP 1242927 Gol Gol	Storage shed	\$35,000.00	21/01/2022	45
DA2021/195 PAN 177921	Matthew & Heather Montebello	29 Thomas Street Lot 32 DP 1259103 Gol Gol	Storage shed	\$9,500.00	27/02/2022	43
DA2021/190 PAN 172525	Crown Land NSW Morello Earthmoving Pty Ltd	Arumpo Road Lot 6918 DP 1000008 Wentworth	Extraction of gypsum	\$75,000.00	31/01/2022	59

SHIRE COUNC

WORTH **匪 DRIVE**

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF JANUARY 2022

S4-55/2021/030 Jodie Madden	Jodie Madden	34 The Cobb & Co Way Lot 52 Modify DA12/104 Amend		\$0.00	31/01/2022	61
PAN 173448		DP 1025499 Gol Gol	tennis court fencing			
DA2021/194	Coomealla Memorial	1 - 3 Tapio Street Lot 2 DP	Replacement signage	\$55,000.00	31/01/2022	54
PAN 176122	Sporting Club Pty Ltd	1245995 Dareton				

9.19 PROJECTS AND WORKS REPORT UPDATE - FEBRUARY 2022

File Number: RPT/22/163

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 February 2022.

Recommendation

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

Detailed Report

Refer below for updates of the works completed in February and the planned activities scheduled for March 2022.

Projects and Works Update for February 2021

Roads

- As part of the capital works renewal program 32 local, rural and regional roads throughout the Shire will have the second coat of line marking applied to complete upgrade works, works are scheduled to be completed in March.
- Major Construction work for TfNSW on Stage 2 of Segment 40 along the Sturt Highway near Mallee Fowl rest area is nearing completion, with bitumen sealing completed 2 February and line marking scheduled for Monday 21 February.
- A Review of Environmental Factors (REF) assessment is currently being undertaken for Old Wentworth, Log Bridge and Bridge Roads. Works will commence once the relevant approvals from the REF have been sort.

Pooncarie - Menindee Road Reconstruction

- Road design to be complete end February.
- Council reviewed Request for Quote (RFQ) received for Survey and Set out works, works have been awarded.
- Survey and Set out to commence end February.
- Site establishment to begin end February.
- Construction of pipeline, dam, water access points and establishment of gravel pits to commence in February.
- Call for tender currently being advertised to undertake the crushing, screening, pugging, and stockpiling of 116,000 tonnes of locally sourced road base material for the 26.5km reconstruction and sealing of the Pooncarie-Menindee Road. Tenders close 18 February 2022.

Maintenance Grading

 Planned maintenance grading will be undertaken on the following roads throughout February; Pooncarie, Karpa Kora, Willkurra & Ivanhoe Road.

Road Safety Officer Projects

Speed Campaign – Community Illustration Collaboration

As part of a Local Government Road Safety Project initiative, Council
engaged Illustrator and Graphic Designer Gary Davis to work with
Coomealla High School Arts students on a collaborative illustration for
Council's tourism billboards. The tourism billboards are at the entry to
the shire at Gol Gol, Curlwaa and Wentworth and displays the final
artwork completed by the students promoting road safety.

The summer campaign has been strategically placed in prominent locations in the shire to remind local and visiting drivers to slow down in our towns. Police are targeting speed during the campaign to enforce the message "Every K counts!"

Projects Wentworth Aerodrome Upgrade

- Wind sock lighting completed.
- Final commissioning of lighting to be completed by relevant authorized CASA representative.
- · As constructed drawings provided to Council.

Flagtrax banners / flag systems

- WSC to select a level 3 service planner to undertake the design required for Essential Energy's approval to install flagtrax systems on Essential Energy's assets.
- WSC waiting on clarification of information regarding heritage style poles.

Dareton Travellers Rest - extended to December 2021

- The new granite memorial has been installed.
- Acrylic panel protectors to be installed mid February.

Sewer Rationalisation Scheme – Dareton

- Replacement air valves have arrived and have been scheduled for replacement on Sewer rising main.
- Review of environmental factors (REF) under review, this will be used for the application for EPA license for Namatjira Sewer lagoons.
- Awaiting confirmation of date from Essential Energy (EE) for installation of new meter for electricity supply back to old sewer treatment plant site,
 8 Kookaburra Drive. No timeframes have been indicated from EE (waiting since December 2020).

Sewerage Rationalisation Scheme – Wentworth

- Flowmeter pits have arrived onsite in readiness for installation scheduled for 25 January 2022.
- Switchboard factory acceptance testing (FAT) failed in December 2021 for SPS#1 switchboard. Remote testing and assessment being undertaken from 17 January 2022.
- Contractor coordinating a revised project schedule and timing for further works, this has pushed back project deliverable timeframe to practical

completion of May 2022.

Wentworth Astronomy Park

- Engagement with First Nations to collate stories for the concept.
- Evening site visit with user groups.

Wentworth All Day Care Centre

- New foundations and slab to be constructed.
- New building frame to be erected, with works from relevant trades to coincide.
- Upgrade of electricity supply from single phase to three phase power.
- Kindergarten operations continuing in confined area.

Wentworth Bowling Green

• Bowling green upgrades to be completed by end February.

Wentworth Riverfront BBQ and Nature Play Area

 Council still in discussions with playground supplier on repair works to flying fox.

Wentworth Shire - School Zone Infrastructure Program

School zone infrastructure construction update;

- Dareton Public School 1x wombat crossing installed, Kerb reconstruction underway with gutter plates to be installed.
- Buronga Public School 2x wombat crossings; Pitman Avenue done, Chapman street underway, kerb reconstruction underway with gutter plates to be installed to both. Pitman Ave footpath late February.
- Wentworth Public School 2x wombat crossings; Northern Darling St done, Southern underway, kerb reconstruction underway with gutter plates to be installed to both. Arthur St footpath late February.
- Sign installation to all sites this week including hump ahead and no standing zones.
- New flags have arrived for all crossings.
- Line marking to all school crossings to be performed 28 days after concrete pours due to setting time for materials, expected mid-March.

Wentworth Showgrounds Sewer Upgrade – completion March 2022

- Contractor has completed the installation of all pipe for the network
- Site tidy-up has commenced
- All irrigation pipes & sprinklers have been repaired and site restoration is in progress
- Pressure testing of the manholes and network will begin 14 February.
- Construction of the pump station and switchboard is continuing.
- Planned installation & commissioning for April 2022.

Wentworth Showgrounds - Female Jockey Change Rooms - deadline April 2022

- Consultation with the Racing Club underway.
- Building plans are in draft stage.

Wentworth Showgrounds Tower & Shade Structures

- Shade structure to be completed in late February.
- Tower construction scheduled to commence in early March.

Projects and Works scheduled for March 2022

Roads

 Construction works on 8.5km of Old Wentworth Road will commence in March. Works will include drainage culverts, road widening, lifting of pavement, bitumen sealing and installation of new line marking. Works are to be completed end of May.

Pooncarie – Menindee Road Reconstruction

- Tenders for the hire of specialized equipment to be advertised mid February.
- Survey and Set out to continuing in March.
- Site establishment continuing into March.

Maintenance Grading

 Planned maintenance grading will be undertaken on the following roads throughout March; Polia Road, Nob Road & High Darling Road.

Projects Wentworth Bowling Green

 Bowls assessment to take place in March, with any follow up work taking place in late March.

Wentworth Astronomy Park

- Detailed design of concept to be finalised by architect.
- Present concept to user groups for feedback.

Wentworth Showgrounds Tower & Shade Structure – completion January 2022

Tower construction scheduled to commence in early March.

Wentworth Showgrounds Sewer Upgrade – completion March 2022

- Production of the pump station & switchboard in progress.
- Installation of the grease arrestor for the pavilion.

Wentworth Showgrounds - Female Jockey Change Rooms - completion April 2022

Approve building plans.

Attachments

Attachment 1 - Projects and Works Photo Update



Speed zone billboard on entrance to Gol Gol



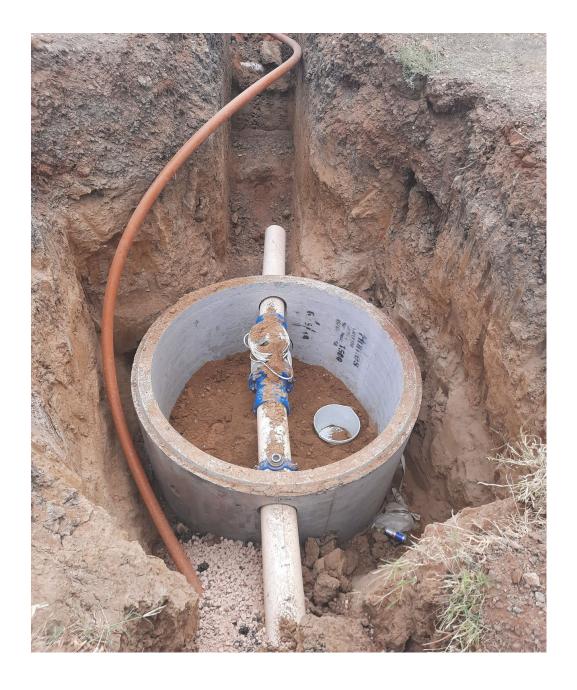
Sturt Highway – Segment 40 reconstruction works progress shot (8/02/22)



Installation of Wombat Crossing Matong St Dareton



Installation of Wombat Crossing Pitman Ave Buronga



Flow meter and pressure transducer pit – SPS2 (4/02/22)







Cooling vents escutcheon with vent holes and outside vent covers- SPS2 (4/02/22)



New war memorial installation and completion (3/02/22)



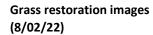






Wentworth Showgrounds Sewer Upgrade –

Waters Excavations delivering loam to site to reinstate grass (8/02/22)





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 Review of Midway Centre Regular Agreements. (RPT/22/132)

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 Buronga Landfill Discount Rate. (RPT/22/118)

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

outweighs the public interest in maintaining openness and transparency in council decision-making.

12.3 Willow Bend Caravan Park Upgrade - PT2122/03. (RPT/22/174)

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 REVIEW OF MIDWAY CENTRE REGULAR AGREEMENTS

File Number: RPT/22/132

Responsible Officer: Simon Rule - Director Finance and Policy

Responsible Division: Finance and Policy

Reporting Officer: Annette Fraser - Team Leader Customer Service

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

attraction

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 BURONGA LANDFILL DISCOUNT RATE

File Number: RPT/22/118

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

REASON FOR CONFIDENTIALITY

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

12.3 WILLOW BEND CARAVAN PARK UPGRADE - PT2122/03

File Number: RPT/22/174

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

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

16 March 2022